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House File 541 - Introduced

HOUSE FILE 541
BY COMMITTEE ON ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 208)

A BILL FOR

1 An Act relating to the development of a hub and spoke recycling
2 program and providing for an allocation of moneys from the
3 groundwater protection fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2564HV (2) 86
tr/nh

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1 Section 1. Section 455E.11, subsection 2, paragraph a,
2 subparagraph (1), Code 2015, is amended by adding the following
3 new subparagraph division:
4 NEW SUBPARAGRAPH DIVISION. (0a) For the fiscal year
5 beginning July 1, 2015, and ending June 30, 2016, not more
6 than two hundred fifty thousand dollars to the department
7 for purposes of developing a hub and spoke recycling program
8 to create regional recycling processing centers in large
9 communities and encourage small communities to deliver
10 recyclables to the centers.
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 provides for funding to the department of natural
15 resources from the solid waste alternatives program to create
16 a hub and spoke recycling program. The program is to create
17 regional recycling processing centers in large communities,
18 or "hubs", and encourage small communities, or "spokes", to
19 deliver recyclables to the centers. The bill allocates to the
20 department from the solid waste account of the groundwater
21 protection fund created in Code section 455E.11, $250,000 in
22 the fiscal year beginning July 1, 2015, and ending June 30,
23 2016, to develop the program. The environmental protection
24 commission has authority to adopt administrative rules to
25 implement Code chapter 455E.

House File 542 - Introduced

HOUSE FILE 542
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 126)

A BILL FOR

1 An Act relating to family support programs and provisions
2 including those relating to child support and establishment
3 of paternity.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1335HV (2) 86
pf/nh

H.F. 542

DIVISION I
UNIFORM INTERSTATE FAMILY SUPPORT ACT

Section 1. NEW SECTION. **252K.100 Title.**

This chapter shall be known and may be cited as the *"Uniform Interstate Family Support Act"*.

Sec. 2. Section 252K.101, Code 2015, is amended to read as follows:

252K.101 Definitions.

In this chapter:

1. *"Child"* means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. *"Child support order"* means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

3. *"Convention"* means the convention on the international recovery of child support and other forms of family maintenance, concluded at the Hague on November 23, 2007.

~~3.~~ 4. *"Duty of support"* means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

5. *"Foreign country"* means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and which meets any of the following conditions:

a. Has been declared under the law of the United States to be a foreign reciprocating country.

b. Has established a reciprocal arrangement for child support with this state as provided in section 252K.308.

c. Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter.

d. In which the convention is in force with respect to the

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United States.

6. *"Foreign support order"* means a support order of a foreign tribunal.

7. *"Foreign tribunal"* means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the convention.

~~4.~~ 8. *"Home state"* means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

~~5.~~ 9. *"Income"* includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

~~6.~~ 10. *"Income withholding order"* means an order or other legal process directed to an obligor's employer or other payor of income, as defined by the income withholding law of this state, to withhold support from the income of the obligor.

~~7. *"Initiating state"* means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~

~~8.~~ 11. *"Initiating tribunal"* means the ~~authorized~~ tribunal ~~in an initiating~~ of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed or forwarded to another state or foreign country.

12. *"Issuing foreign country"* means the foreign country

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in which a tribunal issues a support order or a judgment determining parentage of a child.

~~9.~~ 13. *"Issuing state"* means the state in which a tribunal issues a support order or ~~renders~~ a judgment determining parentage of a child.

~~10.~~ 14. *"Issuing tribunal"* means the tribunal of a state or foreign country that issues a support order or ~~renders~~ a judgment determining parentage of a child.

~~11.~~ 15. *"Law"* includes decisional and statutory law and rules and regulations having the force of law.

~~12.~~ 16. *"Obligee"* means any of the following:

a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage of a child has been ~~rendered~~ issued.

b. A foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support.

c. An individual seeking a judgment determining parentage of the individual's child.

d. A person that is a creditor in a proceeding under Article 7.

~~13.~~ 17. *"Obligor"* means an individual, or the estate of a decedent, to which any of the following applies:

a. Who owes or is alleged to owe a duty of support.

b. Who is alleged but has not been adjudicated to be a parent of a child.

c. Who is liable under a support order.

d. Who is a debtor in a proceeding under Article 7.

18. *"Outside this state"* means a location in another state or a country other than the United States, whether or not the country is a foreign country.

19. *"Person"* means an individual, corporation, business

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trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

20. *"Record"* means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~14.~~ 21. *"Register"* means to file in a tribunal of this state a support order or judgment determining parentage of a child issued in ~~the appropriate location for the filing of foreign judgments~~ another state or foreign country.

~~15.~~ 22. *"Registering tribunal"* means a tribunal in which a support order or judgment determining parentage of a child is registered.

~~16.~~ 23. *"Responding state"* means a state in which a ~~proceeding~~ petition or comparable pleading for support or to determine parentage of a child is filed or to which a ~~proceeding~~ petition or comparable pleading is forwarded for filing from ~~an initiating~~ another state ~~under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act~~ or foreign country.

~~17.~~ 24. *"Responding tribunal"* means the authorized tribunal in a responding state or foreign country.

~~18.~~ 25. *"Spousal support order"* means a support order for a spouse or former spouse of the obligor.

~~19.~~ 26. *"State"* means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession ~~subject to~~ under the jurisdiction of the United States. The term includes~~:~~

~~*a.* An~~ an Indian nation or tribe.

~~*b.* A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support~~

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~~orders which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~

~~20.~~ 27. *"Support enforcement agency"* means a public official, government entity, or private agency authorized to ~~seek~~ do any of the following:

a. ~~Enforcement~~ Seek enforcement of support orders or laws relating to the duty of support.

b. ~~Establishment~~ Seek establishment or modification of child support.

c. ~~Determination~~ Request determination of parentage of a child.

d. ~~Location of~~ Attempt to locate obligors or their assets.

e. Request determination of the controlling child support order.

~~21.~~ 28. *"Support order"* means a judgment, decree, ~~or~~ order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement~~, and~~ for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

~~22.~~ 29. *"Tribunal"* means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Sec. 3. Section 252K.102, Code 2015, is amended to read as follows:

252K.102 ~~Tribunals of this state~~ State tribunal and support enforcement agency.

1. The child support recovery unit when the unit establishes or modifies an order, upon ratification by the court, and the

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court, are the tribunals of this state.

2. The child support recovery unit is the support enforcement agency of this state.

Sec. 4. Section 252K.103, Code 2015, is amended to read as follows:

252K.103 Remedies cumulative.

1. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

2. This chapter does not do either of the following:

a. Provide the exclusive method of establishing or enforcing a support order under the law of this state.

b. Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

Sec. 5. NEW SECTION. **252K.104 Application of chapter to resident of foreign country and foreign support proceeding.**

1. A tribunal of this state shall apply Articles 1 through 6 and, as applicable, Article 7, to a support proceeding involving any of the following:

a. A foreign support order.

b. A foreign tribunal.

c. An obligee, obligor, or child residing in a foreign country.

2. A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Articles 1 through 6.

3. Article 7 applies only to a support proceeding under the convention. In such a proceeding, if a provision of Article 7 is inconsistent with Articles 1 through 6, Article 7 controls.

Sec. 6. Section 252K.201, Code 2015, is amended to read as follows:

252K.201 Bases for jurisdiction over nonresident.

1. In a proceeding to establish~~,~~ or enforce~~, or modify~~

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a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following applies:

~~1.~~ *a.* The individual is personally served with notice within this state.

~~2.~~ *b.* The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

~~3.~~ *c.* The individual resided with the child in this state.

~~4.~~ *d.* The individual resided in this state and provided prenatal expenses or support for the child.

~~5.~~ *e.* The child resides in this state as a result of the acts or directives of the individual.

~~6.~~ *f.* The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

~~7.~~ *g.* The individual asserted parentage of a child in the declaration of paternity registry maintained in this state by the Iowa department of public health pursuant to section 144.12A or established paternity by affidavit under section 252A.3A.

~~8.~~ *h.* There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

2. The bases of personal jurisdiction set forth in subsection 1 or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of section 252K.611 are met, or, in the case of a foreign support order, unless the requirements of section 252K.615 are met.

Sec. 7. Section 252K.202, Code 2015, is amended to read as follows:

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252K.202 ~~Procedure when exercising~~ Duration of personal jurisdiction ~~over nonresident~~.

~~A~~ Personal jurisdiction acquired by a tribunal of this state ~~exercising personal jurisdiction over a nonresident under section 252K.201 may apply section 252K.316 to receive evidence from another~~ in a proceeding under this chapter or other law of this state~~, and section 252K.318 to obtain discovery through~~ relating to a support order continues as long as a tribunal of ~~another~~ this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided in sections 252K.205, 252K.206, and 252K.211. ~~In all other respects, articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.~~

Sec. 8. Section 252K.203, Code 2015, is amended to read as follows:

252K.203 Initiating and responding tribunal of this state.

Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or foreign country.

Sec. 9. Section 252K.204, Code 2015, is amended to read as follows:

252K.204 Simultaneous proceedings ~~in another state~~.

1. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if all of the following apply:

a. The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.

b. The contesting party timely challenges the exercise of

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jurisdiction in the other state or the foreign country.

c. If relevant, this state is the home state of the child.

2. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

a. The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

b. The contesting party timely challenges the exercise of jurisdiction in this state.

c. If relevant, the other state or foreign country is the home state of the child.

Sec. 10. Section 252K.205, Code 2015, is amended to read as follows:

252K.205 Continuing, exclusive jurisdiction to modify child support order.

1. A tribunal of this state ~~issuing~~ that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction ~~over a~~ to modify its child support order if the order is controlling and any of the following applies:

a. ~~As long as~~ At the time of the filing of a request for modification this state ~~remains~~ is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

b. ~~Until all of the parties who are individuals have filed written consents with the tribunal of~~ Even if this state ~~for a~~ is not the residence of the obligor, the individual obligee, or the child for whose benefit the order is issued, the parties consent in a record or in open court that the tribunal of ~~another~~ this state may continue to exercise jurisdiction to modify ~~the~~ its order ~~and assume continuing, exclusive~~

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~~jurisdiction~~.

2. A tribunal of this state ~~issuing~~ that has issued a child support order consistent with the law of this state may not exercise ~~its~~ continuing, exclusive jurisdiction to modify the order if ~~the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter.~~ any of the following applies:

a. All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction.

b. Its order is not the controlling order.

3. If a ~~child support order of this state is modified by a~~ tribunal of another state has issued a child support order pursuant to ~~this chapter~~ the uniform interstate family support Act or a law substantially similar to ~~this chapter,~~ that Act which modifies a child support order of a tribunal of this state ~~loses its~~, tribunals of this state shall recognize the continuing, exclusive jurisdiction ~~with regard to prospective enforcement of the order issued in this~~ of the tribunal of the other state~~, and may only:~~

~~*a.* Enforce the order that was modified as to amounts accruing before the modification~~.

~~*b.* Enforce nonmodifiable aspects of that order.~~

~~*c.* Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.~~

4. A tribunal of this state ~~shall recognize the~~ that lacks continuing, exclusive jurisdiction ~~of a~~ to modify a child support order may serve as an initiating tribunal ~~of another state which has issued a child support order pursuant~~ to request a tribunal of another state to modify a support order issued in ~~this chapter or a law substantially similar to this~~

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~~chapter~~ that state.

5. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

~~6. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.~~

Sec. 11. Section 252K.206, Code 2015, is amended to read as follows:

252K.206 ~~Enforcement and modification of support order by tribunal having continuing~~ Continuing jurisdiction to enforce child support order.

1. A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce ~~or modify a support order issued in that state.~~ any of the following:

a. The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the uniform interstate family support Act.

b. A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

2. A tribunal of this state having continuing~~, exclusive~~ jurisdiction over a support order may act as a responding tribunal to enforce ~~or modify~~ the order. ~~If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 252K.316 to receive evidence from another state and section 252K.318 to obtain discovery~~

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~~through a tribunal of another state.~~

~~3. A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.~~

Sec. 12. Section 252K.207, Code 2015, is amended to read as follows:

252K.207 ~~Recognition~~ Determination of controlling child support order.

1. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be ~~so~~ recognized.

2. If a proceeding is brought under this chapter, and two or more child support orders have been issued by tribunals of this state, ~~or~~ another state, or a foreign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules ~~in determining~~ and by order shall determine which order ~~to recognize for purposes of continuing, exclusive jurisdiction~~ controls and must be recognized:

a. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls ~~and must be so recognized~~.

b. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, ~~an order~~ one of the following shall apply:

(1) An order issued by a tribunal in the current home state of the child controls. ~~and must be so recognized, but if~~

(2) If an order has not been issued in the current home state of the child, the order most recently issued controls ~~and must be so recognized~~.

c. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state ~~having jurisdiction over the parties~~ shall issue a child

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support order, which controls ~~and must be so recognized~~.

3. If two or more child support orders have been issued for the same obligor and same child ~~and if the obligor or the individual obligee resides in this state~~, upon request of a party ~~may request~~ who is an individual or that is a support enforcement agency, a tribunal of this state ~~to~~ having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls ~~and must be so recognized~~ under subsection 2. The request ~~must~~ may be ~~accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination~~ filed with a registration for enforcement or registration for modification pursuant to Article 6, or may be filed as a separate proceeding.

4. A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

5. The tribunal that issued the controlling order under subsection 1, 2, or 3 ~~is the tribunal that~~ has continuing~~,~~ ~~exclusive~~ jurisdiction ~~under~~ to the extent provided in section 252K.205 or 252K.206.

~~5.~~ 6. A tribunal of this state ~~which~~ that determines by order ~~the identity of~~ which is the controlling order under subsection 2, paragraph *"a"* or *"b"* or subsection 3, or ~~which~~ that issues a new controlling order under subsection 2, paragraph *"c"*, shall state in that order: ~~the~~

a. The basis upon which the tribunal made its determination.

b. The amount of prospective support, if any.

c. The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided in section 252K.209.

~~6.~~ 7. Within thirty days after issuance of an order

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determining ~~the identity of~~ which is the controlling order, the party obtaining the order shall file a certified copy of it ~~with~~ in each tribunal that issued or registered an earlier order of child support. A party ~~who obtains~~ or support enforcement agency obtaining the order ~~and~~ that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

8. An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this chapter.

Sec. 13. Section 252K.208, Code 2015, is amended to read as follows:

252K.208 ~~Multiple child~~ Child support orders for two or more obligees.

In responding to ~~multiple~~ registrations or requests for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of this state.

Sec. 14. Section 252K.209, Code 2015, is amended to read as follows:

252K.209 Credit for payments.

~~Amounts~~ A tribunal of this state shall credit amounts collected ~~and credited~~ for a particular period pursuant to ~~a~~ any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this state, another state, ~~must be credited against the amounts accruing~~ or ~~accrued for the same period under a support order issued by the tribunal of~~

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1 ~~this state~~ a foreign country.
2 Sec. 15. NEW SECTION. **252K.210 Application of chapter to**
3 **nonresident subject to personal jurisdiction.**
4 A tribunal of this state exercising personal jurisdiction
5 over a nonresident in a proceeding under this chapter, under
6 other law of this state relating to a support order, or
7 recognizing a foreign support order may receive evidence from
8 outside this state pursuant to section 252K.316, communicate
9 with a tribunal outside this state pursuant to section
10 252K.317, and obtain discovery through a tribunal outside this
11 state pursuant to section 252K.318. In all other respects,
12 Articles 3 through 6 do not apply, and the tribunal shall apply
13 the procedural and substantive law of this state.
14 Sec. 16. NEW SECTION. **252K.211 Continuing, exclusive**
15 **jurisdiction to modify spousal support order.**
16 1. A tribunal of this state issuing a spousal support order
17 consistent with the law of this state has continuing, exclusive
18 jurisdiction to modify the spousal support order throughout the
19 existence of the support obligation.
20 2. A tribunal of this state may not modify a spousal support
21 order issued by a tribunal of another state or a foreign
22 country having continuing, exclusive jurisdiction over that
23 order under the law of that state or foreign country.
24 3. A tribunal of this state that has continuing, exclusive
25 jurisdiction over a spousal support order may serve as any of
26 the following:
27 *a.* An initiating tribunal to request a tribunal of another
28 state to enforce the spousal support order issued in this
29 state.
30 *b.* A responding tribunal to enforce or modify its own
31 spousal support order.
32 Sec. 17. Section 252K.301, Code 2015, is amended to read as
33 follows:
34 **252K.301 Proceedings under this chapter.**
35 1. Except as otherwise provided in this chapter, this

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article applies to all proceedings under this chapter.

2. ~~This chapter provides for the following proceedings:~~

~~*a.* Establishment of an order for spousal support or child support pursuant to article 4.~~

~~*b.* Enforcement of a support order and income withholding order of another state without registration pursuant to article 5.~~

~~*c.* Registration of an order for spousal support or child support of another state for enforcement pursuant to article 6.~~

~~*d.* Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to article 2, part 2.~~

~~*e.* Registration of an order for child support of another state for modification pursuant to article 6.~~

~~*f.* Determination of parentage pursuant to article 7.~~

~~*g.* Assertion of jurisdiction over nonresidents pursuant to article 2, part 1.~~

~~3.~~ An individual movant or a support enforcement agency may ~~commence~~ initiate a proceeding authorized under this chapter by filing a petition or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent or nonmoving party.

Sec. 18. Section 252K.302, Code 2015, is amended to read as follows:

252K.302 ~~Action~~ Proceeding by minor parent.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Sec. 19. Section 252K.303, Code 2015, is amended to read as follows:

252K.303 Application of law of this state.

Except as otherwise provided by this chapter, a responding tribunal of this state shall do all of the following:

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1. Apply the procedural and substantive law~~, including the rules on choice of law,~~ generally applicable to similar proceedings originating in this state~~,~~ and may exercise all powers and provide all remedies available in those proceedings.

2. Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 20. Section 252K.304, Code 2015, is amended to read as follows:

252K.304 Duties of initiating tribunal.

1. Upon the filing of a petition or comparable pleading authorized by this chapter, an initiating tribunal of this state shall forward ~~three copies of~~ the petition or comparable pleading and its accompanying documents:

a. To the responding tribunal or appropriate support enforcement agency in the responding state.

b. If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

2. If ~~a~~ requested by the responding ~~state has not enacted this law or a law or procedure substantially similar to this chapter, a~~ tribunal, a tribunal of this state ~~may~~ shall issue a certificate or other document and make findings required by the law of the responding state. If the responding ~~state~~ tribunal is in a foreign ~~jurisdiction~~ country, upon request the tribunal ~~may~~ of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rates as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding ~~state~~ foreign tribunal.

Sec. 21. Section 252K.305, Code 2015, is amended to read as follows:

252K.305 Duties and powers of responding tribunal.

1. When a responding tribunal of this state receives a

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1 petition or comparable pleading from an initiating tribunal
2 or directly pursuant to section 252K.301, subsection ~~3~~ 2, it
3 shall cause the petition or pleading to be filed and notify the
4 movant where and when it was filed.
5 2. A responding tribunal of this state, to the extent
6 ~~otherwise authorized~~ not prohibited by other law, may do one or
7 more of the following:
8 *a.* ~~Issue~~ Establish or enforce a support order, modify a
9 child support order, determine the controlling child support
10 order, or ~~render a judgment to~~ determine parentage of a child.
11 *b.* Order an obligor to comply with a support order,
12 specifying the amount and the manner of compliance.
13 *c.* Order income withholding.
14 *d.* Determine the amount of any arrearages, and specify a
15 method of payment.
16 *e.* Enforce orders by civil or criminal contempt, or both.
17 *f.* Set aside property for satisfaction of the support order.
18 *g.* Place liens and order execution on the obligor's
19 property.
20 *h.* Order an obligor to keep the tribunal informed of
21 the obligor's current residential address, electronic mail
22 address, telephone number, employer, address of employment, and
23 telephone number at the place of employment.
24 *i.* Issue a bench warrant for an obligor who has failed after
25 proper notice to appear at a hearing ordered by the tribunal
26 and enter the bench warrant in any local and state computer
27 systems for criminal warrants.
28 *j.* Order the obligor to seek appropriate employment by
29 specified methods.
30 *k.* Award reasonable attorney's fees and other fees and
31 costs.
32 *l.* Grant any other available remedy.
33 3. A responding tribunal of this state shall include in a
34 support order issued under this chapter, or in the documents
35 accompanying the order, the calculations on which the support

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order is based.

4. A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

5. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the movant and the respondent and to the initiating tribunal, if any.

6. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Sec. 22. Section 252K.306, Code 2015, is amended to read as follows:

252K.306 Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~it~~ the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal ~~in~~ of this state or another state and notify the movant where and when the pleading was sent.

Sec. 23. Section 252K.307, Code 2015, is amended to read as follows:

252K.307 Duties of support enforcement agency.

1. ~~A~~ In a proceeding under this chapter, a support enforcement agency of this state, upon request~~, shall~~:

a. Shall provide services to a movant ~~in a proceeding under this chapter~~ residing in a state.

b. Shall provide services to a movant requesting services through a central authority of a foreign country as described in section 252K.101, subsection 5, paragraph *"a"* or *"d"*.

c. May provide services to a movant who is an individual not residing in a state.

2. A support enforcement agency of this state that is

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1 providing services to the movant ~~as appropriate~~ shall:
2 *a.* Take all steps necessary to enable an appropriate
3 tribunal ~~in~~ of this state, ~~or~~ another state, or a foreign
4 country to obtain jurisdiction over the respondent.
5 *b.* Request an appropriate tribunal to set a date, time, and
6 place for a hearing.
7 *c.* Make a reasonable effort to obtain all relevant
8 information, including information as to income and property
9 of the parties.
10 *d.* Within ~~five~~ ten days, exclusive of Saturdays, Sundays,
11 and legal holidays, after receipt of ~~a written~~ notice in a
12 record from an initiating, responding, or registering tribunal,
13 send a copy of the notice to the movant.
14 *e.* Within ~~five~~ ten days, exclusive of Saturdays, Sundays,
15 and legal holidays, after receipt of a ~~written~~ communication in
16 a record from the respondent or the respondent's attorney, send
17 a copy of the communication to the movant.
18 *f.* Notify the movant if jurisdiction over the respondent
19 cannot be obtained.
20 3. A support enforcement agency of this state that requests
21 registration of a child support order in this state for
22 enforcement or for modification shall make reasonable efforts
23 to do either of the following:
24 *a.* To ensure that the order to be registered is the
25 controlling order.
26 *b.* If two or more child support orders exist and the
27 identity of the controlling order has not been determined,
28 to ensure that a request for such determination is made in a
29 tribunal having jurisdiction to do so.
30 4. A support enforcement agency of this state that requests
31 registration and enforcement of a support order, arrears, or
32 judgment stated in a foreign currency shall convert the amounts
33 stated in the foreign currency into the equivalent amounts in
34 dollars under the applicable official or market exchange rate
35 as publicly reported.

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1 5. A support enforcement agency of this state shall issue
2 or request a tribunal of this state to issue a child support
3 order and an income withholding order that redirect payment of
4 current support, arrears, and interest if requested to do so
5 by a support enforcement agency of another state pursuant to
6 section 252K.319.
7 6. This chapter does not create or negate a relationship of
8 attorney and client or other fiduciary relationship between a
9 support enforcement agency or the attorney for the agency and
10 the individual being assisted by the agency.
11 Sec. 24. Section 252K.308, Code 2015, is amended to read as
12 follows:
13 **252K.308 Duty of attorney general.**
14 1. If the attorney general determines that the support
15 enforcement agency is neglecting or refusing to provide
16 services to an individual, the attorney general may order the
17 agency to perform its duties under this chapter or may provide
18 those services directly to the individual.
19 2. The attorney general may determine that a foreign country
20 has established a reciprocal arrangement for child support with
21 this state and take appropriate action for notification of the
22 determination.
23 Sec. 25. Section 252K.310, Code 2015, is amended to read as
24 follows:
25 **252K.310 Duties of state information agency.**
26 1. The child support recovery unit is the state information
27 agency under this chapter.
28 2. The state information agency shall:
29 *a.* Compile and maintain a current list, including addresses,
30 of the tribunals in this state which have jurisdiction under
31 this chapter and any support enforcement agencies in this state
32 and transmit a copy to the state information agency of every
33 other state.
34 *b.* Maintain a register of names and addresses of tribunals
35 and support enforcement agencies received from other states.

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c. Forward to the appropriate tribunal in the place in this state in which the ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from ~~an initiating tribunal or the state information agency of the initiating state~~ another state or a foreign country.

d. Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Sec. 26. Section 252K.311, Code 2015, is amended to read as follows:

252K.311 Pleadings and accompanying documents.

1. ~~A~~ In a proceeding under this chapter, a movant seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or ~~to determine parentage in a proceeding under this chapter~~ a foreign country must ~~verify the~~ file a petition or comparable pleading. Unless otherwise ordered under section 252K.312, the petition, comparable pleading, or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for ~~whom~~ whose benefit support is sought or whose parentage is to be determined. ~~The~~ Unless filed at the time of registration, the petition or comparable pleading must be accompanied by a ~~certified~~ copy of any support order ~~in effect~~ known to have been issued by another tribunal. The petition or

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comparable pleading may include any other information that may assist in locating or identifying the respondent.

2. The petition or comparable pleading must specify the relief sought. The petition or comparable pleading and accompanying documents ~~shall~~ must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Sec. 27. Section 252K.312, Code 2015, is amended to read as follows:

252K.312 Nondisclosure of information in exceptional circumstances.

~~Upon a finding, which may be made ex parte,~~ If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be ~~unreasonably put at risk~~ jeopardized by ~~the~~ disclosure of specific identifying information, ~~or if an existing order so provides, a tribunal shall order~~ that ~~the address of the child or party or other identifying~~ information must be sealed and may not be disclosed to the other party or the public. After a hearing in ~~a pleading or other document filed in a proceeding under this chapter~~ which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

Sec. 28. Section 252K.313, Code 2015, is amended to read as follows:

252K.313 Costs and fees.

1. The movant ~~shall~~ may not be required to pay a filing fee or other costs.

2. If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency

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of either the initiating or ~~the~~ responding state or foreign country, except as provided by other law. Attorney fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

3. The tribunal shall order the payment of costs and reasonable attorney's fees if ~~the tribunal~~ it determines that a hearing was requested primarily for delay. In a proceeding under ~~article~~ Article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 29. Section 252K.314, Code 2015, is amended to read as follows:

252K.314 Limited immunity of movant.

1. Participation by a movant in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the movant in another proceeding.

2. A movant is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

3. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in this state to participate in the proceeding.

Sec. 30. Section 252K.316, Code 2015, is amended to read as follows:

252K.316 Special rules of evidence and procedure.

1. The physical presence of ~~the movant~~ a nonresident party who is an individual in a ~~responding~~ tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

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2. ~~A verified petition,~~ An affidavit, a document substantially complying with federally mandated forms, ~~and~~ or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under ~~oath~~ penalty of perjury by a party or witness residing ~~in another~~ outside this state.

3. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

5. Documentary evidence transmitted from ~~another~~ outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original ~~writing~~ record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this state ~~may~~ shall permit a party or witness residing ~~in another~~ outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of this state shall cooperate with other tribunals ~~of other states~~ in designating an appropriate location for the deposition or testimony.

7. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against disclosure of communications between

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spouses does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

10. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of a child.

Sec. 31. Section 252K.317, Code 2015, is amended to read as follows:

252K.317 Communications between tribunals.

A tribunal of this state may communicate with a tribunal ~~of another~~ outside this state in ~~writing~~ a record, or by telephone, electronic mail, or other means, to obtain information concerning the laws ~~of that state~~, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding ~~in the other state~~. A tribunal of this state may furnish similar information by similar means to a tribunal ~~of another~~ outside this state.

Sec. 32. Section 252K.318, Code 2015, is amended to read as follows:

252K.318 Assistance with discovery.

A tribunal of this state may:

1. Request a tribunal ~~of another~~ outside this state to assist in obtaining discovery.

2. Upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~ outside this state.

Sec. 33. Section 252K.319, Code 2015, is amended to read as follows:

252K.319 Receipt and disbursement of payments.

1. A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or a tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all

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payments received.

2. If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the child support recovery unit or a tribunal of this state shall:

a. Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services.

b. Issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

3. The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection 2 shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Sec. 34. Section 252K.401, Code 2015, is amended to read as follows:

252K.401 ~~Petition to establish~~ Establishment of support order.

1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if any of the following applies:

a. The individual seeking the order resides ~~in another~~ outside this state.

b. The support enforcement agency seeking the order is located ~~in another~~ outside this state.

2. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is any of the following ~~applies~~:

a. ~~The respondent has signed a verified statement acknowledging parentage~~ A presumed father of the child.

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b. ~~The respondent has been determined by or pursuant~~ Petitioning to ~~law to be the parent~~ have his paternity adjudicated.

c. ~~There is other clear and convincing evidence that the respondent is the child's parent~~ Identified as the father of the child through genetic testing.

d. An alleged father who has declined to submit to genetic testing.

e. Shown by clear and convincing evidence to be the father of the child.

f. An acknowledged father as provided by section 252A.3A.

g. The mother of the child.

h. An individual who has been ordered to pay child support in a previous proceeding and the order has been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 252K.305.

Sec. 35. NEW SECTION. **252K.402 Proceeding to determine parentage.**

A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.

Sec. 36. Section 252K.501, Code 2015, is amended to read as follows:

252K.501 Employer's receipt of income withholding order of another state.

An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person ~~or entity~~ defined as the obligor's employer under the income withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

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Sec. 37. Section 252K.502, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded.

Sec. 38. Section 252K.503, Code 2015, is amended to read as follows:

252K.503 ~~Compliance~~ Employer's compliance with ~~multiple~~ two or more income withholding orders.

If an obligor's employer receives ~~multiple~~ two or more income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for ~~multiple~~ two or more child support obligees.

Sec. 39. Section 252K.504, Code 2015, is amended to read as follows:

252K.504 Immunity from civil liability.

An employer ~~who~~ that complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Sec. 40. Section 252K.505, Code 2015, is amended to read as follows:

252K.505 Penalties for noncompliance.

An employer ~~who~~ that willfully fails to comply with an income withholding order issued ~~by~~ in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Sec. 41. Section 252K.506, Code 2015, is amended to read as follows:

252K.506 Contest by obligor.

1. An obligor may contest the validity or enforcement of an

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1 income withholding order issued in another state and received
2 directly by an employer in this state by registering the order
3 in a tribunal of this state and filing a contest to that order
4 as provided in Article 6, or otherwise contesting the order in
5 the same manner as if the order had been issued by a tribunal of
6 this state. ~~Section 252K.604 applies to the contest.~~
7 2. The obligor shall give notice of the contest to:
8 *a.* A support enforcement agency providing services to the
9 obligee.
10 *b.* Each employer that has directly received an income
11 withholding order relating to the obligor.
12 *c.* The person ~~or agency~~ designated to receive payments in
13 the income withholding order, or if no person ~~or agency~~ is
14 designated, to the obligee.
15 Sec. 42. Section 252K.507, subsection 1, Code 2015, is
16 amended to read as follows:
17 1. A party or support enforcement agency seeking to enforce
18 a support order or an income withholding order, or both, issued
19 ~~by a tribunal of~~ in another state or a foreign support order
20 may send the documents required for registering the order to a
21 support enforcement agency of this state.
22 Sec. 43. Section 252K.601, Code 2015, is amended to read as
23 follows:
24 **252K.601 Registration of order for enforcement.**
25 A support order or ~~an~~ income withholding order issued ~~by a~~
26 ~~tribunal of~~ in another state or a foreign support order may be
27 registered in this state for enforcement.
28 Sec. 44. Section 252K.602, Code 2015, is amended to read as
29 follows:
30 **252K.602 Procedure to register order for enforcement.**
31 1. ~~A~~ Except as otherwise provided in section 252K.706,
32 a support order or income withholding order of another state
33 or a foreign support order may be registered in this state by
34 sending the following ~~documents and information~~ records to the
35 appropriate tribunal in this state:

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a. A letter of transmittal to the tribunal requesting registration and enforcement.

b. Two copies, including one certified copy, of ~~all orders~~ the order to be registered, including any modification of ~~an~~ the order.

c. A sworn statement by the ~~party seeking~~ person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage.

d. The name of the obligor and, if known:

(1) The obligor's address and social security number.

(2) The name and address of the obligor's employer and any other source of income of the obligor.

(3) A description and the location of property of the obligor in this state not exempt from execution.

e. ~~The~~ Except as otherwise provided in section 252K.312, the name and address of the obligee and, if applicable, the ~~agency or~~ person to whom support payments are to be remitted.

2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state or a foreign ~~judgment~~ support order, together with one copy of the documents and information, regardless of their form.

3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

4. If two or more orders are in effect, the person requesting registration shall:

a. Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section.

b. Specify the order alleged to be the controlling order, if any.

c. Specify the amount of consolidated arrears, if any.

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5. A request for determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Sec. 45. Section 252K.603, Code 2015, is amended to read as follows:

252K.603 Effect of registration for enforcement.

1. A support order or income withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

2. A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

3. Except as otherwise provided in this ~~article~~ chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

Sec. 46. Section 252K.604, Code 2015, is amended to read as follows:

252K.604 Choice of law.

1. ~~The~~ Except as otherwise provided in subsection 4, the law of the issuing state or foreign country governs ~~the~~:

a. The nature, extent, amount, and duration of current payments ~~and other obligations of~~ under a registered support ~~and the~~ order.

b. The computation and payment of arrearages and accrual of interest on the arrearages under the support order.

c. The existence and satisfaction of other obligations under the support order.

2. In a proceeding for ~~arrearages~~ arrears under a registered support order, the statute of limitation ~~under the laws~~ of this state or of the issuing state or foreign country, whichever is

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1 longer, applies.
2 3. A responding tribunal of this state shall apply the
3 procedures and remedies of this state to enforce current
4 support and collect arrears and interest due on a support order
5 of another state or a foreign country registered in this state.
6 4. After a tribunal of this state or another state
7 determines which is the controlling order and issues an order
8 consolidating arrears, if any, a tribunal of this state shall
9 prospectively apply the law of the state or foreign country
10 issuing the controlling order, including its law on interest
11 on arrears, on current and future support, and on consolidated
12 arrears.
13 Sec. 47. Section 252K.605, Code 2015, is amended to read as
14 follows:
15 **252K.605 Notice of registration of order.**
16 1. When a support order or income withholding order issued
17 in another state or a foreign support order is registered,
18 the registering tribunal of this state shall notify the
19 nonregistering party. The notice must be accompanied by a
20 copy of the registered order and the documents and relevant
21 information accompanying the order.
22 2. ~~The~~ A notice must inform the nonregistering party:
23 *a.* That a registered support order is enforceable as of the
24 date of registration in the same manner as an order issued by a
25 tribunal of this state.
26 *b.* That a hearing to contest the validity or enforcement of
27 the registered order must be requested within twenty days after
28 ~~the date of mailing or personal service of the~~ notice unless
29 the registered order is contested under section 252K.707.
30 *c.* That failure to contest the validity or enforcement
31 of the registered order in a timely manner will result in
32 confirmation of the order and enforcement of the order and the
33 alleged arrearages ~~and precludes further contest of that order~~
34 ~~with respect to any matter that could have been asserted~~.
35 *d.* Of the amount of any alleged arrearages.

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1 3. If the registering party asserts that two or more orders
2 are in effect, a notice must also:
3 *a.* Identify the two or more orders and the order alleged
4 by the registering party to be the controlling order and the
5 consolidated arrears, if any.
6 *b.* Notify the nonregistering party of the right to a
7 determination of which is the controlling order.
8 *c.* State that the procedures provided in subsection 2 apply
9 to the determination of which is the controlling order.
10 *d.* State that failure to contest the validity or enforcement
11 of the order alleged to be the controlling order in a timely
12 manner may result in confirmation that the order is the
13 controlling order.
14 4. Upon registration of an income withholding order for
15 enforcement, the support enforcement agency or the registering
16 tribunal shall notify the obligor's employer pursuant to the
17 income withholding law of this state.
18 Sec. 48. Section 252K.606, Code 2015, is amended to read as
19 follows:
20 **252K.606 Procedure to contest validity or enforcement of**
21 **registered support order.**
22 1. A nonregistering party seeking to contest the validity
23 or enforcement of a registered support order in this state
24 shall request a hearing within ~~twenty days after the date of~~
25 ~~mailing or personal service of notice of the registration~~ the
26 time required by section 252K.605. The nonregistering party
27 may seek to vacate the registration, to assert any defense to
28 an allegation of noncompliance with the registered order, or to
29 contest the remedies being sought or the amount of any alleged
30 arrearages pursuant to section 252K.607.
31 2. If the nonregistering party fails to contest the validity
32 or enforcement of the registered order in a timely manner, the
33 order is confirmed by operation of law.
34 3. If a nonregistering party requests a hearing to contest
35 the validity or enforcement of the registered support order,

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1 the registering tribunal shall schedule the matter for hearing
2 and give notice to the parties of the date, time, and place of
3 the hearing.
4 Sec. 49. Section 252K.607, Code 2015, is amended to read as
5 follows:
6 **252K.607 Contest of registration or enforcement.**
7 1. A party contesting the validity or enforcement of a
8 registered support order or seeking to vacate the registration
9 has the burden of proving one or more of the following
10 defenses:
11 *a.* The issuing tribunal lacked personal jurisdiction over
12 the contesting party.
13 *b.* The order was obtained by fraud.
14 *c.* The order has been vacated, suspended, or modified by a
15 later order.
16 *d.* The issuing tribunal has stayed the order pending appeal.
17 *e.* There is a defense under the law of this state to the
18 remedy sought.
19 *f.* Full or partial payment has been made.
20 *g.* The statute of limitation under section 252K.604
21 precludes enforcement of some or all of the alleged arrearages.
22 *h.* The alleged controlling order is not the controlling
23 order.
24 2. If a party presents evidence establishing a full or
25 partial defense under subsection 1, a tribunal may stay
26 enforcement of ~~the~~ a registered support order, continue
27 the proceeding to permit production of additional relevant
28 evidence, and issue other appropriate orders. An uncontested
29 portion of the registered support order may be enforced by all
30 remedies available under the law of this state.
31 3. If the contesting party does not establish a defense
32 under subsection 1 to the validity or enforcement of ~~the~~ a
33 registered support order, the registering tribunal shall issue
34 an order confirming the order.
35 Sec. 50. Section 252K.608, Code 2015, is amended to read as

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1 follows:
2 **252K.608 Confirmed order.**
3 Confirmation of a registered support order, whether by
4 operation of law or after notice and hearing, precludes further
5 contest of the order with respect to any matter that could have
6 been asserted at the time of registration.
7 Sec. 51. Section 252K.609, Code 2015, is amended to read as
8 follows:
9 **252K.609 Procedure to register child support order of another**
10 **state for modification.**
11 A party or support enforcement agency seeking to modify, or
12 to modify and enforce, a child support order issued in another
13 state shall register that order in this state in the same
14 manner provided in ~~part 1~~ sections 252K.601 through 252K.608 if
15 the order has not been registered. A petition or comparable
16 pleading for modification may be filed at the same time as a
17 request for registration, or later. The pleading must specify
18 the grounds for modification.
19 Sec. 52. Section 252K.610, Code 2015, is amended to read as
20 follows:
21 **252K.610 Effect of registration for modification.**
22 A tribunal of this state may enforce a child support order
23 of another state registered for purposes of modification, in
24 the same manner as if the order had been issued by a tribunal of
25 this state, but the registered support order may be modified
26 only if the requirements of section 252K.611 or 252K.613 have
27 been met.
28 Sec. 53. Section 252K.611, Code 2015, is amended to read as
29 follows:
30 **252K.611 Modification of child support order of another**
31 **state.**
32 1. ~~After~~ If section 252K.613 does not apply, upon petition
33 or comparable pleading, a tribunal of this state may modify
34 a child support order issued in another state ~~has been~~ which
35 is registered in this state~~, the responding tribunal of this~~

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1 ~~state may modify that order only~~ if ~~section 252K.613 does not~~
2 ~~apply and~~ after notice and hearing ~~it~~ the tribunal finds that
3 paragraph *"a"* or *"b"* applies:
4 *a.* The following requirements are met:
5 (1) ~~The~~ Neither the child, nor the ~~individual~~ obligee who
6 is an individual, ~~and~~ nor the obligor ~~do not reside~~ resides in
7 the issuing state.
8 (2) A movant who is a nonresident of this state seeks
9 modification.
10 (3) The respondent is subject to the personal jurisdiction
11 of the tribunal of this state.
12 *b.* ~~The~~ This state is the state of residence of the child,
13 or a party who is an individual~~,~~ is subject to the personal
14 jurisdiction of the tribunal of this state, and all of the
15 parties who are individuals have filed ~~written~~ consents in a
16 record in the issuing tribunal for a tribunal of this state
17 to modify the support order and assume continuing, exclusive
18 jurisdiction ~~over the order~~. ~~However, if the issuing state~~
19 ~~is a foreign jurisdiction that has not enacted a law or~~
20 ~~established procedures substantially similar to the procedures~~
21 ~~under this chapter, the consent otherwise required of an~~
22 ~~individual residing in this state is not required for the~~
23 ~~tribunal to assume jurisdiction to modify the child support~~
24 ~~order.~~
25 2. Modification of a registered child support order is
26 subject to the same requirements, procedures, and defenses that
27 apply to the modification of an order issued by a tribunal of
28 this state and the order may be enforced and satisfied in the
29 same manner.
30 3. A tribunal of this state may not modify any aspect
31 of a child support order that may not be modified under
32 the law of the issuing state, including the duration of the
33 obligation of support. If two or more tribunals have issued
34 child support orders for the same obligor and same child, the
35 order that controls and must be so recognized under section

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252K.207 establishes the aspects of the support order which are nonmodifiable.

4. In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

5. On the issuance of an order by a tribunal of this state modifying a child support order issued in another state, ~~a~~ the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

6. Notwithstanding subsections 1 through 5 and section 252K.201, subsection 2, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if both of the following apply:

a. One party resides in another state.

b. The other party resides outside the United States.

Sec. 54. Section 252K.612, Code 2015, is amended to read as follows:

252K.612 Recognition of order modified in another state.

~~A tribunal of this state shall recognize~~ If a ~~modification of its earlier~~ child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to this chapter ~~or a law substantially similar to this chapter and~~, ~~upon request, except as otherwise provided in this chapter, shall~~ a tribunal of this state:

1. ~~Enforce the~~ May enforce its order that was modified only as to ~~amounts~~ arrears and interest accruing before the modification.

2. ~~Enforce only nonmodifiable aspects of that order.~~

~~3. Provide other~~ May provide appropriate relief ~~only~~ for violations of ~~the~~ its order which occurred before the effective date of the modification.

~~4.~~ 3. ~~Recognize~~ Shall recognize the modifying order of the

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other state, upon registration, for the purpose of enforcement.

Sec. 55. NEW SECTION. **252K.615 Jurisdiction to modify child support order of foreign country.**

1. Except as otherwise provided in section 252K.711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to section 252K.611 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

2. An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Sec. 56. NEW SECTION. **252K.616 Procedures to register child support order of foreign country for modification.**

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order in this state under sections 252K.601 through 252K.608 if the order has not been registered. A petition or comparable pleading for modification may be filed at the same time as a request for registration, or at another time. The pleading must specify the grounds for modification.

Sec. 57. Section 252K.701, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

252K.701 Definitions.

In this article:

1. *"Application"* means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

2. *"Central authority"* means the entity designated by

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1 the United States or a foreign country described in section
2 252K.101, subsection 5, paragraph *"d"*, to perform the functions
3 specified in the convention.
4 3. *"Convention support order"* means a support order of a
5 tribunal of a foreign country described in section 252K.101,
6 subsection 5, paragraph *"d"*.
7 4. *"Direct request"* means a petition for support filed
8 by an individual in a tribunal of this state in a proceeding
9 involving an obligee, obligor, or a child residing outside the
10 United States.
11 5. *"Foreign central authority"* means the entity designated
12 by a foreign country described in section 252K.101, subsection
13 5, paragraph *"d"*, to perform the functions specified in the
14 convention.
15 6. *"Foreign support agreement"*:
16 *a.* Means an agreement for support in a record that:
17 (1) Is enforceable as a support order in the country of
18 origin.
19 (2) Has been formally drawn up or registered as an authentic
20 instrument by a foreign tribunal or authenticated by, or
21 concluded, registered, or filed with a foreign tribunal.
22 (3) May be reviewed and modified by a foreign tribunal.
23 *b.* *"Foreign support agreement"* includes a maintenance
24 arrangement or authentic instrument under the convention.
25 7. *"United States central authority"* means the secretary of
26 the United States department of health and human services.
27 Sec. 58. NEW SECTION. **252K.702 Applicability.**
28 This article applies only to a support proceeding under
29 the convention. In such a proceeding, if a provision of this
30 article is inconsistent with Articles 1 through 6, this article
31 controls.
32 Sec. 59. NEW SECTION. **252K.703 Relationship of child**
33 **support recovery unit to United States central authority.**
34 The child support recovery unit of this state is recognized
35 as the agency designated by the United States central authority

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1 to perform specific functions under the convention.
2 Sec. 60. NEW SECTION. **252K.704 Initiation by child support**
3 **recovery unit of support proceeding under convention.**
4 1. In a support proceeding under this article, the child
5 support recovery unit of this state shall:
6 *a.* Transmit and receive applications.
7 *b.* Initiate or facilitate the institution of a proceeding
8 regarding an application in a tribunal of this state.
9 2. The following support proceedings are available to an
10 obligee under the convention:
11 *a.* Recognition or recognition and enforcement of a foreign
12 support order.
13 *b.* Enforcement of a support order issued or recognized in
14 this state.
15 *c.* Establishment of a support order if there is no existing
16 order, including, if necessary, determination of parentage of a
17 child.
18 *d.* Establishment of a support order if recognition of
19 a foreign support order is refused under section 252K.708,
20 subsection 2, paragraph *"b"*, *"d"*, or *"i"*.
21 *e.* Modification of a support order of a tribunal of this
22 state.
23 *f.* Modification of a support order of a tribunal of another
24 state or a foreign country.
25 3. The following support proceedings are available under
26 the convention to an obligor against which there is an existing
27 support order:
28 *a.* Recognition of an order suspending or limiting
29 enforcement of an existing support order of a tribunal of this
30 state.
31 *b.* Modification of a support order of a tribunal of this
32 state.
33 *c.* Modification of a support order of a tribunal of another
34 state or a foreign country.
35 4. A tribunal of this state may not require security, bond,

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1 or deposit, however described, to guarantee the payment of
2 costs and expenses in proceedings under the convention.
3 Sec. 61. NEW SECTION. **252K.705 Direct request.**
4 1. A petitioner may file a direct request seeking
5 establishment or modification of a support order or
6 determination of parentage of a child. In the proceeding, the
7 law of this state applies.
8 2. A petitioner may file a direct request seeking
9 recognition and enforcement of a support order or support
10 agreement. In the proceeding, sections 252K.706 through
11 252K.713 apply.
12 3. In a direct request for recognition and enforcement of a
13 convention support order or foreign support agreement:
14 *a.* A security, bond, or deposit is not required to guarantee
15 the payment of costs and expenses.
16 *b.* An obligee or obligor that in the issuing country
17 has benefited from free legal assistance is entitled to
18 benefit, at least to the same extent, from any free legal
19 assistance provided for by the law of this state under the same
20 circumstances.
21 4. A petitioner filing a direct request is not entitled to
22 assistance from the child support recovery unit.
23 5. This article does not prevent the application of laws
24 of this state that provide simplified, more expeditious rules
25 regarding a direct request for recognition and enforcement of a
26 foreign support order or foreign support agreement.
27 Sec. 62. NEW SECTION. **252K.706 Registration of convention**
28 **support order.**
29 1. Except as otherwise provided in this article, a party
30 who is an individual or a support enforcement agency seeking
31 recognition of a convention support order shall register the
32 order in this state as provided in Article 6.
33 2. Notwithstanding section 252K.311 and section 252K.602,
34 subsection 1, a request for registration of a convention
35 support order must be accompanied by:

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1 *a.* A complete text of the support order.
2 *b.* A record stating that the support order is enforceable
3 in the issuing country.
4 *c.* If the respondent did not appear and was not represented
5 in the proceedings in the issuing country, a record attesting,
6 as appropriate, either that the respondent had proper notice
7 of the proceedings and an opportunity to be heard or that
8 the respondent had proper notice of the support order and an
9 opportunity to be heard in a challenge or appeal on fact or law
10 before a tribunal.
11 *d.* A record showing the amount of arrears, if any, and the
12 date the amount was calculated.
13 *e.* A record showing a requirement for automatic adjustment
14 of the amount of support, if any, and the information necessary
15 to make the appropriate calculations.
16 *f.* If necessary, a record showing the extent to which
17 the applicant received free legal assistance in the issuing
18 country.
19 3. A request for registration of a convention support order
20 may seek recognition and partial enforcement of the order.
21 4. A tribunal of this state may vacate the registration
22 of a convention support order without the filing of a contest
23 under section 252K.707 only if, acting on its own motion, the
24 tribunal finds that recognition and enforcement of the order
25 would be manifestly incompatible with public policy.
26 5. The tribunal shall promptly notify the parties of the
27 registration or the order vacating the registration of a
28 convention support order.
29 Sec. 63. NEW SECTION. **252K.707 Contest of registered**
30 **convention support order.**
31 1. Except as otherwise provided in this article, sections
32 252K.605 through 252K.608 apply to a contest of a registered
33 convention support order.
34 2. A party contesting a registered convention support order
35 shall file a contest not later than thirty days after notice of

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1 the registration, but if the contesting party does not reside
2 in the United States, the contest must be filed not later than
3 sixty days after notice of the registration.
4 3. If the nonregistering party fails to contest the
5 registered convention support order by the time specified in
6 subsection 2, the order is enforceable.
7 4. A contest of a registered convention support order may
8 be based only on grounds set forth in section 252K.708. The
9 contesting party bears the burden of proof.
10 5. In a contest of a registered convention support order, a
11 tribunal of this state:
12 *a.* Is bound by the findings of fact on which the foreign
13 tribunal based its jurisdiction.
14 *b.* May not review the merits of the order.
15 6. A tribunal of this state deciding a contest of a
16 registered convention support order shall promptly notify the
17 parties of its decision.
18 7. A challenge or appeal, if any, does not stay the
19 enforcement of a convention support order unless there are
20 exceptional circumstances.
21 Sec. 64. NEW SECTION. **252K.708 Recognition and enforcement**
22 **of registered convention support order.**
23 1. Except as otherwise provided in subsection 2, a tribunal
24 of this state shall recognize and enforce a registered
25 convention support order.
26 2. The following grounds are the only grounds on which a
27 tribunal of this state may refuse recognition and enforcement
28 of a registered convention support order:
29 *a.* Recognition and enforcement of the order is manifestly
30 incompatible with public policy, including the failure of the
31 issuing tribunal to observe minimum standards of due process,
32 which include notice and an opportunity to be heard.
33 *b.* The issuing tribunal lacked personal jurisdiction
34 consistent with section 252K.201.
35 *c.* The order is not enforceable in the issuing country.

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1 *d.* The order was obtained by fraud in connection with a
2 matter of procedure.
3 *e.* A record transmitted in accordance with section 252K.706
4 lacks authenticity or integrity.
5 *f.* A proceeding between the same parties and having the same
6 purpose is pending before a tribunal of this state and that
7 proceeding was the first to be filed.
8 *g.* The order is incompatible with a more recent support
9 order involving the same parties and having the same purpose if
10 the more recent support order is entitled to recognition and
11 enforcement under this chapter in this state.
12 *h.* Payment, to the extent alleged arrears have been paid in
13 whole or in part.
14 *i.* In a case in which the respondent neither appeared
15 nor was represented in the proceeding in the issuing foreign
16 country, any of the following is applicable:
17 (1) If the law of that country provides for prior notice of
18 proceedings, the respondent did not have proper notice of the
19 proceedings and an opportunity to be heard.
20 (2) If the law of that country does not provide for
21 prior notice of the proceedings, the respondent did not have
22 proper notice of the order and an opportunity to be heard in a
23 challenge or appeal on fact or law before a tribunal.
24 *j.* The order was made in violation of section 252K.711.
25 3. If a tribunal of this state does not recognize a
26 convention support order under subsection 2, paragraph *"b"*, *"d"*,
27 or *"i"*:
28 *a.* The tribunal may not dismiss the proceeding without
29 allowing a reasonable time for a party to request the
30 establishment of a new convention support order.
31 *b.* The child support recovery unit shall take all
32 appropriate measures to request a child support order for the
33 obligee if the application for recognition and enforcement was
34 received under section 252K.704.
35 Sec. 65. NEW SECTION. **252K.709 Partial enforcement.**

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1 If a tribunal of this state does not recognize and enforce a
2 convention support order in its entirety, it shall enforce any
3 severable part of the order. An application or direct request
4 may seek recognition and partial enforcement of a convention
5 support order.
6 Sec. 66. NEW SECTION. **252K.710 Foreign support agreement.**
7 1. Except as otherwise provided in subsections 3 and 4, a
8 tribunal of this state shall recognize and enforce a foreign
9 support agreement registered in this state.
10 2. An application or direct request for recognition and
11 enforcement of a foreign support agreement must be accompanied
12 by:
13 *a.* A complete text of the foreign support agreement.
14 *b.* A record stating that the foreign support agreement is
15 enforceable as an order of support in the issuing country.
16 3. A tribunal of this state may vacate the registration of
17 a foreign support agreement only if, acting on its own motion,
18 the tribunal finds that recognition and enforcement would be
19 manifestly incompatible with public policy.
20 4. In a contest of a foreign support agreement, a tribunal
21 of this state may refuse recognition and enforcement of the
22 agreement if it finds any of the following:
23 *a.* Recognition and enforcement of the agreement is
24 manifestly incompatible with public policy.
25 *b.* The agreement was obtained by fraud or falsification.
26 *c.* The agreement is incompatible with a support order
27 involving the same parties and having the same purpose in this
28 state, another state, or a foreign country if the support order
29 is entitled to recognition and enforcement under this chapter
30 in this state.
31 *d.* The record submitted under subsection 2 lacks
32 authenticity or integrity.
33 5. A proceeding for recognition and enforcement of a foreign
34 support agreement must be suspended during the pendency of a
35 challenge to or appeal of the agreement before a tribunal of

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1 another state or a foreign country.
2 Sec. 67. NEW SECTION. **252K.711 Modification of convention**
3 **child support order.**
4 1. A tribunal of this state may not modify a convention
5 child support order if the obligee remains a resident of the
6 foreign country where the support order was issued unless any
7 of the following applies:
8 *a.* The obligee submits to the jurisdiction of a tribunal
9 of this state, either expressly or by defending on the merits
10 of the case without objecting to the jurisdiction at the first
11 available opportunity.
12 *b.* The foreign tribunal lacks or refuses to exercise
13 jurisdiction to modify its support order or issue a new support
14 order.
15 2. If a tribunal of this state does not modify a convention
16 child support order because the order is not recognized in this
17 state, section 252K.708, subsection 3, applies.
18 Sec. 68. NEW SECTION. **252K.712 Personal information ——**
19 **limit on use.**
20 Personal information gathered or transmitted under this
21 article may be used only for the purposes for which it was
22 gathered or transmitted.
23 Sec. 69. NEW SECTION. **252K.713 Record in original language**
24 **—— English translation.**
25 A record filed with a tribunal of this state under this
26 article must be in the original language and, if not in
27 English, must be accompanied by an English translation.
28 Sec. 70. Section 252K.801, subsection 2, paragraph b, Code
29 2015, is amended to read as follows:
30 *b.* On the demand ~~by~~ of the governor of another state,
31 surrender an individual found in this state who is charged
32 criminally in the other state with having failed to provide for
33 the support of an obligee.
34 Sec. 71. Section 252K.802, subsections 1 and 2, Code 2015,
35 are amended to read as follows:

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1. Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

2. If, under this chapter, or a law substantially similar to this chapter, ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act,~~ the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

Sec. 72. Section 252K.901, Code 2015, is amended to read as follows:

252K.901 Uniformity of application and construction.

~~This chapter shall be applied and construed~~ In applying and construing this uniform Act, consideration must be given to the need to ~~effectuate its general purpose to make uniform~~ promote uniformity of the law with respect to the subject ~~of this chapter~~ matter among states ~~enacting~~ that enact it.

Sec. 73. Section 252K.903, Code 2015, is amended to read as follows:

252K.903 Severability ~~clause~~.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this chapter which can be given effect without the invalid provision or

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application, and to this end the provisions of this chapter are severable.

Sec. 74. Section 252K.904, Code 2015, is amended to read as follows:

252K.904 Effective date — pending matters.

1. This chapter takes effect ~~January 1, 1998~~ July 1, 2015.

2. A tribunal of this state shall apply this chapter beginning ~~January 1, 1998~~ July 1, 2015, with the following conditions:

a. Matters pending on ~~January 1, 1998~~ July 1, 2015, shall be governed by this chapter.

b. Pleadings and accompanying documents on pending matters are sufficient if the documents substantially comply with the requirements of this chapter ~~252A~~ in effect on ~~December 31, 1997~~ June 30, 2015.

Sec. 75. REPEAL. Section 252K.902, Code 2015, is repealed.

Sec. 76. CODE EDITOR DIRECTIVES. The Code editor shall do all of the following:

1. Eliminate the part designations and titles under Article 2 of chapter 252K.

2. Retitle Article 4 of chapter 252K "Establishment of support order or determination of parentage".

3. Retitle Article 5 of chapter 252K "Enforcement of support order without registration".

4. Retitle Article 6 of chapter 252K "Registration, enforcement, and modification of support order".

5. Retitle Article 6, part 1, of chapter 252K "Registration for enforcement of support order".

6. Retitle Article 6, part 3, of chapter 252K "Registration and modification of child support order of another state".

7. Create a new part 4 of Article 6 of chapter 252K, entitled "Registration and modification of foreign child support order" which shall include sections 252K.615 and 252K.616, as enacted in this Act.

8. Retitle Article 7 of chapter 252K "Support proceeding

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1 under convention", which shall include sections 252K.701,
2 252K.702, 252K.703, 252K.704, 252K.705, 252K.706, 252K.707,
3 252K.708, 252K.709, 252K.710, 252K.711, 252K.712, and 252K.713,
4 as amended and enacted in this Act.
5 DIVISION II
6 CONFORMING CHANGES — UNIFORM INTERSTATE FAMILY SUPPORT ACT
7 Sec. 77. Section 252A.2, subsection 10, Code 2015, is
8 amended by striking the subsection.
9 Sec. 78. Section 252A.3, subsection 9, Code 2015, is amended
10 to read as follows:
11 9. Notwithstanding the fact that the respondent has
12 obtained in any state or foreign country a final decree of
13 divorce or separation from the respondent's spouse or a decree
14 dissolving the marriage, the respondent shall be deemed legally
15 liable for the support of any dependent child of such marriage.
16 Sec. 79. Section 252A.3, subsection 10, paragraph d, Code
17 2015, is amended to read as follows:
18 *d.* By establishment of paternity in ~~a~~ another state or
19 foreign ~~jurisdiction~~ country in any manner provided for by the
20 laws of that jurisdiction.
21 Sec. 80. Section 252A.6A, subsection 2, paragraph b, Code
22 2015, is amended to read as follows:
23 *b.* If the prior determination of paternity is based on
24 an administrative or court order or by any other means,
25 pursuant to the laws of ~~a~~ another state or foreign ~~jurisdiction~~
26 country, an action to overcome the prior determination of
27 paternity shall be filed in that jurisdiction. Unless the
28 party requests and is granted a stay of an action to establish
29 child or medical support, the action shall proceed as otherwise
30 provided.
31 Sec. 81. Section 252A.18, Code 2015, is amended to read as
32 follows:
33 **252A.18 Registration of ~~foreign~~ support order — notice.**
34 Registration of a support order of another state or foreign
35 ~~support order~~ country shall be in accordance with chapter

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252K except that, with regard to service, promptly upon registration, the clerk of the court shall s~~end a notice~~, by restricted certified mail, or the child support recovery unit shall, as provided in section 252B.26, send to the respondent~~,~~ notice of the registration with a copy of the registered support order or the respondent may be personally served with the notice and the copy of the order in the same manner as original notices are personally served. The clerk shall also docket the case and notify the prosecuting attorney of the action. The clerk shall maintain a registry of all support orders registered pursuant to this section. The filing is in equity.

Sec. 82. Section 252B.1, subsection 6, Code 2015, is amended to read as follows:

6. *"Obligor"* means the person legally responsible for the support of a child as defined in section 252D.16 or 598.1 under a support order issued in this state or ~~a~~ pursuant to the laws of another state or foreign ~~jurisdiction~~ country.

Sec. 83. Section 252B.3, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. This subsection shall not apply unless all the children for whom support is ordered reside with both parents, except that a child may be absent from the home due to a foster care placement pursuant to chapter 234 or a comparable law of ~~a~~ another state or foreign ~~jurisdiction~~ country.

Sec. 84. Section 252B.4, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. A foreign ~~reciprocating~~ country ~~or foreign country with which the state has an arrangement as provided in 42 U.S.C. §659a~~ as defined in chapter 252K.

Sec. 85. Section 252B.9, subsection 3, paragraph i, subparagraphs (4) and (7), Code 2015, are amended to read as follows:

(4) The unit receives ~~notification that~~ a copy, regular on its face, of a notarized affidavit or a pleading, which was

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signed by and made under oath by a party, under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, alleging the health, safety, or liberty of the party or child would be jeopardized by the disclosure of specific identifying information unless a tribunal ~~has issued an order~~ under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, ~~that the address or other~~ ordered the identifying information of a party or child ~~not~~ be disclosed.

(7) The unit receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, affidavit, pleading, safety plan, or founded allegation referred to in subparagraphs (1) through (6) of this paragraph.

Sec. 86. Section 252B.14, Code 2015, is amended to read as follows:

252B.14 Support payments — collection services center or comparable government entity in another state — clerk of the district court.

1. For the purposes of this section, *"support order"* includes any order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support chapter or proceeding which establishes support payments as defined in section 252D.16 or 598.1.

2. For support orders being enforced by the child support recovery unit, support payments made pursuant to the order shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K.

3. With the exception of support payments to which subsection 2 or 4 applies, support payments made pursuant to an order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed. The clerk of the district court may require the obligor to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of

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the district court.

4. ~~By October 1, 1999, for~~ For a support order to which subsection 2 does not apply, regardless of the terms of the support order directing or redirecting the place of payment, support payments made through income withholding by a payor of income as provided in chapter 252D shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. The judicial branch and the department shall develop and implement a plan to notify payors of income of this requirement and the effective date of the requirement applicable to the respective payor of income.

5. If the collection services center is receiving and disbursing payments pursuant to a support order, but the unit is not providing other services under Tit. IV-D of the federal Social Security Act, or if the order is not being enforced by the unit, the parties to that order are not considered to be receiving services under this chapter.

6. Payments to persons other than the clerk of the district court or the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K, do not satisfy the support obligations created by a support order or judgment, except as provided for in sections 598.22 and 598.22A.

Sec. 87. Section 252B.15, Code 2015, is amended to read as follows:

252B.15 Processing and disbursement of support payments.

1. The collection services center shall notify the clerk of the district court of any order for which the child support recovery unit is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. Unless the agreement developed pursuant to section 252B.13A otherwise provides, ~~by October 1, 1999,~~ the clerk of the district court

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1 shall forward any support payment made and any support payment
2 information provided through income withholding pursuant
3 to chapter 252D, to the collection services center. The
4 collection services center shall process and disburse the
5 payment in accordance with federal requirements.
6 2. Unless otherwise provided under federal law, if it is
7 possible to identify the support order to which a payment is
8 to be applied and if sufficient information is provided to
9 identify the obligee, a payment received by the collection
10 services center or the clerk of the district court shall be
11 disbursed to the appropriate individual or office within two
12 working days in accordance with section 598.22.
13 3. If the collection services center receives an
14 incorrectly submitted payment, the collection services center
15 shall promptly return the payment to the sender and, if known,
16 provide information about where to send the payment.
17 4. Chapter 556 shall not apply to payments received by the
18 collection services center.
19 Sec. 88. Section 252B.16, Code 2015, is amended by adding
20 the following new subsection:
21 NEW SUBSECTION. 4. As provided in sections 252K.307 and
22 252K.319, the unit may issue and file with the clerk of the
23 district court, a notice redirecting support payments to a
24 comparable government entity responsible for the processing
25 and disbursement of support payments in another state. The
26 unit shall send a copy of the notice by regular mail to the
27 last known addresses of the obligor and obligee and, where
28 applicable, shall notify the payor of income to make payments
29 as specified in the notice. The issuance and filing of the
30 notice is the equivalent of a court order redirecting support.
31 Sec. 89. Section 252C.1, subsection 3, Code 2015, is amended
32 to read as follows:
33 3. *"Court order"* means a judgment or order ~~of a court of~~
34 ~~this state or another state~~ requiring the payment of a set or
35 determinable amount of monetary support. For orders entered

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on or after July 1, 1990, unless the court specifically orders otherwise, medical support, as defined in section 252E.1, is not included in the amount of monetary support.

Sec. 90. Section 252C.4, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. If the action is the result of a request from ~~a~~ another state or foreign ~~jurisdiction~~ country to establish support by a responsible person located in Iowa, in the county in which the responsible person resides.

Sec. 91. Section 252C.4, subsection 7, paragraph b, Code 2015, is amended to read as follows:

b. If the prior determination of paternity is based on an administrative or court order or other means, pursuant to the laws of ~~a~~ another state or foreign ~~jurisdiction~~ country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the responsible person requests and is granted a stay of an action initiated under this chapter to establish child or medical support, the action shall proceed as otherwise provided by this chapter.

Sec. 92. Section 252D.1, Code 2015, is amended to read as follows:

252D.1 Delinquent support payments.

If support payments ordered under this chapter or chapter 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of ~~a~~ another state or foreign ~~jurisdiction~~ country, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, and become delinquent in an amount equal to the payment for one month, the child support recovery unit may enter an ex parte order or, upon application of a person entitled to receive the support payments, the district court may enter an ex parte order, notifying the person whose

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1 income is to be withheld, of the delinquent amount, of the
2 amount of income to be withheld, and of the procedure to
3 file a motion to quash the order for income withholding, and
4 ordering the withholding of specified sums to be deducted
5 from the delinquent person's income as defined in section
6 252D.16 sufficient to pay the support obligation and, except as
7 provided in section 598.22, requiring the payment of such sums
8 to the clerk of the district court or the collection services
9 center or, as appropriate, a comparable government entity in
10 another state as provided in chapter 252K. ~~Beginning October~~
11 ~~1, 1999, all~~ All income withholding payments shall be paid to
12 the collection services center or, as appropriate, a comparable
13 government entity in another state as provided in chapter 252K.
14 Notification of income withholding shall be provided to the
15 obligor and to the payor of income pursuant to section 252D.17.
16 Sec. 93. Section 252D.16, subsection 3, Code 2015, is
17 amended to read as follows:
18 3. *"Support"* or *"support payments"* means any amount which
19 the court or administrative agency may require a person to pay
20 for the benefit of a child under a temporary order or a final
21 judgment or decree entered under chapter 232, 234, 252A, 252C,
22 252F, 252H, 598, 600B, or any other comparable chapter, and may
23 include child support, maintenance, medical support as defined
24 in chapter 252E, spousal support, and any other term used to
25 describe these obligations. These obligations may include
26 support for a child of any age who is dependent on the parties
27 to the dissolution proceedings because of physical or mental
28 disability. The obligations may include support for a child
29 eighteen or more years of age with respect to whom a child
30 support order has been issued pursuant to the laws of ~~a~~ another
31 state or foreign ~~jurisdiction~~ country. These obligations shall
32 not include amounts for a postsecondary education subsidy as
33 defined in section 598.1.
34 Sec. 94. Section 252D.16A, Code 2015, is amended to read as
35 follows:

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252D.16A Income withholding order — child support recovery unit.

If support payments are ordered under this chapter, chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of ~~a~~ another state or foreign ~~jurisdiction~~ country, and if income withholding relative to such support payments is allowed under this chapter, the child support recovery unit may enter an ex parte order notifying the person whose income is to be withheld of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and requiring the payment of such sums to the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. The child support recovery unit shall include the amount of any delinquency and the amount to be withheld in the notice provided to the obligor pursuant to section 252D.17A. Notice of income withholding shall be provided to the obligor and to the payor of income pursuant to sections 252D.17 and 252D.17A.

Sec. 95. Section 252D.17, subsection 1, paragraphs e, f, and h, Code 2015, are amended to read as follows:

e. The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, within seven business days of the date the obligor is paid. *"Business day"* means a day on which state offices are open for regular business.

f. The payor may combine amounts withheld from the obligors' income in a single payment to the clerk of the district court or to the collection services center or a comparable government entity in another state as provided in chapter 252K, as appropriate. Whether combined or separate, payments shall be

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1 identified by the name of the obligor, account number, amount,
2 and the date withheld. If payments for multiple obligors are
3 combined, the portion of the payment attributable to each
4 obligor shall be specifically identified.
5 *h.* If the payor, with actual knowledge and intent to avoid
6 legal obligation, fails to withhold income or to pay the
7 amounts withheld to the collection services center or the clerk
8 of court or, as appropriate, a comparable government entity
9 in another state as provided in chapter 252K in accordance
10 with the provisions of the order, the notice of the order, or
11 the notification of payors of income provisions established
12 in section 252B.13A, the payor commits a simple misdemeanor
13 for a first offense and is liable for the accumulated amount
14 which should have been withheld, together with costs, interest,
15 and reasonable attorney fees related to the collection of
16 the amounts due from the payor. For each subsequent offense
17 prescribed under this paragraph, the payor commits a serious
18 misdemeanor and is liable for the accumulated amount which
19 should have been withheld, together with costs, interest, and
20 reasonable attorney fees related to the collection of the
21 amounts due from the payor.
22 Sec. 96. Section 252D.18, subsection 3, Code 2015, is
23 amended to read as follows:
24 3. The court or the child support recovery unit may,
25 by ex parte order, terminate an income withholding order
26 when the current support obligation has terminated and when
27 the delinquent support obligation has been fully satisfied
28 as applicable to all of the children covered by the income
29 withholding order. The unit may, by ex parte order, terminate
30 an income withholding order when the unit will no longer be
31 providing services under chapter 252B, or when ~~a~~ another state
32 or foreign ~~jurisdiction~~ country will be providing services
33 under Tit. IV-D of the federal Social Security Act or a
34 comparable law in a foreign country.
35 Sec. 97. Section 252D.20, Code 2015, is amended to read as

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follows:

252D.20 Administration of income withholding procedures.

The child support recovery unit is designated as the entity of the state to administer income withholding in accordance with the procedures specified for keeping adequate records to document, track, and monitor support payments on cases subject to Tit. IV-D of the federal Social Security Act. ~~Until October 1, 1999, the clerks of the district court are designated as the entities for administering income withholding on cases which are not subject to Tit. IV-D. Beginning October 1, 1999, the~~ The collection services center is designated as the entity for administering income withholding for cases which are not subject to Tit. IV-D. The collection services center's responsibilities for administering income withholding in cases not subject to Tit. IV-D are limited to the receipt, recording, and disbursement of income withholding payments and to responding to requests for information on the current status of support payments pursuant to section 252B.13A. Notwithstanding section 622.53, in cases where the court or the child support recovery unit is enforcing ~~a~~ an order of another state or foreign ~~judgment~~ country through income withholding, a certified copy of the underlying judgment is sufficient proof of authenticity.

Sec. 98. Section 252D.24, Code 2015, is amended to read as follows:

252D.24 Applicability to support orders of ~~foreign~~ other jurisdictions.

1. An income withholding order may be entered to enforce a support order of ~~a~~ another state or foreign ~~jurisdiction~~ country. ~~The foreign~~ That support order may be entered and filed with the clerk of the district court at the time the income withholding order is entered. Entry of the ~~foreign~~ support order of another state or foreign country under this subsection does not constitute registration of the order.

2. Income withholding for a support order issued by ~~a~~

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1 another state or foreign ~~jurisdiction~~ country is governed by
2 chapter 252K~~, article 5 or 6,~~ and this chapter, as appropriate.
3 Sec. 99. Section 252D.31, subsection 3, Code 2015, is
4 amended to read as follows:
5 3. The payor shall withhold and transmit the amount
6 specified in the order or notice of the order of income
7 withholding to the clerk of the district court or the
8 collection services center or a comparable government entity
9 in another state as provided in chapter 252K, as appropriate,
10 until the notice that a motion to quash has been granted is
11 received.
12 Sec. 100. Section 252E.1, subsections 3 and 13, Code 2015,
13 are amended to read as follows:
14 3. *"Child"* means a person for whom child or medical support
15 may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F,
16 252H, 252K, 598, 600B, or any other chapter of the Code or
17 pursuant to a comparable statute of ~~a~~ another state or foreign
18 ~~jurisdiction~~ country.
19 13. *"Order"* means a support order entered pursuant to
20 chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any
21 other support chapter, or pursuant to a comparable statute of ~~a~~
22 another state or foreign ~~jurisdiction~~ country, or an ex parte
23 order entered pursuant to section 252E.4. *"Order"* also includes
24 a notice of such an order issued by the department.
25 Sec. 101. Section 252E.2, subsection 4, Code 2015, is
26 amended to read as follows:
27 4. A medical support order of ~~a~~ another state or foreign
28 ~~jurisdiction~~ country may be entered or filed with the clerk of
29 the district court. However, entry of such a medical support
30 order under this subsection does not constitute registration
31 of that medical support order.
32 Sec. 102. Section 252F.3, subsection 3, paragraph a,
33 subparagraph (3), Code 2015, is amended to read as follows:
34 (3) If the action is the result of a request from ~~a~~ another
35 state or foreign ~~jurisdiction~~ country to establish paternity of

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a putative father located in Iowa, in the county in which the putative father resides.

Sec. 103. Section 252F.3, subsection 6, paragraph f, Code 2015, is amended to read as follows:

f. An original copy of the test results shall be filed with the clerk of the district court in the county where the notice was filed. The child support recovery unit shall issue a copy of the filed test results to each party in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each. However, if the action is the result of a request from ~~a~~ another state or foreign ~~jurisdiction~~ country, the unit shall issue a copy of the results to the initiating agency in that ~~foreign~~ jurisdiction.

Sec. 104. Section 252H.2, subsection 2, paragraphs g, l, and m, Code 2015, are amended to read as follows:

g. *"Determination of controlling order"* means the process of identifying a child support order which must be recognized pursuant to section 252K.207 and 28 U.S.C. §1738B, when more than one state has issued a support order for the same child and the same obligor, and may include a reconciliation of arrearages with information related to the calculation. Registration of ~~a foreign~~ an order of another state or foreign country is not necessary for a court or the unit to make a determination of controlling order.

l. *"State"* means *"state"* as defined in ~~section 252K.101~~ chapter 252K.

m. *"Support order"* means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of ~~a~~ another state or foreign ~~jurisdiction~~ country as registered with the clerk of court or certified to the child support recovery unit.

Sec. 105. Section 252H.8, subsection 5, paragraph h, Code 2015, is amended to read as follows:

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h. A certified copy of each order, issued by another state or foreign country, considered in determining the controlling order.

Sec. 106. Section 252H.14, subsection 2, Code 2015, is amended to read as follows:

2. The unit may periodically initiate a request to a child support agency of another state or to a foreign country to conduct a review of a support order ~~entered in that state~~ when the right to any ongoing child or medical support obligation due under the order is currently assigned to the state of Iowa or if the order does not include provisions for medical support.

Sec. 107. Section 252I.2, subsection 2, Code 2015, is amended to read as follows:

2. An obligor is subject to the provisions of this chapter if the obligor's support obligation is being enforced by the child support recovery unit, and if the support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of ~~a~~ another state or foreign ~~jurisdiction~~ country, as certified to the child support recovery unit, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the support payment for one month.

Sec. 108. Section 252J.1, subsection 9, Code 2015, is amended to read as follows:

9. *"Support order"* means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of ~~a~~ another state or foreign ~~jurisdiction~~ country as registered with the clerk of the district court or certified to the child support recovery unit.

Sec. 109. Section 252J.6, subsection 2, paragraph d, subparagraph (1), subparagraph division (b), Code 2015, is

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amended to read as follows:

(b) If the action is a result of section 252J.2, subsection 2, paragraph *"b"*, and the individual is not an obligor, in the county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in ~~a~~ another state or foreign ~~jurisdiction~~ country.

Sec. 110. Section 252J.9, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. If the action is a result of section 252J.2, subsection 2, paragraph *"b"*, and the individual is not an obligor, in a county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in ~~a~~ another state or foreign ~~jurisdiction~~ country.

Sec. 111. Section 598.2A, Code 2015, is amended to read as follows:

598.2A Choice of law.

In a proceeding to establish, modify, or enforce a child support order the forum state's law shall apply except as ~~follows:~~

~~1. In interpreting a child support order, a court shall apply the law of the state of the court or administrative agency that issued the order.~~

~~2. In an action to enforce a child support order, a court shall apply the statute of limitations of the forum state or the state of the court or administrative agency that issued the order, whichever statute provides the longer period of limitations~~ provided in section 252K.604.

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Sec. 112. Section 598.21E, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. If a determination of paternity is based on an administrative or court order or other means pursuant to the laws of ~~a~~ another state or foreign ~~jurisdiction~~ country as defined in chapter 252K, any action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless a stay of the action initiated in this state to establish child or medical support is requested and granted by the court, pending a resolution of the contested paternity issue by the other state or foreign ~~jurisdiction~~ country as defined in chapter 252K, the action shall proceed.

Sec. 113. Section 598.22, Code 2015, is amended to read as follows:

598.22 Support payments — clerk of court — collection services center or comparable government entity in another state — defaults — security.

1. Except as otherwise provided in section 598.22A, this section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, 252F, or 600B, or under this chapter or any other chapter which provide for temporary or permanent support payments shall direct the payment of those sums to the clerk of the district court or the collection services center in accordance with section 252B.14, or as appropriate, a comparable government entity in another state as provided in chapter 252K for the use of the person for whom the payments have been awarded. ~~Beginning October 1, 1999, all~~ All income withholding payments shall be directed to the collection services center, or as appropriate, a comparable government entity in another state as provided in chapter 252K. Payments to persons other than the clerk of the district court, ~~and~~ the collection services center, or as appropriate, a comparable government entity in another state as provided in

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1 chapter 252K do not satisfy the support obligations created
2 by the orders or judgments, except as provided for trusts
3 governed by the federal Retirement Equity Act of 1984, Pub. L.
4 No. 98-397, for tax refunds or rebates in section 602.8102,
5 subsection 47, or for dependent benefits paid to the child
6 support obligee as the result of disability benefits awarded
7 to the child support obligor under the federal Social Security
8 Act. For trusts governed by the federal Retirement Equity Act
9 of 1984, Pub. L. No. 98-397, the order for income withholding
10 or notice of the order for income withholding shall require
11 the payment of such sums to the alternate payee in accordance
12 with the federal Act. For dependent benefits paid to the child
13 support obligee as a result of disability benefits awarded to
14 the child support obligor under the federal Social Security
15 Act, the provisions of section 598.22C shall apply.
16 2. An income withholding order or notice of the order
17 for income withholding shall be entered under the terms and
18 conditions of chapter 252D. However, for trusts governed by
19 the federal Retirement Equity Act of 1984, Pub. L. No. 98-397,
20 the payor shall transmit the payments to the alternate payee in
21 accordance with the federal Act.
22 3. An order or judgment entered by the court for temporary
23 or permanent support or for income withholding shall be filed
24 with the clerk. The orders have the same force and effect
25 as judgments when entered in the judgment docket and lien
26 index and are records open to the public. Unless otherwise
27 provided by federal law, if it is possible to identify the
28 support order to which a payment is to be applied, and if
29 sufficient information identifying the obligee is provided,
30 the clerk or the collection services center, as appropriate,
31 shall disburse the payments received pursuant to the orders
32 or judgments within two working days of the receipt of
33 the payments. All moneys received or disbursed under this
34 section shall be entered in records kept by the clerk, or the
35 collection services center, as appropriate, and the records

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1 kept by the clerk shall be available to the public. The clerk
2 or the collection services center shall not enter any moneys
3 paid in the record book if not paid directly to the clerk or
4 the center, as appropriate, except as provided for trusts and
5 federal social security disability payments in this section,
6 and for tax refunds or rebates in section 602.8102, subsection
7 47, or as appropriate, a comparable government entity in
8 another state as provided in chapter 252K.
9 4. If the sums ordered to be paid in a support payment order
10 are not paid to the clerk or the collection services center, or
11 a comparable government entity in another state as provided in
12 chapter 252K, as appropriate, at the time provided in the order
13 or judgment, the clerk or the collection services center, as
14 appropriate, shall certify a default to the court which may, on
15 its own motion, proceed as provided in section 598.23.
16 5. Prompt payment of sums required to be paid under sections
17 598.10, 598.21A, 598.21B, 598.21C, 598.21E, and 598.21F is
18 the essence of such orders or judgments and the court may act
19 pursuant to section 598.23 regardless of whether the amounts in
20 default are paid prior to the contempt hearing.
21 6. Upon entry of an order for support or upon the failure of
22 a person to make payments pursuant to an order for support, the
23 court may require the person to provide security, a bond, or
24 other guarantee which the court determines is satisfactory to
25 secure the payment of the support. Upon the person's failure
26 to pay the support under the order, the court may declare the
27 security, bond, or other guarantee forfeited.
28 7. For the purpose of enforcement, medical support is
29 additional support which, upon being reduced to a dollar
30 amount, may be collected through the same remedies available
31 for the collection and enforcement of child support.
32 8. The clerk of the district court in the county in which
33 the order for support is filed and to whom support payments are
34 made pursuant to the order may require the person obligated to
35 pay support to submit payments by bank draft or money order if

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the obligor submits an insufficient funds support payment to the clerk of the district court.

Sec. 114. Section 598.22B, subsection 1, Code 2015, is amended to read as follows:

1. All such orders or judgments shall direct each party to file with the clerk of court or the child support recovery unit, as appropriate, upon entry of the order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, electronic mail address, telephone number, driver's license number, and name, address, and telephone number of the party's employer. The order shall also include a provision that the information filed will be disclosed and used pursuant to this section. The party shall file the information with the clerk of court, or, if all support payments are to be directed to the collection services center as provided in section 252B.14, subsection 2, and section 252B.16, with the child support recovery unit.

Sec. 115. Section 598.23A, subsection 1, Code 2015, is amended to read as follows:

1. If a person against whom an order or decree for support has been entered pursuant to this chapter or chapter 234, 252A, 252C, 252F, 600B, or any other support chapter, or a comparable chapter of ~~a~~ another state or foreign ~~jurisdiction~~ country as defined in chapter 252K, fails to make payments or provide medical support pursuant to that order or decree, the person may be cited and punished by the court for contempt under section 598.23 or this section. Failure to comply with a seek employment order entered pursuant to section 252B.21 is evidence of willful failure to pay support.

Sec. 116. Section 600B.41A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. A paternity determination made in or by ~~a~~ another state or foreign ~~jurisdiction~~ country as defined in chapter 252K or a paternity determination which has been made in or by ~~a foreign~~

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that jurisdiction and registered in this state in accordance with section 252A.18 or chapter 252K.

Sec. 117. Section 602.8102, subsection 47, Code 2015, is amended to read as follows:

47. Record support payments made pursuant to an order entered under chapter 252A, 252F, 598, or 600B, or under a comparable statute of ~~a~~ another state or foreign ~~jurisdiction~~ country as defined in chapter 252K, and through setoff of a state or federal income tax refund or rebate, as if the payments were received and disbursed by the clerk; forward support payments received under section 252A.6 to the department of human services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

Sec. 118. REPEAL. Section 252A.17, Code 2015, is repealed.

DIVISION III

SUSPENSION OF SUPPORT

Sec. 119. Section 252B.20, Code 2015, is amended to read as follows:

252B.20 Suspension of support — request by mutual consent.

1. If the unit is providing child support enforcement services pursuant to this chapter, the parents of a dependent child for whom support has been ordered pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly request the assistance of the unit in suspending the obligation for support if all of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same residence as the parents, or the child is currently residing with the parent who is ordered to pay support. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. The child for whom support is ordered is not receiving

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public assistance pursuant to chapter 239B, 249A, or a comparable law of ~~a~~ another state or foreign ~~jurisdiction~~ country, unless the person against whom support is ordered is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

c. The parents have signed a notarized affidavit attesting to the conditions under paragraphs *"a"* and *"b"*, have consented to suspension of the support order or obligation, and have submitted the affidavit to the unit.

d. No prior request for suspension has been filed with the unit under this section and no prior request for suspension has been served by the unit under section 252B.20A during the two-year period preceding the request~~, unless the request was filed during the two-year period preceding July 1, 2005, the unit denied the request because the suspension did not apply to all children for whom support is ordered, and the parents jointly file a request on or after July 1, 2005~~.

e. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, the unit shall review the application and affidavit to determine that the necessary criteria have been met. The unit shall then do one of the following:

a. Deny the request and notify the parents in writing that the application is being denied, providing reasons for the denial and notifying the parents of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee. If the basis for suspension applies to at least one

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1 but not all of the children for whom support is ordered and the
2 support order includes a step change, the unit shall prepare an
3 order suspending the accruing support obligation for each child
4 to whom the basis for suspension applies.
5 3. An order approved by the court for suspension of an
6 accruing support obligation is effective upon the date of
7 filing of the suspension order. The satisfaction of an
8 obligation of support due the obligee shall be final upon the
9 filing of the suspension order. A support obligation which is
10 satisfied is not subject to the reinstatement provisions of
11 this section.
12 4. An order suspending an accruing support obligation
13 entered by the court pursuant to this section shall be
14 considered a temporary order for the period of six months from
15 the date of filing of the suspension order. However, the
16 six-month period shall not include any time during which an
17 application for reinstatement is pending before the court.
18 5. During the six-month period the unit may request that the
19 court reinstate the accruing support order or obligation if any
20 of the following conditions exist:
21 *a.* Upon application to the unit by either parent or other
22 person who has physical custody of the child.
23 *b.* Upon the receipt of public assistance benefits, pursuant
24 to chapter 239B, 249A, or a comparable law of ~~a~~ another state
25 or foreign ~~jurisdiction~~ country, by the person entitled to
26 receive support and the child on whose behalf support is paid,
27 provided that the person owing the support is not considered to
28 be a member of the same household as the child for the purposes
29 of public assistance eligibility.
30 6. If a condition under subsection 5 exists, the unit may
31 request that the court reinstate an accruing support obligation
32 as follows:
33 *a.* If the basis for the suspension no longer applies to any
34 of the children for whom an accruing support obligation was
35 suspended, the unit shall request that the court reinstate the

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1 accruing support obligations for all of the children.
2 *b.* If the basis for the suspension continues to apply to
3 at least one but not all of the children for whom an accruing
4 support obligation was suspended and if the support order
5 includes a step change, the unit shall request that the court
6 reinstate the accruing support obligation for each child for
7 whom the basis for the suspension no longer applies.
8 7. Upon filing of an application for reinstatement, service
9 of the application shall be made either in person or by first
10 class mail upon both parents. Within ten days following the
11 date of service, the parents may file a written objection with
12 the clerk of the district court to the entry of an order for
13 reinstatement.
14 *a.* If no objection is filed, the court may enter an order
15 reinstating the accruing support obligation without additional
16 notice.
17 *b.* If an objection is filed, the clerk of court shall set
18 the matter for hearing and send notice of the hearing to both
19 parents and the unit.
20 8. The reinstatement is effective as follows:
21 *a.* For reinstatements initiated under subsection 5,
22 paragraph *"a"*, the date the notices were served on both parents
23 pursuant to subsection 7.
24 *b.* For reinstatements initiated under subsection 5,
25 paragraph *"b"*, the date the child began receiving public
26 assistance benefits during the suspension of the obligation.
27 *c.* Support which became due during the period of suspension
28 but prior to the reinstatement is waived and not due and owing
29 unless the parties requested and agreed to the suspension under
30 false pretenses.
31 9. If the order suspending a support obligation has been
32 on file with the court for a period exceeding six months as
33 computed pursuant to subsection 4, the order becomes final by
34 operation of law and terminates the support obligation, and
35 thereafter, a party seeking to establish a support obligation

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1 against either party shall bring a new action for support as
2 provided by law.
3 10. This section shall not limit the rights of the parents
4 or the unit to proceed by other means to suspend, terminate,
5 modify, reinstate, or establish support.
6 11. This section does not provide for the suspension or
7 retroactive modification of support obligations which accrued
8 prior to the entry of an order suspending enforcement and
9 collection of support pursuant to this section. However, if in
10 the application for suspension, an obligee elects to satisfy an
11 obligation of accrued support due the obligee, the suspension
12 order may satisfy the obligation of accrued support due the
13 obligee.
14 12. Nothing in this section shall prohibit or limit the
15 unit or a party entitled to receive support from enforcing and
16 collecting any unpaid or unsatisfied support that accrued prior
17 to the suspension of the accruing obligation.
18 13. For the purposes of chapter 252H, subchapter II,
19 regarding the criteria for a review or for a cost-of-living
20 alteration under chapter 252H, subchapter IV, if a support
21 obligation is terminated or reinstated under this section,
22 such termination or reinstatement shall not be considered a
23 modification of the support order.
24 14. As used in this section, unless the context otherwise
25 requires, *"step change"* means a change designated in a support
26 order specifying the amount of the child support obligation
27 as the number of children entitled to support under the order
28 changes.
29 15. As specified in this section, if the child for whom
30 support is ordered is not receiving public assistance pursuant
31 to chapter 239B, 249A, or a comparable law of another state
32 or foreign country, upon agreement of the parents, the unit
33 may facilitate the suspension of the child support order or
34 obligation if the child is residing with a caretaker, who
35 is a natural person, and who has not requested the unit to

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1 provide services under this chapter. The parents and the
2 caretaker shall sign a notarized affidavit attesting to the
3 conditions under this section, consent to the suspension of the
4 support order or obligation, and submit the affidavit to the
5 unit. Upon the receipt of public assistance benefits pursuant
6 to chapter 239B, 249A, or a comparable law of another state
7 or foreign country, by the child on whose behalf support is
8 ordered, or upon application to the unit by either parent or
9 the caretaker, the unit may, within the time periods specified
10 in this section, request the reinstatement of the accruing
11 support order or obligation pursuant to this section.
12 16. The department may adopt all necessary and proper rules
13 to administer and interpret this section.
14 Sec. 120. NEW SECTION. **252B.20A Suspension of support —**
15 **request by one party.**
16 1. If the unit is providing child support enforcement
17 services pursuant to this chapter, the obligor who is ordered
18 to pay support for the dependent child pursuant to chapter
19 252A, 252C, or 252F, may request the assistance of the unit in
20 suspending the obligation for support if all of the following
21 conditions exist:
22 *a.* The child is currently residing with the obligor and has
23 been for more than sixty consecutive days. If the basis for
24 suspension under this paragraph applies to at least one but not
25 all of the children for whom support is ordered, the condition
26 of this paragraph is met only if the support order includes a
27 step change.
28 *b.* There is no order in effect regarding legal custody,
29 physical care, visitation, or other parenting time for the
30 child.
31 *c.* It is reasonably expected that the basis for suspension
32 under this section will continue for not less than six months.
33 *d.* The child for whom support is ordered is not receiving
34 public assistance pursuant to chapter 239B, 249A, or a
35 comparable law of another state or foreign country, unless the

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1 obligor is considered to be a member of the same household as
2 the child for the purposes of public assistance eligibility.
3 *e.* The obligor has signed a notarized affidavit, provided by
4 the unit, attesting to the existence of the conditions under
5 paragraphs *"a"* through *"d"*, has requested suspension of the
6 support order or obligation, and has submitted the affidavit
7 to the unit.
8 *f.* No prior request for suspension has been served under
9 this section, and no prior request for suspension has been
10 filed with the unit pursuant to section 252B.20, during the
11 two-year period preceding the request.
12 *g.* Any other criteria established by rule of the department.
13 2. Upon receipt of the application for suspension and
14 properly executed and notarized affidavit, the unit shall
15 review the application and affidavit to determine that the
16 criteria have been met. The unit shall then do one of the
17 following:
18 *a.* Deny the request and notify the obligor in writing
19 that the application is being denied, providing reasons for
20 the denial and notifying the obligor of the right to proceed
21 through private counsel. Denial of the application is not
22 subject to contested case proceedings or further review
23 pursuant to chapter 17A.
24 *b.* Serve a copy of the notice and supporting documents on
25 the obligee by any means provided in section 252B.26. The
26 notice to the obligee shall include all of the following:
27 (1) Information sufficient to identify the parties and the
28 support order affected.
29 (2) An explanation of the procedure for suspension and
30 reinstatement of support under this section.
31 (3) An explanation of the rights and responsibilities of the
32 obligee, including the applicable procedural time frames.
33 (4) A statement that within twenty days of service, the
34 obligee must submit a signed and notarized response to the unit
35 objecting to at least one of the assertions in subsection 1,

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1 paragraphs *"a"* through *"d"*. The statement shall inform the
2 obligee that if, within twenty days of service, the obligee
3 fails to submit a response as specified in this subparagraph,
4 notwithstanding rules of civil procedure 1.972(2) and 1.972(3),
5 the unit will prepare and submit an order as provided in
6 subsection 3, paragraph *"b"*.
7 3. No sooner than thirty days after service on the obligee
8 under subsection 2, paragraph *"b"*, the unit shall do one of the
9 following:
10 *a.* If the obligee submits a signed and notarized objection
11 to any assertion in subsection 1, paragraphs *"a"* through *"d"*,
12 deny the request and notify the parties in writing that the
13 application is denied, providing reasons for the denial, and
14 notifying the parties of the right to proceed through private
15 counsel. Denial of the application is not subject to contested
16 case proceedings or further review pursuant to chapter 17A.
17 *b.* If the obligee does not timely submit a signed and
18 notarized objection to the unit, prepare an order which shall
19 be submitted, along with supporting documents, to a judge of a
20 district court for approval, suspending the accruing support
21 obligation. If the basis for suspension applies to at least
22 one but not all of the children for whom support is ordered
23 and the support order includes a step change, the unit shall
24 prepare an order suspending the accruing support obligation for
25 each child to whom the basis for suspension applies.
26 4. An order approved by the court for suspension of an
27 accruing support obligation is effective upon the date of
28 filing of the suspension order.
29 5. An order suspending an accruing support obligation
30 entered by the court pursuant to this section shall be
31 considered a temporary order for the period of six months from
32 the date of filing of the suspension order. However, the
33 six-month period shall not include any time during which an
34 application for reinstatement is pending before the court.
35 6. During the six-month period, the unit may request that

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1 the court reinstate the accruing support order or obligation if
2 any of the following conditions exist:
3 *a.* Upon application to the unit by either party or other
4 person who has physical custody of the child.
5 *b.* Upon the receipt of public assistance benefits pursuant
6 to chapter 239B, 249A, or a comparable law of another state
7 or foreign country, by the person entitled to receive support
8 and the child on whose behalf support is paid, provided that
9 the person owing the support is not considered to be a member
10 of the same household as the child for the purposes of public
11 assistance eligibility.
12 7. If a condition under subsection 6 exists, the unit may
13 request that the court reinstate an accruing support obligation
14 as follows:
15 *a.* If the basis for the suspension no longer applies to any
16 of the children for whom an accruing support obligation was
17 suspended, the unit shall request that the court reinstate the
18 accruing support obligations for all of the children.
19 *b.* If the basis for the suspension continues to apply to
20 at least one but not all of the children for whom an accruing
21 support obligation was suspended and if the support order
22 includes a step change, the unit shall request that the court
23 reinstate the accruing support obligation for each child for
24 whom the basis for the suspension no longer applies.
25 8. Upon filing of an application for reinstatement, service
26 of the application shall be made either in person or by first
27 class mail upon the parties. Within ten days following the
28 date of service, a party may file a written objection with
29 the clerk of the district court to the entry of an order for
30 reinstatement.
31 *a.* If no objection is filed, the court may enter an order
32 reinstating the accruing support obligation without additional
33 notice.
34 *b.* If an objection is filed, the clerk of court shall set
35 the matter for hearing and send notice of the hearing to the

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1 parties and the unit.
2 9. *a.* The reinstatement is effective as follows:
3 (1) For reinstatements initiated under subsection 6,
4 paragraph *"a"*, the date the notices were served on the parties
5 pursuant to subsection 8.
6 (2) For reinstatements initiated under subsection 6,
7 paragraph *"b"*, the date the child began receiving public
8 assistance benefits during the suspension of the obligation.
9 *b.* Support which became due during the period of suspension
10 but prior to the reinstatement is waived and not due and owing
11 unless the suspension was made under false pretenses.
12 10. If the order suspending a support obligation has been
13 on file with the court for a period exceeding six months as
14 computed pursuant to subsection 5, the order becomes final by
15 operation of law and terminates the support obligation, and
16 thereafter, a party seeking to establish a support obligation
17 against either party shall bring a new action for support as
18 provided by law.
19 11. Legal representation of the unit shall be provided
20 pursuant to section 252B.7, subsection 4.
21 12. This section shall not limit the rights of a party
22 or the unit to proceed by other means to suspend, terminate,
23 modify, reinstate, or establish support.
24 13. This section does not provide for the suspension or
25 retroactive modification of support obligations which accrued
26 prior to the entry of an order suspending enforcement and
27 collection of support pursuant to this section.
28 14. Nothing in this section shall prohibit or limit the
29 unit or a party entitled to receive support from enforcing and
30 collecting any unpaid or unsatisfied support that accrued prior
31 to the suspension of the accruing obligation.
32 15. For the purposes of chapter 252H regarding the criteria
33 for a review under subchapter II of that chapter or for a
34 cost-of-living alteration under subchapter IV of that chapter,
35 if a support obligation is terminated or reinstated under

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1 this section, such termination or reinstatement shall not be
2 considered a modification of the support order.
3 16. As used in this section, unless the context otherwise
4 requires, *"step change"* means a change designated in a support
5 order specifying the amount of the child support obligation
6 as the number of children entitled to support under the order
7 changes.
8 17. As specified in this section, if the child for whom
9 support is ordered is not receiving public assistance pursuant
10 to chapter 239B, 249A, or a comparable law of another state
11 or foreign country, upon request by the obligor, the unit
12 may facilitate the suspension of the child support order or
13 obligation if the child is residing with a caretaker, who
14 is a natural person, and who has not requested the unit to
15 provide services under this chapter. The obligor and the
16 caretaker shall sign a notarized affidavit attesting to the
17 conditions under this section, consent to the suspension of the
18 support order or obligation, and submit the affidavit to the
19 unit. Upon the receipt of public assistance benefits pursuant
20 to chapter 239B, 249A, or a comparable law of another state
21 or foreign country, by the child on whose behalf support is
22 ordered, or upon application to the unit by either party or the
23 caretaker, the unit may, within the time periods specified in
24 this section, request the reinstatement of the accruing support
25 order or obligation pursuant to this section.
26 18. The department may adopt all necessary and proper rules
27 to administer and interpret this section.
28 Sec. 121. Section 252B.26, unnumbered paragraph 1, Code
29 2015, is amended to read as follows:
30 Notwithstanding any provision of law to the contrary, the
31 unit may serve a petition, notice, or rule to show cause under
32 this chapter or chapter 252A, 252C, 252F, 252H, 252K, 598, or
33 665 as specified in each chapter, or as follows:
34 Sec. 122. ADMINISTRATIVE RULES — TRANSITION. Until the
35 department of human services adopts rules pursuant to chapter

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1 17A necessary to administer this division of this Act, all of
2 the following shall apply:
3 1. The child support recovery unit may initiate proceedings
4 to suspend and reinstate support orders in accordance with
5 section 252B.20, as amended in this division of this Act.
6 2. The child support recovery unit may, to the extent
7 appropriate, apply and utilize procedures, rules, and forms
8 substantially similar to those applicable and utilized pursuant
9 to section 252B.20 for proceedings initiated in accordance with
10 section 252B.20A, as enacted in this division of this Act.
11 Sec. 123. EFFECTIVE DATE. This division of this Act takes
12 effect January 1, 2016.
13 DIVISION IV
14 GENETIC TESTING
15 Sec. 124. Section 252F.3, subsection 6, paragraph a, Code
16 2015, is amended to read as follows:
17 *a.* If a party contests the establishment of paternity, the
18 party shall submit, within twenty days of service of the notice
19 on the party under subsection 1, a written statement contesting
20 paternity establishment to the unit. Upon receipt of a written
21 challenge of paternity establishment, or upon initiation by the
22 unit, the administrator shall enter ex parte administrative
23 orders requiring the mother, child or children involved, and
24 the putative father to submit to paternity testing, except that
25 if the mother and child or children previously submitted blood
26 or genetic specimens in a prior action to establish paternity
27 against a different putative father, the previously submitted
28 specimens and prior results, if available, may be utilized for
29 testing in this action. Either the mother or putative father
30 may contest paternity under this chapter.
31 Sec. 125. Section 600B.41, subsection 1, Code 2015, is
32 amended to read as follows:
33 1. In a proceeding to establish paternity in law or in
34 equity the court may on its own motion, and upon request of
35 a party shall, require the child, mother, and alleged father

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1 to submit to blood or genetic tests, except that if the mother
2 and child previously submitted blood or genetic specimens in a
3 prior action to establish paternity against a different alleged
4 father, the previously submitted specimens and prior results,
5 if available, may be utilized for testing in this action.
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 relates to family support programs including child
10 support and establishment of paternity.
11 Division I of the bill amends provisions in Code chapter
12 252K, the uniform interstate family support Act (UIFSA).
13 UIFSA provides uniform rules for the enforcement of support
14 orders including by setting basic jurisdictional standards for
15 state courts, determining the basis for a state to exercise
16 continuing jurisdiction over a child support proceeding,
17 establishing rules for determining which state issues the
18 controlling order if proceedings are initiated in multiple
19 jurisdictions, and providing rules for modifying or refusing
20 to modify another state's child support order. While the
21 United States has recognized and enforced orders from other
22 countries, the same reciprocity has not always been available
23 when parties from the United States seek enforcement in
24 foreign countries. The Hague convention on the international
25 recovery of child support and other forms of family maintenance
26 extends jurisdiction and enforcement rules to facilitate the
27 recognition and enforcement of the orders of parties from
28 the United States seeking enforcement in foreign countries.
29 The 2008 amendments to UIFSA are designed to implement these
30 improvements and help ensure that more family support orders
31 issued in the United States are recognized and enforced abroad.
32 In 2007, the United States signed the Hague convention on
33 the international recovery of child support and other forms
34 of family maintenance. In July 2008, the national conference
35 of commissioners on uniform state laws approved amendments to

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1 UIFSA to integrate the appropriate provisions of the Hague
2 convention. The 2008 amendments act as the implementing
3 language for the convention in the states. In 2014, the United
4 States Congress passed federal implementing legislation (the
5 federal Preventing Sex Trafficking and Strengthening Families
6 Act, Pub. L. No. 113-183) for the convention. Under this
7 federal Act, states are required to adopt the amendments to
8 UIFSA in their next legislative sessions, but have a grace
9 period to allow for state law changes. States must enact such
10 a law and make it effective no later than the first day of the
11 first calendar quarter beginning after the close of the first
12 regular session of the state legislature that begins after
13 September 29, 2014 (the enactment date of Pub. L. No. 113-183).
14 In the case of a state that has a two-year legislative session,
15 each year of the session is considered to be a separate regular
16 session of the state legislature. The new law requires that
17 the 2008 UIFSA amendments be enacted in every jurisdiction as
18 a condition for continued receipt of federal funds supporting
19 state child support programs.
20 Division I of the bill provides definitions including those
21 for "convention", "foreign country", "foreign tribunal", and
22 "record". The bill provides for changes in the existing
23 Articles 1 through 6 of the UIFSA law and provides a new
24 Article 7. The major changes in the law include specifying
25 that a foreign tribunal is an entity of a foreign country, not
26 merely a jurisdiction outside of the state and that a "state"
27 means only a state or territory under the jurisdiction of the
28 United States or an Indian nation or tribe, but no longer
29 includes any foreign jurisdiction that has enacted a law or
30 established the procedures of or comparable to UIFSA; provides
31 specifically when the Code chapter applies to a foreign country
32 or foreign support proceedings; and otherwise makes technical
33 changes and adapts language of the convention to make the
34 language consistent.
35 The new Article 7 provides guidelines and procedures for

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1 the registration, recognition, enforcement, and modification
2 of foreign support orders from countries that are parties
3 to the convention. Article 7 provides that a support order
4 from a country that has agreed to comply with the convention
5 must be registered immediately unless a tribunal in the state
6 where the registration is sought determines that the language
7 of the order is contrary to the public policy of the state.
8 Once registered, the nonregistering party receives notice and
9 is allowed the opportunity to challenge the order on certain
10 grounds. Unless one of the grounds for denying recognition is
11 established, the order is to be enforced. Article 7 requires
12 documents submitted under the convention to be submitted in
13 both the original language of the issuing court and English.
14 Orders from foreign countries that are not signatories to the
15 Hague convention also may be recognized by a state court on the
16 basis of comity.
17 Division II of the bill makes conforming changes throughout
18 the Code based on the changes in Code chapter 252K.
19 Division III of the bill creates a new Code section 252B.20A
20 to provide for the suspension of child support upon the
21 request of an obligor, if certain conditions are met. The bill
22 provides that if the child support recovery unit (CSRU) is
23 providing child support enforcement services, the obligor may
24 request the assistance of CSRU in suspending the obligation for
25 support if the child is currently residing with the obligor and
26 has been residing with the obligor for more than 60 consecutive
27 days; there is no order in effect regarding legal custody,
28 physical care, visitation, or other parenting time for the
29 child; it is reasonably expected that the basis for suspension
30 will continue for not less than six months; the child for whom
31 support is ordered is not receiving public assistance, unless
32 the obligor is considered to be a member of the same household
33 as the child for the purposes of public assistance eligibility;
34 the obligor has signed a notarized affidavit, provided by
35 the CSRU, attesting to the existence of the conditions, has

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1 requested suspension of the support order or obligation, and
2 has submitted the affidavit to the CSRU; no prior request for
3 suspension has been served or filed with the CSRU during the
4 two-year period preceding the request; and any other criteria
5 established by rule of the department are met.
6 Upon receipt of the application for suspension and the
7 properly executed and notarized affidavit, the CSRU may deny
8 the request or serve notice of the suspension on the obligee.
9 An order approved by the court for suspension of an accruing
10 support obligation is effective upon the date of filing of the
11 suspension order and is considered a temporary order for the
12 period of six months from the date of filing of the suspension
13 order. During the six-month period, the CSRU may request
14 reinstatement of the accruing support order or obligation upon
15 application to the CSRU by either party or other person who has
16 physical custody of the child or upon the receipt of public
17 assistance benefits by the person entitled to receive support
18 and the child on whose behalf support is paid, provided that
19 the person owing the support is not considered to be a member
20 of the same household as the child for the purposes of public
21 assistance eligibility.
22 The bill provides the process for reinstatement of an
23 accruing support obligation and provides that if an order
24 suspending support has been on file with the court for a period
25 exceeding six months, the order becomes final by operation of
26 law and terminates the support obligation.
27 The bill also provides that if the child for whom support
28 is ordered is not receiving public assistance, upon request
29 by the obligor the CSRU may facilitate the suspension of the
30 child support order or obligation if the child is residing with
31 a caretaker who has not requested that CSRU provide services.
32 The obligor and the caretaker must sign a notarized affidavit
33 attesting to the conditions, consent to the suspension of the
34 support order or obligation, and submit the affidavit to the
35 CSRU. Upon the receipt of public assistance benefits by the

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1 child on whose behalf support is ordered, or upon application
2 to the CSRU by either party or the caretaker, the CSRU may
3 request the reinstatement of the accruing support order or
4 obligation.
5 The bill also makes conforming changes to the existing
6 suspension provision (Code section 252B.20) that may be
7 utilized when both the obligor and the obligee agree to the
8 suspension. The existing suspension provision is also amended
9 to allow that if the parents agree and meet certain conditions,
10 a support order may be suspended when the child is residing
11 with a caretaker who has not requested that CSRU provide
12 services.
13 The bill explicitly authorizes the department of human
14 services (DHS) to adopt all necessary and proper rules to
15 administer and interpret both the existing Code section 252B.20
16 and the new Code section 252B.20A suspension provisions.
17 If interpretative rulemaking authority is clearly vested
18 in an agency, the standard of review of such rules is
19 whether the rules constitute an irrational, illogical, or
20 wholly unjustifiable interpretation of law (Code section
21 17A.19(10)(l)). If interpretive rulemaking authority is
22 clearly not vested in the agency, the standard of review
23 of such rules is whether the rules constitute an erroneous
24 interpretation of law (Code section 17A.19(10)(c)).
25 The bill directs that until DHS adopts rules to administer
26 the bill, the CSRU may initiate proceedings to suspend and
27 reinstate support orders in accordance with Code section
28 252B.20, as amended in the bill, and may, to the extent
29 appropriate, apply and utilize procedures, rules, and forms
30 substantially similar to those applicable and utilized pursuant
31 to Code section 252B.20 for proceedings initiated in accordance
32 with Code section 252B.20A, as enacted in the bill.
33 Division III of the bill takes effect January 1, 2016.
34 Division IV of the bill relates to genetic testing in
35 proceedings to establish paternity. The bill amends Code

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1 section 252F.3 (notice of alleged paternity and support debt
2 conference request for hearing) and Code section 600B.41, blood
3 and genetic testing, to provide that in a proceeding involving
4 paternity testing, the child or children, mother, and putative
5 or alleged father must submit to paternity testing, but that
6 if the mother and child or children previously submitted blood
7 or genetic specimens in a prior action to establish paternity
8 against a different alleged or putative father, the previously
9 submitted specimens and prior results, if available, may be
10 utilized for testing in the action.

House File 543 - Introduced

HOUSE FILE 543
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 217)

A BILL FOR

1 An Act relating to limitations on licensed intermediate care
2 facility beds for persons with an intellectual disability at
3 the state resource centers in the state.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2091HV (2) 86
pf/nh

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1 Section 1. Section 249A.12, Code 2015, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 8. The number of medical assistance
4 certified intermediate care facility beds for persons with an
5 intellectual disability at the state resource centers shall
6 be limited to three hundred ninety-five beds. Beginning
7 July 1, 2015, the maximum number of beds specified in this
8 subsection shall be permanently reduced by any reduction in
9 such beds at the state resource centers due to outplacement or
10 census decline. Any assistance furnished under this chapter
11 to a state resource center attributable to an individual
12 representing such an outplacement or census decline, less an
13 amount which represents the portion of such assistance provided
14 to such individual that reflects the state resource center's
15 fixed costs and infrastructure, shall continue to be provided
16 to the individual to the extent necessary to instead provide
17 a subsequent placement in a community-based setting. The
18 resource center shall continue to downsize and restructure
19 the resource center's infrastructure to reflect any permanent
20 reduction in beds under this subsection to meet the needs and
21 number of individuals actually served.
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 the number of medical assistance
26 certified intermediate care facility beds for persons with
27 an intellectual disability (ICF/ID) at the state resource
28 centers. The bill requires that beginning July 1, 2015, the
29 maximum number of ICF/ID beds at the state resource centers of
30 395 shall be permanently reduced to reflect any reduction in
31 such beds at the state resource centers due to outplacement and
32 census decline. Any medical assistance furnished to a state
33 resource center attributable to an individual representing
34 the outplacement or census decline, less an amount for the
35 portion of the medical assistance provided to that individual

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1 that reflects the state resource center's fixed costs and
2 infrastructure, shall continue to be provided to the individual
3 to the extent necessary to instead provide a subsequent
4 placement in a community-based setting. The bill directs the
5 resource centers to continue to downsize and restructure their
6 infrastructure to reflect any permanent reduction in beds to
7 meet the needs and number of individuals actually served.

House File 544 - Introduced

HOUSE FILE 544
BY COMMITTEE ON ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HF 162)

A BILL FOR

1 An Act regarding the use of waste conversion technologies as a
2 waste management practice.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1439HV (2) 86
tr/nh

H.F. 544

1 Section 1. Section 455B.301, Code 2015, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 24. *"Waste conversion technologies"* means
4 thermal, chemical, mechanical, and biological processes capable
5 of converting waste from which recyclable materials have
6 been substantially diverted or removed into useful products
7 and chemicals, green fuels such as ethanol and biodiesel,
8 and clean, renewable energy. *"Waste conversion technologies"*
9 includes but is not limited to anaerobic digestion, plasma
10 gasification, and pyrolysis.
11 Sec. 2. Section 455B.301A, subsection 1, Code 2015, is
12 amended by adding the following new paragraph:
13 NEW PARAGRAPH. *0c.* Waste conversion technologies.
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 adds waste conversion technologies to a list
18 of preferred management techniques for disposal of solid
19 waste. "Waste conversion technologies" is defined as thermal,
20 chemical, mechanical, and biological processes capable of
21 converting waste from which recyclable materials have been
22 substantially diverted or removed into useful products and
23 chemicals, green fuels such as ethanol and biodiesel, and
24 clean, renewable energy. "Waste conversion technologies"
25 includes but is not limited to anaerobic digestion, plasma
26 gasification, and pyrolysis. The solid waste management policy
27 would include, in order of most-preferred to least-preferred,
28 volume reduction at the source, recycling and reuse, waste
29 conversion technologies, combustion with energy recovery, and
30 other approved techniques of solid waste management including
31 but not limited to combustion for waste disposal and disposal
32 in sanitary landfills.

House File 545 - Introduced

HOUSE FILE 545
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 190)

A BILL FOR

1 An Act amending the sales and use tax exemption for the
2 sale of goods and services furnished in fulfillment of a
3 written construction contract with a nonprofit hospital,
4 and including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2583HV (1) 86
mm/sc

H.F. 545

Section 1. Section 423.3, subsection 29, Code 2015, is amended to read as follows:

29. The sales price of all goods, wares, or merchandise sold, or of services furnished, which are used in the fulfillment of a written construction contract with a nonprofit hospital licensed pursuant to chapter 135B if all of the following apply:

a. The sales and delivery of the goods, wares, or merchandise, or the services furnished, occurred between ~~July~~ January 1, ~~1998~~ 2014, and December 31, ~~2001~~ 2016.

b. The written construction contract was entered into on or after January 1, 2014, but prior to December 31, ~~1999~~ 2015, or bonds to fund the construction were issued on or after July 1, 2014, but prior to December 31, ~~1999~~ 2015.

c. The sales or services were purchased directly by a contractor, or by a contractor as the agent for the hospital, or were purchased directly by the hospital.

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

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2014, for sales of tangible personal property made, and services furnished, on or after that date.

EXPLANATION

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

This bill relates to the sales and use tax exemption for sales of goods and services made in fulfillment of a written construction contract with a nonprofit hospital licensed pursuant to Code chapter 135B. In order to qualify for the sales and use tax exemption under current law, the sales of goods or services must have occurred between July 1, 1998, and December 31, 2001, and the written construction contract or construction bonds must have been entered into or issued prior to December 31, 1999.

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The bill amends these dates to provide that the exemption will apply if the sales of goods or services occur between January 1, 2014, and December 31, 2016, and if the written construction contract is entered into on or after January 1, 2014, but before December 31, 2015, or the construction bonds are issued on or after July 1, 2014, but before December 31, 2015.

Also under current law, the exemption only applies if the goods or services were purchased by a contractor as the agent for the hospital or were purchased directly by the hospital. The bill provides that the exemption will also apply if the goods or services were purchased directly by a contractor.

By operation of Code section 423.6, an item exempt from the imposition of the sales tax is also exempt from the use tax imposed in Code section 423.5.

The bill takes effect upon enactment and applies retroactively to January 1, 2014, to sales of goods and services on or after that date.

House File 546 - Introduced

HOUSE FILE 546
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 128)

A BILL FOR

1 An Act relating to possessing contraband or electronic
2 contraband at community-based correctional facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1852HV (2) 86
jm/rj

H.F. 546

1 Section 1. Section 719.7, subsections 3, 4, and 5, Code
2 2015, are amended to read as follows:
3 3. A person commits the offense of possessing contraband if
4 the person, not authorized by law, does any of the following:
5 *a.* Knowingly introduces contraband into, or onto, the
6 grounds of a secure facility for the detention or custody
7 of juveniles, detention facility, jail, community-based
8 correctional facility, correctional institution, or institution
9 under the management of the department of corrections.
10 *b.* Knowingly conveys contraband to any person confined in
11 a secure facility for the detention or custody of juveniles,
12 detention facility, jail, community-based correctional
13 facility, correctional institution, or institution under the
14 management of the department of corrections.
15 *c.* Knowingly makes, obtains, or possesses contraband while
16 confined in a secure facility for the detention or custody
17 of juveniles, detention facility, jail, community-based
18 correctional facility, correctional institution, or institution
19 under the management of the department of corrections, or while
20 being transported or moved incidental to confinement.
21 4. A person who possesses contraband or fails to report an
22 offense of possessing contraband commits the following:
23 *a.* A class "C" felony for the possession of contraband
24 if the contraband is of the type described in subsection 1,
25 paragraph "*b*".
26 *b.* A class "D" felony for the possession of contraband if
27 the contraband is any other type of contraband.
28 *c.* An aggravated misdemeanor for failing to report a
29 known violation or attempted violation of this section to an
30 official or officer at a secure facility for the detention or
31 custody of juveniles, detention facility, jail, community-based
32 correctional facility, correctional institution, or institution
33 under the management of the department of corrections.
34 5. Nothing in this section is intended to limit the
35 authority of the administrator of any secure facility for

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1 the detention or custody of juveniles, detention facility,
2 jail, community-based correctional facility, correctional
3 institution, or institution under the management of
4 the department of corrections to prescribe or enforce
5 rules concerning the definition of contraband, and the
6 transportation, making, or possession of substances, devices,
7 instruments, materials, or other items.
8 Sec. 2. Section 719.7A, subsection 1, paragraph b, Code
9 2015, is amended to read as follows:
10 *b. "Facility"* means a county jail, municipal holding
11 facility, community-based correctional facility, or institution
12 under the management of the department of corrections.
13 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 relates to possessing contraband or electronic
17 contraband at a community-based correctional facility.
18 Under the bill, a person commits the criminal offense of
19 possessing contraband, if the person, not authorized by law,
20 knowingly introduces contraband into or onto the grounds
21 of a community-based correctional facility, or knowingly
22 conveys contraband to a person confined at such a facility,
23 or knowingly makes, obtains, or possesses contraband while
24 confined or being transported. The penalty is either a class
25 "C" felony or a class "D" felony depending on the contraband
26 involved in the offense. The bill also provides that if a
27 person fails to report a known contraband violation to an
28 official or officer of a community-based correctional facility,
29 the person commits an aggravated misdemeanor. Under current
30 law, a person commits the criminal offense of possessing
31 contraband if the violation occurs in or on the grounds of a
32 secure facility for the detention of juveniles, a detention
33 facility, jail, correctional institution, or institution under
34 the management of the department of corrections.
35 "Contraband" is defined in Code section 719.7(1) and

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1 includes controlled substances, weapons, and items that could
2 be used to facilitate an escape.
3 Under the bill, a person commits the criminal offense of
4 possessing electronic contraband (cell phone), if the person,
5 not authorized by law, knowingly supplies or attempts to
6 supply electronic contraband to any person confined in a
7 community-based correctional facility, or knowingly makes,
8 obtains, or possesses electronic contraband while confined
9 or being transported. A person who violates this provision
10 commits a class "D" felony. The bill provides that if a person
11 fails to report a known electronic contraband violation to an
12 official or officer of a community-based correctional facility,
13 the person commits an aggravated misdemeanor. Under current
14 law, a person commits the criminal offense of possessing
15 electronic contraband if the violation occurs in or while being
16 transported or moved to or from a jail, municipal holding
17 facility, or institution under the management of the department
18 of corrections.
19 The bill, in part, is a response to the Iowa Supreme Court's
20 decision in State v. Halverson, No. 13-0446, (Iowa 2015),
21 which held that a community-based correctional facility is
22 not an institution under the management of the department of
23 corrections.

House File 547 - Introduced

HOUSE FILE 547
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 27)

A BILL FOR

1 An Act relating to the criminal offense of interference with
2 official acts, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1175HV (1) 86
jm/nh

H.F. 547

1 Section 1. Section 719.1, subsection 2, paragraph a, Code
2 2015, is amended to read as follows:
3 *a.* A person under the custody, control, or supervision of
4 the department of corrections, a county jail, or a municipal
5 holding facility, commits interference with official acts when
6 the person knowingly resists, obstructs, or interferes with a
7 correctional officer, jailer, agent, employee, or contractor,
8 whether paid or volunteer, in the performance of the person's
9 official duties.

10 EXPLANATION

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

13 This bill relates to interference with official acts.
14 Under the bill, a person under the custody, control, or
15 supervision of a county jail or municipal holding facility who
16 knowingly resists, obstructs, or interferes with a jailer,
17 agent, employee, or contractor in the performance of the
18 official duties of the jailer, agent, employee, or contractor
19 commits interference with official acts.
20 The criminal offense for the commission of interference
21 with official acts pursuant to the bill ranges from a serious
22 misdemeanor through a class "C" felony depending upon the facts
23 of the offense under Code section 719.1(2).
24 A person who assaults a jailer may also be punished pursuant
25 to the existing provisions of Code section 708.3A.

House File 548 - Introduced

HOUSE FILE 548
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 191)

A BILL FOR

1 An Act requiring that disconnection devices be installed
2 for certain distributed electric generation facilities,
3 providing penalties, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2358HV (1) 86
je/rj

H.F. 548

Section 1. NEW SECTION. **476.58 Distributed generation facilities — disconnection device required — penalty.**

1. For purposes of this section:

a. "Disconnection device" means a bypass meter socket and lockable visual disconnect or other disconnection device capable of disconnecting and de-energizing the residual voltage in a distributed generation facility.

b. "Distributed generation facility" means a cogeneration facility or a small power production facility that is a qualifying facility under 18 C.F.R. pt. 292, subpt. B, used by an interconnection customer to generate electricity that operates in parallel with the electric distribution system, or an alternate energy purchase facility.

c. "Electric distribution system" means the facilities and equipment owned and operated by an electric utility and used to transmit electricity to ultimate usage points from interchanges with higher voltage transmission networks that transport bulk power over long distances.

d. "Electric meter" means a device used by an electric utility that measures and registers the integral of an electrical quantity with respect to time.

e. "Electric utility" means a public utility that furnishes electricity to the public for compensation.

f. "Interconnection customer" means a person that interconnects a distributed generation facility to an electric distribution system.

2. An interconnection customer shall install a disconnection device below the electric meter at the location where a new or existing distributed generation facility that is interconnected to an electric distribution system is located. For a new distributed generation facility, an interconnection customer shall complete the installation within ten days after receiving authorization from an electric utility to interconnect the new distributed generation facility to an electric distribution system. An interconnection customer

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1 shall provide written notification to the electric utility
2 that uses the electric meter that the interconnection customer
3 will install a disconnection device before the installation
4 is completed. An interconnection customer shall permanently
5 affix an emblem or other label to the disconnection device
6 identifying the disconnection device as a disconnection device.
7 3. *a.* An interconnection customer shall submit the
8 following information in writing to the nearest local paid or
9 volunteer fire department within ten days of the installation
10 of a disconnection device as required by this section:
11 (1) The interconnection customer's name and address.
12 (2) The location of the distributed generation facility and
13 disconnection device.
14 (3) Documentation of the interconnection customer's
15 interconnection agreement with an electric utility.
16 (4) The date of the installation of the disconnection
17 device.
18 *b.* The state fire marshal may adopt rules pursuant to
19 chapter 17A to establish a format for the submission of
20 information required by this subsection and to require the
21 submission of additional information beyond that required by
22 paragraph "*a*" as necessary.
23 *c.* Other emergency services personnel or an electric
24 utility shall be afforded access to the information submitted
25 to a local paid or volunteer fire department pursuant to this
26 subsection upon request.
27 4. A local paid or volunteer fire department shall maintain
28 a registry of information received pursuant to subsection
29 3 for the purpose of alerting fire fighters responding to
30 an emergency situation that a location is equipped with a
31 distributed generation facility and that reasonable precautions
32 may be necessary when responding to the emergency situation.
33 5. *a.* An interconnection customer who, after written notice
34 by the board of a violation of this section, does not remedy
35 the violation, is subject to a civil penalty of not less than

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one thousand dollars and not more than five thousand dollars per violation. The written notice given by the board shall specify an appropriate time for compliance.

b. Each violation is a separate offense. For a continuing violation, each day of violation, after the time specified for compliance in the written notice by the board, is a separate and distinct offense. Any civil penalty may be compromised by the board. In determining the amount of the penalty, or the amount agreed upon in a compromise, the board may consider the appropriateness of the penalty in relation to the interconnection customer, the gravity of the violation, and the good faith of the interconnection customer in attempting to achieve compliance following notification of a violation, and any other relevant factors.

c. Civil penalties collected pursuant to this section shall be remitted by the board to the treasurer of state for deposit in the general fund of the state.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2016.

EXPLANATION

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

This bill requires an interconnection customer to install a disconnection device below the electric meter at the location where a new or existing distributed generation facility that is interconnected to an electric distribution system is located.

The bill defines "interconnection customer" as a person that interconnects a distributed generation facility to an electric distribution system. The bill defines "distributed generation facility" as a cogeneration facility or a small power production facility that is a qualifying facility under 18 C.F.R. pt. 292, subpt. B, used by an interconnection customer to generate electricity that operates in parallel with the electric distribution system, or an alternate energy purchase facility. The bill defines "disconnection device" as

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1 a bypass meter socket and lockable visual disconnect or other
2 disconnection device capable of disconnecting and de-energizing
3 the residual voltage in a distributed generation facility. The
4 bill defines "electric distribution system" as the facilities
5 and equipment owned and operated by an electric utility and
6 used to transmit electricity to ultimate usage points from
7 interchanges with higher voltage transmission networks that
8 transport bulk power over long distances.
9 For a new distributed generation facility, the bill requires
10 an interconnection customer to complete the installation
11 within 10 days after receiving authorization from an electric
12 utility to interconnect the new distributed generation facility
13 to an electric distribution system. The bill requires an
14 interconnection customer to provide written notification to
15 the electric utility that uses the electric meter that the
16 interconnection customer will install a disconnection device
17 before the installation is completed. The bill requires
18 an interconnection customer to permanently affix an emblem
19 or other label to the disconnection device identifying the
20 disconnection device as a disconnection device.
21 The bill requires an interconnection customer to submit
22 certain information relating to the interconnection customer,
23 the distributed generation facility, and the disconnection
24 device to the nearest local paid or volunteer fire department
25 within 10 days of the installation of a disconnection device
26 as required by the bill. The state fire marshal is given
27 rulemaking authority relating to the submission of such
28 information. The bill requires that other emergency services
29 personnel or an electric utility be afforded access to the
30 information submitted pursuant to the bill upon request.
31 The bill requires a local paid or volunteer fire department
32 to maintain a registry of information received pursuant to
33 the bill for the purpose of alerting fire fighters responding
34 to an emergency situation that a location is equipped with a
35 distributed generation facility and that reasonable precautions

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may be necessary when responding to the emergency situation.

An interconnection customer who violates the requirements of the bill is subject to a civil penalty from the utilities board of not less than $1,000 and not more than $5,000 per violation, if the violation is not remedied after written notice by the board of the violation. The bill permits the board to compromise a civil penalty and provides factors that the board may consider in determining the amount of a civil penalty.

The bill takes effect January 1, 2016.

House File 549 - Introduced

HOUSE FILE 549
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 204)

A BILL FOR

1 An Act relating to collective bargaining arbitration
2 proceedings involving teachers employed by school districts
3 and area education agencies and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2589HV (1) 86
je/rj

H.F. 549

1 Section 1. Section 20.22, subsections 3, 6, 7, 9, 10, and
2 11, Code 2015, are amended to read as follows:
3 3. The submission of the impasse items to the arbitrator
4 shall be limited to those items upon which the parties have
5 not reached agreement. With respect to each such item, the
6 arbitrator's award shall be restricted to the final offers on
7 each impasse item submitted by the parties to the arbitrator.
8 <u>However, in an arbitration in which the public employees are</u>
9 <u>teachers licensed under chapter 272 who are employed by a</u>
10 <u>public employer which is a school district or area education</u>
11 <u>agency, the arbitrator's award with respect to each such item</u>
12 <u>shall not be restricted to the final offers on each impasse</u>
13 <u>item submitted by the parties to the arbitrator.</u>
14 6. From the time the board notifies the arbitrator of the
15 selection of the arbitrator until such time as the arbitrator's
16 selection <u>or decision</u> on each impasse item is made, there shall
17 be no discussion concerning recommendations for settlement of
18 the dispute by the arbitrator with parties other than those who
19 are direct parties to the dispute.
20 7. The arbitrator shall consider, in addition to any other
21 relevant factors, the following factors:
22 *a.* Past collective bargaining contracts between the parties
23 including the bargaining that led up to such contracts.
24 *b.* Comparison of wages, hours and conditions of employment
25 of the involved public employees with those of other public
26 employees doing comparable work, giving consideration to
27 factors peculiar to the area and the classifications involved.
28 <u>In an arbitration in which the public employees are teachers</u>
29 <u>licensed under chapter 272 who are employed by a public</u>
30 <u>employer which is a school district or area education agency,</u>
31 <u>the comparison shall also include comparison of wages, hours,</u>
32 <u>and conditions of employment of the involved public employees</u>
33 <u>with those of private sector employees doing comparable work,</u>
34 <u>giving consideration to factors peculiar to the area and the</u>
35 <u>classifications involved.</u>

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c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments and the effect of such adjustments on the normal standard of services. The ability of the public employer to finance economic adjustments and the effect of such adjustments on the normal standard of services shall not be considered in an arbitration in which the public employees are teachers licensed under chapter 272 who are employed by a public employer which is a school district or area education agency.

d. The power of the public employer to levy taxes and appropriate funds for the conduct of its operations. This factor shall not be considered in an arbitration in which the public employees are teachers licensed under chapter 272 who are employed by a public employer which is a school district or area education agency.

9. *a.* ~~The~~ For an arbitration in which the public employees are not teachers licensed under chapter 272 who are employed by a public employer which is a school district or area education agency, the arbitrator shall select within fifteen days after the hearing the most reasonable offer, in the arbitrator's judgment, of the final offers on each impasse item submitted by the parties.

b. For an arbitration in which the public employees are teachers licensed under chapter 272 who are employed by a public employer which is a school district or area education agency, the arbitrator shall render a decision within fifteen days after the hearing consisting of the arbitrator's award on each impasse item submitted by the parties. The arbitrator may select one of the final offers on an impasse item submitted by the parties or the arbitrator may make any award which stays within the confines of the final offers on an impasse item submitted by the parties.

10. The selections or decisions by the arbitrator and items agreed upon by the public employer and the employee organization, shall be deemed to be the collective bargaining

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agreement between the parties.

11. The ~~determination~~ selections or decisions of the arbitrator shall be final and binding subject to the provisions of section 20.17, subsection 6. The arbitrator shall give written explanation for the arbitrator's selections or decisions and inform the parties of the decision.

Sec. 2. APPLICABILITY. This Act applies to binding arbitrations to which parties submit pursuant to chapter 20 on or after the effective date of this Act.

EXPLANATION

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

This bill provides that, in an arbitration pursuant to Code chapter 20, the public employment relations Act, in which the public employees are teachers licensed under Code chapter 272 who are employed by a public employer which is a school district or area education agency, the arbitrator's award with respect to each impasse item shall not be restricted to the final offers on each such item submitted by the parties to the arbitrator. The arbitrator may select one of the final offers on an impasse item or may make an award which stays within the confines of the final offers on an impasse item. Under current law, an arbitrator is only permitted to choose between the final offers of the parties on each impasse item.

The bill modifies the factors that an arbitrator in an arbitration in which the public employees are teachers licensed under Code chapter 272 who are employed by a public employer which is a school district or area education agency may consider when making a decision on an impasse item.

The bill requires an arbitrator to consider a comparison of wages, hours, and conditions of employment of the involved public employees with those of private sector employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

The bill prohibits an arbitrator from considering the

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1 ability of the public employer to finance economic adjustments
2 and the effect of such adjustments on the normal standard
3 of services. The bill also prohibits an arbitrator from
4 considering the power of the public employer to levy taxes and
5 appropriate funds for the conduct of its operations.
6 The bill applies to binding teacher contract arbitrations to
7 which parties submit pursuant to Code chapter 20 on or after
8 the effective date of the bill.

House File 550 - Introduced

HOUSE FILE 550
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 135)

A BILL FOR

1 An Act requiring publication on the internet of contact
2 information for elective public officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1824HV (3) 86
aw/sc

H.F. 550

Section 1. NEW SECTION. **70A.40 Elective public officer contact information.**

Within thirty days of an elective public officer swearing to an oath of office, the governmental entity the officer serves shall provide the officer with designated contact information with the governmental entity. A governmental entity that maintains an internet site shall cause to be published the contact information for each of the entity's elective public officers on the internet site maintained by the entity. Additionally, an elective public officer shall provide the officer's personal contact information to the governmental entity to be published as provided in this section for designated contact information. For the purposes of this section *"contact information"* means a telephone number and an electronic mail address and any other electronic contact information.

EXPLANATION

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

This bill requires publication of contact information for elective public officers on the internet site of the governmental entity the officer serves. The bill requires that the governmental entity provide the officer with designated contact information and requires a governmental entity that maintains an internet site to publish designated contact information for each of the entity's elective public officers on the internet site maintained by the entity. The bill provides a definition for contact information and also requires an elective public officer to provide the officer's personal contact information to the governmental entity to be published as provided in the bill for designated contact information.

House File 551 - Introduced

HOUSE FILE 551
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 160)

(COMPANION TO LSB 2092SV BY
COMMITTEE ON HUMAN RESOURCES)

A BILL FOR

1 An Act relating to interstate contracts for substance abuse and
2 mental health care and treatment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2092HV (2) 86
rh/rj

H.F. 551

1 Section 1. NEW SECTION. **331.910 Interstate contracts for**
2 **mental health and substance-related disorder treatment.**
3 1. *Purpose.* The purpose of this section is to enable
4 appropriate care and treatment to be provided to a person
5 with a substance-related disorder or a mental illness, across
6 state lines from the person's state of residence, in qualified
7 hospitals, centers, and facilities.
8 2. *Definitions.* For the purposes of this section:
9 *a. "Bordering state"* means Illinois, Minnesota, Missouri,
10 Nebraska, South Dakota, or Wisconsin.
11 *b. "Receiving agency"* means a public or private hospital,
12 mental health center, substance abuse treatment and
13 rehabilitation facility, or detoxification center, which
14 provides substance abuse or mental health care and treatment to
15 a person from a state other than the state in which a hospital,
16 center, or facility is located.
17 *c. "Receiving state"* means the state in which a receiving
18 agency is located.
19 *d. "Region"* means a mental health and disability services
20 region formed in accordance with section 331.389 or a county
21 that has been exempted by the director of human services from
22 being required to be a part of a mental health and disability
23 services region in accordance with section 331.389.
24 *e. "Sending agency"* means a state or regional agency located
25 in a state which sends a person to a receiving state for
26 substance abuse or mental health care and treatment under this
27 section.
28 *f. "Sending state"* means the state in which a sending agency
29 is located.
30 3. *Voluntary commitments.*
31 *a.* A region may contract with a receiving agency in a
32 bordering state to secure substance abuse or mental health care
33 and treatment under this subsection for persons who receive
34 substance abuse or mental health care and treatment pursuant to
35 section 125.33 or 229.2 through a region.

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1 *b.* This subsection shall not apply to a person who is any
2 of the following:
3 (1) Serving a criminal sentence.
4 (2) On probation or parole.
5 (3) The subject of a presentence investigation.
6 *c.* A region may contract with a sending agency in a
7 bordering state to provide care and treatment under this
8 subsection for residents of the bordering state in approved
9 substance abuse and mental health care and treatment hospitals,
10 centers, and facilities in this state, except that care and
11 treatment shall not be provided for residents of the bordering
12 state who are involved in criminal proceedings substantially
13 similar to the involvement described in paragraph *"b"*.
14 4. *Involuntary commitments.*
15 *a.* A person who is detained, committed, or placed on an
16 involuntary basis under section 125.75 or 229.6 may be confined
17 and treated in another state pursuant to a contract under this
18 section.
19 *b.* A person who is detained, committed, or placed on
20 an involuntary basis under the civil commitment laws of a
21 bordering state substantially similar to section 125.75 or
22 229.6 may be confined and treated in this state pursuant to a
23 contract under this section.
24 *c.* A law enforcement officer acting under the authority of a
25 sending state may transport a person to a receiving agency that
26 provides substance abuse or mental health care and treatment
27 pursuant to a contract under this subsection and may transport
28 the person back to the sending state under the laws of the
29 sending state.
30 *d.* Court orders valid under the law of the sending state
31 are granted recognition and reciprocity in the receiving state
32 for a person covered by a contract under this subsection to
33 the extent that the court orders relate to confinement for
34 substance abuse or mental health care and treatment. Such care
35 and treatment may include care and treatment for co-occurring

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1 substance-related and mental health disorders. Such court
2 orders are not subject to legal challenge in the courts of the
3 receiving state.
4 *e.* A person who is detained, committed, or placed under the
5 laws of a sending state and who is transferred to a receiving
6 state under this section shall be considered to be in the legal
7 custody of the authority responsible for the person under the
8 laws of the sending state with respect to the involuntary
9 civil commitment of the person due to a mental illness or a
10 substance-related disorder.
11 *f.* While in the receiving state pursuant to a contract
12 under this subsection, a person shall be subject to all laws
13 and regulations applicable to persons detained, committed, or
14 placed pursuant to the corresponding laws and regulations of
15 the receiving state with respect to the involuntary commitment
16 of the person due to a mental illness or substance-related
17 disorder. A person shall not be sent to a receiving state
18 pursuant to a contract under this section until the receiving
19 state has enacted a law recognizing the validity and
20 applicability of this subsection.
21 *g.* If a person receiving care and treatment pursuant to
22 a contract under this subsection escapes from the receiving
23 agency and the person at the time of the escape is subject
24 to involuntary confinement under the laws of the sending
25 state, the receiving agency shall use all reasonable means to
26 recapture the escapee. The receiving agency shall immediately
27 report the escape of the person to the sending agency. The
28 receiving state has the primary responsibility for, and the
29 authority to direct, the pursuit, retaking, and prosecution of
30 escaped persons within its borders and is liable for the cost
31 of such action to the extent that it would be liable for costs
32 if its own resident escaped.
33 *h.* Responsibility for payment for the cost of care and
34 treatment under this subsection shall remain with the sending
35 agency.

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1 5. A contract entered into under this section shall, at a
2 minimum, meet all of the following requirements:
3 *a.* Describe the care and treatment to be provided.
4 *b.* Establish responsibility for the costs of the care and
5 treatment, except as otherwise provided in subsection 4.
6 *c.* Establish responsibility for the costs of transporting
7 individuals receiving care and treatment under this section.
8 *d.* Specify the duration of the contract.
9 *e.* Specify the means of terminating the contract.
10 *f.* Identify the goals to be accomplished by the placement
11 of a person under this section.
12 6. This section shall apply to all of the following:
13 *a.* Detoxification services that are unrelated to substance
14 abuse or mental health care and treatment regardless of
15 whether the care and treatment are provided on a voluntary or
16 involuntary basis.
17 *b.* Substance abuse and mental health care and treatment
18 contracts that include emergency care and treatment provided to
19 a resident of this state in a bordering state.
20 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 relates to interstate contracts for substance
24 abuse and mental health care and treatment.
25 CONTRACTS FOR INVOLUNTARY COMMITMENTS. The bill provides
26 that a region as defined in the bill may contract with a public
27 or private agency in a bordering state to secure substance
28 abuse or mental health care and treatment for persons who may
29 receive substance abuse or mental health care and treatment
30 pursuant to Code section 125.33 or 229.2 through a region
31 in Iowa. Similarly, a region may contract with a public or
32 private agency in a bordering state to provide such care and
33 treatment for residents of the bordering state in approved
34 substance abuse or mental health treatment facilities in
35 this state. A person serving a criminal sentence, who is on

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1 probation or parole, or who is the subject of a presentence
2 investigation is not eligible to receive such care and
3 treatment. The bill defines "bordering state" to mean
4 Illinois, Minnesota, Missouri, Nebraska, South Dakota, or
5 Wisconsin, and "region" to mean a mental health and disability
6 services region formed in accordance with Code section 331.389
7 and a county not required to be part of a region under that Code
8 section.
9 CONTRACTS FOR INVOLUNTARY COMMITMENTS. The bill provides
10 that a person who is detained, committed, or placed on an
11 involuntary basis under Code section 125.75 or 229.6 may
12 be confined and treated in another state pursuant to a
13 contract executed under the bill and a person who is detained,
14 committed, or placed on an involuntary basis under the civil
15 commitment laws of a bordering state substantially similar to
16 Code section 125.75 or 229.6 may be confined and treated in
17 this state pursuant to a contract executed under the bill.
18 Court orders valid under the law of the sending state are
19 granted recognition and reciprocity in the receiving state for
20 a person covered by an involuntary commitment contract under
21 the bill. A person who is detained, committed, or placed
22 under the laws of a sending state and who is transferred to a
23 receiving state is considered to be in the legal custody of
24 the authority responsible for the person under the involuntary
25 civil commitment laws of the sending state.
26 While in the receiving state pursuant to an involuntary
27 commitment contract executed under the bill, a person is
28 subject to all laws and regulations applicable to persons
29 detained, committed, or placed pursuant to the corresponding
30 involuntary civil commitment laws of the receiving state.
31 If a person receiving care and treatment pursuant to an
32 involuntary commitment contract under the bill escapes from
33 the receiving agency and the person at the time of the escape
34 is subject to involuntary confinement under the laws of the
35 sending state, the receiving agency shall use all reasonable

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means to recapture the escapee. The receiving agency shall immediately report the escape to the sending agency. The receiving state has the primary responsibility for, and the authority to direct, the pursuit, retaking, and prosecution of escaped persons within its borders and is liable for the cost of such action to the extent that it would be liable for costs if its own resident escaped.

MISCELLANEOUS. The bill specifies minimum requirements for contracts entered into under the bill. The bill applies to detoxification services unrelated to substance abuse or mental health care and treatment regardless of whether provided on a voluntary or involuntary basis and to substance abuse and mental health care and treatment contracts that include emergency care and treatment.

House File 552 - Introduced

HOUSE FILE 552
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 48)

A BILL FOR

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

TLSB 1133HV (3) 86
av/rj

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Section 1. Section 509.3, subsection 1, paragraph h, Code 2015, is amended to read as follows:

h. A provision that the insurer will permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph *"a"*, *"b"*, *"c"*, *"d"*, or *"e"*, and who is an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first~~, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education~~.

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

509A.13B Coverage of children — continuation or reenrollment.

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

Sec. 3. Section 514A.3B, subsection 2, Code 2015, is amended to read as follows:

2. An insurer issuing an individual policy or contract of accident and health insurance which provides coverage for children of the insured shall permit continuation of existing

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coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph *"a"*, *"b"*, *"c"*, *"d"*, or *"e"*, and who is an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first~~, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education~~.

Sec. 4. Section 514B.9A, Code 2015, is amended to read as follows:

514B.9A Coverage of children — continuation or reenrollment.

A health maintenance organization which provides health care coverage pursuant to an individual or group health maintenance organization contract regulated under this chapter for children of an enrollee shall permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph *"a"*, *"b"*, *"c"*, *"d"*, or *"e"*, and who is an unmarried child of an enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first~~, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education~~.

Sec. 5. APPLICABILITY. This Act applies to policies, contracts, or plans of accident or health care coverage delivered, issued for delivery, continued, or renewed in this state, on or after January 1, 2016.

Sec. 6. EFFECTIVE DATE. This Act takes effect January 1, 2016.

EXPLANATION

The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

This bill relates to continuation of or reenrollment of certain children of insured enrollees in accident or health care coverage. The bill deletes a provision that requires certain accident or health care coverage to permit an unmarried child of an insured or enrollee to continue or reenroll in such coverage so long as the unmarried child is a full-time student in an accredited institution of postsecondary education.

The provisions of the bill take effect January 1, 2016, and are applicable to policies, contracts, or plans of accident or health insurance delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2016.

House File 553 - Introduced

HOUSE FILE 553
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 457)

A BILL FOR

1 An Act relating to the implementation of federal wastewater and
2 storm water regulations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2005HV (1) 86
tr/nh

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Section 1. NEW SECTION. **455B.199D Wastewater or storm water systems and plants — construction and design standards — report on compliance costs.**

1. *a.* The commission shall not adopt rules to implement federal environmental programs required pursuant to the federal Water Pollution Control Act as defined in section 455B.171, the federal Clean Water Act and the federal Safe Drinking Water Act as defined in section 455B.291, or other federal laws relating to wastewater or storm water system or plant construction designs that are more restrictive than the requirements of the federal program unless the commission determines that more restrictive requirements are necessary to protect public health or the environment. An engineer, owner of a wastewater or storm water system or plant, or other person involved in the design or construction of such a system or plant may present information as identified by the commission by rule to the commission regarding the sufficiency of wastewater or storm water system or plant construction designs.

b. The commission shall approve wastewater or storm water system or plant construction designs that are consistent with peak wet weather design conditions as identified by the commission by rule.

2. *a.* The department of natural resources, in conjunction with affected counties and cities, shall submit an annual report to the general assembly detailing the anticipated costs to such counties and cities for construction of or other upgrades to wastewater or storm water systems, facilities, or other infrastructure required for compliance with United States environmental protection agency regulations related to the administration of the federal Water Pollution Control Act as defined in section 455B.171, the federal Clean Water Act and the federal Safe Drinking Water Act as defined in section 455B.291, or other federal laws relating to wastewater or storm water.

b. The report shall contain all of the following:

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(1) The name of each affected city or county.

(2) The date on which a permit was granted to the city or county pursuant to section 455B.103A or section 455B.197.

(3) Information on the costs and progress of the most recent construction or other upgrades to wastewater or storm water systems in each city or county and the remaining debt associated with such construction or other upgrades for each city or county.

(4) The potential costs to the city or county for any required upcoming construction or other upgrades.

EXPLANATION

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

This bill prohibits the environmental protection commission from adopting rules, as required to implement federal environmental programs required pursuant to the federal Water Pollution Control Act, the federal Clean Water Act, and the federal Safe Drinking Water Act, or other federal laws relating to wastewater or storm water system or plant construction designs, that are more restrictive than the requirements of the federal program unless the commission determines that more restrictive requirements are necessary to protect public health or the environment. The bill allows engineers, owners of wastewater or storm water facilities, or others involved in the construction of such facilities to present information to the commission regarding the sufficiency of the design of such facilities. The bill allows the commission to enumerate the type of information it would accept in that instance by rule.

The bill requires that the commission approve wastewater or storm water system or plant construction designs that are consistent with peak wet weather design conditions as identified by the commission by rule.

The bill requires the department of natural resources to work with affected cities and counties to produce an annual report regarding the anticipated costs for construction

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of or other upgrades to wastewater or storm water systems, facilities, or other infrastructure required for compliance with United States environmental protection agency regulations related to the administration of the federal Water Pollution Control Act, the federal Clean Water Act, and the federal Safe Drinking Water Act, or other federal laws relating to wastewater or storm water. The report shall contain the name of each city or county, the date on which each city or county was granted a permit regarding such systems pursuant to Code section 455B.103A or section 455B.197, an update on the costs and progress of the most recent construction or other upgrades to wastewater or storm water systems and the remaining associated debt, and the potential costs of upcoming construction or other upgrades.

House File 554 - Introduced

HOUSE FILE 554
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 16)

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:

TLSB 1293HV (1) 86
kh/sc

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Section 1. Section 284.5, subsection 2, Code 2015, is amended to read as follows:

2. *a.* ~~Each~~ Except as provided in paragraph *"b"*, each school district and area education agency shall provide a beginning teacher mentoring and induction program for all teachers who are beginning teachers, and notwithstanding section 284.4, subsection 1, a school district and an area education agency shall be eligible to receive moneys under section 284.13, subsection 1, paragraph *"b"*, for purposes of implementing a beginning teacher mentoring and induction program in accordance with this section.

b. If a school district receives teacher leadership supplemental aid payments pursuant to section 257.10, subsection 12, or section 284.13, subsection 1, paragraph *"e"*, for purposes of implementing a framework or comparable system approved pursuant to section 284.15, subsection 6, the school district is ineligible to receive funds under section 284.13, subsection 1, paragraph *"b"*, for purposes of implementing a beginning teacher mentoring and induction program plan.

Sec. 2. Section 284.13, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. For the fiscal year beginning July 1, ~~2014~~ 2015, and ending June 30, ~~2015~~ 2016, an amount up to ~~four~~ one million ~~twenty-one~~ six hundred seventy-three thousand ~~eight~~ one hundred ~~seventy-five~~ dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs as provided in section 284.5. A school district or area education agency shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount 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.

House File 555 - Introduced

HOUSE FILE 555
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 98)

(COMPANION TO SF 350 BY COMMITTEE ON ECONOMIC GROWTH)

A BILL FOR

1 An Act relating to the administration of programs by the
2 economic development authority by creating a renewable
3 chemical production tax credit, modifying the tax credit for
4 investments in qualifying businesses and community-based
5 seed capital funds, modifying the entrepreneur investment
6 awards program, making miscellaneous changes to other
7 economic development authority programs, and including
8 effective date and retroactive and other applicability
9 provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1212HV (3) 86
mm/sc

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DIVISION I
RENEWABLE CHEMICAL PRODUCTION TAX CREDIT

Section 1. Section 15.119, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* The renewable chemical production tax credit program administered pursuant to sections 15.315 through 15.320. In allocating tax credits pursuant to this subsection, the authority shall not allocate more than fifteen million dollars for purposes of this paragraph.

Sec. 2. NEW SECTION. **15.315 Short title.**

This part shall be known and may be cited as the *"Renewable Chemical Production Tax Credit Program"*.

Sec. 3. NEW SECTION. **15.316 Definitions.**

As used in this part, unless the context otherwise requires:

1. *"Biobased content percentage"* means, with respect to any renewable chemical, the amount, expressed as a percentage, of renewable organic material present as determined by testing representative samples using the American society for testing and materials standard D6866.

2. *"Biomass feedstock"* means sugar, polysaccharide, glycerin, lignin, fat, grease, or oil derived from a plant or animal, or a protein capable of being converted to a building block chemical by means of a biological or chemical conversion process.

3. *"Building block chemical"* means a molecule converted from biomass feedstock as a first product or a secondarily derived product that can be further refined into a higher-value chemical, material, or consumer product. *"Building block chemical"* includes but is not limited to glycerol, methanoic or formic acid, arabonic acid, erythonic acid, glyceric acid, glycolic acid, lactic acid, 3-hydroxypropionate, propionic acid, malonic acid, serine, succinic acid, fumaric acid, malic acid, aspartic acid, 3-hydroxybutyrolactone, acetoin, threonine, itaconic acid, furfural, levulinic acid, glutamic acid, xylonic acid, xylaric acid, xylitol, arabitol, citric

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1 acid, aconitic acid, 5-hydroxymethylfurfural, lysine, gluconic
2 acid, glucaric acid, sorbitol, gallic acid, ferulic acid,
3 nonfuel butanol, nonfuel ethanol, a polymer or gum that can be
4 produced directly from a protein-based biomass feedstock, or
5 such additional molecules as may be included by the authority
6 by rule.
7 4. *"Eligible business"* means a business meeting the
8 requirements of section 15.317.
9 5. *"Food additive"* means a building block chemical that
10 is not primarily consumed as food but which, when combined
11 with other components, improves the taste, appearance, odor,
12 texture, or nutritional content of food. The authority, in its
13 discretion, shall determine whether or not a building block
14 chemical is primarily consumed as food.
15 6. *"Program"* means the renewable chemical production tax
16 credit program administered pursuant to this part.
17 7. *"Renewable chemical"* means a building block chemical
18 with a biobased content percentage of at least fifty percent.
19 *"Renewable chemical"* does not include a chemical sold or used
20 for the production of food, feed, or fuel. *"Renewable chemical"*
21 includes cellulosic ethanol, starch ethanol, or other ethanol
22 derived from biomass feedstock, fatty acid methyl esters,
23 or butanol, but only to the extent that such molecules are
24 produced and sold for uses other than food, feed, or fuel.
25 *"Renewable chemical"* also includes a building block chemical
26 that can be a food additive as long as the building block
27 chemical is not primarily consumed as food and is also sold
28 for uses other than food. *"Renewable chemical"* also includes
29 supplements, vitamins, nutraceuticals, and pharmaceuticals, but
30 only to the extent that such molecules do not provide caloric
31 value so as to be considered sustenance as food or feed.
32 8. *"Sugar"* means the organic compound glucose, fructose,
33 xylose, arabinose, lactose, sucrose, starch, cellulose, or
34 hemicellulose.
35 Sec. 4. NEW SECTION. **15.317 Eligibility requirements.**

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To be eligible to receive the renewable chemical production tax credit pursuant to the program, a business shall meet all of the following requirements:

1. The business is physically located in this state.

2. The business is operated for profit and under single management.

3. The business is not an entity providing professional services, health care services, or medical treatments or an entity engaged primarily in retail operations.

4. The business organized, expanded, or located in the state on or after the effective date of this division of this Act.

5. The business shall not be relocating or reducing operations as described in section 15.329, subsection 1, paragraph *"b"*, and as determined under the discretion of the authority.

6. The business is in compliance with all agreements entered into under this program or other programs administered by the authority.

Sec. 5. NEW SECTION. **15.318 Eligible business application and agreement — maximum tax credits.**

1. *Application.*

a. An eligible business that produces a renewable chemical in this state from biomass feedstock during a calendar year may apply to the authority for the renewable chemical production tax credit provided in section 15.319.

b. The application shall be made to the authority in the manner prescribed by the authority.

c. The application shall be made during the calendar year following the calendar year in which the renewable chemicals are produced.

d. The authority may accept applications on a continuous basis or may establish, by rule, an annual application deadline.

e. The application shall include all of the following information:

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1 (1) The amount of renewable chemicals produced in the state
2 from biomass feedstock by the eligible business during the
3 calendar year, measured in pounds.
4 (2) Any other information reasonably required by the
5 authority in order to establish and verify eligibility under
6 the program.
7 2. *Agreement and fees.*
8 *a.* Before being issued a tax credit under section 15.319,
9 an eligible business shall enter into an agreement with the
10 authority for the successful completion of all requirements of
11 the program.
12 *b.* The compliance cost fees authorized in section 15.330,
13 subsection 12, shall apply to all agreements entered into
14 under this program and shall be collected by the authority in
15 the same manner and to the same extent as described in that
16 subsection.
17 *c.* An eligible business shall fulfill all the requirements
18 of the program and the agreement before receiving a tax credit
19 or entering into a subsequent agreement under this section.
20 The authority may decline to enter into a subsequent agreement
21 under this section or issue a tax credit if an agreement is not
22 successfully fulfilled.
23 *d.* Upon establishing that all requirements of the program
24 and the agreement have been fulfilled, the authority shall
25 issue a tax credit and related tax credit certificate to the
26 eligible business stating the amount of renewable chemical
27 production tax credit under section 15.319 the eligible
28 business may claim.
29 3. *Maximum tax credit amount.*
30 *a.* The maximum amount of tax credit that may be issued under
31 section 15.319 to an eligible business for the production of
32 renewable chemicals in a calendar year shall not exceed the
33 following:
34 (1) In the case of an eligible business that has been in
35 operation in the state for five years or less at the time of the

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application, one million dollars.

(2) In the case of an eligible business that has been in operation in the state for more than five years at the time of the application, five hundred thousand dollars.

b. An eligible business shall not receive a tax credit for renewable chemicals produced before the date the business first qualified as an eligible business pursuant to section 15.317.

c. An eligible business shall not receive more than five tax credits under the program.

d. The authority shall issue tax credits under the program on a first-come, first-served basis until the maximum amount of tax credits allocated pursuant to section 15.119, subsection 2, paragraph *"h"*, is reached. The authority shall maintain a list of successful applicants under the program, so that if the maximum aggregate amount of tax credits is reached in a given fiscal year, eligible businesses that successfully applied but for which tax credits were not issued shall be placed on a wait list in the order the eligible businesses applied and shall be given priority for receiving tax credits in succeeding fiscal years. Placement on a wait list pursuant to this paragraph shall not constitute a promise binding the state. The availability of a tax credit and issuance of a tax credit certificate pursuant to this subsection in a future fiscal year is contingent upon the availability of tax credits in that particular fiscal year.

4. *Termination and repayment.* The failure by an eligible business in fulfilling any requirement of the program or any of the terms and obligations of an agreement entered into pursuant to this section may result in the reduction, termination, or recision of the tax credits under section 15.319 and may subject the eligible business to the repayment or recapture of tax credits claimed. The repayment or recapture of tax credits pursuant to this subsection shall be accomplished in the same manner as provided in section 15.330, subsection 2.

5. *Confidentiality.*

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1 *a.* Except as provided in paragraph "*b*", any information
2 or record in the possession of the authority with respect to
3 the program shall be presumed by the authority to be a trade
4 secret protected under chapter 550 or common law and shall be
5 kept confidential by the authority unless otherwise ordered by
6 a court.
7 *b.* The identity of a tax credit recipient and the amount
8 of the tax credit shall be considered public information under
9 chapter 22.
10 Sec. 6. NEW SECTION. **15.319 Renewable chemical production**
11 **tax credit.**
12 1. An eligible business that has entered into an agreement
13 pursuant to section 15.318 may claim a tax credit equal to
14 the product of five cents multiplied by the number of pounds
15 of renewable chemicals produced in this state from biomass
16 feedstock by the eligible business during the calendar year.
17 However, an eligible business shall not receive a tax credit
18 for the production of a secondarily derived building block
19 chemical if that chemical is also the subject of a credit at
20 the time of production as a first product. The renewable
21 chemical production tax credit shall not be available for any
22 renewable chemical produced after the 2025 calendar year.
23 2. The tax credit shall be allowed against taxes imposed
24 under chapter 422, division II or III.
25 3. The tax credit shall be claimed for the tax year during
26 which the eligible business was issued the tax credit.
27 4. An individual may claim a tax credit under this section
28 of a partnership, limited liability company, S corporation,
29 cooperative organized under chapter 501 and filing as a
30 partnership for federal tax purposes, estate, or trust electing
31 to have income taxed directly to the individual. The amount
32 claimed by the individual shall be based upon the pro rata
33 share of the individual's earnings from the partnership,
34 limited liability company, S corporation, cooperative, estate,
35 or trust.

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1 5. Any tax credit in excess of the tax liability is
2 refundable. In lieu of claiming a refund, the taxpayer
3 may elect to have the overpayment shown on the taxpayer's
4 final, completed return credited to the tax liability for the
5 following tax year.
6 6. *a.* To claim a tax credit under this section, a taxpayer
7 shall include one or more tax credit certificates with the
8 taxpayer's tax return.
9 *b.* The tax credit certificate shall contain the taxpayer's
10 name, address, tax identification number, the amount of the
11 credit, the name of the eligible business, and any other
12 information required by the department of revenue.
13 *c.* The tax credit certificate, unless rescinded by the
14 authority, shall be accepted by the department of revenue as
15 payment for taxes imposed pursuant to chapter 422, divisions II
16 and III, subject to any conditions or restrictions placed by
17 the authority upon the face of the tax credit certificate and
18 subject to the limitations of the program.
19 *d.* Tax credit certificates issued pursuant to this section
20 shall not be transferred to any other person.
21 Sec. 7. NEW SECTION. **15.320 Rules.**
22 The authority and the department of revenue shall each adopt
23 rules as necessary for the implementation and administration
24 of this part.
25 Sec. 8. NEW SECTION. **422.10A Renewable chemical production**
26 **tax credit.**
27 The taxes imposed under this division, less the credits
28 allowed under section 422.12, shall be reduced by a renewable
29 chemical production tax credit allowed under section 15.319.
30 Sec. 9. Section 422.33, Code 2015, is amended by adding the
31 following new subsection:
32 NEW SUBSECTION. 22. The taxes imposed under this division
33 shall be reduced by a renewable chemical production tax credit
34 allowed under section 15.319.
35 Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this

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1 Act, being deemed of immediate importance, takes effect upon
2 enactment.
3 Sec. 11. APPLICABILITY. This division of this Act applies
4 to renewable chemicals produced in the state from biomass
5 feedstock on or after the effective date of this division of
6 this Act.
7 Sec. 12. RETROACTIVE APPLICABILITY. This division of this
8 Act applies retroactively to January 1, 2015, for tax years
9 beginning on or after that date.
10 DIVISION II
11 ANGEL INVESTOR TAX CREDITS
12 Sec. 13. Section 2.48, subsection 3, paragraph d,
13 subparagraph (1), Code 2015, is amended to read as follows:
14 (1) Tax credits for investments in qualifying businesses
15 ~~and community-based seed capital funds~~ under chapter 15E,
16 division V.
17 Sec. 14. Section 15.119, subsection 2, paragraph d, Code
18 2015, is amended to read as follows:
19 *d.* The tax credits for investments in qualifying businesses
20 ~~and community-based seed capital funds~~ issued pursuant to
21 section 15E.43. In allocating tax credits pursuant to this
22 subsection, the authority shall allocate two million dollars
23 for purposes of this paragraph, unless the authority determines
24 that the tax credits awarded will be less than that amount.
25 Sec. 15. Section 15E.41, Code 2015, is amended by striking
26 the section and inserting in lieu thereof the following:
27 **15E.41 Purpose.**
28 The purpose of this division is to stimulate job growth,
29 create wealth, and accelerate the creation of new ventures by
30 using investment tax credits to incentivize the transfer of
31 capital from investors to entrepreneurs, particularly during
32 early-stage growth.
33 Sec. 16. Section 15E.42, Code 2015, is amended by adding the
34 following new subsection:
35 NEW SUBSECTION. 2A. *"Entrepreneurial assistance*

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program" includes the entrepreneur investment awards program administered under section 15E.362, the receipt of services from a service provider engaged pursuant to section 15.411, subsection 1, or the program administered under section 15.411, subsection 2.

Sec. 17. Section 15E.42, subsection 3, Code 2015, is amended to read as follows:

3. *"Investor"* means a person making a cash investment in a qualifying business ~~or in a community-based seed capital fund~~. *"Investor"* does not include a person that holds at least a seventy percent ownership interest as an owner, member, or shareholder in a qualifying business.

Sec. 18. Section 15E.42, subsection 4, Code 2015, is amended by striking the subsection.

Sec. 19. Section 15E.43, subsections 1 and 2, Code 2015, are amended to read as follows:

1. *a.* For tax years beginning on or after January 1, ~~2002~~ 2015, a tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's equity investment, as provided in subsection 2, in a qualifying business ~~or a community-based seed capital fund~~.

b. An individual may claim a tax credit under this ~~paragraph~~ section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

~~*b.*~~ *c.* A tax credit shall be allowed only for an investment made in the form of cash to purchase equity in a qualifying business ~~or in a community-based seed capital fund. A taxpayer that has received a tax credit for an investment in a community-based seed capital fund shall not claim the tax~~

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~~credit prior to the third tax year following the tax year in which the investment is made. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit~~.

~~*c.* In the case of a tax credit allowed against the taxes imposed in chapter 422, division II, where the taxpayer died prior to redeeming the entire tax credit, the remaining credit can be redeemed on the decedent's final income tax return.~~

d. For an investment made by a natural person, any tax credit in excess of the tax liability is refundable. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following tax year. For any other person, any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following three years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit.

2. ~~A~~ The amount of the tax credit shall equal ~~twenty~~ twenty-five percent of the taxpayer's equity investment. The maximum amount of a tax credit ~~for an investment by an investor in any one qualifying business shall be fifty thousand dollars. Each year, an investor and all affiliates of the investor shall not claim tax credits under this section for more than five different investments in five different qualifying businesses~~ that may be claimed per tax year by a natural person and the person's spouse, child, or sibling shall not exceed one hundred thousand dollars combined. The maximum amount of tax credits that may be issued per tax year for equity investments in any one qualifying business shall not exceed five hundred thousand dollars.

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Sec. 20. Section 15E.43, subsections 5 and 7, Code 2015, are amended to read as follows:

5. A tax credit shall not be ~~transferable~~ transferred to any other ~~taxpayer~~ person.

7. The authority shall develop a system for registration and ~~authorization~~ issuance of tax credits authorized pursuant to this division and shall control distribution of all tax ~~credits distributed~~ credit certificates to investors pursuant to this division. The authority shall develop rules for the qualification and administration of qualifying businesses ~~and community-based seed capital funds~~. The department of revenue shall adopt ~~these criteria as administrative rules and any other~~ rules pursuant to chapter 17A as necessary for the administration of this division.

Sec. 21. Section 15E.43, subsections 6 and 8, Code 2015, are amended by striking the subsections.

Sec. 22. Section 15E.44, subsection 2, paragraph c, Code 2015, is amended by striking the paragraph and inserting in lieu thereof the following:

c. The business is participating in an entrepreneurial assistance program. The authority may waive this requirement if a business establishes that its owners, directors, officers, and employees have an appropriate level of experience such that participation in an entrepreneurial assistance program would not materially change the prospects of the business. The authority may consult with outside service providers in consideration of such a waiver.

Sec. 23. Section 15E.44, subsection 2, paragraphs e and f, Code 2015, are amended to read as follows:

e. The business shall not have a net worth that exceeds ~~five~~ ten million dollars.

f. The business shall have secured all of the following at the time of application for tax credits:

(1) At least two investors.

(2) ~~total~~ Total equity financing, ~~near equity financing,~~

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binding investment commitments, or some combination thereof, equal to at least ~~two hundred fifty~~ five hundred thousand dollars, from investors. For purposes of this subparagraph, "*investor*" includes a person who executes a binding investment commitment to a business.

Sec. 24. Section 15E.46, Code 2015, is amended to read as follows:

15E.46 ~~Reports~~ Confidentiality — reports.

1. Except as provided in subsection 2, all information or records in the possession of the authority with respect to this division shall be presumed by the authority to be a trade secret protected under chapter 550 or common law and shall be kept confidential by the authority unless otherwise ordered by a court.

2. All of the following shall be considered public information under chapter 22:

a. The identity of a qualifying business.

b. The identity of an investor and the qualifying business in which the investor made an equity investment.

c. The number of tax credit certificates issued by the authority.

d. The total dollar amount of tax credits issued by the authority.

3. The authority shall publish an annual report of the activities conducted pursuant to this division and shall submit the report to the governor and the general assembly. The report shall include a listing of eligible qualifying businesses and the number of tax credit certificates and the amount of tax credits issued by the authority.

Sec. 25. Section 15E.52, subsection 4, Code 2015, is amended to read as follows:

4. A taxpayer shall not claim a tax credit under this section if the taxpayer is a venture capital investment fund allocation manager for the Iowa fund of funds created in section 15E.65 or an investor that receives a tax credit for

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1 the same investment in a qualifying business as described in
2 section 15E.44 or in a community-based seed capital fund as
3 described in section 15E.45, Code 2015.
4 Sec. 26. Section 422.11F, subsection 1, Code 2015, is
5 amended to read as follows:
6 1. The taxes imposed under this division, less the credits
7 allowed under section 422.12, shall be reduced by an investment
8 tax credit authorized pursuant to section 15E.43 for an
9 investment in a qualifying business ~~or a community-based seed~~
10 ~~capital fund~~.
11 Sec. 27. Section 422.33, subsection 12, paragraph a, Code
12 2015, is amended to read as follows:
13 *a.* The taxes imposed under this division shall be reduced by
14 an investment tax credit authorized pursuant to section 15E.43
15 for an investment in a qualifying business ~~or a community-based~~
16 ~~seed capital fund~~.
17 Sec. 28. Section 422.60, subsection 5, paragraph a, Code
18 2015, is amended to read as follows:
19 *a.* The taxes imposed under this division shall be reduced by
20 an investment tax credit authorized pursuant to section 15E.43
21 for an investment in a qualifying business ~~or a community-based~~
22 ~~seed capital fund~~.
23 Sec. 29. Section 432.12C, subsection 1, Code 2015, is
24 amended to read as follows:
25 1. The tax imposed under this chapter shall be reduced by
26 an investment tax credit authorized pursuant to section 15E.43
27 for an investment in a qualifying business ~~or a community-based~~
28 ~~seed capital fund~~.
29 Sec. 30. REPEAL. Section 15E.45, Code 2015, is repealed.
30 Sec. 31. EFFECTIVE UPON ENACTMENT. This division of this
31 Act, being deemed of immediate importance, takes effect upon
32 enactment.
33 Sec. 32. APPLICABILITY. Unless otherwise provided in this
34 division of this Act, this division of this Act applies to
35 equity investments in a qualifying business made on or after

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1 the effective date of this division of this Act, and equity
2 investments made in a qualifying business or community-based
3 seed capital fund prior to the effective date of this division
4 of this Act shall be governed by sections 15E.41 through
5 15E.46, 422.11F, 422.33, 422.60, 432.12C, and 533.329, Code
6 2015.
7 Sec. 33. APPLICABILITY. The sections of this division
8 of this Act amending section 15E.44, subsection 2, apply
9 to businesses that submit an application to the economic
10 development authority to be registered as a qualifying business
11 on or after the effective date of this division of this Act,
12 and businesses that submit an application to the economic
13 development authority to be registered as a qualifying business
14 before the effective date of this division of this Act shall be
15 governed by section 15E.44, subsection 2, Code 2015.
16 DIVISION III
17 ENTREPRENEUR INVESTMENT AWARDS PROGRAM
18 Sec. 34. Section 15E.362, Code 2015, is amended by striking
19 the section and inserting in lieu thereof the following:
20 **15E.362 Entrepreneur investment awards program.**
21 1. For purposes of this division, unless the context
22 otherwise requires:
23 *a. "Business development services"* includes but is not
24 limited to corporate development services, business model
25 development services, business planning services, marketing
26 services, financial strategies and management services,
27 mentoring and management coaching, and networking services.
28 *b. "Eligible entrepreneurial assistance provider"* means a
29 person meeting the requirements of subsection 3.
30 *c. "Financial assistance"* means the same as defined in
31 section 15.327.
32 *d. "Program"* means the entrepreneur investment awards
33 program administered pursuant to this division.
34 2. The authority shall establish and administer an
35 entrepreneur investment awards program for purposes of

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1 providing financial assistance to eligible entrepreneurial
2 assistance providers that provide technical and financial
3 assistance to entrepreneurs and start-up companies seeking to
4 create, locate, or expand a business in the state. Financial
5 assistance under the program shall be provided from the
6 entrepreneur investment awards program fund created in section
7 15E.363.
8 3. In order to be eligible for financial assistance under
9 the program an entrepreneurial assistance provider must meet
10 all of the following requirements:
11 *a.* The provider must have its principal place of operations
12 located in this state.
13 *b.* The provider must offer a comprehensive set of business
14 development services to emerging and early-stage innovation
15 companies to assist in the creation, location, growth, and
16 long-term success of the company in this state.
17 *c.* The business development services may be performed at the
18 physical location of the provider or the company.
19 *d.* The business development services may be provided in
20 consideration of equity participation in the company, a fee
21 for services, a membership agreement with the company, or any
22 combination thereof.
23 4. Entrepreneurial assistance providers may apply for
24 financial assistance under the program in the manner and form
25 prescribed by the authority.
26 5. The economic development authority board in its
27 discretion may approve, deny, or defer each application
28 for financial assistance under the program from persons
29 it determines to be an eligible entrepreneurial assistance
30 provider.
31 6. Subject to subsection 7, the amount of financial
32 assistance awarded to an eligible entrepreneurial assistance
33 provider shall be within the discretion of the authority.
34 7. *a.* The maximum amount of financial assistance awarded
35 to an eligible entrepreneurial assistance provider shall not

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1 exceed two hundred thousand dollars.
2 *b.* The maximum amount of financial assistance provided under
3 the program shall not exceed one million dollars in a fiscal
4 year.
5 8. The authority shall award financial assistance on a
6 competitive basis. In making awards of financial assistance,
7 the authority may develop scoring criteria and establish
8 minimum requirements for the receipt of financial assistance
9 under the program. In making awards of financial assistance,
10 the authority may consider all of the following:
11 *a.* The business experience of the professional staff
12 employed or retained by the eligible entrepreneurial assistance
13 provider.
14 *b.* The business plan review capacity of the professional
15 staff of the eligible entrepreneurial assistance provider.
16 *c.* The expertise in all aspects of business disciplines
17 of the professional staff of the eligible entrepreneurial
18 assistance provider.
19 *d.* The access of the eligible entrepreneurial assistance
20 provider to external service providers, including legal,
21 accounting, marketing, and financial services.
22 *e.* The service model and likelihood of success of the
23 eligible entrepreneurial assistance provider and its similarity
24 to other successful entrepreneurial assistance providers in the
25 country.
26 *f.* The financial need of the eligible entrepreneurial
27 assistance provider.
28 9. Financial assistance awarded to an eligible
29 entrepreneurial assistance provider shall only be used for
30 the purpose of operating costs incurred by the eligible
31 entrepreneurial assistance provider in providing business
32 development services to emerging and early-stage innovation
33 companies in this state. Such financial assistance shall not
34 be distributed to owners or investors of the company to which
35 business development services are provided and shall not be

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distributed to other persons assisting with the provision of business development services to the company.

10. The authority may contract with outside service providers for assistance with the program or may delegate the administration of the program to the Iowa innovation corporation pursuant to section 15.106B.

11. The authority may make client referrals to eligible entrepreneurial assistance providers.

Sec. 35. Section 15E.363, subsection 3, Code 2015, is amended to read as follows:

3. ~~The~~ Moneys credited to the fund are appropriated to the authority and shall be used to provide ~~grants under the entrepreneur investment awards program established in section 15E.362~~ financial assistance under the program.

DIVISION IV

MISCELLANEOUS CHANGES

Sec. 36. Section 15.355, subsection 2, Code 2015, is amended to read as follows:

2. A housing business may claim a refund of the sales and use taxes paid under chapter 423 that are directly related to a housing project. The refund available pursuant to this subsection shall be as provided in section 15.331A ~~to the extent applicable for purposes of this program~~, excluding subsection 2, paragraph *"c"*, of that section. For purposes of the program, the term *"project completion"*, as used in section 15.331A, shall mean the date on which the authority notifies the department of revenue that all applicable requirements of an agreement entered into pursuant to section 15.354 are satisfied.

Sec. 37. SPECIAL PROJECT EXTENSION.

Notwithstanding any other provision of law to the contrary, the economic development authority may extend the project completion date for a project awarded tax incentives under both the redevelopment tax credit program in sections 15.293A and 15.293B and the housing enterprise zone tax incentives program

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in section 15E.193B, Code 2014, if the property that is the subject of the project suffered a catastrophic fire during the 2014 calendar year.

Sec. 38. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending section 15.355, being deemed of immediate importance, takes effect upon enactment.

Sec. 39. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 15.355 applies retroactively to July 1, 2014, for all agreements entered into pursuant to section 15.354 on or after that date.

EXPLANATION

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

This bill relates to the administration of programs by the economic development authority (EDA) by creating a renewable chemical production tax credit, modifying the tax credit for investments in qualifying businesses and community-based seed capital funds, and modifying the entrepreneur investment awards program.

DIVISION I — RENEWABLE CHEMICAL PRODUCTION TAX CREDIT. Division I creates a renewable chemical production tax credit program (program) that will be administered by the EDA and that will provide tax credits to eligible businesses that produce renewable chemicals in Iowa from biomass feedstock. "Renewable chemical", "biomass feedstock", and other related terms are defined in the division.

In order to qualify for the tax credit, a business must meet several requirements. First, the business must be physically located in Iowa and operated for profit under single management. Second, the business must not be an entity providing professional services, health care services, or medical treatments, or be engaged primarily in retail operations. Third, the business must have organized, expanded, or located in Iowa on or after the effective date of the division. Fourth, the business must not be, in the discretion

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1 of the EDA, ineligible under certain provisions relating to the
2 relocation or reduction of business operations within Iowa.
3 Fifth, the business must be in compliance with all agreements
4 entered into under the program or other programs administered
5 by the EDA.
6 An eligible business seeking a tax credit is required
7 to apply to the EDA during the calendar year following the
8 calendar year in which the renewable chemicals are produced.
9 The application must include the amount of renewable chemicals
10 produced in Iowa from biomass feedstock by the eligible
11 business during the calendar year, measured in pounds, and any
12 other information reasonably required by the EDA in order to
13 establish and verify eligibility under the program. The EDA
14 may accept applications on a continuous basis or may establish
15 an annual application deadline.
16 Before being issued a tax credit, an eligible business
17 is required to enter into an agreement with the EDA for the
18 successful completion of all requirements of the program. The
19 EDA is authorized to impose two compliance cost fees under the
20 program. The first fee equals $500 per agreement. The second
21 fee equals 0.5 percent of the value of the tax credit claimed
22 pursuant to the agreement if the agreement has an aggregate tax
23 credit value of $100,000 or greater.
24 An eligible business that fails to comply with the
25 requirements of the program or the terms of an agreement with
26 the EDA may have its tax credits reduced, terminated, or
27 rescinded, and may be subject to the repayment or recapture of
28 claimed tax credits.
29 Upon determining that all requirements of an agreement and
30 the program have been fulfilled, the EDA shall issue a tax
31 credit and related tax credit certificate to the eligible
32 business in an amount equal to the product of $.05 multiplied
33 by the number of pounds of renewable chemicals produced in Iowa
34 from biomass feedstock by the eligible business during the
35 calendar year. Renewable chemicals produced by an eligible

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1 business prior to the effective date of the division, or
2 prior to the date the business first qualifies as an eligible
3 business, or after calendar year 2025, shall not qualify for
4 the tax credit.
5 The tax credit shall be claimed for the tax year during
6 which the eligible business was issued the tax credit. The tax
7 credit may be claimed against the individual income tax and the
8 corporate income tax. The credit is refundable or may, at the
9 election of the taxpayer, be carried forward for up to one tax
10 year. The tax credit shall not be transferred to any person. A
11 tax credit issued to a partnership, limited liability company,
12 S corporation, cooperative organized under Code chapter 501
13 and filing as a partnership for federal tax purposes, estate,
14 or trust electing to have the income taxed directly to the
15 individual may be claimed by the individual based upon the pro
16 rata share of the individual's earnings from that entity.
17 The division provides that the program is subject to the
18 EDA's maximum aggregate tax credit cap of $170 million per
19 fiscal year in Code section 15.119, and not more than $15
20 million per fiscal year may be issued by the EDA under the
21 program. In addition, the maximum amount of tax credit that
22 may be issued to an eligible business in any one calendar year
23 shall not exceed $1 million or $500,000, depending on whether
24 the eligible business has been operating in Iowa at the time of
25 application for five or fewer years, or more than five years,
26 respectively. An eligible business shall not receive more than
27 five tax credits under the program. The EDA is required to
28 issue tax credits on a first-come, first-served basis until the
29 maximum amount of $15 million per fiscal year is reached. If
30 the amount of tax credits exceeds this amount in a fiscal year,
31 the EDA is required to establish a wait list and give priority
32 in subsequent years to the eligible businesses on the wait
33 list.
34 The division provides for the confidentiality of certain
35 information under the program. The identity of a tax credit

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1 recipient and the amount of the tax credit shall be considered
2 public information under Code chapter 22 (examination of public
3 records), but any other information or record in the possession
4 of the EDA with respect to the program shall be presumed by
5 the EDA to be a trade secret protected under Code chapter 550
6 or common law and shall be kept confidential by the EDA unless
7 otherwise ordered by a court.
8 The division takes effect upon enactment and applies to
9 renewable chemicals produced in Iowa from biomass feedstock on
10 or after that date. The division applies retroactively to tax
11 years beginning on or after January 1, 2015.
12 DIVISION II — ANGEL INVESTOR TAX CREDITS. Division II
13 makes several changes to the tax credit for investments in
14 qualifying businesses and community-based seed capital funds,
15 often referred to as the angel investor tax credits. The
16 division amends the purpose of the tax credit in Code section
17 15E.41. The division excludes investments in community-based
18 seed capital funds from qualifying for the tax credit and
19 makes several conforming amendments to remove references to
20 community-based seed capital funds from the Code.
21 The division modifies the amount and dollar limitation of
22 the tax credit for a taxpayer. The tax credit is increased
23 from 20 percent to 25 percent of a taxpayer's equity investment
24 in a qualifying business. Under current law, a taxpayer cannot
25 claim more than $50,000 of tax credit per investment in a
26 qualifying business, and for each tax year a taxpayer and the
27 taxpayer's affiliates cannot claim tax credits for more than
28 five investments in five different qualifying businesses. The
29 division amends this dollar limitation to prohibit a natural
30 person and the person's spouse, child, or sibling from claiming
31 a combined amount of more than $100,000 in tax credits per tax
32 year.
33 The division also provides that no more than $500,000 in tax
34 credits may be issued per tax year for equity investments in
35 any one qualifying business.

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1 The division modifies the procedures for claiming the tax
2 credit. Under current law, the tax credit is not refundable
3 but available for carryforward for up to five tax years. The
4 division makes the tax credit refundable for an investment
5 made by a natural person, and for any other person reduces the
6 carryforward period to three years.
7 The division strikes a provision permitting the EDA
8 to cooperate with small business development centers to
9 disseminate information regarding the credits and to develop
10 standard application forms, and requiring the EDA to distribute
11 copies of the application forms to all community-based seed
12 capital funds and potential individual investors.
13 The division modifies the eligibility requirements for
14 qualifying businesses. The division strikes the requirement
15 that a business have an owner that meets at least one of
16 four qualifications relating to business education or
17 business experience. The division requires that a business
18 be participating in an entrepreneurial assistance program,
19 as defined in the division, but allows the EDA to waive this
20 requirement if the business establishes that its owners,
21 directors, officers, and employees have an appropriate level
22 of experience such that an entrepreneurial assistance program
23 would not materially change the prospects of the business.
24 The EDA is allowed to consult with outside service providers
25 in considering such a waiver. The division increases from $5
26 million to $10 million the maximum amount of net worth that
27 a business may have to be considered a qualifying business.
28 The division increases from $250,000 to $500,000 the amount of
29 financing that a business must have in order to be considered a
30 qualifying business, removes "near equity" from the types of
31 financing that will be considered in that calculation, requires
32 that the financing be secured at the time of application for
33 the tax credits, and requires that the business have at least
34 two investors at the time of application for the tax credits.
35 These modified eligibility requirements apply to businesses

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1 that submit an application to the EDA to be registered as a
2 qualifying business on or after the effective date of this
3 division of the bill, and businesses that submitted such an
4 application to the EDA before the effective date of this
5 division of the bill shall be governed by current law.
6 The division provides for the confidentiality of certain
7 information with regard to the tax credit. The identity of
8 a qualifying business, the identity of an investor and the
9 qualifying business in which the investor made an equity
10 investment, and the total number and amount of tax credits
11 issued shall be considered public information under Code
12 chapter 22 (examination of public records), but any other
13 information or record in the possession of the EDA with respect
14 to the program shall be presumed by the EDA to be a trade secret
15 protected under Code chapter 550 or common law and shall be
16 kept confidential by the EDA unless otherwise ordered by a
17 court.
18 The division takes effect upon enactment and applies to
19 equity investments in a qualifying business made on or after
20 that date. Equity investments in a qualifying business or
21 community-based seed capital fund made prior to the effective
22 date of the division shall be governed by current law.
23 DIVISION III —— ENTREPRENEUR INVESTMENT AWARDS PROGRAM.
24 Division III amends the entrepreneur investment awards program
25 administered by the EDA. The division strikes provisions that
26 prohibited the EDA from making awards under the program since
27 July 1, 2014, and that required the EDA by December 31, 2014,
28 to conduct a comprehensive review of the program and submit
29 a report with specified information to the governor and the
30 general assembly.
31 The division modifies the purpose of the program to be
32 to provide financial assistance to eligible entrepreneurial
33 assistance providers (provider) that provide technical and
34 financial assistance to entrepreneurs and start-up companies
35 seeking to create, locate, or expand a business in Iowa.

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1 "Financial assistance" is defined in the division.
2 The division changes the requirements for receiving an
3 award. To be eligible to receive an award under current
4 law, an entrepreneurial assistance program must have been
5 an Iowa-based business, expended at least $500,000 during
6 the previous fiscal year to provide technical and financial
7 assistance services that meet the broad-based needs of
8 entrepreneurs seeking to create, locate, or expand a business
9 in Iowa that intends to derive more than 10 percent of its
10 gross sales from markets outside Iowa; and must have engaged
11 and communicated with certain other programs, funding sources,
12 and entities for its entrepreneur clients. The division
13 amends the eligibility for receiving financial assistance to
14 require that a provider have its principal place of operations
15 in Iowa and that the provider offer a comprehensive set of
16 business development services to emerging and early-stage
17 innovation companies to assist in the creation, location,
18 growth, and long-term success of the company in Iowa.
19 "Business development services" is defined in the division.
20 Business development services may be performed at the physical
21 location of the provider or the company and may be provided in
22 consideration of equity participation in the company, a fee for
23 services, or a membership agreement with the company.
24 Under current law, the EDA board could approve, deny, or
25 defer each application for a grant, and was required to award
26 grants on a first-come, first-served basis. The division
27 specifies that the EDA board has the discretion to approve,
28 deny, or defer each application for financial assistance and
29 that the amount of financial assistance awarded to a provider
30 is within the discretion of the EDA. The division requires
31 the EDA to award financial assistance on a competitive basis
32 and allows the EDA to develop scoring criteria and establish
33 minimum requirements for the receipt of a financial assistance
34 award.
35 In addition to the four factors relating to the provider's

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1 professional staff that the EDA may consider under current
2 law in deciding whether to award financial assistance, the
3 division provides that the EDA may also consider the service
4 model and likelihood of success of the provider, the provider's
5 similarity to other successful providers in the country, and
6 the provider's financial need.
7 The division modifies the maximum award amount for a
8 recipient. Under current law, a grant to an entrepreneur
9 assistance program cannot exceed the lesser of 25 percent of
10 the funds expended by the program during the previous fiscal
11 year, 100 percent of the funds raised from certain persons
12 by the program during the previous fiscal year, or $200,000.
13 The division provides that the amount of financial assistance
14 awarded to any one provider shall not exceed $200,000.
15 The division modifies the permitted use of funds received
16 under the program. Under current law, grants are only
17 permitted to be used for the purpose of operating costs
18 incurred by the program. The division specifies that financial
19 assistance awarded to a provider shall only be used for
20 the purpose of operating costs incurred by the provider in
21 the provision of business development services to emerging
22 and early-stage innovation companies in Iowa. The division
23 further requires that such financial assistance shall not be
24 distributed to owners or investors of the company to which the
25 business development services are being provided and shall not
26 be provided to other persons assisting with the provision of
27 the services.
28 Under current law, an entrepreneurial assistance provider is
29 required to accept client referrals from the EDA as a condition
30 of receiving a grant. The division provides that the EDA may
31 make client referrals to eligible providers.
32 DIVISION IV — MISCELLANEOUS CHANGES. Division IV makes
33 several miscellaneous changes to other EDA programs. The
34 division amends the sales and use tax refund available under
35 the workforce housing tax incentive program. That refund

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is available for sales and use tax paid prior to project completion, which is currently defined to mean the first date upon which the average annualized production of finished product for the preceding 90-day period at the manufacturing facility operated by the eligible business is at least 50 percent of the initial design capacity of the facility. The division amends the definition of "project completion" to mean the date on which the EDA notifies the department of revenue that all applicable requirements of a workforce housing tax incentive program agreement are satisfied. This provision takes effect upon enactment and applies retroactively to July 1, 2014, for all workforce housing tax incentive agreements entered into on or after that date.

The division allows the EDA to extend the project completion date for a project awarded tax incentives under the redevelopment tax credit program and the housing enterprise zone tax incentives program if the property that is the subject of the project suffered a catastrophic fire during the 2014 calendar year.

House File 556 - Introduced

HOUSE FILE 556
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 167)

A BILL FOR

1 An Act relating to applications for wireless communications
2 facilities and infrastructure.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2400HV (1) 86
ad/sc

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Section 1. NEW SECTION. **8C.1 Short title.**

This chapter shall be known and may be cited as the *"Iowa Cell Siting Act"*.

Sec. 2. NEW SECTION. **8C.2 Definitions.**

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

1. *"Applicant"* means any person engaged in the business of providing wireless telecommunications services or the wireless telecommunications infrastructure required for wireless telecommunications services and who submits an application.

2. *"Application"* means a request submitted by an applicant to an authority to construct a new tower, for the initial placement of transmission equipment on a wireless support structure, for the modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station, or any other request to construct or place transmission equipment that does not meet the definition of an eligible facilities request.

3. *"Authority"*, used as a noun, means a state, county, or city governing body, board, agency, office, or commission authorized by law to make legislative, quasi-judicial, or administrative decisions relative to an application. *"Authority"* does not include state courts having jurisdiction over land use, planning, or zoning decisions made by an authority, or the utilities division of the department of commerce.

4. *a. "Base station"* means a structure or equipment at a fixed location that enables wireless communications licensed by the federal communications commission or authorized wireless communications between user equipment and a communications network.

b. "Base station" does not mean a tower or equipment associated with a tower.

c. "Base station" includes but is not limited to equipment associated with wireless communications services such as

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private, broadcast, and public safety services and unlicensed wireless services and fixed wireless services such as microwave backhaul.

d. *"Base station"* includes but is not limited to radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

e. *"Base station"* includes a structure other than a tower that, at the time the relevant application is filed with the state or local government, supports or houses equipment described in this subsection that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

f. *"Base station"* does not include any structure that at the time the relevant application is filed with the state or local government does not support or house equipment described in this subsection.

5. *"Collocation"* means the mounting or installation of transmission equipment on a support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

6. *"Eligible facilities request"* means a request for modification of an existing tower or base station that does not substantially change the physical dimensions of the tower or base station and involves collocation of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment.

7. *"Existing tower"* or *"existing base station"* means a tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process. *"Existing tower"* includes a tower that was not reviewed and approved because it was not in a zoned area when it was built and lawfully constructed.

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8. *"Initial placement or installation"* means the first time transmission equipment is placed or installed on a wireless support structure.

9. *a.* *"Site"*, in relation to a tower that is not in the public right-of-way, means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

b. *"Site"*, in relation to support structures other than towers, means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

10. *"Substantial change"* means a change in the existing support structure which results in one or more of the following:

a. (1) Increase in the height of a tower, other than a tower in the public right-of-way, by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater.

(2) Increase in the height of existing support structures, other than a tower in subparagraph (1), by more than ten percent or more than ten feet, whichever is greater.

(3) Height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops. Otherwise, height shall be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act, Pub. L. No. 112-96, Tit. VI.

b. (1) Addition of an appurtenance to the body of the tower, other than a tower in the public right-of-way, that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(2) Addition of an appurtenance to an existing support structure, other than a tower under subparagraph (1), that

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1 would protrude from the edge of the structure by more than six
2 feet.
3 *c.* (1) Installation of more than the standard number of
4 new equipment cabinets for the technology involved, but not to
5 exceed four cabinets.
6 (2) Installation of any new equipment cabinets on the ground
7 if there are no preexisting ground cabinets associated with the
8 tower in the public right-of-way or base station.
9 (3) Installation of ground cabinets that are more than
10 ten percent larger in height or overall volume than any
11 other ground cabinets associated with a tower in the public
12 right-of-way or base station.
13 *d.* Excavation or deployment outside the current site.
14 *e.* Defeat of concealment elements of the existing support
15 structure.
16 *f.* Noncompliance with conditions associated with the siting
17 approval of the construction or modification of the existing
18 support structure or base station equipment, except if the
19 change is noncompliant only in a manner that does not exceed
20 the thresholds identified in paragraphs *"a"* through *"d"*.
21 11. *"Tower"* means a structure built for the sole or
22 primary purpose of supporting an antenna and the associated
23 facilities authorized or licensed by the federal communications
24 commission. *"Tower"* includes structures constructed for
25 wireless communications services, including but not limited to
26 private, broadcast, and public safety services and unlicensed
27 wireless services and fixed wireless services, such as
28 microwave backhaul, and the associated site.
29 12. *"Transmission equipment"* means equipment that
30 facilitates transmission for a wireless communications
31 service licensed or authorized by the federal communications
32 commission, including but not limited to radio transceivers,
33 antennas, coaxial or fiberoptic cable, and regular and backup
34 power supply. *"Transmission equipment"* includes equipment
35 associated with wireless communications services, including but

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not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.

13. *"Wireless support structure"* means a structure that exists at the time an application is submitted and is capable of supporting the attachment or installation of transmission equipment in compliance with applicable codes, including but not limited to water towers, utility poles, buildings, and other structures, whether within or outside the public right-of-way. *"Wireless support structure"* does not include a tower or existing base station.

Sec. 3. NEW SECTION. **8C.3 Uniform rules and limitations — applications.**

In order to ensure uniformity across this state with respect to the consideration of every application, and notwithstanding any other provision to the contrary, an authority shall not do any of the following:

1. Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to, the applicant's designed service, customer demand for service, or quality of the applicant's service to or from a particular area or site.

2. *a.* Evaluate an application based on the availability of other potential locations for the placement or construction of a tower or transmission equipment.

b. An authority shall not require the applicant to establish other options for collocation instead of the construction of a new tower or modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station.

c. Notwithstanding paragraph *"b"*, an authority may require an applicant applying for the construction of a new tower to state in its application that it conducted an analysis of available collocation opportunities on existing towers or existing base stations within the same search ring defined by

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the applicant solely for the purpose of confirming that the applicant undertook such analysis.

3. Dictate the type of transmission equipment or technology to be used by the applicant or discriminate between different types of infrastructure or technology.

4. *a.* Require the removal of existing towers, base stations, or transmission equipment, wherever located, as a condition to approval of an application.

b. Notwithstanding paragraph *"a"*, the authority may adopt reasonable rules regarding removal of abandoned towers or transmission equipment.

5. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures, for radio frequency emissions from transmission equipment that are categorically excluded under the federal communications commission's rules for radio frequency emissions pursuant to 47 C.F.R. §1.1307(b)(1).

6. Establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality.

7. Reject an application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions, as provided in 47 U.S.C. §332(c)(7)(B)(iv).

8. Impose restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the federal aviation administration.

9. Prohibit the placement of emergency power systems that comply with federal and state environmental requirements.

10. Charge an application fee, consulting fee, or other fee associated with the submission, review, processing, or approval of an application that is not required for similar types of commercial development within the authority's jurisdiction. Fees imposed by an authority or by a third-party entity providing review or technical consultation to the authority shall be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an

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application. In no case shall total charges and fees exceed five hundred dollars for an eligible facilities request or three thousand dollars for an application for a new tower, for the initial placement or installation of transmission equipment on a wireless support structure, for a modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or base station, or any other application to construct or place transmission equipment that does not constitute an eligible facilities request. An authority or any third-party entity shall not include within its charges any travel expenses incurred in the review of an application, and an applicant shall not be required to pay or reimburse an authority for consultant or other third-party fees based on a contingency or result-based arrangement.

11. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused towers or transmission equipment can be removed unless the authority imposes similar requirements on other applicants for other types of commercial development or land uses. If surety requirements are imposed, the requirements must be competitively neutral, nondiscriminatory, reasonable in amount, and commensurate with the historical record for local facilities and structures that are abandoned.

12. Condition the approval of an application on the applicant's agreement to provide space on or near the tower, base station, or wireless support structure for authority services at less than the market rate for such space or to provide other services via the structure or facilities at less than the market rate for such services.

13. Limit the duration of the approval of an application.

14. Discriminate on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications.

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1 Sec. 4. NEW SECTION. **8C.4 Uniform rules — new tower**
2 **applications.**
3 1. An authority may exercise zoning, land use, planning,
4 and permitting authority within the authority's territorial
5 boundaries with regard to the siting of new towers, subject to
6 the provisions of this chapter and federal law.
7 2. An applicant that proposes to construct a new tower
8 within the jurisdiction of an authority that has adopted
9 planning and zoning regulations shall submit the necessary
10 copies and attachments of the application to the appropriate
11 authority and comply with applicable local ordinances
12 concerning land use and the appropriate permitting processes.
13 3. All records, including but not limited to documents and
14 electronic data, in the possession or custody of authority
15 personnel shall be considered confidential trade secrets as
16 provided for in section 22.7, subsection 3.
17 4. An authority, within one hundred fifty calendar days
18 of receiving an application to construct a new tower, unless
19 another date is specified in a written agreement between the
20 authority and the applicant, shall comply with the following
21 provisions:
22 *a.* Review the application for conformity with applicable
23 local zoning regulations, building permit requirements, and
24 consistency with this chapter. An application is deemed to
25 be complete unless the authority notifies the applicant in
26 writing, within thirty calendar days of submission of the
27 application, specifying the deficiencies in the application
28 which, if cured, would make the application complete. The
29 authority's timeframe to review the application is tolled
30 beginning the date the notice is sent. The authority's
31 timeframe of one hundred fifty days for review of the
32 application begins running again when the applicant cures the
33 specified deficiencies. Following the applicant's supplemental
34 submission, the authority has ten days to notify the
35 applicant that the supplemental submission did not provide the

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1 information identified in the original notice that specified
2 deficiencies in the application. The authority's timeframe of
3 one hundred fifty days to review the application is tolled in
4 the case of second or subsequent notices in conformance with
5 this paragraph. The authority's timeframe for review does not
6 toll if the authority requests information regarding any of the
7 considerations an authority may not consider as described in
8 section 8C.3.
9 *b.* Make its final decision to approve or disapprove the
10 application.
11 *c.* Advise the applicant in writing of its final decision.
12 5. If the authority fails to act on an application to
13 construct a new tower within the timeframe for review specified
14 under subsection 4, the application shall be deemed approved.
15 6. A party aggrieved by the final action of an authority,
16 either by its affirmative disapproval of an application under
17 the provisions of this section or by its inaction, may bring
18 an action for review in any court of competent jurisdiction to
19 recover reasonable costs related to the application process and
20 attorney fees.
21 Sec. 5. NEW SECTION. **8C.5 Uniform rules for certain**
22 **changes.**
23 1. An authority may exercise zoning, land use, planning,
24 and permitting authority within the authority's territorial
25 boundaries with regard to an application for initial placement
26 or installation of transmission equipment on wireless support
27 structures, for modification of an existing tower or existing
28 base station that constitutes a substantial change, or for a
29 request for construction or placement of transmission equipment
30 that does not constitute an eligible facilities request,
31 subject to the provisions of this chapter and federal law.
32 2. An applicant that proposes an initial placement or
33 installation of transmission equipment on wireless support
34 structures, a modification of an existing tower or existing
35 base station that constitutes a substantial change, or a

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1 request for construction or placement of transmission equipment
2 that does not constitute an eligible facilities request, within
3 the jurisdiction of an authority that has adopted planning
4 and zoning ordinances, rules, or regulations shall submit the
5 necessary copies and attachments of the application to the
6 authority and comply with such applicable local ordinances,
7 rules, or regulations concerning land use and zoning and the
8 appropriate local permitting processes.
9 3. All records, including but not limited to documents and
10 electronic data, in the possession or custody of authority
11 personnel shall be considered confidential trade secrets as
12 provided for in section 22.7, subsection 3.
13 4. An authority, within ninety calendar days of receiving
14 an application for a substantial modification of a wireless
15 support structure, unless another date is specified in a
16 written agreement between the authority and the applicant,
17 shall comply with the following provisions:
18 *a.* Review the application for conformity with applicable
19 local zoning ordinances, rules, or regulations, building
20 permit requirements, and consistency with this chapter. An
21 application is deemed to be complete unless the authority
22 notifies the applicant in writing, within thirty calendar
23 days of submission of the application, specifying the
24 deficiencies in the application which, if cured, would make
25 the application complete. The authority's timeframe for
26 review is tolled beginning the date the notice is sent. The
27 authority's ninety-day timeframe for review of the application
28 begins running again when the applicant cures the specified
29 deficiencies. Following the applicant's supplemental
30 submission, the authority has ten days to notify the
31 applicant that the supplemental submission did not provide the
32 information identified in the original notice that specified
33 deficiencies. The authority's ninety-day timeframe to review
34 the application is tolled in the case of second or subsequent
35 notices in conformance with this paragraph. The authority's

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1 ninety-day timeframe for review does not toll if the authority
2 requests information regarding any of the considerations an
3 authority may not consider as described in section 8C.3.
4 *b.* Make its final decision to approve or disapprove the
5 application.
6 *c.* Advise the applicant in writing of its final decision.
7 5. If the authority fails to act on an application for an
8 initial placement or installation of transmission equipment on
9 wireless support structures, for a modification of an existing
10 tower or existing base station that constitutes a substantial
11 change, or for a request for construction or placement of
12 transmission equipment that does not constitute an eligible
13 facilities request within the review period specified under
14 subsection 4, the application for a substantial modification
15 shall be deemed approved.
16 6. A party aggrieved by the final action of an authority,
17 either by its affirmative disapproval of an application under
18 the provisions of this section or by its inaction, may bring
19 an action for review in any court of competent jurisdiction to
20 recover reasonable costs related to the application process and
21 attorney fees.
22 Sec. 6. NEW SECTION. **8C.6 Use of public lands for towers**
23 **and transmission equipment.**
24 1. In accordance with other applicable laws, when entering
25 into a lease with an applicant for the applicant's use of
26 public lands, an authority shall offer the market rate value
27 for use of that land. The term of the lease shall be for at
28 least twenty years.
29 2. *a.* If the authority and the applicant cannot agree on
30 the market rate for lease of the public land and cannot agree
31 on the process to derive the market rate, a three-person panel
32 of appraisers shall determine the market rate. Each party will
33 appoint one appraiser and the two appointed appraisers shall
34 select a third appraiser. Each appraiser shall independently
35 appraise the appropriate market rate for lease of the land.

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The market rate shall be set at the median value between the highest and lowest market rates determined by the three independent appraisers. However, if the median between the appraisals of the appraisers appointed by each party is greater than or less than ten percent of the appraisal of the appraiser selected by the two appraisers, then the appraisal of the appraiser selected by the two appraisers shall determine the rate for the lease.

b. The authority and applicant shall conclude the appraisal process within one hundred fifty calendar days from the date the applicant first offered a proposed lease rate to the authority.

c. If using the three-person panel, each party shall bear the cost of its own appointed appraiser and equally share the cost of the third appraiser.

EXPLANATION

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

This bill relates to the deployment of and applications for wireless communications facilities and infrastructure.

The bill provides a number of definitions regarding wireless facilities and infrastructure. "Authority" is defined to mean a state, county, or municipal governing body, board, agency, office, or commission authorized by law to make legislative, quasi-judicial, or administrative decisions relative to an application. "Application" is defined as a request submitted by an applicant to an authority to construct a new tower, for the initial placement of transmission equipment on a wireless support structure, for the modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station, or any other request to construct or place transmission equipment that does not meet the definition of an eligible facilities request as it is not a substantial change. "Tower" is a structure built for the sole or primary purpose of supporting

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an authorized or federal communications commission licensed antenna and the associated facilities. "Wireless support structure" is defined as a structure that exists at the time an application is submitted and is capable of supporting the attachment or installation of transmission equipment, but does not include a tower or existing base station. "Transmission equipment" means equipment that facilitates transmission for an authorized federal communications commission licensed wireless communications service.

The bill provides a series of uniform rules or limitations applicable to all applications. The rules and limitations include prohibiting requiring certain information, as specified in the bill, from or about an applicant.

The bill provides timeframes within which an authority must act upon an application to construct a new tower, for the initial placement or installation of transmission equipment on wireless support structures, for modification of an existing tower or base station that constitutes a substantial change, or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request. The authority may request that the applicant cure deficiencies in the application, during which time the timeframe for review is tolled.

When entering into a lease with an applicant for the applicant's use of public land, the bill requires an authority to offer the market rate value for use of that land and a lease term of at least 20 years. The bill provides a process for determination of the market rate value for purposes of the lease if the authority and the applicant disagree on the rate.

House File 557 - Introduced

HOUSE FILE 557
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 249)

A BILL FOR

1 An Act relating to the establishment, operation, and
2 dissolution of rural improvement zones.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1257HV (5) 86
md/sc

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Section 1. Section 357H.1, subsection 1, Code 2015, is amended to read as follows:

1. The board of supervisors of a county with less than twenty thousand residents, not counting persons admitted or committed to an institution enumerated in section 218.1 or 904.102, based upon the ~~2000~~ most recent certified federal census, and with a private lake development ~~shall~~ may designate an area surrounding the lake, if it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition pursuant to section 357H.2, and upon the board's determination that the area is in need of improvements.

Sec. 2. Section 357H.1, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. "Improvements" means dredging, installation of erosion control measures, water quality activities, land acquisition, and related improvements, including soil conservation practices, within or outside of the boundaries of the zone.

Sec. 3. Section 357H.1, subsection 2, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *c. "Lake"* means a body of water that has a surface area of at least eighty acres.

NEW PARAGRAPH. *d. "Water quality activities"* includes but is not limited to creation or maintenance of grass waterways or wetlands, bank stabilization, watershed protection, activities on lands outside the rural improvement zone which affect water quality within the zone, and any other activity which will improve water quality of a stream, river, or lake.

Sec. 4. Section 357H.2, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The need for the proposed zone~~.~~, which shall be based upon a report of a licensed professional engineer prepared not more than two years before the date the petition is filed, and that includes all of the following:

(1) Surface area of the lake in acres.

(2) Number of acres of land comprising the lake's watershed.

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(3) Soil classification of the land comprising the lake's watershed.

(4) Description of all current land uses within the lake's watershed.

(5) Estimate of historical annual silt accumulation for the lake during the twenty years immediately preceding the year in which the engineer's report was completed.

(6) Estimate of the amount of silt currently accumulated in the lake.

(7) Estimates of annual silt accumulation in the lake for the twenty-year period following establishment of the rural improvement zone.

(8) Estimate of remaining space available to the proposed zone in existing detention basins for storage of dredged and removed silt.

(9) Estimate of storage space that will be required to store dredged and removed silt from the lake for the twenty-year period following establishment of the rural improvement zone.

(10) Assessment of the current water quality of the lake.

(11) Assessment of the current need for preventative practices to improve the water quality of the lake.

(12) Assessment of the impact preventative practices will have on the water quality of the lake.

(13) Estimate of the cost to effectively address erosion control and water quality for the twenty-year period following establishment of the rural improvement zone.

Sec. 5. Section 357H.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A copy of the report prepared by the licensed professional engineer and used to prepare the petition shall be submitted with the petition under this section.

Sec. 6. Section 357H.3, Code 2015, is amended to read as follows:

357H.3 Time of public hearing.

1. ~~The~~ If the petition substantially meets the requirements

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of section 357H.2, the public hearing required in section 357H.2 shall be held within ~~thirty~~ sixty days of the presentation of the petition. Notice of hearing shall be given by publication as provided in section 331.305. Holding a public hearing pursuant to this section is not dispositive of the approval or denial of a petition by the board under this chapter.

2. If the board determines that the petition or the engineer's report does not substantially meet the requirements of section 357H.2, the board may, within thirty days of presentation of the petition, request additional information from the petitioners. The board's request for additional information shall be limited to the information required under section 357H.2 that was not contained in the petition or the accompanying engineer's report. The board shall be limited to one request for additional information under this section. The public hearing required in section 357H.2 shall be held within sixty days of receiving the additional information. Notice of hearing shall be given in the same manner as required under subsection 1.

Sec. 7. Section 357H.4, Code 2015, is amended to read as follows:

357H.4 Hearing on petition — action by board.

1. At the public hearing ~~required in section 357H.3,~~ the board may consider the boundaries of a proposed rural improvement zone, whether the boundaries shall be as described in the petition or otherwise, and for that purpose may amend the petition and change the boundaries of the proposed zone as stated in the petition. The board may adjust the boundaries of a proposed zone as needed to exclude land that has no reasonable likelihood of benefit from inclusion in a rural improvement zone. However, the boundaries of a proposed zone shall not be changed to incorporate property which is not included in the original petition.

2. Within ~~ten~~ thirty days after the hearing, the board shall

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1 establish the rural improvement zone by resolution or disallow
2 the petition. However, the zone shall not include any area
3 which is part of an urban renewal area under chapter 403.
4 Sec. 8. Section 357H.8, subsection 2, Code 2015, is amended
5 to read as follows:
6 2. Certificates may be issued with respect to a single
7 improvement project or multiple projects and may contain
8 terms or conditions as the board of trustees may provide by
9 resolution authorizing the issuance of the certificates.
10 However, certificates, including certificates to refund
11 outstanding certificates under subsection 3, shall not
12 be issued ~~after January 1, 2007, except to refund other~~
13 ~~certificates as provided in subsection 3~~ if the maturity
14 date of the certificates would be after the date the rural
15 improvement zone is, at the time of issuing the certificates,
16 to be dissolved by law under section 357H.10.
17 Sec. 9. Section 357H.9, subsection 1, Code 2015, is amended
18 to read as follows:
19 1. *a.* The board of trustees shall provide by resolution
20 that taxes levied on the taxable property in a rural
21 improvement zone each year by or for the benefit of the state,
22 city, county, school district, or other taxing district after
23 the effective date of the resolution shall, except as provided
24 in this section, be divided as provided in section 403.19,
25 subsections 1 and 2, in the same manner as if the taxable
26 property in the rural improvement zone was taxable property
27 in an urban renewal area and the resolution was an ordinance
28 within the meaning of those subsections. The taxes received by
29 the board of trustees shall be allocated to, and when collected
30 be paid into, a special fund and may be irrevocably pledged
31 by the trustees to pay the principal of and interest on the
32 certificates, contracts, or other obligations approved by the
33 board of trustees to finance or refinance, in whole or in part,
34 an improvement project.
35 *b.* (1) For fiscal years beginning on or after July 1, 2016,

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1 when calculating the amount of taxes subject to the division
2 of taxes in a rural improvement zone established on or after
3 July 1, 2004, if the assessed value of the taxable property
4 in the rural improvement zone used to calculate the amount of
5 taxes under section 403.19, subsection 1, is less than fifty
6 percent of the assessed value of the taxable property in the
7 rural improvement zone used to calculate the total amount of
8 property taxes in the rural improvement zone for the fiscal
9 year in which the taxes are due and payable, the assessed value
10 used to calculate the amount of taxes under section 403.19,
11 subsection 1, shall, notwithstanding any reduction required
12 under section 403.20, be increased for that fiscal year until
13 the amount is equal to fifty percent of the assessed value used
14 to calculate the total amount of property taxes in the rural
15 improvement zone for the fiscal year in which the taxes are due
16 and payable.
17 (2) However, for the period of ten consecutive fiscal
18 years beginning with the first fiscal year in which the zone
19 receives revenue from a division of taxes under this section,
20 the division of taxes authorized under this section shall be
21 calculated subject to the provisions of subparagraph (1),
22 except that any references to fifty percent in subparagraph (1)
23 shall be forty percent.
24 *c.* For fiscal years beginning on or after July 1, 2016,
25 when calculating the amount of taxes subject to the division
26 of taxes in a rural improvement zone established before July
27 1, 2004, if the assessed value of the taxable property in
28 the rural improvement zone used to calculate the amount of
29 taxes under section 403.19, subsection 1, is less than sixty
30 percent of the assessed value of the taxable property in the
31 rural improvement zone used to calculate the total amount of
32 property taxes in the rural improvement zone for the fiscal
33 year in which the taxes are due and payable, the assessed value
34 used to calculate the amount of taxes under section 403.19,
35 subsection 1, shall, notwithstanding any reduction required

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1 under section 403.20, be increased for that fiscal year until
2 the amount is equal to sixty percent of the assessed value used
3 to calculate the total amount of property taxes in the rural
4 improvement zone for the fiscal year in which the taxes are due
5 and payable.
6 *d.* The board of trustees may enter into an agreement
7 with the board that modifies the allocation of the taxes
8 levied in the rural improvement zone. Such an agreement
9 shall not, however, provide an allocation to the other taxing
10 districts that is less than the amount of taxes resulting from
11 application of paragraphs *"b"* or *"c"*, as applicable.
12 *e.* As used in this section, *"taxes"* includes but is not
13 limited to all levies on an ad valorem basis upon land or real
14 property located in the rural improvement zone.
15 Sec. 10. Section 357H.9, subsection 2, paragraph a, Code
16 2015, is amended to read as follows:
17 *a.* Each board of trustees that has by resolution provided
18 for a division of ~~revenue~~ taxes in the rural improvement zone
19 during the most recently ended fiscal year shall complete
20 and file with the department of management a tax increment
21 financing report by December 1 following the end of such
22 fiscal year. The report shall be approved by the affirmative
23 vote of a majority of the board of trustees and be prepared
24 in the format and submitted electronically pursuant to the
25 instructions prescribed by the department of management in
26 consultation with the legislative services agency.
27 Sec. 11. NEW SECTION. **357H.9A Annual financial report —**
28 **audit.**
29 1. Not later than December 1 of each year on forms and
30 pursuant to the instructions prescribed by the department
31 of management, the board of trustees shall file with the
32 county auditor an annual financial report showing the rural
33 improvement zone's financial condition as of June 30 and the
34 results of operations for the year then ended.
35 2. A rural improvement zone is subject to annual audit by

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the auditor of state. In lieu of an audit by the auditor of state, the rural improvement zone may contract with or employ a certified public accountant to conduct the audit pursuant to the applicable terms and conditions prescribed by sections 11.6, 11.14, 11.19, and 11.41. The audit format shall be as prescribed by the auditor of state. The rural improvement zone shall pay all expenses incurred by the auditor of state in conducting an audit under this section.

Sec. 12. Section 357H.10, Code 2015, is amended to read as follows:

357H.10 Dissolution of zone.

1. ~~The~~ Prior to the date required for dissolution under subsection 2, a rural improvement zone ~~shall~~ may be dissolved upon the adoption of a resolution of the board of trustees which specifies that all improvements have been made in the zone, the need for the zone, as identified under section 357H.2, subsection 1, has been satisfied, and all indebtedness has been paid.

2. *a.* Unless dissolved by resolution of the board of trustees under subsection 1, or an extension is approved under paragraph *"b"*, each rural improvement zone is dissolved on June 30, 2019, or twenty years after the first day of the fiscal year following the fiscal year in which the zone first receives revenue from the division of taxes under section 357H.9, whichever date is later.

b. The date required under this subsection for dissolution of a rural improvement zone may be extended by resolution of the board adopted prior to the date required for dissolution under paragraph *"a"* or a date prior to the date to which the rural improvement zone was previously extended by the board under this paragraph *"b"* or by operation of law under subparagraph (1). Each extension approved by the board under this paragraph *"b"* shall be for a period of twenty years. Prior to approval of an extension by the board under this paragraph *"b"*, all of the following requirements shall be met:

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1 (1) Not more than forty-eight months nor less than
2 thirty-six months prior to the date required for dissolution,
3 the board of trustees shall file a written request with the
4 board for an extension of the zone's dissolution date. The
5 request shall state the improvements needed in the rural
6 improvement zone beyond the dissolution date otherwise required
7 under this section. The board shall, within ninety days after
8 receiving the request, either adopt a resolution granting the
9 twenty-year extension without further proceedings or notify the
10 board of trustees in writing of the board's intent to review
11 the zone's dissolution date under subparagraphs (2) through
12 (4). The board may, as part of its notice to the board of
13 trustees, request a report prepared by a licensed professional
14 engineer containing all of the information required under
15 section 357H.2, subsection 1. If the board fails to either
16 approve the extension by resolution or notify the board of
17 trustees of the board's intent to review the zone's dissolution
18 date under subparagraphs (2) through (4) within the ninety-day
19 period, the request for a twenty-year extension shall be deemed
20 approved.
21 (2) Following receipt of the board's notice of intent to
22 review and not less than twenty-four months prior to the date
23 required for dissolution, the board of trustees shall, if
24 requested by the board under subparagraph (1), submit to the
25 board a report prepared by a licensed professional engineer
26 that includes the information required under section 357H.2,
27 subsection 1, paragraph "*a*". If the board determined that the
28 engineer's report does not substantially meet the requirements
29 of section 357H.2 or that additional relevant information is
30 needed, the board may, within thirty days of the date the
31 request was filed under subparagraph (1), request additional
32 information from the board of trustees. The board shall be
33 limited to one request for additional information.
34 (3) Not more than sixty days after receiving the engineer's
35 report required or the additional information requested under

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1 subparagraph (2), whichever is later, the board shall hold a
2 public hearing to determine the need for improvements in the
3 rural improvement zone. Notice of hearing shall be given by
4 publication as provided in section 331.305. Holding a public
5 hearing pursuant to this subparagraph is not dispositive of
6 the approval or denial of a request for an extension of the
7 dissolution date by the board under this chapter.
8 (4) Within thirty days after the public hearing, the
9 board shall either find a need for improvements in the
10 rural improvement zone and adopt a resolution approving the
11 twenty-year extension or find that the area is no longer in
12 need of improvements. If the board fails to either approve or
13 deny the extension within the ten-day period, the request for a
14 twenty-year extension is deemed approved.
15 3. Upon dissolution of the zone, all assets shall be deeded
16 or otherwise transferred to a nonprofit corporation whose
17 members are property owners of the improvement zone.
18 4. Upon dissolution of the zone, the collection of the
19 property tax authorized under section 357H.8, subsection 4, and
20 the division of taxes authorized under section 357H.9 shall
21 cease immediately.
22 Sec. 13. NEW SECTION. **357H.11 Agreements.**
23 Any agreement or other instrument in connection with an
24 agreement between a board of trustees and a board in effect on
25 July 1, 2015, relating to the division of taxes under section
26 357H.9, the dissolution date of a rural improvement zone, or
27 the criteria used for determining the need for improvements
28 in the rural improvement zone that is inconsistent with this
29 chapter shall be null and void. However, nothing in this
30 chapter shall be construed to prohibit the board of trustees
31 and the board from entering into an agreement on or after
32 July 1, 2015, relating to the division of taxes under section
33 357H.9, the dissolution date of the rural improvement zone, or
34 the criteria used for determining the need for improvements in
35 the rural improvement zone, so long as such agreement does not

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1 violate the provisions of this chapter.
2 Sec. 14. Section 403.20, Code 2015, is amended to read as
3 follows:
4 **403.20 Percentage of adjustment considered in value**
5 **assessment.**
6 In determining the assessed value of property within an
7 urban renewal area which is subject to a division of tax
8 revenues pursuant to section 403.19, the difference between the
9 actual value of the property as determined by the assessor each
10 year and the percentage of adjustment certified for that year
11 by the director of revenue on or before November 1 pursuant to
12 section 441.21, subsection 9, multiplied by the actual value of
13 the property as determined by the assessor, shall be subtracted
14 from the actual value of the property as determined pursuant
15 to section 403.19, subsection 1. If the assessed value of the
16 property as determined pursuant to section 403.19, subsection
17 1, is reduced to zero, or if the reduction in the assessed
18 value of the property as determined pursuant to section 403.19,
19 subsection 1, is limited by operation of section 357H.9,
20 subsection 1, paragraph *"b"* or *"c"*, the additional valuation
21 reduction shall be subtracted from the actual value of the
22 property as determined by the assessor.
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 relates to the establishment, operation, and
27 dissolution of rural improvement zones under Code chapter 357H.
28 Current law provides that the population threshold for
29 establishing a rural improvement zone is determined using
30 the 2000 certified federal census. The bill changes that
31 requirement so that the population is determined using the most
32 recent certified federal census.
33 Current Code section 357H.1 provides that a board of
34 supervisors of a county meeting specified population
35 requirements shall designate an area surrounding the lake, if

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it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition, and upon the board's determination that the area is in need of improvements. This bill strikes "shall" from that provision and inserts "may".

The bill also adds a definition of "lake" for purposes of determining eligibility to establish a rural improvement zone. The bill defines "lake" to mean a body of water that has a surface area of at least 80 acres.

The bill adds water quality activities to the definition of "improvements". Under Code chapter 357H, the board of trustees may authorize construction, reconstruction, or repair of improvements for the rural improvement zone. Under the bill, "water quality activities" includes but is not limited to creation or maintenance of grass waterways or wetlands, bank stabilization, watershed protection, activities on lands outside the rural improvement zone which affect water quality within the zone, and any other activity which will improve water quality of a stream, river, or lake.

The bill provides that as part of the approval process for a rural improvement zone, the petition must include a statement of the need for the proposed zone based upon a report prepared by a licensed professional engineer. The report utilized in preparing the petition must have been prepared not more than two years before the date the petition is filed. The information required to be included in the engineer's report relates to the size of the lake, soil classification, silt accumulation data and estimates, water quality assessments, and cost estimates. The bill requires a copy of the report prepared by the licensed professional engineer and used to prepare the petition to be submitted with the petition.

The bill changes the period of time required for holding a public hearing on the petition from within 30 days of presentation of the petition to within 60 days. The bill specifies that holding a public hearing relating to the establishment of a rural improvement zone is not dispositive

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of the approval or denial of a petition by the board. In addition, the bill provides that if the board of supervisors determines that the petition or the engineer's report does not substantially meet the statutory requirements, the board may, within 30 days of presentation of the petition, request additional information from the petitioners. The board's request for additional information is limited to the statutorily required information that was not contained in the petition or in the accompanying engineer's report. The bill limits the board to one request for additional information. Upon presentation of the additional information, the public hearing must be held within 60 days of receiving the additional information.

Current law requires that the board either establish the rural improvement zone by resolution or disallow the petition within 10 days after the required public hearing. The bill changes that period of time to 30 days.

The bill strikes the provision which prohibited the issuance of certificates for the payment of a rural improvement zone's improvements and activities after January 1, 2007, and provides that such certificates, including certificates to refund outstanding certificates, may not be issued if the maturity date of the certificates would be after the date the rural improvement zone is to be dissolved, as provided by the bill.

Current Code section 357H.9 authorizes rural improvement zones to authorize the use of taxes from a division of taxes (tax increment financing). The bill provides that for fiscal years beginning on or after July 1, 2016, when calculating the amount of taxes subject to the division of taxes in a rural improvement zone established on or after July 1, 2004, if the assessed value of the taxable property in the rural improvement zone used to calculate the amount of taxes under Code section 403.19(1) is less than 50 percent of the assessed value used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due

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and payable, the assessed value used to calculate the amount of taxes under Code section 403.19(1) shall, notwithstanding any reduction required due to an assessment limitation (rollback) under Code section 403.20, be increased for that fiscal year until the amount is equal to 50 percent of the assessed value used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable. However, for the period of 10 consecutive fiscal years beginning with the first fiscal year in which those zones established on or after July 1, 2014, receive revenue from a division of taxes, the division of taxes is subject to the assessed value adjustment in the bill, except that any references to 50 percent shall be 40 percent.

The bill also provides that for fiscal years beginning on or after July 1, 2016, when calculating the amount of taxes subject to the division of taxes in a rural improvement zone established before July 1, 2004, if the assessed value of the taxable property in the rural improvement zone used to calculate the amount of taxes under Code section 403.19(1) is less than 60 percent of the assessed value used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable, the assessed value used to calculate the amount of taxes under Code section 403.19(1) shall, notwithstanding any reduction required due to an assessment limitation (rollback) under Code section 403.20, be increased for that fiscal year until the amount is equal to 60 percent of the assessed value used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable.

The bill authorizes the board of trustees to enter into an agreement with the board of supervisors that modifies the allocation of the taxes levied in the rural improvement zone. Such an agreement shall not, however, provide an allocation to the other taxing districts that is less than the amount of

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1 taxes resulting from application of assessed value adjustments
2 required in the bill.
3 The bill provides that not later than December 1 of each
4 year the board of trustees of a zone shall file with the
5 county auditor an annual financial report showing the rural
6 improvement zone's financial condition as of June 30 and the
7 results of operations for the year then ended. The bill also
8 provides that all rural improvement zones are subject to annual
9 audit either by the auditor of state or by a certified public
10 accountant contracted with or employed by the rural improvement
11 zone to conduct the audit.
12 The bill provides that, unless dissolved by resolution of
13 the board of trustees, each rural improvement zone is dissolved
14 on June 30, 2019, or 20 years from the first day of the fiscal
15 year following the fiscal year in which the zone first receives
16 revenue from the division of taxes, whichever is later. The
17 bill further provides that the date required for dissolution
18 may be extended by resolution of the board of supervisors
19 adopted prior to the date required for dissolution or prior to
20 the date to which the rural improvement zone was previously
21 extended by the board of supervisors under the provisions of
22 the bill. Each extension shall be for a period of 20 years.
23 The bill updates language relating to the disposition of
24 property upon dissolution of the zone and specifies that any
25 collection of, or division of, property taxes under Code
26 chapter 357H ceases immediately upon dissolution of the zone.
27 Under the bill, the rural improvement zone's board of
28 trustees must file a written request with the board of
29 supervisors requesting an extension of the dissolution date.
30 The request must state the improvements needed in the zone
31 beyond the dissolution date otherwise required by the bill.
32 Within 90 days after receiving the request, the board of
33 supervisors must either adopt a resolution granting the 20-year
34 extension without further proceedings, or notify the board of
35 trustees in writing of the board's intent to review the zone's

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1 dissolution date. The board may, as part of its notice to the
2 board of trustees, request a report prepared by a licensed
3 professional engineer. If the board fails to either approve
4 the extension by resolution or notify the board of trustees of
5 the board's intent to review the zone's dissolution date within
6 the 90-day period, the request for a 20-year extension is
7 deemed approved. The board of supervisors requests additional
8 information from the board of trustees. As part of the
9 board of supervisors' further review of the request, a public
10 hearing must be held within the period of time specified in
11 the bill. Within 30 days after the public hearing, the board
12 of supervisors is required to either find a continued need for
13 the rural improvement zone and adopt a resolution approving the
14 20-year extension or find that the continued operation of the
15 rural improvement zone is not necessary and deny the request
16 for an extension. If the board fails to either approve or
17 deny the extension within the specified period of time after
18 the hearing, the request for a 20-year extension is deemed
19 approved.
20 The bill provides that any agreement or other instrument in
21 connection with an agreement between a board of trustees and
22 a board in effect on July 1, 2015, relating to the division of
23 taxes, the dissolution date of a rural improvement zone, or
24 the criteria used for determining the need for improvements in
25 the rural improvement zone that is inconsistent with this Code
26 chapter shall be null and void. However, the bill provides
27 that nothing in Code chapter 357H shall be construed to
28 prohibit the board of trustees and the board from entering into
29 an agreement on or after July 1, 2015, relating to the division
30 of taxes, the dissolution date of the rural improvement zone,
31 or the criteria used for determining the need for improvements
32 in the rural improvement zone, so long as such agreement does
33 not violate the provisions of Code chapter 357H.

House File 558 - Introduced

HOUSE FILE 558
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 157)

A BILL FOR

1 An Act relating to disruptive and disorderly conduct by
2 creating a civil action for disruptive conduct at services
3 for deceased military service members, making changes to
4 disorderly conduct offenses, and including remedies and
5 penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1588HV (1) 86
aw/rj

H.F. 558

Section 1. Section 723.4, subsection 6, paragraph a, Code 2015, is amended to read as follows:

a. Knowingly and publicly uses the flag of the United States ~~in such a manner as to show disrespect for the flag as a symbol of the United States,~~ or of the state of Iowa with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault.

Sec. 2. Section 723.4, subsection 6, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 3. Section 723.5, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A person shall not do any of the following within ~~five hundred~~ one thousand feet of the building or other location where a funeral or memorial service is being conducted, or within ~~five hundred~~ one thousand feet of a funeral procession or burial:

Sec. 4. Section 723.5, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Knowingly and publicly use the flag of the United States, the flag of the state of Iowa, a flag of a military unit or division of the armed forces of the United States or of the state military forces, or a flag recognizing prisoners of war, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. For the purposes of this paragraph, *"flag of the United States"* includes all previous flags of the United States.

Sec. 5. Section 723.5, subsection 3, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A person who commits a violation of ~~this section~~ subsection 1, paragraphs *"a"* through *"c"* commits:

Sec. 6. Section 723.5, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person who commits a violation of subsection 1, paragraph *"d"*, commits a class "D" felony.

H.F. 558

1 Sec. 7. NEW SECTION. **723.6 Civil liability for infliction**
2 **of emotional distress at services for deceased military service**
3 **members.**
4 1. For the purposes of this section:
5 *a. "Emotional distress"* means temporary or permanent
6 emotional distress, emotional discomfort, embarrassment,
7 humiliation, or grief, whether slight, moderate, or severe.
8 *b. "Family member"* means a parent, spouse, child, or sibling
9 of a military service member.
10 *c. "Military service member"* means a member of the United
11 States armed forces who died while serving on active duty
12 during a time of military conflict or who died as a result of
13 such service.
14 2. A family member of a military service member in
15 attendance or another person in attendance at the funeral,
16 memorial service, funeral procession, or burial of a military
17 service member has a right of action against a person for
18 infliction of emotional distress upon the family member or
19 other person in attendance.
20 3. A person commits infliction of emotional distress upon
21 the family member or other person in attendance if the person
22 intentionally or knowingly engages in disruptive conduct within
23 one thousand feet of the building or other location where a
24 funeral or memorial service for the military service member
25 is being conducted, or within one thousand feet of a funeral
26 procession for or burial of a military service member, with the
27 purpose or effect of causing, or with reckless disregard of
28 the probability of causing, emotional distress upon the family
29 member or other person.
30 4. *a.* Liquidated damages for infliction of emotional
31 distress upon a family member shall be ten thousand dollars for
32 each plaintiff who is a family member, and recoverable damages
33 shall include reasonable attorney fees.
34 *b.* Liquidated damages for infliction of emotional distress
35 upon any other person in attendance shall be five thousand

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1 dollars for each plaintiff who is not a family member, and
2 recoverable damages shall include reasonable attorney fees.
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 This bill relates to disruptive and disorderly conduct.
7 The bill creates a civil right of action for certain persons
8 affected by certain disruptive conduct and makes changes to
9 disorderly conduct offenses.
10 Under current law, it is a simple misdemeanor (disorderly
11 conduct) to knowingly and publicly use the flag of the United
12 States in such a manner as to show disrespect for the flag as
13 a symbol of the United States, with the intent or reasonable
14 expectation that such use will provoke or encourage another
15 to commit trespass or assault. Current law defines showing
16 disrespect as defacing, defiling, mutilating, or trampling the
17 flag. The bill extends this offense to include the flag of the
18 State of Iowa, but removes the element of the offense related
19 to showing disrespect for the flag as a symbol of the United
20 States. A simple misdemeanor is punishable by confinement for
21 no more than 30 days or a fine of at least $65 but not more than
22 $625 or by both.
23 Current law also includes offenses for disorderly conduct
24 occurring in proximity to a funeral or memorial service. The
25 bill changes the distance restriction from 500 feet to 1,000
26 feet. The bill also establishes a new offense within that
27 category of disorderly conduct for knowingly and publicly using
28 the flag of the United States, of the state of Iowa, or of a
29 military unit or division of the armed forces of the United
30 States or of the state military forces, or a flag recognizing
31 prisoners of war, with the intent or reasonable expectation
32 that such use will provoke or encourage another to commit
33 trespass or assault. The bill provides that the term "flag of
34 the United States" includes all previous flags of the United
35 States for the purposes of this offense. A class "D" felony

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is punishable by confinement for no more than five years and a fine of at least $750 but not more than $7,500.

The bill also creates a civil action for infliction of emotional distress. A person commits infliction of emotional distress upon a family member of a military service member or another attendee if the person intentionally or knowingly engages in disruptive conduct within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial for a military service member with the purpose or effect of causing, or with reckless disregard of the probability of causing, emotional distress to the family of a military service member or another attendee at the funeral, memorial service, funeral procession, or burial of a military service member. The bill provides definitions for the terms emotional distress, family member, and military service member.

The bill provides that liquidated damages for infliction of emotional distress upon a family member of a military service member or another attendee shall be $10,000 for each plaintiff who is a family member and $5,000 for each plaintiff who is not a family member. The bill also provides that damages shall include reasonable attorney fees.

House File 559 - Introduced

HOUSE FILE 559
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 462)

A BILL FOR

1 An Act providing for a waiver of eligibility requirements to
2 receive a high school equivalency diploma.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2450HV (1) 86
je/sc

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Section 1. Section 259A.2, Code 2015, is amended to read as follows:

259A.2 Age — waiver.

1. Every applicant must have attained the age of eighteen years, be a nonhigh school graduate, and not currently enrolled in a secondary school. However, an applicant is not eligible for the diploma until after the class in which the applicant was enrolled has graduated. An applicant may request a waiver of the requirements of this subsection from the department of education. The department shall grant such a waiver if the department determines that such a waiver would be in the best interests of the applicant.

2. Application shall be made to a testing center approved by the department of education, accompanied by an application fee in an amount prescribed by the department. The test scores shall be forwarded by the scorer of the test to the department.

EXPLANATION

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

This bill permits an applicant for a high school equivalency diploma to request a waiver from the department of education of the eligibility requirements for a diploma. The bill requires the department to grant such a waiver if the department determines that such a waiver would be in the best interests of the applicant.

To be eligible for a high school equivalency diploma under current law, an applicant must have attained the age of 18 years, not be a high school graduate, and not be currently enrolled in a secondary school, and an applicant is not eligible for the diploma until after the class in which the applicant was enrolled has graduated.

House File 560 - Introduced

HOUSE FILE 560
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 199)

A BILL FOR

1 An Act relating to expenditures of moneys from the E911
2 emergency communications fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1928HV (3) 86
ad/rj

H.F. 560

1 Section 1. Section 34A.7A, subsection 2, Code 2015, is
2 amended by adding the following new paragraphs:
3 NEW PARAGRAPH. *0b.* The program manager shall reimburse
4 the provider, on a calendar quarterly basis, for actual annual
5 lease costs associated with the operation of a statewide
6 land mobile radio communications system that interfaces with
7 the Iowa interoperability radio platform. The department
8 of transportation shall annually reimburse the program
9 manager up to two million dollars, which shall be returned
10 to the fund, for the program manager's reimbursement to
11 the provider of actual annual lease costs pursuant to this
12 paragraph. The department of administrative services shall
13 select the provider in accordance with section 8A.311. All
14 public safety answering points may access the statewide
15 land mobile radio communications system with no additional
16 charge to the individual public safety answering point. The
17 Iowa radio interoperability platform shall be under the
18 joint purview of the department of public safety and the
19 department of transportation. The departments shall jointly
20 submit a biannual report to the Iowa statewide interoperable
21 communications systems board beginning July 1, 2016.
22 NEW PARAGRAPH. *00b.* (1) The program manager shall allocate
23 to each joint E911 service board and to the department of
24 public safety a minimum of one thousand dollars per calendar
25 quarter for each public safety answering point within the
26 service area of the department of public safety or joint E911
27 service board that has submitted an annual written request to
28 the program manager in a form approved by the program manager
29 by May 15 of each year.
30 (2) The amount allocated under this paragraph *"00b"* shall be
31 fifty-three percent of the total amount of surcharge generated
32 per calendar quarter allocated as follows:
33 (a) Sixty-five percent of the total dollars available for
34 allocation shall be allocated in proportion to the square miles
35 of the service area to the total square miles in this state.

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(b) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls taken at the public safety answering point in the service area to the total number of wireless E911 calls originating in this state.

(c) Notwithstanding subparagraph divisions (a) and (b), the minimum amount allocated to each joint E911 service board and to the department of public safety shall be no less than one thousand dollars for each public safety answering point within the service area of the department of public safety or joint E911 service board.

(3) The funds allocated in this paragraph *"00b"* shall be used for communication equipment utilized for the receipt and disposition of 911 calls.

Sec. 2. Section 34A.7A, subsection 2, paragraph e, Code 2015, is amended by striking the paragraph.

Sec. 3. Section 34A.7A, subsection 2, paragraph f, Code 2015, is amended to read as follows:

f. If moneys remain in the fund after fully paying all obligations under paragraphs *"a"*, *"0b"*, *"00b"*, *"b"*, *"c"*, and *"d"*, ~~and *"e"*,~~ the remainder may be accumulated in the fund as a carryover operating surplus. ~~This~~ The program manager, in consultation with the E911 communications council, shall allocate an amount, not to exceed one hundred thousand dollars per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public, educational programs for personnel responsible for the maintenance, operation, and upgrading of local E911 systems, and the expenses of members of the E911 communications council for travel, monthly meetings, and training. The remaining surplus shall be used to fund future network and public safety answering point improvements for the receipt and disposition of 911 calls, including hardware and software for an internet protocol-enabled next generation network, and wireless carriers' transport costs related to wireless E911 services, if

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1 those costs are not otherwise recovered by wireless carriers
2 through customer billing or other sources and approved by the
3 program manager in consultation with the E911 communications
4 council. Notwithstanding section 8.33, any moneys remaining
5 in the fund at the end of each fiscal year shall not revert to
6 the general fund of the state but shall remain available for
7 the purposes of the fund.
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 relates to the expenditure of moneys in the
12 E911 emergency communications fund. The bill adds a new
13 expenditure to the list of expenditures of the E911 emergency
14 communications fund. The new expenditure is prioritized after
15 the amount appropriated to the director of the department of
16 homeland security and emergency management and program manager
17 for implementation, support, and maintenance of the functions
18 of the director and the program manager. The bill requires
19 the program manager to reimburse the provider, from the E911
20 emergency communications fund, on a calendar quarterly basis,
21 the actual annual lease costs associated with the operation
22 of a statewide land mobile radio communications system that
23 interfaces with the Iowa interoperability radio platform.
24 The bill requires the department of transportation to
25 reimburse the program manager up to $2 million, which would be
26 returned to the E911 emergency communications fund, for lease
27 costs. The bill provides that all public safety answering
28 points may use the system at no additional charge. The Iowa
29 radio interoperability platform is under the joint purview
30 of the department of public safety and the department of
31 transportation. The bill requires the departments to jointly
32 submit a biannual report to the Iowa statewide interoperable
33 communications system board beginning July 1, 2016.
34 The bill reprioritizes the expenditures from the fund by
35 moving the allocations to the joint E911 service board and

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to the department of public safety from fifth in the list of priority to third in the list of priority after the amount used to reimburse the provider for annual lease costs associated with the operation of the statewide land mobile radio communications system. The bill also increases the percentage allocated from the total amount of surcharge generated per calendar quarter from 46 percent to 53 percent. The bill adds that from any surplus in the E911 emergency communications fund remaining after payment of the priorities, the E911 program manager, in consultation with the E911 communications council, shall allocate an amount not to exceed $100,000 per fiscal year for development of public awareness and educational programs for the public, for educational programs for personnel responsible for maintenance, operation, and upgrading of E911 systems, and for the expenses of members of the E911 communications council for travel, monthly meetings, and training. The bill further requires that the remaining surplus be used to fund future network and public safety answering point improvements that are for the receipt and disposition of 911 calls.

House File 561 - Introduced

HOUSE FILE 561
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 166)

A BILL FOR

1 An Act relating to county recorder duties and fees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1744HV (3) 86
aw/sc

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Section 1. Section 331.602, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Carry out duties relating to access to online electronic services, including participation and compliance with the policies and procedures established by the governing board of the county land record information system pursuant to section 331.604, subsection 3, and including but not limited to the policies, procedures, and duties specified in this section and section 331.603.

Sec. 2. Section 331.604, subsection 3, paragraphs a, b, and d, Code 2015, are amended to read as follows:

a. Each county shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system, which participation shall be established pursuant to an agreement entered into under chapter 28E by all counties in this state.

b. (1) ~~For the period beginning July 1, 2004, and ending June 30, 2009, the~~ The county recorder shall also collect a fee of ~~one dollar~~ two dollars for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the ~~purpose set forth in paragraph "*d*".~~

~~(2) For the period beginning July 1, 2009, and ending June 30, 2011, the recorder shall also collect a fee of three dollars for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the~~ following purposes:

(a) Maintaining the statewide internet site and the county land record information system.

(b) Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.

(c) Implementing and maintaining a process for redacting

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personally identifiable information contained in electronic documents that are displayed for public access through an internet site or that are transferred to another person.

~~(3) Beginning July 1, 2011, the recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purposes in subparagraph (2) and for the following purposes:~~

~~(a)~~ (d) Establishing and implementing standards for recording, processing, and archiving electronic documents and records, including standards for local land records management systems.

~~(b)~~ (e) Expanding access to records by encouraging electronic indexing and scanning of documents and instruments recorded in prior years.

~~(4) Notwithstanding subparagraph (2), the fee collected by the recorder under this subsection for recording a plat of survey is one dollar, regardless of the number of pages. For purposes of this subparagraph, "*plat of survey*" means the same as defined in section 355.1, subsection 9.~~

~~(5)~~ (2) Fees collected in excess of the amount needed for the purposes specified in this subsection shall be used by the county land record information system to reduce or eliminate service fees for electronic submission of documents and instruments as described in section 331.605B.

d. The local government electronic transaction fund is established in the office of the treasurer of state under the control of the treasurer of state. Moneys deposited into the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the local government electronic transaction fund shall be credited to the fund. Moneys in the local government electronic transaction fund are not subject to transfer, appropriation, or reversion to any other fund, or any other use except as provided in this subsection. On a monthly basis, the county treasurer shall

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pay the fees deposited into the county recorder's electronic transaction fund to the treasurer of state for deposit into the local government electronic transaction fund. Moneys credited to the local government electronic transaction fund are appropriated to the treasurer of state for the payment of claims approved by the governing board of the county land record information system. ~~Except as otherwise provided in this subsection, expenditures from the fund shall be for the purpose of planning and implementing electronic recording and electronic transactions in each county, developing county and statewide internet sites to provide electronic access to records and information, and to pay the ongoing costs of integrating and maintaining the statewide internet site.~~

Sec. 3. Section 331.605B, subsection 2, Code 2015, is amended to read as follows:

2. *a.* A recorder or the governing board of the county land record information system shall collect only statutorily authorized fees for land records management. A recorder or the governing board of the county land record information system shall not collect a fee for viewing, accessing, or printing documents in the county land record information system unless specifically authorized by statute. ~~However, a~~ A recorder or the governing board of the county land record information system may collect ~~actual third-party fees associated with accepting and processing statutorily authorized fees, including credit card fees, treasury management fees, and other transaction fees required to enable electronic payment. For the purposes of this subsection, the term *"third-party"* does not include the county land record information system, the Iowa state association of counties, or any of the association's affiliates~~ a fee for costs related to the use of credit cards and debit cards.

b. The provisions of this subsection shall be subject to legislative review at least every five years.

EXPLANATION

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

This bill relates to county recorder duties and fees.

The bill requires county recorders to carry out duties relating to access to online electronic services in accordance with policies and procedures established by the governing board of the county land record information system, and including but not limited to the current statutory policies, procedures, and duties relating to land records.

The bill provides that participation in the county land record information system shall be established pursuant to an agreement entered into by all counties in this state and makes changes to what constitutes allowable expenditures from the local government electronic transaction fund. The bill requires that the county recorder collect a $2 fee for each recorded transaction to be used for purposes currently specified in statute. Under current law, the fee is set at $1. The bill also specifies an additional allowable use of such fees, for establishing and implementing standards for local land records management systems.

Under current law, a county recorder or the governing board of the county land record information system is authorized to collect any actual third-party fees associated with accepting and processing payment of fees the recorder or system is authorized to collect. The bill, however, strikes that provision and instead provides that a recorder or the governing board of the county land record information system may collect a fee for costs related to the use of credit cards and debit cards. The bill further requires that the legislature review the provisions of Code section 331.605B, subsection 2, every five years.

House File 562 - Introduced

HOUSE FILE 562
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 198)

A BILL FOR

1 An Act relating to fees collected by the county recorder,
2 including fees collected for copies of vital records and
3 applications for marriage licenses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2245HV (2) 86
aw/sc

H.F. 562

Section 1. Section 144.46, subsection 2, Code 2015, is amended to read as follows:

2. Fees collected by the state registrar and by the county registrar on behalf of the state under this section shall be deposited in the general fund of the state and the vital records fund established in section 144.46A in accordance with an apportionment established by rule. ~~Fees~~ County fees collected by the county registrar pursuant to section 331.605, subsection 1, ~~paragraph~~ paragraphs *"f"* and *"g"*, shall be deposited in the county general fund.

Sec. 2. Section 331.605, subsection 1, paragraph g, Code 2015, is amended to read as follows:

g. For filing an application for the license to marry, thirty-five dollars, which includes payment for one certified copy of the original certificate of marriage, to be issued following filing of the original certificate of marriage, ~~four~~ seven dollars of which shall be retained by the county ~~pursuant to paragraph "f"~~ as a county fee. The remainder of the fee shall be transferred to the department of public health as a state fee, twelve dollars of which shall be retained by the department of public health and sixteen dollars of which shall be transferred to the general fund of the state. For issuing an application for an order of the district court authorizing the validation of a license to marry before the expiration of three days from the date of issuance of the license, five dollars. The district court shall authorize the early validation of a marriage license without the payment of any fees imposed in this paragraph upon showing that the applicant is unable to pay the fees.

EXPLANATION

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

This bill relates to fees collected by the county recorder for copies of vital records and applications for marriage licenses.

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1 Under current law, the fee for filing a marriage application
2 and receiving a copy of the original marriage certificate is
3 set at $35. The bill raises the portion of the fee retained by
4 the county from $4 to $7. The bill provides that the remainder
5 of the $35 be transferred to the department of public health as
6 a state fee and requires that $12 of the state fee be retained
7 by the department and that $16 of the state fee be transferred
8 to the general fund of the state.
9 Current law also requires a district court to authorize the
10 early validation of a marriage license without the payment of
11 any fees upon showing that an applicant is unable to pay the
12 fees.

House File 563 - Introduced

HOUSE FILE 563
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 482)

(COMPANION TO LSB 2328HV BY
COMMITTEE ON TRANSPORTATION)

A BILL FOR

1 An Act relating to vehicle recyclers, including the transfer
2 of motor vehicles to vehicle recyclers and compliance
3 with the national motor vehicle title information system,
4 making penalties applicable, and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2328HV (2) 86
ns/nh

H.F. 563

Section 1. Section 321.45, subsection 2, paragraph a, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) The vehicle is disposed of pursuant to section 321.52, subsection 2, paragraph "b".

Sec. 2. Section 321.46, subsection 1, Code 2015, is amended to read as follows:

1. The transferee shall, within thirty calendar days after purchase or transfer, apply for and obtain from the county treasurer of the person's residence, or if a nonresident, the county treasurer of the county where the primary users of the vehicle are located or the county where all other vehicles owned by the nonresident are registered, or in the case of a mobile home or manufactured home, the county treasurer of the county where the mobile home or manufactured home is located, or if a firm, association, or corporation with vehicles in multiple counties, the transferee may apply for and obtain from the county treasurer of the county where the primary user of the vehicle is located, a new registration and a new certificate of title for the vehicle except as provided in section 321.25, 321.48, or 322G.12, or when the transferee obtains the vehicle pursuant to section 321.52, subsection 2, paragraph "b". The transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and shall indicate the name of the county in which the vehicle was last registered and the registration expiration date.

Sec. 3. Section 321.52, subsection 2, Code 2015, is amended to read as follows:

2. *a.* The purchaser or transferee of a motor vehicle subject to registration for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title, properly endorsed and signed by the previous owner, to the county treasurer of the county of residence of the transferee, and shall apply for a junking certificate from the county treasurer, within thirty days after

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assignment of the certificate of title, except when the vehicle is disposed of pursuant to paragraph "*b*". The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport, or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate except as provided in subsection 3. The county treasurer shall cancel the record of the vehicle. The junking certificate shall be printed on the registration receipt form and shall be imprinted with the words "junking certificate", as prescribed by the department. A space for transfer by endorsement shall be on the junking certificate. A separate form for the notation of the transfer of component parts shall be attached to the junking certificate when the certificate is issued.

b. The owner of a motor vehicle subject to registration that does not have a certificate of title or a junking certificate may dispose of the vehicle to a vehicle recycler licensed under chapter 321H for scrap or junk if the vehicle is twelve model years old or older and has a fair market value of less than one thousand dollars.

Sec. 4. Section 321.52, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the certificate of title to the county treasurer except when the vehicle is disposed of pursuant to subsection 2, paragraph "*b*".

Sec. 5. Section 321.67, Code 2015, is amended to read as follows:

321.67 Certificate of title must be executed.

1. No person, except as provided in sections 321.23 and

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321.45, and section 321.52, subsection 2, paragraph *"b"*, shall sell or otherwise dispose of a registered vehicle or a vehicle subject to registration without delivering to the purchaser or transferee thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser.

2. No person shall purchase or otherwise acquire or bring into this state a registered vehicle or a vehicle subject to registration without obtaining a certificate of title thereto except for temporary use or as provided in sections 321.23 and 321.45, and section 321.52, subsection 2, paragraph *"b"*.

Sec. 6. Section 321.104, subsection 4, Code 2015, is amended to read as follows:

4. To sell, offer for sale, or transfer a motor vehicle, trailer, or semitrailer, except as provided in section 321.47 or 321.48, or section 321.52, subsection 2, paragraph *"b"*, without obtaining a certificate of title in the name of the seller or transferor or without delivering to the purchaser or transferee a certificate of title or a manufacturer's or importer's certificate duly assigned to the purchaser or transferee as provided in this chapter.

Sec. 7. Section 321H.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *"National motor vehicle title information system"* means the federally mandated motor vehicle title history database maintained by the United States department of justice that links the states' motor vehicle title records, including the department's title records, and that requires the reporting of junk and salvage motor vehicles in order to ensure that states, law enforcement agencies, insurers, and consumers have access to information that enables the verification of a vehicle's history, and the accuracy and legality of a motor vehicle's title, before a purchase or title transfer occurs.

Sec. 8. Section 321H.4, subsection 2, paragraph a, Code 2015, is amended to read as follows:

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1 *a.* Application for a license as an authorized vehicle
2 recycler shall be made to the department on forms provided by
3 the department. The application shall be accompanied by a
4 fee of seventy dollars for a two-year period or part thereof
5 and proof of registration with the national motor vehicle
6 title information system. The license shall be approved or
7 disapproved within thirty days after application for the
8 license. A license expires on December 31 of even-numbered
9 years. A licensee shall have the month of expiration and the
10 month after the month of expiration to renew the license. A
11 person who fails to renew a license by the end of this time
12 period and desires to hold a license shall file a new license
13 application and pay the required fee. A separate license shall
14 be obtained for each county in which an applicant conducts
15 operations.
16 Sec. 9. NEW SECTION. **321H.4A National motor vehicle title**
17 **information system.**
18 1. A vehicle recycler licensed under this chapter and
19 subject to the requirements of 28 C.F.R. §25.56 shall register
20 with the national motor vehicle title information system.
21 2. *a.* Except as provided in paragraph *"b"*, for any vehicle
22 subject to registration under chapter 321 purchased by a
23 vehicle recycler licensed under this chapter and subject to the
24 requirements of 28 C.F.R. §25.56, the vehicle recycler shall
25 comply with the reporting requirements of 28 C.F.R. §25.56
26 within two business days of purchasing the vehicle. Records of
27 the vehicle recycler's compliance shall be kept by the vehicle
28 recycler for at least three years after the purchase of the
29 vehicle, and shall be open for inspection by any peace officer
30 during normal business hours. The department shall adopt rules
31 to implement this section, including but not limited to rules
32 requiring the submission and retention of records not required
33 by 28 C.F.R. §25.56.
34 *b.* Paragraph *"a"* does not apply to a vehicle that has
35 been crushed or flattened by mechanical means in such a way

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that it no longer resembles the vehicle described by the certificate of title if the vehicle recycler who purchased the vehicle verifies that the seller of the vehicle has met the requirements of paragraph "*a*". The department shall adopt rules relating to the form of the verification, and the manner in which the verification shall be retained.

Sec. 10. Section 321H.5, Code 2015, is amended to read as follows:

321H.5 Display of license.

A license issued under the provisions of this chapter shall specify the location of the principal place of business, the location of each extension within the county of the principal place of business ~~and the~~, and the licensee's registration number for the national motor vehicle title information system. The license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modifications.

Sec. 11. Section 321H.6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The license of a person issued under the provisions of this chapter may be denied, revoked, or suspended, and an application for a license under this chapter may be denied, if the department finds any of the following:

Sec. 12. Section 321H.6, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The licensee has failed to comply with section 321H.4A or 28 C.F.R. §25.56.

Sec. 13. Section 321H.8, subsection 1, Code 2015, is amended to read as follows:

1. *a.* ~~A~~ Except as provided in paragraph "*b*", a person convicted of violating a provision of this chapter is guilty of a serious misdemeanor.

b. A person convicted of violating section 321H.4A, subsection 2, paragraph "*a*", for failing to comply with the reporting requirements of 28 C.F.R. §25.56 within two business

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1 days of purchasing a vehicle is guilty of a simple misdemeanor
2 punishable by a fine of not less than two hundred fifty
3 dollars nor more than one thousand five hundred dollars or by
4 imprisonment not to exceed thirty days.
5 Sec. 14. EFFECTIVE DATE. This Act takes effect January 1,
6 2016.
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 relates to vehicle recyclers, including the
11 transfer of motor vehicles to vehicle recyclers and compliance
12 with the national motor vehicle title information system.
13 The bill provides that the owner of a motor vehicle that does
14 not have a certificate of title or a junking certificate may
15 dispose of the vehicle to a vehicle recycler licensed under
16 Code chapter 321H for scrap or junk if the vehicle is 12 model
17 years old or older and has a fair market value of less than
18 $1,000. The bill exempts vehicles disposed of this way from
19 certain title application, delivery, surrender, and transfer
20 requirements.
21 The bill defines "national motor vehicle title information
22 system" (NMVTIS) as the federally mandated motor vehicle title
23 history database maintained by the United States department of
24 justice that links the states' motor vehicle title records,
25 including the department of transportation's title records, and
26 that requires the reporting of junk and salvage motor vehicles
27 in order to ensure that states, law enforcement agencies,
28 insurers, and consumers have access to information that enables
29 the verification of a vehicle's history, and the accuracy and
30 legality of a motor vehicle's title, before a purchase or title
31 transfer occurs.
32 The bill requires applicants seeking to become an authorized
33 vehicle recycler to provide proof of registration with the
34 NMVTIS. In addition, the bill requires a vehicle recycler
35 license to state the licensee's registration number for the

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1 NMVTIS.
2 The bill requires a licensed vehicle recycler subject to
3 federal regulations relating to the NMVTIS to register with
4 the NMVTIS, and for any vehicle purchased by the vehicle
5 recycler, to comply with the federal reporting requirements
6 within two business days of purchasing the vehicle. Records
7 of the vehicle recycler's compliance shall be kept by the
8 vehicle recycler for at least three years after the purchase
9 of the vehicle, and shall be open for inspection by any peace
10 officer during normal business hours. The bill provides that
11 the department of transportation shall adopt rules to implement
12 these provisions, including but not limited to rules requiring
13 the submission and retention of records not required by federal
14 regulations relating to the NMVTIS. These requirements do
15 not apply to a vehicle that has been crushed or flattened by
16 mechanical means in such a way that it no longer resembles the
17 vehicle described by the certificate of title if the vehicle
18 recycler who purchased the vehicle verifies that the seller of
19 the vehicle has met the requirements. The bill provides that
20 the department of transportation shall adopt rules relating
21 to the form of the verification, and the manner in which the
22 verification shall be retained. A violation for failing to
23 comply with the reporting requirements of the NMVTIS within two
24 business days of purchasing a vehicle is a simple misdemeanor
25 punishable by a fine of at least $250, but not more than
26 $1,500, or imprisonment not to exceed 30 days. A violation of
27 the remaining provisions is a serious misdemeanor punishable
28 by a fine of at least $315, but not more than $1,875, and
29 imprisonment not to exceed one year.
30 The bill provides that an authorized vehicle recycler
31 license, or an application for such a license, may be denied,
32 revoked, or suspended if the department of transportation finds
33 that the licensee has not complied with the provisions of the
34 bill or with federal regulations relating to the NMVTIS.
35 The bill takes effect January 1, 2016.

House File 564 - Introduced

HOUSE FILE 564
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 163)

(COMPANION TO LSB 2518SV BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the transfer of jurisdiction from the
2 juvenile court to the district court related to a child in
3 need of assistance case.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2518HV (3) 86
pf/nh

H.F. 564

1 Section 1. NEW SECTION. **232.103A Transfer of jurisdiction**
2 **related to child in need of assistance case — bridge order.**
3 1. The juvenile court may close a child in need of
4 assistance case by transferring jurisdiction over the child's
5 custody, physical care, and visitation to the district court
6 through a bridge order, if all of the following criteria are
7 met:
8 *a.* The child has been adjudicated a child in need
9 of assistance in an active juvenile court case, and a
10 dispositional order in that case is in place.
11 *b.* Paternity of the child has been legally established,
12 including by operation of law due to the individual's marriage
13 to the mother at the time of conception, birth, or at any
14 time during the period between conception and birth of the
15 child, by order of a court of competent jurisdiction, or by
16 administrative order when authorized by state law.
17 *c.* The child is safely placed by the juvenile court with a
18 parent.
19 *d.* There is not a current district court order for custody
20 in place.
21 *e.* The juvenile court has determined that the child in need
22 of assistance case can safely close once orders for custody,
23 physical care, and visitation are entered by the district
24 court.
25 *f.* A parent qualified for a court-appointed attorney in the
26 juvenile court case.
27 2. When the criteria specified in subsection 1 are met, any
28 party to a child in need of assistance proceeding in juvenile
29 court may file a motion with the juvenile court for a bridge
30 order under subsection 1. Such motion shall be set for hearing
31 by the juvenile court no less than thirty days nor more than
32 ninety days from the date of filing the motion. The juvenile
33 court, on its own motion, may set a hearing on the issue of a
34 bridge order if such hearing is set no less than thirty days
35 from the date of notice to the parties.

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1 3. The juvenile court shall designate the petitioner and
2 respondent for the purposes of the bridge order. A bridge
3 order shall only address matters of custody, physical care, and
4 visitation. All other matters, including child support, shall
5 be filed by separate petition or by action of the child support
6 recovery unit, and shall be subject to existing applicable
7 statutory provisions.
8 4. Upon transferring jurisdiction from the juvenile court
9 to the district court, the clerk of court shall docket the
10 case. Filing fees and other court costs shall not be assessed
11 against the parties.
12 5. The district court shall take judicial notice of the
13 juvenile file in any hearing related to the case. Records
14 contained in the district court case file that were copied or
15 transferred from the juvenile court file concerning the case
16 shall be subject to section 232.147 and other confidentiality
17 provisions of this chapter for cases not involving juvenile
18 delinquency, and shall be disclosed, upon request, to the child
19 support recovery unit without a court order.
20 6. Following the issuance of a bridge order, a party may
21 file a petition in district court for modification of the
22 bridge order for custody, physical care, or visitation. If
23 the petition for modification is filed within one year of
24 the filing date of the bridge order, the party requesting
25 modification shall not be required to demonstrate a substantial
26 change of circumstances but instead shall demonstrate that
27 such modification is in the best interest of the child. If
28 a petition for modification is filed within one year of the
29 filing date of the bridge order, filing fees and other court
30 costs shall not be assessed against the parties.
31 7. Nothing in this section shall be construed to require
32 appointment of counsel for the parties in the district court
33 action.
34 EXPLANATION
35 The inclusion of this explanation does not constitute agreement with

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1 the explanation's substance by the members of the general assembly.

2 This bill provides for the issuance of a bridge order to
3 transfer jurisdiction related to a child in need of assistance
4 (CINA) case from the juvenile court to the district court.
5 Under the bill, the juvenile court may close a CINA case by
6 transferring jurisdiction over the child's custody, physical
7 care, and visitation to the district court through a bridge
8 order, if: the child has been adjudicated a CINA in an active
9 juvenile court case, and a dispositional order in that case is
10 in place; paternity of the child has been legally established,
11 including by operation of law, by order of a court of competent
12 jurisdiction, or by administrative order when authorized by
13 state law; the child is safely placed by the juvenile court
14 with a parent; there is not a current district court order for
15 custody in place; the juvenile court has determined that the
16 CINA case can safely close once orders for custody, physical
17 care, and visitation are entered by the district court; and a
18 parent qualified for a court-appointed attorney in the juvenile
19 court case.
20 If all of the criteria specified are met, any party to a
21 CINA proceeding in juvenile court may file a motion with the
22 juvenile court for a bridge order. Such motion is required to
23 be set for hearing no less than 30 days and not more than 90
24 days from the date of filing the motion. The juvenile court,
25 on its own motion, may set a hearing on the bridge order if the
26 hearing is set no less than 30 days from the date of notice to
27 the parties.
28 The bill directs the juvenile court to designate the
29 petitioner and respondent for the bridge order, which is
30 limited to addressing only matters of custody, physical care,
31 and visitation. All other matters, including child support,
32 are to be filed by separate petition or by action of the child
33 support recovery unit (CSRU) and are subject to existing
34 applicable statutory provisions.
35 Upon transferring jurisdiction, the clerk of court is

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1 directed to docket the case. Filing fees and other court
2 costs are not to be assessed against the parties. The bill
3 provides that the district court shall take judicial notice
4 of the juvenile file in any hearing related to the case and
5 provides for confidentiality of the records contained in the
6 district court case file that were copied or transferred from
7 the juvenile court file and for disclosure of the records to
8 the CSRU, upon request, without a court order.
9 The bill provides for modification of the bridge order for
10 issues relating only to custody, physical care, or visitation.
11 If the petition for modification is filed within one year of
12 the filing date of the bridge order, the party requesting
13 modification is not required to demonstrate a substantial
14 change of circumstances, but instead must demonstrate that
15 such modification is in the best interest of the child.
16 Additionally, if a petition for modification is filed within
17 one year of the filing date of the bridge order, filing fees
18 and other court costs are not to be assessed against the
19 parties. Nothing in the bill is to be construed to require
20 appointment of counsel for the parties in the district court
21 action.

House File 565 - Introduced

HOUSE FILE 565
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 214)

A BILL FOR

1 An Act relating to funding for the location of department of
2 human services staff in county office space.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2596HV (3) 86
aw/sc

H.F. 565

1 Section 1. Section 217.32, Code 2015, is amended to read as
2 follows:
3 **217.32 Office space in county.**
4 1. Where the department of human services assigns personnel
5 to an office located in a county for the purpose of performing
6 in that county designated duties and responsibilities assigned
7 by law to the department, it shall be the responsibility of the
8 county to provide and maintain the necessary office space and
9 office supplies and equipment for the personnel so assigned in
10 the same manner as if they were employees of the county.
11 2. The department shall at least annually, or more
12 frequently if the department so elects, reimburse the county
13 for a portion, designated by law, of the cost of maintaining
14 office space and providing supplies and equipment as required
15 by this section, and also for a similar portion of the cost
16 of providing the necessary office space if in order to do so
17 it is necessary for the county to lease office space outside
18 the courthouse or any other building owned by the county.
19 The portion of the foregoing costs reimbursed to the county
20 under this section shall be equivalent to the proportion of
21 those costs which the federal government authorizes to be paid
22 from available federal funds, unless the general assembly
23 directs otherwise when appropriating funds for support of the
24 department.
25 3. For the fiscal year beginning on July 1, 2016, and ending
26 June 30, 2017, the department shall at least annually reimburse
27 the county for at least forty percent of the actual cost of
28 maintaining office space and providing supplies and equipment
29 as required by this section. For each subsequent fiscal year,
30 the department shall at least annually reimburse the county for
31 at least the prior year's reimbursement rate plus an additional
32 five percent of the actual costs above the prior fiscal year's
33 reimbursement rate until the department annually reimburses
34 the county for at least sixty percent of the actual costs of
35 maintaining office space and providing supplies and equipment.

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4. If a board of supervisors adopts a resolution pursuant to section 331.301, subsection 17, the department of human services shall enter into negotiations with the board of supervisors before approval of the department's budget for offices in that county. If an impasse in negotiations persists thirty days after entering negotiations, either party may request that the impasse be resolved through arbitration. An impasse over the amounts required to be paid for by the county shall be resolved by arbitration before neutral arbitrators pursuant to the rules of the American arbitration association. The decision of an arbitrator pursuant to this subsection is subject to judicial review pursuant to chapter 679A.

Sec. 2. Section 331.301, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 17. The board of supervisors of a county that provides office space to the department of human services under section 217.32 may by resolution request that the department of human services enter into negotiations with the board over the amounts required to be paid by the county in order to provide and maintain office space and office supplies and equipment for department personnel.

EXPLANATION

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

This bill relates to funding for the location of department of human services staff in county office space.

The bill requires that for the fiscal year beginning July 1, 2016, the department of human services at least annually reimburse a county that provides offices for at least 40 percent of the actual cost of maintaining office space and providing supplies and equipment. The bill further requires that for each subsequent fiscal year, the department annually reimburse the county for at least the prior year's reimbursement rate plus an additional 5 percent of the actual costs above the prior fiscal year's reimbursement rate until

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the department annually reimburses the county for at least 60 percent of the actual costs.

The bill also provides that a board of supervisors providing office space for the department may adopt a resolution requesting that the department of human services enter into negotiations with the board over the amounts required to be paid by the county in order to provide and maintain office space and office supplies and equipment for department personnel. The bill requires that the department enter negotiations with the board of supervisors upon the adoption of such a resolution before approval of the department's budget for offices in that county. The bill further provides that if an impasse in negotiations persists 30 days after entering negotiations that either party may request that the impasse be resolved through arbitration before neutral arbitrators pursuant to the rules of the American arbitration association. The decision of an arbitrator pursuant to this subsection is subject to judicial review pursuant to Code chapter 679A.

House File 566 - Introduced

HOUSE FILE 566
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 196)

A BILL FOR

1 An Act relating to the electronic birth certificate system.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2587HV (3) 86
aw/sc

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Section 1. Section 144.13A, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. It is the intent of the general assembly that the funds generated from the fees as established under section 144.46 for the mailing of the certified copy of the birth certificate be appropriated and used to support the distribution of the automatic birth certificate and the implementation of the electronic birth certificate system. It is further the intent of the general assembly that there be access to all birth records available through the electronic birth certificate system, including all records provided in accordance with section 144.13 or section 144.14 and birth records that are prepared and delivered to parents named in an adoption decree pursuant to section 600.13, subsection 5.

EXPLANATION

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

This bill relates to the electronic birth certificate system. The bill provides that it is the intent of the general assembly that there be access to all birth records through the system, including birth records that are prepared and delivered to parents named in an adoption decree.

House File 567 - Introduced

HOUSE FILE 567
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 279)

A BILL FOR

1 An Act relating to controlled substances, including by
2 enhancing the penalties for imitation controlled substances,
3 modifying the controlled substances listed in schedules
4 I, III, and IV, and temporarily designating substances as
5 controlled substances, and providing penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1434HV (3) 86
jm/rj

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1 Section 1. Section 124.101, Code 2015, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 15A. *"Imitation controlled substance"* means
4 a substance which is not a controlled substance but which by
5 color, shape, size, markings, and other aspects of dosage unit
6 appearance, and packaging or other factors, appears to be or
7 resembles a controlled substance. The board of pharmacy may
8 designate a substance as an imitation controlled substance
9 pursuant to the board's rulemaking authority and in accordance
10 with chapter 17A. *"Imitation controlled substance"* also
11 means any substance determined to be an imitation controlled
12 substance pursuant to section 124.101B.
13 Sec. 2. NEW SECTION. **124.101B Factors indicating an**
14 **imitation controlled substance.**
15 If a substance has not been designated as an imitation
16 controlled substance by the board of pharmacy and if dosage
17 unit appearance alone does not establish that a substance is an
18 imitation controlled substance, the following factors may be
19 considered in determining whether the substance is an imitation
20 controlled substance:
21 1. The person in control of the substance expressly or
22 impliedly represents that the substance has the effect of a
23 controlled substance.
24 2. The person in control of the substance expressly
25 or impliedly represents that the substance because of its
26 nature or appearance can be sold or delivered as a controlled
27 substance or as a substitute for a controlled substance.
28 3. The person in control of the substance either demands or
29 receives money or other property having a value substantially
30 greater than the actual value of the substance as consideration
31 for delivery of the substance.
32 Sec. 3. Section 124.201, subsection 4, Code 2015, is amended
33 to read as follows:
34 4. If any new substance is designated as a controlled
35 substance under federal law and notice of the designation is

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given to the board, the board shall similarly designate as controlled the new substance under this chapter after the expiration of thirty days from publication in the federal register of a final order designating a new substance as a controlled substance, unless within that thirty-day period the board objects to the new designation. In that case the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing the board shall announce its decision. Upon publication of objection to a new substance being designated as a controlled substance under this chapter by the board, control under this chapter is stayed until the board publishes its decision. If a substance is designated as controlled by the board under this subsection the control shall be considered a temporary ~~and if, within sixty days after the next regular session of the general assembly convenes, the general assembly has not made the corresponding changes in this chapter, the temporary designation of control of the substance by the board shall be nullified~~ amendment to the schedules of controlled substances in this chapter. If the board so designates a substance as controlled, which is considered a temporary amendment to the schedules of controlled substances in this chapter, and if the general assembly does not amend this chapter to enact the temporary amendment and make the enactment effective within two years from the date the temporary amendment first became effective, the temporary amendment is repealed by operation of law two years from the effective date of the temporary amendment. A temporary amendment repealed by operation of law is subject to section 4.13 relating to the construction of statutes and the application of a general savings provision.

Sec. 4. Section 124.204, subsection 4, paragraph ai, subparagraphs (3), (4), and (5), Code 2015, are amended by striking the subparagraphs.

Sec. 5. Section 124.204, subsection 4, paragraph aj, Code

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2015, is amended by striking the paragraph and inserting in lieu thereof the following:

aj. 5-methoxy-N,N-dimethyltryptamine. Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.

Sec. 6. Section 124.204, subsection 4, paragraph ak, Code 2015, is amended by striking the paragraph and inserting in lieu thereof the following:

ak. 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

Sec. 7. Section 124.204, subsection 4, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *al.* 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

NEW PARAGRAPH. *am.* 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

NEW PARAGRAPH. *an.* 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).

NEW PARAGRAPH. *ao.* 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).

NEW PARAGRAPH. *ap.* 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).

NEW PARAGRAPH. *aq.* 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

NEW PARAGRAPH. *ar.* 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).

NEW PARAGRAPH. *as.* 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

Sec. 8. Section 124.204, subsection 6, paragraph i, subparagraph (3), Code 2015, is amended by striking the subparagraph and inserting in lieu thereof the following:

(3) 3,4-Methylenedioxy-N-methylcathinone (methylone).

Sec. 9. Section 124.204, subsection 6, paragraph i, subparagraphs (18), (19), (20), (21), and (22), Code 2015, are amended by striking the subparagraphs and inserting in lieu thereof the following:

(18) 4-methyl-N-ethylcathinone. Other names: 4-MEC,

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2-(ethylamino)-1-(4-methylphenyl)propan-1-one.
(19) 4-methyl-alpha6 pyrrolidinopropiophenone. Other names: 4-MePPP, MePPP, 4-methyl-[alpha]-pyrrolidinopropiophenone, 8 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one.
(20) Pentedrone. Other names: [alpha]-methylaminovalerophenone, 2-(methylamino)-1-phenylpentan-1-one.
(21) Pentylone. Other names: bk-MBDP, 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one.
(22) Alpha-pyrrolidinobutiophenone. Other names: [alpha]-PBP, 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.
Sec. 10. Section 124.204, subsection 6, paragraph i, subparagraphs (23), (24), (25), and (26), Code 2015, are amended by striking the subparagraphs.
Sec. 11. Section 124.204, subsection 9, Code 2015, is amended by adding the following new paragraphs:
NEW PARAGRAPH. *0a.* HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol)].
NEW PARAGRAPH. *00a.* HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol).
NEW PARAGRAPH. *000a.* Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.
(1) The term *"cannabimimetic agents"* means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:
(a) 2-(3-hydroxycyclohexyl)phenol with substitution at the

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5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

(b) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

(c) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

(d) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(e) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(2) Such terms include:

(a) CP 47,497 and homologues 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexl]phenol.

(b) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.

(c) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

(d) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone.

(e) JWH-19 1-hexyl-3-(1-naphthoyl)indole.

(f) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.

(g) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.

(h) JWH-250 1-pentyl-3-(2-methoxyphenylacetyl)indole.

(i) RCS-4 and SR-19 1-pentyl-3-[(4methoxy)-benzoyl]indole.

(j) RCS-8 and SR 18 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole.

(k) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.

(l) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.

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(m) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
(n) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
(o) Cannabicyclohexanol or CP-47,497 C8-homolog 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
NEW PARAGRAPH. *0d.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4- fluorobenzyl)-1H-indazole-3-carboxamide. Other names: AB-FUB1NACA.
NEW PARAGRAPH. *00d.* N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1 H-indazole-3-carboxamide. Other names: ADB-PINACA.
NEW PARAGRAPH. *000d.* Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate. Other names: PB-22, QUPIC.
NEW PARAGRAPH. *0000d.* Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate. Other names: 5-fluoro-PB-22, 5F-PB-22.
NEW PARAGRAPH. *00000d.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other names: AB-PINACA.
NEW PARAGRAPH. *000000d.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide. Other names: AB-CHMINACA.
NEW PARAGRAPH. *0000000d.* [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone. Other names: THJ-2201.
Sec. 12. Section 124.208, subsection 5, paragraph a, subparagraphs (3) and (4), Code 2015, are amended by striking the subparagraphs.
Sec. 13. Section 124.210, subsection 2, Code 2015, is amended by adding the following new paragraph:
NEW PARAGRAPH. *c.* 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers (including tramadol).
Sec. 14. Section 124.210, subsection 3, Code 2015, is amended by adding the following new paragraphs:
NEW PARAGRAPH. *bb.* Alfaxalone.

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1 NEW PARAGRAPH. *bc.* Suvorexant.
2 Sec. 15. Section 124.401, subsection 1, unnumbered
3 paragraph 1, Code 2015, is amended to read as follows:
4 Except as authorized by this chapter, it is unlawful for any
5 person to manufacture, deliver, or possess with the intent to
6 manufacture or deliver, a controlled substance, a counterfeit
7 substance, ~~or~~ a simulated controlled substance, or an imitation
8 controlled substance, or to act with, enter into a common
9 scheme or design with, or conspire with one or more other
10 persons to manufacture, deliver, or possess with the intent to
11 manufacture or deliver a controlled substance, a counterfeit
12 substance, ~~or~~ a simulated controlled substance, or an imitation
13 controlled substance.
14 Sec. 16. Section 124.401, subsection 1, paragraph a,
15 unnumbered paragraph 1, Code 2015, is amended to read as
16 follows:
17 Violation of this subsection, with respect to the following
18 controlled substances, counterfeit substances, ~~or~~ simulated
19 controlled substances, or imitation controlled substances, is a
20 class "B" felony, and notwithstanding section 902.9, subsection
21 1, paragraph "*b*", shall be punished by confinement for no
22 more than fifty years and a fine of not more than one million
23 dollars:
24 Sec. 17. Section 124.401, subsection 1, paragraph a, Code
25 2015, is amended by adding the following new subparagraph:
26 NEW SUBPARAGRAPH. (8) More than ten kilograms of a
27 mixture or substance containing any detectable amount of those
28 substances identified in section 124.204, subsection 9.
29 Sec. 18. Section 124.401, subsection 1, paragraph b,
30 unnumbered paragraph 1, Code 2015, is amended to read as
31 follows:
32 Violation of this subsection with respect to the following
33 controlled substances, counterfeit substances, ~~or~~ simulated
34 controlled substances, or imitation controlled substances is a
35 class "B" felony, and in addition to the provisions of section

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902.9, subsection 1, paragraph *"b"*, shall be punished by a fine of not less than five thousand dollars nor more than one hundred thousand dollars:

Sec. 19. Section 124.401, subsection 1, paragraph b, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) More than five kilograms but not more than ten kilograms of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9.

Sec. 20. Section 124.401, subsection 1, paragraph c, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Violation of this subsection with respect to the following controlled substances, counterfeit substances, ~~or~~ simulated controlled substances, or imitation controlled substances is a class "C" felony, and in addition to the provisions of section 902.9, subsection 1, paragraph *"d"*, shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars:

Sec. 21. Section 124.401, subsection 1, paragraph c, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) Five kilograms or less of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9.

Sec. 22. Section 124.401, subsection 1, paragraph c, subparagraph (8), Code 2015, is amended to read as follows:

~~(8)~~ (9) Any other controlled substance, counterfeit substance, ~~or~~ simulated controlled substance, or imitation substance classified in schedule I, II, or III, except as provided in paragraph *"d"*.

Sec. 23. Section 124.401, subsection 1, paragraph d, Code 2015, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, ~~or~~ simulated controlled substances ~~classified in section 124.204, subsection~~

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~~4, paragraph "*ai*", or section 124.204, subsection 6, paragraph "*i*", or~~, or imitation controlled substances classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana or involving flunitrazepam is a class "D" felony.

Sec. 24. Section 124.401, subsection 2, Code 2015, is amended to read as follows:

2. If the same person commits two or more acts which are in violation of subsection 1 and the acts occur in approximately the same location or time period so that the acts can be attributed to a single scheme, plan, or conspiracy, the acts may be considered a single violation and the weight of the controlled substances, counterfeit substances, ~~or~~ simulated controlled substances, or imitation controlled substances involved may be combined for purposes of charging the offender.

Sec. 25. Section 124.401, subsection 5, unnumbered paragraph 1, Code 2015, is amended to read as follows:

It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor for a first offense. A person who commits a violation of this subsection and who has previously been convicted of violating this chapter or chapter ~~124A,~~ 124B~~,~~ or 453B, or chapter 124A as it existed prior to July 1, 2015, is guilty of an aggravated misdemeanor. A person who commits a violation of this subsection and has previously been convicted two or more times of violating this chapter or chapter ~~124A,~~ 124B~~,~~ or 453B is guilty of a class "D" felony.

Sec. 26. Section 124.401A, Code 2015, is amended to read as follows:

124.401A Enhanced penalty for manufacture or distribution to

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persons on certain real property.

In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older who unlawfully manufactures with intent to distribute, distributes, or possesses with intent to distribute a substance or counterfeit substance listed in schedule I, II, or III, or a simulated or imitation controlled substance represented to be a controlled substance classified in schedule I, II, or III, to another person who is eighteen years of age or older in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced up to an additional term of confinement of five years.

Sec. 27. Section 124.401B, Code 2015, is amended to read as follows:

124.401B Possession of controlled substances on certain real property — additional penalty.

In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated or imitation controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced to one hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service.

Sec. 28. Section 124.406, subsection 2, Code 2015, is amended to read as follows:

2. A person who is eighteen years of age or older who:

a. Unlawfully distributes or possesses with the intent to

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1 distribute a counterfeit substance listed in schedule I or II,
2 or a simulated or imitation controlled substance represented
3 to be a substance classified in schedule I or II, to a person
4 under eighteen years of age commits a class "B" felony.
5 However, if the substance was distributed in or on, or within
6 one thousand feet of, the real property comprising a public or
7 private elementary or secondary school, public park, public
8 swimming pool, public recreation center, or on a marked school
9 bus, the person shall serve a minimum term of confinement of
10 ten years.
11 *b.* Unlawfully distributes or possesses with intent to
12 distribute a counterfeit substance listed in schedule III, or
13 a simulated or imitation controlled substance represented to
14 be any substance listed in schedule III, to a person under
15 eighteen years of age who is at least three years younger than
16 the violator commits a class "C" felony.
17 *c.* Unlawfully distributes a counterfeit substance listed
18 in schedule IV or V, or a simulated or imitation controlled
19 substance represented to be a substance listed in schedule IV
20 or V, to a person under eighteen years of age who is at least
21 three years younger than the violator commits an aggravated
22 misdemeanor.
23 Sec. 29. Section 124.415, Code 2015, is amended to read as
24 follows:
25 **124.415 Parental and school notification — persons under**
26 **eighteen years of age.**
27 A peace officer shall make a reasonable effort to identify a
28 person under the age of eighteen discovered to be in possession
29 of a controlled substance, counterfeit substance, ~~or~~ simulated
30 controlled substance, or imitation controlled substance in
31 violation of this chapter, and if the person is not referred
32 to juvenile court, the law enforcement agency of which the
33 peace officer is an employee shall make a reasonable attempt
34 to notify the person's custodial parent or legal guardian
35 of such possession, whether or not the person is arrested,

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unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that person. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first-class mail.

Sec. 30. NEW SECTION. **124.417 Imitation controlled substances — exceptions.**

It is not unlawful under this chapter for a person registered under section 124.302, to manufacture, deliver, or possess with the intent to manufacture or deliver, or to act with, one or more other persons to manufacture, deliver, or possess with the intent to manufacture or deliver an imitation controlled substance for use as a placebo by a registered practitioner in the course of professional practice or research.

Sec. 31. Section 124.502, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. A district judge or district associate judge, within the court's jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections under this chapter or a related rule ~~or under chapter 124A~~. The warrant may also permit seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of the statute or related rules, sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant.

Sec. 32. Section 155A.6, subsection 3, Code 2015, is amended

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to read as follows:

3. The board shall establish standards for pharmacist-intern registration and may deny, suspend, or revoke a pharmacist-intern registration for failure to meet the standards or for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, ~~124A,~~ 124B, 126, 147, or 205, or any rule of the board.

Sec. 33. Section 155A.6A, subsection 5, Code 2015, is amended to read as follows:

5. The board may deny, suspend, or revoke the registration of, or otherwise discipline, a registered pharmacy technician for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, ~~124A,~~ 124B, 126, 147, 205, or 272C, or any rule of the board.

Sec. 34. Section 155A.6B, subsection 5, Code 2015, is amended to read as follows:

5. The board may deny, suspend, or revoke the registration of a pharmacy support person or otherwise discipline the pharmacy support person for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, ~~124A,~~ 124B, 126, 147, 205, or 272C, or any rule of the board.

Sec. 35. Section 155A.13A, subsection 3, Code 2015, is amended to read as follows:

3. *Discipline.* The board may deny, suspend, or revoke a nonresident pharmacy license for any violation of this section, section 155A.15, subsection 2, paragraph *"a"*, *"b"*, *"d"*, *"e"*, *"f"*, *"g"*, *"h"*, or *"i"*, chapter 124, ~~124A,~~ 124B, 126, or 205, or a rule of the board.

Sec. 36. Section 155A.17, subsection 2, Code 2015, is

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amended to read as follows:

2. The board shall establish standards for drug wholesaler licensure and may define specific types of wholesaler licenses. The board may deny, suspend, or revoke a drug wholesale license for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States relating to prescription drugs, devices, or controlled substances, or for a violation of this chapter, chapter 124, ~~124A,~~ 124B, 126, or 205, or a rule of the board.

Sec. 37. Section 155A.42, subsection 4, Code 2015, is amended to read as follows:

4. The board may deny, suspend, or revoke a limited drug and device distributor´s license for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States relating to prescription drugs or controlled substances, or for a violation of this chapter, chapter 124, ~~124A,~~ 124B, 126, 205, or 272C, or a rule of the board.

Sec. 38. REPEAL. Chapter 124A, Code 2015, is repealed.

EXPLANATION

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

This bill relates to controlled substances, including by enhancing the penalties for imitation controlled substances, modifying the controlled substances listed in schedules I, III, IV, and temporarily designating substances as controlled substances.

TEMPORARY CONTROLLED SUBSTANCE DESIGNATION. Under current law and in the bill, the board of pharmacy may designate a new substance as a controlled substance, by administrative rule, without the general assembly amending Code chapter 124, only if the substance is designated as a controlled substance under federal law.

If the board of pharmacy designates a substance as controlled, the bill specifies that the temporary designation

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1 is considered a temporary amendment to the schedules of
2 controlled substances in Code chapter 124, and if the general
3 assembly does not amend Code chapter 124 to enact the temporary
4 amendment and make the enactment effective within two years
5 from the date the temporary amendment first became effective,
6 the temporary amendment is repealed by operation of law two
7 years from the effective date of the temporary amendment. A
8 temporary amendment repealed by operation of law is subject to
9 Code section 4.13 relating to the construction of statutes and
10 the application of a general savings provision.
11 Current law provides that if within 60 days after the next
12 general assembly convenes the general assembly has not made
13 the corresponding changes in Code chapter 124, the temporary
14 designation that the substance is a controlled substance is
15 nullified.
16 IMITATION CONTROLLED SUBSTANCES. Under current law
17 imitation controlled substances are regulated under Code
18 chapter 124A. The bill repeals Code chapter 124A and transfers
19 the regulation of imitation controlled substances to Code
20 chapter 124. The definition and designation of an imitation
21 controlled substance in Code chapter 124 remains identical
22 to the definition and designation of an imitation controlled
23 substance under current law in Code chapter 124A.
24 Under the bill and in current law, an imitation controlled
25 substance means a substance which is not a controlled substance
26 but by color, shape, size, markings, and other aspects of
27 dosage unit appearance, and packaging or other factors, appears
28 to be or resembles a controlled substance. The board of
29 pharmacy may designate a substance as an imitation controlled
30 substance pursuant to the board's rulemaking authority and in
31 accordance with Code chapter 17A.
32 In addition, under current law and in the bill, if a
33 substance has not been designated as an imitation controlled
34 substance by the board of pharmacy and when dosage unit
35 appearance alone does not establish that a substance is an

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1 imitation controlled substance, the following factors may
2 be considered in determining whether the substance is an
3 imitation controlled substance: the substance is represented
4 as having the effect of a controlled substance; the substance
5 is represented as a controlled substance or as a substitute for
6 a controlled substance because of its nature or appearance;
7 or a person receives money or other property having a value
8 substantially greater than the actual value of the substance
9 when sold.
10 Under the bill, if a person unlawfully manufactures,
11 delivers, or possesses with the intent to deliver an imitation
12 controlled substance containing any detectable amount of those
13 substances identified in Code section 124.204(9), or unlawfully
14 acts with, enters into a common scheme or design with, or
15 conspires with one or more persons to manufacture, deliver,
16 or possess such imitation controlled substances, the person
17 commits the following offense: a class "B" felony punishable
18 by confinement of no more than 50 years and a fine of not more
19 than $1 million if the imitation controlled substance is more
20 than 10 kilograms; a class "B" felony punishable by confinement
21 of no more than 25 years and a fine of not less than $5,000 but
22 not more than $100,000 if the imitation controlled substance
23 is more than five kilograms but not more than 10 kilograms; a
24 class "C" felony punishable by a fine of not less than $1,000
25 but not more than $50,000 if the imitation controlled substance
26 is five kilograms or less; or an aggravated misdemeanor if the
27 imitation controlled substance is classified in schedule IV
28 or V. Current law in Code section 124A.4 provides that if a
29 person unlawfully manufactures, delivers, or possesses with
30 intent to deliver an imitation controlled substance, the person
31 commits an aggravated misdemeanor, or if the person delivers
32 to a person under 18 years of age who is at least three years
33 younger than the violator, the person commits a class "D"
34 felony. In addition, under current law, if a person unlawfully
35 and knowingly publishes an advertisement or distributes in a

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1 public place a promotion for an imitation controlled substance
2 the person commits a serious misdemeanor.
3 The bill enhances the criminal penalties for controlled
4 substances classified in Code sections 124.204(4)(ai) and
5 124.204(6)(i) from an aggravated misdemeanor to a class "C"
6 felony punishable pursuant to Code section 124.401(1)(c)(8).
7 This change equalizes the criminal penalties with violations
8 involving other schedule I controlled substances.
9 The bill provides that if the same person commits two or
10 more acts which are in violation of Code section 124.401(1)
11 and the acts occur in the same location or time period so the
12 acts are attributable to a single scheme, the acts may be
13 considered a single violation and the weights of the imitation
14 controlled substance may be combined for purposes of charging
15 the offender.
16 The amendment to Code section 124.401A provides that
17 a person who is 18 years of age or older who unlawfully
18 manufactures with the intent to distribute, distributes,
19 or possesses with the intent to distribute an imitation
20 controlled substance to another person 18 years of age or older
21 within 1,000 feet of the real property comprising a public or
22 nonpublic school, may be sentenced up to an additional term of
23 confinement of five years in addition to any other penalty.
24 The amendment to Code section 124.401B provides that
25 a person who unlawfully possesses an imitation controlled
26 substance within 1,000 feet of the real property comprising a
27 school, public park, public pool, public recreation center, or
28 marked school bus may be sentenced up to 100 hours of community
29 service.
30 The amendments to Code section 124.406 relate to the
31 distribution or possession with the intent to distribute an
32 imitation controlled substance to a person under 18 years of
33 age. A person who distributes or possesses with the intent to
34 distribute an imitation controlled substance, represented to
35 be a substance listed in schedule I or schedule II, to a person

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1 under 18 years of age commits a class "B" felony. The required
2 penalty for such a violation is a minimum term of confinement
3 of 10 years if the substance was distributed within 1,000
4 feet of the real property comprising a public or nonpublic
5 school, public park, public pool, or public recreation center.
6 A person who distributes or possesses with the intent to
7 distribute an imitation controlled substance, represented to be
8 a substance listed in schedule III, to a person under 18 years
9 of age, who is at least three years younger than the violator,
10 commits a class "C" felony. A person who distributes or
11 possesses with the intent to distribute an imitation controlled
12 substance, represented to be a substance listed in schedule
13 IV or schedule V, to a person under 18 years of age, who is
14 at least three years younger than the violator, commits an
15 aggravated misdemeanor.
16 The amendment to Code section 124.415 requires that a peace
17 officer make a reasonable effort to identify a person under 18
18 years of age discovered to be in possession of an imitation
19 controlled substance, and if the person is not referred to
20 juvenile court, the peace officer shall make a reasonable
21 effort to notify the person's custodial parent of the
22 possession unless the officer has reasonable grounds to believe
23 such notification is not in the best interests of the person.
24 The bill specifies that if the person is taken into custody
25 the juvenile court officer shall make a reasonable effort to
26 identify the school of attendance and to notify the school or
27 nonpublic school of the taking into custody of the person.
28 The bill creates Code section 124.417, which is similar to
29 Code section 124A.5 repealed by the bill. A person registered
30 under Code section 124.302 does not violate the bill if the
31 person manufactures, delivers, possesses, or possesses with the
32 intent to manufacture or deliver, or acts with others to do
33 such activities, if the person uses the imitation controlled
34 substance for use as a placebo by a registered practitioner in
35 the court of professional practice or research.

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1 SCHEDULE I, III, AND IV CONTROLLED SUBSTANCES. The bill
2 transfers numerous substances classified as "hallucinogenic
3 substances" under schedule I and reclassifies the substances
4 as "other substances" under schedule I. By transferring the
5 substances to "other substances", a person commits a class "C"
6 felony under Code section 124.401(1)(c)(8) if the violation
7 involves such a substance. Under current law, a person commits
8 an aggravated misdemeanor under Code section 124.401(1)(d) when
9 committing such violations.
10 The bill adds new substances as "hallucinogenic substances"
11 under schedule I. A person commits a class "C" felony under
12 Code section 124.401(1)(c)(8) if the violation involves the new
13 hallucinogenic substances.
14 The bill adds new substances as "stimulants" under schedule
15 I. A person commits a class "C" felony under Code section
16 124.401(1)(c)(8) if the violation involves the new stimulant
17 substances.
18 The bill also adds new substances to the classification of
19 "other substances" under schedule I. A person commits a class
20 "C" felony under Code section 124.401(1)(c)(8) for a violation
21 involving the new substances.
22 The bill strikes one substance classified as a
23 "hallucinogenic substance" under schedule I and reclassifies
24 the substance as a "stimulant" containing a synthetic cathinone
25 under schedule I. The transfer of the substance within
26 schedule I also changes the criminal penalty for a violation
27 involving the substance from a class "C" felony under Code
28 section 124.401(1)(c)(8) to an aggravated misdemeanor under
29 Code section 124.401(1)(d). The bill also strikes a substance
30 in Code section 124.204(6)(i)(3) from schedule I and does not
31 reclassify the substance in any other substance schedule.
32 The bill also removes numerous substances from schedule I
33 which are currently classified as "stimulants" in Code section
34 124.204(6)(i).
35 The bill also strikes two narcotic substances from schedule

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1 III and adds three substances to schedule IV. A violation
2 involving a schedule IV controlled substance is punishable as
3 an aggravated misdemeanor in Code section 124.401(1)(d).

House File 568 - Introduced

HOUSE FILE 568
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 199)

A BILL FOR

1 An Act relating to school coaching endorsements and
2 authorizations and certain emergency medical procedures
3 training requirements, and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2573HV (1) 86
kh/rj

H.F. 568

Section 1. Section 272.31, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0e.* Successful completion of a certification course for cardiopulmonary resuscitation and use of an automated external defibrillator.

Sec. 2. Section 279.19B, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* An individual employed under paragraph *"a"* shall possess a valid certificate of completion of a nationally recognized course in cardiopulmonary resuscitation and use of an automated external defibrillator.

Sec. 3. APPLICABILITY PROVISIONS. A person who possesses a valid teaching license with a coaching endorsement or a coaching authorization issued by the board of educational examiners prior to July 1, 2015, shall have until July 1, 2016, to meet the requirements of this Act.

EXPLANATION

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

This bill provides that an applicant for a coaching authorization or coaching endorsement issued by the board of educational examiners and a person employed by a school district as a coach must possess a valid certificate of completion of a nationally recognized course in cardiopulmonary resuscitation and use of an automated external defibrillator.

A person who possesses a valid teaching license with a coaching endorsement or a coaching authorization issued by the board prior to July 1, 2015, shall have until July 1, 2016, to meet the requirements of the bill.

House File 569 - Introduced

HOUSE FILE 569
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 168)

A BILL FOR

1 An Act relating to notice of garnishment and levy to a judgment
2 debtor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1527HV (3) 86
jh/sc

H.F. 569

Section 1. Section 626.50, Code 2015, is amended to read as follows:

626.50 Duty to levy — notice of ownership or exemption — notice to defendant.

1. An officer is bound to levy an execution on any personal property in the possession of, or that the officer has reason to believe belongs to, the defendant, or on which the plaintiff directs the officer to levy, after having received written instructions for the levy from the plaintiff or the attorney who had the execution issued to the sheriff, unless the officer has received notice in writing under oath from some other person, or that person's agent or attorney, that the property belongs to the person, stating the nature of the person's interests in the property, how and from whom the person acquired the property, and the consideration paid for the property; or from the defendant, that the property is exempt from execution.

2. *a.* The officer making the levy in subsection 1 shall promptly serve written notice of the levy on the defendant. The notice shall be served in the same manner as provided for original notice.

b. This ~~section~~ subsection is not applicable to garnishment proceedings.

Sec. 2. Section 642.5, subsection 2, Code 2015, is amended to read as follows:

2. The sheriff shall ~~append~~ file the answers to the examination ~~to the sheriff's return~~ within seven business days of receiving the answers.

Sec. 3. Section 642.14, Code 2015, is amended to read as follows:

642.14 Notice of garnishment proceedings.

Judgment against the garnishee shall not be entered until notice as required by section 642.14A or 642.14B has been served upon the defendant in the main action ~~has had ten days' notice of the garnishment proceedings, to be served in the~~

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~~same manner as original notices. However, if the garnishment is to earnings owed such defendant by the garnishee, judgment may be entered if notice to the defendant is served with the notice of garnishment to the garnishee who shall deliver the notice to the defendant with the remainder of or in lieu of the defendant's earnings. The garnishee shall state in answer to the service of notice of garnishment whether or not service of notice was delivered to the defendant.~~

~~The notice required by this section shall contain the full text of section 630.3A.~~

Sec. 4. Section 642.14A, Code 2015, is amended to read as follows:

642.14A Notice ~~of garnishment and levy~~ to defendant — non-employer garnishees.

1. ~~Within seven~~ If the garnishment is to property other than earnings an employer owes a defendant, the judgment creditor shall serve upon a debtor who is a natural person not later than seven business days after ~~execution is served upon a garnishee, the sheriff shall send~~ the sheriff's filing of a garnishee's answers pursuant to section 642.5, subsection 2, which show that the garnishee is indebted to the defendant, a notice of garnishment and levy ~~to the defendant in the main action informing~~ notifying the defendant ~~that certain real and personal property of the defendant may be exempt from execution or garnishment and that a hearing process is available for the defendant to claim such exemptions~~ of the information required in subsection 3.

2. The notice required by this section shall be served by personal service or restricted certified mail and first class mail to the last known address of the defendant ~~and to the defendant's attorney~~. ~~The judgment creditor shall provide the sheriff with the last known address of the defendant and the defendant's attorney if there is an attorney of record.~~ Proof of ~~mailing or personal~~ such service ~~by the sheriff~~ shall be ~~by affidavit~~ filed with the court.

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3. The notice required by this section shall:

a. Inform the defendant that judgment has been entered in the main action and the defendant's funds or other property is subject to execution under the judgment.

b. Inform the defendant that the defendant has the right to claim funds or other property exempt from execution or garnishment and a right to ~~be timely heard on those claims~~ request and have a timely hearing before a judge to claim such exemptions.

c. Inform the defendant that if the defendant does not file a motion or other appropriate pleading to claim funds or other property exempt from execution or garnishment under state or federal law, the defendant may lose any such rights and the funds or other property may be applied to the judgment against the defendant.

d. Inform the defendant that state and federal laws may place limits on the amount of earnings that may be garnished annually and per pay period and limits on other funds and property that may be garnished or levied against.

e. Contain the full text of section 630.3A.

f. State that the defendant may wish to consult a lawyer for advice as to the meaning of the notice.

g. Inform the defendant that any garnishment for fines imposed on a defendant in a criminal case is subject to section 909.6, including the provision that any law which exempts a person's personal property from any lien or legal process is not applicable for such garnishment.

4. An additional court filing fee shall not be assessed for proceedings under this section.

Sec. 5. NEW SECTION. **642.14B Notice to defendant — employer garnishees.**

If the garnishment is to earnings an employer owes a defendant, the employer shall deliver the notice of garnishment to the defendant with the remainder of or in lieu of the defendant's earnings. The garnishee shall state in answer to

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the sheriff's examination whether or not service of the notice of garnishment was delivered to the defendant. The notice required by this section shall contain the information required by section 642.14A, subsection 3, and shall be delivered by personal service, mail, or electronic means.

Sec. 6. NEW SECTION. **642.25 Sheriff not an agent.**

The sheriff's actions under this chapter, including service of notice, shall not be construed to be that of an agent of any person or party in the proceedings.

EXPLANATION

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

This bill relates to notice of garnishment and levy to a judgment debtor.

The bill amends Code section 626.50 to provide that in garnishment proceedings, an officer who has received written instructions for the levy from a plaintiff who had an execution issued to a sheriff is bound to levy an execution on any personal property in the possession of, or that belongs to, the defendant, unless either another person provides the officer notice in writing that the property belongs to such person or the defendant provides the officer notice in writing that the personal property is exempt from execution.

Under current law when a sheriff, at the direction of a plaintiff, submits interrogatories to a garnishee, the sheriff appends the examination to the sheriff's return. The bill requires the sheriff, within seven business days after receiving the answers, to file the garnishee's answers in the case.

Under current law, judgment against a garnishee who is not the judgment debtor's employer cannot be entered until the defendant in the main action (i.e., the judgment debtor) has had 10 days' notice of the garnishment proceedings. Current Code section 642.14A requires that within seven days after execution is served upon a garnishee, a sheriff is required to

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1 send a notice of garnishment and levy to the judgment debtor
2 and the judgment debtor's attorney which contains information
3 about exemption from garnishment for certain types of property.
4 The bill provides that judgment against a garnishee who is
5 not the judgment debtor's employer cannot be entered until
6 notice required by Code section 642.14A is served on the
7 judgment debtor. The bill provides that, under Code section
8 642.14A, instead of the sheriff sending notice of garnishment
9 and levy within seven days after execution, the judgment
10 creditor shall serve a natural person debtor with notice of
11 garnishment and levy not later than seven business days after
12 the sheriff's filing of the garnishee's answers. In addition
13 to the existing notice items Code section 642.14A requires,
14 the bill provides that the notice inform the judgment debtor
15 that if the garnishment is for fines imposed in a criminal
16 case, laws that otherwise exempt the judgment debtor's personal
17 property from garnishment are not applicable pursuant to Code
18 section 909.6. The bill eliminates the requirement that the
19 judgment debtor's attorney receive a copy of the notice.
20 Under current Code section 642.14, judgment against an
21 employer garnishee may be entered if the employer delivers
22 the notice of garnishment to the judgment debtor with the
23 remainder of or in lieu of the judgment debtor's earnings.
24 The bill moves this requirement to new Code section 642.14B
25 to more clearly distinguish the requirements of employer
26 and non-employer garnishees. The bill requires an employer
27 garnishee to provide the information currently required by Code
28 section 642.14A(3) to the judgment debtor.
29 The bill provides that a sheriff's actions under Code
30 chapter 642, including service of notice, shall not be
31 construed to be that of an agent of any person or party in the
32 garnishment proceedings.

House File 570 - Introduced

HOUSE FILE 570
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 35)

A BILL FOR

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

TLSB 1638HV (2) 86
jh/rj

H.F. 570

Section 1. Section 670.4, subsection 1, paragraphs n and o, Code 2015, are amended to read as follows:

n. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public facility designed for ~~purposes of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking~~ recreational activities that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction or reconstruction.

o. Any claim for injuries or damages based upon or arising out of an act or omission of an officer or employee of the municipality or the municipality's governing body ~~by a person skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking on public property when~~ and arising out of a recreational activity occurring on public property where the ~~person~~ claimed injuries or damages resulted from the normal and expected risks inherent in the recreational activity and the person engaging in the recreational activity was voluntarily on the public property where the injuries or damages occurred and knew or reasonably should have known that the ~~skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking~~ recreational activity created a substantial risk of ~~injury to the person and was voluntarily in the place of risk~~ injuries or damages. ~~The exemption from liability contained in this paragraph shall only apply to claims for injuries or damage resulting from the risks inherent in the activities of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking.~~

EXPLANATION

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

H.F. 570

1 This bill relates to exemptions from municipal tort
2 liability for claims arising from recreational activities on
3 municipality-controlled property.
4 A municipality in Code chapter 670 is defined as a city,
5 county, township, school district, or other unit of local
6 government.
7 Under current law, municipalities are exempt from liability
8 for claims based upon a municipality's negligent design,
9 specification, construction, or reconstruction of a public
10 facility designed for skateboarding, in-line skating,
11 bicycling, unicycling, scootering, river rafting, canoeing,
12 or kayaking. The bill extends the tort-liability exemption
13 to claims related to the negligent design, specification,
14 construction, or reconstruction of a public facility designed
15 for any recreational activity.
16 Current law also provides that municipalities are exempt
17 from tort liability relating to claims based upon acts or
18 omissions of a municipality's officer or employee by a person
19 who is injured while skateboarding, in-line skating, bicycling,
20 unicycling, scootering, river rafting, canoeing, or kayaking on
21 municipal property, provided that the person knew or reasonably
22 should have known that the activity created a substantial risk
23 of injury, the person was voluntarily in the place of risk, and
24 the injury resulted from the risks inherent in the activity.
25 The bill extends the tort-liability exemption from injuries a
26 person suffers while participating in one of the recreational
27 activities currently listed to injuries a person suffers while
28 participating in any recreational activity, provided that the
29 injury results from the normal and expected risks inherent in
30 the recreational activity.

House File 571 - Introduced

HOUSE FILE 571
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 34)

A BILL FOR

1 An Act relating to the use of special minors' driver's licenses
2 to travel to extracurricular activities not held at a
3 school.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1382HV (2) 86
ns/nh

H.F. 571

Section 1. Section 321.194, subsection 1, paragraph a, subparagraph (1), Code 2015, is amended by striking the subparagraph and inserting in lieu thereof the following:

(1) During the hours of 5:00 a.m. to 10:00 p.m. over the most direct and accessible route between any of the following:

(a) The licensee's residence and schools of enrollment.

(b) The licensee's residence and the closest school bus stop or stop for a public transportation service.

(c) The licensee's schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district.

(d) The licensee's residence or schools of enrollment and any other location within the licensee's school district, for the purpose of participating in an extracurricular activity recognized by an organization registered with the department of education for the purposes of extracurricular interscholastic competition. If the extracurricular activity is conducted under a sharing agreement between the licensee's school of enrollment and a school in a contiguous school district, the licensee may also travel to any location within the contiguous school district for the purpose of participating in the extracurricular activity.

Sec. 2. Section 321.194, subsection 1, paragraph a, subparagraph (2), Code 2015, is amended by striking the subparagraph.

Sec. 3. Section 321.194, subsection 1, paragraph a, subparagraphs (3) and (4), Code 2015, are amended to read as follows:

~~(3)~~ (2) To a service station for the purpose of refueling, so long as the service station is the station closest to the route the licensee is traveling on under subparagraph (1) ~~or (2)~~.

~~(4)~~ (3) At any time when the licensee is accompanied in accordance with section 321.180B, subsection 1.

EXPLANATION

H.F. 571

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

This bill relates to the use of special minors' driver's licenses to travel to extracurricular activities not held at a school.

Current law provides that during the hours of 5:00 a.m. to 10:00 p.m., a licensee may travel from the licensee's residence or school of enrollment to another school for the purpose of participating in extracurricular activities conducted under a sharing agreement with the licensee's school of enrollment.

The bill reorganizes the structure of the Code provision to enhance readability. In addition, the bill expands the provision to allow a licensee to travel to any location within the licensee's school district at which an extracurricular activity is being held for the purpose of participating in the activity. If the extracurricular activity is conducted under a sharing agreement between the licensee's school of enrollment and a school in a contiguous school district, the licensee may also travel to any location within the contiguous school district for the purpose of participating in the extracurricular activity.

The bill also expands the provision to include all extracurricular activities recognized by organizations registered with the department of education for the purposes of extracurricular interscholastic competition. Those organizations currently include the Iowa high school athletic association, the Iowa girls' high school athletic union, the Iowa high school music association, the Iowa high school speech association, and the unified Iowa high school activities federation.

House File 572 - Introduced

HOUSE FILE 572
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 154)

A BILL FOR

1 An Act relating to the appointment of a guardian ad litem in an
2 adoption proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2530HV (2) 86
pf/nh

H.F. 572

Section 1. Section 600.5, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Whether or not a guardian ad litem should be appointed for a minor child to be adopted, and if not, the reasons therefor.

Sec. 2. NEW SECTION. **600.6A Court determination of appointment of guardian ad litem prior to setting adoption hearing.**

Prior to ordering a hearing on the adoption petition, the court shall make a determination of the need for a guardian ad litem for a minor child to be adopted and shall, in writing, either appoint or waive the appointment of a guardian ad litem for purposes of the adoption proceeding in the order setting the adoption hearing.

EXPLANATION

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

This bill relates to the appointment of a guardian ad litem (GAL) for a minor person in an adoption proceeding. Under the bill, an adoption petition is to state whether a GAL should be appointed for a minor child to be adopted, and if not, the reasons why a GAL should not be appointed. The bill also requires that, prior to ordering a hearing on the adoption petition, the court shall make a determination of the need for a GAL for a minor child to be adopted and shall, in writing, either appoint or waive the appointment of a GAL for purposes of the adoption proceeding in the order setting the adoption hearing.

House File 573 - Introduced

HOUSE FILE 573
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 58)

A BILL FOR

1 An Act establishing prerequisites to the performance of an
2 abortion.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1475HV (1) 86
pf/nh

H.F. 573

Section 1. NEW SECTION. **146A.1 Prerequisites for abortion.**

1. A physician performing an abortion shall certify in the woman's medical record all of the following prior to the performance of an abortion:

a. That the woman has undergone an ultrasound imaging of the fetus.

b. That the woman is given the opportunity to view the ultrasound image of the fetus.

c. That the woman is given the option of hearing a description of the ultrasound image and hearing the heartbeat of the fetus.

2. A physician who does not comply with this section is subject to license discipline pursuant to section 148.6.

3. For the purposes of this section, *"abortion"* means abortion as defined in section 146.1.

EXPLANATION

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

This bill requires that prior to performing an abortion, a physician must certify in the woman's medical record that the woman has undergone an ultrasound imaging of the fetus; that the woman is given the opportunity to view the ultrasound image of the fetus; and that the woman is given the option of hearing a description of the ultrasound image and hearing the heartbeat of the fetus. A physician who does not comply with the requirements is subject to license discipline under Code section 148.6, which may include a civil penalty not to exceed $10,000.

House File 574 - Introduced

HOUSE FILE 574
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 186)

A BILL FOR

1 An Act expanding the renewable fuel infrastructure program to
2 support the storage and dispensing of E-15 gasoline.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1751HV (1) 86
da/nh

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Section 1. Section 159A.14, subsection 1, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) Ethanol infrastructure shall be designed and used exclusively to do any of the following:

(a) Store and dispense E-15 gasoline. At least for the period beginning on September 16 and ending on May 31 of each year, the ethanol infrastructure must be used to store and dispense E-15 gasoline as a registered fuel recognized by the United States environmental protection agency to power 2001 and newer model year passenger vehicles.

~~(a)~~ (b) Store and dispense E-85 gasoline.

~~(b)~~ (c) Store, blend, and dispense motor fuel from a motor fuel blender pump~~, as required in this subparagraph division~~. The ethanol infrastructure must ~~provide~~ be used for the storage of ethanol or ethanol blended gasoline, or for blending ethanol with gasoline. The ethanol infrastructure must at least include a motor fuel blender pump which dispenses different classifications of ethanol blended gasoline and allows E-85 gasoline to be dispensed at all times that the blender pump is operating.

EXPLANATION

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

BILL'S PROVISIONS. The bill expands the renewable fuel infrastructure program for retail motor fuel sites (program) by providing that state moneys may be used to finance infrastructure associated with storing and dispensing ethanol blended gasoline classified as E-15. The bill provides that the infrastructure so financed must always be used to store and dispense E-15 and during nonsummer months (from September 16 to May 31) it must be designated as a registered fuel recognized by the United States environmental protection agency (EPA) to operate 2001 and newer model year passenger vehicles.

BACKGROUND — STANDARDS. Motor fuel classified as reformulated gasoline and associated fuel additives produced

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1 and commercially distributed to operate highway motor vehicles
2 must be registered with the EPA (40 C.F.R. ch. I, pt. 79). E-15
3 is available to power certain later model passenger vehicles
4 pursuant to waivers granted by the EPA. However, the EPA
5 prohibits the use of E-15 to power those vehicles when it is
6 regulated as a registered fuel during summer months because it
7 does not meet volatility standards referred to as Reid vapor
8 pressure limits. General state standards for ethanol blended
9 gasoline are set forth in Iowa Code section 214A.2. Ethanol
10 blended gasoline is designated E-xx where "xx" is the volume
11 percent of ethanol in the ethanol blended gasoline.
12 BACKGROUND — PROGRAM. The program is currently used to
13 provide cost-share financing to retail dealers of motor fuel
14 to pay for costs associated with installing, replacing, or
15 converting infrastructure used to store, blend, or dispense
16 renewable fuel, including ethanol blended gasoline such as
17 E-85 (Code section 159A.14). The program is supported by
18 moneys available in the renewable fuel infrastructure fund
19 (Code section 159A.16) as administered by the department
20 of agriculture and land stewardship, the renewable fuel
21 infrastructure board (Iowa Code section 159A.13), and the Iowa
22 comprehensive petroleum underground storage tank fund board
23 (Iowa Code section 455G.4).

House File 575 - Introduced

HOUSE FILE 575
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 209)

A BILL FOR

1 An Act providing for the department of agriculture and land
2 stewardship's administration of certain functions, including
3 by eliminating past dates relating to a determination of
4 Iowa-foaled horse and to the rehabilitation and conservation
5 of land affected by coal mining, providing for payment by
6 the department for the examination of certain articles,
7 allowing the department to adopt by reference certain
8 federal publications affecting milk and milk products,
9 modifying the definition of biobutanol, eliminating
10 departmental duties and fees relating to weights and
11 measures, providing for purchased-grain fees paid into the
12 Iowa grain indemnity fund, and changing the name of the
13 division of soil and water conservation and the name of its
14 appointed administrative official.
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1324HV (1) 86
da/sc

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DIVISION I
REGULATORY PROVISIONS

Section 1. Section 99D.22, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. All thoroughbred horses, quarter horses, or standardbred horses foaled in Iowa ~~prior to January 1, 1985,~~ which are registered by the jockey club, American quarter horse association, or United States trotting association as Iowa foaled shall be considered to be Iowa foaled.

Sec. 2. Section 99D.22, subsection 2, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

Sec. 3. Section 189.6, Code 2015, is amended to read as follows:

189.6 Taking of samples.

The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of this subtitle, in order to secure a sample for analysis or examination, and the sample and damage to container shall be paid for at the current market price ~~out of the contingent fund of~~ by the department.

Sec. 4. Section 192.101A, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. *"Federal publication"* means a publication produced by the United States department of health and human services including the United States public health service and United States food and drug administration.

Sec. 5. Section 192.102, Code 2015, is amended to read as follows:

192.102 Grade "A" pasteurized milk ordinance.

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The department shall adopt~~, by rule,~~ rules incorporating or incorporating by reference the federal publication entitled "Grade `A' Pasteurized Milk ~~Ordinance, 2005 Revision",~~ ~~including a subsequent revision of the ordinance~~ Ordinance". If the ordinance specifies that compliance with a provision of the ordinance's appendices is mandatory, the department shall also adopt that provision. The department shall not amend the ordinance, unless the department explains each amendment and reasons for the amendment in the Iowa administrative bulletin when the rules are required to be published pursuant to chapter 17A. The department shall administer this chapter consistent with the provisions of the ordinance.

Sec. 6. Section 192.110, subsection 1, Code 2015, is amended to read as follows:

1. The person has a pasteurized milk and milk products sanitation compliance rating of ninety percent or more as calculated according to the rating system as contained in rules adopted by the department incorporating or incorporating by reference the federal ~~public health service~~ publications~~,~~ entitled "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk ~~Shippers 2003"~~ Shipments" and ~~"Method~~ "Methods of Making Sanitation Ratings of Milk ~~Supplies, 2003 Revision"~~ Shippers". ~~The applicable provisions of these publications are incorporated into this section by this reference.~~ A copy of each publication shall be on file with the department or in the office of the person subject to an inspection contract as provided in section 192.108.

Sec. 7. Section 192.111, subsection 3, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 8. Section 192.118, Code 2015, is amended to read as follows:

192.118 Certified laboratories.

1. To insure uniformity in the tests and reporting, an employee certified by the United States public health service

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of the bacteriological laboratory of the department shall annually certify, in accordance with ~~the United States food and drug administration~~ rules adopted by the department incorporating or incorporating by reference the federal publication entitled "Evaluation of Milk Laboratories" ~~(1995 revision)~~, all laboratories doing work in the sanitary quality of milk and dairy products for public report. The approval by the department shall be based on the evaluation of these laboratories as to personnel training, laboratory methods used, and reporting. The results on tests made by approved laboratories shall be reported to the department on request, on forms prescribed by the secretary of agriculture, and such reports may be used by the department.

2. The department shall annually certify, in accordance with rules adopted by the department incorporating or incorporating by reference the ~~United States food and drug administration~~ federal publication entitled "Evaluation of Milk Laboratories" ~~(1995 revision)~~, every laboratory in the state doing work in the sanitary quality of milk and dairy products for public report. The certifying officer may enter any such place at any reasonable hour to make the survey. The management of the laboratory shall afford free access to every part of the premises and render all aid and assistance necessary to enable the certifying officer to make a thorough and complete examination.

Sec. 9. Section 199.3, subsection 6, Code 2015, is amended to read as follows:

6. Seed sold on or from the farm, which is exempt from the permit requirements by section 199.15, shall be labeled on the basis of tests performed by the Iowa state university ~~of science and technology~~ seed testing laboratory~~, department of agriculture and land stewardship seed laboratory,~~ or a commercial seed laboratory personally supervised by a registered seed technologist. Tests for labeling shall be as provided in section 199.10.

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Sec. 10. Section 199.10, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Charges for seed testing by the Iowa state university ~~or department of agriculture and land stewardship~~ seed testing laboratory shall be determined by the ~~Iowa state university~~ laboratory. Separate fee schedules shall be published for:

Sec. 11. Section 199.10, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. Integrate seed testing so as to avoid unnecessary duplication of personnel and equipment. ~~The department of agriculture and land stewardship seed laboratory shall be primarily concerned with seed testing for seed law enforcement purposes.~~ The Iowa state university seed testing laboratory shall promote seed education and research and shall conduct service testing for farmers and seed dealers.

Sec. 12. Section 203D.1, subsection 14, Code 2015, is amended to read as follows:

14. *a.* *"Purchased grain"* means grain ~~which is~~ entered in the company-owned paid position as evidenced on the grain dealer's daily position record.

b. *"Purchased grain"* does not include grain that is subject to an exempt transaction based on documentation satisfactory to the department showing that the grain dealer did any of the following:

(1) Purchased the grain from the United States government or any of its subdivisions or agencies.

(2) Purchased the grain from a person licensed as a grain dealer in any jurisdiction.

(3) Purchased the grain under a credit-sale contract.

(4) Entered the grain in the company-owned paid position as a cancellation of a collateral warehouse receipt.

(5) Entered the grain in the company-owned paid position as an intra-company location transfer.

Sec. 13. Section 203D.3A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

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a. A per-bushel fee shall be assessed on all purchased grain. ~~However, if the grain dealer provides documentation regarding the transaction satisfactory to the department, the following transactions shall be excluded from the per-bushel fee:~~

~~(1) Grain purchased from the United States government or any of its subdivisions or agencies.~~

~~(2) Grain purchased from a person licensed as a grain dealer in any jurisdiction.~~

~~(3) Grain purchased under a credit-sale contract.~~

Sec. 14. Section 203D.5, subsection 2, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) For a licensed grain dealer, not more than fourteen thousandths of a cent per bushel assessed on all purchased grain ~~entered in the company-owned paid position~~ during the grain dealer's last fiscal year at each location at which records are maintained for transactions of the grain dealer, as determined according to information submitted by the grain dealer to the department for the issuance or renewal of a license as provided in section 203.5.

Sec. 15. Section 203D.5, subsection 4, unnumbered paragraph 1, Code 2015, is amended to read as follows:

If~~, at the end of any three-month period,~~ on the last date of the fund's fiscal year as provided in section 203D.3 the assets of the fund exceed eight million dollars, less any encumbered balances or pending or unsettled claims, all of the following apply:

Sec. 16. Section 206.32, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not offer for sale, sell, purchase, apply, or use chlordane in this state~~, on or after January 1, 1989~~.

Sec. 17. Section 207.1, subsection 1, Code 2015, is amended to read as follows:

1. It is the policy of this state to provide for the rehabilitation and conservation of land affected by coal mining

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and preserve natural resources, protect and perpetuate the taxable value of property, and protect and promote the health, and safety~~, and general welfare~~ of the people of this state.

Sec. 18. Section 207.21, subsection 3, paragraphs a and b, Code 2015, are amended to read as follows:

a. The protection of public health, safety, ~~general welfare,~~ and property from extreme danger of adverse effects of coal mining practices.

b. The protection of public health~~,~~ and safety, ~~and general welfare~~ from adverse effects of coal mining practices.

Sec. 19. Section 207.23, subsection 1, Code 2015, is amended to read as follows:

1. Within six months after the completion of a project to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the division shall itemize the money expended on the project and may file a lien statement in the office of the district court clerk of each county in which a portion of the property affected by the project is located, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past mining practices if the money so expended results in a significant increase in property value. A copy of the lien statement and the appraisal, if required, shall be served upon affected property owners in the manner provided for service of an original notice. The lien shall not exceed the amount determined by the appraiser to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices. A lien shall not be filed in accordance with this subsection against the property of a person who ~~owned the surface prior to May 2, 1977, and who~~ neither consented to, participated in, nor exercised control over the mining operation which necessitated the reclamation performed.

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Sec. 20. Section 214A.1, subsection 3, Code 2015, is amended to read as follows:

3. *"Biobutanol"* means isobutyl or n-butyl alcohol that is to be blended with gasoline if it meets the standards provided in section 214A.2.

Sec. 21. Section 214A.2, subsection 3, paragraph c, subparagraph (1), Code 2015, is amended to read as follows:

(1) Biobutanol must be an agriculturally derived isobutyl or n-butyl alcohol that meets A.S.T.M. international specification D7862 for butanol for blending with gasoline for use as automotive spark-ignition engine fuel, or a successor A.S.T.M. international specification, as established by rules adopted by the department.

Sec. 22. Section 215.17, subsection 1, Code 2015, is amended to read as follows:

1. A person engaged in scale repair work for hire shall use only test weights sealed by a laboratory approved by the department in determining the effectiveness of repair work and the test weights shall be sealed as to their accuracy once each year. However, a person shall not claim to be an official scale inspector and shall not use the test weights except to determine the accuracy of scale repair work done by the person and the person shall not be entitled to a fee for their use. ~~A fee shall be charged and collected at time of inspection for the inspection of such weights as follows:~~

~~All weights up to and including 25 pounds.....$ 1.10 each~~

~~Over 25 pounds capacity, up to and including 50 pounds..... 2.25 each~~

~~Over 50 pounds capacity, up to and including 100 pounds..... 3.00 each~~

~~Over 100 pounds capacity, up to and including 500 pounds..... 4.50 each~~

~~Over 500 pounds capacity, up to and including 1,000 pounds..... 7.50 each~~

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Sec. 23. Section 215.17, subsection 2, Code 2015, is amended by striking the subsection.

DIVISION II

SOIL CONSERVATION AND WATER QUALITY

Sec. 24. Section 159.5, subsection 12, Code 2015, is amended to read as follows:

12. ~~Establish~~ Create and maintain a division of soil conservation and water quality as provided in chapter 161A. The ~~division administrator~~ division's director shall be appointed by the secretary from a list of names of persons recommended by the soil conservation committee, pursuant to section 161A.4, ~~subsection 6, paragraph "c",~~ and shall serve at the pleasure of the secretary. The director shall be the administrator responsible for carrying out the provisions of chapters 207 and 208.

Sec. 25. Section 159.18, subsection 1, Code 2015, is amended to read as follows:

1. As used in this section, *"farm programs"* includes but is not limited to financial incentive programs established within the department's division of soil conservation ~~of the department of agriculture and land stewardship~~ and water quality as provided in section 161A.70 and the beginning farmer loan program administered by the Iowa finance authority as provided in ~~section 16.75~~ chapter 16.

Sec. 26. Section 161A.3, subsection 7, Code 2015, is amended to read as follows:

7. *"Division"* means the division of soil conservation and water quality created within the department pursuant to section 159.5.

Sec. 27. Section 161A.4, subsection 1, Code 2015, is amended to read as follows:

1. The ~~soil conservation~~ division ~~is established~~ of soil conservation and water quality created within the department ~~to~~ pursuant to section 159.5 shall perform the functions conferred upon it in this chapter and chapters 161C, 161E, 161F, 207, and

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208. The division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of this chapter and chapters 161C, 161E, 161F, 207, and 208 before the rules are adopted pursuant to section 17A.5. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference.

Sec. 28. Section 161A.4, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

In addition to other duties and powers conferred upon the division of soil conservation and water quality, the division has the following duties and powers:

Sec. 29. Section 161A.4, subsection 6, paragraph c, Code 2015, is amended to read as follows:

c. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended ~~an administrative~~ a director to head the division and serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request that the soil conservation committee submit additional names for consideration.

Sec. 30. Section 161A.6, unnumbered paragraph 4, Code 2015, is amended to read as follows:

The commissioners may call upon the attorney general of the state for such legal services as they may require. The commissioners may delegate to their chairperson, to one or more commissioners or to one or more agents, or employees, such powers and duties as they may deem proper. The commissioners shall furnish to the division ~~of soil conservation~~, upon

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1 request, copies of such ordinances, rules, regulations, orders,
2 contracts, forms, and other documents as they shall adopt or
3 employ, and such other information concerning their activities
4 as it may require in the performance of its duties under this
5 chapter.
6 Sec. 31. Section 161A.7, subsection 1, paragraph n,
7 subparagraph (2), Code 2015, is amended to read as follows:
8 (2) The title page of the district plan and a notification
9 stating where the plan may be reviewed shall be recorded with
10 the recorder in the county in which the district is located,
11 and updated as necessary, after the committee approves and
12 the ~~administrator~~ director of the division signs the district
13 plan. The commissioners shall provide notice of the recording
14 and may provide a copy of the approved district plan to the
15 county board of supervisors in the county where the district is
16 located. The district plan shall be filed with the division
17 as part of the state soil and water resource conservation plan
18 provided in section 161A.4.
19 Sec. 32. Section 161A.18, Code 2015, is amended to read as
20 follows:
21 **161A.18 Certification.**
22 Following the entry in the official minutes of the soil and
23 water conservation district commissioners of the creation of
24 the subdistrict, the commissioners shall certify this fact on a
25 separate form, authentic copies of which shall be recorded with
26 the county recorder of each county in which any portion of the
27 subdistrict lies, and with the division ~~of soil conservation~~.
28 Sec. 33. Section 161A.61, subsection 2, paragraph b, Code
29 2015, is amended to read as follows:
30 *b.* Bring the farm unit which is the subject of the order
31 into compliance with a plan developed for that farm unit by the
32 commissioners, in accordance with guidelines established by
33 the division ~~of soil conservation~~, and presented to the court
34 as a part of the commissioners' petition, if a farm unit soil
35 conservation plan has not previously been agreed upon for that

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1 farm unit. A plan presented to the court by the commissioners
2 under this paragraph shall specify as many alternative approved
3 soil and water conservation practices as feasible, among which
4 the owner or occupant of the farm unit may choose in taking the
5 steps necessary to comply with the court's order.
6 Sec. 34. Section 161A.80, subsection 2, paragraph b, Code
7 2015, is amended to read as follows:
8 *b.* The principal and interest from any blufflands protection
9 loan outstanding on July 1, 2015, and payable to the blufflands
10 protection revolving fund, shall be paid to the ~~administrative~~
11 director of the division of soil conservation and water quality
12 created in section 159.5 on or after July 1, 2015, pursuant to
13 the terms of the loan agreement and shall be credited to the
14 rebuild Iowa infrastructure fund.
15 Sec. 35. Section 161C.1, subsection 4, Code 2015, is amended
16 to read as follows:
17 4. *"Division"* means the division of soil conservation and
18 water quality created within the department pursuant to section
19 159.5.
20 Sec. 36. Section 161D.1, subsection 2, Code 2015, is amended
21 to read as follows:
22 2. The mission of the authority is to develop and coordinate
23 plans for projects related to the unique natural resource,
24 rural development, and infrastructure problems of counties
25 in the deep loess region of western Iowa. The erosion and
26 degradation of stream channels in the deep loess soils has
27 occurred due to historic channelization of the Missouri river
28 and straightening stream channels of its tributaries. This
29 erosion of land has damaged the rural infrastructure of this
30 area, destroyed public roads and bridges, adversely impacted
31 stream water quality and riparian habitat, and affected other
32 public and private improvements. Stabilization of stream
33 channels is necessary to protect the rural infrastructure
34 in the deep loess soils area of the state. The authority
35 shall cooperate with the division of soil conservation ~~of~~ and

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1 water quality created within the department of agriculture
2 and land stewardship pursuant to section 159.5, the affected
3 soil and water conservation districts, the department of
4 natural resources, and the state department of transportation
5 in carrying out its mission and duties. The authority shall
6 also cooperate with appropriate federal agencies, including
7 the United States environmental protection agency, the United
8 States department of interior, and the United States department
9 of agriculture natural resources conservation service. The
10 authority shall make use of technical resources available
11 through member counties and cooperating agencies.
12 Sec. 37. Section 161D.8, subsection 1, unnumbered paragraph
13 1, Code 2015, is amended to read as follows:
14 The authority shall submit to the department of management,
15 the legislative services agency, and the division of soil
16 conservation and water quality of the department of agriculture
17 and land stewardship, on or before December 31 annually, a
18 report including information regarding all of the following:
19 Sec. 38. Section 161D.11, subsection 3, Code 2015, is
20 amended to read as follows:
21 3. The authority shall cooperate with the division of soil
22 conservation and water quality of the department of agriculture
23 and land stewardship~~,~~ and the affected soil and water
24 conservation districts, the department of natural resources,
25 and the state department of transportation in carrying out
26 its mission and duties. The authority shall also cooperate
27 with appropriate federal agencies, including the United States
28 environmental protection agency, the United States department
29 of interior, and the United States department of agriculture
30 natural resources conservation service. The authority shall
31 make use of technical resources available through member
32 counties and cooperating agencies.
33 Sec. 39. Section 161D.13, subsection 1, unnumbered
34 paragraph 1, Code 2015, is amended to read as follows:
35 The southern Iowa development and conservation authority

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1 shall submit to the department of management, the legislative
2 services agency, and the division of soil conservation and
3 water quality of the department of agriculture and land
4 stewardship, on or before December 31 annually, a report
5 including information regarding all of the following:
6 Sec. 40. Section 207.2, subsections 1 and 3, Code 2015, are
7 amended to read as follows:
8 1. *"Administrator"* means the ~~division~~ administrator of the
9 division ~~of soil conservation~~ or a designee.
10 3. *"Division"* means the division of soil conservation and
11 water quality created within the department of agriculture and
12 land stewardship pursuant to section 159.5.
13 Sec. 41. Section 208.2, subsections 1 and 4, Code 2015, are
14 amended to read as follows:
15 1. *"Administrator"* means the administrator of the division
16 ~~of soil conservation~~ or a designee.
17 4. *"Division"* means the division of soil conservation and
18 water quality created within the department of agriculture and
19 land stewardship pursuant to section 159.5.
20 Sec. 42. Section 455A.1, subsection 6, Code 2015, is amended
21 by striking the subsection.
22 Sec. 43. Section 455A.19, subsection 1, paragraph c, Code
23 2015, is amended to read as follows:
24 *c.* Twenty percent shall be allocated to the soil and
25 water enhancement account. The moneys shall be used to carry
26 out soil and water enhancement programs including, but not
27 limited to, reforestation, woodland protection and enhancement,
28 wildlife habitat preservation and enhancement, protection of
29 highly erodible soils, and clean water programs. The division
30 of soil conservation and water quality within the department
31 of agriculture and land stewardship, by rule, shall establish
32 procedures for eligibility, application, review, and selection
33 of projects and practices to implement the requirements of
34 this paragraph. There is appropriated from the soil and
35 water enhancement account to the ~~soil conservation~~ division

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of soil conservation and water quality the amount in that account, or so much thereof as is necessary, to carry out the programs as specified in this paragraph. Remaining funds of the soil and water enhancement account shall be allocated to the accounts of the water protection fund authorized in section 161C.4. Annually, fifty percent of the soil and water enhancement account funds shall be allocated to the water quality protection projects account. The balance of the funds shall be allocated to the water protection practices account. An appropriation made under this paragraph shall continue in force for two fiscal years after the fiscal year in which the appropriation was made or until completion of the project for which the appropriation was made, whichever date is earlier. All unencumbered or unobligated funds remaining at the close of the fiscal year in which the project is completed or at the close of the third fiscal year, whichever date is earlier, shall revert to the soil and water enhancement account.

Sec. 44. Section 456.11, subsection 10, Code 2015, is amended to read as follows:

10. *Copies furnished.* The state geologist shall provide the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to section 159.5 a copy of each map and map extension received by the geologist under this section.

Sec. 45. Section 460.101, Code 2015, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 46. Section 460.101, subsection 6, Code 2015, is amended to read as follows:

6. *"Division"* means the division of soil conservation ~~division of~~ and water quality created within the department of agriculture and land stewardship pursuant to section 159.5.

Sec. 47. Section 460.303, subsection 1, Code 2015, is amended to read as follows:

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1. An agricultural drainage well water quality assistance fund is created in the state treasury under the control of the ~~soil conservation~~ division. The fund is composed of moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the division or the state soil conservation committee established pursuant to section 161A.4, from the United States or private sources for placement in the fund.

Sec. 48. Section 460.304, subsection 1, Code 2015, is amended to read as follows:

1. The ~~soil conservation~~ division shall establish an agricultural drainage well water quality assistance program as provided by rules which shall be adopted by the division pursuant to chapter 17A. The program shall be supported from moneys deposited in the agricultural drainage well water quality assistance fund created pursuant to section 460.303.

Sec. 49. Section 461.33, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Soil conservation and watershed protection, including by supporting the ~~soil conservation~~ division of soil conservation and water quality within the department of agriculture and land stewardship and soil and water conservation district commissioners. The department may provide for the installation of conservation practices and watershed protection improvements as provided in chapters 161A, 161C, 461A, 466, and 466A.

Sec. 50. Section 466A.1, subsection 3, Code 2015, is amended to read as follows:

3. *"Division"* means the division of soil conservation and water quality created within the department of agriculture and land stewardship ~~as established in~~ pursuant to section ~~161A.4~~ 159.5.

Sec. 51. Section 466A.5, Code 2015, is amended to read as follows:

466A.5 Administration.

The ~~soil conservation~~ division of soil conservation and

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water quality created within the department of agriculture and land stewardship pursuant to section 159.5 shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the general account of the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter.

Sec. 52. Section 466B.3, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. The director of the division of soil conservation ~~division of~~ and water quality within the department of agriculture and land stewardship or the director's designee.

Sec. 53. Section 466B.41, subsection 3, Code 2015, is amended to read as follows:

3. *"Division"* means the division of soil conservation and water quality created within the department of agriculture and land stewardship ~~as established in~~ pursuant to section ~~161A.4~~ 159.5.

Sec. 54. Section 466B.48, subsection 2, paragraph g, Code 2015, is amended to read as follows:

g. The ~~administrative~~ director of the ~~soil conservation~~ division ~~of the department of agriculture and land stewardship as provided in chapter 161A,~~ or the ~~administrative~~ director's designee.

EXPLANATION

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

GENERAL. This bill amends a number of provisions administered by the department of agriculture and land stewardship (DALS).

HORSE RACING — ELIMINATION PAST DATES APPLICABLE TO IOWA-FOALED HORSES. The bill eliminates past dates (either referring to before or after January 1, 1985) setting

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1 forth requirements to determine when a horse is eligible to
2 participate in an annual race reserved for Iowa-foaled breeds
3 (Code chapter 99D).
4 EXAMINATION OF CERTAIN ARTICLES — ELIMINATION OF CONTINGENT
5 FUND. The bill eliminates a "contingent fund" dedicated for
6 use by DALS to pay costs associated with the examination of
7 certain articles, including food, commercial feed, agricultural
8 seed, commercial fertilizer, drugs, pesticide, and paint (Code
9 chapter 189).
10 MILK REGULATION — FEDERAL PUBLICATIONS. The bill allows
11 DALS to adopt by rule a number of federal publications as
12 defined in the bill, including adopting by reference, that
13 relate to the regulation of milk and milk products (Code
14 chapter 192).
15 ELIMINATION OF SEED LABORATORY. The bill eliminates DALS'
16 seed laboratory which is used to enforce regulations relating
17 to the sale of agricultural and vegetable seed. The bill does
18 not affect duties performed by the Iowa state university seed
19 laboratory but changes its name to the Iowa state university
20 seed testing laboratory (Code chapter 199).
21 GRAIN DEPOSITORS AND SELLERS INDEMNITY FUND — FEES. The
22 bill excludes certain transactions from the classification
23 of "purchased grain" which is assessed a per-bushel fee
24 paid by grain dealers into the grain depositors and sellers
25 indemnity fund (Code chapter 203D). The fee would not apply
26 to a cancellation of a collateral warehouse receipt or an
27 intra-company location transfer (Code chapter 206), if so
28 entered into the grain dealer's accounts. It also changes the
29 period when the department calculates whether assets in the
30 fund exceed $8,000,000 which suspends the imposition of fees
31 paid into the fund. The bill changes the period from the end of
32 each three-month period to the end of the fund's fiscal year
33 (June 30).
34 CHLORDANE PROHIBITION — ELIMINATION OF A DATE. The bill
35 amends the "Pesticide Act of Iowa" by eliminating a past date

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(January 1, 1989) after which chlordane could not be sold in this state (Code chapter 206).

COAL MINING REGULATIONS — ELIMINATION OF A TERM AND DATE. The bill eliminates the term "general welfare" when referring to the rehabilitation and conservation of land affected by coal mining (Code chapter 207). It also eliminates a reference to a past date (May 2, 1977) regarding liens filed against such property. DALS is prevented from filing a lien against the private land of a person who owned the land's surface prior to that date to pay costs associated with rehabilitating or conserving such land.

EXPANSION OF DEFINITION — BIOBUTANOL. The bill modifies the definition of biobutanol to include n-butyl which is an alcohol used to blend with gasoline.

INSPECTIONS OF CERTAIN TEST WEIGHTS — APPROVAL OF PRIVATE LABORATORIES AND FEES. The bill provides that DALS no longer verifies test weights used by persons engaged in scale repair work (Code chapter 215). Instead, DALS is required to approve a private laboratory that performs that function. The bill also eliminates associated fees.

DIVISION OF SOIL CONSERVATION AND WATER QUALITY. The bill amends Code section 159.5 to change the name of DALS' division of soil conservation to the division of soil conservation and water quality. The bill makes a number of conforming amendments to Code chapters that refer to the division. Finally, the bill changes the name of the division's administrator to director.

House File 576 - Introduced

HOUSE FILE 576
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 104)

A BILL FOR

1 An Act relating to and providing for the coordination and
2 facilitation of broadband access in targeted areas of the
3 state, including property tax incentives for broadband
4 infrastructure installation, a broadband grant program and
5 fund, and including applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
LEGISLATIVE INTENT

Section 1. SHORT TITLE. This Act shall be known and may be cited as the "Connecting Iowa Farms, Schools, and Communities Act".

Sec. 2. LEGISLATIVE INTENT. The general assembly finds and declares that increasing the extent and availability of broadband infrastructure throughout the state facilitates the provision of internet access to citizens, farms, businesses, and communities at speeds that promote economic development, employment, enhanced access to goods and services, increased educational and training opportunities, faster access to government services and health care, and improved overall information and community access.

DIVISION II
STATEWIDE BROADBAND COORDINATION

Sec. 3. Section 8B.1, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 01. *"Broadband"* means a high-speed, high-capacity electronic transmission medium, including fixed wireless and mobile wireless mediums, that can carry data signals from independent network sources by establishing different bandwidth channels and that is commonly used to deliver internet services to the public.

NEW SUBSECTION. 001. *"Broadband infrastructure"* means the physical infrastructure used for the transmission of data that provides broadband services. *"Broadband infrastructure"* does not include land, buildings, structures, improvements, or equipment not directly used in the transmission of data via broadband.

NEW SUBSECTION. 0001. *"Communications service provider"* means a service provider that provides broadband service.

NEW SUBSECTION. 00001. *"Crop operation"* means the same as defined in section 717A.1.

NEW SUBSECTION. 7A. *"Targeted service area"* means a United

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States census bureau census block located in this state, including any crop operation located within the census block, within which no communications service provider offers or facilitates broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed.

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

1. *"Information technology"* means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices, information technology services, infrastructure services, broadband and broadband infrastructure, and value-added services.

Sec. 5. Section 8B.3, subsection 1, Code 2015, is amended to read as follows:

1. The office is created for the purpose of leading, directing, managing, coordinating, and providing accountability for the information technology resources of state government and for coordinating statewide broadband availability and access.

Sec. 6. Section 8B.4, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 14A. Streamline, consolidate, and coordinate the access to and availability of broadband and broadband infrastructure throughout the state, including but not limited to the facilitation of public-private partnerships, ensuring that all state agencies' broadband and broadband infrastructure policies and procedures are aligned, resolving issues which arise with regard to implementation efforts, and collecting data and developing metrics or standards against which the data may be measured and evaluated regarding broadband infrastructure installation and deployment.

NEW SUBSECTION. 14B. Administer the broadband grant program pursuant to section 8B.11.

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1 NEW SUBSECTION. 14C. Coordinate the fiberoptic network
2 conduit installation program established in section 8B.25.
3 Sec. 7. Section 8B.9, Code 2015, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 5. An annual report regarding the status
6 of broadband expansion and coordination, the connecting
7 Iowa farms, schools, and communities broadband grant program
8 established under section 8B.11, and the adequacy of the speed
9 set in the definition of targeted service area in section 8B.1.
10 Sec. 8. NEW SECTION. **8B.10 Targeted service areas —**
11 **determination — criteria.**
12 1. The determination of whether a communications service
13 provider offers or facilitates broadband service meeting the
14 download or upload speeds specified in the definition of
15 targeted service area in section 8B.1 shall be determined or
16 ascertained by reference to broadband availability maps or data
17 sources that are widely accepted for accuracy and available for
18 public review and comment and that are identified by the office
19 by rule.
20 2. The office shall establish procedures to allow
21 challenges to the office's finding on whether an area meets the
22 definition of targeted service area.
23 Sec. 9. NEW SECTION. **8B.11 Connecting Iowa farms, schools,**
24 **and communities — broadband grants — fund.**
25 1. The office shall administer a broadband grant program
26 to award grants to communication service providers that reduce
27 or eliminate targeted service areas by installing broadband
28 infrastructure in targeted service areas in accordance with
29 this section.
30 2. *a.* A connecting Iowa farms, schools, and communities
31 broadband grant fund is established in the state treasury
32 under the authority of the office. The fund shall consist of
33 moneys appropriated to the fund or appropriated to the office
34 for purposes of the grant program, moneys available to and
35 obtained or accepted by the office from the federal government

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1 or private sources, or other funds available to the office
2 for purposes of the grant program. Moneys in the fund are
3 appropriated to the office to be used for the grant program.
4 *b.* The office shall use moneys in the fund to provide grants
5 to communication service providers pursuant to this section.
6 The office shall use moneys in the fund to leverage available
7 federal moneys.
8 *c.* Notwithstanding section 8.33, moneys in the fund
9 that remain unencumbered or unobligated at the close of the
10 fiscal year shall not revert but shall remain available for
11 expenditure for the purposes designated until the close of the
12 succeeding fiscal year.
13 3. Communication service providers may apply to the office
14 for a grant pursuant to this section for the installation of
15 broadband infrastructure that facilitates broadband service
16 at or above twenty-five megabits per second of download speed
17 and three megabits per second of upload speed in targeted
18 service areas. The office shall include representatives from
19 schools, communities, agriculture, industry, and other areas
20 as appropriate to review and recommend grant awards. The
21 office shall conduct an open application review process and
22 include a public internet site for applications, results, and
23 performance.
24 4. *a.* The office shall award grants on a competitive basis
25 after considering the following:
26 (1) The relative need for broadband infrastructure in the
27 area and the existing broadband service speeds.
28 (2) The geographic diversity of the project areas of all the
29 applicants.
30 (3) The economic impact of the project to the area.
31 (4) The applicant's total proposed budget for the project,
32 including the amount or percentage of local match, if any.
33 (5) Other factors the office deems relevant.
34 *b.* Except as otherwise provided in this section, the office
35 shall not evaluate applications based on the office's knowledge

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of the applicant except for the information provided in the application.

5. The office shall not award a grant pursuant to this section that exceeds ten percent of the communication service provider's project cost.

6. The office shall adopt rules pursuant to chapter 17A, including but not limited to the broadband grant program process, management, and measurements as deemed necessary by the office.

Sec. 10. NEW SECTION. **8B.25 Fiberoptic network conduit installation program.**

1. For the purposes of this section, *"fiberoptic network conduit"* means a pipe or duct used to enclose fiberoptic cable facilities buried alongside a roadway or surface mounted on a bridge, overpass, or other facility where placement below ground is impossible or impractical.

2. The office shall lead and coordinate a program to provide for the installation of fiberoptic network conduit where such conduit does not exist. The chief information officer shall consult and coordinate with the department of administrative services, the department of transportation, the Iowa communications network, and other agencies and entities as determined appropriate to ensure that the opportunity is provided to lay or install fiberoptic network conduit wherever a state-funded construction project involves trenching, boring, a bridge, a roadway, or opening of the ground, or alongside any state-owned infrastructure.

3. Contingent upon the provision of funding for such purposes by the general assembly, the office may contract with a third party to manage, lease, install, or otherwise provide fiberoptic network conduit access for projects described in this section. This section shall not prohibit the office from purchasing or installing fiberoptic cable within any fiberoptic network conduit installed pursuant to the program.

Sec. 11. NEW SECTION. **8B.26 Broadband permitting process**

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— expeditious response.

Notwithstanding any other provision to the contrary, a political subdivision vested with permitting authority shall approve, approve with modification, or disapprove nonwireless, broadband-related permits within sixty business days following the submission of a permit application and fee. In the event that no action is taken during the sixty-day period, the application shall be deemed approved.

Sec. 12. Section 8D.3, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. The commission is composed of five voting members appointed by the governor and subject to confirmation by the senate. ~~Members~~ Voting members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network.

(1) The governor shall appoint a voting member as the chairperson of the commission from the five voting members ~~appointed by the governor~~, subject to confirmation by the senate.

(2) ~~Members~~ Voting members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term.

(3) The salary of the voting members of the commission shall be twelve thousand dollars per year, except that the salary of the chairperson shall be seventeen thousand dollars per year. ~~Members~~ Voting members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. The benefits and salary paid to the voting members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter

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20.

Sec. 13. Section 8D.3, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. ~~In addition to the members appointed by the governor, the~~ The auditor of state or the auditor's designee and the chief information officer appointed pursuant to section 8B.2 or the chief information officer's designee shall serve as ~~a~~ nonvoting, ex officio ~~member~~ members of the commission.

Sec. 14. Section 8D.4, Code 2015, is amended to read as follows:

8D.4 Executive director appointed.

The commission~~, in consultation with the director of the department of administrative services and the chief information officer,~~ shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly. The salary and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

Sec. 15. Section 80.28, subsection 2, Code 2015, is amended to read as follows:

2. The board shall consist of ~~fifteen~~ seventeen voting members, as follows:

a. The following members representing state agencies:

(1) One member representing the department of public safety.

(2) One member representing the state department of transportation.

(3) One member representing the department of homeland security and emergency management.

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1 (4) One member representing the department of corrections.
2 (5) One member representing the department of natural
3 resources.
4 (6) One member representing the Iowa department of public
5 health.
6 (7) One member representing the office of the chief
7 information officer created in section 8B.2.
8 *b.* The governor shall solicit and consider recommendations
9 from professional or volunteer organizations in appointing the
10 following members:
11 (1) Two members who are representatives from municipal
12 police departments.
13 (2) Two members who are representatives of sheriff's
14 offices.
15 (3) Two members who are representatives from fire
16 departments. One of the members shall be a volunteer fire
17 fighter and the other member shall be a paid fire fighter.
18 (4) Two members who are law communication center managers
19 employed by state or local government agencies.
20 (05) One member who is an emergency medical care provider
21 as defined in section 147A.1.
22 (5) One at-large member.
23 DIVISION III
24 PROPERTY TAX INCENTIVES AND ASSESSMENT
25 Sec. 16. Section 421.1A, subsection 3, Code 2015, is amended
26 to read as follows:
27 3. At the election of a property owner or aggrieved taxpayer
28 or an appellant described in section 441.42, the property
29 assessment appeal board shall review any final decision,
30 finding, ruling, determination, or order of a local board of
31 review relating to protests of an assessment, valuation, or
32 application of an equalization order, or any final decision
33 of the county board of supervisors relating to denial of an
34 application for a property tax exemption pursuant to section
35 427.1, subsection 40.

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1 Sec. 17. Section 421.1A, subsection 4, Code 2015, is amended
2 by adding the following new paragraph:
3 NEW PARAGRAPH. *0b.* Affirm or reverse a final decision
4 of a county board of supervisors relating to denial of an
5 application for a property tax exemption under section 427.1,
6 subsection 40.
7 Sec. 18. Section 427.1, Code 2015, is amended by adding the
8 following new subsection:
9 NEW SUBSECTION. 40. *Broadband infrastructure.*
10 *a.* The owner of broadband infrastructure shall be entitled
11 to an exemption from taxation to the extent provided in this
12 subsection. For the purposes of this subsection, *"broadband*
13 *infrastructure"* and *"targeted service area"* mean the same as
14 defined in section 8B.1.
15 *b.* The exemption shall apply to the installation of
16 broadband infrastructure that facilitates broadband service
17 at or above twenty-five megabits per second of download speed
18 and three megabits per second of upload speed commenced and
19 completed on or after July 1, 2014, in a targeted service area,
20 and used to deliver internet services to the public. A person
21 claiming an exemption under this subsection shall certify to
22 the local assessor prior to commencement of the installation
23 that the broadband installation will take place within a
24 targeted service area.
25 *c.* The tax exemption shall be a one hundred percent
26 exemption from taxation for a period of ten years in an
27 amount equal to the actual value added by installation of the
28 broadband infrastructure.
29 *d.* For companies assessed by the department of revenue
30 pursuant to chapter 433, the exemption shall be limited to
31 an amount equal to the actual value added by installation of
32 the broadband infrastructure as of the assessment date as
33 determined by the department and the exemption shall be applied
34 prior to any other exemption applicable to the unit value, as
35 determined under that chapter.

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1 *e.* (1) An application for an exemption shall be filed by
2 the owner of the property with the county board of supervisors
3 of each county in which the property is located by February
4 1 of the year in which the broadband infrastructure is first
5 assessed for taxation, or the following two assessment years,
6 and in each case the exemption is allowed for ten years.
7 (2) In lieu of subparagraph (1), and notwithstanding any
8 provision in this subsection to the contrary, an owner may at
9 any time before completion of the project submit a proposal to
10 the board of supervisors requesting that the board allow the
11 owner to file an application for exemption by February 1 of
12 any other assessment year following completion of the project,
13 which year shall be selected by the board. If the board, by
14 resolution, approves the proposal, the exemption is allowed for
15 ten years.
16 *f.* (1) The application shall be made on forms prescribed by
17 the director of revenue. The application shall contain but not
18 be limited to the following information:
19 (a) The nature of the broadband infrastructure
20 installation.
21 (b) The actual cost of installing the broadband
22 infrastructure under the project, if available. The
23 application shall contain supporting documents demonstrating
24 the actual cost.
25 (c) Certification from the office of the chief information
26 officer pursuant to section 8B.10 that the installation is
27 being performed or was completed in a targeted service area.
28 Certification from the office of the chief information officer
29 that broadband infrastructure installed in a targeted service
30 area facilitates broadband service at or above twenty-five
31 megabits per second of download speed and three megabits per
32 second of upload speed.
33 (d) Certification of the date of commencement and actual or
34 estimated date of completion.
35 (e) A copy of any nonwireless broadband-related permit

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1 issued by a political subdivision.
2 (f) If applying pursuant to paragraph "*e*", subparagraph (2),
3 the actual cost already incurred for installation of broadband
4 infrastructure, if any, the estimated costs for project
5 completion, and the estimated date of project completion. The
6 application shall contain supporting documents demonstrating
7 the actual cost.
8 (2) The board of supervisors shall forward all approved
9 applications and any necessary information regarding the
10 applications to the appropriate local assessor or to the
11 department of revenue, as applicable, by March 1 annually.
12 After the tax exemption is granted, the local assessor
13 shall continue to grant the tax exemption for ten years, and
14 applications for exemption for succeeding years shall not be
15 required.
16 (3) An applicant for a property tax exemption under this
17 subsection may appeal the decision of the board of supervisors
18 regarding denial of the application to the property assessment
19 appeal board.
20 *g.* (1) If a company whose property in the county is not
21 assessed by the department of revenue is approved to receive a
22 property tax exemption pursuant to this subsection, the actual
23 value added by installation of the broadband infrastructure
24 shall be determined by the local assessor who shall certify the
25 amount of exemption determined to the county auditor at the
26 time of transmitting the assessment rolls.
27 (2) Notwithstanding any other provision of law to the
28 contrary, if a company in which all or a portion of the
29 company's property in the county is assessed by the department
30 pursuant to chapter 433 and the company's property in the
31 county is approved to receive a property tax exemption
32 pursuant to this subsection, the department shall assess
33 all the company's property in the county used for operating
34 telegraph and telephone lines, broadband, or cable systems for
35 each assessment year the company receives the exemption, for

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1 purposes of determining the actual value added by installation
2 of the broadband infrastructure.
3 (3) (a) If assessing property pursuant to subparagraph (2),
4 the department shall certify the assessment value and exemption
5 amounts for all property used for the operation of providing
6 cable and broadband services and generally not assessed by
7 the department to the local assessor for inclusion on the
8 assessment rolls as provided in section 433.8, subsection 2.
9 (b) A company whose property is assessed by the department
10 pursuant to subparagraph (2) shall follow the appeal procedures
11 in chapter 429 for appealing any part of the assessment on
12 all the company's property, including the company's property
13 that would have been valued by the local assessor but for
14 subparagraph (2). For appeal proceedings for assessed values
15 submitted pursuant to subparagraph division (a), the department
16 shall notify the taxpayer of the right to appeal pursuant to
17 chapter 429.
18 *h.* The director of revenue may adopt rules pursuant to
19 chapter 17A for the interpretation and proper administration of
20 the exemption provided in this subsection.
21 Sec. 19. Section 433.8, Code 2015, is amended to read as
22 follows:
23 **433.8 Assessment in each county — how certified.**
24 1. The director of revenue shall, for the purpose of
25 determining what amount shall be assessed to each company
26 in each county of the state into which the line of the said
27 company extends, certify to the several county auditors of the
28 respective counties into, over, or through which said line
29 extends the number of miles of line in the county for that
30 company, the actual value per mile of line for that company,
31 and the exemption value per mile of line for that company for
32 exemptions received pursuant to section 427.1, subsection 40,
33 section 433.4, or any other exemptions. In no case, however,
34 shall the taxable value of the property be reduced below zero.
35 2. If assessing all of the property of a company pursuant to

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1 section 427.1, subsection 40, paragraph "g", subparagraph (2),
2 the director shall also certify such amounts to the assessor
3 for inclusion on the assessment rolls.
4 Sec. 20. RULES. The office of the chief information
5 officer shall adopt rules pursuant to chapter 17A to certify
6 that the installation of broadband infrastructure meets the
7 requirements under section 427.1, subsection 40, as enacted in
8 this division of this Act, for purposes of receiving a property
9 tax exemption.
10 Sec. 21. IMPLEMENTATION. Section 25B.7 shall not apply to
11 this division of this Act.
12 Sec. 22. IMPLEMENTATION. Notwithstanding section 427.1,
13 subsection 40, paragraph "b", as enacted in this division
14 of this Act, owners of broadband infrastructure seeking an
15 exemption for the installation of broadband infrastructure
16 commenced between July 1, 2014, and the effective date of this
17 division of this Act, shall certify to the local assessor that
18 the broadband infrastructure installation took place within
19 a targeted service area prior to applying for an exemption
20 pursuant to this division of this Act.
21 Sec. 23. APPLICABILITY.
22 1. This division of this Act applies to assessment years
23 beginning on or after January 1, 2016.
24 2. Notwithstanding section 427.1, subsection 40, paragraph
25 "e", subparagraph (1), as enacted in this division of this
26 Act, in the case of projects commenced and completed between
27 July 1, 2014, and December 31, 2014, an owner seeking an
28 exemption shall first file an application for an exemption with
29 the county board of supervisors of each county in which the
30 property is located by February 1, 2016, or the following two
31 assessment years, and in each case the exemption is allowed for
32 ten years.
33 DIVISION IV
34 INFORMATION TECHNOLOGY INFRASTRUCTURE FOR EDUCATION
35 Sec. 24. Section 423F.3, subsection 6, Code 2015, is amended

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1 by adding the following new paragraph:
2 NEW PARAGRAPH. *0c.* Additionally, *"school infrastructure"*
3 includes the acquisition or installation of information
4 technology infrastructure. For purposes of this paragraph,
5 *"information technology infrastructure"* means the basic,
6 underlying physical framework or system necessary to deliver
7 technology connectivity to a school district and to network
8 school buildings within a school district.
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 relates to and provides for the coordination and
13 facilitation of broadband access in targeted service areas of
14 the state. The bill is titled the "Connecting Iowa Farms,
15 Schools, and Communities Act".
16 DIVISION I — LEGISLATIVE INTENT. The division provides
17 that the general assembly finds and declares that increasing
18 the extent and availability of broadband infrastructure
19 throughout the state facilitates the provision of internet
20 access to citizens, businesses, farms, and communities at
21 speeds that promote economic development, employment, enhanced
22 access to goods and services, increased educational and
23 training opportunities, faster access to government services
24 and health care, and improved overall information and community
25 access.
26 DIVISION II — STATEWIDE BROADBAND COORDINATION. The
27 division modifies provisions in Code chapter 8B, relating to
28 the office of the chief information officer. The division adds
29 several definitions to the Code chapter for use in the Code
30 chapter and in other related provisions. The division defines
31 "broadband" to mean a high-speed, high-capacity electronic
32 transmission medium, including fixed wireless and mobile
33 wireless mediums, that can carry data signals from independent
34 network sources by establishing different bandwidth channels
35 and that is commonly used to deliver internet services to the

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1 public. The division defines "broadband infrastructure" to
2 mean the physical infrastructure used for the transmission
3 of data that provides broadband services. The division
4 defines "communications service provider" to mean a service
5 provider that provides broadband service. The division defines
6 "targeted service area" to mean a United States census bureau
7 census block located in Iowa, including any crop operation
8 located within the census block, within which no communications
9 service provider offers or facilitates broadband service
10 at or above 25 megabits per second of download speed and 3
11 megabits per second of upload speed. The division defines
12 "crop operation" by referencing a definition contained in Code
13 section 717A.1 as meaning a commercial enterprise where a crop
14 is maintained on the property of the commercial enterprise.
15 Additionally, the division adds broadband and broadband
16 infrastructure to an existing definition of "information
17 technology".
18 The division adds to the powers and duties of the chief
19 information officer streamlining, consolidating, and
20 coordinating access to and availability of broadband and
21 broadband infrastructure throughout Iowa.
22 The division provides that the determination of whether
23 a provider's download and upload speeds are being met for
24 purposes of the definition of "targeted service area" shall be
25 by reference to broadband availability maps or data sources
26 identified by the office by rule. The division directs the
27 office to establish procedures to allow challenges to the
28 office's finding on whether an area meets the definition of
29 "targeted service area".
30 The division establishes a connecting Iowa farms, schools,
31 and communities grant program and fund. The division requires
32 the office of the chief information officer to administer
33 a broadband grant program to award grants to communication
34 service providers that reduce or eliminate targeted service
35 areas by installing broadband infrastructure in targeted

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1 service areas. The division establishes a fund, consisting
2 of moneys appropriated to it or appropriated to the office
3 or otherwise available to the office for purposes of the
4 grant program. The moneys in the fund are appropriated
5 to the office of the chief information officer. The bill
6 provides that communication service providers may apply to
7 the office for a grant. The division requires the office to
8 include representatives from schools, communities, agriculture,
9 industry, and other areas as appropriate to review and
10 recommend grant awards. The division also requires the
11 office to conduct an open application review process and
12 include a public internet site for applications, results,
13 and performance. The division sets criteria for the office
14 to consider when awarding grants. The division limits grant
15 amounts to a maximum of 10 percent of the communication service
16 provider´s project cost.
17 The division also adds to the powers and duties of the chief
18 information officer the responsibility for coordinating a new
19 fiberoptic network conduit installation program to facilitate
20 incorporation of fiberoptic network conduit installations, as
21 defined by the bill, into state-funded construction projects
22 or by state-owned infrastructure. The division provides that,
23 subject to funding from the general assembly, the office
24 may contract with a third party to manage, lease, install,
25 or otherwise provide fiberoptic network conduit access, and
26 the program shall not prohibit the office from purchasing or
27 installing fiberoptic cable within fiberoptic network conduit
28 installed pursuant to the program.
29 Additionally, the division specifies expeditious response
30 requirements regarding the approval, modification, or
31 disapproval of nonwireless broadband-related permits. The
32 division provides that, notwithstanding any other provision to
33 the contrary, a political subdivision vested with permitting
34 authority shall approve, approve with modification, or
35 disapprove nonwireless broadband-related permits within 60

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1 business days following the submission of a permit application
2 and fee. In the event that no action is taken during the 60-day
3 period, the application shall be deemed approved.
4 The division also requires the chief information officer
5 to prepare an annual report regarding the status of broadband
6 expansion and coordination, the broadband grant program, and
7 the adequacy of the speed set in the definition of targeted
8 service area. The division adds the chief information officer
9 to the Iowa telecommunications and technology commission
10 which oversees the operation of the Iowa communications
11 network and to the statewide interoperable communications
12 system board established in Code section 80.28. The division
13 makes corresponding changes. Further, the division adds an
14 additional member to the board who is an emergency medical
15 care provider, and eliminates a provision that required the
16 commission to consult with the director of the department of
17 administrative services and the chief information officer when
18 appointing the commission's executive director.
19 DIVISION III — PROPERTY TAX INCENTIVES AND ASSESSMENT. The
20 division provides a property tax exemption for installation of
21 broadband infrastructure that facilitates broadband service at
22 or above 25 megabits per second of download speed and three
23 megabits per second of upload speed within a targeted service
24 area, which installation is commenced and completed on or
25 after July 1, 2014, and which is used to deliver internet
26 services to the public. The exemption shall be a 100 percent
27 exemption from taxation for a period of 10 years based on
28 the actual value added by the installation of the broadband
29 infrastructure. The division specifies procedures relating
30 to applying for the tax exemption with the county board of
31 supervisors within which the broadband infrastructure is
32 located, granting the tax exemption, and assessing the property
33 of companies receiving the exemption.
34 The division applies to assessment years beginning on or
35 after January 1, 2016. The division provides that property

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1 owners seeking an exemption for installation of broadband
2 infrastructure commenced between July 1, 2014, and the
3 effective date of the division of the bill must certify to
4 the local assessor that the installation of the broadband
5 infrastructure took place within a targeted service area prior
6 to applying for an exemption. All other property owners
7 must certify to the local assessor prior to commencement of
8 the installation. The division also provides that property
9 owners seeking an exemption for the installation of broadband
10 infrastructure commenced and completed between July 1, 2014,
11 and December 31, 2014, shall first file an application for an
12 exemption with the county board of supervisors by February 1,
13 2016, or the following two assessment years. An exemption
14 filed pursuant to this provision of the division is allowed for
15 10 years.
16 Code section 25B.7 provides that for a property tax credit
17 or exemption enacted on or after January 1, 1997, if a state
18 appropriation made to fund the credit or exemption is not
19 sufficient to fully fund the credit or exemption, the political
20 subdivision shall be required to extend to the taxpayer only
21 that portion of the credit or exemption estimated by the
22 department of revenue to be funded by the state appropriation.
23 The division provides that Code section 25B.7 does not apply to
24 the property tax exemption created under this division.
25 DIVISION IV —— INFORMATION TECHNOLOGY INFRASTRUCTURE FOR
26 EDUCATION. The division provides that school infrastructure
27 for purposes of statewide school infrastructure funding
28 includes the acquisition or installation of information
29 technology infrastructure, as defined in the division.

House File 577 - Introduced

HOUSE FILE 577
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 195)

A BILL FOR

1 An Act relating to hunter education license requirements,
2 providing for a hunting license with an apprentice hunter
3 designation, and including penalty provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2310HV (3) 86
av/nh

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1 Section 1. Section 483A.7, subsection 3, paragraph a, Code
2 2015, is amended to read as follows:
3 *a.* A nonresident wild turkey hunter is required to purchase
4 a nonresident hunting license that includes the wildlife
5 habitat fee and a nonresident wild turkey hunting license. The
6 commission shall annually limit to two thousand three hundred
7 licenses the number of nonresidents allowed to have wild turkey
8 hunting licenses. Of the two thousand three hundred licenses,
9 one hundred fifty licenses shall be valid for hunting with
10 muzzle loading shotguns only. The commission shall allocate
11 the nonresident wild turkey hunting licenses issued among the
12 zones based on the populations of wild turkey. A nonresident
13 applying for a wild turkey hunting license must exhibit proof
14 of having successfully completed a hunter ~~safety and ethics~~
15 education program as provided in section 483A.27 or its
16 equivalent as determined by the department before the license
17 is issued.
18 Sec. 2. Section 483A.8, subsection 3, paragraph d, Code
19 2015, is amended to read as follows:
20 *d.* The commission shall allocate all nonresident deer
21 hunting licenses issued among the zones based on the
22 populations of deer. However, a nonresident applicant may
23 request one or more hunting zones, in order of preference, in
24 which the applicant wishes to hunt. If the request cannot
25 be fulfilled, the applicable fees shall be returned to the
26 applicant. A nonresident applying for a deer hunting license
27 must exhibit proof of having successfully completed a hunter
28 ~~safety and ethics~~ education program as provided in section
29 483A.27 or its equivalent as determined by the department
30 before the license is issued.
31 Sec. 3. Section 483A.24, subsection 3, paragraph a, Code
32 2015, is amended to read as follows:
33 *a.* Fifty of the nonresident deer hunting licenses shall be
34 allocated as requested by a majority of a committee consisting
35 of the majority leader of the senate, speaker of the house

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of representatives, and director of the economic development authority, or their designees. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident hunting license that includes the wildlife habitat fee and the purchase of a nonresident deer hunting license. The licenses are valid in all zones open to deer hunting. The hunter ~~safety and ethics~~ education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 4. Section 483A.24, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. Fifty of the nonresident wild turkey hunting licenses shall be allocated as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident hunting license that includes the wildlife habitat fee and the purchase of a nonresident wild

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1 turkey hunting license. The licenses are valid in all zones
2 open to wild turkey hunting. The hunter ~~safety and ethics~~
3 education certificate requirement pursuant to section 483A.27
4 is waived for a nonresident issued a license pursuant to this
5 subsection.
6 Sec. 5. Section 483A.24, subsection 5, paragraph e, Code
7 2015, is amended to read as follows:
8 *e.* A disabled person who receives a special license under
9 this subsection shall complete the hunter ~~safety and ethics~~
10 education course.
11 Sec. 6. Section 483A.24, subsection 12, paragraph d, Code
12 2015, is amended to read as follows:
13 *d.* A nonresident who receives a special license pursuant to
14 this subsection shall purchase a hunting license that includes
15 the wildlife habitat fee and the applicable nonresident turkey
16 or deer hunting license, but is not required to complete the
17 hunter ~~safety and ethics~~ education course if the person is
18 accompanied and aided by a person who is at least eighteen
19 years of age. The accompanying person must be qualified to
20 hunt and have a hunting license that includes the wildlife
21 habitat fee. During the hunt, the accompanying adult must be
22 within arm's reach of the nonresident licensee.
23 Sec. 7. Section 483A.27, Code 2015, is amended to read as
24 follows:
25 **483A.27 Hunter ~~safety and ethics~~ education program — license**
26 **requirement.**
27 1. A person born after January 1, 1972, shall not obtain a
28 hunting license unless the person has satisfactorily completed
29 a hunter ~~safety and ethics~~ education course approved by the
30 commission. A person who is eleven years of age or more
31 may enroll in an approved hunter ~~safety and ethics~~ education
32 course, but a person who is eleven years of age and who has
33 successfully completed the course shall be issued a certificate
34 of completion which becomes valid on the person's twelfth
35 birthday. A certificate of completion from an approved hunter

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~~safety and ethics~~ education course issued in this state, or a certificate issued by another state, country, or province for completion of a course that meets the standards adopted by the international hunter education association — United States of America, is valid for the requirements of this section.

2. *a.* A certificate of completion shall not be issued to a person who has not satisfactorily completed ~~a minimum of ten hours of training in~~ an approved hunter ~~safety and ethics~~ education course. The department shall establish the curriculum based on the standards adopted by the international hunter education association — United States of America for ~~the first ten hours of an~~ the approved hunter ~~safety and ethics~~ education course ~~offered in this state~~. Upon completion of the ~~ten-hour curriculum~~ course, each person shall pass an individual oral test or a written test provided by the department. The department shall establish the criteria for successfully passing the tests. Based on the results of the test and demonstrated safe handling of a firearm, the instructor shall determine the persons who shall be issued a certificate of completion.

b. Notwithstanding paragraph *"a"*, a resident who is eighteen years of age or older may obtain a certificate of completion without demonstrating the safe handling of a firearm.

3. The department shall provide a manual regarding hunter ~~safety and ethics~~ education which shall be used by all instructors and persons receiving hunter ~~safety and ethics~~ education training in this state. The department may produce the manual in a print or electronic format accessible from a computer, including from a data storage device or the department's internet site.

4. The department shall provide for the certification of persons who wish to become hunter ~~safety and ethics~~ education instructors. A person shall not act as an instructor in hunter ~~safety and ethics~~ education as provided in this section without first obtaining an instructor's certificate from the

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department.

5. An officer of the department or a certified instructor may issue a certificate to a person who has not completed the hunter ~~safety and ethics~~ education course but meets the criteria established by the commission.

6. A public or private school accredited pursuant to section 256.11 or an organization approved by the department may cooperate with the department in providing a course in hunter ~~safety and ethics~~ education or shooting sports activities as provided in this section.

7. A hunting license obtained under this section by a person who gave false information or presented a fraudulent certificate of completion shall be revoked and a new hunting license shall not be issued for at least two years from the date of conviction. A hunting license obtained by a person who was born after January 1, 1972, but has not satisfactorily completed the hunter ~~safety and ethics~~ education course or has not met the requirements established by the commission, shall be revoked.

8. The commission shall adopt rules in accordance with chapter 17A as necessary to carry out the administration of this section.

9. The initial hunter ~~safety~~ education certificate shall be issued without cost. A duplicate certificate shall be issued ~~at a cost of three dollars~~ upon payment of the writing fee and administrative fee, if applicable.

10. A person under eighteen years of age who is required to exhibit a valid hunting license~~,~~ shall also exhibit a valid certificate of completion from a state approved hunter ~~safety and ethics~~ education course upon request of an officer of the department. A failure to carry or refusal to exhibit the certificate of completion as provided in this subsection is a violation of this chapter. A violator is guilty of a simple misdemeanor as provided in section 483A.42.

11. An instructor certified by the department shall be

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allowed to conduct a department-approved hunter ~~safety and ethics~~ education course or shooting sports activities course on public school property with the approval of a majority of the board of directors of the school district. Conducting an approved hunter ~~safety and ethics~~ education course or shooting sports activities course is not a violation of any public policy, rule, regulation, resolution, or ordinance which prohibits the possession, display, or use of a firearm, bow and arrow, or other hunting weapon on public school property or other public property in this state.

Sec. 8. NEW SECTION. **483A.27A Apprentice hunters.**

1. Notwithstanding section 483A.27, a person who is sixteen years of age or older may purchase a hunting license with an apprentice hunter designation on the license without first completing a hunter education course if the person meets all the requirements of this section.

2. If the apprentice hunter is a minor, the person must be accompanied and aided while hunting by a mentor who is the person's parent or guardian, or be accompanied and aided by any other competent adult mentor with the consent of the minor's parent or guardian. If the apprentice hunter is not a minor, the apprentice hunter must be accompanied and aided while hunting by a competent adult mentor.

3. The mentor and the apprentice hunter must have valid hunting licenses that include the wildlife habitat fee and that are valid for the same seasons to hunt game.

a. A resident mentor and a resident apprentice hunter must also purchase deer hunting licenses and tags to hunt deer and wild turkey hunting licenses and tags to hunt wild turkey, that are valid for the same seasons and zones. A transportation tag issued to a resident apprentice hunter shall not be used to tag a deer or wild turkey taken by another person.

b. A nonresident apprentice hunter is not entitled to purchase a deer hunting license to hunt deer or a wild turkey hunting license to hunt wild turkey, or to participate in a

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1 hunt for deer or wild turkey.
2 4. While hunting, the apprentice hunter must be under the
3 direct supervision of the mentor. For the purposes of this
4 subsection, *"direct supervision"* means the mentor must maintain
5 constant direction and control of the apprentice hunter and
6 stay within a distance from the apprentice hunter that enables
7 the mentor to give uninterrupted, unaided visual and auditory
8 communications to the apprentice hunter. There must be one
9 licensed mentor in direct supervision of each apprentice
10 hunter.
11 5. A hunting license with an apprentice hunter designation
12 issued pursuant to this section is valid from the date issued
13 to January 10 of the succeeding calendar year for which
14 it is issued. A hunting license with an apprentice hunter
15 designation shall contain the address, signature, and a general
16 description of the licensee.
17 6. A person is eligible to obtain a hunting license with an
18 apprentice hunter designation pursuant to this section only two
19 times. Subsequently, the person must meet the requirements of
20 section 483A.27 in order to obtain a hunting license.
21 7. The commission shall adopt rules pursuant to chapter 17A
22 to administer this section.
23 Sec. 9. Section 484B.10, subsection 3, Code 2015, is amended
24 to read as follows:
25 3. A nonresident youth under sixteen years of age may hunt
26 game birds on a licensed hunting preserve upon securing an
27 annual hunting preserve license restricted to hunting preserves
28 only for a license fee of five dollars and payment of the
29 wildlife habitat fee. A nonresident youth is not required
30 to complete the hunter ~~safety and ethics~~ education course to
31 obtain a hunting preserve license pursuant to this subsection
32 if the youth is accompanied by a person who is at least
33 eighteen years of age, is qualified to hunt, and possesses a
34 valid hunting license that includes the wildlife habitat fee.
35 During the hunt, the accompanying adult must be within arm's

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reach of the nonresident youth.

Sec. 10. Section 805.8B, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. For violations of sections 481A.54, 481A.69, 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.19, ~~and~~ 483A.27, and 483A.27A, the scheduled fine is twenty dollars.

EXPLANATION

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

This bill relates to hunter education license requirements, provides for a hunting license with an apprentice hunter designation, and includes penalties.

The bill renames the "hunter safety and ethics education course" described in Code section 483A.27, whose completion is required to purchase a hunting license in this state, as the "hunter education course". Coordinating amendments are made to numerous other Code provisions that reference the course.

The bill also amends Code section 483A.27 to provide that the curriculum for the entire course shall be based on the standards adopted by the international hunter education association — United States of America. The cost for a duplicate certificate of completion of the course is changed to the amount of the writing fee and administrative fee instead of specifying that the cost is $3.

New Code section 483A.27A provides that, notwithstanding the requirements of Code section 483A.27, a person aged 16 years or older may purchase a hunting license with an apprentice hunter designation without first completing the hunter education course if the person meets the requirements of the new Code section.

New Code section 483A.27A provides that if an apprentice hunter is a minor, the person must be accompanied and aided while hunting by a mentor who is the person's parent or guardian or another competent adult consented to by the parent or guardian. If the apprentice hunter is not a minor,

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1 the person must be accompanied and aided while hunting by a
2 competent adult mentor.
3 The mentor and the apprentice hunter must have valid hunting
4 licenses that include the wildlife habitat fee and that are
5 valid for the same seasons to hunt game. A resident mentor
6 and a resident apprentice hunter must also have deer or wild
7 turkey hunting licenses that are valid for the same seasons or
8 zones if hunting for deer or wild turkey. A transportation tag
9 issued to an apprentice hunter cannot be used to tag a deer or
10 wild turkey taken by another person. A nonresident apprentice
11 hunter is not entitled to purchase a deer hunting license or
12 a wild turkey hunting license or to participate in a hunt for
13 deer or wild turkey.
14 While hunting, an apprentice hunter must be under the direct
15 supervision of the mentor. "Direct supervision" means that
16 the mentor must maintain constant direction and control of
17 the apprentice hunter and stay within a distance that enables
18 the mentor to give uninterrupted, unaided visual and auditory
19 communications to the apprentice. There must be one licensed
20 mentor in direct supervision of each apprentice.
21 A hunting license with an apprentice hunter designation is
22 valid from the date of issue to January 10 of the succeeding
23 calendar year and shall contain a general description of the
24 licensee.
25 A person is eligible to obtain only two hunting licenses with
26 an apprentice hunter designation. After that, the person must
27 meet the hunter education requirements of Code section 483A.27
28 to obtain a hunting license.
29 The commission is required to adopt rules to administer new
30 Code section 483A.27A. A violation of the new provision is
31 punishable with a scheduled fine of $20.

House File 578 - Introduced

HOUSE FILE 578
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 415)

A BILL FOR

1 An Act relating to the observation of a department of natural
2 resources investigation by a property owner or person in
3 charge of the property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2264HV (3) 86
tr/sc

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Section 1. Section 455B.103, subsection 4, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Conduct investigations of complaints received directly or referred by the commission created in section 455A.6 or other investigations deemed necessary. While conducting an investigation, the director may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of this chapter, chapter 459, chapter 459A, chapter 459B, or the rules or standards adopted under this chapter, chapter 459, chapter 459A, or chapter 459B. However, the owner or person in charge shall be notified. The director shall not prohibit the owner or person in charge from observing an investigation or from taking independent samples or photographs.

EXPLANATION

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

Under this bill, the director of the department of natural resources or the director's designee shall not prohibit a property owner or person in charge of the property from observing an investigation or from taking independent samples or photographs.

House File 579 - Introduced

HOUSE FILE 579
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 145)

A BILL FOR

1 An Act relating to the regulation of health care facilities,
2 elder group homes, assisted living programs, and adult day
3 services programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1329HV (3) 86
rh/nh

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Section 1. Section 135C.10, subsection 9, Code 2015, is amended to read as follows:

9. In the case of an application ~~by an existing licensee~~ for a new or newly acquired facility, continuing or repeated failure of the licensee to operate any previously licensed facility or facilities in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the facility is subject to in this state or any other state.

Sec. 2. Section 135C.36, subsection 4, Code 2015, is amended to read as follows:

4. Any state penalty, including a fine or citation, issued ~~as a result of the federal survey and certification process~~ following a state licensure and federal certification survey or investigation shall be dismissed if the corresponding federal deficiency ~~or citation~~ is dismissed or removed. Any state penalty, including a fine or citation, shall be retained or reinstated if the federal deficiency is retained or reinstated.

Sec. 3. Section 135C.41, subsection 2, Code 2015, is amended to read as follows:

2. If the facility desires to contest the citation, notify the director that the facility desires to contest the citation and ~~request~~ do either of the following:

a. Request an informal conference with an independent reviewer pursuant to section 135C.42. Upon the conclusion of an informal conference, in the case of an affirmed or modified citation, the facility may request a contested case hearing in writing within five days after receipt of the written explanation of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

Sec. 4. Section 135C.42, subsection 1, Code 2015, is amended to read as follows:

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1. The director shall provide an independent reviewer to hold an informal conference with the facility within ten working days after receipt of a request made under section 135C.41, subsection 2, paragraph "a". At the conclusion of the conference the independent reviewer may affirm or may modify or dismiss the citation. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the director, and to the facility. If the facility does not desire to further contest an affirmed or modified citation, it shall comply with section 135C.41, subsection 1, within five working days after ~~the informal conference, or after~~ receipt of the written explanation of the independent reviewer~~, as the case may be, comply with section 135C.41, subsection 1~~.

Sec. 5. Section 135C.43, Code 2015, is amended to read as follows:

135C.43 ~~Formal contest — judicial~~ Judicial review.

1. ~~A facility that desires to further contest an affirmed or modified citation for a class I, class II, or class III violation may do so in the manner provided by chapter 17A for contested cases. Notice of intent to formally contest a citation shall be given the department in writing within five days after the informal conference or after receipt of the written explanation of the independent reviewer provided to hold the informal conference, whichever is applicable, in the case of an affirmed or modified citation.~~ A facility which has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

2. Hearings on petitions for judicial review brought under this section shall be set for trial at the earliest possible date and shall take precedence on the court calendar over all other cases except matters to which equal or superior precedence is specifically granted by law. The times for pleadings and for hearings in such actions shall be set by the

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1 judge of the court with the object of securing a decision in
2 the matter at the earliest possible time.
3 Sec. 6. Section 135C.43A, Code 2015, is amended to read as
4 follows:
5 **135C.43A Reduction of penalty amount.**
6 If a facility has been assessed a penalty, does not request a
7 formal hearing pursuant to section ~~135C.43~~ 135C.41, subsection
8 2, paragraph *"b"*, or withdraws its request for a formal hearing
9 within thirty days of the date that the penalty was assessed,
10 and the penalty is paid within thirty days of the receipt of
11 notice or service, the amount of the penalty shall be reduced
12 by thirty-five percent. The citation which includes the civil
13 penalty shall include a statement to this effect.
14 Sec. 7. Section 231B.9, Code 2015, is amended to read as
15 follows:
16 **231B.9 ~~Public disclosure~~ Disclosure of findings.**
17 Upon completion of a monitoring evaluation or complaint
18 investigation of an elder group home by the department pursuant
19 to this chapter, the department's final findings with respect
20 to compliance by the elder group home with requirements for
21 certification shall be made available to the public in a
22 readily available form and place. Other information relating
23 to an elder group home that is obtained by the department which
24 does not constitute the department's final findings from a
25 monitoring evaluation or complaint investigation of the elder
26 group home shall not be made available to the public except
27 in proceedings involving the assessment of a civil penalty
28 pursuant to section 231B.14 or the denial, suspension, or
29 revocation of a certificate under this chapter.
30 Sec. 8. Section 231B.9A, Code 2015, is amended to read as
31 follows:
32 **231B.9A Informal conference — formal contest — judicial**
33 **review.**
34 1. Within twenty business days after issuance of the final
35 findings, the elder group home shall notify the director if the

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1 home desires to contest the findings and ~~request~~ do either of
2 the following:
3 *a.* Request an informal conference with an independent
4 reviewer pursuant to subsection 2. Upon the conclusion of an
5 informal conference, if the elder group home desires to further
6 contest an affirmed or modified regulatory insufficiency,
7 it may do so by giving notice of intent to formally contest
8 the regulatory insufficiency, in writing, to the department
9 within five days after receipt of the written decision of the
10 independent reviewer.
11 *b.* Request a contested case hearing in the manner provided
12 by chapter 17A for contested cases. The formal hearing shall
13 be conducted in accordance with chapter 17A and rules adopted
14 by the department.
15 2. *a.* The department shall provide an independent reviewer
16 to hold an informal conference with an elder group home within
17 ten working days after receiving a request from the home
18 pursuant to subsection 1, paragraph *"a"*. At the conclusion of
19 the informal conference, the independent reviewer may affirm,
20 modify, or dismiss a contested regulatory insufficiency. The
21 independent reviewer shall state in writing the specific
22 reasons for the affirmation, modification, or dismissal and
23 immediately transmit copies of the statement to the department
24 and to the home.
25 ~~3.~~ *b.* An independent reviewer shall be licensed as an
26 attorney in the state of Iowa and shall not be employed or have
27 been employed by the department in the past eight years or have
28 appeared in front of the department on behalf of an elder group
29 home in the past eight years. Preference shall be given to an
30 attorney with background knowledge, experience, or training
31 in long-term care. The department may issue a request for
32 proposals to enter into a contract for the purpose of providing
33 one or more independent reviewers for informal conferences.
34 ~~4. An elder group home that desires to further contest an~~
35 ~~affirmed or modified regulatory insufficiency may do so in the~~

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1 ~~manner provided by chapter 17A for contested cases. The home~~
2 ~~shall give notice of intent to formally contest a regulatory~~
3 ~~insufficiency, in writing, to the department within five days~~
4 ~~after receipt of the written decision of the independent~~
5 ~~reviewer. The formal hearing shall be conducted in accordance~~
6 ~~with chapter 17A and rules adopted by the department.~~
7 ~~5.~~ 3. An elder group home that has exhausted all adequate
8 administrative remedies and is aggrieved by the final action of
9 the department may petition for judicial review in the manner
10 provided by chapter 17A.
11 Sec. 9. Section 231B.10, subsection 1, paragraphs f and i,
12 Code 2015, are amended to read as follows:
13 *f.* Founded dependent adult abuse as defined in section
14 ~~235B.2~~ 235E.1.
15 *i.* In the case of an application ~~by an existing certificate~~
16 ~~holder~~ for a new or newly acquired elder group home, continuing
17 or repeated failure of the certificate holder to operate any
18 previously certified elder group home or homes in compliance
19 with the provisions of this chapter, the rules adopted pursuant
20 to this chapter, or equivalent provisions that the elder group
21 home is subject to in this state or any other state.
22 Sec. 10. Section 231C.9, Code 2015, is amended to read as
23 follows:
24 **231C.9 ~~Public disclosure~~ Disclosure of findings.**
25 Upon completion of a monitoring evaluation or complaint
26 investigation of an assisted living program by the department
27 pursuant to this chapter, the department's final findings
28 with respect to compliance by the assisted living program
29 with requirements for certification shall be made available
30 to the public in a readily available form and place. Other
31 information relating to an assisted living program that is
32 obtained by the department which does not constitute the
33 department's final findings from a monitoring evaluation or
34 complaint investigation of the assisted living program shall
35 not be made available to the public except in proceedings

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1 involving the assessment of a civil penalty pursuant to
2 section 231C.14 or the denial, suspension, or revocation of a
3 certificate under this chapter.
4 Sec. 11. Section 231C.9A, Code 2015, is amended to read as
5 follows:
6 **231C.9A Informal conference — formal contest — judicial**
7 **review.**
8 1. Within twenty business days after issuance of the final
9 findings, the assisted living program shall notify the director
10 if the program desires to contest the findings and ~~request~~ do
11 either of the following:
12 *a.* Request an informal conference with an independent
13 reviewer pursuant to subsection 2. Upon the conclusion
14 of an informal conference, if the assisted living program
15 desires to further contest an affirmed or modified regulatory
16 insufficiency, it may do so by giving notice of intent to
17 formally contest the regulatory insufficiency, in writing, to
18 the department within five days after receipt of the written
19 decision of the independent reviewer.
20 *b.* Request a contested case hearing in the manner provided
21 by chapter 17A for contested cases. The formal hearing shall
22 be conducted in accordance with chapter 17A and rules adopted
23 by the department.
24 2. *a.* The department shall provide an independent reviewer
25 to hold an informal conference with an assisted living
26 program within ten working days after receiving a request
27 from the program pursuant to subsection 1, paragraph *"a"*. At
28 the conclusion of the informal conference, the independent
29 reviewer may affirm, modify, or dismiss a contested regulatory
30 insufficiency. The independent reviewer shall state in writing
31 the specific reasons for the affirmation, modification, or
32 dismissal and immediately transmit copies of the statement to
33 the department and to the program.
34 ~~3.~~ *b.* An independent reviewer shall be licensed as an
35 attorney in the state of Iowa and shall not be employed or have

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been employed by the department in the past eight years or have appeared in front of the department on behalf of an assisted living program in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

~~4. An assisted living program that desires to further contest an affirmed or modified regulatory insufficiency may do so in the manner provided by chapter 17A for contested cases. The program shall give notice of intent to formally contest a regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.~~

~~5.~~ 3. An assisted living program that has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

Sec. 12. Section 231C.10, subsection 1, paragraph i, Code 2015, is amended to read as follows:

i. In the case of an application ~~by an existing certificate holder~~ for a new or newly acquired assisted living program, continuing or repeated failure of the certificate holder to operate any previously certified assisted living program or programs in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the assisted living program is subject to in this state or any other state.

Sec. 13. Section 231D.5, subsection 1, paragraphs g and k, Code 2015, are amended to read as follows:

g. Founded dependent adult abuse as defined in section ~~235B.2~~ 235E.1.

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k. In the case of an application ~~by an existing certificate holder~~ for a new or newly acquired adult day services program, continuing or repeated failure of the certificate holder to operate any previously certified adult day services program or programs in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the adult day services program is subject to in this state or any other state.

Sec. 14. Section 231D.10, Code 2015, is amended to read as follows:

231D.10 ~~Public disclosure~~ Disclosure of findings.

Upon completion of a monitoring evaluation or complaint investigation of an adult day services program by the department pursuant to this chapter, the department's final findings with respect to compliance by the adult day services program with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an adult day services program that is obtained by the department which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the adult day services program shall not be made available to the public except in proceedings involving the assessment of a civil penalty pursuant to section 231D.11 or the denial, suspension, or revocation of a certificate under this chapter.

Sec. 15. Section 231D.10A, Code 2015, is amended to read as follows:

231D.10A Informal conference — formal contest — judicial review.

1. Within twenty business days after issuance of the final findings, the adult day services program shall notify the director if the program desires to contest the findings and ~~request~~ do either of the following:

a. Request an informal conference with an independent reviewer pursuant to subsection 2. Upon the conclusion of

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an informal conference, if the adult day services program desires to further contest an affirmed or modified regulatory insufficiency, it may do so by giving notice of intent to formally contest the regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

2. *a.* The department shall provide an independent reviewer to hold an informal conference with an adult day services program within ten working days after receiving a request from the program pursuant to subsection 1, paragraph *"a"*. At the conclusion of the informal conference, the independent reviewer may affirm, modify, or dismiss a contested regulatory insufficiency. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the department and to the program.

~~3.~~ *b.* An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of an adult day services program in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

~~4. An adult day services program that desires to further contest an affirmed or modified regulatory insufficiency may do so in the manner provided by chapter 17A for contested cases. The program shall give notice of intent to formally contest a regulatory insufficiency, in writing, to the department~~

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1 ~~within five days after receipt of the written decision of the~~
2 ~~independent reviewer. The formal hearing shall be conducted~~
3 ~~in accordance with chapter 17A and rules adopted by the~~
4 ~~department.~~
5 ~~5.~~ 3. An adult day services program that has exhausted all
6 adequate administrative remedies and is aggrieved by the final
7 action of the department may petition for judicial review in
8 the manner provided by chapter 17A.
9 Sec. 16. Section 235E.2, subsection 6, paragraph d, Code
10 2015, is amended to read as follows:
11 *d.* In every case involving dependent adult abuse which is
12 substantiated by the department and which results in a judicial
13 proceeding on behalf of the dependent adult, legal counsel
14 shall be appointed by the court to represent the dependent
15 adult in the proceedings. The court may also appoint a
16 guardian ad litem to represent the dependent adult if necessary
17 to protect the dependent adult's best interests. The same
18 attorney ~~may~~ shall not be appointed to serve both as legal
19 counsel and as guardian ad litem. Before legal counsel or a
20 guardian ad litem is appointed pursuant to this paragraph, the
21 court shall require the dependent adult and any person legally
22 responsible for the support of the dependent adult to complete
23 under oath a detailed financial statement. If, on the basis of
24 that financial statement, the court deems that the dependent
25 adult or the legally responsible person is able to bear all
26 or a portion of the cost of the legal counsel or guardian ad
27 litem, the court shall so order. In cases where the dependent
28 adult or the legally responsible person is unable to bear the
29 cost of the legal counsel or guardian ad litem, the expense
30 shall be paid by the county.
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 relates to the regulation of health care
35 facilities, elder group homes, assisted living programs, and

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1 adult day services programs by the department of inspections
2 and appeals.
3 LICENSE AND CERTIFICATE HOLDER APPLICATIONS. The bill
4 provides that applications for a license or certificate for a
5 new or newly acquired health care facility, elder group home,
6 assisted living program, or adult day services program may be
7 denied to any applicant for continuing or repeated failure
8 to operate in compliance with applicable law and not just to
9 existing licensees or certificate holders.
10 DISCLOSURE OF FINDINGS. Under current law, information
11 relating to a health care facility, an elder group home, an
12 assisted living program, or an adult day services program
13 obtained by the department which does not constitute
14 the department's findings from an inspection, monitoring
15 evaluation, or complaint investigation of the facility,
16 home, or program is not made available to the public except
17 in proceedings involving the citation of a facility or the
18 denial, suspension, or revocation of a facility, home,
19 or program license or certificate. The bill includes an
20 additional exception to this disclosure provision to allow
21 public disclosure in proceedings involving the assessment of a
22 civil penalty against an elder group home, an assisted living
23 program, or an adult day services program.
24 HEALTH CARE FACILITY VIOLATIONS. The bill provides that
25 any state penalty, including a fine or citation, issued as a
26 result of a state licensure and federal certification survey or
27 investigation shall be dismissed if the corresponding federal
28 deficiency is dismissed or removed. The bill specifies that
29 any state penalty, including a fine or citation, shall be
30 retained or reinstated if a federal deficiency is retained or
31 reinstated.
32 CONTESTING REGULATORY INSUFFICIENCIES. The bill provides
33 that if a health care facility, elder group home, assisted
34 living program, or adult day services program desires to
35 contest a regulatory insufficiency, the health care facility,

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elder group home, assisted living program, or adult day services program may either request an informal conference with an independent reviewer or request a contested case hearing in the manner provided by Code chapter 17A for contested cases. Upon the conclusion of an informal conference, if the facility, home, or program desires to further contest an affirmed or modified regulatory insufficiency, it may do so in the manner provided in Code chapter 17A. The bill provides that if the facility, home, or program does not desire to further contest an affirmed or modified citation after an informal conference, the facility, home, or program shall remit the appropriate penalties or correct the violation within five working days after receipt of the written explanation of the independent reviewer. A facility, home, or program that has exhausted all adequate administrative remedies may petition for judicial review pursuant to Code chapter 17A.

DEPENDENT ADULT ABUSE IN FACILITIES AND PROGRAMS. The bill specifies that an attorney cannot be both legal counsel and a guardian ad litem representing a dependent adult in a dependent adult abuse case.

The bill amends a Code reference relating to dependent adult abuse that occurs in elder group homes and adult day services programs to refer to the definition of dependent adult abuse that occurs in facilities and programs rather than the definition of elder abuse that occurs outside facilities and programs.

House File 580 - Introduced

HOUSE FILE 580
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 144)

A BILL FOR

1 An Act relating to the sale, lease, or rental of water
2 treatment systems and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2228HV (3) 86
jh/rj

H.F. 580

1 Section 1. Section 714.16, subsection 1, paragraphs b, c, d,
2 g, h, and l, Code 2015, are amended by striking the paragraphs.
3 Sec. 2. Section 714.16, subsection 2, paragraph h, Code
4 2015, is amended by striking the paragraph and inserting in
5 lieu thereof the following:
6 *h.* It is an unlawful practice for a person to sell,
7 lease, rent, or advertise the sale, lease, or rental of a
8 water treatment system in this state, for which claims or
9 representations of removing health-related contaminants are
10 made, unless the water treatment system complies with all of
11 the following:
12 (1) The water treatment system has all claims or
13 representations of removing health-related contaminants
14 certified by a certification body accredited by the American
15 national standards institute.
16 (2) The water treatment system has met the performance
17 testing requirements applicable to that water treatment system
18 as specified by the national sanitation foundation and the
19 American national standards institute.
20 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2016.
21 Sec. 4. APPLICABILITY. The section of this Act amending
22 section 714.16, subsection 2, paragraph h, applies to the
23 sales, leases, and rentals of water treatment systems, and
24 the advertisement of the sale, lease, or rental of a water
25 treatment system, which occur on or after July 1, 2016.
26 EXPLANATION

27 **The inclusion of this explanation does not constitute agreement with**
28 **the explanation's substance by the members of the general assembly.**

29 This bill relates to the sale, lease, rental, or
30 advertisement of water treatment systems.
31 Under current law, it is an unlawful practice for a person to
32 sell, lease, rent, or advertise the sale, lease, or rental of a
33 water treatment system for which claims or representations of
34 removing health-related contaminants are made, unless the water
35 treatment system is performance tested by a third-party testing

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1 agency authorized by the department of public health or the
2 manufacturer tested the system and the manufacturer's data is
3 accepted by a third-party evaluator which was approved by the
4 department of public health; the water treatment system has met
5 the performance testing requirements specified in the testing
6 protocol; the water treatment system bears a label stating,
7 "IMPORTANT NOTICE — Read the Manufacturer's Performance Data
8 Sheet" and is accompanied by the manufacturer's performance
9 data sheet, which includes general information about the
10 water treatment system and performance and test data showing
11 the contaminants certified to be reduced; and the consumer
12 information pamphlet compiled by the department of public
13 health is included with the water treatment system.
14 Under Code section 714.16, the attorney general may
15 investigate a person the attorney general believes is engaged
16 in an unlawful practice and seek and obtain injunctive relief
17 against such a person. Code section 714.16 also permits a
18 court to impose a civil penalty against a person who committed
19 an unlawful practice.
20 The bill amends the requirements so that the sale, lease,
21 rental, or advertisement of a water treatment system is not an
22 unlawful practice if the claims and representations related
23 to removal of health-related contaminants are certified by
24 a certification body accredited by the American national
25 standards institute and the water treatment system has met
26 the performance testing requirements applicable to that water
27 treatment system as specified by the national sanitation
28 foundation and the American national standards institute.
29 Under the bill, the testing body or agency is not required to
30 be authorized or approved by the department of public health.
31 The bill eliminates the requirements that a consumer
32 of a water treatment system be provided the manufacturer's
33 performance data sheet or a consumer information pamphlet
34 compiled by the department of public health.
35 The bill does not affect Code section 714.16(2)(i) or Code

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section 714.16(2)(j), both of which also relate to the sale, lease, rental, or advertisement of a water treatment system. Under Code section 714.16(2)(i), it is an unlawful practice for a person to sell, lease, rent, or advertise a water treatment system in this state for which false or deceptive claims or representations of removing health-related contaminants are made. Under Code section 714.16(2)(j), it is an unlawful practice for a person to make any representation or claim that the seller's water treatment system has been approved or endorsed by any agency of the state.

The bill takes effect July 1, 2016, and applies to the sales, leases, rentals, or advertisements of water treatment systems which occur on or after July 1, 2016.

House File 581 - Introduced

HOUSE FILE 581
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 101)

A BILL FOR

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

TLSB 1791HV (3) 86
tr/nh

H.F. 581

1 Section 1. Section 148E.1, Code 2015, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 1A. *"Acupuncture needle"* means a solid core
4 instrument including but not limited to acupuncture needles,
5 dermal needles, intradermal needles, press tacks, plum blossom
6 needles, prismatic needles, and disposable lancets.
7 NEW SUBSECTION. 1B. *"Acupuncture point"* means a specific
8 anatomical location on the human body that serves as a
9 treatment site for using acupuncture.
10 NEW SUBSECTION. 2A. *"Ashi acupuncture point"* means an
11 acupuncture point that is located according to tenderness upon
12 palpation. *"Ashi acupuncture point"* is also known as a trigger
13 point.
14 NEW SUBSECTION. 3A. *"Licensee"* means a person holding a
15 license to practice acupuncture granted by the board pursuant
16 to this chapter.
17 NEW SUBSECTION. 3B. *"Meridians"* means connected points
18 across the human anatomy that affect a specific organ or other
19 part of the body.
20 Sec. 2. Section 148E.1, subsections 1 and 4, Code 2015, are
21 amended to read as follows:
22 1. *"Acupuncture"* means a form of health care developed
23 from traditional and modern oriental medical concepts that
24 employs acupuncture, oriental medical diagnosis and treatment,
25 and adjunctive therapies and diagnostic techniques, for the
26 promotion, maintenance, and restoration of health and the
27 prevention of disease.
28 4. *"Practice of acupuncture"* means ~~the insertion of~~
29 ~~acupuncture needles and the application of moxibustion to~~
30 ~~specific areas of the human body based upon oriental medical~~
31 ~~diagnosis as a primary mode of therapy. Adjunctive therapies~~
32 ~~within the scope of acupuncture may include manual, mechanical,~~
33 ~~thermal, electrical, and electromagnetic treatment, and the~~
34 ~~recommendation of dietary guidelines and therapeutic exercise~~
35 ~~based on traditional oriental medicine concepts~~:

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1 *a.* The stimulation or piercing of the skin with an
2 acupuncture needle for any of the following purposes:
3 (1) To evoke a therapeutic physiological response, either
4 locally or distally to the area of insertion or stimulation.
5 (2) To relieve pain or treat the neuromusculoskeletal
6 system.
7 (3) To stimulate ashi points to relieve pain and
8 dysfunction.
9 (4) To promote, maintain, and restore health, and prevent
10 disease.
11 (5) To stimulate the body according to auricular, hand,
12 nose, face, foot, or scalp acupuncture therapy.
13 (6) To use acupuncture needles with or without the use of
14 herbs, electric current, or application of heat.
15 *b.* The use of oriental medical diagnosis and treatment,
16 including:
17 (1) Moxibustion, cupping, thermal methods, magnets, gua sha
18 scraping techniques, acupatches, herbal poultices, hot and cold
19 packs, electromagnetic wave therapy, light and color therapy,
20 sound therapy, or therapy lasers.
21 (2) Massage, acupressure, reflexology, shiatsu and tui na
22 massage, or manual stimulation, including stimulation by an
23 instrument or mechanical device that does not pierce the skin.
24 (3) Herbal medicine and dietary supplements, including
25 those of plant, mineral, animal, and nutraceutical origin.
26 *c.* Any other adjunctive service or procedure that is
27 clinically appropriate based on the licensee's training
28 as approved by the national certification commission for
29 acupuncture and oriental medicine or the accreditation
30 commission for acupuncture and oriental medicine.
31 Sec. 3. Section 148E.2, subsection 1, paragraph b, Code
32 2015, is amended to read as follows:
33 *b.* Successful completion of a three-year postsecondary
34 training program or acupuncture college program which is
35 accredited by, in candidacy for accreditation by, or which

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meets the standards of the ~~national accreditation commission for schools and colleges of acupuncture and oriental medicine~~ accreditation commission for acupuncture and oriental medicine.

Sec. 4. Section 148E.3, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A licensed professional utilizing acupuncture as long as the licensed professional acts within the professional's lawful scope of practice.

EXPLANATION

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

This bill expands the definition of the practice of acupuncture under Code chapter 148E and adds definitions related to the practice of acupuncture. The bill updates the name of the accreditation organization for the practice of acupuncture. The bill exempts from Code chapter 148E licensed professionals utilizing acupuncture within the scope of practice for the professional.

House File 582 - Introduced

HOUSE FILE 582
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 173)

A BILL FOR

1 An Act relating to Iowa academic standards, assessments, and
2 curricula relating to student academic progress, and to the
3 collection of and access to student data.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1539HV (5) 86
kh/rj

H.F. 582

1 Section 1. Section 256.7, subsection 21, paragraph b,
2 subparagraphs (2) and (3), Code 2015, are amended to read as
3 follows:
4 (2) Notwithstanding subparagraph (1), for the school year
5 beginning July 1, 2016, and each succeeding school year, the
6 rules shall provide that all students enrolled in school
7 districts in grades three through eleven shall be administered
8 an assessment during the last quarter of the school year that
9 at a minimum assesses the core academic indicators identified
10 in this paragraph *"b"*; is aligned with the Iowa ~~common core~~
11 academic standards in both content and rigor; accurately
12 describes student achievement and growth for purposes of the
13 school, the school district, and state accountability systems;
14 and provides valid, reliable, and fair measures of student
15 progress toward college or career readiness.
16 (3) The director shall establish an assessment task
17 force to review and make recommendations for a statewide
18 assessment of student progress on the core academic indicators
19 identified pursuant to this paragraph *"b"*. The task force
20 shall recommend a statewide assessment that is aligned to the
21 Iowa ~~common core~~ academic standards and is, at a minimum,
22 valid, reliable, tested, and piloted in Iowa. In addition,
23 in developing recommendations, the task force shall consider
24 the costs to school districts and the state in providing and
25 administering such an assessment and the technical support
26 necessary to implement the assessment. The task force shall
27 submit its recommendations in a report to the director, the
28 state board, and the general assembly by January 1, 2015.
29 The task force shall assist with the final development and
30 implementation of the assessment administered pursuant to
31 subparagraph (2). The task force members shall include but
32 not be limited to teachers, school administrators, business
33 leaders, representatives of state agencies, and members of the
34 general public. This subparagraph is repealed July 1, 2020.
35 Sec. 2. Section 256.7, subsection 21, paragraph b, Code

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2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (03) In addition to administering any assessment of student progress required pursuant to this subsection, a school district may administer additional assessments to measure student academic progress. The results of the additional assessment may be reported to the department and the local community in accordance with paragraph "c", but the additional assessments shall not replace any district-wide assessment required pursuant to this subsection.

Sec. 3. Section 256.7, subsection 21, paragraph c, Code 2015, is amended to read as follows:

c. A requirement that all school districts and accredited nonpublic schools annually report to the department and the local community the district-wide progress made in attaining student achievement goals on the academic and other core indicators and the district-wide progress made in attaining locally established student learning goals. The school districts and accredited nonpublic schools shall demonstrate the use of multiple assessment measures in determining student achievement levels. The school districts and accredited nonpublic schools shall also report the number of students who graduate; the number of students who drop out of school; the number of students who are tested and the percentage of students who are so tested annually; and the percentage of students who graduated during the prior school year and who completed ~~a core curriculum~~ the Iowa academic standards. The board shall develop and adopt uniform definitions consistent with the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110 and any federal regulations adopted pursuant to the federal Act. The school districts and accredited nonpublic schools may report on other locally determined factors influencing student achievement. The school districts and accredited nonpublic schools shall also report to the local community their results by individual attendance center.

Sec. 4. Section 256.7, subsection 26, paragraph a,

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unnumbered paragraph 1, Code 2015, is amended to read as follows:

Adopt rules that establish ~~a core curriculum and~~ the Iowa academic standards. The state board shall also adopt high school graduation requirements for all students in school districts and accredited nonpublic schools that include at a minimum satisfactory completion of four years of English and language arts, three years of mathematics, three years of science, and three years of social studies.

Sec. 5. Section 256.7, subsection 26, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) The rules establishing ~~a core curriculum~~ the Iowa academic standards shall address the ~~core content~~ assessment standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century. The ~~core curriculum~~ Iowa academic standards shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, technology literacy, financial literacy, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The state board shall further define the twenty-first century learning skills components by rule.

Sec. 6. Section 256.7, subsection 26, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 7. Section 256.7, subsection 26, paragraph c, Code 2015, is amended to read as follows:

c. The Iowa academic standards shall not dictate curriculum or prescribe a particular method of instruction to school districts and accredited nonpublic schools. Neither the state board nor the department shall require school districts or accredited nonpublic schools to adopt a specific textbook, textbook series, or specific instructional methodology, or acquire specific textbooks, curriculum materials, or educational products from a specific vendor in order to meet

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the ~~core curriculum requirements~~ Iowa academic standards of this subsection or the ~~core content~~ assessment standards adopted pursuant to subsection 28. It is the intent of the general assembly that selection and implementation of curriculum, textbooks, educational materials, and instructional methods remain with school districts and accredited nonpublic schools and not with the state or federal government.

Sec. 8. Section 256.7, subsection 28, Code 2015, is amended to read as follows:

28. Adopt a set of ~~core content~~ assessment standards applicable to all students in kindergarten through grade twelve in every school district and accredited nonpublic school. For purposes of this subsection, ~~*"core content*~~ *"assessment standards"* includes reading, mathematics, and science. The ~~core content~~ assessment standards shall be identical to the ~~core content~~ assessment standards included in Iowa's approved 2006 standards and assessment system under Tit. I of the federal Elementary and Secondary Education Act of 1965, 20 U.S.C. §6301 et seq., as amended by the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110. School districts and accredited nonpublic schools shall include, at a minimum, the ~~core content~~ assessment standards adopted pursuant to this subsection in any set of locally developed content standards. School districts and accredited nonpublic schools are strongly encouraged to set higher expectations in local standards. As changes in federal law or regulation occur, the state board is authorized to amend the ~~core content~~ assessment standards as appropriate.

Sec. 9. Section 256.9, subsection 53, paragraph a, Code 2015, is amended to read as follows:

a. Develop and distribute, in collaboration with the area education agencies, ~~core curriculum~~ Iowa academic standards technical assistance and implementation strategies that school districts and accredited nonpublic schools ~~shall~~ may utilize, including but not limited to the development and delivery of formative and end-of-course model assessments classroom

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teachers may use to measure student progress on the ~~core curriculum~~ Iowa academic standards adopted pursuant to section 256.7, subsection 26. The department shall, in collaboration with the advisory group convened in accordance with paragraph *"b"* and educational assessment providers, identify and make available to school districts end-of-course and additional model end-of-course and additional assessments to align with the expectations included in the Iowa ~~core curriculum~~ academic standards. The model assessments shall be suitable to meet the multiple assessment measures requirement specified in section 256.7, subsection 21, paragraph *"c"*.

Sec. 10. Section 256.9, subsection 54, Code 2015, is amended to read as follows:

54. *a.* Maintain an internet site where persons may access up-to-date information regarding the Iowa academic standards and the assessment standards adopted pursuant to section 256.7. Periodically, beginning January 1, 2016, the state board shall review, accept public comment regarding, and revise as necessary, the Iowa academic standards and the assessment standards.

b. Submit an annual report to the general assembly by January ~~1~~ 15 regarding activities, findings, and student progress under the ~~core curriculum established~~ Iowa academic standards and the assessment standards adopted pursuant to section 256.7~~, subsection 26~~. The annual report shall include the ~~state board's~~ department's findings and recommendations, including but not limited to recommendations relating to any proposal to amend or modify the Iowa academic standards and the assessment standards adopted by the state board. A revision or modification to the Iowa academic standards after January 1, 2015, and to the assessment standards adopted by the state board shall not be implemented by the director until the annual report has been submitted to the general assembly while the general assembly is in session or until the director appears before the standing committees of the senate and house of

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1 representatives having jurisdiction over education to report on
2 the revision or modification, whichever occurs first.
3 Sec. 11. NEW SECTION. **256.34 Student data collection —**
4 **policies and plans.**
5 1. The department shall establish data collection, data
6 privacy, and data sharing policies for data relating to
7 students collected by the department, school districts, and
8 accredited nonpublic schools.
9 2. The department shall annually conduct an inventory of and
10 categorize the data collected on students and the purposes for
11 which the data is collected, and shall report to the general
12 assembly by November 1, 2015, and by November 1 each succeeding
13 year, the department's findings and recommendations.
14 3. The department shall create a detailed student data
15 security plan that includes privacy compliance standards, a
16 data breach plan, data retention or destruction plans, and
17 guidelines for authorizing parental access to student data.
18 4. Except as otherwise provided in state or federal law, the
19 department, school districts, and accredited nonpublic schools
20 shall not include biometric, health, family or student voting
21 status, family or student political affiliations, family or
22 student religious affiliations, telephone information other
23 than contact phone numbers, and criminal or juvenile justice
24 records in student data files.
25 5. *a.* Student data shall be kept confidential by the
26 department, a school district, or an accredited nonpublic
27 school unless otherwise ordered by a court, by the lawful
28 custodian of the records, or by another person duly authorized
29 to release such information, and except as necessary to carry
30 out the duties and responsibilities of the state board or the
31 department.
32 *b.* Except as provided in paragraph *"a"*, student data shall
33 not be provided outside of the state unless necessary to
34 facilitate the timely enrollment and placement of a student who
35 is transferring to another school.

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6. The department shall establish and maintain a policy relating to the sharing, security, and confidentiality of student data in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.

7. The department shall notify the governor and the general assembly annually of changes to existing student data collections maintained by the department which are required for any reason, including changes in federal reporting requirements. Changes to existing student data collections which are not necessitated by changes in state and federal reporting requirements shall not be implemented by the department until the annual report has been submitted to the general assembly while the general assembly is in session or until the director appears before the standing committees of the senate and house of representatives having jurisdiction over education to report on the revision or modification to the existing student data collections maintained by the department, whichever occurs first.

8. Student data shall not be published by the department except in aggregate form.

9. This section shall not be construed to supersede any provision of section 22.7, section 256.9, subsection 48, or chapter 256H.

Sec. 12. Section 256.40, subsection 2, paragraph e, Code 2015, is amended to read as follows:

e. Integrate services provided through the program with other career exploration-related activities such as the student ~~core curriculum~~ graduation plan and the career information and decision-making system developed and administered under section 279.61, where appropriate.

Sec. 13. Section 256.42, subsection 6, Code 2015, is amended to read as follows:

6. Coursework offered under the initiative shall be rigorous and high quality, and the department shall annually evaluate the quality of the courses and ensure that coursework

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is aligned with the ~~state's core curriculum and core content requirements~~ Iowa academic standards and the assessment standards, as well as national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning.

Sec. 14. Section 257.11, subsection 9, Code 2015, is amended to read as follows:

9. *Shared classes and curriculum standards.* A school district shall ensure that any course made available to a student through any sharing agreement between the school district and a community college or any other entity providing course programming pursuant to this section to students enrolled in the school district meets the expectations contained in ~~the core curriculum adopted pursuant to~~ section 256.7, subsection 26. The school district shall ensure that any course that has the capacity to generate college credit shall be equivalent to college-level work.

Sec. 15. Section 258.4, subsection 8, Code 2015, is amended to read as follows:

8. Establish a minimum set of competencies and ~~core curriculum~~ academic standards for approval of a vocational program sequence that addresses the following: new and emerging technologies; job-seeking, job-keeping, and other employment skills, including self-employment and entrepreneurial skills, that reflect current industry standards, leadership skills, entrepreneurial, and labor-market needs; and the strengthening of basic academic skills.

Sec. 16. Section 260C.14, subsection 22, paragraph b, Code 2015, is amended to read as follows:

b. Collaborate with the state board of regents to meet the requirements specified in section 262.9, subsection 33, including but not limited to developing a systematic process for expanding academic discipline and meetings between the community college faculty and faculty of the institutions of higher education governed by the state board of regents,

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1 developing criteria to prioritize ~~core curriculum areas~~
2 Iowa academic standards, promoting greater awareness of
3 articulation-related activities, facilitating additional
4 opportunities for individual institutions to pursue program
5 articulation agreements for career and technical educational
6 programs, and developing and implementing a process to
7 examine a minimum of eight new associate of applied science
8 degree programs for which articulation agreements would serve
9 students' continued academic success in those degree programs.
10 Sec. 17. Section 261E.4, subsection 4, Code 2015, is amended
11 to read as follows:
12 4. A school district shall establish prerequisite
13 coursework for each advanced placement course offered and shall
14 describe the prerequisites in the course registration handbook,
15 which shall be provided to every junior high school or middle
16 school student prior to the development of a ~~core curriculum~~
17 graduation plan pursuant to section 279.61.
18 Sec. 18. Section 261E.6, subsection 2, Code 2015, is amended
19 to read as follows:
20 2. *Notification.* The availability and requirements of this
21 program shall be included in each school district's student
22 registration handbook. Information about the program shall be
23 provided to the student and the student's parent or guardian
24 prior to the development of the student's ~~core curriculum~~
25 graduation plan under section 279.61. The school district
26 shall establish a process by which students may indicate
27 interest in and apply for enrollment in the program.
28 Sec. 19. Section 261E.8, subsection 1, Code 2015, is amended
29 to read as follows:
30 1. A district-to-community college sharing or concurrent
31 enrollment program is established to be administered by the
32 department to promote rigorous academic or career and technical
33 pursuits and to provide a wider variety of options to high
34 school students to enroll part-time in eligible nonsectarian
35 courses at or through community colleges established under

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chapter 260C. The program shall be made available to all resident students in grades nine through twelve. Notice of the availability of the program shall be included in a school district's student registration handbook and the handbook shall identify which courses, if successfully completed, generate college credit under the program. A student and the student's parent or legal guardian shall also be made aware of this program as a part of the development of the student's ~~core curriculum~~ graduation plan in accordance with section 279.61.

Sec. 20. Section 261E.9, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. A regional academy may include in its curriculum virtual or internet-based coursework and courses delivered via the Iowa communications network, career and technical courses, ~~core curriculum~~ Iowa academic standards coursework, courses required pursuant to section 256.7, subsection 26, or section 256.11, subsections 4 and 5, and asynchronous learning networks.

Sec. 21. Section 261E.9, subsection 4, Code 2015, is amended to read as follows:

4. Information regarding regional academies shall be provided to a student and the student's parent or guardian prior to the development of the student's ~~core curriculum~~ graduation plan under section 279.61.

Sec. 22. Section 261E.10, subsection 4, Code 2015, is amended to read as follows:

4. Information regarding career academies shall be provided by the school district to a student and the student's parent or guardian prior to the development of the student's ~~core curriculum~~ graduation plan under section 279.61.

Sec. 23. Section 262.9, subsection 33, paragraph c, Code 2015, is amended to read as follows:

c. Develop criteria to prioritize ~~core curriculum areas~~ Iowa academic standards and create or review transition guides for the ~~core curriculum areas~~ Iowa academic standards.

Sec. 24. Section 279.61, Code 2015, is amended to read as

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1 follows:
2 **279.61 Student plan for progress toward university admissions**
3 **— report.**
4 1. ~~For the school year beginning July 1, 2008, and each~~
5 ~~succeeding school year, the~~ The board of directors of each
6 school district shall cooperate with each student enrolled
7 in grade eight to develop for the student a ~~core curriculum~~
8 plan to guide the student toward the goal of successfully
9 completing, at a minimum, the ~~core curriculum developed~~ high
10 school graduation requirements adopted by the state board of
11 education pursuant to section 256.7, subsection 26, by the
12 time the student graduates from high school. The plan shall
13 include career options and shall identify the coursework
14 needed in grades nine through twelve to support the student's
15 postsecondary education and career options. Additionally, the
16 plan shall include a timeline for each student to successfully
17 complete, prior to graduation, all components of the
18 state-designated career information and decision-making system
19 administered by the department in accordance with section 118
20 of the federal Carl D. Perkins Career and Technical Education
21 Improvement Act of 2006, Pub. L. No. 109-270. The student's
22 parent or guardian shall sign the ~~core curriculum~~ graduation
23 plan developed with the student and the signed plan shall be
24 included in the student's cumulative records.
25 2. ~~For the school year beginning July 1, 2008, and each~~
26 ~~succeeding school year, the~~ The board of directors of each
27 school district shall report annually to each student enrolled
28 in grades nine through twelve in the school district, and, if
29 the student is under the age of eighteen, to each student's
30 parent or guardian, the student's progress toward meeting the
31 goal of successfully completing the ~~core curriculum and~~ high
32 school graduation requirements adopted by the state board of
33 education pursuant to section 256.7, subsection 26.
34 Sec. 25. Section 280.3, subsection 3, paragraphs a and b,
35 Code 2015, are amended to read as follows:

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1 *a.* Adopt an implementation plan by July 1, 2010, which
2 provides for the adoption of at least one ~~core curriculum~~ Iowa
3 academic standards subject area each year as established by
4 the state board of education for grades nine through twelve
5 pursuant to section 256.7, subsection 26. The ~~core curriculum~~
6 Iowa academic standards established for grades nine through
7 twelve by the state board of education pursuant to section
8 256.7, subsection 26, shall be fully implemented by each school
9 district and school by July 1, 2012.
10 *b.* Adopt an implementation plan, by July 1, 2012, which
11 provides for the full implementation of the ~~core curriculum~~
12 Iowa academic standards established for kindergarten through
13 grade eight by the state board of education pursuant to section
14 256.7, subsection 26, by the 2014-2015 school year.
15 Sec. 26. PUBLIC COMMENT RELATING TO IOWA ACADEMIC STANDARDS
16 AND ASSESSMENT STANDARDS. The department of education shall
17 initiate a process to obtain public input on the Iowa academic
18 standards and the assessment standards adopted pursuant
19 to section 256.7, subsections 26 and 28, shall identify
20 opportunities to strengthen the Iowa academic standards and the
21 assessment standards, and shall do the following:
22 1. Receive public comments on its internet site regarding
23 the Iowa academic standards and the assessment standards.
24 2. Hold at least three public hearings regarding the Iowa
25 academic standards and the assessment standards. The public
26 hearings shall be held in at least three geographically diverse
27 venues around the state.
28 3. Include information regarding the time, place, and
29 manner in which persons may participate in a public hearing as
30 provided in this section.
31 4. Provide public notice of any actions taken by the state
32 board of education to strengthen, amend, or modify the Iowa
33 academic standards or the assessment standards following the
34 public hearings conducted pursuant to this section.
35 5. The department shall submit a report summarizing its

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1 activities, findings, and recommendations to the state board,
2 the governor, and the general assembly by February 1, 2016.
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 This bill relates to Iowa academic standards adopted by the
7 state board of education, to assessments of student progress,
8 and to the collection of and access to student data.
9 ASSESSMENTS OF STUDENT ACADEMIC PROGRESS. The bill
10 authorizes school districts to administer assessments to
11 measure student academic progress which are in addition to the
12 department of education-approved district-wide assessment of
13 student progress administered for purposes of the core academic
14 indicators in mathematics, reading, and science.
15 ACADEMIC STANDARDS AND CURRICULUM. The bill continues
16 to direct the state board to adopt sets of academic and
17 assessment standards, but amends the terms used to describe
18 the standards. The bill replaces the terms "core curriculum",
19 "Iowa core curriculum", and "Iowa common core", which were used
20 to describe the academic standards adopted by the state board,
21 with the term "Iowa academic standards".
22 Also, provisions directing school districts to cooperate
23 with each eighth grade student on a core curriculum plan to
24 meet core curriculum requirements are amended to replace "core
25 curriculum plan" with "graduation plan" and "core curriculum
26 requirements" with "high school graduation requirements".
27 The term "core content standards", which was used to
28 describe the assessment standards adopted by the state
29 board, is replaced with the term "assessment standards". The
30 assessment standards will remain applicable to all students
31 in kindergarten through grade 12 in every school district and
32 accredited nonpublic school. Corresponding changes are made
33 throughout the Code, and obsolete language is eliminated.
34 The bill states legislative intent that the selection and
35 implementation of curriculum, textbooks, educational materials,

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1 and instructional methods must remain with the school districts
2 and schools, and not with the state or federal government.
3 Under the bill, the director of the department of education
4 must maintain an internet site where persons may access
5 up-to-date information regarding the Iowa academic standards
6 and the assessment standards. Periodically, beginning January
7 1, 2016, the state board must review, accept public comments
8 regarding, and revise as necessary, the Iowa academic standards
9 and the assessment standards.
10 The director is currently required to develop and distribute
11 technical assistance and implementation strategies for the
12 academic standards that school districts and accredited
13 nonpublic schools shall use. The bill makes such use by school
14 districts and schools voluntary.
15 The director is further directed to submit an annual report
16 to the general assembly by January 15 regarding the activities,
17 findings, and student progress under the Iowa academic
18 standards and the assessment standards. The annual report
19 shall include the department's findings and recommendations.
20 The bill prohibits the director from implementing revisions
21 or modifications to the Iowa academic standards after January
22 1, 2015, and to the assessment standards adopted by the state
23 board until the annual report is submitted to the general
24 assembly or until after the director presents the proposed
25 changes to the general assembly's standing committees on
26 education.
27 STUDENT DATA. The bill directs the department of education
28 to establish data collection, data privacy, and data sharing
29 policies for data relating to students collected by the
30 department, school districts, and accredited nonpublic schools.
31 The department must annually conduct an inventory of and
32 categorize the data collected on students and the purposes for
33 which the data is collected, and report to the general assembly
34 by November 1, 2015, and by November 1 each succeeding year,
35 the department's findings and recommendations. The department

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1 must also create a detailed student data security plan that
2 includes privacy compliance standards, a data breach plan, data
3 retention or destruction plans, and guidelines for authorizing
4 parental access to student data.
5 Except as otherwise provided in state or federal law, the
6 department, school districts, and accredited nonpublic schools
7 shall not include biometric, health, family or student voting
8 status, family or student political affiliations, family or
9 student religious affiliations, telephone information other
10 than contact phone numbers, and criminal or juvenile justice
11 records in student data files. Student data shall not be
12 published by the department except in aggregate form.
13 Student data shall be kept confidential unless otherwise
14 ordered by a court, by the lawful custodian of the records, or
15 by another person duly authorized to release such information,
16 and except as necessary to carry out the duties and
17 responsibilities of the state board or the department. Except
18 as provided, student data shall not be provided outside of the
19 state unless necessary to facilitate the timely enrollment and
20 placement of a student who is transferring to another school.
21 The department must establish and maintain a policy relating
22 to the sharing, security, and confidentiality of student data
23 in compliance with the federal Family Educational Rights and
24 Privacy Act, 20 U.S.C. §1232g.
25 The department shall notify the governor and the general
26 assembly annually of changes to existing student data
27 collections maintained by the department which are required
28 for any reason, including changes in federal reporting
29 requirements. Such changes which are not necessitated by
30 changes in state and federal reporting requirements shall
31 not be implemented by the department until the annual report
32 has been submitted to the general assembly while the general
33 assembly is in session or until the director appears before the
34 standing committees of the senate and house of representatives
35 having jurisdiction over education to report on the revision

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or modification to the existing student data collections maintained by the department, whichever occurs first.

The new provisions relating to student data shall not be construed to supersede any existing open records law provisions, provisions relating to the department´s comprehensive management information system which are in compliance with state and federal reporting requirements, or provisions enacting the interstate compact on educational opportunity for military children.

PUBLIC INPUT ON IOWA ACADEMIC STANDARDS AND ASSESSMENT STANDARDS. The department also must initiate a process to obtain public input on the Iowa academic standards and assessment standards; shall identify opportunities to strengthen the Iowa academic standards and assessment standards; receive public comments on its internet site regarding the Iowa academic standards and assessment standards; hold at least three public hearings, in at least three geographically diverse venues around the state, regarding the Iowa academic standards and assessment standards; include information regarding the time, place, and manner in which persons may participate in a public hearing; and provide public notice of any actions taken by the state board to strengthen, amend, or modify the Iowa academic standards and assessment standards following the public hearings. The department shall submit a report summarizing its activities, findings, and recommendations to the state board, the governor, and the general assembly by February 1, 2016.

House File 583 - Introduced

HOUSE FILE 583
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 425)

A BILL FOR

1 An Act relating to the control of effluent from animal truck
2 wash facilities, by requiring certain permits, regulating
3 storage and application of effluent, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2294HV (3) 86
da/rj

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1 Section 1. Section 459A.101, Code 2015, is amended to read
2 as follows:
3 **459A.101 Title.**
4 This chapter shall be known and may be cited as the
5 *"Animal Agriculture Compliance Act for Open Feedlot ~~Operations"~~*
6 *Operations and Animal Truck Wash Facilities"*.
7 Sec. 2. Section 459A.102, Code 2015, is amended by adding
8 the following new subsections:
9 NEW SUBSECTION. 3A. *"Animal truck wash effluent"* means
10 a combination of manure, washwater-induced runoff, or other
11 runoff derived from an animal truck wash facility before its
12 solids have been removed.
13 NEW SUBSECTION. 3B. *"Animal truck wash effluent basin"*
14 means an impoundment which is part of an animal truck wash
15 facility, if the primary function of the impoundment is to
16 collect and store animal truck wash effluent. *"Animal truck*
17 *wash effluent basin"* does not include a storage structure as
18 defined in section 459.102.
19 NEW SUBSECTION. 3C. *"Animal truck wash facility"*
20 means an operation engaged in washing single-unit trucks,
21 truck-tractors, semitrailers, or trailers used to transport
22 animals.
23 NEW SUBSECTION. 6A. *"Basin"* means any of the following:
24 *a.* A settled open feedlot effluent basin.
25 *b.* An animal truck wash effluent basin.
26 NEW SUBSECTION. 7A. *"Concentrated animal feeding operation"*
27 means the same as defined in 40 C.F.R. §122.23.
28 NEW SUBSECTION. 7B. *"Confinement feeding operation"* means
29 the same as defined in section 459.102.
30 NEW SUBSECTION. 11A. *"Effluent"* means open feedlot effluent
31 or animal truck wash effluent.
32 NEW SUBSECTION. 11B. *"Federal Water Pollution Control Act"*,
33 means the federal Water Pollution Control Act of 1972, 33
34 U.S.C. ch. 26, as amended, and 40 C.F.R., pts. 122 and 412.
35 NEW SUBSECTION. 11C. *"Formed animal truck wash effluent*

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1 *basin"* means a covered or uncovered impoundment used to store
2 effluent from an animal truck wash facility, which has walls
3 and a floor constructed of concrete, concrete block, wood,
4 steel, or similar materials.
5 NEW SUBSECTION. 13A. *"Manure storage structure"* means the
6 same as defined in section 459.102.
7 NEW SUBSECTION. 13B. *"NPDES permit"* means a permit issued
8 by the department under the national pollutant discharge
9 elimination system pursuant to the federal Water Pollution
10 Control Act of 1972, 33 U.S.C. ch. 26, as amended, and 40
11 C.F.R. pts. 122 and 412.
12 NEW SUBSECTION. 19A. *"Owner"* means a person who holds legal
13 or equitable title to any of the following:
14 *a.* The property where an open feedlot operation or animal
15 truck wash facility is located.
16 *b.* An open feedlot operation structure which is part of an
17 open feedlot operation or an animal truck wash effluent basin
18 which is part of an animal truck wash facility.
19 NEW SUBSECTION. 19B. *"Professional engineer"* means the same
20 as defined in section 459.102.
21 NEW SUBSECTION. 23A. *"Small animal truck wash facility"*
22 means an animal truck wash facility, if all of the following
23 apply:
24 *a.* The animal truck wash facility and all single-unit
25 trucks, truck-tractors, semitrailers, or trailers that are
26 washed at the facility are owned by the same person.
27 *b.* The average total per day volume of washwater used by the
28 animal truck wash facility does not exceed two thousand gallons
29 as calculated on a monthly basis.
30 NEW SUBSECTION. 23B. *a.* *"Solids"* means that portion of
31 effluent that meets all of the following requirements:
32 (1) Does not flow perceptibly under pressure.
33 (2) Is not capable of being transported through a mechanical
34 pumping device designed to move a liquid.
35 (3) The constituent molecules do not flow freely among

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1 themselves but do show the tendency to separate under stress.
2 *b.* *"Solids"* includes settleable solids and scraped solids.
3 NEW SUBSECTION. 25A. *"Structure"* means any of the
4 following:
5 *a.* An open feedlot operation structure.
6 *b.* An animal truck wash effluent basin.
7 NEW SUBSECTION. 25B. *"Unformed animal truck wash effluent*
8 *basin"* means a covered or uncovered impoundment used to store
9 animal truck wash effluent, other than a formed animal truck
10 wash effluent basin.
11 Sec. 3. Section 459A.102, subsections 14, 16, 23, and 25,
12 Code 2015, are amended to read as follows:
13 14. *"Nutrient management plan"* or *"plan"* means a plan which
14 provides for the management of open feedlot effluent, or animal
15 truck wash effluent, including the application of effluent as
16 provided in section 459A.208.
17 16. *"Open feedlot effluent"* ~~or *"effluent"*~~ means a
18 combination of manure, precipitation-induced runoff, or other
19 runoff from an open feedlot before its settleable solids have
20 been removed.
21 23. *"Settled open feedlot effluent basin"* ~~or *"basin"*~~ means
22 an impoundment which is part of an open feedlot operation, if
23 the primary function of the impoundment is to collect and store
24 settled open feedlot effluent.
25 25. *"Stockpile"* means to store solids from ~~an~~ any of the
26 following:
27 *a.* An open feedlot operation outside of an open feedlot
28 operation structure, or outside of an area that drains to an
29 open feedlot operation structure.
30 *b.* An animal truck wash facility, outside an animal truck
31 wash facility, or outside an area that drains to an animal
32 truck wash facility.
33 Sec. 4. Section 459A.102, subsections 19 and 21, Code 2015,
34 are amended by striking the subsections.
35 Sec. 5. Section 459A.103, subsection 3, paragraph b, Code

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2015, is amended to read as follows:

b. Notwithstanding paragraph *"a"*, only for purposes of determining whether an open feedlot operation must obtain ~~an operating~~ a NPDES permit, the animal unit capacity of the animal feeding operation includes the animal unit capacities of both the open feedlot operation and the confinement feeding operation if the animals in the open feedlot operation and the confinement feeding operation are all in the same category or type of animals as used in the definitions of large and medium concentrated animal feeding operations in 40 C.F.R. pt. 122. In all other respects the confinement feeding operation shall be governed by chapter 459 and the open feedlot operation shall be governed by this chapter.

Sec. 6. Section 459A.103, subsection 6, Code 2015, is amended to read as follows:

6. The regulation of ~~open feedlot~~ effluent under this chapter shall be construed as also regulating ~~settled open feedlot~~ effluent and solids.

Sec. 7. Section 459A.104, Code 2015, is amended to read as follows:

459A.104 General authority — commission and department — purpose — compliance.

1. The commission shall establish by rule adopted pursuant to chapter 17A, requirements relating to the construction, including expansion, or operation of ~~open~~ all of the following:

a. Open feedlot operations, including any related open feedlot operation structures.

b. Animal truck wash facilities, including any related animal truck wash effluent basins.

2. Any provision referring generally to compliance with the requirements of this chapter as applied to open feedlot operations or animal truck wash facilities also includes compliance with requirements in rules adopted by the commission pursuant to this section, orders issued by the department as authorized under this chapter, and the terms and conditions

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applicable to licenses, certifications, permits, or nutrient management plans required under this chapter.

3. *a.* The purpose of this chapter is to provide requirements relating to the construction, including the expansion, and operation of ~~open~~ all of the following:

(1) Open feedlot operations, and the control of open feedlot effluent~~, which~~.

(2) Animal truck wash facilities, and the control of animal truck wash effluent.

b. The provisions of this chapter shall be construed to supplement applicable provisions of chapter 459. If there is a conflict between the provisions of this chapter and chapter 459, the provisions of this chapter shall prevail.

Sec. 8. Section 459A.105, Code 2015, is amended to read as follows:

459A.105 Exception to regulation.

1. *a.* Except as provided in ~~subsection 2~~ paragraph *"b"*, the requirements of this chapter which regulate open feedlot operations, including rules adopted by the ~~department~~ commission pursuant to section 459A.104, shall not apply to research activities and experiments performed under the authority and regulations of a research college, if the research activities and experiments relate to an open feedlot operation structure or the disposal or treatment of effluent originating from an open feedlot operation.

~~2.~~ *b.* The requirements of section 459A.410, including rules adopted by the ~~department~~ commission under that section, apply to research activities and experiments performed under the authority and regulations of a research college.

2. *a.* Except as provided in paragraph *"b"*, the requirements of this chapter, including rules adopted by the commission pursuant to section 459A.104, shall not apply to a small animal truck wash facility.

b. The requirements of section 459A.205, subsection 4A, paragraph *"c"*, and sections 459A.404 and 459A.410, including

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rules adopted by the commission under those provisions, apply to a small animal truck wash facility.

Sec. 9. Section 459A.201, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. (1) A nutrient management plan as provided in section 459A.208 shall be approved or disapproved as part of a construction permit application pursuant to section 459A.205.

(2) ~~If~~ For an open feedlot operation, if the nutrient management plan is not part of an application for a construction permit, the nutrient management plan shall be approved or disapproved within sixty days from the date that the department receives the nutrient management plan.

Sec. 10. Section 459A.205, subsection 1, Code 2015, is amended to read as follows:

1. *a.* The department shall approve or disapprove applications for permits for the construction, including the expansion, of ~~settled~~ the following structures:

(1) Settled open feedlot effluent basins and alternative technology systems, which are part of open feedlot operations as provided in this chapter.

(2) Animal truck wash effluent basins which are part of animal truck wash facilities as provided in this chapter.

b. The department's decision to approve or disapprove a permit for the construction of a ~~basin or alternative system~~ structure described in paragraph *"a"* shall be based on whether the application is submitted according to procedures and standards required by this chapter. A person shall not begin construction of ~~a basin or alternative system requiring a permit~~ such a structure under this section, unless the department first approves the person's application and issues to the person a construction permit.

Sec. 11. Section 459A.205, subsection 3, Code 2015, is amended to read as follows:

3. ~~The department shall not approve an~~ An application for a construction permit ~~unless the applicant submits~~ shall include

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all of the following:

a. ~~For an open feedlot operation submitting an application for a construction permit on or after April 30, 2007, a~~ A nutrient management plan as provided in section 459A.208.

b. An engineering report, construction plans, and specifications prepared by a ~~licensed~~ professional engineer or the natural resources conservation service of the United States department of agriculture ~~certifying~~.

(1) For an open feedlot operation, the professional engineer must certify that the construction of the settled open feedlot effluent basin or alternative technology system complies with the construction design standards required in this chapter.

(2) For an animal truck wash facility, the professional engineer must certify that the construction of the animal truck wash effluent basin complies with the construction design standards required in this chapter. However, an animal truck wash facility electing to use a formed animal truck wash effluent basin, in lieu of an engineering report, may submit a construction design statement that meets the requirements of sections 459A.306 and 459A.307.

Sec. 12. Section 459A.205, subsection 4, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~An~~ For an open feedlot operation, ~~must be issued~~ a construction permit must be issued prior to any of the following:

Sec. 13. Section 459A.205, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. The construction, including expansion, of a settled open feedlot effluent basin or alternative technology system if the open feedlot operation is required to be issued ~~an operating~~ a NPDES permit.

Sec. 14. Section 459A.205, subsection 4, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

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1 ~~The~~ When the department has previously issued the open
2 feedlot operation a construction permit and any of the
3 following applies:
4 Sec. 15. Section 459A.205, Code 2015, is amended by adding
5 the following new subsection:
6 NEW SUBSECTION. 4A. For an animal truck wash facility,
7 a construction permit must be issued prior to any of the
8 following:
9 *a.* The construction, including expansion, of an animal truck
10 wash effluent basin.
11 *b.* When the department has previously issued the animal
12 truck wash facility a construction permit and the volume of
13 the animal truck wash effluent would be more than the volume
14 approved by the department in the previous construction permit.
15 *c.* (1) When the animal truck wash facility is part of a
16 confinement feeding operation, and all of the following apply:
17 (a) The department has issued a construction permit under
18 section 459.303 or a letter approving a construction design
19 statement in lieu of a construction permit as provided by rules
20 adopted by the commission under section 459.103.
21 (b) The animal truck wash effluent will be added to an
22 existing manure storage structure resulting in a total stored
23 volume greater than that approved in the construction permit or
24 the construction design statement approval letter.
25 (2) When the animal truck wash facility is part of an open
26 feedlot operation, and all of the following apply:
27 (a) The department has issued a construction permit under
28 this section or a NPDES permit under section 459A.401.
29 (b) The animal truck wash effluent will be added to an
30 existing settled open feedlot effluent basin resulting in
31 a total stored volume greater than that approved in the
32 construction permit or NPDES permit.
33 Sec. 16. Section 459A.205, subsection 6, unnumbered
34 paragraph 1, Code 2015, is amended to read as follows:
35 ~~The~~ For an open feedlot operation, the application for ~~the~~ a

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construction permit shall include all of the following:

Sec. 17. Section 459A.205, subsection 6, paragraph f, Code 2015, is amended to read as follows:

f. An engineering report, construction plans, and specifications prepared by a ~~licensed~~ professional engineer or by the United States natural resources conservation service, for the settled open feedlot operation effluent basin or alternative technology system.

Sec. 18. Section 459A.205, subsection 6, paragraph h, subparagraph (3), Code 2015, is amended to read as follows:

(3) A public water supply system as defined in section 455B.171 or a drinking water well which is located within a distance from the open feedlot operation as prescribed by rules adopted by the ~~department~~ commission.

Sec. 19. Section 459A.205, subsection 6, paragraph i, subparagraphs (1) and (3), Code 2015, are amended to read as follows:

(1) Information showing that the proposed open feedlot operation meets criteria for siting as established by rules adopted by the ~~department~~ commission. However, if the site does not meet the criteria, the information shall show substantially equivalent alternatives to meeting such criteria.

(3) A conceptual design of the proposed alternative technology system, as developed by a ~~licensed~~ professional engineer.

Sec. 20. Section 459A.205, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. For an animal truck wash facility, the application for the construction permit shall include all of the following:

a. The name of the owner of the animal truck wash facility and the name of the animal truck wash facility, including a mailing address and telephone number for the owner and the animal truck wash facility.

b. The name of the contact person for the animal truck wash

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1 facility, including the person's mailing address and telephone
2 number.
3 *c.* The location of the animal truck wash facility.
4 *d.* A statement providing that the application is for any of
5 the following:
6 (1) The construction or expansion of an animal truck wash
7 effluent basin for an existing animal truck wash facility which
8 is not expanding.
9 (2) The construction or expansion of an animal truck wash
10 effluent basin for an existing animal truck wash facility which
11 is expanding.
12 (3) The construction of an animal truck wash effluent basin
13 for a proposed new animal truck wash facility.
14 *e.* An engineering report, construction plans, and
15 specifications prepared by a professional engineer or by the
16 United States natural resources conservation service, for the
17 animal truck effluent basin.
18 (1) The engineering report must demonstrate that the
19 storage capacity of its animal truck wash effluent basin is
20 equal to or greater than the amount of effluent to be stored
21 for any six-month period, in addition to two feet of freeboard.
22 (2) If an animal truck wash effluent basin is to be
23 constructed on karst terrain, the engineering report must
24 establish that the construction complies with the requirements
25 of section 459A.404.
26 *f.* A soils and hydrogeologic report of the site, as required
27 in section 459A.206.
28 *g.* Information, including but not limited to maps, drawings,
29 and aerial photos that clearly show the location of the animal
30 truck wash facility and all animal truck wash effluent basins.
31 Sec. 21. Section 459A.205, subsection 7, paragraph a,
32 unnumbered paragraph 1, Code 2015, is amended to read as
33 follows:
34 Except as provided in paragraph *"b"*, a construction permit
35 for an open feedlot operation <u>or animal truck wash facility</u>

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expires as follows:

Sec. 22. Section 459A.205, subsection 8, Code 2015, is amended to read as follows:

8. The department may suspend or revoke a construction permit, modify the terms or conditions of a construction permit, or disapprove a request to extend the time to begin or complete construction as provided in this section, if it determines that the operation of the open feedlot operation or animal truck wash facility constitutes a clear, present, and impending danger to public health or the environment.

Sec. 23. Section 459A.206, subsection 1, Code 2015, is amended to read as follows:

1. A settled open feedlot effluent basin or an animal truck wash effluent basin required to be constructed pursuant to a construction permit issued pursuant to section 459A.205 shall meet design standards as required by a soils and hydrogeologic report.

Sec. 24. Section 459A.207, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The owner of an open feedlot operation who is issued a construction permit for a settled open feedlot effluent basin or the owner of an animal truck wash facility who is issued a construction permit for an animal truck wash effluent basin as provided in section 459A.205 ~~after July 1, 2005,~~ shall submit to the department a construction certification from a ~~licensed~~ professional engineer certifying all of the following:

Sec. 25. Section 459A.207, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. The basin was inspected by the ~~licensed~~ professional engineer after completion of construction and before commencement of operation.

Sec. 26. Section 459A.208, subsections 1, 3, and 4, Code 2015, are amended to read as follows:

1. The following persons shall develop and implement a nutrient management plan meeting the requirements of this

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section:

a. The owner of an open feedlot operation which has an animal unit capacity of one thousand animal units or more or which is required to be issued ~~an operating~~ a NPDES permit ~~shall develop and implement a nutrient management plan meeting the requirements of this section~~.

b. The owner of an animal truck wash facility which has an animal truck wash effluent basin.

3. *a.* A person shall not remove open feedlot effluent from an open feedlot operation structure ~~which is part of an open feedlot operation~~ or animal truck wash effluent from an animal truck wash effluent basin for which a nutrient management plan is required under this section, unless the department approves a nutrient management plan as required in this section. ~~The department~~

b. Notwithstanding paragraph *"a"*, the commission may adopt rules allowing a person to remove ~~open feedlot~~ effluent from an open feedlot operation structure or animal truck wash effluent basin until the nutrient management plan is approved or disapproved by the department according to terms and conditions required by rules adopted by the ~~department~~ commission.

4. The department shall not approve an application for a permit to construct a settled open feedlot effluent basin or animal truck wash effluent basin, unless the owner of the open feedlot operation or animal truck wash facility, applying for approval submits a nutrient management plan together with the application for the construction permit as provided in section 459A.205. The owner of the open feedlot operation shall also submit proof that the owner has published a notice for public comment as provided in this section. The department shall approve or disapprove the nutrient management plan as provided in section 459A.201.

Sec. 27. Section 459A.208, subsection 5, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~Prior~~ For an animal feeding operation, prior to approving

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or disapproving a nutrient management plan as required in this section, the department may receive comments exclusively to determine whether the nutrient management plan is submitted according to procedures required by the department and that the nutrient management plan complies with the provisions of this chapter.

Sec. 28. Section 459A.208, subsections 6, 7, and 9, Code 2015, are amended to read as follows:

6. A nutrient management plan must be authenticated by the owner of the open feedlot operation or the owner of the animal truck wash facility as required by the department in accordance with section 459A.201.

7. A nutrient management plan shall include all of the following:

a. Restrictions on the application of open feedlot effluent or animal truck wash effluent based on all of the following:

(1) Calculations necessary to determine the land area required for the application of ~~open feedlot~~ the effluent ~~from an open feedlot operation~~ based on nitrogen use levels in order to obtain optimum crop yields according to a crop schedule specified in the nutrient management plan, and according to requirements adopted by the department.

(2) A phosphorus index established pursuant to section 459.312.

b. Information relating to the application of the ~~open feedlot~~ effluent, including all of the following:

(1) Nutrient ~~levels~~ concentrations of the ~~open feedlot~~ effluent.

(2) Application methods, the timing of the application, and the location of the land where the application occurs.

c. If the application is on land other than land owned or rented for crop production by the owner ~~of the open feedlot operation~~, the plan shall include a copy of each written agreement executed by the owner ~~of the open feedlot operation~~ and the landowner or the person renting the land for crop

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production where the ~~open feedlot~~ effluent may be applied.

d. An estimate of the ~~open feedlot~~ effluent volume or weight produced by the open feedlot operation or animal truck wash facility.

e. Information which shows all of the following:

(1) There is adequate storage for open feedlot effluent or animal truck wash effluent, including procedures to ensure proper operation and maintenance of ~~the storage structures~~ an open feedlot operation structure or animal truck wash effluent basin.

(2) ~~The~~ For an animal feeding operation, all of the following:

(a) The proper management of animal mortalities to ensure that animals are not disposed of in an open feedlot operation structure or a treatment system that is not specifically designed to treat animal mortalities.

(b) Animals kept in the open feedlot operation do not have direct contact with any waters of the United States.

(3) (a) Surface drainage prior to contact with an open feedlot structure is diverted, as appropriate, from the open feedlot operation.

(b) Surface drainage prior to contact with an animal truck wash facility is diverted, as appropriate, from the animal truck wash facility.

(4) ~~Animals kept in the open feedlot operation do not have direct contact with any waters of the United States.~~

~~(5)~~ Chemicals or other contaminants handled on-site are not disposed of in an open feedlot operation structure, an animal truck wash facility, or a treatment system that is not specifically designed to treat such chemicals or contaminants.

9. The owner of an open feedlot operation or animal truck wash facility who is required to develop and implement a nutrient management plan shall maintain a current nutrient management plan and maintain records sufficient to demonstrate compliance with the nutrient management plan.

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Sec. 29. Section 459A.301, Code 2015, is amended to read as follows:

459A.301 Settled open feedlot effluent basins and animal truck wash effluent basins — construction design standards — rules.

If the department requires that a settled open feedlot effluent basin or animal truck wash effluent basin be constructed according to construction design standards, regardless of whether the department requires the owner to be issued a construction permit under section 459A.205, any construction design standards for the basin shall be established by rules as provided in chapter 17A that exclusively account for special design characteristics of open feedlot operations and related basins or animal truck wash facilities and related basins, including but not limited to the dilute composition of settled ~~open feedlot~~ effluent as collected and stored in the basins.

Sec. 30. Section 459A.302, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A settled open feedlot effluent basin or an animal truck wash effluent basin required to be constructed pursuant to a construction permit issued pursuant to section 459A.205 shall meet all of the following requirements:

Sec. 31. Section 459A.302, subsection 1, paragraph a, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Prior to constructing a settled open feedlot effluent basin or an animal truck wash effluent basin, the site for the basin shall be investigated for a drainage tile line by the owner of the open feedlot operation or animal truck wash facility. The investigation shall be made by digging a core trench to a depth of at least six feet deep from ground level at the projected center of the berm of the basin. If a drainage tile line is discovered, one of the following solutions shall be implemented:

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Sec. 32. Section 459A.302, subsections 2, 3, 4, and 5, Code 2015, are amended to read as follows:

2. *a.* The settled open feedlot effluent basin or an animal truck wash effluent basin shall be constructed with a minimum separation of two feet between the top of the liner of the basin and the seasonal high-water table.

b. If a drainage tile line around the perimeter of the basin is installed a minimum of two feet below the top of the basin liner to artificially lower the seasonal high-water table, the top of the basin's liner may be a maximum of four feet below the seasonal high-water table. The seasonal high-water table may be artificially lowered by gravity flow tile lines or other similar system. However, the following shall apply:

(1) Except as provided in subparagraph (2), an open feedlot operation or animal truck wash facility shall not use a nongravity mechanical system that uses pumping equipment.

(2) If the open feedlot operation was constructed before July 1, 2005, the operation may continue to use its existing nongravity mechanical system that uses pumping equipment or it may construct a new nongravity mechanical system that uses pumping equipment. However, an open feedlot operation that expands the area of its open feedlot on or after April 1, 2011, shall not use a nongravity mechanical system that uses pumping equipment.

3. Drainage tile lines may be installed to artificially lower the seasonal high-water table at a settled open feedlot effluent basin or animal truck wash effluent basin, if all of the following conditions are satisfied:

a. A device to allow monitoring of the water in the drainage tile lines and a device to allow shutoff of the flow in the drainage tile lines are installed, if the drainage tile lines do not have a surface outlet accessible on the property where the ~~settled open feedlot effluent~~ basin is located.

b. Drainage tile lines are installed horizontally at least twenty-five feet away from the ~~settled open feedlot effluent~~

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basin. Drainage tile lines shall be placed in a vertical trench and encased in granular material which extends upward to the level of the seasonal high-water table.

4. A settled open feedlot effluent basin or animal truck wash effluent basin shall be constructed with at least four feet between the bottom of the basin and a bedrock formation.

5. A settled open feedlot effluent basin or animal truck wash effluent basin constructed on a floodplain or within a floodway of a river or stream shall comply with rules ~~of~~ adopted by the ~~department~~ commission.

Sec. 33. Section 459A.302, subsection 6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The liner of a settled open feedlot effluent basin or animal truck wash effluent basin shall comply with all of the following:

Sec. 34. Section 459A.302, subsection 7, Code 2015, is amended to read as follows:

7. The owner of an open feedlot operation using a settled open feedlot effluent basin or animal truck wash facility shall inspect the berms of the basin at least semiannually for evidence of erosion. If the inspection reveals erosion which may impact the basin's structural stability or the integrity of the basin's liner, the owner shall repair the berms.

Sec. 35. Section 459A.303, subsection 2, Code 2015, is amended to read as follows:

2. The ~~department~~ commission shall adopt rules establishing requirements for the construction and operation of alternative technology systems.

Sec. 36. Section 459A.401, subsection 2, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

2. Notwithstanding subsection 1, an open feedlot operation that is a concentrated animal feeding operation shall comply with applicable NPDES permit requirements as provided in the federal Water Pollution Control Act, pursuant to rules that

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shall be adopted by the commission. Any rules adopted pursuant to this subsection shall be no more stringent than requirements under the federal Act.

Sec. 37. Section 459A.401, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If the open feedlot operation is designed, constructed, and operated in accordance with the requirements of an open feedlot effluent control system as provided in rules adopted by the commission, the operation shall be deemed to be in compliance with this section, unless a discharge from the operation causes a violation of state water quality standards as provided in chapter 455B, division III.

Sec. 38. Section 459A.401, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. (1) The open feedlot operation shall not discharge open feedlot effluent from an open feedlot operation structure into any waters of the United States, unless the discharge is pursuant to ~~an operating~~ a NPDES permit.

(2) The open feedlot operation shall not be required to be issued ~~an operating~~ a NPDES permit if the operation does not discharge open feedlot effluent into any waters of the United States.

Sec. 39. NEW SECTION. **459A.404 Animal truck wash facility — construction regulations.**

1. *a.* An animal truck wash effluent basin shall not be constructed, including expanded, within one thousand two hundred fifty feet from a residence not owned by the titleholder of the animal truck wash facility, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area, as those terms are defined in section 459.102, and as provided in rules adopted by the commission pursuant to section 459.103, and as provided in rules adopted by the commission pursuant to section 459A.104.

b. An animal truck wash effluent basin shall not be constructed or expanded within one hundred feet from a public

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1 thoroughfare as defined in section 459.102.
2 *c.* Paragraph *"a"* does not apply if a residence, educational
3 institution, commercial enterprise, or bona fide religious
4 institution was constructed or expanded, or if the boundaries
5 of the public use area were expanded, after the date that the
6 animal truck wash facility was established. The date the
7 animal truck wash facility was established is the date on which
8 the animal truck wash facility commenced operating. A change
9 in ownership or expansion of the animal truck wash facility
10 shall not change the established date of operation.
11 *d.* Paragraph *"a"* or *"b"* does not apply if the titleholder of
12 the land benefiting from the separation distance requirement,
13 including a person so authorized by the titleholder, executes
14 a written waiver with the titleholder of the land where the
15 animal truck wash effluent basin is located. The basin shall
16 be constructed or expanded under such terms and conditions that
17 the parties negotiate. The state or a political subdivision
18 constructing or maintaining the public thoroughfare benefiting
19 from the separation distance requirement may execute a written
20 waiver with the titleholder of the land where the basin
21 is located. The animal truck wash effluent basin shall be
22 constructed or expanded under such terms and conditions that
23 the parties negotiate.
24 *e.* An unformed animal truck wash effluent basin shall not be
25 constructed or expanded within the following minimum separation
26 distances from any of the following:
27 (1) One thousand feet from a public shallow well.
28 (2) Four hundred feet from a public deep well.
29 (3) Four hundred feet from a private well.
30 2. *a.* Any separation distance required for a confinement
31 feeding operation structure and a location or object specified
32 in section 459.310, subsection 1, shall also apply to an animal
33 truck wash effluent basin and that same location or object.
34 *b.* Any requirement, qualification, or exception that
35 applies to a separation distance required for a confinement

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1 feeding operation structure and a location or object specified
2 in section 459.310, subsection 1, shall also apply to the
3 separation distance required for an animal truck wash effluent
4 basin and that same location or object.
5 3. An animal truck wash effluent basin shall not be
6 constructed, including expanded, on land that is part of a
7 one hundred year floodplain as designated by rules adopted
8 by the commission pursuant to section 459A.104. The rules
9 shall correspond to rules adopted pursuant to section 459.310,
10 subsection 2.
11 4. A person shall not construct or expand an unformed animal
12 truck wash effluent basin within an agricultural drainage well
13 area as provided in section 460.205.
14 5. A person shall not construct an unformed animal truck
15 wash effluent basin on karst terrain or on an area that drains
16 into a known sinkhole. However, a person may construct an
17 animal truck wash effluent basin if there is a twenty-five
18 foot vertical separation distance between the bottom of the
19 basin and underlying limestone, dolomite, or other soluble
20 rock as documented in the engineering report submitted to the
21 department pursuant to section 459A.205.
22 Sec. 40. Section 459A.410, Code 2015, is amended to read as
23 follows:
24 **459A.410 Effluent application requirements.**
25 1. Open feedlot effluent or animal truck wash effluent
26 shall be applied in a manner which does not cause surface water
27 or groundwater pollution. Application in accordance with
28 the provisions of state law, including this chapter, rules
29 adopted pursuant to the provisions of state law, including this
30 chapter, and guidelines adopted pursuant to this chapter, shall
31 be deemed as compliance with this section.
32 2. The commission shall adopt rules establishing
33 requirements for the application of animal truck wash effluent,
34 including minimum separation distances between locations
35 or objects identified in such rules, and requirements for

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application rates.

Sec. 41. Section 459A.411, Code 2015, is amended to read as follows:

459A.411 Discontinuance of operations.

The owner of an open feedlot operation or animal truck wash facility who discontinues ~~the use of the~~ its operation shall remove all ~~open feedlot~~ effluent from related open feedlot operation structures or animal truck wash effluent basins used to store ~~open feedlot~~ effluent, as soon as practical but not later than six months following the date the operations of the open feedlot operation or animal truck wash facility is discontinued.

EXPLANATION

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

GENERAL. This bill amends the "Animal Agriculture Compliance Act for Open Feedlot Operations" (Code chapter 459A) which authorizes the department of natural resources (DNR) to regulate open feedlot operations. Generally, the bill provides for the regulation of an animal truck wash facility (facility) which engages in washing certain trucks transporting animals (cattle, swine, horses, sheep, chickens, turkeys, or fish) and collecting and storing the resulting animal effluent in an animal truck wash effluent basin (basin). The bill's provisions regulating such facilities and the resulting effluent are closely related to the regulation of settled open feedlot effluent basins which are impoundments used to collect and store effluent, including solids, and the application of effluent from those operations.

DOCUMENTS. The bill requires the owner of a facility to submit a number of different documents for departmental approval, including an application for a permit and associated statements required to construct a basin. These include a nutrient management plan that addresses restrictions on the land application of effluent; a soils and hydrogeologic report;

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1 and a construction certification authenticated by a licensed
2 professional engineer (Code sections 459A.102, 459A.205, and
3 459A.206).
4 CONSTRUCTION STANDARDS. The bill establishes construction
5 design standards for basins, requires separation distances
6 between a basin and certain locations or objects, including
7 residences, commercial enterprises, bona fide religious
8 institutions, educational institutions, public use areas,
9 public thoroughfares, surface intakes of agricultural drainage
10 wells, wellheads, cisterns of agricultural drainage wells,
11 known sinkholes, lakes, rivers, reservoirs, creeks, streams,
12 ditches, and wells. The bill restricts basins from being
13 constructed on karst terrain based on requirements in Code
14 chapter 459 regulating confinement feeding operations (Code
15 section 459A.404). The bill also requires special provisions
16 for tile lines, and restricts construction within a distance
17 from bedrock and on floodplains (Code section 459A.302).
18 OPERATING PERMITS FOR OPEN FEEDLOTS. The bill eliminates
19 a provision requiring an open feedlot to operate pursuant to
20 an operating permit issued by the department (Code section
21 459A.401) so long as the operation obtains a so-called
22 NPDES permit under the federal national pollutant discharge
23 elimination system program.
24 STOCKPILING AND APPLICATION REQUIREMENTS. The bill places
25 restrictions upon the stockpiling of solids from effluent (Code
26 section 459A.403) and the land application of effluent. Such
27 application cannot cause surface water or groundwater pollution
28 (Code section 459A.410). The bill requires the department to
29 establish requirements for application of effluent including by
30 establishing separation distances required between the site of
31 application and locations and objects identified by the rules.
32 DISCONTINUANCE. The owner of a facility must remove
33 effluent after the operation of the facility is discontinued
34 (Code section 459A.411).
35 SMALL ANIMAL TRUCK WASH FACILITY — EXEMPTION. The bill

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1 exempts a small animal truck wash facility from many of the
2 bill's requirements. A small animal truck wash facility is
3 an animal truck wash facility that satisfies two conditions:
4 (1) The facility and all single-unit trucks, truck-tractors,
5 semitrailers, or trailers washed at the facility must be owned
6 by the same person, and (2) the average total per day volume of
7 washwater used by the facility must not exceed 2,000 gallons
8 as calculated on a monthly basis. However, the bill provides
9 that the bill's provisions continue to apply to a small animal
10 truck wash facility in three instances. First, it applies
11 when the facility is part of a confinement feeding operation
12 required to be constructed under a permit or approval letter
13 issued by DNR, or when the facility is part of an open feedlot
14 operation required to be constructed under a construction
15 permit or operate under a NPDES permit issued by DNR, and the
16 total volume of stored effluent is greater than allowed under
17 the relevant permit or letter (Code section 459A.205). Second,
18 the bill's separation distance requirements continue to apply
19 (new Code section 459A.404). Finally, the general prohibition
20 against applying effluent in a manner that causes surface water
21 or groundwater pollution continues to apply (Code section
22 459A.410).
23 ENFORCEMENT. DNR and the attorney general are responsible
24 for enforcing the provisions of the bill (Code section
25 459A.501).
26 PENALTIES. A person who is in violation of the
27 prohibition would be subject to a civil penalty, that may be
28 administratively assessed by the department, in an amount of
29 not more than $10,000 (Code sections 459A.502 and 455B.109), or
30 judicially assessed for an amount not more than $5,000 per each
31 day of the violation (Code sections 459A.502 and 455B.191).
32 Collected moneys would be deposited into the watershed
33 improvement fund (Code sections 459A.502 and 466A.2).

House File 584 - Introduced

HOUSE FILE 584
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 178)

A BILL FOR

1 An Act concerning short-term testing and retesting for radon at
2 public school district attendance centers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2569HV (2) 86
je/sc

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1 Section 1. NEW SECTION. **279.39A Radon testing.**
2 1. For purposes of this section, *"short-term test"* means
3 a test approved by the department of public health in which a
4 testing device remains in an area for not less than two days
5 and not more than ninety days to determine the amount of radon
6 in the air that is acceptable for human inhalation.
7 2. The board of directors of each public school district
8 shall provide for short-term testing and retesting for radon
9 gas to be performed at each attendance center under its control
10 and following any new construction of an attendance center or
11 additions, renovations, or repairs to an attendance center.
12 3. *a.* The department of public health and the department
13 of education shall each adopt rules pursuant to chapter 17A to
14 jointly administer this section.
15 *b.* In consultation with appropriate stakeholders, the
16 department of public health shall adopt rules pursuant to
17 chapter 17A establishing standards for radon testing at
18 attendance centers. Such standards shall include but are not
19 limited to training requirements for persons to conduct such
20 testing and best practices for conducting such testing.
21 Sec. 2. Section 298.3, subsection 1, Code 2015, is amended
22 by adding the following new paragraph:
23 NEW PARAGRAPH. *n.* Radon testing pursuant to section
24 279.39A.
25 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code
26 2015, is amended to read as follows:
27 *a.* If the board of directors adopts a resolution to use
28 funds received under the operation of this chapter solely for
29 providing property tax relief by reducing indebtedness from the
30 levies specified under section 298.2 or 298.18, or for radon
31 testing pursuant to section 279.39A, the board of directors may
32 approve a revenue purpose statement for that purpose without
33 submitting the revenue purpose statement to a vote of the
34 electors.
35 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance

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with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act may be paid by a school district from a physical plant and equipment levy under chapter 298, as amended by this Act, the secure an advanced vision for education fund under chapter 423F, as amended by this Act, or a modified supplemental amount under section 257.31, subsection 6. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

EXPLANATION

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

This bill requires the board of directors of each public school district to provide for short-term testing and retesting for radon gas at each attendance center under its control. The rules relating to the testing are to be adopted by the departments of education and public health.

The bill adds radon testing pursuant to the bill to the list of permissible uses of a physical plant and equipment levy and revenues from the secure an advanced vision for education fund by a school district.

The bill may include a state mandate as defined in Code section 25B.3. The bill provides that the cost of any state mandate included in the bill may be paid by a school district from a physical plant and equipment levy under Code chapter 298, as amended by the bill, the secure an advanced vision for education fund under Code chapter 423F, as amended by the bill, or a modified supplemental amount under Code section 257.31, subsection 6. The specification is deemed to constitute state compliance with any state mandate funding-related requirements of Code section 25B.2. The inclusion of this specification is intended to reinstate the requirement of political subdivisions

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1 to comply with any state mandates included in the bill.

House File 585 - Introduced

HOUSE FILE 585
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 233)

A BILL FOR

1 An Act establishing an address confidentiality program in the
2 office of the secretary of state for a victim of domestic
3 abuse, domestic abuse assault, sexual abuse, and stalking
4 and providing for a fee and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1739HV (4) 86
rh/rj

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1 Section 1. NEW SECTION. **9E.1 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. *"Address"* means a residential street address, school
5 address, or work address of an individual, as specified on the
6 individual's application to be a program participant under this
7 chapter.
8 2. *"Applicant"* means an adult, a parent or guardian acting
9 on behalf of an eligible minor, or a guardian acting on behalf
10 of an incapacitated person as defined in section 633.701.
11 3. *"Designated address"* means the mailing address assigned
12 to a program participant by the secretary.
13 4. *"Domestic abuse"* means the same as defined in section
14 236.2.
15 5. *"Domestic abuse assault"* means the same as defined in
16 section 708.2A.
17 6. *a.* *"Eligible person"* means a person who is all of the
18 following:
19 (1) A resident of this state.
20 (2) An adult, a minor, or an incapacitated person as defined
21 in section 633.701.
22 (3) A victim of domestic abuse, domestic abuse assault,
23 sexual abuse, or stalking as evidenced by the filing of a
24 petition pursuant to section 236.3 or a criminal complaint or
25 information pursuant to section 708.2A, 708.11, 709.2, 709.3,
26 709.4, or 710A.2.
27 *b.* For purposes of this subsection, a person determined to
28 be a sexually violent predator pursuant to section 229A.7 or a
29 similar law of another state is not an eligible person.
30 7. *"Mail"* means first-class letters and flats delivered
31 via the United States postal service, including priority,
32 express, and certified mail, and excluding packages,
33 parcels, periodicals, and catalogues, unless they are clearly
34 identifiable as pharmaceuticals or clearly indicate that they
35 are sent by a state or county government agency.

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1 8. *"Program"* means the address confidentiality program
2 established in this chapter.
3 9. *"Program participant"* means an individual certified by
4 the secretary as a program participant under section 9E.2.
5 10. *"Secretary"* means the secretary of state.
6 11. *"Sexual abuse"* means the same as defined in section
7 709.1.
8 12. *"Stalking"* means the same as defined in section 708.11.
9 Sec. 2. NEW SECTION. **9E.2 Address confidentiality program.**
10 1. *Application.* The secretary shall certify an eligible
11 person as a program participant if the secretary receives an
12 application containing all of the following information:
13 *a.* The full legal name of the eligible person.
14 *b.* A statement by the applicant that the applicant has good
15 reason to believe any of the following:
16 (1) Either of the following:
17 (a) The eligible person listed on the application is a
18 victim of domestic abuse, domestic abuse assault, sexual abuse,
19 or stalking.
20 (b) The eligible person fears for the person's safety, the
21 safety of another person who resides in the same household as
22 the eligible person, or the safety of persons on whose behalf
23 the application is made.
24 (2) The eligible person is not applying for certification as
25 a program participant in order to avoid prosecution.
26 *c.* A designation of the secretary as the agent for service
27 of process and for the purpose of receipt of mail.
28 *d.* The telephone number or telephone numbers where the
29 secretary can contact the applicant or eligible person.
30 *e.* The residential address of the eligible person,
31 disclosure of which could lead to an increased risk of domestic
32 abuse, domestic abuse assault, sexual abuse, or stalking.
33 *f.* If mail cannot be delivered to the residential address
34 of the eligible person, the address to which mail can be sent
35 to the eligible person.

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1 *g.* A statement whether the eligible person would like
2 information on becoming an absentee ballot recipient pursuant
3 to section 9E.5.
4 *h.* A statement from the eligible person that gives
5 the secretary consent to confirm the eligible person's
6 participation in the program to a third party.
7 *i.* The signature of the applicant indicating the applicant's
8 authority to act on behalf of the eligible person, if
9 appropriate.
10 *j.* The date the application was signed.
11 *k.* Any other information as required by the secretary
12 pursuant to rule.
13 2. *Filing.* Applications shall be filed with the secretary.
14 3. *Certification.* Upon filing a complete application,
15 the secretary shall certify the eligible person as a program
16 participant. A program participant shall be certified for four
17 years following the date the application is certified by the
18 secretary unless the certification is canceled, withdrawn, or
19 invalidated. The secretary shall establish by rule a renewal
20 procedure for recertification.
21 4. *Changes in information.* A program participant or an
22 applicant shall inform the secretary of any changes in the
23 program participant's information submitted on the application.
24 5. *Designated address.* The secretary shall assign a
25 designated address to which all mail for a program participant
26 shall be sent.
27 6. *Attaining age of majority.* An individual who was a minor
28 when the person was certified as a program participant is
29 responsible for changes in information and renewal after the
30 individual reaches the age of eighteen.
31 7. *Liability.* A governmental body, as defined in section
32 21.2, or an entity created pursuant to chapter 28E, shall not
33 be liable for acts or omissions relating to this chapter.
34 Sec. 3. NEW SECTION. **9E.3 Certification cancellation.**
35 1. The secretary may cancel a program participant's

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1 certification under any of the following circumstances:
2 *a.* The program participant's legal name or contact
3 information changes, unless the program participant provides
4 the secretary with prior written notice of the name change or
5 contact information.
6 *b.* Mail forwarded by the secretary to the program
7 participant's address is returned as undeliverable by the
8 United States postal service.
9 *c.* The program participant is no longer eligible for the
10 program.
11 *d.* The program participant does not accept service of
12 process or fails to respond to service of process as described
13 in section 9E.4, subsection 4.
14 2. The secretary shall cancel a program participant's
15 certification if the program participant's application contains
16 false information.
17 Sec. 4. NEW SECTION. **9E.4 Use of designated address.**
18 1. When a program participant presents the program
19 participant's designated address to any person, that designated
20 address shall be accepted as the address of the program
21 participant. The person shall not require the program
22 participant to submit any other address that could be used
23 to physically locate the program participant either as a
24 substitute address or in addition to the designated address,
25 or as a condition of receiving a service or benefit, unless
26 the service or benefit would be impossible to provide without
27 knowledge of the program participant's physical location.
28 2. A program participant may use the designated address as
29 the program participant's work address.
30 3. The secretary shall forward all mail sent to the
31 designated address to the program participant.
32 4. The office of the secretary of state shall act as agent
33 of the program participant for purposes of service of process.
34 The secretary of state shall forward any service of process
35 received by the office of the secretary of state by certified

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1 mail, return receipt requested to the designated address of the
2 program participant within three days of receipt in the office
3 of the secretary of state. A program participant shall either
4 accept or reject service of process and the secretary of state
5 shall notify the person initiating the service of process,
6 unless such person is not ascertainable from the service of
7 process documents, of the date of the program participant's
8 acceptance or rejection of the service of process. The
9 date of service of the service of process is the date of the
10 participant's acceptance or rejection. A program participant
11 who is unavailable for delivery or who fails to respond to
12 service of process shall be removed from the program.
13 5. If a program participant has notified a person in
14 writing, on a form prescribed by the secretary, that the
15 individual is a program participant and of the requirements
16 of this section, the person shall not knowingly disclose the
17 program participant's address, unless any of the following:
18 *a.* The person to whom the address is disclosed also lives,
19 works, or goes to school at the address disclosed.
20 *b.* The program participant has provided written consent to
21 disclosure of the program participant's name and address for
22 the purpose for which the disclosure will be made.
23 6. This section does not apply to documents or records
24 relating to real property. The secretary shall offer a program
25 participant information relating to the purchase of real
26 property utilizing limited liability companies, trusts, or
27 other legal entities in order to protect the participant's
28 identity for purposes of this program when purchasing real
29 property.
30 Sec. 5. NEW SECTION. **9E.5 Voting by program participant —**
31 **absentee ballot.**
32 1. A program participant who is an eligible elector may
33 register to vote with the state commissioner of elections,
34 pursuant to section 48A.8, subsection 1. The name, address,
35 and telephone number of a program participant shall not be

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1 listed in the statewide voter registration system.
2 2. *a.* A program participant who is otherwise eligible
3 to vote may annually register with the state commissioner
4 of elections as an absentee voter. As soon as practicable
5 before each election, the state commissioner of elections shall
6 determine the precinct in which the residential address of the
7 program participant is located and shall request and receive
8 from the county commissioner of elections the ballot for that
9 precinct and shall forward the absentee ballot to the program
10 participant with the other materials for absentee balloting as
11 required of the county commissioner of elections by section
12 53.8.
13 *b.* The program participant shall complete the ballot and
14 return it to the state commissioner of elections, who shall
15 review the ballot in the manner provided by sections 53.18
16 and 53.19. If the materials comply with the requirements
17 of section 53.18, the materials shall be certified by the
18 state commissioner of elections as the ballot of a program
19 participant, and shall be forwarded to the appropriate county
20 commissioner of elections for tabulation by the special voters
21 precinct election board appointed pursuant to section 53.23.
22 *c.* The state commissioner of elections, to the extent
23 practicable, shall administer this section in accordance with
24 the provisions of chapters 48A and 53 applicable to county
25 commissioners of elections.
26 Sec. 6. NEW SECTION. **9E.6 Confidentiality of information.**
27 1. *a.* Except as otherwise provided in subsection
28 2, information collected, created, or maintained by the
29 secretary related to applicants, eligible persons, and program
30 participants is confidential unless otherwise ordered by a
31 court or released by the lawful custodian of the records
32 pursuant to state or federal law.
33 *b.* A program participant's name and address maintained
34 by a local governmental body that is part of an ongoing
35 investigation or inspection of an alleged health code,

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building code, fire code, or city ordinance violation allegedly committed by the program participant is confidential information.

2. Upon request from the department of public safety, the secretary may share confidential information with the department of public safety. Such confidential information received by the department of public safety may be released to a law enforcement agency upon verification that the release will aid the law enforcement agency in responding to an emergency situation, a criminal complaint, or an ongoing investigation.

3. This section shall not be construed to prohibit the dissemination of information relating to the program to any agency or organization if necessary for carrying out the official duties of the agency or organization, or to a person if disseminated for an official purpose, or to any other person if necessary to protect a person or property from a threat of imminent serious harm.

4. If a program participant has notified the program participant's landlord in writing that the individual is a program participant pursuant to this chapter, a local ordinance or the landlord shall not allow the display of the program participant's name at an address otherwise protected under this chapter.

5. This section shall not be construed to prohibit the enforcement of a lease agreement between a program participant and a program participant's landlord.

Sec. 7. Section 48A.8, subsection 1, Code 2015, is amended to read as follows:

1. An eligible elector may request that a voter registration form be mailed to the elector. The completed form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides <u>or to the state commissioner of elections for a program participant, as provided in section 9E.5</u>. A separate

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1 voter registration form shall be signed by each individual
2 registrant.
3 Sec. 8. Section 53.2, Code 2015, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 9. A registered voter who is a program
6 participant under section 9E.5 may register to vote as an
7 absentee voter with the state commissioner of elections
8 pursuant to section 9E.5, subsection 2.
9 Sec. 9. Section 252B.9, subsection 3, paragraph i, Code
10 2015, is amended by adding the following new subparagraph:
11 NEW SUBPARAGRAPH. (07) The unit receives notification that
12 an individual is a certified program participant as provided
13 in chapter 9E.
14 Sec. 10. Section 252B.9, subsection 3, paragraph i,
15 subparagraph (7), Code 2015, is amended to read as follows:
16 (7) The unit receives notification, as the result of a
17 request under section 252B.9A, of the existence of any finding,
18 order, safety plan, or founded allegation referred to in
19 subparagraphs (1) through ~~(6)~~ (07) of this paragraph.
20 Sec. 11. Section 602.8102, subsection 135A, Code 2015, is
21 amended to read as follows:
22 135A. Assess the surcharges provided by sections 911.1,
23 911.2, 911.2A, 911.2B, 911.3, and 911.4.
24 Sec. 12. Section 602.8108, Code 2015, is amended by adding
25 the following new subsection:
26 NEW SUBSECTION. 6A. The clerk of the district court
27 shall remit all moneys collected from the assessment of the
28 surcharges provided in sections 911.2B and 911.2C to the state
29 court administrator for transfer to the office of secretary of
30 state to defray the administrative costs associated with the
31 address confidentiality program established in chapter 9E.
32 Sec. 13. NEW SECTION. **911.2B Domestic abuse assault,**
33 **stalking, and sexual abuse victim surcharge.**
34 1. In addition to any other surcharge, the court or clerk of
35 the district court shall assess a domestic abuse assault victim

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1 surcharge of one hundred dollars if an adjudication of guilt or
2 a deferred judgment has been entered for a violation of section
3 708.2A, 708.11, or 709.1.
4 2. In the event of multiple offenses, the surcharge shall be
5 imposed for each applicable offense.
6 3. The surcharge shall be remitted by the clerk of court as
7 provided in section 602.8108, subsection 6A.
8 Sec. 14. NEW SECTION. **911.2C Domestic abuse protective**
9 **order contempt surcharge.**
10 1. In addition to any other surcharge, the court or clerk
11 of the district court shall assess a domestic abuse protective
12 order contempt surcharge of fifty dollars against a defendant
13 who is held in contempt of court for violating a domestic abuse
14 protective order issued pursuant to chapter 236.
15 2. In the event of multiple violations, the surcharge shall
16 be imposed for each applicable violation.
17 3. The surcharge shall be remitted by the clerk of court as
18 provided in section 602.8108, subsection 6A.
19 Sec. 15. EFFECTIVE DATE. Except for the sections of this
20 Act amending sections 602.8102 and 602.8108 and enacting
21 sections 911.2B and 911.2C, imposing a domestic abuse assault,
22 stalking, and sexual abuse victim surcharge and a domestic
23 abuse protective order contempt surcharge, this Act takes
24 effect January 1, 2016.
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 an address confidentiality program
29 (program) in the office of the secretary of state (secretary)
30 for a victim of domestic abuse, domestic abuse assault, sexual
31 abuse, stalking, or human trafficking.
32 CERTIFICATION AND DESIGNATED ADDRESS. Under the bill, an
33 eligible person may submit an application for enrollment in
34 the program to the secretary with certain required information
35 including the applicant's residential address. "Eligible

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1 person" is defined as an Iowa resident who is an adult, a
2 minor, or an incapacitated person who is a victim of domestic
3 abuse, domestic abuse assault, sexual abuse, stalking, or
4 human trafficking, as defined in the bill, as evidenced by the
5 filing of a petition for a domestic abuse protective order or
6 a criminal complaint or information involving domestic abuse
7 assault, sexual abuse, stalking, or human trafficking. When
8 the secretary certifies the eligible person's enrollment in the
9 program, the eligible person becomes a program participant for
10 a four-year enrollment period and the secretary assigns the
11 program participant a designated address. The secretary then
12 forwards all mail sent to the designated address to the program
13 participant at the program participant's preferred address
14 for delivery of mail. When a program participant presents
15 the program participant's designated address to any person,
16 that designated address shall be accepted as the address of
17 the program participant, unless a service or benefit received
18 by the program participant would be impossible to provide
19 without knowledge of the program participant's actual physical
20 location. The secretary of state shall act as agent of the
21 program participant for purposes of service of process and the
22 bill contains a specific procedure for delivery of service of
23 process to a program participant and a program participant's
24 acceptance or rejection of service of process. If a program
25 participant notifies a person in writing that the individual is
26 a program participant, the person is prohibited from knowingly
27 disclosing the program participant's address unless certain
28 circumstances apply. The provisions in the bill relating to
29 the use of the designated address do not apply to documents or
30 records relating to real property and the secretary is required
31 to offer information to a program participant relating to the
32 purchase of real property utilizing alternative legal entities
33 to protect the program participant's identity.
34 The bill provides that a governmental body or an entity
35 created pursuant to Code chapter 28E shall not be liable for

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1 acts or omission relating to the administration of the program.
2 CERTIFICATION CANCELLATION. The bill specifies
3 circumstances under which the secretary may cancel a program
4 participant's certification, including due to a legal name
5 change or a change in contact information, undeliverable mail,
6 eligibility requirement changes, false information in the
7 program participant's application and failure on the part of
8 a program participant to accept or to respond to service of
9 process.
10 CONFIDENTIALITY. The bill provides that information
11 collected, created, or maintained by the secretary related
12 to applicants, eligible persons, and program participants is
13 confidential unless otherwise ordered by a court or released
14 by the lawful custodian of the records pursuant to state or
15 federal law. Upon request from the department of public
16 safety, the secretary may share confidential information
17 with the department of public safety for release to a law
18 enforcement agency upon verification that the release will
19 aid the law enforcement agency in responding to an emergency
20 situation, a criminal complaint, or an ongoing investigation.
21 In addition, if a program participant has notified the program
22 participant's landlord in writing that the individual is a
23 program participant pursuant to the bill, a local ordinance
24 or the landlord shall not require the display of the program
25 participant's name at an address otherwise protected under the
26 bill. The confidentiality provisions in the bill are not to be
27 construed to prohibit enforcement of a lease agreement between
28 a program participant and the participant's landlord.
29 VOTING BY PROGRAM PARTICIPANT. The bill provides that a
30 program participant who is an eligible elector may register
31 to vote with the state commissioner of elections, although
32 the name, residential address, and telephone number of a
33 program participant shall not be listed in the statewide
34 voter registration system. A program participant who is
35 otherwise eligible to vote may annually register with the

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state commissioner of elections as an absentee voter. If the materials comply with the requirements of that section, the materials shall be certified by the state commissioner of elections as the ballot of a program participant, and shall be forwarded to the appropriate county commissioner of elections for tabulation by the special voters precinct election board. The bill makes conforming changes to voter registration provisions.

DOMESTIC ABUSE ASSAULT, STALKING, AND SEXUAL ABUSE VICTIM SURCHARGE AND DOMESTIC ABUSE PROTECTIVE ORDER CONTEMPT SURCHARGE. The bill creates a victim surcharge of $100 if an adjudication of guilt or a deferred judgment has been entered for the crime of domestic abuse assault and a domestic abuse protective order contempt surcharge of $50 for a defendant who is held in contempt of court for violating a domestic abuse protective order. The clerk of the district court is directed to remit all moneys collected from the surcharges for transfer to the office of secretary of state to defray administrative costs associated with the address confidentiality program created in the bill.

CONFORMING CODE CHANGES — CHILD SUPPORT RECOVERY UNIT. The bill makes changes to certain provisions relating to the disclosure of information in a child support recovery case based upon information that a party is a program participant under the bill.

EFFECTIVE DATE. The bill provides that except for the provisions of the bill enacting the domestic abuse assault, stalking, and sexual abuse victim surcharge and a domestic abuse protective order contempt surcharge, the bill takes effect January 1, 2016.

House File 586 - Introduced

HOUSE FILE 586
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 440)

A BILL FOR

1 An Act relating to animal feeding operations, by providing
2 for information contained in public records, the use of
3 vehicles or tank wagons used in the application of manure,
4 biosecurity requirements, and county documents.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2027HV (2) 86
da/nh

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DIVISION I
PUBLIC RECORDS INDICATING NONCOMPLIANCE
WITH MANURE MANAGEMENT PLANS

Section 1. Section 459.302, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the department prepares a public record regarding a person's failure to comply with the requirements for filing a manure management plan under section 459.312, the department shall indicate whether it has determined that such noncompliance was due to an obvious mistake or oversight. The indication does not preclude the department from later changing its determination.

DIVISION II
CERTIFIED MANURE APPLICATORS

Sec. 2. NEW SECTION. **459.316 Vehicles operated by certified commercial manure services or commercial manure service representatives — identification.**

The department may require that a vehicle or tank used by a certified commercial manure service or certified commercial manure service representative transporting manure on a public road display a certification number as assigned by the department to the certified commercial manure service. However, the department shall not require that the vehicle display other information identifying the certified commercial manure service or the certified commercial manure service representative.

DIVISION III
BIOSECURITY

Sec. 3. Section 459.207, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. (1) Any air quality standard established by the department for animal feeding operations shall be based on and enforced at distances measured from a confinement feeding operation structure to a separated location. In providing for the enforcement of the standards, the department shall take

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all initial measurements at the separated location. If the department determines that a violation of the standards exists, the department may conduct an investigation to trace the source of the airborne pollutant.

(2) This section does not prohibit the department from entering the premises of an animal feeding operation in compliance with section 455B.103.

(3) (a) ~~The department~~ In addition to complying with section 455B.103, a person who is a departmental official, an agent of the department, or a person accompanying the departmental official shall also comply with standard biosecurity requirements customarily required by the animal feeding operation which are necessary in order to control the spread of disease among an animal population. If the owner or manager of the animal feeding operation alleges that the person is failing to comply with the standard biosecurity requirements, the person must leave the animal feeding operation at the request of the owner or manager.

(b) Subparagraph division (a) does not apply if the department obtains a search warrant issued by a district court as provided in section 455B.103 that allows a departmental official to enter onto or remain on the premises of the animal feeding operation in compliance with standard biosecurity requirements as particularly described in the warrant.

Sec. 4. Section 459.304, subsection 6, Code 2015, is amended to read as follows:

6. *a.* The department may conduct an inspection of the site on which the construction is proposed after providing at a minimum twenty-four hours' notice or upon receiving consent from the construction permit applicant. The county board of supervisors that has adopted a construction evaluation resolution may designate a county employee to accompany a departmental official during the site inspection. The county employee shall have the same right to access to the site's real estate as the departmental official conducting the inspection

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during the period that the county employee accompanies the departmental official.

b. The departmental official and the county employee shall comply with standard biosecurity requirements customarily required by the confinement feeding operation that are necessary in order to control the spread of disease among an animal population. If the owner or manager of the animal feeding operation alleges that the departmental official or county employee is failing to comply with the standard biosecurity requirements and that failure threatens an animal population, the departmental official and county employee must leave the site on which the construction is proposed at the request of the owner or manager. The department shall proceed with evaluating those parts of the construction application that do not require an inspection until the matter is resolved.

Sec. 5. Section 459.601, subsection 3, Code 2015, is amended to read as follows:

3. *a.* When entering the premises of an animal feeding operation, a person who is a departmental official, an agent of the department, or a person accompanying the departmental official or agent shall comply with section 455B.103.

b. (1) ~~The~~ In addition to complying with section 455B.103, a person described in paragraph *"a"* shall also comply with standard biosecurity requirements customarily required by the animal feeding operation which are necessary in order to control the spread of disease among an animal population. If the owner or manager of the animal feeding operation alleges that the person is failing to comply with the standard biosecurity requirements, the person must leave the animal feeding operation at the request of the owner or manager.

(2) Subparagraph (1) does not apply if the department obtains a search warrant issued by a district court as provided in section 455B.103 that allows a departmental official to enter onto or remain on the premises of the animal feeding operation in compliance with standard biosecurity requirements

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as particularly described in the warrant.

DIVISION IV

COUNTY DOCUMENTS

Sec. 6. Section 459.302, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4. *a.* A county board of supervisors may adopt a document retention resolution that provides that the county is not required to accept the submission of a document or serve as the custodian of filed documents. The resolution shall apply to any of the following:

(1) Applications and supporting materials for permits to construct confinement feeding operation structures as provided in sections 459.303 and 459.304.

(2) Manure management plans as provided in section 459.312.

b. The board shall submit the resolution to the department and the department shall file the resolution if the resolution meets the requirements of paragraph *"a"* regardless of whether the department has filed a construction evaluation resolution pursuant to section 459.303. The board submitting a document retention resolution may destroy any archived document covered by the resolution on or after the date that the resolution is filed by the department.

c. If a document covered by a document retention resolution filed with the department is not available to the board on the department's internet site, the department, upon request by the board, shall transmit the document to the board. The county auditor or other county officer may request or accept the document on behalf of the board.

d. This subsection does not enlarge or restrict a duty or power of a county board of supervisors as provided in this chapter other than allowing for an election by such a board not to perform a ministerial function.

Sec. 7. Section 459.303, subsection 2, Code 2015, is amended to read as follows:

2. The department shall issue a construction permit upon

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approval of an application. The department shall approve the application if the application is submitted to the county board of supervisors in the county where the proposed confinement feeding operation structure is to be located as required pursuant to section 459.304, and the application meets the requirements of this chapter. However, a board that files a document retention resolution with the department as provided in section 459.302 is not required to accept an application. If a county submits an approved recommendation pursuant to a construction evaluation resolution filed with the department, the application must also achieve a satisfactory rating produced by the master matrix used by the board or department under section 459.304. The department shall approve the application regardless of whether the applicant is required to be issued a construction permit.

Sec. 8. Section 459.304, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Notwithstanding paragraphs *"a"* and *"b"*, a board that files a document retention resolution with the department as provided in section 459.302 is not required to accept an application.

Sec. 9. Section 459.312, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. The manure management plan shall be filed with the county board of supervisors. The county auditor or other county officer may accept the manure management plan on behalf of the board. However, a county board of supervisors that files a document retention resolution with the department as provided in section 459.302 is not required to accept a manure management plan.

EXPLANATION

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

GENERAL. This bill applies to animal feeding operations in which animals are confined and fed and maintained for 45 days

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1 or more in any 12-month period, and specifically confinement
2 feeding operations constructed under a roof that store liquid
3 manure (Code chapter 459). The chapter is administered and
4 enforced by the department of natural resources under the
5 direction of the environmental protection commission.
6 MANURE MANAGEMENT PLANS. The bill provides that if the
7 department prepares a public record stating that a person has
8 failed to comply with the requirements for filing a manure
9 management plan, it must indicate whether the noncompliance was
10 due to an obvious mistake or oversight.
11 CERTIFIED MANURE APPLICATORS. The bill allows the
12 department to require that a vehicle or tank used by a
13 certified commercial manure service or certified commercial
14 manure service representative transporting manure on a
15 public road display a certification number as assigned by the
16 department, but cannot require other information identifying
17 the certified commercial manure service or the certified
18 commercial manure service representative.
19 BIOSECURITY. The bill requires that when the owner or
20 manager of an animal feeding operation alleges that a person
21 who is a departmental official, an agent of the department, or
22 a county employee fails to comply with biosecurity requirements
23 during an inspection of an animal feeding operation or a
24 construction site where an animal feeding operation exists,
25 that person must leave the premises or site at the request
26 of the owner or manager. However, this requirement does not
27 apply to a department official who inspects an existing animal
28 feeding operation pursuant to a search warrant issued by a
29 district court which specifies the biosecurity requirements to
30 be followed.
31 DOCUMENT RETENTION. The bill provides that a county board
32 of supervisors may elect not to accept certain documents
33 related to the regulation of animal feeding operations, and
34 specifically confinement feeding operations. Specifically, the
35 bill allows a county board of supervisors to adopt a resolution

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1 to forego receiving an application or related materials
2 for a permit to construct a confinement feeding operation
3 structure or a manure management plan governing the storage and
4 application of manure from a confinement feeding operation.
5 The board may request the department to transmit the document
6 to the county if it is not available on the department's
7 internet site.

House File 587 - Introduced

HOUSE FILE 587
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 176)

A BILL FOR

1 An Act relating to the regulation of agreements between
2 manufacturers or distributors, and dealers relating to the
3 sale of recreational vehicles and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2019HV (6) 86
av/nh

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DIVISION I
RECREATIONAL VEHICLE SALES

Section 1. NEW SECTION. **322E.1 Definitions.**

When used in this chapter, unless the context otherwise requires:

1. *"Area of sales responsibility"* means the geographical area, agreed to by a dealer and a manufacturer or distributor in a manufacturer and dealer agreement, within which area the dealer has the exclusive right to display and sell the manufacturer's or distributor's new recreational vehicles of a particular line-make to a consumer.

2. *"Consumer"* means a person who is offered or purchases a new recreational vehicle in a retail transaction.

3. *"Dealer"* means any person, firm, corporation, or business entity licensed or required to be licensed as a motor vehicle dealer pursuant to chapter 322 or as a travel trailer dealer pursuant to chapter 322C.

4. *"Distributor"* means any person, firm, corporation, or business entity that purchases new recreational vehicles for resale to a dealer.

5. *"Factory campaign"* means an effort on the part of a warrantor to contact a recreational vehicle owner or dealer in order to address a part or equipment issue.

6. *"Family member"* means a person who is the spouse, child, grandchild, parent, sibling, niece, or nephew of a recreational vehicle owner or the spouse of such a person.

7. *"Fifth-wheel trailer"* means the same as fifth-wheel travel trailer defined in section 321.1.

8. *"Folding camping trailer"* means a vehicle mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping, or travel use.

9. *"Line-make"* means a specific series of recreational vehicles that include all of the following:

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1 *a.* Are identified by a common series trade name or
2 trademark.
3 *b.* Are targeted to a particular market segment, as
4 determined by the recreational vehicle's decor, features,
5 equipment, size, weight, and price range.
6 *c.* Have lengths and interior floor plans that distinguish
7 the recreational vehicle from other recreational vehicles
8 with substantially the same decor, features, equipment, size,
9 weight, and price range.
10 *d.* Belong to a single, distinct classification of
11 recreational vehicle product type having a substantial degree
12 of commonality in the construction of the chassis, frame, and
13 body, and in price range.
14 *e.* Are authorized for sale by a dealer pursuant to a
15 manufacturer and dealer agreement.
16 10. *"Manufacturer"* means any person, firm, corporation,
17 or business entity that engages in the manufacturing of
18 recreational vehicles.
19 11. *"Manufacturer and dealer agreement"* means a written
20 agreement or contract entered into between a manufacturer
21 or distributor and a dealer that fixes the rights and
22 responsibilities of the parties and pursuant to which the
23 dealer sells new recreational vehicles.
24 12. *"Motor home"* means the same as defined in section 321.1.
25 13. *"Park model recreational vehicle"* means a vehicle that
26 is all of the following:
27 *a.* Designed and marketed primarily as temporary living
28 quarters for recreational, camping, travel, or seasonal use.
29 *b.* Built on a single chassis mounted on wheels.
30 *c.* Has a gross trailer area not exceeding four hundred
31 square feet in the set-up mode, and if less than three hundred
32 twenty square feet in the set-up mode would require a special
33 movement permit for highway transit.
34 *d.* Certified by the manufacturer as complying with the
35 American national standards institute A119.5 park model

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1 recreational vehicle standard.
2 14. *"Proprietary part"* means any part manufactured by or for
3 and sold exclusively by a manufacturer.
4 15. *"Recreational vehicle"* means a vehicle which is either
5 self-propelled or towed by a consumer-owned vehicle, primarily
6 designed to provide temporary living quarters for recreational,
7 camping, or travel use that complies with all applicable
8 federal vehicle regulations.*"Recreational vehicle"* includes a
9 *"motor home"* and a *"travel trailer"*.
10 16. *"Supplier"* means any person, firm, corporation, or
11 business entity that engages in the manufacture of recreational
12 vehicle parts, accessories, or components.
13 17. *"Transient consumer"* means a consumer who is temporarily
14 traveling through a dealer's area of sales responsibility.
15 18. *"Travel trailer"* means the same as defined in section
16 321.1. *"Travel trailer"* includes a fifth-wheel trailer, folding
17 camping trailer, and a park model recreational vehicle, but
18 does not include a vehicle that is so designed as to permit it
19 to be towed exclusively by a motorcycle.
20 19. *"Warrantor"* means any person, firm, corporation, or
21 business entity, including any manufacturer or supplier, that
22 provides a written warranty to a consumer in connection with
23 a new recreational vehicle or a part, accessory, or component
24 of a new recreational vehicle. *"Warrantor"* does not include
25 a dealer, supplier, or other person, firm, corporation, or
26 business entity not controlled by a manufacturer that provides
27 a service contract, mechanical or other insurance, or extended
28 warranties sold for separate consideration to a consumer.
29 Sec. 2. NEW SECTION. **322E.2 Manufacturer and dealer**
30 **agreements — area of sales responsibility.**
31 1. A manufacturer or distributor shall not sell a new
32 recreational vehicle in this state to or through a dealer
33 without first entering into a written manufacturer and dealer
34 agreement with the dealer that has been signed by both parties.
35 A dealer shall not sell a new recreational vehicle in this

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1 state without first entering into a written manufacturer and
2 dealer agreement with a manufacturer or distributor that has
3 been signed by both parties.
4 2. A manufacturer and dealer agreement shall designate the
5 area of sales responsibility exclusively assigned to a dealer
6 by the manufacturer or distributor and the manufacturer or
7 distributor shall not change that area or contract with another
8 dealer for sale of the same line-make in the designated area
9 for the duration of the agreement.
10 3. The area of sales responsibility designated in a
11 manufacturer and dealer agreement shall not be reviewed
12 or changed until at least one year after execution of the
13 agreement without the consent of both parties to the agreement.
14 Sec. 3. NEW SECTION. **322E.3 Manufacturer and dealer**
15 **agreements —— termination, cancellation, nonrenewal, and**
16 **alteration.**
17 1. *Termination by manufacturer or distributor.*
18 *a.* A manufacturer or distributor, directly or through any
19 authorized officer, agent, or employee, may terminate, cancel,
20 or fail to renew a manufacturer and dealer agreement with good
21 cause.
22 *b.* If the manufacturer or distributor terminates, cancels,
23 or fails to renew a manufacturer and dealer agreement with
24 good cause, the manufacturer or distributor is not required to
25 comply with the provisions of section 322E.4.
26 *c.* The manufacturer or distributor has the burden of showing
27 good cause for terminating, canceling, or failing to renew a
28 manufacturer and dealer agreement. For purposes of determining
29 whether good cause exists for such termination, cancellation,
30 or nonrenewal of the agreement, any of the following factors
31 may be considered:
32 (1) The extent of the affected dealer's penetration in the
33 area of sales responsibility.
34 (2) The nature and extent of the dealer's investment in the
35 dealer's business.

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1 (3) The adequacy of the dealer's service facilities,
2 equipment, parts, supplies, and personnel.
3 (4) The effect of the proposed termination, cancellation,
4 or nonrenewal of the agreement on the community.
5 (5) The extent and quality of the dealer's service under the
6 warranties of the recreational vehicles sold.
7 (6) The dealer's failure to follow agreed upon procedures or
8 standards related to the overall operation of the dealership.
9 (7) The dealer's performance under the terms of the
10 manufacturer and dealer agreement.
11 *d.* (1) Except as otherwise provided in this paragraph
12 *"d"*, a manufacturer or distributor shall provide a dealer with
13 at least ninety days' prior written notice of termination,
14 cancellation, or nonrenewal of the manufacturer and dealer
15 agreement.
16 (2) (a) The notice shall state all of the reasons for the
17 termination, cancellation, or nonrenewal and shall further
18 state that if, within thirty days following receipt of the
19 notice, the dealer provides to the manufacturer or distributor
20 a written notice of intent to cure all claimed deficiencies,
21 the dealer shall then have ninety days following receipt of
22 the notice to cure the deficiencies. If the dealer fails
23 to provide notice of intent to cure the deficiencies within
24 thirty days following receipt of the notice, the termination,
25 cancellation, or nonrenewal of the agreement for good cause
26 takes effect thirty days following the dealer's receipt of the
27 notice.
28 (b) If the dealer provides notice of intent to cure the
29 deficiencies stated and the deficiencies are cured by the
30 dealer within ninety days following receipt of the notice,
31 the manufacturer's or distributor's notice to the dealer is
32 voided. If the dealer provides notice of intent to cure the
33 deficiencies stated and fails to cure the deficiencies within
34 ninety days following receipt of the notice, the termination,
35 cancellation, or nonrenewal of the agreement for good cause

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1 takes effect ninety days following the dealer's receipt of the
2 notice.
3 *e.* Notwithstanding paragraph *"d"*, the notice period for
4 termination, cancellation, or nonrenewal of a manufacturer
5 and dealer agreement for good cause may be reduced to thirty
6 days if the grounds for such termination, cancellation, or
7 nonrenewal are due to any of the following factors:
8 (1) The dealer or one of the dealer's owners has been
9 convicted of or has entered a plea of nolo contendere to a
10 felony.
11 (2) The dealer has abandoned or closed the dealer's business
12 operations for ten consecutive business days, unless the
13 closing is due to an act of God, a strike, a labor difficulty,
14 or other cause over which the dealer has no control.
15 (3) The dealer has made a significant misrepresentation
16 that materially affects the business relationship of the
17 manufacturer or distributor and the dealer.
18 (4) The dealer's license has been suspended, revoked,
19 denied, or not renewed.
20 (5) The dealer has committed a material violation of this
21 chapter which is not cured within thirty days after receipt of
22 written notice of the violation.
23 *f.* Notwithstanding paragraphs *"d"* and *"e"*, the manufacturer
24 and dealer agreement may be terminated, canceled, or nonrenewed
25 for good cause at any time if the reason for the termination,
26 cancellation, or nonrenewal is the dealer's insolvency, the
27 dealer's declaration of an assignment for the benefit of
28 creditors, or the dealer's declaration of bankruptcy.
29 2. *Termination by dealer.*
30 *a.* A dealer may terminate, cancel, or fail to renew a
31 manufacturer and dealer agreement with good cause.
32 *b.* If the dealer terminates, cancels, or fails to renew
33 a manufacturer and dealer agreement with good cause, the
34 manufacturer is required to comply with the provisions of
35 section 322E.4.

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1 *c.* (1) Except as otherwise provided in this paragraph "*c*",
2 a dealer shall provide a manufacturer or distributor with at
3 least ninety days' notice of termination, cancellation, or
4 nonrenewal of the manufacturer and dealer agreement.
5 (2) (a) The dealer has the burden of showing good cause
6 and the notice shall state all of the reasons for the proposed
7 termination, cancellation, or nonrenewal. The notice shall
8 further state that if, within thirty days following receipt
9 of the notice, the manufacturer or distributor provides to
10 the dealer a written notice of intent to cure all claimed
11 deficiencies, the manufacturer or distributor shall then
12 have ninety days following receipt of the notice to cure
13 the deficiencies. If the manufacturer or distributor fails
14 to provide notice of intent to cure the deficiencies to the
15 dealer within thirty days following receipt of the notice,
16 the termination, cancellation, or nonrenewal of the agreement
17 for good cause takes effect thirty days following the
18 manufacturer's or distributor's receipt of the notice.
19 (b) If the deficiencies stated in the notice are cured by
20 the manufacturer or distributor within ninety days following
21 receipt of the notice, the dealer's notice to the manufacturer
22 or distributor is voided. If the manufacturer or distributor
23 provides notice of intent to cure the deficiencies stated and
24 fails to cure the deficiencies within ninety days following
25 receipt of the notice, the termination, cancellation, or
26 nonrenewal of the agreement for good cause takes effect ninety
27 days following the manufacturer's or distributor's receipt of
28 the notice.
29 *d.* Notwithstanding paragraph "*c*", the notice period for
30 termination, cancellation, or nonrenewal of a manufacturer and
31 dealer agreement by a dealer may be reduced to thirty days if
32 there is good cause for such termination, cancellation, or
33 nonrenewal due to any of the following factors:
34 (1) The manufacturer or distributor has been convicted of or
35 has entered a plea of nolo contendere to a felony.

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1 (2) The business operations of the manufacturer or
2 distributor have been abandoned or closed for ten consecutive
3 business days, unless the closing is due to an act of God,
4 a strike, a labor difficulty, or other cause over which the
5 manufacturer or distributor has no control.
6 (3) The manufacturer or distributor has made a significant
7 misrepresentation that materially affects the business
8 relationship of the manufacturer or distributor and the dealer.
9 (4) The manufacturer or distributor has committed a
10 material violation of this chapter which is not cured within
11 thirty days after receipt of written notice of the violation.
12 (5) The manufacturer or distributor has declared bankruptcy
13 or insolvency, or an assignment for the benefit of creditors or
14 bankruptcy has occurred.
15 Sec. 4. NEW SECTION. **322E.4 Repurchase or sale of**
16 **inventory.**
17 1. If the dealer terminates, cancels, or does not renew
18 the manufacturer and dealer agreement with good cause as
19 provided in section 322E.3, subsection 2, and the manufacturer
20 or distributor fails to provide notice of intent to cure the
21 claimed deficiencies or fails to cure the claimed deficiencies
22 as provided in section 322E.3, subsection 2, the manufacturer
23 or distributor shall, at the dealer's option, and within
24 forty-five days after termination, cancellation, or nonrenewal
25 of the agreement, repurchase all of the following:
26 *a.* (1) All new, untitled recreational vehicles that
27 were acquired from the manufacturer or distributor within
28 twelve months prior to the effective date of the notice of
29 termination, cancellation, or nonrenewal of the agreement, that
30 have not been used except for demonstration purposes, and that
31 have not been altered or damaged, at one hundred percent of the
32 net invoice cost, including transportation, less applicable
33 rebates and discounts to the dealer.
34 (2) In the event that any of the recreational vehicles
35 repurchased pursuant to this paragraph "*a*" are damaged, but

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do not trigger a consumer disclosure requirement, the amount due to the dealer shall be reduced by the cost to repair the vehicle. Damage incurred prior to delivery to the dealer that was disclosed at the time of delivery does not disqualify repurchase pursuant to this paragraph *"a"*.

b. All undamaged accessories and proprietary parts sold to the dealer for resale within twelve months prior to the effective date of termination, cancellation, or nonrenewal of the agreement, if accompanied by the original invoice, at one hundred five percent of the original net price paid to the manufacturer or distributor, to compensate the dealer for the cost of handling, packing, and shipping the parts for return to the manufacturer or distributor.

c. All properly functioning diagnostic equipment, special tools, current signage, or other equipment and machinery that was purchased by the dealer upon the request of the manufacturer or distributor within five years prior to the effective date of the termination, cancellation, or nonrenewal of the agreement, and that can no longer be used in the normal course of the dealer's ongoing business.

2. If recreational vehicles of a particular line-make are not returned or required to be returned by the dealer to the manufacturer or distributor pursuant to the terminated, canceled, or nonrenewed manufacturer and dealer agreement, the dealer may continue to sell all line-makes that were subject to the agreement and are currently in stock until those line-makes are no longer in the dealer's inventory.

Sec. 5. NEW SECTION. **322E.5 Transfer of ownership — family succession — objections.**

1. *a.* If a dealer desires to make a change in ownership of a dealership by sale of the business assets, a stock transfer, or otherwise, the dealer shall give the manufacturer or distributor that is a party to a manufacturer and dealer agreement written notice of the proposed change at least fifteen business days before the change is effective, including

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1 all supporting documentation as may be reasonably required by
2 the manufacturer or distributor to determine whether to make an
3 objection to the sale, transfer, or other change in ownership.
4 In the absence of a breach by the dealer of the manufacturer
5 and dealer agreement or a violation of this chapter, the
6 manufacturer or distributor shall not object to the proposed
7 change in ownership unless the objection to the prospective
8 transferee is due to any of the following factors:
9 (1) The transferee has previously been a party to a
10 manufacturer and dealer agreement with the manufacturer or
11 distributor that was terminated, canceled, or nonrenewed by the
12 manufacturer or distributor for good cause.
13 (2) The transferee has been convicted of a felony or any
14 crime of fraud, deceit, or moral turpitude.
15 (3) The transferee lacks any license required by law.
16 (4) The transferee does not have an active line of credit
17 sufficient to purchase the manufacturer's or distributor's
18 products.
19 (5) The transferee has undergone bankruptcy, insolvency,
20 a general assignment for the benefit of creditors, or the
21 appointment of a receiver, trustee, or conservator to take
22 possession of the transferee's business or property within the
23 previous ten years.
24 *b.* If a manufacturer or distributor objects to a proposed
25 change in ownership of a dealership, the manufacturer or
26 distributor shall give written notice of its reasons for the
27 objection to the dealer within ten business days after receipt
28 of the dealer's notification and supporting documentation of
29 the proposed change. The manufacturer or distributor has
30 the burden of proof to show that its objection complies with
31 the requirements of this subsection. If the manufacturer or
32 distributor does not give the dealer timely notice of its
33 objection, the proposed change in ownership of the dealership
34 shall be deemed approved.
35 2. *a.* It is unlawful for a manufacturer or distributor to

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1 fail to provide a dealer with the opportunity to designate,
2 in writing, a family member as a successor to ownership of
3 the dealership in the event of the death, incapacity, or
4 retirement of the dealer. If a dealer desires to designate
5 a family member as a successor to a dealership, the dealer
6 shall give the manufacturer or distributor that is a party
7 to the manufacturer and dealer agreement with the dealer
8 written notice of the proposed designation or modification of
9 a previous designation at least fifteen business days before
10 the designation or proposed modification of a designation is
11 effective, including all supporting documentation as may be
12 reasonably required by the manufacturer or distributor to
13 determine whether to make an objection to the succession plan.
14 In the absence of a breach by the dealer of the manufacturer
15 and dealer agreement or a violation of this chapter, the
16 manufacturer or distributor shall not object to the designated
17 successor unless the objection is due to any of the following
18 factors:
19 (1) The designated successor has previously been a party to
20 a manufacturer and dealer agreement with the manufacturer or
21 distributor that was terminated, canceled, or nonrenewed by the
22 manufacturer or distributor for good cause.
23 (2) The designated successor has been convicted of a felony
24 or any crime of fraud, deceit, or moral turpitude.
25 (3) The designated successor lacks any license required by
26 law at the time of succession.
27 (4) The designated successor does not have an active
28 line of credit sufficient to purchase the manufacturer´s or
29 distributor´s products at the time of succession.
30 (5) The designated successor has undergone bankruptcy,
31 insolvency, a general assignment for the benefit of creditors,
32 or the appointment of a receiver, trustee, or conservator to
33 take possession of the designated successor´s business or
34 property within the previous ten years.
35 *b.* It is unlawful for a manufacturer or distributor to

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1 prevent or refuse to honor the succession of a designated
2 family member to ownership of a dealership when the dealer
3 is deceased, incapacitated, or has retired, unless the
4 manufacturer or distributor has provided to the dealer written
5 notice of the manufacturer's or distributor's objections to
6 the succession within ten days after receipt of the dealer's
7 designation of a successor or modification of the dealer's
8 succession plan. If a manufacturer or distributor objects
9 to the proposed succession of a designated family member of
10 the dealer to the dealership, the manufacturer or distributor
11 shall give written notice of its reasons for the objection
12 to the dealer within ten business days after receipt of the
13 dealer's notification and supporting documentation of the
14 proposed succession or modification of the succession plan.
15 The manufacturer or distributor has the burden of proof to
16 show that the objection complies with the requirements of
17 this subsection. If the manufacturer or distributor does not
18 give the dealer timely notice of its objection, the proposed
19 succession plan for ownership of the dealership shall be
20 deemed approved. However, a family member of the dealer may
21 not succeed to ownership of the dealership if the succession
22 involves, without the manufacturer's or distributor's consent,
23 a relocation of the dealership or alteration of the terms and
24 conditions of the manufacturer and dealer agreement.
25 Sec. 6. NEW SECTION. **322E.6 Warranty obligations.**
26 1. A warrantor shall do all of the following:
27 *a.* Specify in writing to each dealer what obligations
28 the dealer has, if any, for preparation and delivery of, and
29 warranty services on, the warrantor's products.
30 *b.* Compensate the dealer for warranty services required of
31 the dealer by the warrantor.
32 *c.* Provide the dealer with a schedule of compensation and
33 time allowances for the performance of warranty services. The
34 schedule of compensation shall include reasonable compensation
35 for diagnostic services performed as well as warranty services.

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1 2. Time allowances for the diagnosis and performance of
2 warranty services shall be reasonable for the service to
3 be performed. In determining what constitutes reasonable
4 compensation under this section, the principle factors to be
5 given consideration are the actual wage rates being paid by the
6 dealer and the actual retail wage rates being charged by other
7 dealers in the community in which the dealer is doing business.
8 The compensation of a dealer for warranty services shall not be
9 less than the lowest actual retail wage rates charged by the
10 dealer for like nonwarranty services as long as such actual
11 wage rates are reasonable.
12 3. A warrantor shall reimburse a dealer for any warranty
13 part, accessory, or complete component at actual wholesale cost
14 plus a minimum of a thirty percent handling charge, up to a
15 maximum of one hundred fifty dollars and the cost, if any, of
16 freight to return such part, component, or accessory to the
17 warrantor.
18 4. Warranty audits of dealer records may be conducted by a
19 warrantor within twelve months from the payment of a warranty
20 claim, and dealer claims for warranty compensation shall not
21 be denied except for cause, such as performance of nonwarranty
22 repairs, material noncompliance with the warrantor's published
23 policies and procedures, lack of material documentation, fraud,
24 or misrepresentation.
25 5. A dealer shall submit claims for compensation for the
26 performance of warranty services to the warrantor within
27 forty-five days after completion of the warranty services.
28 6. A dealer shall immediately notify a warrantor verbally
29 or in writing if the dealer is unable to perform diagnostic
30 services and warranty services within ten days of receipt of a
31 verbal or written complaint from a consumer.
32 7. A warrantor shall disapprove a claim submitted by
33 a dealer for compensation for the performance of warranty
34 services, in writing, within forty-five days after submission
35 of the claim in the manner and form prescribed by the

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1 warrantor. A claim not specifically disapproved as required
2 by this subsection shall be deemed approved and shall be paid
3 within sixty days of submission of the claim.
4 8. A warrantor shall not do any of the following:
5 *a.* Fail to perform any of the warrantor's obligations with
6 respect to its warranted products.
7 *b.* Fail to include, in written notices of a factory campaign
8 to recreational vehicle owners and dealers, the expected date
9 by which necessary parts and equipment, including tires and
10 chassis or chassis parts, will be available to dealers to
11 perform the factory campaign work. The warrantor may ship
12 parts to a dealer to effect factory campaign work, and, if such
13 parts are in excess of the dealer's requirements, the dealer
14 may return unused, undamaged parts to the warrantor for credit
15 after completion of the factory campaign.
16 *c.* Fail to compensate the warrantor's dealers for authorized
17 repairs effected by the dealer on merchandise damaged in
18 manufacture or in transit to the dealer by a carrier designated
19 by the warrantor, factory branch, distributor, or distributor
20 branch.
21 *d.* Fail to compensate the warrantor's dealers in accordance
22 with the schedule of compensation provided to the dealer
23 pursuant to this section if the warranty services for which
24 compensation is claimed are performed in a timely and competent
25 manner as required in this section.
26 *e.* Intentionally misrepresent in any way to consumers that
27 warranties with respect to the manufacture, performance, or
28 design of recreational vehicles are made by the dealer as
29 warrantor or co-warrantor.
30 *f.* Require the warrantor's dealers to make warranties to a
31 consumer that are in any manner related to the manufacture of
32 the recreational vehicle.
33 9. A dealer shall not do any of the following:
34 *a.* Fail to perform predelivery inspection functions in a
35 competent and timely manner, as specified by the warrantor.

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1 *b.* Fail to perform warranty services authorized by the
2 warrantor in a competent and timely manner on any transient
3 consumer's recreational vehicle of a line-make sold or serviced
4 by that dealer.
5 *c.* Fail to accurately document the time spent completing
6 each repair, the total number of repair attempts conducted on
7 a single unit, and the number of repair attempts for the same
8 repair conducted on a single recreational vehicle.
9 *d.* Fail to notify the warrantor within ten days of a second
10 repair attempt on a recreational vehicle which impairs the use,
11 value, or safety of the vehicle.
12 *e.* Fail to maintain written records, including a consumer's
13 signature, regarding the amount of time a unit is stored for
14 the consumer's convenience during a repair.
15 *f.* Make fraudulent warranty claims or misrepresent the terms
16 of any warranty.
17 Sec. 7. NEW SECTION. **322E.7 Indemnification.**
18 1. *a.* Notwithstanding the terms of a manufacturer and
19 dealer agreement, a warrantor shall indemnify and hold harmless
20 the warrantor's dealer against any losses or damages to the
21 extent that the losses or damages are caused by the negligence
22 or willful misconduct of the warrantor.
23 *b.* A dealer shall not be denied indemnification for failure
24 to discover, disclose, or remedy a defect in the design or
25 manufacturing of a new recreational vehicle. A dealer may
26 be denied indemnification if the dealer fails to remedy a
27 known and announced defect in accordance with the written
28 instructions of the warrantor for whom the dealer is obligated
29 to perform warranty services.
30 *c.* A dealer shall provide to the warrantor a copy of any
31 pending lawsuit in which allegations are made that are covered
32 by the provisions of this subsection within ten days after
33 receiving notice of such lawsuit.
34 *d.* Notwithstanding any provision to the contrary, this
35 subsection continues to apply even after a new recreational

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1 vehicle is titled.
2 2. *a.* Notwithstanding the terms of a manufacturer and
3 dealer agreement, a dealer shall indemnify and hold harmless
4 the dealer's warrantor against any losses or damages to the
5 extent that the losses or damages are caused by the negligence
6 or willful misconduct of the dealer.
7 *b.* A warrantor shall provide to the dealer a copy of any
8 pending lawsuit in which allegations are made that are covered
9 by the provisions of this subsection within ten days after
10 receiving notice of such lawsuit.
11 *c.* Notwithstanding any provision to the contrary, this
12 subsection continues to apply even after a new recreational
13 vehicle is titled.
14 Sec. 8. NEW SECTION. **322E.8 Inspection and rejection by**
15 **dealer.**
16 1. Whenever a new recreational vehicle is damaged prior
17 to transit or is damaged in transit to the dealer and the
18 carrier or means of transportation has been selected by the
19 manufacturer or distributor, the dealer shall notify the
20 manufacturer or distributor of the damage within the time frame
21 specified in the manufacturer and dealer agreement and shall do
22 either of the following:
23 *a.* Request from the manufacturer or distributor
24 authorization to replace the components, parts, or accessories
25 damaged or otherwise repair the vehicle to make the vehicle
26 ready for sale.
27 *b.* Reject the vehicle within the time frame set forth in
28 subsection 4.
29 2. If the manufacturer or distributor refuses to authorize
30 repair of the new recreational vehicle within ten days after
31 receipt of notification, or if the dealer rejects the new
32 recreational vehicle because of damage, ownership of the
33 vehicle shall revert to the manufacturer or distributor.
34 3. The dealer shall exercise due care when in custody of
35 a damaged new recreational vehicle, but the dealer shall have

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no other obligations, financial or otherwise, with respect to that vehicle following rejection of the vehicle as provided in subsection 4.

4. The time frame for inspection and rejection of a damaged new recreational vehicle by a dealer shall be included in the manufacturer and dealer agreement and shall not be less than two business days after the physical delivery of the vehicle to the dealer.

5. Any new recreational vehicle that has, at the time of delivery to the dealer, an unreasonable amount of miles on the vehicle's odometer, as determined by the dealer, may be subject to rejection by the dealer and ownership of the vehicle shall revert to the manufacturer or distributor. In no instance shall a dealer deem an amount less than the distance between the dealer and the manufacturer's factory or between the dealer and the distributor's point of distribution, plus one hundred miles, as an unreasonable amount of miles.

Sec. 9. NEW SECTION. **322E.8A Coercion of dealer prohibited.**

1. A manufacturer or distributor shall not coerce or attempt to coerce a dealer to do any of the following:

a. Purchase a product that the dealer did not order.

b. Enter into an agreement with the manufacturer or distributor.

c. Enter into an agreement that requires the dealer to submit its disputes to binding arbitration or otherwise waive rights or responsibilities provided for under this chapter.

2. As used in this section, *"coerce"* includes but is not limited to doing any of the following:

a. Threatening to terminate, cancel, or not renew a manufacturer and dealer agreement without good cause.

b. Threatening to withhold product lines the dealer is entitled to purchase pursuant to the manufacturer and dealer agreement.

c. Threatening to delay product delivery as an inducement to amending the manufacturer and dealer agreement.

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1 Sec. 10. NEW SECTION. **322E.9 Civil actions — mediation.**
2 1. A dealer, manufacturer, distributor, or warrantor
3 injured by another party's violation of this chapter may bring
4 a civil action in district court to recover actual damages
5 resulting from such violation. Venue for a civil action
6 authorized by this section shall be exclusively in the county
7 in which the dealer's business is located. In an action
8 involving more than one dealer, venue may be in any county in
9 which any dealer that is a party to the action is located.
10 2. Prior to bringing suit under this section, the party
11 alleging a violation of this chapter may serve a written
12 request for mediation upon the alleged offending party.
13 *a.* The request for mediation shall be served upon the
14 alleged offending party via certified mail at the address
15 stated in the manufacturer and dealer agreement between the
16 parties.
17 *b.* The request for mediation shall contain a brief statement
18 of the dispute or violation alleged and relief sought by the
19 party filing the request.
20 *c.* Within twenty days after service of a request for
21 mediation, the party that was served with the request shall
22 send via certified mail a written response indicating whether
23 the party is willing to mediate the dispute. If both parties
24 agree to mediation, the parties shall mutually select an
25 independent certified mediator and shall meet with that
26 mediator for the purpose of attempting to resolve the dispute
27 or alleged violation. The meeting place for the mediation
28 shall be in this state at a location selected by the mediator.
29 The mediator may extend the date for the meeting for good cause
30 shown by either party or upon stipulation of both parties.
31 *d.* If the dispute will be mediated, the service of a request
32 for mediation under this section shall toll the time for the
33 filing of any complaint, petition, protest, or other action
34 under this chapter until representatives of both parties have
35 met with the mutually selected mediator for the purpose of

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1 attempting to resolve the dispute or alleged violation. If a
2 complaint, petition, protest, or other action has been filed
3 before that meeting, the court shall enter an order suspending
4 any proceeding or action on such complaint, petition, protest,
5 or other action until the mediation meeting has occurred and
6 may, upon written stipulation of all parties to the proceeding
7 or action that they wish to continue mediation under this
8 section, enter an order suspending the proceeding or action for
9 as long a period of time as the court considers appropriate.
10 *e.* Each party to the mediation shall bear their own costs
11 for attorney fees and shall divide equally among them the cost
12 of the mediator.
13 3. In addition to the remedies provided in this section,
14 and notwithstanding the existence of any additional remedy at
15 law, a manufacturer, distributor, warrantor, or dealer may
16 apply to the district court for the grant, upon a hearing and
17 for cause shown, of a temporary or permanent injunction, or
18 both, restraining any person from acting as a dealer without
19 being properly licensed, from violating or continuing to
20 violate any of the provisions of this chapter, or from failing
21 or refusing to comply with the requirements of this chapter.
22 Such injunction shall be issued without bond. A single act in
23 violation of the provisions of this chapter shall be sufficient
24 cause to authorize the issuance of an injunction pursuant to
25 this subsection.
26 Sec. 11. NEW SECTION. **322E.10 Jurisdiction.**
27 1. A condition, stipulation, or provision in a manufacturer
28 and dealer agreement restricting jurisdiction to a forum
29 outside this state is void.
30 2. A condition, stipulation, or provision in a manufacturer
31 and dealer agreement providing that the dealer consents to the
32 jurisdiction of a forum outside this state is void.
33 3. A civil action or proceeding arising out of a
34 manufacturer and dealer agreement may be commenced wherever
35 jurisdiction over the parties or subject matter exists, even

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if the manufacturer and dealer agreement limits actions or proceedings to a designated jurisdiction.

Sec. 12. NEW SECTION. **322E.11 Choice of law.**

1. A condition, stipulation, or provision in a manufacturer and dealer agreement requiring the application of the law of another state in lieu of this chapter is void.

2. A condition, stipulation, or provision in a manufacturer and dealer agreement that the agreement is to be governed by or construed in accordance with the law of another state is void.

Sec. 13. NEW SECTION. **322E.12 Waivers void.**

A condition, stipulation, or provision in a manufacturer and dealer agreement requiring a dealer to waive compliance with or relieving a person of a duty or liability imposed by or a right provided by this chapter or order under this chapter is void. This section shall not affect the settlement of disputes, claims, controversies, or civil lawsuits arising or brought pursuant to this chapter by written release or other written document where separate and adequate consideration is offered and accepted.

Sec. 14. NEW SECTION. **322E.13 Application of chapter.**

Notwithstanding chapter 322A, a recreational vehicle as defined in this chapter, is not governed by chapter 322A for the sale of a new recreational vehicle through a dealer in this state by a manufacturer or distributor, or pursuant to a manufacturer and dealer agreement regulated by this chapter.

Sec. 15. NEW SECTION. **322E.14 Administration of chapter.**

This chapter shall be administered by the director of transportation.

DIVISION II

COORDINATING AMENDMENTS

Sec. 16. Section 321.1, subsection 36C, paragraphs b and c, Code 2015, are amended to read as follows:

b. "Travel trailer" means a vehicle without motive power used, manufactured, or constructed to permit its use as a conveyance upon the public streets and highways and designed

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to permit its use as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed ~~forty~~ forty-five feet. The vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If the vehicle is used in this state as a place of human habitation for more than ninety consecutive days in one location it shall be classed as a manufactured or mobile home regardless of the size limitations provided in this paragraph.

c. "Fifth-wheel travel trailer" means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed ~~forty~~ forty-five feet.

Sec. 17. Section 322.3, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not engage in this state in the business of selling at retail new motor vehicles of any make or represent or advertise that the person is engaged or intends to engage in such business in this state unless the person is authorized to do so by a contract in writing with the manufacturer or distributor of such make of new motor vehicles and unless the department has licensed the person as a motor vehicle dealer in this state in motor vehicles of such make and has issued to the person a license in writing as provided in this chapter. A person shall not engage in this state in the business of selling at retail new motor vehicles that are recreational vehicles as defined in section 322E.1, unless the person is authorized to do so by a manufacturer and dealer agreement as provided in chapter 322E.

Sec. 18. Section 322C.2, subsection 4, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

4. *"Fifth-wheel trailer"* means the same as defined in

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1 section 322E.1.
2 Sec. 19. Section 322C.2, Code 2015, is amended by adding the
3 following new subsections:
4 NEW SUBSECTION. 4A. *"Folding camping trailer"* means the
5 same as defined in section 322E.1.
6 NEW SUBSECTION. 6A. *"Park model recreational vehicle"* means
7 the same as defined in section 322E.1.
8 Sec. 20. Section 322C.2, subsection 10, Code 2015, is
9 amended by striking the subsection and inserting in lieu
10 thereof the following:
11 10. *"Travel trailer"* means the same as defined in section
12 322E.1.
13 Sec. 21. Section 322C.3, subsection 1, Code 2015, is amended
14 to read as follows:
15 1. A person shall not engage in this state in the business
16 of selling at retail new travel trailers of any make, or
17 represent or advertise that the person is engaged or intends
18 to engage in such business in this state, unless the person is
19 authorized by a contract in writing between that person and the
20 manufacturer or distributor of that make of new travel trailers
21 to sell the trailers in this state as provided in chapter 322E,
22 and unless the department has issued to the person a license as
23 a travel trailer dealer for the same make of travel trailer.
24 Sec. 22. Section 322C.3, subsections 5 and 7, Code 2015, are
25 amended by striking the subsections.
26 Sec. 23. Section 537A.10, subsection 1, paragraph c,
27 subparagraph (3), Code 2015, is amended to read as follows:
28 (3) *"Franchise"* also does not include any contract under
29 which a petroleum retailer or petroleum distributor is
30 authorized or permitted to occupy leased marketing premises,
31 which premises are to be employed in connection with the sale,
32 consignment, or distribution of motor fuel under a trademark
33 which is owned or controlled by a refiner which is regulated
34 by the federal Petroleum Marketing Practices Act, 15 U.S.C.
35 §2801 et seq. The term *"refiner"* means any person engaged in

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1 the refining of crude oil to produce motor fuel, and includes
2 any affiliate of such person. *"Franchise"* also does not
3 include a contract entered into by any person regulated under
4 chapter 103A, division IV, or chapter 123, 322, 322A, 322C,
5 322D, 322E, 322F, 522B, or 543B, or a contract establishing a
6 franchise relationship with respect to the sale of construction
7 equipment, lawn or garden equipment, or real estate.
8 DIVISION III
9 APPLICABILITY
10 Sec. 24. APPLICABILITY. The provisions of this Act apply
11 to manufacturer and dealer agreements that are entered into or
12 renewed on or after July 1, 2016.
13 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 regulates agreements between manufacturers or
17 distributors, and dealers relating to the sale of recreational
18 vehicles and includes coordinating amendments and applicability
19 provisions.
20 DIVISION I. New Code chapter 322E regulates manufacturer
21 and dealer agreements fixing the rights and responsibilities of
22 each party pertaining to the sale of new recreational vehicles
23 in the state. A "recreational vehicle" is a vehicle that is
24 either self-propelled or towed by a consumer-owned tow vehicle
25 and is primarily designed to provide temporary living quarters
26 for recreational, camping, or travel use. A "recreational
27 vehicle" includes a "motor home", and a "travel trailer" such
28 as a fifth-wheel trailer, folding camping trailer, or a park
29 model recreational vehicle.
30 A manufacturer or distributor, and a dealer are required
31 to enter into a written manufacturer and dealer agreement
32 before selling new recreational vehicles in the state. The
33 agreement must designate the dealer's exclusive area of sales
34 responsibility. A manufacturer or distributor, or a dealer
35 may terminate, cancel, or fail to renew the agreement with

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1 good cause and the bill specifies notification requirements,
2 what factors may be considered in determining whether good
3 cause exists, and requirements concerning repurchase or sale of
4 remaining inventory of recreational vehicles and outstanding
5 financial obligations between the parties to the agreement.
6 The party that terminates, cancels, or fails to renew the
7 agreement for good cause has the burden of showing cause.
8 The bill requires that a dealer that desires to make a change
9 in ownership of the dealership give notice to the manufacturer
10 or distributor of the proposed change. The manufacturer or
11 distributor is not allowed to object to the proposal unless the
12 objection is due to factors specified in the bill concerning
13 the proposed transferee. The manufacturer must make a written
14 objection and has the burden of proving that the objection
15 complies with the bill's requirements.
16 A manufacturer or distributor is prohibited from failing to
17 provide a dealer with the opportunity to designate a family
18 member as a successor to the dealership in the event of the
19 dealer's death, incapacity, or retirement so long as the
20 dealer gives written notice of the designation before it takes
21 effect. The manufacturer or distributor cannot object to the
22 designation unless the dealer is in breach of the manufacturer
23 and dealer agreement or in violation of the provisions of new
24 Code chapter 322E or the objection is due to other specified
25 factors. A manufacturer or distributor is prohibited from
26 refusing to honor the succession of the designated family
27 member unless the manufacturer or distributor has provided the
28 dealer with written notice of an objection to the dealer's
29 designation after receiving notice of the designation.
30 In regards to warranty obligations on new recreational
31 vehicles, the bill requires the warrantor, that person
32 providing a written warranty on the vehicles, to specify the
33 dealer's obligations for preparation, delivery, and warranty
34 services on the warrantor's products and how the dealer will
35 be compensated for provision of those services. The bill

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1 specifies the warrantor's and dealer's obligations to each
2 other concerning warranties.
3 The bill provides that both the warrantor and the dealer have
4 duties to indemnify and hold each other harmless to the extent
5 that losses or damages are caused by the negligence or willful
6 misconduct of the other. These duties continue even after a
7 new recreational vehicle is titled.
8 The bill specifies the rights and obligations of a dealer and
9 a manufacturer or distributor when a new recreational vehicle
10 is damaged in transit. The bill specifies a time frame for a
11 dealer to inspect a delivered vehicle and to either reject or
12 request to repair the damaged vehicle.
13 The bill provides that a manufacturer or distributor shall
14 not coerce or attempt to coerce a dealer to purchase a product
15 the dealer did not order, to enter into an agreement with the
16 manufacturer or distributor, or to enter into an agreement
17 with the manufacturer or distributor that requires the dealer
18 to submit disputes to binding arbitration or otherwise waive
19 rights or responsibilities provided for under the bill. The
20 bill specifies some of the activities that could be considered
21 coercion for purposes of the bill.
22 A dealer, manufacturer, distributor, or warrantor injured
23 by another party's violation of the provisions of new Code
24 chapter 322E may bring a civil action in district court to
25 recover actual damages. However, prior to bringing suit, the
26 party alleging the violation may serve a request for mediation
27 upon the alleged offending party. If both parties agree to
28 mediation, the parties mutually select and share the cost of
29 retaining an independent mediator to attempt to resolve the
30 dispute or alleged violation. Service of the mediation request
31 tolls the time for filing any other proceeding or action and
32 the district court is required to suspend any proceeding or
33 action until the mediation meeting occurs. In addition to any
34 other remedy, either party may apply to the district court for
35 a temporary or permanent injunction.

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1 The bill provides that a manufacturer and dealer agreement
2 cannot restrict jurisdiction over the agreement to a forum
3 outside of this state, cannot provide that the dealer consents
4 to jurisdiction outside of this state, and cannot limit actions
5 or proceedings to a designated jurisdiction.
6 The bill provides that a manufacturer and dealer agreement
7 cannot require the application of laws of another state in lieu
8 of this state's laws or provide that the agreement is to be
9 governed by or construed in accordance with the laws of another
10 state.
11 A manufacturer and dealer agreement also cannot require a
12 dealer to waive compliance with, or relieve a person of a duty
13 or liability imposed, or a right provided, under the bill.
14 This provision does not prohibit the settlement of disputes
15 where separate and adequate consideration is given for a waiver
16 or release.
17 Notwithstanding Code chapter 322A, relating to motor vehicle
18 franchisers, a recreational vehicle as defined in the bill
19 is not governed by Code chapter 322A for the sale of a new
20 recreational vehicle through a dealer in this state by a
21 manufacturer or distributor, or pursuant to a manufacturer and
22 dealer agreement regulated by the bill's provisions.
23 The bill provides that new Code chapter 322E shall be
24 administered by the director of transportation.
25 DIVISION II. Division II of the bill includes coordinating
26 amendments.
27 Code chapter 321 (motor vehicles and law of the road) is
28 amended to provide that travel trailers and fifth-wheel travel
29 trailers shall not exceed 45 feet, instead of 40 feet in
30 length.
31 Code section 322.3(1) is amended to prohibit a person
32 from selling a motor vehicle that also meets the definition
33 of a "recreational vehicle" pursuant to new Code chapter
34 322E, unless the person is authorized to do so pursuant to a
35 manufacturer and dealer agreement that meets the requirements

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of new Code chapter 322E.

Code chapter 322C (travel trailer dealers, manufacturers, and distributors) is amended to include definitions of recreational vehicles that are consistent with the definitions in new Code chapter 322E. Code section 322C.3(1) is amended to provide that the required manufacturer or distributor and dealer agreement must be made in accordance with the provisions of new Code chapter 322E. Code section 322C.3 is amended to strike two provisions concerning manufacturers or distributors, and dealers of travel trailers that are inconsistent with provisions contained in new Code chapter 322E.

Code section 537A.10(1)(c)(3) is amended to provide that for purposes of construction of contracts, a franchise does not include a contract entered into by a person regulated by new Code chapter 322E.

DIVISION III. The provisions of the bill apply to manufacturer and dealer agreements pertaining to the sale of new recreational vehicles that are entered into or renewed on or after July 1, 2016.

House File 588 - Introduced

HOUSE FILE 588
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 205)

A BILL FOR

1 An Act relating to the issuance of persons with disabilities
2 removable windshield parking placards, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2581HV (1) 86
ns/nh

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Section 1. Section 321L.2, subsection 1, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) Removable windshield placard.

(a) A person with a disability may apply for a temporary removable windshield placard ~~which shall be~~ valid for a period of up to six months or a ~~nonexpiring~~ standard removable windshield placard valid for a period of five years, as determined by the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement under this subsection.

(i) A temporary removable windshield placard shall be renewed within thirty days of the date of expiration. Persons seeking temporary removable windshield placards shall be required to furnish evidence upon initial application that they have a temporary disability and, in addition, furnish evidence at subsequent intervals that they remain temporarily disabled. Temporary removable windshield placards shall be of a distinctively different color from ~~nonexpiring~~ standard removable windshield placards.

(ii) A ~~nonexpiring~~ standard removable windshield placard shall ~~state on the face of the placard that it is a nonexpiring placard~~ expire on the last day of the month five years from the date of issuance. A person with a disability may renew a standard removable windshield placard within thirty days before or after the date of expiration by submitting a statement from a physician, physician's assistant, nurse practitioner, or chiropractor, as provided in this subsection, to the department that the person has a continuing need for the placard.

(b) The department shall issue one additional removable windshield placard upon the request of a person with a disability.

Sec. 2. Section 321L.2, subsection 4, Code 2015, is amended to read as follows:

4. A removable windshield placard shall only be displayed when the vehicle is parked in a persons with disabilities

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parking space. The removable windshield placard shall be displayed in a manner that allows the entire placard to be visible through the vehicle's windshield.

Sec. 3. EFFECTIVE DATE AND APPLICABILITY. This Act takes effect January 1, 2016, and applies to persons with disabilities placards issued on or after that date. This Act does not affect the validity of nonexpiring persons with disabilities placards issued prior to January 1, 2016.

EXPLANATION

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

This bill relates to the issuance of persons with disabilities removable windshield parking placards. Under current law, a person may apply for either a temporary placard valid for up to six months or a nonexpiring placard. The bill eliminates the nonexpiring placard and replaces it with a standard placard which expires the last day of the month five years from the date of issuance. A person may renew the placard within 30 days before or after the expiration date by submitting a statement from a physician, physician's assistant, nurse practitioner, or chiropractor to the department of transportation that the person has a continuing need for the placard.

Current law provides that a removable windshield placard shall only be displayed when the vehicle is parked in a persons with disabilities parking space. The bill requires the removable windshield placard to be displayed in a manner that allows the entire placard to be visible through the vehicle's windshield.

The bill takes effect January 1, 2016, and applies to new placards issued on or after that date. The bill does not affect the validity of nonexpiring placards issued before January 1, 2016.

House File 589 - Introduced

HOUSE FILE 589
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 106)

A BILL FOR

1 An Act relating to the confidentiality of certain juvenile
2 court records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1285HV (2) 86
jm/rj

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1 Section 1. Section 232.147, subsections 1, 2, 3, and 8, Code
2 2015, are amended to read as follows:
3 1. Juvenile court social records shall be confidential.
4 They shall not be inspected and their contents shall not be
5 disclosed except as provided in this section or as authorized
6 by other provisions in this chapter.
7 2. Official juvenile court records in cases alleging
8 delinquency, including complaints under section 232.28, shall
9 be public records, subject to the following restrictions:
10 *a.* Records containing a dismissal of a complaint or an
11 information adjustment of a complaint when no petition is filed
12 relating to the complaint, shall not be available to the public
13 and may only be inspected by or disclosed to the following:
14 (1) The judge and professional court staff, including
15 juvenile court officers.
16 (2) The child's counsel or guardian ad litem.
17 (3) The county attorney and county attorney's assistants.
18 (4) The superintendent or the superintendent's designee of
19 the school district for the school attended by the child or
20 the authorities in charge of an accredited nonpublic school
21 attended by the child.
22 (5) A member of the armed forces of the United States.
23 (6) The statistical analysis center for the purposes stated
24 in section 216A.136.
25 ~~*a.*~~ *b.* Official juvenile court records containing a petition
26 or complaint alleging delinquency filed prior to January 1,
27 2007, shall be public records subject to a confidentiality
28 order under section 232.149A or sealing under section 232.150.
29 ~~*b.*~~ *c.* Official juvenile court records containing a petition
30 or complaint alleging delinquency filed on or after January
31 1, 2007, shall be public records subject to a confidentiality
32 order under section 232.149A or sealing under section 232.150.
33 The official records shall not be available to the public
34 or any governmental agency through the internet or in an
35 electronic customized data report unless the child has been

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1 adjudicated delinquent. However, the following shall have
2 access to official juvenile court records through the internet
3 or in an electronic customized data report prior to the child
4 being adjudicated delinquent:
5 (1) The judge and professional court staff, including
6 juvenile court officers.
7 (2) The child's counsel or guardian ad litem.
8 (3) The county attorney and the county attorney's
9 assistants.
10 (4) A court, court professional staff, and adult probation
11 officers in connection with the preparation of a presentence
12 report concerning a person who prior thereto had been the
13 subject of a juvenile court proceeding.
14 (5) A state or local law enforcement agency.
15 (6) The state public defender.
16 (7) The division of criminal and juvenile justice planning
17 of the department of human rights.
18 ~~c.~~ *d.* If the court has excluded the public from a hearing
19 under division II of this chapter, the transcript of the
20 proceedings shall not be deemed a public record and inspection
21 and disclosure of the contents of the transcript shall not be
22 permitted except pursuant to court order or unless otherwise
23 provided in this chapter.
24 ~~d.~~ *e.* Complaints under section 232.28 shall be released in
25 accordance with section 915.25. Other official juvenile court
26 records may be released under this section by a juvenile court
27 officer.
28 3. Official juvenile court records in all cases except
29 those alleging delinquency shall be confidential and are not
30 public records but may be inspected and their contents shall be
31 disclosed to the following without court order:
32 *a.* The judge and professional court staff, including
33 juvenile court officers.
34 *b.* The child and the child's counsel.
35 *c.* The child's parent, guardian or custodian, court

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appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

d. The county attorney and the county attorney's assistants.

e. An agency, association, facility or institution which has custody of the child, or is legally responsible for the care, treatment or supervision of the child.

f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.

g. The child's foster parent or an individual providing preadoptive care to the child.

h. The state public defender.

8. ~~All~~ Subject to restrictions imposed by sections 232.48, subsection 4, and 232.97, subsection 3, all juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to division VI of this chapter.

Sec. 2. Section 232.149, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Records and files of a criminal or juvenile justice agency concerning a defendant transferred under section 803.6 to the juvenile court for the alleged commission of a public offense are public records, except that release of criminal history data, intelligence data, and law enforcement investigatory files is subject to the provisions of section 22.7 and chapter 692, and juvenile court social records shall be deemed confidential criminal identification files under section 22.7, subsection 9. The records are subject to sealing under section 232.150.

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EXPLANATION

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

This bill relates to the confidentiality of juvenile court records.

The bill provides that juvenile court social records shall be confidential unless authorized by other provisions in Code chapter 232. "Juvenile court social records" are defined in Code section 232.2(31) to mean all records made with respect to a child in connection with proceedings over which the court has jurisdiction under this chapter other than official records and includes but is not limited to the records made and compiled by intake officers, predisposition reports, and reports of physical and mental examinations.

The bill provides that records containing a dismissal of a complaint or an adjustment of a complaint when no petition is filed relating to the complaint, shall not be available to the public and may only be disclosed to certain persons. The bill allows disclosure to the judge and professional court staff, the child's counsel or guardian ad litem, and the county attorney and assistant county attorneys. The bill also allows disclosure to a member of the armed forces of the United States, the statistical analysis center under Code section 216A.136, and the superintendent or the superintendent's designee of a school district where the child attends school or the authorities in charge of an accredited nonpublic school where the child attends school.

The bill provides that a predisposition investigation report shall only be disclosed pursuant to Code section 232.48(4) and a social investigation report shall only be disclosed pursuant to Code section 232.97(3).

The amendment to Code section 232.149 relates to the records and files of a defendant transferred to juvenile court from adult court under Code section 803.6 for the alleged commission of a public offense. The bill specifies that the records and

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1 files of the defendant transferred from adult court to juvenile
2 court are public records except that criminal history data as
3 defined in Code section 692.1(5), intelligence data as defined
4 in Code section 692.1(14), and law enforcement investigatory
5 files are subject to the confidentiality provisions of Code
6 section 22.7 and Code chapter 692. The amendment to Code
7 section 232.149 further specifies that juvenile court social
8 records, as defined in Code section 232.2(31), shall be deemed
9 confidential criminal identification files under Code section
10 22.7(9), and that the records of a defendant transferred to
11 juvenile court may be sealed under Code section 232.150.

House File 590 - Introduced

HOUSE FILE 590
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 136)

A BILL FOR

1 An Act concerning the workforce development board, by renaming
2 the board the human capital enrichment board, modifying the
3 membership and duties of the board, and establishing a human
4 capital enrichment operations team.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2367HV (3) 86
ec/rj

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Section 1. Section 84A.1A, Code 2015, is amended to read as follows:

84A.1A ~~Workforce development~~ Human capital enrichment board.

1. An Iowa ~~workforce development~~ human capital enrichment board is created, consisting of ~~nine~~ nineteen voting members ~~appointed by the governor~~ and ~~twelve~~ sixteen ex officio, nonvoting members.

a. ~~The governor shall appoint the nine~~ The nineteen voting members of the board shall consist of the following:

(1) The governor, or the governor's designee.

(2) Eighteen voting members of the ~~workforce development~~ human capital enrichment board to be appointed by the governor for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate~~, and the~~. The governor's appointments shall include persons knowledgeable in the area of workforce development. Of the ~~nine~~ eighteen voting members appointed by the governor, one member shall represent chief elected officials of cities and counties, one member shall represent a nonprofit organization involved in workforce development services, ~~four~~ ten members shall represent employers, and ~~four~~ six members shall represent nonsupervisory employees. Of the members appointed by the governor to represent nonsupervisory employees, two members shall be from statewide labor organizations, one member shall be an employee representative of a labor management council, and one member shall be a person with experience in worker training programs. The governor shall consider recommendations from state business organizations and state trade associations for members representing employers, and from statewide labor organizations for the members representing nonsupervisory employees. Not more than ~~five~~ nine of the voting members shall be from the same political party.

b. The ex officio, nonvoting members are four legislative members; one president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa

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state university of science and technology, designated by the state board of regents on a rotating basis; one representative from the largest statewide public employees' organization representing state employees; one president, or the president's designee, of an independent Iowa college, appointed by the Iowa association of independent colleges and universities; one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents; one representative of the vocational rehabilitation community appointed by the state rehabilitation council in the division of Iowa vocational rehabilitation services; one representative of the department of education appointed by the state board of education; one representative for primary and secondary education appointed by the state board of education; one representative appointed by the governor's science, technology, engineering, and mathematics advisory council; one representative of the economic development authority appointed by the director; the director of the department of workforce development or the director's designee; the executive director of the college student aid commission or the executive director's designee; and one representative of the United States department of labor, office of apprenticeship. The legislative members are two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate from their respective parties; and two state representatives, one appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and one appointed by the minority leader of the house of representatives from their respective parties. The legislative members shall serve for terms as provided in section 69.16B.

2. A vacancy on the ~~workforce development~~ human capital enrichment board shall be filled in the same manner as regular

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appointments are made for the unexpired portion of the regular term.

3. ~~The workforce development board shall meet in May of each year for the purpose of electing one of its voting members as chairperson and one of its voting members as vice chairperson. However, the chairperson and the vice chairperson shall not be from the same political party.~~ The ~~workforce development~~ human capital enrichment board shall meet at the call of the chairperson or when ~~any five~~ a majority of the voting members of the ~~workforce development~~ human capital enrichment board file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the ~~workforce development~~ human capital enrichment board. A majority of the voting members constitutes a quorum. The governor shall designate the chairperson of the board from one of the voting members representing employers and a vice chairperson from any of the voting members of the board who shall serve for a two-year term.

4. Members of the ~~workforce development~~ human capital enrichment board, the director of the department of workforce development, and other employees of the department of workforce development shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department of workforce development is subject to the budget requirements of chapter 8. Each member of the ~~workforce development~~ human capital enrichment board may also be eligible to receive compensation as provided in section 7E.6.

5. If a member of the ~~workforce development~~ human capital enrichment board has an interest, either direct or indirect, in a contract to which the department of workforce development is or is to be a party, the interest shall be disclosed to the ~~workforce development~~ human capital enrichment board in writing and shall be set forth in the minutes of a meeting of the ~~workforce development~~ human capital enrichment board. The

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member having the interest shall not participate in action by the ~~workforce development~~ human capital enrichment board with respect to the contract. This subsection does not limit the right of a member of the ~~workforce development~~ human capital enrichment board to acquire an interest in bonds, or limit the right of a member to have an interest in a bank or other financial institution in which the funds of the department of workforce development are deposited or which is acting as trustee or paying agent under a trust indenture to which the department of workforce development is a party.

Sec. 2. Section 84A.1B, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The ~~workforce development~~ human capital enrichment board shall do all of the following:

Sec. 3. Section 84A.1B, subsections 1, 2, and 3, Code 2015, are amended by striking the subsections and inserting in lieu thereof the following:

1. Develop strategies to support the use of career pathways for the purpose of making available to individuals, including low-skilled adults, youth, individuals with barriers to employment, and individuals with disabilities, workforce investment activities, education, and supportive services to allow them to enter or retain employment.

2. Develop and expand strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations; and develop a comprehensive strategic workforce plan for implementing specific policies that further these strategies.

3. Develop and continuously improve the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, in order to support effective delivery of services to workers, jobseekers, and employers.

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Sec. 4. Section 84A.1B, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Perform duties related to human capital enrichment as provided in section 84A.2.

Sec. 5. Section 84A.1B, subsections 7 and 8, Code 2015, are amended to read as follows:

7. Review grants or contracts awarded by the department of workforce development, with respect to the department's adherence to the guidelines and procedures and the impact on the ~~five-year~~ strategic plan for workforce development.

8. Make recommendations concerning the use of federal funds received by the department of workforce development with respect to ~~the five-year and twenty-year~~ workforce development plans.

Sec. 6. Section 84A.1C, subsections 1, 2, and 3, Code 2015, are amended to read as follows:

1. *Nonprofit corporation for receiving and disbursing funds.* The ~~Iowa workforce development~~ human capital enrichment board may organize a corporation under the provisions of chapter 504 for the purpose of receiving and disbursing funds from public or private sources to be used to further workforce development in this state and to accomplish the mission of the board.

2. *Incorporators.* The incorporators of the corporation organized pursuant to this section shall be the chairperson of the ~~Iowa workforce development~~ human capital enrichment board, the director of the department of workforce development, and a member of the ~~Iowa workforce development~~ human capital enrichment board selected by the chairperson.

3. *Board of directors.* The board of directors of the corporation organized pursuant to this section shall be the members of the ~~Iowa workforce development~~ human capital enrichment board or their successors in office.

Sec. 7. NEW SECTION. **84A.2 Human capital enrichment.**

1. *Findings and purpose.*

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1 *a.* The general assembly finds all of the following:
2 (1) That aligning education, workforce, and economic
3 development policies will result in a holistic, career-focused
4 approach that will help the state meet the needs of employers,
5 grow family incomes, improve the skills of both individuals and
6 the workforce generally, and make communities more vibrant and
7 attractive places to live.
8 (2) That the alignment of education, workforce, and
9 economic development policies can be more effectively achieved
10 by building on the state's foundation of innovative workforce
11 and education programs to further improve collaboration between
12 the public and private sectors.
13 *b.* Therefore, it is the purpose of this section to
14 implement the better alignment of education, workforce, and
15 economic development policies through the collaboration of
16 representatives from the public and private sectors through
17 the human capital enrichment board and by establishing a human
18 capital enrichment operations team as provided in this section.
19 2. *Human capital enrichment board.*
20 *a.* The human capital enrichment board, in conjunction with
21 the human capital enrichment operations team, shall do all of
22 the following as it relates to human capital enrichment:
23 (1) Review, on a continuing basis, all of the education,
24 workforce training, and economic development programs
25 administered by state government. A program is subject to
26 review by the human capital enrichment board upon majority
27 vote of the members of the human capital enrichment board. In
28 reviewing programs, the human capital enrichment board shall,
29 to the greatest extent possible, utilize data and research in
30 order to make objective, data-driven recommendations.
31 (2) Act as a forum where issues affecting the business,
32 education, workforce, and economic development communities
33 can be discussed and addressed, and where collaborative
34 relationships can be formed. In addition, assist in the
35 development of networks to further the purposes of the human

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1 capital enrichment board as it relates to human capital
2 enrichment.
3 (3) Assist in advising state agencies, community colleges,
4 regents institutions, and political subdivisions on the
5 administration and improvement of education, workforce
6 training, and economic development programs they administer.
7 (4) Study and recommend strategies and tactics for aligning
8 economic development, workforce, and education policies
9 that can be implemented by state government, including
10 comprehensively communicating a shared vision to relevant
11 stakeholders.
12 (5) Make recommendations to the general assembly as
13 necessary for changes to law or public policy in order to help
14 better align economic development, workforce, and education
15 programs.
16 (6) Coordinate with personnel of the division of vocational
17 rehabilitation services of the department of education and
18 other departments or agencies, and other relevant stakeholders,
19 as deemed appropriate, to further the purposes of the human
20 capital enrichment board as it relates to human capital
21 enrichment.
22 (7) In conjunction with the operations team, conduct
23 research, compile data, and draft documents that provide
24 background information for use in decision making by the
25 general assembly, the governor, state agencies, community
26 colleges, the state board of regents, and other policymaking
27 bodies within state government. Prior to the human capital
28 enrichment operations team engaging in any of the activities
29 described in this subparagraph, the board shall vote by a
30 majority vote to approve these activities. Additionally, once
31 the research activities are completed, the board shall review
32 and approve by a majority vote the findings of these activities
33 before the findings are shared with the decision makers listed
34 in this subparagraph.
35 *b.* In performing its duties as it relates to human capital

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1 enrichment, the board shall only recommend those policies
2 and alignment strategies that are designed to do all of the
3 following:
4 (1) Provide workers the skills they need to have rewarding
5 careers in a dynamic, global economy.
6 (2) Improve the state's talent supply to provide employers
7 with more and better trained workers.
8 (3) Deliver programs and services efficiently and in a
9 manner that provides taxpayers with the best return for the tax
10 dollars spent.
11 3. *Human capital enrichment operations team.*
12 *a.* The directors of the economic development authority
13 and the departments of management, education, and workforce
14 development shall establish a human capital enrichment
15 operations team to assist the human capital enrichment board as
16 it relates to human capital enrichment.
17 *b.* (1) The operations team shall be comprised of staff
18 members appointed by the directors of the economic development
19 authority and the departments of management, education, and
20 workforce development.
21 (2) The director of the department of workforce development
22 shall designate the person to coordinate and lead the
23 operations team.
24 *c.* The operations team shall do all of the following:
25 (1) Coordinate and staff the activities of the human capital
26 enrichment board as it relates to human capital enrichment.
27 (2) Facilitate and coordinate all research, reports, data,
28 analysis, and recommendations associated with the operations
29 team and its purposes.
30 (3) Provide regular updates to the human capital enrichment
31 board on the status of activities of the operations team and
32 the progress made in aligning programs pursuant to the purposes
33 of this section.
34 *d.* Staffing and administrative costs for the operations
35 team shall be provided by the department of management,

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the department of education, the department of workforce development, and the economic development authority.

Sec. 8. Section 84A.4, subsection 2, Code 2015, is amended to read as follows:

2. Each regional advisory board shall identify workforce development needs in its region, assist the ~~workforce development~~ human capital enrichment board and the department of workforce development in the awarding of grants or contracts administered by the department of workforce development in that region and in monitoring the performance of the grants and contracts awarded, make annual reports as required by section 84A.1B, and make recommendations to the ~~workforce development~~ human capital enrichment board and department of workforce development concerning workforce development.

Sec. 9. Section 84A.5, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The department of workforce development, in consultation with the ~~workforce development~~ human capital enrichment board and the regional advisory boards, has the primary responsibilities set out in this section.

Sec. 10. Section 84A.5, subsection 9, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The department of workforce development, in consultation with the applicable regional advisory board, shall select service providers, subject to approval by the ~~workforce development~~ human capital enrichment board for each service delivery area. A service provider in each service delivery area shall be identified to coordinate the services throughout the service delivery area. The department of workforce development shall select service providers that, to the extent possible, meet or have the ability to meet the following criteria:

Sec. 11. Section 84A.6, subsection 1, Code 2015, is amended to read as follows:

1. The department of workforce development, in consultation

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with the ~~workforce development~~ human capital enrichment board and the regional advisory boards, the department of education, and the economic development authority shall work together to develop policies encouraging coordination between skill development, labor exchange, and economic development activities.

Sec. 12. Section 84B.2, Code 2015, is amended to read as follows:

84B.2 Workforce development centers — location.

A workforce development center, as provided in section 84B.1, shall be located in each service delivery area. Each workforce development center shall also maintain a presence, through satellite offices or electronic means, in each county located within that service delivery area. For purposes of this section, *"service delivery area"* means the area included within a merged area, as defined in section 260C.2, realigned to the closest county border as determined by the department of workforce development. However, if the ~~state workforce development~~ human capital enrichment board determines that an area of the state would be adversely affected by the designation of the service delivery areas by the department, the department may, after consultation with the applicable regional advisory boards and with the approval of the ~~state workforce development~~ human capital enrichment board, make accommodations in determining the service delivery areas, including, but not limited to, the creation of a new service delivery area. In no event shall the department create more than sixteen service delivery areas.

EXPLANATION

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

This bill concerns the workforce development board, by renaming the board the human capital enrichment board, modifying the membership and duties of the board, and creating a human capital enrichment operations team.

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1 Code section 84A.1, establishing the workforce development
2 board, is amended by renaming the board as the Iowa human
3 capital enrichment board. The bill increases the voting
4 members of the board from nine to 19. Additional members
5 include the governor or the governor's designee and one
6 member who represents chief elected officials of cities and
7 counties. In addition, the number of members representing
8 employers is increased from four to 10 and the number of
9 members representing nonsupervisory employees is increased from
10 four to six. The bill also provides that the governor consider
11 recommendations from state business organizations and state
12 trade associations for members representing employers. The
13 bill also increases the number of ex officio, nonvoting members
14 of the board from 12 to 16. The four additional nonvoting
15 members are one representative for primary and secondary
16 education appointed by the state board of education, one
17 representative appointed by the governor's science, technology,
18 engineering, and mathematics advisory council, the director
19 of the department of workforce development or the director's
20 designee, and the executive director of the college student
21 aid commission or the executive director's designee. The bill
22 requires that the governor designate the chairperson of the
23 board from the voting members representing employers and a vice
24 chairperson from any of the voting members of the board, each
25 for a two-year term.
26 Code section 84A.1B, concerning the duties of the renamed
27 board, is amended. Current provisions requiring the board
28 to develop a 20-year comprehensive workforce development
29 plan and a five-year strategic plan for state workforce
30 development are stricken. Instead, the bill directs the board
31 to develop strategies to support the use of career pathways for
32 low-skilled adults, youth, and other individuals with barriers
33 to employment. In addition, the bill requires the board to
34 develop strategies to meet the needs of employers, workers, and
35 jobseekers, and to develop and improve the one-stop delivery

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system in local areas to support the effective delivery of services to employers, workers, and jobseekers.

New Code section 84A.2 establishes the duties of the renamed board relating to human capital enrichment and establishes a human capital enrichment operations team. Such duties require the board to review education, workforce training, and economic development programs administered by state government; act as a forum for discussing education, workforce training, and economic development issues; assist state agencies; study and recommend strategies for aligning education, workforce, and economic development policies; make recommendations to the general assembly; and, in conjunction with the operations team, conduct research on human capital enrichment issues.

The bill also directs the directors of the economic development authority and the departments of management, education, and workforce development to establish a human capital enrichment operations team to assist the human capital enrichment board as it relates to human capital enrichment. The operations team shall be directed by a person designated by the director of the department of workforce development. The bill requires that the operations team, as it relates to human capital enrichment, coordinate and staff the activities of the board; facilitate and coordinate all research, reports, data, analysis, and recommendations associated with the board; and provide updates to the board on the status of activities of the operations team and the progress made in aligning programs as it relates to the purposes of the new Code section.

House Resolution 13 - Introduced

HOUSE RESOLUTION NO. 13

BY HEATON, JONES, BROWN-POWERS, and KEARNS

A Resolution congratulating Mikaela Foecke for her success on and off the volleyball court.

WHEREAS, high school senior Mikaela Foecke, who attends Holy Trinity Catholic High School in Fort Madison, has recently been named the 2014-2015 Gatorade National Volleyball Player of the Year, becoming the first prep athlete from Iowa to win national Gatorade honors in any sport throughout the award's 30-year history; and

WHEREAS, Ms. Foecke has also been named the National Volleyball Player of the Year and a member of the American Family Insurance ALL-USA First Team by USA TODAY Sports; and

WHEREAS, Ms. Foecke has been described as having "cemented a place as one of the state's greatest prep athletes ever" by the Des Moines Register; and

WHEREAS, this past volleyball season, the 6-foot-3-inch middle blocker slammed 812 kills and amassed 270 digs, 170 service aces, and 95 blocks, leading the Holy Trinity Catholic Crusaders to a 48-4 record and the school's first state title in any sport; and

WHEREAS, Ms. Foecke was named captain of the Class 1A All-State Tournament Team, concluding her prep career with a state record of 2,813 kills; and

WHEREAS, Ms. Foecke was previously a two-time Gatorade State Volleyball Player of the Year and an American Family Insurance ALL-USA High School

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1 Volleyball honoree, and set a 2014 state tournament
2 record for kills in a match with 37; and
3 WHEREAS, Ms. Foecke anchored the U.S. Women´s
4 Junior National Team that won gold at last summer´s
5 Women´s U20 Continental Championship sponsored by
6 the North, Central America and Caribbean Volleyball
7 Confederation; and
8 WHEREAS, Ms. Foecke has maintained a 3.9 grade point
9 average, is a member of her school´s student council,
10 an officer in her Lee County 4-H chapter, an Iowa State
11 Fair Merit of Excellence award winner, and a volunteer
12 in her hometown for numerous community-service
13 organizations; NOW THEREFORE,
14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
15 the House of Representatives congratulates Mikaela
16 Foecke for her tremendous success on the volleyball
17 court, for her other outstanding accomplishments at
18 her high school, and for her dedication in working to
19 benefit her community.

Senate File 422 - Introduced

SENATE FILE 422
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1241)

A BILL FOR

1 An Act relating to vehicle recyclers, including the transfer
2 of motor vehicles to vehicle recyclers and compliance
3 with the national motor vehicle title information system,
4 making penalties applicable, and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2328SV (3) 86
ns/nh

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1 Section 1. Section 321.45, subsection 2, paragraph a, Code
2 2015, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (5) The vehicle is disposed of pursuant
4 to section 321.52, subsection 2, paragraph "b".
5 Sec. 2. Section 321.46, subsection 1, Code 2015, is amended
6 to read as follows:
7 1. The transferee shall, within thirty calendar days after
8 purchase or transfer, apply for and obtain from the county
9 treasurer of the person's residence, or if a nonresident, the
10 county treasurer of the county where the primary users of the
11 vehicle are located or the county where all other vehicles
12 owned by the nonresident are registered, or in the case of a
13 mobile home or manufactured home, the county treasurer of the
14 county where the mobile home or manufactured home is located,
15 or if a firm, association, or corporation with vehicles in
16 multiple counties, the transferee may apply for and obtain
17 from the county treasurer of the county where the primary
18 user of the vehicle is located, a new registration and a new
19 certificate of title for the vehicle except as provided in
20 section 321.25, 321.48, or 322G.12, or when the transferee
21 obtains the vehicle pursuant to section 321.52, subsection
22 2, paragraph "b". The transferee shall present with the
23 application the certificate of title endorsed and assigned by
24 the previous owner and shall indicate the name of the county
25 in which the vehicle was last registered and the registration
26 expiration date.
27 Sec. 3. Section 321.52, subsection 2, Code 2015, is amended
28 to read as follows:
29 2. *a.* The purchaser or transferee of a motor vehicle
30 subject to registration for which a certificate of title is
31 issued which is sold for scrap or junk shall surrender the
32 certificate of title, properly endorsed and signed by the
33 previous owner, to the county treasurer of the county of
34 residence of the transferee, and shall apply for a junking
35 certificate from the county treasurer, within thirty days after

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1 assignment of the certificate of title, except when the vehicle
2 is disposed of pursuant to paragraph "*b*". The county treasurer
3 shall issue to such person without fee a junking certificate.
4 A junking certificate shall authorize the holder to possess,
5 transport, or transfer by endorsement the ownership of the
6 junked vehicle. A certificate of title shall not again be
7 issued for the vehicle subsequent to the issuance of a junking
8 certificate except as provided in subsection 3. The county
9 treasurer shall cancel the record of the vehicle. The junking
10 certificate shall be printed on the registration receipt form
11 and shall be imprinted with the words "junking certificate",
12 as prescribed by the department. A space for transfer by
13 endorsement shall be on the junking certificate. A separate
14 form for the notation of the transfer of component parts shall
15 be attached to the junking certificate when the certificate is
16 issued.
17 *b.* The owner of a motor vehicle subject to registration that
18 does not have a certificate of title or a junking certificate
19 may dispose of the vehicle to a vehicle recycler licensed under
20 chapter 321H for scrap or junk if the vehicle is twelve model
21 years old or older and has a fair market value of less than one
22 thousand dollars.
23 Sec. 4. Section 321.52, subsection 3, paragraph a, Code
24 2015, is amended to read as follows:
25 *a.* When a vehicle for which a certificate of title is issued
26 is junked or dismantled by the owner, the owner shall detach
27 the registration plates and surrender the plates to the county
28 treasurer, unless the plates are properly assigned to another
29 vehicle. The owner shall also surrender the certificate of
30 title to the county treasurer except when the vehicle is
31 disposed of pursuant to subsection 2, paragraph "*b*".
32 Sec. 5. Section 321.67, Code 2015, is amended to read as
33 follows:
34 **321.67 Certificate of title must be executed.**
35 1. No person, except as provided in sections 321.23 and

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321.45, and section 321.52, subsection 2, paragraph *"b"*, shall sell or otherwise dispose of a registered vehicle or a vehicle subject to registration without delivering to the purchaser or transferee thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser.

2. No person shall purchase or otherwise acquire or bring into this state a registered vehicle or a vehicle subject to registration without obtaining a certificate of title thereto except for temporary use or as provided in sections 321.23 and 321.45, and section 321.52, subsection 2, paragraph *"b"*.

Sec. 6. Section 321.104, subsection 4, Code 2015, is amended to read as follows:

4. To sell, offer for sale, or transfer a motor vehicle, trailer, or semitrailer, except as provided in section 321.47 or 321.48, or section 321.52, subsection 2, paragraph *"b"*, without obtaining a certificate of title in the name of the seller or transferor or without delivering to the purchaser or transferee a certificate of title or a manufacturer's or importer's certificate duly assigned to the purchaser or transferee as provided in this chapter.

Sec. 7. Section 321H.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *"National motor vehicle title information system"* means the federally mandated motor vehicle title history database maintained by the United States department of justice that links the states' motor vehicle title records, including the department's title records, and that requires the reporting of junk and salvage motor vehicles in order to ensure that states, law enforcement agencies, insurers, and consumers have access to information that enables the verification of a vehicle's history, and the accuracy and legality of a motor vehicle's title, before a purchase or title transfer occurs.

Sec. 8. Section 321H.4, subsection 2, paragraph a, Code 2015, is amended to read as follows:

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1 *a.* Application for a license as an authorized vehicle
2 recycler shall be made to the department on forms provided by
3 the department. The application shall be accompanied by a
4 fee of seventy dollars for a two-year period or part thereof
5 and proof of registration with the national motor vehicle
6 title information system. The license shall be approved or
7 disapproved within thirty days after application for the
8 license. A license expires on December 31 of even-numbered
9 years. A licensee shall have the month of expiration and the
10 month after the month of expiration to renew the license. A
11 person who fails to renew a license by the end of this time
12 period and desires to hold a license shall file a new license
13 application and pay the required fee. A separate license shall
14 be obtained for each county in which an applicant conducts
15 operations.
16 Sec. 9. NEW SECTION. **321H.4A National motor vehicle title**
17 **information system.**
18 1. A vehicle recycler licensed under this chapter and
19 subject to the requirements of 28 C.F.R. §25.56 shall register
20 with the national motor vehicle title information system.
21 2. *a.* Except as provided in paragraph *"b"*, for any vehicle
22 subject to registration under chapter 321 purchased by a
23 vehicle recycler licensed under this chapter and subject to the
24 requirements of 28 C.F.R. §25.56, the vehicle recycler shall
25 comply with the reporting requirements of 28 C.F.R. §25.56
26 within two business days of purchasing the vehicle. Records of
27 the vehicle recycler's compliance shall be kept by the vehicle
28 recycler for at least three years after the purchase of the
29 vehicle, and shall be open for inspection by any peace officer
30 during normal business hours. The department shall adopt rules
31 to implement this section, including but not limited to rules
32 requiring the submission and retention of records not required
33 by 28 C.F.R. §25.56.
34 *b.* Paragraph *"a"* does not apply to a vehicle that has
35 been crushed or flattened by mechanical means in such a way

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that it no longer resembles the vehicle described by the certificate of title if the vehicle recycler who purchased the vehicle verifies that the seller of the vehicle has met the requirements of paragraph *"a"*. The department shall adopt rules relating to the form of the verification, and the manner in which the verification shall be retained.

Sec. 10. Section 321H.5, Code 2015, is amended to read as follows:

321H.5 Display of license.

A license issued under the provisions of this chapter shall specify the location of the principal place of business, the location of each extension within the county of the principal place of business ~~and the~~, and the licensee's registration number for the national motor vehicle title information system. The license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modifications.

Sec. 11. Section 321H.6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The license of a person issued under the provisions of this chapter may be denied, revoked, or suspended, and an application for a license under this chapter may be denied, if the department finds any of the following:

Sec. 12. Section 321H.6, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The licensee has failed to comply with section 321H.4A or 28 C.F.R. §25.56.

Sec. 13. Section 321H.8, subsection 1, Code 2015, is amended to read as follows:

1. *a.* ~~A~~ Except as provided in paragraph *"b"*, a person convicted of violating a provision of this chapter is guilty of a serious misdemeanor.

b. A person convicted of violating section 321H.4A, subsection 2, paragraph *"a"*, for failing to comply with the reporting requirements of 28 C.F.R. §25.56 within two business

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1 days of purchasing a vehicle is guilty of a simple misdemeanor
2 punishable by a fine of not less than two hundred fifty
3 dollars nor more than one thousand five hundred dollars or by
4 imprisonment not to exceed thirty days.
5 Sec. 14. EFFECTIVE DATE. This Act takes effect January 1,
6 2016.
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 relates to vehicle recyclers, including the
11 transfer of motor vehicles to vehicle recyclers and compliance
12 with the national motor vehicle title information system.
13 The bill provides that the owner of a motor vehicle that does
14 not have a certificate of title or a junking certificate may
15 dispose of the vehicle to a vehicle recycler licensed under
16 Code chapter 321H for scrap or junk if the vehicle is 12 model
17 years old or older and has a fair market value of less than
18 $1,000. The bill exempts vehicles disposed of this way from
19 certain title application, delivery, surrender, and transfer
20 requirements.
21 The bill defines "national motor vehicle title information
22 system" (NMVTIS) as the federally mandated motor vehicle title
23 history database maintained by the United States department of
24 justice that links the states' motor vehicle title records,
25 including the department of transportation's title records, and
26 that requires the reporting of junk and salvage motor vehicles
27 in order to ensure that states, law enforcement agencies,
28 insurers, and consumers have access to information that enables
29 the verification of a vehicle's history, and the accuracy and
30 legality of a motor vehicle's title, before a purchase or title
31 transfer occurs.
32 The bill requires applicants seeking to become an authorized
33 vehicle recycler to provide proof of registration with the
34 NMVTIS. In addition, the bill requires a vehicle recycler
35 license to state the licensee's registration number for the

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1 NMVTIS.
2 The bill requires a licensed vehicle recycler subject to
3 federal regulations relating to the NMVTIS to register with
4 the NMVTIS, and for any vehicle purchased by the vehicle
5 recycler, to comply with the federal reporting requirements
6 within two business days of purchasing the vehicle. Records
7 of the vehicle recycler's compliance shall be kept by the
8 vehicle recycler for at least three years after the purchase
9 of the vehicle, and shall be open for inspection by any peace
10 officer during normal business hours. The bill provides that
11 the department of transportation shall adopt rules to implement
12 these provisions, including but not limited to rules requiring
13 the submission and retention of records not required by federal
14 regulations relating to the NMVTIS. These requirements do
15 not apply to a vehicle that has been crushed or flattened by
16 mechanical means in such a way that it no longer resembles the
17 vehicle described by the certificate of title if the vehicle
18 recycler who purchased the vehicle verifies that the seller of
19 the vehicle has met the requirements. The bill provides that
20 the department of transportation shall adopt rules relating
21 to the form of the verification, and the manner in which the
22 verification shall be retained. A violation for failing to
23 comply with the reporting requirements of the NMVTIS within two
24 business days of purchasing a vehicle is a simple misdemeanor
25 punishable by a fine of at least $250, but not more than
26 $1,500, or imprisonment not to exceed 30 days. A violation of
27 the remaining provisions is a serious misdemeanor punishable
28 by a fine of at least $315, but not more than $1,875, and
29 imprisonment not to exceed one year.
30 The bill provides that an authorized vehicle recycler
31 license, or an application for such a license, may be denied,
32 revoked, or suspended if the department of transportation finds
33 that the licensee has not complied with the provisions of the
34 bill or with federal regulations relating to the NMVTIS.
35 The bill takes effect January 1, 2016.

Senate File 423 - Introduced

SENATE FILE 423
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 354)

A BILL FOR

1 An Act relating to the fee for new registration for repaired
2 salvage vehicles, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2420SV (3) 86
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1 Section 1. Section 321.105A, subsection 2, paragraph c,
2 subparagraph (17), Code 2015, is amended by striking the
3 subparagraph and inserting in lieu thereof the following:
4 (17) Vehicles titled under a salvage certificate of
5 title. However, when such a vehicle has been repaired and
6 a regular certificate of title is applied for, the fee for
7 new registration is due. If the owner of the vehicle is
8 not licensed as a motor vehicle dealer, the fee for new
9 registration shall be equal to two percent of the value of
10 the vehicle as determined by the department, with deductions
11 allowed for the cost of parts, supplies, and equipment for
12 which sales tax was paid and which were used to rebuild
13 the vehicle. The department shall adopt rules to determine
14 how such deductions shall be documented. The fee for new
15 registration pursuant to this subparagraph (17) shall be
16 automatically reduced in the following amounts, as applicable:
17 (a) If the motor vehicle is seven model years old or older,
18 but newer than nine model years old, one-fourth of one percent
19 of the value of the vehicle as determined by the department,
20 taking into account the deductions applied for the cost of
21 parts, supplies, and equipment for which sales tax was paid and
22 which were used to rebuild the vehicle.
23 (b) If the motor vehicle is nine model years old or older,
24 but newer than twelve model years old, three-fourths of one
25 percent of the value of the vehicle as determined by the
26 department, taking into account the deductions applied for the
27 cost of parts, supplies, and equipment for which sales tax was
28 paid and which were used to rebuild the vehicle.
29 (c) If the motor vehicle is twelve model years old or
30 older, one and one-half percent of the value of the vehicle
31 as determined by the department, taking into account the
32 deductions applied for the cost of parts, supplies, and
33 equipment for which sales tax was paid and which were used to
34 rebuild the vehicle.
35 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,

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2016.

EXPLANATION

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

Current law provides that a vehicle titled under a salvage certificate of title is exempt from the fee for new registration until the vehicle is repaired and a regular certificate of title is applied for. If the owner of the vehicle is a licensed recycler, but not licensed as a vehicle dealer, the fee for new registration applies based on the fair market value of the vehicle, with deduction allowed for the cost of parts, supplies, and equipment for which sales tax was paid and which were used to rebuild the vehicle. If the owner is a person who is not licensed as a recycler or vehicle dealer, the fee for new registration applies based on the fair market value of the vehicle, with deduction allowed for the cost of parts, frames, chassis, auto bodies, or supplies that were purchased to rebuild the vehicle and for which sales tax was paid.

The bill strikes these provisions but continues to provide that a vehicle titled under a salvage certificate of title is exempt from the fee for new registration until the vehicle is repaired and a regular certificate of title is applied for.

The bill provides that if the owner of the vehicle is not licensed as a motor vehicle dealer, the fee for new registration shall be equal to 2 percent of the value of the vehicle as determined by the department, with deductions allowed for the cost of parts, supplies, and equipment for which sales tax was paid and which were used to rebuild the vehicle. The bill provides that the department of transportation shall adopt rules to determine how such deductions shall be documented.

The bill provides that the fee for new registration shall be automatically reduced in certain circumstances. If the motor vehicle is seven model years old or older, but newer than nine

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model years old, the fee for new registration is reduced 0.25 percent of the value of the vehicle. If the motor vehicle is nine model years old or older, but newer than 12 model years old, the fee for new registration is reduced 0.75 percent of the value of the vehicle. If the motor vehicle is 12 model years old or older, the fee for new registration is reduced 1.5 percent of the value of the vehicle. For these reductions, the value of the vehicle is determined by the department, taking into account the deductions applied for the cost of parts, supplies, and equipment for which sales tax was paid and which were used to rebuild the vehicle.

The bill takes effect January 1, 2016.

Senate File 424 - Introduced

SENATE FILE 424
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 241)

A BILL FOR

1 An Act relating to lighted lamps on bicycles and bicycle
2 riders, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2326SV (3) 86
ns/nh

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Section 1. Section 321.385A, Code 2015, is amended to read as follows:

321.385A Citation for unlighted headlamp, rear lamp, bicycle or rider lamp, or rear registration plate light.

1. *a.* A citation issued for failure to have headlamps as required under section 321.385 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the headlamp.

b. A citation issued for failure to have rear lamps as required under section 321.387 or a rear registration plate light as required under section 321.388 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamps or light.

c. A citation issued for failure to have a front lamp or rear lamp on a bicycle or on a bicycle rider as required under section 321.397 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamp or lamps.

2. If the person complies with the directive to replace or repair the headlamp, rear lamps, bicycle or rider lamp, or rear registration plate light within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.

3. A citation issued under this section shall include a written notice of replacement or repair which shall indicate the date of replacement or repair and the manner in which the replacement or repair occurred and which shall be returned to the issuing authority within the seventy-two hour time period.

Sec. 2. Section 321.397, Code 2015, is amended to read as follows:

321.397 Lamps on bicycles and bicycle riders.

~~Every~~ At the times specified in section 321.384, a bicycle or its rider shall be equipped with a lamp on the front exhibiting a white light~~, at the times specified in section 321.384,~~

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visible from a distance of at least three hundred feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear~~, except that a red reflector may be used in lieu of a rear light~~. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

Sec. 3. EFFECTIVE DATE. This Act takes effect January 1, 2016.

EXPLANATION

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

Current law provides that a bicycle shall have a front lighted lamp and either a rear lighted lamp or a rear reflector at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead.

This bill provides that a bicycle or its rider shall have a front and rear lighted lamp during the stated periods of time, and may not have a rear reflector in lieu of the rear lighted lamp. The scheduled fine for violating this provision is $25. However, the bill provides that a citation issued for failure to have a front lamp or rear lamp on a bicycle or on a bicycle rider shall first provide for a 72-hour period within which the person charged with the violation shall replace or repair the lamp. If the person complies with the directive to replace or repair the bicycle or rider lamp, the citation shall be expunged.

The bill takes effect January 1, 2016.

Senate File 425 - Introduced

SENATE FILE 425
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1251)

A BILL FOR

1 An Act relating to the possession, manufacture, acquisition,
2 and sale of firearms and suppressors, providing penalties,
3 and including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1099SV (3) 86
jm/rj

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1 Section 1. Section 724.1, subsection 1, paragraph h, Code
2 2015, is amended by striking the paragraph.
3 Sec. 2. NEW SECTION. **724.1A Firearm suppressors —**
4 **certification.**
5 1. As used in this section, unless the context otherwise
6 requires:
7 *a. "Certification"* means the participation and assent of
8 the chief law enforcement officer of the jurisdiction where the
9 applicant resides or maintains an address of record, that is
10 necessary under federal law for the approval of an application
11 to make or transfer a firearm suppressor.
12 *b. "Chief law enforcement officer"* means the county sheriff,
13 chief of police, or the designee of such official, that the
14 federal bureau of alcohol, tobacco, firearms and explosives,
15 or any successor agency, has identified by regulation or has
16 determined is otherwise eligible to provide any required
17 certification for making or transferring a firearm suppressor.
18 *c. "Firearm suppressor"* means a mechanical device
19 specifically constructed and designed so that when attached to
20 a firearm silences, muffles, or suppresses the sound when fired
21 that is considered a *"firearm silencer"* or *"firearm muffler"* as
22 defined in 18 U.S.C. §921.
23 2. *a.* A chief law enforcement officer is not required
24 to make any certification under this section the chief law
25 enforcement officer knows to be false, but the chief law
26 enforcement officer shall not refuse, based on a generalized
27 objection, to issue a certification to make or transfer a
28 firearm suppressor.
29 *b.* When the certification of the chief law enforcement
30 officer is required by federal law or regulation for making or
31 transferring a firearm suppressor, the chief law enforcement
32 officer shall, within thirty days of receipt of a request for
33 certification, issue such certification if the applicant is
34 not prohibited by law from making or transferring a firearm
35 suppressor or is not the subject of a proceeding that could

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1 result in the applicant being prohibited by law from making
2 or transferring the firearm suppressor. If the chief law
3 enforcement officer does not issue a certification as required
4 by this section, the chief law enforcement officer shall
5 provide the applicant with a written notification of the denial
6 and the reason for the denial.
7 3. An applicant whose request for certification is denied
8 may appeal the decision of the chief law enforcement officer
9 to the district court for the county in which the applicant
10 resides or maintains an address of record. The court shall
11 review the decision of the chief law enforcement officer to
12 deny the certification de novo. If the court finds that the
13 applicant is not prohibited by law from making or transferring
14 the firearm suppressor, or is not the subject of a proceeding
15 that could result in such prohibition, or that no substantial
16 evidence supports the decision of the chief law enforcement
17 officer, the court shall order the chief law enforcement
18 officer to issue the certification and award court costs and
19 reasonable attorney fees to the applicant. If the court
20 determines the applicant is not eligible to be issued a
21 certification, the court shall award court costs and reasonable
22 attorney fees to the political subdivision of the state
23 representing the chief law enforcement officer.
24 4. In making a determination about whether to issue a
25 certification under subsection 2, a chief law enforcement
26 officer may conduct a criminal background check, but shall
27 only require the applicant provide as much information as is
28 necessary to identify the applicant for this purpose or to
29 determine the disposition of an arrest or proceeding relevant
30 to the eligibility of the applicant to lawfully possess or
31 receive a firearm suppressor. A chief law enforcement officer
32 shall not require access to or consent to inspect any private
33 premises as a condition of providing a certification under this
34 section.
35 5. A chief law enforcement officer and employees of the

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1 chief law enforcement officer who act in good faith are immune
2 from liability arising from any act or omission in making a
3 certification as required by this section.
4 Sec. 3. NEW SECTION. **724.1B Firearm suppressors — penalty.**
5 1. A person shall not possess a firearm suppressor in this
6 state unless authorized by federal law.
7 2. A person who possesses a firearm suppressor in violation
8 of subsection 1 commits a class "D" felony.
9 Sec. 4. Section 724.4, subsection 4, paragraph i, Code 2015,
10 is amended to read as follows:
11 *i.* (1) A person who has in the person's immediate
12 possession and who displays to a peace officer on demand a
13 valid permit to carry weapons which has been issued to the
14 person, and whose conduct is within the limits of that permit.
15 A peace officer shall verify through electronic means, if
16 possible, the validity of the person's permit to carry weapons.
17 (2) A person commits a simple misdemeanor punishable as
18 a scheduled violation pursuant to section 805.8C, subsection
19 11, if the person does not have in the person's immediate
20 possession a valid permit to carry weapons which has been
21 issued to the person.
22 (3) ~~A~~ Except as provided subparagraph (2), a person shall
23 not be convicted of a violation of this section if the person
24 produces at the person's trial a permit to carry weapons which
25 was valid at the time of the alleged offense and which would
26 have brought the person's conduct within this exception if the
27 permit had been produced at the time of the alleged offense.
28 Sec. 5. Section 724.4B, subsection 2, paragraph a, Code
29 2015, is amended to read as follows:
30 *a.* A person listed under section 724.4, subsection 4,
31 paragraphs "*b*" through "*f*" or "*j*", or a certified peace officer
32 as specified in section 724.6, subsection 1.
33 Sec. 6. Section 724.5, Code 2015, is amended to read as
34 follows:
35 **724.5 Duty to carry or verify permit to carry weapons.**

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1. A person armed with a revolver, pistol, or pocket billy concealed upon the person shall have in the person's immediate possession the permit provided for in section 724.4, subsection 4, paragraph "i", and shall produce the permit for inspection at the request of a peace officer.

2. A peace officer shall verify through electronic means, if possible, the validity of the person's permit to carry weapons.

3. Failure to so produce a permit is a simple misdemeanor, punishable as a scheduled violation pursuant to section 805.8C, subsection 12.

Sec. 7. Section 724.6, subsection 1, Code 2015, is amended to read as follows:

1. A person may be issued a permit to carry weapons when the person's employment in a private investigation business or private security business licensed under chapter 80A, or a person's employment as a peace officer, correctional officer, security guard, bank messenger or other person transporting property of a value requiring security, or in police work, reasonably justifies that person going armed. The permit shall be on a form prescribed and published by the commissioner of public safety, shall identify the holder, and shall state the nature of the employment requiring the holder to go armed. A permit so issued, other than to a peace officer, shall authorize the person to whom it is issued to go armed anywhere in the state, only while engaged in the employment, and while going to and from the place of the employment. A permit issued to a certified peace officer shall authorize that peace officer to go armed anywhere in the state, including a school as provided in section 724.4B, at all times. Permits shall expire twelve months after the date when issued except that permits issued to peace officers and correctional officers are valid through the officer's period of employment unless otherwise canceled. When the employment is terminated, the holder of the permit shall surrender it to the issuing officer for cancellation.

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1 Sec. 8. Section 724.7, subsection 1, Code 2015, is amended
2 to read as follows:
3 1. Any person who is not disqualified under section 724.8,
4 who satisfies the training requirements of section 724.9, if
5 applicable, and who files an application in accordance with
6 section 724.10 shall be issued a nonprofessional permit to
7 carry weapons. Such permits shall be on a form prescribed and
8 published by the commissioner of public safety, which shall
9 be readily distinguishable from the professional permit, and
10 shall identify the holder of the permit. Such permits shall
11 not be issued for a particular weapon and shall not contain
12 information about a particular weapon including the make,
13 model, or serial number of the weapon or any ammunition used
14 in that weapon. All permits so issued shall be for a period of
15 five years and shall be valid throughout the state except where
16 the possession or carrying of a firearm is prohibited by state
17 or federal law.
18 Sec. 9. Section 724.9, Code 2015, is amended to read as
19 follows:
20 **724.9 Firearm training program.**
21 1. An applicant for an initial permit to carry weapons,
22 an applicant for a renewal permit under subsection 2, or an
23 applicant for renewal who applies outside the time periods
24 specified for a renewal in section 724.11, shall demonstrate
25 knowledge of firearm safety by any of the following means:
26 *a.* Completion of any national rifle association handgun
27 safety training course.
28 *b.* Completion of any handgun safety training course
29 available to the general public offered by a law enforcement
30 agency, community college, college, private or public
31 institution or organization, or firearms training school,
32 utilizing instructors certified by the national rifle
33 association or the department of public safety or another
34 state's department of public safety, state police department,
35 or similar certifying body.

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c. Completion of any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the department of public safety.

d. Completion of small arms training while serving with the armed forces of the United States ~~as evidenced by any of the following:~~.

~~(1) For personnel released or retired from active duty, possession of an honorable discharge or general discharge under honorable conditions.~~

~~(2) For personnel on active duty or serving in one of the national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification.~~

e. Completion of a law enforcement agency firearms training course that qualifies a peace officer to carry a firearm in the normal course of the peace officer's duties.

2. *a.* Beginning with the first renewal of a permit issued after the calendar year 2010, and alternating renewals thereafter, training is not required unless the applicant applies outside of the time periods specified for a renewal in section 724.11.

b. Beginning with the second renewal of a permit issued after the calendar year 2010, and alternating renewals thereafter, an applicant is required to complete training and shall qualify under either of the following:

(1) Any training option specified in subsection 1.

(2) On a firing range under the supervision of an instructor certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body.

~~2.~~ 3. ~~Evidence~~ If training or qualification is required under this section, evidence of such training or qualification ~~under this section~~ may be documented by any of the following:

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1 *a.* A photocopy of a certificate of completion or any
2 similar document indicating completion of any course or
3 class identified in subsection 1 that was completed within
4 twenty-four months prior to the date of the application.
5 *b.* An affidavit from the instructor, school, organization,
6 or group that conducted or taught a course or class identified
7 in subsection 1 that was completed within twenty-four
8 months prior to the date of the application attesting to the
9 completion of the course or class by the applicant.
10 ~~*c.* A copy of any document indicating participation in any~~
11 ~~firearms shooting competition.~~
12 *c.* Possession of an honorable discharge or general discharge
13 under honorable conditions issued any time prior to the date of
14 the application for personnel released or retired from active
15 duty in the armed forces of the United States.
16 *d.* Possession of a certificate of completion of basic
17 training with a service record of successful completion of
18 small arms training and qualification issued prior to the
19 date of the application, or other official documentation
20 satisfactory to the issuing officer that was issued prior to
21 the date of the application for personnel on active duty or
22 serving in one of the national guard or reserve components of
23 the armed forces of the United States.
24 *e.* A qualification certificate, qualification card, or
25 affidavit from an instructor certified by the national rifle
26 association or the department of public safety or another
27 state's department of public safety, state police department,
28 or similar certifying body attesting that the applicant for
29 renewal has qualified on a firing range within twenty-four
30 months prior to the date of the application.
31 ~~3.~~ 4. An issuing officer shall not condition the issuance
32 of a permit on training requirements that are not specified in
33 or that exceed the requirements of this section.
34 5. The handgun safety training course required in
35 subsection 1 may be conducted over the internet in a live or

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1 web-based format, if completion of the course is verified by
2 the instructor or provider of the course.
3 Sec. 10. Section 724.10, subsections 1 and 2, Code 2015, are
4 amended to read as follows:
5 1. *a.* A person shall not be issued a permit to carry
6 weapons unless the person has completed and signed an
7 application on a form to be prescribed and published by
8 the commissioner of public safety. The application shall
9 require only the full name, driver's license or nonoperator's
10 identification card number, residence, place of birth, and
11 date of birth of the applicant, and shall state whether the
12 applicant meets the criteria specified in sections 724.8
13 and 724.9. An applicant may provide the applicant's social
14 security number if the applicant so chooses. The applicant
15 shall also display an identification card that bears a
16 distinguishing number assigned to the cardholder, the full
17 name, date of birth, sex, residence address, and a brief
18 description and colored photograph of the cardholder.
19 *b.* If the applicant is not a United States citizen, the
20 application shall, in addition to the information specified in
21 paragraph *"a"*, require the applicant's country of citizenship,
22 any alien or admission number issued by the United States
23 immigration and customs enforcement or any successor agency,
24 and, if applicable, the basis for any exception claimed
25 pursuant to 18 U.S.C. §922(y).
26 2. The issuing officer, upon receipt of an initial or
27 renewal application under this section, shall immediately
28 conduct a background check concerning each applicant by
29 obtaining criminal history data from the department of
30 public safety which shall include an inquiry of the national
31 instant criminal background check system maintained by the
32 federal bureau of investigation or any successor agency and
33 an immigration alien query through a database maintained by
34 the United States immigration and customs enforcement or any
35 successor agency if the applicant is not a United States

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citizen.

Sec. 11. Section 724.11, subsections 1 and 3, Code 2015, are amended to read as follows:

1. Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications for professional permits to carry weapons for persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, the sheriff or commissioner, before issuing the permit, shall determine that the requirements of sections 724.6 to 724.10 have been satisfied. ~~However, for renewal of a permit the training program requirements in section 724.9, subsection 1, shall apply or the renewal applicant may choose to qualify on a firing range under the supervision of an instructor certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body. Such training or qualification must occur within the twelve-month period prior to the expiration of the applicant's current permit.~~ An applicant for renewal of a permit shall apply within thirty days prior to the expiration of the permit or within thirty days after the expiration of the permit; otherwise the applicant shall be considered an applicant for an initial permit under section 724.9, subsection 1.

3. The issuing officer shall collect a fee of fifty dollars, except from a duly appointed peace officer or correctional officer, for each permit issued. Renewal permits or duplicate permits shall be issued for a fee of twenty-five dollars, provided the application for such renewal permit is received by the issuing officer ~~at least~~ within thirty days prior to the expiration of the applicant's current permit or within thirty days after such expiration. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount

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1 equal to ten dollars for each permit issued and five dollars
2 for each renewal or duplicate permit issued. All such fees
3 received by the commissioner shall be paid to the treasurer of
4 state and deposited in the operating account of the department
5 of public safety to offset the cost of administering this
6 chapter. Notwithstanding section 8.33, any unspent balance as
7 of June 30 of each year shall not revert to the general fund of
8 the state.
9 Sec. 12. Section 724.11, Code 2015, is amended by adding the
10 following new subsection:
11 NEW SUBSECTION. 5. The initial or renewal permit shall
12 have a uniform appearance, size, and content prescribed and
13 published by the commissioner of public safety. The permit
14 shall contain the name of the permittee and the effective date
15 of the permit, but shall not contain the permittee's social
16 security number. Such a permit shall not be issued for a
17 particular weapon and shall not contain information about a
18 particular weapon including the make, model, or serial number
19 of the weapon, or any ammunition used in that weapon.
20 Sec. 13. Section 724.11A, Code 2015, is amended to read as
21 follows:
22 **724.11A Recognition.**
23 A valid permit or license issued by another state to any
24 nonresident of this state shall be considered to be a valid
25 permit or license to carry weapons issued pursuant to this
26 chapter, except that such permit or license shall not be
27 considered to be a substitute for ~~an annual~~ a permit to acquire
28 ~~pistols or revolvers~~ firearms issued pursuant to section
29 724.15.
30 Sec. 14. Section 724.15, Code 2015, is amended by striking
31 the section and inserting in lieu thereof the following:
32 **724.15 Optional permit to acquire firearms.**
33 1. It is the purpose of this section to provide for a permit
34 to acquire firearms that will satisfy the requirements of 18
35 U.S.C. §922(t)(3) to allow the holder of such a permit to

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1 acquire firearms from a federally licensed firearms dealer. A
2 person is not required to obtain a permit to acquire firearms
3 under this section if the person possesses a valid permit to
4 carry weapons issued in accordance with this chapter or if the
5 person has otherwise completed a satisfactory national instant
6 criminal background check required pursuant to 18 U.S.C.
7 §922(t).
8 2. A person may obtain a permit to acquire firearms pursuant
9 to this section. However, a permit to acquire firearms
10 shall not be issued to a person who is subject to any of the
11 following:
12 *a.* Is under twenty-one years of age.
13 *b.* Is prohibited by section 724.26 or federal law from
14 possessing, shipping, transporting, or receiving a firearm.
15 *c.* Is prohibited by court order from possessing, shipping,
16 transporting, or receiving a firearm.
17 3. A permit to acquire firearms shall authorize the permit
18 holder to acquire one or more firearms, without limitation,
19 from a federally licensed firearms dealer during the period the
20 permit remains valid pursuant to section 724.20.
21 4. An issuing officer who finds that a person issued
22 a permit to acquire firearms under this chapter has been
23 arrested for a disqualifying offense or who is the subject of
24 proceedings that could lead to the person's ineligibility for
25 such permit may immediately suspend such permit. An issuing
26 officer proceeding under this subsection shall immediately
27 notify the permit holder of the suspension by personal service
28 or certified mail on a form prescribed and published by the
29 commissioner of public safety and the suspension shall become
30 effective upon the permit holder's receipt of such notice. If
31 the suspension is based on an arrest or a proceeding that does
32 not result in a disqualifying conviction or finding against
33 the permit holder, the issuing officer shall immediately
34 reinstate the permit upon receipt of proof of the matter's
35 final disposition. If the arrest leads to a disqualifying

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1 conviction or the proceedings to a disqualifying finding, the
2 issuing officer shall revoke the permit. The issuing officer
3 may also revoke the permit of a person whom the issuing officer
4 later finds was not qualified for such a permit at the time of
5 issuance or who the officer finds provided materially false
6 information on the permit application. A person aggrieved by a
7 suspension or revocation under this subsection may seek review
8 of the decision pursuant to section 724.21A.
9 Sec. 15. Section 724.16, Code 2015, is amended by striking
10 the section and inserting in lieu thereof the following:
11 **724.16 Prohibited transfers of firearms.**
12 1. A person shall not transfer a firearm to another person
13 if the person knows or reasonably should know that the other
14 person is prohibited from receiving or possessing a firearm
15 under section 724.26 or federal law.
16 2. A person shall not loan or rent a firearm to another
17 person for temporary use during lawful activities if the person
18 knows or reasonably should know that the person is prohibited
19 from receiving or possessing a firearm under section 724.26 or
20 federal law.
21 3. A person who transfers, loans, or rents a firearm in
22 violation of this section commits a class "D" felony.
23 Sec. 16. Section 724.17, Code 2015, is amended to read as
24 follows:
25 **724.17 Application for ~~annual~~ permit to acquire firearms —**
26 **criminal history check required.**
27 1. The application for ~~an annual~~ a permit to acquire ~~pistols~~
28 ~~or revolvers~~ firearms may be made to the sheriff of the county
29 of the applicant's residence and shall be on a form prescribed
30 and published by the commissioner of public safety.
31 *a.* ~~The~~ If an applicant is a United States citizen, the
32 application shall require only the full name of the applicant,
33 the driver's license or nonoperator's identification card
34 number of the applicant, the residence of the applicant, and
35 the date and place of birth of the applicant.

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1 *b.* If the applicant is not a United States citizen, the
2 application shall, in addition to the information specified in
3 paragraph *"a"*, require the applicant's country of citizenship,
4 any alien or admission number issued by the United States
5 immigration and customs enforcement or any successor agency,
6 and, if applicable, the basis for any exception claimed
7 pursuant to 18 U.S.C. §922(y).
8 *c.* The applicant shall also display an identification card
9 that bears a distinguishing number assigned to the cardholder,
10 the full name, date of birth, sex, residence address, and brief
11 description and ~~colored~~ photograph of the cardholder, or other
12 identification as specified by rule of the department of public
13 safety.
14 2. The sheriff shall conduct a criminal history check
15 concerning each applicant by obtaining criminal history data
16 from the department of public safety which shall include an
17 inquiry of the national instant criminal background check
18 system maintained by the federal bureau of investigation or
19 any successor agency and an immigration alien query through
20 a database maintained by the United States immigration and
21 customs enforcement or any successor agency if the applicant
22 is not a United States citizen.
23 3. A person who makes what the person knows to be a false
24 statement of material fact on an application submitted under
25 this section or who submits what the person knows to be any
26 materially falsified or forged documentation in connection with
27 such an application commits a class "D" felony.
28 Sec. 17. Section 724.18, Code 2015, is amended by striking
29 the section and inserting in lieu thereof the following:
30 **724.18 Procedure for making application for permit to acquire**
31 **firearms.**
32 1. A person may personally request the sheriff to mail an
33 application for a permit to acquire firearms, and the sheriff
34 shall immediately forward such application to the person. The
35 person shall personally deliver such a completed application to

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the sheriff. The permit to acquire firearms shall be issued to the applicant within thirty days of the receipt of the completed application, unless the applicant is disqualified after a criminal history check and immigration alien query, if applicable.

2. For the purposes of this section and section 724.19, the date of application shall be the date on which the sheriff receives the completed application.

Sec. 18. Section 724.19, Code 2015, is amended to read as follows:

724.19 Issuance of ~~annual~~ permit to acquire firearms.

The ~~annual~~ permit to acquire ~~pistols or revolvers~~ firearms shall be issued to the applicant ~~immediately upon completion of the application~~ within thirty days of the receipt of the completed application, unless the applicant is disqualified under the provisions of section 724.15 ~~and~~ or 724.17. The permit shall ~~be on a form~~ have a uniform appearance, size, and content prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee~~, the residence of the permittee,~~ and the effective date of the permit, but shall not contain the permittee's social security number. Such a permit shall not be issued for a particular weapon and shall not contain information about a particular weapon including the make, model, or serial number of the weapon, or any ammunition used in that weapon.

Sec. 19. Section 724.20, Code 2015, is amended to read as follows:

724.20 Validity of ~~annual~~ permit to acquire ~~pistols or revolvers~~ firearms.

The permit shall be valid throughout the state and shall be ~~valid three days after the date of application and shall be~~ invalid ~~one year~~ five years after the date of ~~application~~ issuance.

Sec. 20. Section 724.21, Code 2015, is amended to read as follows:

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724.21 Giving false information when acquiring ~~weapon~~ firearms.

A person who gives a false name or presents false identification, or otherwise knowingly gives false material information to one from whom the person seeks to acquire a ~~pistol or revolver~~ firearm, commits a class "D" felony.

Sec. 21. Section 724.21A, subsections 1 and 7, Code 2015, are amended to read as follows:

1. In any case where the sheriff or the commissioner of public safety denies an application for or suspends or revokes a permit to carry weapons or ~~an annual~~ a permit to acquire ~~pistols or revolvers~~ firearms, the sheriff or commissioner shall provide a written statement of the reasons for the denial, suspension, or revocation and the applicant or permit holder shall have the right to appeal the denial, suspension, or revocation to an administrative law judge in the department of inspections and appeals within thirty days of receiving written notice of the denial, suspension, or revocation.

7. In any case where the issuing officer denies an application for, or suspends or revokes a permit to carry weapons or ~~an annual~~ a permit to acquire ~~pistols or revolvers~~ firearms solely because of an adverse determination by the national instant criminal background check system, the applicant or permit holder shall not seek relief under this section but may pursue relief of the national instant criminal background check system determination pursuant to Pub. L. No. 103-159, sections 103(f) and (g) and 104 and 28 C.F.R. §25.10, or other applicable law. The outcome of such proceedings shall be binding on the issuing officer.

Sec. 22. Section 724.21A, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 8. If an applicant appeals the decision by the sheriff or commissioner to deny an application, or suspend or revoke a permit to carry weapons or a permit to acquire firearms, and it is later determined the applicant

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is eligible to be issued or possess such a permit, the applicant shall be awarded costs related to the administrative proceeding and reasonable attorney fees if applicable. If the decision of the sheriff or commission to deny the application, or suspend or revoke the permit is upheld on appeal, the political subdivision of the state representing the sheriff or the commissioner shall be awarded costs related to the administrative proceeding and reasonable attorney fees if applicable.

Sec. 23. Section 724.22, subsection 5, Code 2015, is amended to read as follows:

5. A parent or guardian or spouse who is twenty-one years of age or older, of a person ~~fourteen years of age but less than~~ below the age of twenty-one may allow the person to possess a pistol or revolver or the ammunition therefor for any lawful purpose while under the direct supervision of the parent or guardian or spouse who is twenty-one years of age or older, or while the person receives instruction in the proper use thereof from an instructor twenty-one years of age or older, with the consent of such parent, guardian or spouse.

Sec. 24. Section 724.23, Code 2015, is amended to read as follows:

724.23 Records kept by commissioner and issuing officers.

1. *a.* The commissioner of public safety shall maintain a permanent record of all valid permits to carry weapons and of current permit revocations.

b. The permanent record shall be kept in a searchable database that is accessible on a statewide basis for the circumstances described in subsection 2, paragraph *"b"*, *"c"*, or *"d"*.

2. *a.* Notwithstanding any other law or rule to the contrary, the commissioner of public safety and any issuing officer shall keep confidential personally identifiable information of holders of permits to carry weapons and permits to acquire firearms, including but not limited to the name,

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1 social security number, date of birth, residential or business
2 address, and driver's license or other identification number of
3 the applicant or permit holder.
4 *b.* This subsection shall not prohibit the release of
5 statistical information relating to the issuance, denial,
6 revocation, or administration of nonprofessional permits to
7 carry weapons and permits to acquire firearms, provided that
8 the release of such information does not reveal the identity of
9 any individual permit holder.
10 *c.* This subsection shall not prohibit the release of
11 information to any law enforcement agency or any employee or
12 agent thereof when necessary for the purpose of investigating a
13 possible violation of law or when probable cause exists, or for
14 conducting a lawfully authorized background investigation.
15 *d.* This subsection shall not prohibit the release of
16 information relating to the validity of a professional permit
17 to carry weapons to an employer who requires an employee or an
18 agent of the employer to possess a professional permit to carry
19 weapons as part of the duties of the employee or agent.
20 *e.* Except as provided in paragraphs *"b"*, *"c"*, and *"d"*, the
21 release of any confidential information under this section
22 shall require a court order or the consent of the person whose
23 personally identifiable information is the subject of the
24 information request.
25 Sec. 25. Section 724.27, subsection 1, unnumbered paragraph
26 1, Code 2015, is amended to read as follows:
27 The provisions of section 724.8, section 724.15, subsection
28 ~~1~~ 2, and section 724.26 shall not apply to a person who is
29 eligible to have the person's civil rights regarding firearms
30 restored under section 914.7 if any of the following occur:
31 Sec. 26. NEW SECTION. **724.29A Fraudulent purchase of**
32 **firearms or ammunition.**
33 1. For purposes of this section:
34 *a.* *"Ammunition"* means any cartridge, shell, or projectile
35 designed for use in a firearm.

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1 *b. "Licensed firearms dealer"* means a person who is licensed
2 pursuant to 18 U.S.C. §923 to engage in the business of dealing
3 in firearms.
4 *c. "Materially false information"* means information that
5 portrays an illegal transaction as legal or a legal transaction
6 as illegal.
7 *d. "Private seller"* means a person who sells or offers for
8 sale any firearm or ammunition.
9 2. A person who knowingly solicits, persuades, encourages,
10 or entices a licensed firearms dealer or private seller of
11 firearms or ammunition to transfer a firearm or ammunition
12 under circumstances that the person knows would violate the
13 laws of this state or of the United States commits a class "D"
14 felony.
15 3. A person who knowingly provides materially false
16 information to a licensed firearms dealer or private seller of
17 firearms or ammunition with the intent to deceive the firearms
18 dealer or seller about the legality of a transfer of a firearm
19 or ammunition commits a class "D" felony.
20 4. Any person who willfully procures another to engage in
21 conduct prohibited by this section shall be held accountable
22 as a principal.
23 5. This section does not apply to a law enforcement officer
24 acting in the officer's official capacity or to a person acting
25 at the direction of such law enforcement officer.
26 Sec. 27. NEW SECTION. **724.32 Rules.**
27 The department of public safety shall adopt rules pursuant
28 to chapter 17A to administer this chapter.
29 Sec. 28. Section 805.8C, Code 2015, is amended by adding the
30 following new subsections:
31 NEW SUBSECTION. 11. *Duty to possess permit to carry*
32 *weapons.* For violations of section 724.4, subsection 4,
33 paragraph *"i"*, subparagraph (2), the scheduled fine is ten
34 dollars.
35 NEW SUBSECTION. 12. *Failure to produce permit to carry.* For

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1 violations of section 724.5, the scheduled fine is ten dollars.
2 Sec. 29. EFFECTIVE UPON ENACTMENT. The following
3 provision or provisions of this Act, being deemed of immediate
4 importance, take effect upon enactment:
5 1. The section of this Act amending section 724.1,
6 subsection 1, paragraph "h".
7 2. The section of this Act enacting new section 724.1A.
8 3. The section of this Act amending section 724.22.
9 4. The section of this Act amending section 724.23,
10 subsection 2.
11 5. The section of this Act amending section 724.29A.
12 6. The applicability section of this Act.
13 Sec. 30. APPLICABILITY. The section of this Act amending
14 section 724.23 applies to holders of nonprofessional permits to
15 carry weapons and permits to acquire firearms and to applicants
16 for nonprofessional permits to carry weapons and permits to
17 acquire firearms on or after the effective date of that section
18 of this Act.
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 relates to the manufacture, acquisition, sale, and
23 use of firearms and suppressors.
24 FIREARM SUPPRESSORS. Current Iowa law provides that a
25 mechanical device specifically constructed and designed so that
26 when attached to a firearm it silences, muffles, or suppresses
27 the sound when fired is an offensive weapon. Under Code
28 section 724.3, any person who knowingly possesses an offensive
29 weapon commits a class "D" felony, punishable by confinement
30 for no more than five years and a fine of at least $750 but not
31 more than $7,500.
32 The bill strikes a provision in Code section 724.1(1)(h)
33 that classifies a firearm suppressor as an offensive weapon.
34 By striking this provision, a firearm suppressor is legal
35 to possess in the state. This provision takes effect upon

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1 enactment.
2 The bill also creates in new Code section 724.1A, a process
3 whereby a person may apply to the chief law enforcement officer
4 of the jurisdiction where the person resides or maintains an
5 address of record for a certification to make or transfer a
6 firearm suppressor. The bill defines "firearm suppressor" to
7 mean a mechanical device specifically constructed and designed
8 so that when attached to a firearm silences, muffles, or
9 suppresses the sound when fired that is considered a "firearm
10 silencer" or "firearm muffler" as defined in 18 U.S.C. §921.
11 The bill specifies that a chief law enforcement officer
12 shall not refuse to provide certification, based on a
13 generalized objection, to an applicant making or transferring
14 a firearm suppressor. If a person applies for certification
15 to make or transfer a firearm suppressor with the chief
16 law enforcement officer, the bill requires the chief law
17 enforcement officer to issue the certification within 30
18 days of receiving such an application unless the applicant
19 is prohibited by law from making or transferring a firearm
20 suppressor or the applicant is the subject of a proceeding that
21 could result in the applicant being prohibited by law from
22 making or transferring a firearm suppressor. If the chief
23 law enforcement officer does not issue a certification under
24 the bill, the chief law enforcement officer shall provide the
25 applicant a written notification of the denial and the reason
26 for the denial. If the certification has been approved by the
27 chief law enforcement officer under the bill, the applicant
28 has the authority to make or transfer a firearm suppressor as
29 provided by state and federal law.
30 If the applicant's request for certification is denied,
31 the bill specifies that the applicant may appeal the decision
32 to the district court for the county in which the applicant
33 resides or maintains an address of record. The bill specifies
34 that the court shall review the decision of the chief law
35 enforcement officer to deny the certification de novo. If the

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1 court finds that the applicant is not prohibited by law from
2 making or transferring a firearm suppressor, the bill requires
3 the court to order the chief law enforcement officer to issue
4 the certification and award court costs and reasonable attorney
5 fees to the applicant. If the court determines the applicant
6 is not eligible to be issued a certification, the bill requires
7 the court to award court costs and reasonable attorney fees to
8 the political subdivision of the state representing the chief
9 law enforcement officer.
10 In making a determination about whether to issue a
11 certification under the bill, a chief law enforcement officer
12 may conduct a criminal background check, but shall only require
13 the applicant to provide as much information as is necessary
14 to identify the applicant for this purpose or to determine
15 the disposition of an arrest or proceeding relevant to the
16 eligibility of the applicant to lawfully make or transfer a
17 firearm suppressor. The bill prohibits a chief law enforcement
18 officer from requiring access to any private premises as a
19 condition of providing a certification under this Code section.
20 A chief law enforcement officer and employees of the chief
21 law enforcement officer who act in good faith are immune
22 from liability arising from any act or omission in making a
23 certification under the bill.
24 The bill provides that a person shall not possess a firearm
25 suppressor unless authorized by federal law. A person who
26 violates this provision commits a class "D" felony.
27 The provisions relating to making or transferring a firearm
28 suppressor take effect upon enactment.
29 CARRYING WEAPONS. The bill provides that a person does not
30 commit the criminal offense of carrying weapons in violation of
31 Code section 724.4 if the person has in the person's immediate
32 possession and who displays to a peace officer on demand a
33 valid permit to carry weapons which has been issued to the
34 person, and whose conduct is within the limits of that permit.
35 The bill specifies that a peace officer shall verify through

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1 electronic means, if possible, the validity of the person's
2 permit to carry weapons. Current law does not require the
3 permit to be in the person's immediate possession only that
4 the permit be in the person's possession. If a person, who
5 possesses a valid permit to carry weapons under the bill, fails
6 to carry such a permit in the immediate possession of the
7 person or fails to display the permit to a peace officer on
8 demand, a person commits a simple misdemeanor punishable by a
9 $10 scheduled fine.
10 CARRYING WEAPONS ON SCHOOL GROUNDS. The bill provides
11 that a certified peace officer who possesses a professional
12 permit to carry weapons does not commit the criminal violation
13 of unlawfully carrying weapons on school grounds under Code
14 section 724.4B. Under current law, a peace officer while
15 acting within the official duties of the officer may possess a
16 weapon on school grounds. A person who commits the offense of
17 unlawfully carrying weapons on school grounds commits a class
18 "D" felony.
19 DUTY TO POSSESS PERMIT TO CARRY WEAPONS. The bill under
20 Code section 724.5 makes it a simple misdemeanor punishable by
21 a $10 scheduled fine if a person armed with a revolver, pistol,
22 or pocket billy concealed upon the person does not possess
23 the permit to carry weapons in the immediate possession of
24 the person, and fails to produce such permit for inspection
25 upon the request of a peace officer. The bill specifies that
26 a peace officer shall verify through electronic means, if
27 possible, the validity of the person's permit to carry weapons.
28 Current law provides that if a person commits such a violation
29 the person commits a simple misdemeanor.
30 INITIAL PERMIT TO CARRY WEAPONS OR RENEWAL. Prior to issuing
31 any initial permit to carry weapons or any renewal permit,
32 the sheriff or commissioner under Code section 724.11 shall
33 determine if the requirements of Code sections 724.6, 724.7,
34 724.8, 724.9, and 724.10 have been met. Under Code section
35 724.10, an applicant who is a United States citizen is only

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1 required to provide certain basic identifying documentation.
2 Under the bill, an applicant who is not a United States
3 citizen must provide additional information and is subject to
4 an immigration alien query through a database maintained by
5 the United States immigration and customs enforcement. All
6 applicants are subject to a criminal history background check.
7 The bill does not change the training or qualification
8 requirements for an initial application to carry weapons
9 under Code section 724.9(1), except that the training or
10 qualification must occur within 24 months prior to the date of
11 the application rather than within the 12-month period prior to
12 the application required under current law.
13 Any of the following firearm safety training courses are
14 acceptable under current law and the bill: the national rifle
15 association handgun safety training course; any handgun safety
16 training course available to the general public offered by a
17 law enforcement agency, community college, college, private or
18 public institution or organization, or firearms training school
19 utilizing certified instructors; a handgun safety training
20 course offered for security guards, investigators, special
21 deputies, or any division or subdivision of a law enforcement
22 or security enforcement agency approved by the department of
23 public safety; or small arms training while serving with the
24 armed forces of the United States.
25 The bill provides in Code section 724.9 that the handgun
26 safety training course required to obtain a permit to carry
27 under Code section 724.11 may be conducted over the internet in
28 a live or web-based format, as long as completion of the course
29 is verified by the instructor or provider of the course.
30 The bill provides that beginning with the first renewal
31 of a permit to carry weapons issued after the calendar year
32 2010, and alternating renewals thereafter, training under Code
33 section 724.9(1) is not required unless the renewal applicant
34 does not apply within 30 days prior to the expiration of the
35 permit or within 30 days after the expiration of the permit.

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1 If the renewal applicant does not apply within 30 days prior
2 to the expiration of the permit or within 30 days after the
3 expiration of the permit the renewal applicant shall be subject
4 to the same training requirements as a person who initially
5 applies for a permit to carry weapons under Code section
6 724.9(1).
7 The bill provides that beginning with the second renewal
8 of a permit to carry weapons issued after the calendar year
9 2010, and alternating renewals thereafter, a renewal applicant
10 is required to complete training and shall qualify under
11 either of the following: the training requirements specified
12 in Code section 724.9(1), or on a firing range under the
13 supervision of an instructor certified by the national rifle
14 association or the department of public safety or another
15 state's department of public safety, state police department,
16 or similar certifying body.
17 The bill provides that an initial or renewal applicant
18 to carry weapons may evidence the training by providing the
19 following: a photocopy of a certificate of completion or any
20 similar document indicating completion of any course or class
21 identified in Code section 724.9(1) that was completed within
22 24 months prior to the date of the application; a photocopy of
23 a certificate of completion or any similar document indicating
24 completion of any course or class identified in Code section
25 724.9(1) that was completed within 24 months prior to the date
26 of the application; possession of an honorable discharge or
27 general discharge under honorable conditions issued any time
28 prior to the date of the application for personnel released
29 or retired from active duty in the armed forces of the United
30 States; possession of a certificate of completion of basic
31 training with a service record of successful completion of
32 small arms training and qualification issued prior to the
33 date of the application, or other official documentation
34 satisfactory to the issuing officer, for personnel on active
35 duty or serving in one of the national guard or reserve

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1 components of the armed forces of the United States; or a
2 qualification certificate, qualification card, or affidavit
3 from an instructor certified by the national rifle association
4 or the department of public safety or another state's
5 department of public safety, state police department, or
6 similar certifying body attesting that the applicant for
7 renewal has qualified on a firing range within 24 months prior
8 to the date of the application.
9 The bill strikes a provision that allows an initial or
10 renewal applicant for a permit to carry weapons to evidence
11 the training by providing a copy of any document indicating
12 participation in a firearms shooting competition.
13 The bill specifies that the initial or renewal permit shall
14 have a uniform appearance, size, and content prescribed and
15 published by the commissioner of public safety. The bill
16 further specifies that the permit shall contain the name of
17 the permittee and the effective date of the permit, but shall
18 not contain the permittee's social security number. The bill
19 prohibits such a permit to be issued for a particular weapon or
20 to contain information about a particular weapon including the
21 make, model, or serial number of the weapon, or any ammunition
22 used in that weapon.
23 The bill does not increase or decrease the fee for a renewal
24 of a permit to carry weapons but does allow a renewal applicant
25 to pay the $25 renewal application fee if the renewal applicant
26 applies within 30 days prior to the expiration of the permit
27 or within 30 days after such expiration. Current law requires
28 that in order to be assessed the $25 renewal application fee,
29 the renewal applicant must apply at least 30 days prior to the
30 expiration of the permit to carry weapons.
31 PROHIBITED TRANSFERS OF FIREARMS. The bill strikes
32 the language of current Code section 724.16, relating to
33 transferring a pistol or revolver to a person without a
34 permit or acquiring a pistol or revolver without a permit and
35 substitutes language prohibiting the transfer of a firearm to

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1 another person who does not possess a permit if the person
2 knows or reasonably should know the person is prohibited from
3 receiving or possessing a firearm under Code section 724.26
4 or federal law. The bill also provides that a person shall
5 not loan or rent a firearm to another person for temporary use
6 during lawful activities if the person knows or reasonably
7 should know the person is prohibited from receiving or
8 possessing a firearm under Code section 724.26 or federal
9 law. A person who violates this provision commits a class "D"
10 felony.
11 OPTIONAL PERMITS TO ACQUIRE AND PERMITS TO ACQUIRE FIREARMS.
12 Current law provides that any person who intends to purchase a
13 pistol or revolver is required to first obtain an annual permit
14 to acquire pistols or revolvers unless the person is otherwise
15 exempt from obtaining such a permit. The bill in Code section
16 724.15 eliminates this type of mandatory permit and provides
17 instead for an optional permit to acquire firearms in order to
18 satisfy the requirements of federal law allowing the holder of
19 such a permit to acquire firearms from a federally licensed
20 firearms dealer. A person is not required to obtain a permit
21 to acquire firearms to purchase firearms from a federally
22 licensed firearms dealer if the person possesses a valid permit
23 to carry weapons issued in accordance with Iowa law or if the
24 person has otherwise completed a satisfactory national instant
25 criminal background check required by federal law to purchase
26 firearms from a federally licensed firearms dealer.
27 Under the bill, a person who applies for an optional permit
28 to acquire firearms is not eligible for the permit if the
29 person is less than 21 years of age or is prohibited by Code
30 section 724.26 (felon in possession of a firearm), federal
31 law, or court order from possessing, shipping, transporting,
32 or receiving a firearm.
33 The bill in Code section 724.17 provides that an application
34 for a permit to acquire firearms is made to the sheriff of the
35 county of the applicant's residence. A person may request the

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1 sheriff to mail a permit to acquire firearms under Code section
2 724.18, and the bill requires the sheriff to immediately
3 forward the application to the person. An applicant who is
4 a United States citizen is only required to provide certain
5 basic identifying documentation. An applicant who is not a
6 United States citizen must provide additional information and
7 is subject to an immigration alien query through a database
8 maintained by the United States immigration and customs
9 enforcement. All applicants are subject to a criminal history
10 background check. Corresponding amendments are made to Code
11 sections 724.11A and 724.21.
12 The bill under Code section 724.18 provides that the permit
13 to acquire shall be issued to the applicant within 30 days of
14 receiving the completed application unless the applicant is
15 disqualified after a criminal history check and immigration
16 alien query, if applicable. The bill provides under Code
17 section 724.19 that the permit shall have a uniform appearance,
18 size, and content, but shall not contain the permittee´s
19 social security number. Such permits shall not be issued for
20 a particular weapon and shall not contain information about a
21 particular weapon including the make, model, or serial number
22 of the weapon, or any ammunition used in that weapon.
23 The bill in Code section 724.15 provides that the permit to
24 acquire firearms may be suspended or revoked by the issuing
25 officer and the aggrieved permit holder may file an appeal with
26 an administrative law judge.
27 Current law in Code section 724.17 provides that a person who
28 makes what the person knows to be a false statement of material
29 fact on an application for a permit to acquire firearms
30 or who submits what the person knows to be any materially
31 falsified or forged documentation in connection with such an
32 application commits a class "D" felony. Under the bill in Code
33 section 724.16 a person who transfers ownership of a firearm
34 to a person that the transferor knows is prohibited under
35 Code section 724.26 (felon in possession of a firearm) from

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1 possessing, shipping, transporting, or receiving a firearm
2 commits a class "D" felony.
3 The bill makes a conforming change to Code section 724.27
4 relating to the restoration of firearms rights.
5 ISSUANCE OF OPTIONAL PERMIT TO ACQUIRE AND PERMIT TO
6 ACQUIRE. The bill provides in Code section 724.20 that an
7 optional permit to acquire a firearm shall be valid five years
8 from the date of the issuance of the permit. Current law
9 provides that a permit to acquire is valid three days after
10 the date of the application and becomes invalid one year
11 after the date of the application for the permit to acquire.
12 The bill specifies that the permit to acquire firearms shall
13 have a uniform appearance, size, and content prescribed and
14 published by the commissioner of public safety. The bill
15 further specifies that the permit shall contain the name of
16 the permittee and the effective date of permit, but shall not
17 contain the permittee's social security number.
18 DENIAL, SUSPENSION, OR REVOCATION —— PERMIT TO CARRY
19 WEAPONS AND PERMIT TO ACQUIRE FIREARMS. If an applicant under
20 Code section 724.21A appeals the decision by the sheriff or
21 commissioner to deny an application, or suspend or revoke a
22 permit to carry weapons or a permit to acquire firearms, and
23 it is later determined the applicant is eligible to be issued
24 or possess such a permit, the bill provides that the applicant
25 shall be awarded any costs related to the administrative
26 hearing and reasonable attorney fees if applicable. However,
27 if the decision of the sheriff or commissioner to deny the
28 application, or suspend or revoke the permit is upheld on
29 appeal, the political subdivision of the state representing the
30 sheriff or the commissioner shall be awarded court costs and
31 reasonable attorney fees if applicable.
32 POSSESSION OF PISTOL, REVOLVER, OR AMMUNITION BY PERSONS
33 UNDER 14 YEARS OF AGE. Under the bill in Code section
34 724.22(5), a parent or guardian or spouse who is 21 years of
35 age or older, or an instructor 21 years of age or older with

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1 the consent of the parent or guardian or spouse, may allow
2 a minor of any age to possess a pistol or revolver or the
3 ammunition therefor, which then may be lawfully used. Current
4 law prohibits a parent or guardian or spouse who is 21 years
5 of age or older from allowing a minor under 14 years of age
6 from possessing a pistol, revolver, or the ammunition. This
7 provision takes effect upon enactment.
8 Except for the circumstances under Code section 724.22(4)
9 (security personnel) or Code section 724.22(5), under current
10 law, a person who sells, loans, gives, or makes available a
11 pistol or revolver or ammunition for a pistol or revolver to a
12 person below the age of 21 commits a serious misdemeanor for a
13 first offense and a class "D" felony for second and subsequent
14 offenses.
15 PERMIT TO CARRY AND PERMIT TO ACQUIRE RECORDS —
16 CONFIDENTIALITY. Current law requires the commissioner of
17 public safety to maintain a permanent record of all valid
18 permits to carry weapons and of current permit revocations.
19 The bill provides in Code section 724.23 that,
20 notwithstanding any other law or rule to the contrary, the
21 commissioner of public safety and any issuing officer (county
22 sheriff) shall keep confidential personally identifiable
23 information of holders of permits to carry weapons and
24 permits to acquire firearms. The release of any confidential
25 information, except as otherwise provided in the bill, requires
26 a court order or the consent of the person whose personally
27 identifiable information is the subject of the information
28 request. The bill does not prohibit release of statistical
29 information relating to the issuance, denial, revocation, or
30 administration of nonprofessional permits to carry weapons and
31 permits to acquire firearms if such information does not reveal
32 the identity of any individual permit holder, the release
33 of information to a law enforcement agency investigating a
34 violation of law or where probable cause exists, the release
35 for purposes of conducting a background check, or the release

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1 of information relating to the validity of a professional
2 permit to carry weapons to an employer who requires an employee
3 or an agent of the employer to possess a professional permit to
4 carry weapons as part of the duties of the employee or agent.
5 This provision applies to holders of nonprofessional permits to
6 carry weapons and permits to acquire firearms and to applicants
7 for nonprofessional permits to carry weapons and permits to
8 acquire firearms on or after the effective date of the bill.
9 This provision takes effect upon enactment.
10 FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION. The bill
11 provides that a person who knowingly solicits, persuades,
12 encourages, or entices a licensed firearms dealer or private
13 seller of firearms or ammunition to transfer a firearm or
14 ammunition under circumstances that the person knows would
15 violate the laws of this state or of the United States commits
16 a class "D" felony. A person who knowingly provides materially
17 false information to a licensed firearms dealer or private
18 seller of firearms or ammunition with the intent to deceive the
19 firearms dealer or seller about the legality of a transfer of a
20 firearm or ammunition commits a class "D" felony. Any person
21 who willfully procures another to engage in conduct prohibited
22 by this Code section shall be held accountable as a principal.
23 The Code section does not apply to a law enforcement officer
24 acting in the officer's official capacity or to a person acting
25 at the direction of such law enforcement officer.
26 This new Code section takes effect upon enactment.
27 RULES. The bill specifies that the department of public
28 safety shall adopt rules pursuant to Code chapter 17A to
29 administer Code chapter 724.

Senate File 426 - Introduced

SENATE FILE 426
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1176)

A BILL FOR

1 An Act relating to privileged communications between a health
2 care provider or health facility and a patient following an
3 adverse health care incident.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1640SV (3) 86
jh/rj

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1 Section 1. NEW SECTION. **135P.1 Definitions.**
2 For the purposes of this chapter, unless the context
3 otherwise requires:
4 1. *"Adverse health care incident"* means an objective and
5 definable outcome arising from or related to patient care that
6 results in the death or serious physical injury of a patient.
7 2. *"Health care provider"* means a physician licensed under
8 chapter 148, a podiatrist licensed under chapter 149, or an
9 advanced registered nurse practitioner licensed pursuant to
10 chapter 152 or 152E.
11 3. *"Health facility"* means an institutional health facility
12 as defined in section 135.61, hospice licensed under chapter
13 135J, home health agency as defined in section 144D.1,
14 assisted living program certified under chapter 231C, clinic,
15 or community health center, and includes any corporation,
16 professional corporation, partnership, limited liability
17 company, limited liability partnership, or other entity
18 comprised of such health facilities.
19 4. *"Open discussion"* means all communications that are
20 made under section 135P.3, and includes all memoranda, work
21 products, documents, and other materials that are prepared
22 for or submitted in the course of or in connection with
23 communications under section 135P.3.
24 5. *"Patient"* means a person who receives medical care from a
25 health care provider, or if the person is a minor, deceased, or
26 incapacitated, the person's legal representative.
27 Sec. 2. NEW SECTION. **135P.2 Confidentiality of open**
28 **discussions.**
29 1. Open discussion communications and offers of
30 compensation made under section 135P.3:
31 *a.* Do not constitute an admission of liability.
32 *b.* Are privileged, confidential, and shall not be disclosed.
33 *c.* Are not admissible as evidence in any subsequent
34 judicial, administrative, or arbitration proceeding and are
35 not subject to discovery, subpoena, or other means of legal

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1 compulsion for release and shall not be disclosed by any party
2 in any subsequent judicial, administrative, or arbitration
3 proceeding.
4 2. Communications, memoranda, work products, documents, and
5 other materials, otherwise subject to discovery, that were not
6 prepared specifically for use in a discussion under section
7 135P.3, are not confidential.
8 3. The limitation on disclosure imposed by this section
9 includes disclosure during any discovery conducted as part of
10 a subsequent adjudicatory proceeding, and a court or other
11 adjudicatory body shall not compel any person who engages in
12 an open discussion under this chapter to disclose confidential
13 communications or agreements made under section 135P.3.
14 4. This section does not affect any other law, regulation,
15 or requirement with respect to confidentiality.
16 Sec. 3. NEW SECTION. **135P.3 Engaging in an open discussion.**
17 1. If an adverse health care incident occurs in a health
18 facility, the health care provider, or the health care provider
19 jointly with the health facility, may provide the patient with
20 written notice of the desire of the health care provider, or
21 of the health care provider jointly with the health facility,
22 to enter into an open discussion under this chapter. If the
23 health care provider or health facility provides such notice,
24 such notice must be sent within one hundred eighty days after
25 the date on which the health care provider knew, or through the
26 use of diligence should have known, of the adverse health care
27 incident. The notice must include all of the following:
28 *a.* Notice of the desire of the health care provider, or of
29 the health care provider jointly with the health facility, to
30 proceed with an open discussion under this chapter.
31 *b.* Notice of the patient's right to receive a copy of the
32 medical records related to the adverse health care incident
33 and of the patient's right to authorize the release of the
34 patient's medical records related to the adverse health care
35 incident to any third party.

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1 *c.* Notice of the patient's right to seek legal counsel.
2 *d.* A copy of section 614.1, subsection 9, and notice that
3 the time for a patient to bring a lawsuit is limited under
4 section 614.1, subsection 9, and will not be extended by
5 engaging in an open discussion under this chapter unless all
6 parties agree to an extension in writing.
7 *e.* Notice that if the patient chooses to engage in an open
8 discussion with the health care provider or health facility,
9 that all communications made in the course of such a discussion
10 under this chapter, including communications regarding
11 the initiation of an open discussion, are privileged and
12 confidential, are not subject to discovery, subpoena, or other
13 means of legal compulsion for release, and are not admissible
14 in evidence in a judicial, administrative, or arbitration
15 proceeding.
16 2. If the patient agrees in writing to engage in an open
17 discussion, the patient, health care provider, or health
18 facility engaged in an open discussion under this chapter may
19 include other persons in the open discussion. All additional
20 parties shall also be advised in writing prior to the
21 discussion that discussions are privileged and confidential,
22 are not subject to discovery, subpoena, or other means of legal
23 compulsion for release, and are not admissible in evidence in
24 a judicial, administrative, or arbitration proceeding. The
25 advice in writing must indicate that communications, memoranda,
26 work products, documents, and other materials, otherwise
27 subject to discovery, that were not prepared specifically for
28 use in a discussion under this section, are not confidential.
29 3. The health care provider or health facility that agrees
30 to engage in an open discussion may do all of the following:
31 *a.* Investigate how the adverse health care incident occurred
32 and gather information regarding the medical care or treatment
33 provided.
34 *b.* Disclose the results of the investigation to the patient.
35 *c.* Openly communicate to the patient the steps the health

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1 care provider or health facility will take to prevent future
2 occurrences of the adverse health care incident.
3 *d.* Determine either of the following:
4 (1) That no offer of compensation for the adverse health
5 care incident is warranted and orally communicates that
6 determination to the patient.
7 (2) That an offer of compensation for the adverse health
8 care incident is warranted and extends such an offer in writing
9 to the patient.
10 4. If a health care provider or health facility makes an
11 offer of compensation under subsection 3 and the patient is
12 not represented by legal counsel, the health care provider or
13 health facility shall advise the patient of the patient's right
14 to seek legal counsel regarding the offer of compensation.
15 5. Except for offers of compensation under subsection 3,
16 discussions between the health care provider or health facility
17 and the patient about the compensation offered under subsection
18 3 shall remain oral.
19 Sec. 4. NEW SECTION. **135P.4 Payment and resolution.**
20 1. A payment made to a patient pursuant to section 135P.3 is
21 not a payment resulting from any of the following:
22 *a.* A written claim or demand for payment.
23 *b.* A claim for purposes of section 272C.9.
24 *c.* A claim for purposes of section 505.27.
25 2. A health care provider or health facility may require
26 the patient, as a condition of an offer of compensation
27 under section 135P.3, to execute all documents and obtain
28 any necessary court approval to resolve an adverse health
29 care incident. The parties shall negotiate the form of such
30 documents or obtain court approval as necessary.
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 allows a health care provider, or a health care
35 provider jointly with a health facility, to engage in an open,

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1 confidential discussion with a patient related to an adverse
2 health care incident.
3 The bill defines "adverse health care incident" as an
4 objective and definable outcome of patient care that results
5 in the death or serious physical injury of a patient. The
6 bill defines "health care provider" as a physician licensed
7 under Code chapter 148, a podiatrist licensed under Code
8 chapter 149, or an advanced registered nurse practitioner
9 licensed pursuant to Code chapter 152 or 152E. The bill
10 defines "patient" as a person who receives medical care from a
11 health care provider, or if the person is a minor, deceased,
12 or incapacitated, the person's legal representative. The bill
13 defines "health facility" as an institutional health facility
14 as defined in Code section 135.61, hospice licensed under Code
15 chapter 135J, home health agency as defined in Code section
16 144D.1, assisted living program certified under Code chapter
17 231C, clinic, or community health center, and includes any
18 corporation, professional corporation, partnership, limited
19 liability company, limited liability partnership, or other
20 entity comprised of such facilities.
21 If an adverse health care incident occurs, the bill allows a
22 health care provider, or a health care provider jointly with
23 a health facility, to offer to engage in an open discussion
24 with the patient. The notice of an offer to engage in an open
25 discussion must be sent to the patient within 180 days after
26 the date on which the health care provider knew, or through
27 the use of diligence should have known, of the adverse health
28 care incident. If the patient agrees to proceed with an open
29 discussion, the health care provider or health facility may
30 investigate the adverse health care incident, disclose the
31 results to the patient, and discuss steps the health care
32 provider or health facility will take to prevent similar
33 adverse health care incidents. The health care provider or
34 health facility may also communicate to the patient that either
35 the health care provider or health facility has determined

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that an offer of compensation is not warranted or that an offer of compensation is warranted. An offer of compensation may be conditioned upon the patient executing a release of future liability as to the adverse health care incident. All communications made under the Code chapter are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release, and are not admissible in evidence in a judicial, administrative, or arbitration proceeding.

The bill provides that a payment made under the Code chapter is not a written claim or demand for payment, a claim that must be submitted to a licensing board under Code section 272C.9, or a medical malpractice insurance claim that must be reported to the commissioner of insurance under Code section 505.27.

Senate File 427 - Introduced

SENATE FILE 427
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1263)

A BILL FOR

1 An Act relating to the making, transferring, and possession of
2 firearms and suppressors, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2601SV (1) 86
jm/rj

S.F. 427

1 Section 1. Section 724.1, subsection 1, paragraph h, Code
2 2015, is amended by striking the paragraph.
3 Sec. 2. NEW SECTION. **724.1A Firearm suppressors —**
4 **certification.**
5 1. As used in this section, unless the context otherwise
6 requires:
7 *a. "Certification"* means the participation and assent of
8 the chief law enforcement officer of the jurisdiction where the
9 applicant resides or maintains an address of record, that is
10 necessary under federal law for the approval of an application
11 to make or transfer a firearm suppressor.
12 *b. "Chief law enforcement officer"* means the county sheriff,
13 chief of police, or the designee of such official, that the
14 federal bureau of alcohol, tobacco, firearms and explosives,
15 or any successor agency, has identified by regulation or has
16 determined is otherwise eligible to provide any required
17 certification for making or transferring a firearm suppressor.
18 *c. "Firearm suppressor"* means a mechanical device
19 specifically constructed and designed so that when attached to
20 a firearm silences, muffles, or suppresses the sound when fired
21 that is considered a *"firearm silencer"* or *"firearm muffler"* as
22 defined in 18 U.S.C. §921.
23 2. *a.* A chief law enforcement officer is not required
24 to make any certification under this section the chief law
25 enforcement officer knows to be false, but the chief law
26 enforcement officer shall not refuse, based on a generalized
27 objection, to issue a certification to make or transfer a
28 firearm suppressor.
29 *b.* When the certification of the chief law enforcement
30 officer is required by federal law or regulation for making or
31 transferring a firearm suppressor, the chief law enforcement
32 officer shall, within thirty days of receipt of a request for
33 certification, issue such certification if the applicant is
34 not prohibited by law from making or transferring a firearm
35 suppressor or is not the subject of a proceeding that could

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1 result in the applicant being prohibited by law from making
2 or transferring the firearm suppressor. If the chief law
3 enforcement officer does not issue a certification as required
4 by this section, the chief law enforcement officer shall
5 provide the applicant with a written notification of the denial
6 and the reason for the denial.
7 3. An applicant whose request for certification is denied
8 may appeal the decision of the chief law enforcement officer
9 to the district court for the county in which the applicant
10 resides or maintains an address of record. The court shall
11 review the decision of the chief law enforcement officer to
12 deny the certification de novo. If the court finds that the
13 applicant is not prohibited by law from making or transferring
14 the firearm suppressor, or is not the subject of a proceeding
15 that could result in such prohibition, or that no substantial
16 evidence supports the decision of the chief law enforcement
17 officer, the court shall order the chief law enforcement
18 officer to issue the certification and award court costs and
19 reasonable attorney fees to the applicant. If the court
20 determines the applicant is not eligible to be issued a
21 certification, the court shall award court costs and reasonable
22 attorney fees to the political subdivision of the state
23 representing the chief law enforcement officer.
24 4. In making a determination about whether to issue a
25 certification under subsection 2, a chief law enforcement
26 officer may conduct a criminal background check, but shall
27 only require the applicant provide as much information as is
28 necessary to identify the applicant for this purpose or to
29 determine the disposition of an arrest or proceeding relevant
30 to the eligibility of the applicant to lawfully possess or
31 receive a firearm suppressor. A chief law enforcement officer
32 shall not require access to or consent to inspect any private
33 premises as a condition of providing a certification under this
34 section.
35 5. A chief law enforcement officer and employees of the

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1 chief law enforcement officer who act in good faith are immune
2 from liability arising from any act or omission in making a
3 certification as required by this section.
4 Sec. 3. NEW SECTION. **724.1B Firearm suppressors — penalty.**
5 1. A person shall not possess a firearm suppressor in this
6 state unless authorized by federal law.
7 2. A person who possesses a firearm suppressor in violation
8 of subsection 1 commits a class "D" felony.
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 relates to the making, transferring, and
13 possession of firearms and suppressors.
14 Current Iowa law provides that a mechanical device
15 specifically constructed and designed so that when attached to
16 a firearm it silences, muffles, or suppresses the sound when
17 fired is an offensive weapon. Under Code section 724.3, any
18 person who knowingly possesses an offensive weapon commits a
19 class "D" felony, punishable by confinement for no more than
20 five years and a fine of at least $750 but not more than $7,500.
21 The bill strikes a provision in Code section 724.1(1)(h)
22 that classifies a firearm suppressor as an offensive weapon.
23 By striking this provision, a firearm suppressor is legal
24 to possess in the state. This provision takes effect upon
25 enactment.
26 The bill also creates in new Code section 724.1A, a process
27 whereby a person may apply to the chief law enforcement officer
28 of the jurisdiction where the person resides or maintains an
29 address of record for a certification to make or transfer a
30 firearm suppressor. The bill defines "firearm suppressor" to
31 mean a mechanical device specifically constructed and designed
32 so that when attached to a firearm silences, muffles, or
33 suppresses the sound when fired that is considered a "firearm
34 silencer" or "firearm muffler" as defined in 18 U.S.C. §921.
35 The bill specifies that a chief law enforcement officer

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1 shall not refuse to provide certification, based on a
2 generalized objection, to an applicant making or transferring
3 a firearm suppressor. If a person applies for certification
4 to make or transfer a firearm suppressor with the chief
5 law enforcement officer, the bill requires the chief law
6 enforcement officer to issue the certification within 30
7 days of receiving such an application unless the applicant
8 is prohibited by law from making or transferring a firearm
9 suppressor or the applicant is the subject of a proceeding that
10 could result in the applicant being prohibited by law from
11 making or transferring a firearm suppressor. If the chief
12 law enforcement officer does not issue a certification under
13 the bill, the chief law enforcement officer shall provide the
14 applicant a written notification of the denial and the reason
15 for the denial. If the certification has been approved by the
16 chief law enforcement officer under the bill, the applicant
17 has the authority to make or transfer a firearm suppressor as
18 provided by state and federal law.
19 If the applicant´s request for certification is denied,
20 the bill specifies that the applicant may appeal the decision
21 to the district court for the county in which the applicant
22 resides or maintains an address of record. The bill specifies
23 that the court shall review the decision of the chief law
24 enforcement officer to deny the certification de novo. If the
25 court finds that the applicant is not prohibited by law from
26 making or transferring a firearm suppressor, the bill requires
27 the court to order the chief law enforcement officer to issue
28 the certification and award court costs and reasonable attorney
29 fees to the applicant. If the court determines the applicant
30 is not eligible to be issued a certification, the bill requires
31 the court to award court costs and reasonable attorney fees to
32 the political subdivision of the state representing the chief
33 law enforcement officer.
34 In making a determination about whether to issue a
35 certification under the bill, a chief law enforcement officer

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may conduct a criminal background check, but shall only require the applicant to provide as much information as is necessary to identify the applicant for this purpose or to determine the disposition of an arrest or proceeding relevant to the eligibility of the applicant to lawfully make or transfer a firearm suppressor. The bill prohibits a chief law enforcement officer from requiring access to any private premises as a condition of providing a certification under this Code section.

A chief law enforcement officer and employees of the chief law enforcement officer who act in good faith are immune from liability arising from any act or omission in making a certification under the bill.

The bill provides that a person shall not possess a firearm suppressor unless authorized by federal law. A person who violates this provision commits a class "D" felony.

Senate File 428 - Introduced

SENATE FILE 428
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1247)

A BILL FOR

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

TLSB 2588SV (1) 86
jh/rj

S.F. 428

Section 1. Section 670.4, subsection 1, paragraph o, Code 2015, is amended to read as follows:

o. Any claim for injuries or damages based upon or arising out of an act or omission of an officer or employee of the municipality or the municipality's governing body by a person ~~skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking~~ participating in a recreational activity on public property when the claimed injuries or damages resulted from the normal and expected risks inherent in the recreational activity, the person engaging in the recreational activity was voluntarily on the public property where the injuries or damages occurred, and the person knew or reasonably should have known that the ~~skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking~~ recreational activity created a substantial risk of ~~injury to the person and was voluntarily in the place of risk~~ injuries or damages. ~~The exemption from liability contained in this paragraph shall only apply to claims for injuries or damage resulting from the risks inherent in the activities of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking.~~

EXPLANATION

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

This bill exempts municipalities from tort liability relating to injuries persons participating in certain recreational activities suffer on municipality-controlled property.

Current law provides that municipalities are exempt from tort liability relating to claims based upon acts or omissions of an officer or employee of the municipality by a person who is injured while skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking on municipal property, provided that the person knew or reasonably should have known that the activity created a substantial risk

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of injury, the person was voluntarily in the place of risk, and the injury resulted from the risks inherent in the activity.

The bill extends the tort-liability exemption from injuries a person suffers while participating in one of the recreational activities currently listed in Code section 670.4(1)(o) to injuries a person suffers resulting from the normal and expected risks inherent while participating in any recreational activity.

Senate File 429 - Introduced

SENATE FILE 429
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1239)

A BILL FOR

1 An Act relating to statewide assessments of student progress
2 utilizing core academic indicators.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2554SV (3) 86
kh/rj

S.F. 429

Section 1. Section 256.7, subsection 21, paragraph b, subparagraphs (2) and (3), Code 2015, are amended by striking the subparagraphs.

EXPLANATION

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

Current law requires that the state board of education provide in rule for a set of core academic indicators in mathematics and reading in grades 4, 8, and 11, and for science in grades 8 and 11, and that the Iowa assessments, used by school districts in the school year beginning July 1, 2011, be used for this purpose.

This bill strikes a requirement that the state board's rules provide that for the school year beginning July 1, 2016, and each succeeding school year, all students enrolled in school districts in grades 3 through 11 shall be administered an assessment during the last quarter of the school year that assesses student progress on the core academic indicators. The provision also requires that the assessment used after July 1, 2016, at a minimum be aligned with the Iowa common core standards in both content and rigor; accurately describe student achievement and growth for purposes of the school, the school district, and state accountability systems; and provide valid, reliable, and fair measures of student progress toward college or career readiness.

The bill also strikes a Code provision that requires the director of the department of education to establish an assessment task force to review and make recommendations for a statewide assessment of student progress on the core academic indicators. The Iowa assessment task force submitted its findings and recommendations in a report to the general assembly on December 31, 2014.

Senate File 430 - Introduced

SENATE FILE 430
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 281)

A BILL FOR

1 An Act providing for the establishment of school-based mental
2 health services pilot projects to be implemented by the area
3 education agencies and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2342SV (3) 86
kh/rj

S.F. 430

1 Section 1. SCHOOL-BASED MENTAL HEALTH SERVICES PILOT
2 PROJECTS. There is appropriated from the general fund of
3 the state to the department of education for the fiscal year
4 beginning July 1, 2015, and ending June 30, 2016, the following
5 amount, or so much thereof as is necessary, to be used for the
6 purposes designated:
7 For purposes of awarding grants to area education agencies
8 to provide school-based mental health services in partnership
9 with local mental health providers to students in Iowa's school
10 districts who could benefit from mental health counseling,
11 suicide prevention counseling, and referrals for those students
12 who need more intense mental health counseling:
13 ..... $ 2,500,000
14 The department shall as equitably as possible distribute the
15 moneys appropriated under this section to each area education
16 agency while providing for maximization of local funding for
17 the provision of mental health services to as many students as
18 possible in accordance with this section. The department shall
19 develop program evaluation criteria and the area education
20 agencies shall provide to the department any information
21 requested by the department regarding the pilot projects
22 implemented under this section. The department shall submit
23 its findings and recommendations in a report to the governor
24 and the general assembly by January 1, 2017.
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 appropriates $2.5 million to the department of
29 education for FY 2015-2016 for purposes of awarding grants
30 to area education agencies (AEAs) to provide school-based
31 mental health services in partnership with local mental health
32 providers to students in Iowa's school districts who could
33 benefit from mental health counseling, suicide prevention
34 counseling, and referrals for those students who need more
35 intense mental health counseling.

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1 The department must as equitably as possible distribute
2 the moneys appropriated to each AEA while providing for
3 maximization of local funding for the provision of mental
4 health services. The department shall develop program
5 evaluation criteria and submit its findings and recommendations
6 in a report to the governor and the general assembly by January
7 1, 2017.

Senate File 431 - Introduced

SENATE FILE 431
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1234)

A BILL FOR

1 An Act relating to required core curriculum and twenty-first
2 century learning skills addressed in rules adopted by the
3 state board of education.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2387SV (2) 86
kh/rj

S.F. 431

Section 1. Section 256.7, subsection 26, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) The rules establishing a core curriculum shall address the core content standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The core curriculum shall include ~~social studies and~~ twenty-first century learning skills which shall include but are not limited to the following:

(a) Social studies, civic literacy, health literacy, technology literacy, financial literacy, and employability skills~~; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The state board shall further define the twenty-first century learning skills components by rule~~.

(b) Music, visual art, drama and theater, and other fine and applied arts. The department shall employ a consultant to oversee the development of and compliance with the fine arts core curriculum and to provide guidance for professional development programs, strategies, and materials based on the rules adopted by the state board pursuant to this subparagraph division. This subparagraph division shall not be construed to conflict with the provisions of section 256.11, subsection 3, 4, or 5, with regard to areas that are required to be taught. The selection and administration of assessments of music, visual art, drama and theater, or other fine arts courses shall be determined locally by the school district or accredited nonpublic school providing the educational program in accordance with section 256.11. However, the department may provide model assessments aligned with fine arts content standards established by the state board.

Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance with Code section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall

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be paid by a school district from state school foundation aid received by the school district under Code section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of Code section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

EXPLANATION

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

This bill modifies the required core curriculum and twenty-first century learning skills and knowledge that the state board of education is required to address in rule.

Currently, the required core curriculum includes English or language arts, mathematics, science, and social studies. The core curriculum must also include twenty-first century learning skills, including but not limited to civic literacy, health literacy, technology literacy, financial literacy, and employability skills. The bill requires that the twenty-first century learning skills also include music, visual art, drama and theater, and other fine and applied arts.

The educational standards established under Code section 256.11 require accredited schools to include in grades 1-8 courses in music and visual art, and in grades 9-12, three units in the fine arts which shall include at least two of the following: dance, music, theater, and visual art. The bill provides that nothing in the new provision expanding the twenty-first century skills to include music, visual art, drama and theater, and other fine and applied arts shall be construed to conflict with the courses required under the educational standards. Further, assessments for such courses shall be locally determined, though the department of education may provide model assessments aligned with fine arts content standards established by the state board of education.

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The bill also requires the department to employ a consultant to oversee the development of and compliance with the fine arts core curriculum and to provide guidance for professional development programs, strategies, and materials based on the rules relating to the fine arts core curriculum and the twenty-first century fine arts learning skills adopted by the state board.

The bill may include a state mandate as defined in Code section 25B.3. The bill requires that the state cost of any state mandate included in the bill be paid by a school district from state school foundation aid received by the school district under Code section 257.16. The specification is deemed to constitute state compliance with any state mandate funding-related requirements of Code section 25B.2. The inclusion of this specification is intended to reinstate the requirement of political subdivisions to comply with any state mandates included in the bill.

Senate File 432 - Introduced

SENATE FILE 432
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1053)

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 1124SV (3) 86
kh/rj

S.F. 432

Section 1. Section 261.2, Code 2015, is amended to read as follows:

261.2 Duties of commission.

The commission shall:

1. ~~Prepare and administer a state plan for a state supported and administered scholarship program. The state plan shall provide for scholarships to deserving students of Iowa, matriculating in Iowa universities, colleges, community colleges, or schools of professional nursing. Eligibility of a student for receipt of a scholarship shall be based upon academic achievement and completion of advanced level courses prescribed by the commission.~~ Provide, in accordance with this chapter, scholarships and grants to eligible residents of the state who are attending Iowa's postsecondary institutions, and loan repayment for eligible recipients who are employed in Iowa's workforce.

2. Administer ~~the tuition grant program~~ all programs authorized under this chapter; administer the Iowa state fair scholarship fund established in section 261.62; expend moneys appropriated in section 261.25; and carry out licensing sanctions in accordance with division XV of this chapter.

3. Ensure that students receiving state-funded scholarships and grants are attending institutions of higher education that meet both of the following conditions:

a. The institutions are located in Iowa and are not required to register under chapter 261B, or the institutions are participating resident institutions as defined in section 261G.2 that volunteer to register under section 261B.11B.

b. The institutions are eligible to participate in a federal student aid program authorized under Tit. IV of the federal Higher Education Act of 1965, as amended.

4. Ensure that recipients of loan repayment programs attended institutions of higher education that were in compliance with chapter 261B and were eligible to participate in a federal student aid program authorized under Tit. IV of

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the federal Higher Education Act of 1965, as amended, at the time the recipients were enrolled in the institutions.

5. Enter into all necessary agreements with the United States secretary of education as required for the purpose of receiving full benefit of the state program incentives offered pursuant to the federal Higher Education Act of 1965, as amended.

6. Enter into all necessary agreements with other public or private persons or entities to increase access to education programs that the commission determines meet the postsecondary education needs of Iowa residents, except that no such agreement shall obligate state funds not appropriated by the general assembly for such purpose. In accordance with those agreements, the commission may accept appropriations, gifts, grants, or other aid from those public or private persons or entities, and may establish one or more funds in the state treasury under the control of the commission. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

~~3.~~ 7. Develop and implement, in cooperation with the state board of regents, the treasurer of state, and other interested constituencies, an educational program and marketing strategies designed to inform parents about the options available for financing a college education and the need to accumulate the financial resources necessary to pay for a college education. The educational program shall include but not be limited to distribution of informational material to public and nonpublic elementary schools for distribution to parents and guardians of five-year and six-year old children.

~~4.~~ 8. Approve transfers from the scholarship and tuition grant reserve fund under section 261.20.

~~5.~~ 9. Develop and implement, in cooperation with the judicial district departments of correctional services and the department of corrections, a program to assist criminal offenders in applying for federal and state aid available for

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1 higher education.
2 ~~6.~~ 10. Develop and implement, in cooperation with the
3 department of human services and the judicial branch, a program
4 to assist juveniles who are sixteen years of age or older and
5 who have a case permanency plan under chapter 232 or 237 or are
6 otherwise under the jurisdiction of chapter 232 in applying
7 for federal and state aid available for higher education.
8 ~~The commission shall also develop and implement the all Iowa~~
9 ~~opportunity foster care grant program in accordance with~~
10 ~~section 261.6.~~
11 ~~7.~~ 11. *a.* Adopt rules to establish reasonable registration
12 standards for the approval, pursuant to section 261B.3A, of
13 postsecondary schools that are required to register with the
14 commission in order to operate in this state. The registration
15 standards established by the commission shall ensure that all
16 of the following conditions are satisfied:
17 (1) The courses, curriculum, and instruction offered by
18 the postsecondary school are of such quality and content as
19 may reasonably and adequately ensure achievement of the stated
20 objective for which the courses, curriculum, or instruction are
21 offered.
22 (2) The postsecondary school has adequate space, equipment,
23 instructional material, and personnel to provide education and
24 training of good quality.
25 (3) The educational and experience qualifications of
26 the postsecondary school's directors, administrators, and
27 instructors are such as may reasonably ensure that students
28 will receive instruction consistent with the objectives of the
29 postsecondary school's programs of study.
30 (4) Upon completion of training or instruction, students
31 are given certificates, diplomas, or degrees as appropriate by
32 the postsecondary school indicating satisfactory completion of
33 the program.
34 (5) The postsecondary school is financially responsible and
35 capable of fulfilling commitments for instruction.

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1 *b.* The commission shall post an application on the
2 commission's internet site and shall render a decision on an
3 application for registration within one hundred eighty days of
4 the filing of the application.
5 ~~8.~~ 12. Submit by January 15 annually a report to the
6 general assembly which provides, by program, the number of
7 individuals who received ~~loan forgiveness~~ assistance from the
8 programs authorized under this chapter in the previous fiscal
9 year, the amount paid to those individuals ~~under sections~~
10 ~~261.73, 261.112, and 261.116~~, and the institutions ~~from which~~
11 those individuals ~~graduated~~ attended, and ~~that~~ which includes
12 any proposed statutory changes and the commission's findings
13 and recommendations.
14 ~~9.~~ 13. Require any postsecondary institution whose
15 students are eligible for or who receive assistance under
16 programs administered by the commission and who were enrolled
17 in a school district in Iowa to include in its student
18 management information system the unique student identifiers
19 assigned to the institution's students while the students were
20 in the state's kindergarten through grade twelve system.
21 ~~10. Ensure that students receiving state-funded~~
22 ~~scholarships and grants are attending institutions of higher~~
23 ~~education that meet all of the following conditions:~~
24 ~~*a.* The institutions are not required to register under~~
25 ~~chapter 261B or the institutions are participating resident~~
26 ~~institutions as defined in section 261G.2 that volunteer to~~
27 ~~register under section 261B.11B.~~
28 ~~*b.* The institutions are eligible to participate in a federal~~
29 ~~student aid program authorized under Tit. IV of the federal~~
30 ~~Higher Education Act of 1965, as amended.~~
31 ~~11.~~ 14. Require any postsecondary institution whose
32 students are eligible for or who receive financial assistance
33 under programs administered by the commission to transmit
34 annually to the commission information about the numbers of
35 minority students enrolled in and minority faculty members

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1 employed at the institution. The commission shall compile
2 and report the information collected to the general assembly,
3 the governor, and the legislative services agency by March 1
4 annually.
5 ~~12.~~ 15. Enter into and administer, or recognize, an
6 interstate reciprocity agreement for the provision of
7 postsecondary distance education by a postsecondary institution
8 pursuant to chapter 261G. The commission shall adopt
9 rules establishing application procedures and criteria for
10 the authorization of postsecondary institutions providing
11 postsecondary distance education under interstate reciprocity
12 agreements pursuant to chapter 261G and for the review and
13 approval of interstate reciprocity agreements the commission
14 may enter into or recognize pursuant to this subsection and
15 chapter 261G. The commission may accept an authorization
16 granted by another state to a postsecondary institution under
17 an interstate reciprocity agreement to deliver postsecondary
18 distance education.
19 Sec. 2. Section 261.87, subsection 3, paragraph b, Code
20 2015, is amended to read as follows:
21 *b.* A qualified student at a four-year eligible institution
22 may receive scholarships for not more than the equivalent
23 of two full-time semesters of undergraduate study, or the
24 trimester or quarter equivalent. The qualified student may
25 elect to receive one-half of the total scholarship amount
26 awarded under this section in the first year and the second
27 half in the second year.
28 Sec. 3. Section 261.114, subsection 11, paragraph b, Code
29 2015, is amended to read as follows:
30 *b.* *"Eligible university"* means a college or university that
31 meets the requirements of section 261.2, subsection ~~10~~ 3, and
32 is an institution of higher learning under the control of the
33 state board of regents or an accredited private institution as
34 defined in section 261.9.
35 Sec. 4. Section 261G.2, subsection 2, Code 2015, is amended

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1 to read as follows:
2 2. *"Interstate reciprocity agreement"* means an interstate
3 reciprocity agreement entered into and administered, or
4 recognized, by the commission in accordance with section 261.2,
5 subsection ~~12~~ 15.
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 amends the current duties of the college student
10 aid commission, under Code section 261.2, by eliminating
11 provisions requiring the commission to prepare and administer
12 a state plan for a scholarship program, by consolidating
13 certain authorizations and responsibilities, by authorizing the
14 commission to seek and administer higher education assistance
15 programs under agreements with public and private entities,
16 by striking redundancies relating to administration of the
17 tuition grant and the all Iowa opportunity foster care grant
18 programs, and by moving a provision within the Code section in
19 order to improve the organization of the Code section, though
20 the provision is also amended to require the commission to
21 ensure that individuals benefiting from loan repayment attended
22 postsecondary institutions that were eligible for federal
23 student assistance and were in compliance with Code chapter
24 261B. The bill also makes conforming changes.
25 The commission is currently required to prepare and
26 administer a state plan for a scholarship program for
27 deserving Iowa students matriculating in Iowa's postsecondary
28 institutions. The bill strikes the requirement for the
29 state plan, though the Code sections establishing commission
30 requirements relating to the Iowa state fair scholarship and
31 the all Iowa opportunity scholarship program remain intact.
32 Commission responsibilities that are provided for in
33 other Code sections within the Code chapter, including
34 responsibilities to administer the Iowa state fair scholarship,
35 to distribute tuition grant funds appropriated by the general

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1 assembly, and to carry out licensing sanctions as appropriate,
2 are added under the bill to Code section 261.2. The bill
3 also allows a qualified student at a four-year eligible
4 postsecondary institution to elect to receive the two semesters
5 of the all Iowa opportunity scholarship over a two-year period.
6 The bill does not increase the amount awarded to a student
7 under the program.
8 The bill adds the treasurer of state and other
9 constituencies to the entities with whom the commission must
10 cooperate in developing and implementing an educational program
11 and marketing strategies designed to inform parents about
12 college education financing options.
13 Currently, the commission must submit an annual report
14 to the general assembly relating to loan forgiveness
15 amounts issued, the recipients of loan forgiveness, and the
16 institutions attended by the recipients. The bill expands the
17 requirement beyond loan forgiveness to require that the report
18 include information relating to all assistance authorized under
19 the Code chapter.
20 The bill authorizes the commission to seek and administer
21 higher education assistance programs under agreements with
22 public and private entities; to accept appropriations, gifts,
23 grants, or other aid from those public or private persons or
24 entities; and to establish one or more funds in the state
25 treasury under the control of the commission. Moneys in such a
26 fund earned as income, including interest, are to be credited
27 to the fund.

Senate File 433 - Introduced

SENATE FILE 433
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1258)

A BILL FOR

1 An Act providing for an environmental practices tax credit,
2 and including effective date and retroactive and other
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2575SV (1) 86
da/sc

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1 Section 1. Section 2.48, subsection 3, Code 2015, is amended
2 by adding the following new paragraph:
3 NEW PARAGRAPH. *g.* In 2018, the environmental practices tax
4 credit under chapter 467.
5 Sec. 2. NEW SECTION. **422.11K Environmental practices tax**
6 **credit.**
7 The taxes imposed under this division, less the credits
8 allowed under section 422.12, shall be reduced by an
9 environmental practices tax credit allowed under chapter 467.
10 Sec. 3. Section 422.33, Code 2015, is amended by adding the
11 following new subsection:
12 NEW SUBSECTION. 24. The taxes imposed under this division
13 shall be reduced by an environmental practices tax credit
14 allowed under chapter 467.
15 Sec. 4. NEW SECTION. **467.1 Environmental practices tax**
16 **credit — creation and purpose.**
17 1. An environmental practices tax credit is established.
18 2. The purpose of the tax credit is to assist eligible
19 crop farmers to participate in establishing new qualified
20 environmental practices that do all of the following:
21 *a.* Reduce soil erosion and sediment loss.
22 *b.* Manage nutrients and reduce contaminant loads
23 contributing to receiving surface waters.
24 *c.* Improve surface water quality.
25 Sec. 5. NEW SECTION. **467.2 Definitions.**
26 1. *"Agreement"* means an environmental practices agreement
27 as provided in section 467.7.
28 2. *"Crop"* means alfalfa, corn, soybeans, straw, oats, wheat,
29 or other similar crop ordinarily utilized for, or ordinarily
30 added as an ingredient in, animal feed or bedding, food
31 intended for human consumption, or fiber.
32 3. *"Crop farmer"* means a person who holds a title to
33 cropland.
34 4. *a.* *"Cropland"* means real estate that meets all of the
35 following criteria:

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1 (1) Includes at least thirty contiguous acres not divided
2 into lots for the purpose of sale or lease, and not divided by
3 city streets or alleys.
4 (2) Is used to grow a crop.
5 *b. "Cropland"* may include real estate that is located within
6 the limits of a city.
7 5. *"Department"* means the department of agriculture and land
8 stewardship.
9 6. *a. "Environmental practice"* means a permanent
10 conservation measure established on cropland, or as part of
11 cropland's field drainage tile system, in order to reduce
12 nutrients or contaminant loads contributed by soil or sediment
13 to receiving surface waters.
14 *b. "Environmental practice"* includes any of the following:
15 (1) Stabilizing the soil or otherwise limiting sediment
16 from being conveyed by surface water runoff.
17 (2) (a) Filtering sediment-laden water.
18 (b) Detaining sediment-laden water for a period in order
19 to allow the sediments to settle out, or to allow bacteria to
20 digest contaminants.
21 (3) Reducing the volume or velocity of
22 precipitation-induced surface water.
23 7. *"Holder"* means a person who is either an eligible crop
24 farmer who has been issued an environmental practices tax
25 credit certificate, or a person who has been transferred such
26 tax credit certificate.
27 8. *"Nutrient"* includes nitrogen and phosphorus.
28 9. *"Practice"* means a qualified environmental practice as
29 provided in section 467.6.
30 10. *"Tax credit"* means the environmental practices tax
31 credit as established in section 467.1.
32 11. *"Tax credit certificate"* means the environmental
33 practices tax credit certificate issued pursuant to section
34 467.9.
35 Sec. 6. NEW SECTION. **467.3 Administration.**

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1 1. The department, in cooperation with the department of
2 revenue, shall administer and enforce the provisions of this
3 chapter.
4 2. The departments shall prescribe forms as required to
5 administer this chapter.
6 3. The departments may provide procedures for the receipt,
7 filing, processing, and return of documents in an electronic
8 format, including but not limited to the transmission of
9 documents by the internet. The departments may provide for
10 authentication of the documents that may include electronic
11 signatures as provided in chapter 554D.
12 4. The departments shall adopt rules necessary to
13 administer this chapter pursuant to chapter 17A.
14 Sec. 7. NEW SECTION. **467.4 Allowance.**
15 1. The environmental practices tax credit is allowed
16 under this chapter against the taxes imposed in chapter 422,
17 divisions II and III.
18 2. An individual may claim a tax credit of a partnership,
19 limited liability company, S corporation, estate, or trust
20 electing to have income taxed directly to the individual. The
21 amount claimed by the individual shall be based upon the pro
22 rata share of the individual's earnings from the partnership,
23 limited liability company, S corporation, estate, or trust.
24 3. A tax credit in excess of the taxpayer's liability for
25 the tax year is not refundable but may be credited to the tax
26 liability for the following five years or until depleted,
27 whichever is earlier. A tax credit shall not be carried back
28 to a tax year prior to the tax year in which the taxpayer claims
29 the tax credit.
30 4. A tax credit shall not be allowed for the portion of the
31 cost of a qualified environmental practice that was financed
32 by federal or state moneys, including but not limited to
33 moneys credited to the state treasury or a state fund or state
34 account.
35 Sec. 8. NEW SECTION. **467.5 Eligibility — crop farmers.**

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1 1. An environmental practices tax credit is only allowed
2 under section 467.4 if the tax credit is claimed by a crop
3 farmer meeting the eligibility requirements of this section
4 or a taxpayer transferred the tax credit pursuant to section
5 467.10.
6 2. A crop farmer is not eligible, unless the crop farmer
7 is an Iowa taxpayer who has an annual gross income of less
8 than four million dollars computed as an average of the crop
9 farmer's three preceding tax years according to the crop
10 farmer's filed federal tax returns.
11 3. *a.* In the case of a crop farmer holding title to
12 cropland in joint tenancy or tenancy in common, the annual
13 gross incomes of all such joint tenants or tenants in common
14 are considered together when determining eligibility.
15 *b.* In the case of married taxpayers, the annual gross
16 incomes of both spouses are considered together when
17 determining eligibility.
18 Sec. 9. NEW SECTION. **467.6 Qualified environmental**
19 **practices.**
20 1. The environmental practices tax credit is only allowed
21 under section 467.4, if it is an environmental practice that
22 qualifies under this section.
23 2. *a.* A qualified environmental practice must be any of the
24 following:
25 (1) A bioreactor installed as part of or connected to a
26 field drainage tile line.
27 (2) A saturated buffer that includes all of the following:
28 (a) A subsurface drain outlet with permanent vegetation.
29 (b) A water control structure and subsurface distribution
30 piping capable of diverting drainage system discharge to create
31 an elevated zone of soil saturation.
32 (3) Cropland integrated with prairie grass strips
33 established in a drainage area as follows:
34 (a) A minimum of ten percent of the drainage area must be
35 comprised of strips of prairie grass established as permanent

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1 vegetation that is used to filter runoff.
2 (b) The remaining percent of the drainage area must be
3 comprised of crops, with the crops alternating with the strips
4 of prairie grass.
5 (4) A grassed waterway, as defined in section 459A.102,
6 if constructed and maintained in compliance with standards of
7 the United States department of agriculture, natural resources
8 conservation service.
9 (5) An area maintained in permanent vegetation cover,
10 including perennial vegetation cover consisting of grasses,
11 legumes, or both, and includes but is not limited to grasslands
12 or forages.
13 (6) A wetland area of at least one-half acre so long as the
14 area is mostly under water or waterlogged during the growing
15 season and is characterized by vegetation of hydric soils.
16 *b.* The department shall adopt rules pursuant to chapter
17 17A further defining a qualified environmental practice as
18 described in paragraph *"a"*.
19 3. The department may establish similar qualified
20 environmental practices by rule. The practice must accomplish
21 the purposes of this chapter as provided in section 467.1 in
22 a manner comparable to a qualified environmental practice
23 described in subsection 2.
24 4. The department may rank qualified environmental
25 practices according to a cost-benefit analysis to be used
26 in prioritizing the approval of applications under section
27 467.8 for the issuance of environmental practices tax credit
28 certificates.
29 Sec. 10. NEW SECTION. **467.7 Environmental practices**
30 **agreement.**
31 1. As a condition for allowing an environmental practices
32 tax credit, the eligible crop farmer and the department must
33 execute an environmental practices agreement as provided in
34 this section.
35 2. The agreement shall be signed by the eligible crop farmer

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1 and a copy of the agreement shall be attached to an application
2 for an environmental practices tax credit certificate as
3 required in section 467.8. The department's execution of the
4 agreement is contingent upon the department's approval of the
5 application.
6 3. *a.* The agreement shall also require that the eligible
7 crop farmer maintain the qualified environmental practice
8 so that when placed in service it effectively performs the
9 function for which it was originally established for the period
10 specified in the agreement.
11 *b.* In order to be maintained, a qualified environmental
12 practice must be kept in good repair, or be reconstructed
13 if necessary. A qualified environmental practice is not
14 maintained if it is removed, altered, or modified so that it
15 no longer effectively performs the function for which it was
16 originally established.
17 4. The agreement is a charge against the eligible crop
18 farmer who shall be personally liable for the maintenance of
19 the qualified environmental practice for the remaining period
20 of the agreement. A successor in interest to the cropland
21 shall not be responsible for the maintenance of the qualified
22 environmental practice. The agreement does not create a legal
23 or equitable interest in the cropland.
24 5. The term of the agreement commences on the date that
25 the department approves the application for the environmental
26 practices tax credit. The term of the agreement shall not
27 exceed twenty years.
28 6. *a.* The eligible crop farmer must consent to the
29 department inspecting the location where the qualified
30 environmental practice is established. Nothing in this section
31 prevents the department from inspecting the location of a
32 proposed environmental practice.
33 *b.* Upon approving an application and executing the
34 agreement, the department may inspect the location where the
35 qualified environmental practice is established upon consent

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1 of the eligible crop farmer or under an administrative search
2 warrant obtained under section 808.14.
3 *c.* The department may arrange that any inspection
4 be conducted by the commissioners of the soil and water
5 conservation district where the cropland is located as provided
6 in chapter 161A.
7 7. The department may enforce the terms and conditions of
8 the agreement by administrative order. The courts of this
9 state may prevent and restrain a breach of an agreement through
10 the issuance of an injunction. The attorney general may bring
11 an action on behalf of the department to enforce the terms and
12 conditions of the agreement.
13 8. *a.* If an agreement is terminated after the tax credit
14 is claimed, the department shall rescind the tax credit
15 certificate and demand a refund of the amount of the tax credit
16 claimed multiplied by an effective interest rate as provided
17 in this subsection. The payment due must be remitted to the
18 department for deposit in the state treasury within thirty days
19 from the date the department delivers notice of payment due to
20 the crop farmer or the farmer's estate.
21 *b.* The effective interest rate is based on the current rate
22 published in the Iowa administrative bulletin by the department
23 of revenue pursuant to section 421.7 on the date that the
24 department notifies the eligible crop farmer or the farmer's
25 estate of the payment amount due.
26 *c.* (1) The termination is nonhostile under any of the
27 following circumstances:
28 (a) The cropland is transferred for fair value to another
29 person, so long as each person who executed the agreement has
30 relinquished any apparent, real, or contingent interest in the
31 cropland, and the department is notified of the transfer not
32 more than ninety days after the transfer is effective.
33 (b) The cropland is to be converted to a use incompatible
34 with crop production, and the department is notified of the
35 change in use not more than ninety days after the effective

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1 date of the change.
2 (2) Under the circumstance described in subparagraph (1),
3 the effective interest rate for a nonhostile termination equals
4 the current rate.
5 (3) A refund of tax credit amounts claimed and carried
6 forward is not owing or required to be paid under this
7 paragraph *"c"*, if the successor titleholder of the cropland
8 agrees in writing to assume the liability of the eligible crop
9 farmer under the agreement.
10 *d.* The termination is hostile under any circumstances not
11 described in paragraph *"a"*. The effective interest rate for a
12 hostile termination equals ten times the current rate.
13 Sec. 11. NEW SECTION. **467.8 Tax credit certificates —**
14 **applications.**
15 1. The department shall accept applications submitted
16 by eligible crop farmers for the issuance of environmental
17 practices tax credit certificates. The department shall not
18 approve an application until all of the following occurs:
19 *a.* The department and the crop farmer execute an
20 environmental practices agreement as provided in section 467.7.
21 *b.* The crop farmer has established a qualified environmental
22 practice placed in service as provided in section 467.7.
23 *c.* The crop farmer submits federal tax returns, including
24 all supporting schedules, for at least the prior three tax
25 years.
26 2. The department may require that the eligible crop
27 farmer submit additional information as determined relevant
28 by the department. The department may require the additional
29 information be submitted with the application or after the
30 application has been accepted.
31 3. The department may approve an application submitted by an
32 eligible crop farmer, regardless of any of the following:
33 *a.* The farmer was issued a tax credit certificate under
34 this chapter for a prior tax year, or may be issued a tax
35 credit certificate for a future tax year, regardless of whether

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1 the tax credit certificate was or may be used, not used, or
2 transferred.
3 *b.* The farmer has submitted two or more applications under
4 this chapter for separate tax credit certificates to be used
5 in the same tax year. However, the department is not required
6 to approve such applications.
7 4. The department shall approve applications on a
8 first-come, first-served basis, unless the department
9 prioritizes applications according to cost-benefit analysis of
10 environmental practices as provided in section 467.6.
11 5. The department shall not approve an application, if any
12 of the following applies:
13 *a.* The amount of the tax credit would exceed seventy-five
14 percent of the actual and reasonable cost of establishing a
15 practice.
16 *b.* The eligible crop farmer would otherwise be allowed to
17 claim a tax credit in excess of ten thousand dollars for that
18 tax year.
19 *c.* The taxpayer is at fault for breaching any environmental
20 practice agreement as provided in section 467.7.
21 Sec. 12. NEW SECTION. **467.9 Tax credit certificates —**
22 **issuance.**
23 1. A taxpayer is not allowed an environmental practices
24 tax credit, unless an environmental practices tax credit
25 certificate issued by the department of agriculture and land
26 stewardship is included with the taxpayer's tax return received
27 by the department of revenue for the tax year for which the tax
28 credit is claimed.
29 2. A tax credit certificate, unless rescinded by the
30 department of agriculture and land stewardship, shall
31 be accepted by the department of revenue, subject to any
32 conditions or restrictions placed by the department of
33 agriculture and land stewardship upon the face of the tax
34 credit certificate.
35 Sec. 13. NEW SECTION. **467.10 Tax credit certificates —**

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1 **transfer.**
2 1. An eligible crop farmer issued a tax credit certificate,
3 or other holder of an environmental practice tax certificate,
4 may transfer the tax credit certificate to a transferee. A tax
5 credit certificate shall be transferable by the holder and any
6 subsequent holders. A transferee may use the amount of the
7 tax credit transferred against the taxes imposed in chapter
8 422, divisions II and III, for any future tax year the farmer
9 could have claimed the tax credit. A transferred tax credit
10 equals the amount of the tax credit that would otherwise remain
11 eligible to be credited to the future tax liability of the
12 prior holder.
13 2. Any consideration received for the transfer of the tax
14 credit shall not be included as income under chapter 422,
15 divisions II and III. Any consideration paid for the transfer
16 of the tax credit shall not be deducted from income under
17 chapter 422, divisions II and III.
18 3. Nothing in this section prevents a tax credit certificate
19 from validly passing to the estate or trust of an eligible crop
20 farmer or transferee under chapter 633.
21 4. *a.* A taxpayer who has already claimed the tax credit
22 and surrendered the tax credit certificate to the department
23 of revenue, but who is intending to transfer the remaining tax
24 credit amount to a transferee, shall apply to the department of
25 revenue for a replacement tax credit certificate in the manner
26 and form prescribed by the department of revenue.
27 *b.* Paragraph *"a"* does not apply if the department of revenue
28 provides for the transfer of the tax credit by another method
29 including by recording the transfer on the face of the original
30 tax credit certificate.
31 5. If the tax credit has not been claimed, within ninety
32 days of the transfer, the transferee shall submit the
33 transferred tax credit certificate to the department of revenue
34 along with a statement containing the transferee's name, tax
35 identification number, and address, the denomination that the

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1 tax credit certificate is to carry, and any other information
2 required by the department of revenue.
3 6. Within thirty days of receiving an application under
4 subsection 4 or the transferred tax credit certificate and
5 the transferee's statement as provided in subsection 5, the
6 department of revenue shall issue a replacement tax credit
7 certificate to the transferor under subsection 4 or the
8 transferee under subsection 5. Each replacement tax credit
9 certificate shall contain the same type of information required
10 for the original tax credit certificate and shall have the same
11 expiration date that appeared on the transferred tax credit
12 certificate.
13 7. A tax credit shall not be claimed by a transferee until
14 a replacement tax credit certificate identifying the transferee
15 as the proper holder has been issued by the department of
16 revenue.
17 Sec. 14. NEW SECTION. **467.11 Tax credits — availability.**
18 The amount of environmental practices tax credit
19 certificates that may be issued under this chapter shall not in
20 the aggregate exceed three million dollars in any tax year.
21 Sec. 15. EFFECTIVE UPON ENACTMENT. This Act, being of
22 immediate importance, takes effect upon enactment.
23 Sec. 16. APPLICABILITY. This Act applies to environmental
24 practices first established on or after the effective date of
25 this Act.
26 Sec. 17. RETROACTIVE APPLICABILITY. This Act applies
27 retroactively to January 1, 2015, for tax years beginning on
28 or after that date.
29 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 establishes an environmental practices tax credit.
33 The purpose of the tax credit is to assist eligible crop
34 farmers in reducing soil erosion and sediment loss, managing
35 nutrients and reducing contaminant loads contributing to

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1 receiving surface waters, and improving surface water quality.
2 The bill provides that the tax credit is to be administered
3 by the department of agriculture and land stewardship and the
4 department of revenue. The tax credit is allowed against
5 individual and corporate income taxes. The tax credit cannot
6 be used for any part of the cost of a practice that was financed
7 in whole or in part by federal or state moneys. The tax credit
8 must be claimed by an eligible crop farmer who has an annual
9 gross income of less than $4 million. In addition, the tax
10 credit is only available for certain qualified environmental
11 practices as set forth in the bill or as established by
12 departmental rule that meets the purposes of the tax credit.
13 The bill requires an eligible crop farmer to submit
14 an application to the department of agriculture and land
15 stewardship for approval which must include a qualified
16 environmental practices agreement to be executed by the
17 department and the eligible crop farmer if the department
18 approves the application. The application must require that
19 the practice be maintained for a specific number of years.
20 The agreement does not create a lien on the land or bind a
21 successor in interest. It provides for the inspection of
22 the qualified environmental practice and the agreement´s
23 enforcement. It also provides for the termination of the
24 agreement and recision of the tax credit and refund to the
25 state of a prorated portion of the tax credit claimed together
26 with interest.
27 The bill provides for the issuance of a tax credit
28 certificate which must be included with the taxpayer´s state
29 tax return in order to claim the tax credit. It also provides
30 for the transferability of the tax credit certificate to any
31 number of subsequent transferees. Not more than $3 million in
32 tax credit certificates may be issued in any tax year.
33 The bill takes effect upon enactment for environmental
34 practices first conducted or installed on or after that date
35 and applies retroactively to tax years beginning on and after

S.F. 433

1 January 1, 2015.

Senate File 434 - Introduced

SENATE FILE 434
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1235)

A BILL FOR

1 An Act relating to continuing education requirements for
2 licensed barbers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2060SV (1) 86
tr/nh

S.F. 434

Section 1. NEW SECTION. **158.11 Continuing education.**

1. A person licensed pursuant to this chapter shall be required to complete no more than three hours of continuing education every two years that meets the requirements established by the board. The continuing education compliance period shall extend for a two-year period beginning on July 1 and ending on June 30 of each even-numbered year.

2. A member of the board shall not provide the continuing education required by this section.

Sec. 2. Section 272C.2A, Code 2015, is amended to read as follows:

272C.2A Continuing education minimum requirements —— ~~barbering and~~ cosmetology arts and sciences.

The ~~board of barbering and the~~ board of cosmetology arts and sciences~~,~~ created pursuant to chapter 147~~,~~ shall ~~each~~ require~~,~~ as a condition of license renewal~~,~~ a minimum of six hours of continuing education in the two years immediately prior to a licensee's license renewal. The board of cosmetology arts and sciences may notify cosmetology arts and sciences licensees on a quarterly basis regarding continuing education opportunities.

EXPLANATION

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

Currently, the board of barbering requires by rule that licensed barbers complete eight hours of continuing education every two years. Code section 272C.2A also requires a minimum of six hours of continuing education every two years. This bill requires barbers to be required to complete no more than three hours of continuing education every two years. The bill also prohibits members of the board of barbering from providing such continuing education.

Senate File 435 - Introduced

SENATE FILE 435
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 266)

A BILL FOR

1 An Act relating to public access to data processing software
2 under Iowa's open records law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2311SV (1) 86
rh/rj

S.F. 435

Section 1. Section 22.2, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, as provided in section 22.3A.

Sec. 2. Section 22.3A, subsection 2, Code 2015, is amended to read as follows:

2. *a.* A government body may provide, restrict, or prohibit access to data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, regardless of whether the data processing software is separated or combined with a public record. A government body shall establish policies and procedures to provide access to public records which are combined with its data processing software. A public record shall not be withheld from the public because it is combined with data processing software.

b. A government body shall not acquire any electronic data processing system for the storage, manipulation, or retrieval of public records that would impair the government body's ability to permit the examination of a public record and the copying of a public record in either written or electronic form.

c. If ~~it is necessary to separate~~ a public record ~~from~~ is only available as a part of or in combination with data processing software in order to permit the examination or copying of the public record, the government body shall bear the cost of separation of the public record from the data processing software.

d. ~~The~~ An electronic public record shall be made available in ~~a~~ the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software.

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1 The government body may make a public record available in a
2 specific format requested by a person that is different from
3 that in which the public record is readily accessible to the
4 government body and may charge the reasonable costs of any
5 required processing, programming, or other work required to
6 produce the public record in the specific format in addition to
7 any other costs allowed under this chapter.
8 *e.* The cost chargeable to a person receiving a public record
9 separated from data processing software under this subsection
10 shall not be in excess of the charge under this chapter unless
11 the person receiving the public record requests that the public
12 record be specially processed or produced in a format different
13 from that in which the public record is readily accessible to
14 the government body.
15 *f.* A government body may establish payment rates and
16 procedures required to provide access to data processing
17 software, regardless of whether the data processing software
18 is separated from or combined with a public record. Proceeds
19 from payments may be considered repayment receipts, as defined
20 in section 8.2. The payment amount shall be calculated as
21 follows:
22 ~~*a.*~~ (1) The amount charged for access to a public record
23 shall be not more than that required to recover direct
24 publication costs, including but not limited to editing,
25 compilation, and media production costs, incurred by the
26 government body in developing the data processing software
27 and preparing the data processing software for transfer to
28 the person. The amount shall be in addition to any other fee
29 required to be paid under this chapter for the examination and
30 copying of a public record. If a person accesses a public
31 record stored in an electronic format that does not require
32 formatting, editing, or compiling to access the public record,
33 the charge for providing the accessed public record shall not
34 exceed the reasonable cost of accessing that public record.
35 The government body shall, if requested, provide documentation

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1 which explains and justifies the amount charged. This
2 ~~paragraph~~ subparagraph shall not apply to any publication for
3 which a price has been established pursuant to another section,
4 including section 2A.5.
5 ~~*b.*~~ (2) If access to the data processing software is
6 provided to a person for a purpose other than provided in
7 ~~paragraph "*a*"~~ subparagraph (1), the amount may be established
8 according to the discretion of the government body, and may be
9 based upon competitive market considerations as determined by
10 the government body.
11 Sec. 3. Section 22.7, subsection 33, Code 2015, is amended
12 to read as follows:
13 33. Data processing software, as defined in section 22.3A,
14 which is developed by a government body or developed by a
15 nongovernment body and used by a government body pursuant to a
16 contractual relationship with the nongovernment body.
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 relates to public access to data processing
21 software under Iowa's open records law (Code chapter 22).
22 Under current law, a government body may provide, restrict,
23 or prohibit access to data processing software developed
24 by the government body, regardless of whether the data
25 processing software is separated or combined with a public
26 record. A government body is required to establish policies
27 and procedures to provide access to public records that are
28 combined with its data processing software. A public record
29 cannot be withheld from the public because it is combined with
30 data processing software. A government body may establish
31 payment rates and procedures required to provide access to data
32 processing software, regardless of whether the data processing
33 software is separated from or combined with a public record.
34 Under Code chapter 22, "government body" means this state,
35 or any county, city, township, school corporation, political

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1 subdivision, or tax-supported district; certain nonprofit
2 corporations; the governing body of a drainage or levee
3 district; or any other entity of this state; or any branch,
4 department, board, bureau, commission, council, committee,
5 official, or officer or employee of any of the foregoing.
6 The bill provides that a government body may provide,
7 restrict, or prohibit access to data processing software
8 developed by a nongovernment body and used by a government body
9 pursuant to a contractual relationship with the nongovernment
10 body.
11 The bill requires a government body to make an electronic
12 public record available in the format in which it is readily
13 accessible to the government body if that format is useable
14 with commonly available data processing or database management
15 software. The government body may make a public record
16 available in a specific format requested by a person that is
17 different from that in which the public record is readily
18 accessible to the government body and may charge the reasonable
19 costs of any required processing, programming, or other work
20 required to produce the public record in the specific format,
21 in addition to any other costs allowed under Code chapter
22 22. If the person receiving a public record requests that the
23 public record be specially processed or produced in a format
24 different from that in which the public record is readily
25 accessible to the government body, the costs chargeable to the
26 person may be higher.
27 Conforming Code changes are made in the bill to Code
28 sections 22.2 (access to data processing software) and 22.7
29 (confidential records exceptions).

Senate File 436 - Introduced

SENATE FILE 436
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1065)

A BILL FOR

1 An Act requesting a legislative interim committee related to
2 the competitive bidding law of this state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1536SV (1) 86
tr/rj

S.F. 436

1 Section 1. PUBLIC CONSTRUCTION BIDDING — LEGISLATIVE
2 STUDY. The legislative council is requested to establish a
3 legislative interim study committee during the 2015 legislative
4 interim to review and make recommendations concerning the
5 competitive bidding law of this state. The study committee
6 shall consider the status of current law, identify concerns or
7 problems related to current law, and consider alternatives or
8 alterations to current law. The study committee may require
9 the cooperation of state and local government entities in
10 conducting the study.

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 requests the legislative council to establish a
15 legislative interim study committee during the 2015 legislative
16 interim to review and make recommendations concerning the
17 competitive bidding law of this state. The study committee
18 shall consider the status of current law, identify concerns
19 or problems related to current law, and consider alternatives
20 or alterations to current law. The bill allows the study
21 committee to require cooperation of state and local government
22 entities in conducting the study.

Senate File 437 - Introduced

SENATE FILE 437
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1062)

A BILL FOR

1 An Act providing time off from work to attend presidential
2 precinct caucuses, making penalties applicable, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1493SV (2) 86
je/sc

S.F. 437

1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
2 2015, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (3) As an employer, denying an employee
4 the privilege conferred by section 43.4A to attend a precinct
5 caucus, or subjecting an employee to a penalty because of the
6 exercise of that privilege.
7 Sec. 2. NEW SECTION. **43.91A Employees entitled to time to**
8 **participate in presidential precinct caucuses.**
9 1. Any person entitled to participate in a precinct caucus
10 held as part of the presidential nominating process in this
11 state who is required to be present at work for an employer
12 during the four-hour period starting one hour prior to the time
13 the precinct caucus starts is entitled to take unpaid leave for
14 as much of that four-hour period as is necessary to participate
15 in the precinct caucus except as provided by this section.
16 Application by any employee for such absence shall be made to
17 the employee's employer individually and in writing at least
18 two weeks prior to the time the precinct caucus is scheduled to
19 start. The employee shall not be liable for any loss of wages
20 or salary or any other penalty except for the loss of wages or
21 salary for the hours of unpaid leave actually used.
22 2. *a.* An application by an employee for an absence may be
23 denied by an employer if all the following circumstances exist:
24 (1) The person is employed in an emergency services position
25 which shall include peace officer, fire fighter, emergency
26 medical personnel, and any other position that affects the
27 protection of public health or safety, or is employed by an
28 entity that would experience severe economic or operational
29 disruption due to the person's absence.
30 (2) The employer filed a written notice with the
31 commissioner at least seven days prior to the date of the
32 precinct caucus specifying exigent circumstances justifying the
33 denial of such leave for personnel described in subparagraph
34 (1) and declaring the minimum number of such personnel,
35 by position, needed to protect public health and safety or

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1 maintain minimum operational capacity, as applicable. A copy
2 of this written notice shall be provided to employees of the
3 employer.
4 (3) The number of persons employed in a position that did
5 not apply for an absence is less than the minimum number of
6 persons in that position needed by the employer to protect
7 public health and safety or maintain minimum operational
8 capacity, as applicable.
9 *b.* If the circumstances in paragraph *"a"* exist as to a
10 particular position of the employer, then the employer may deny
11 the minimum number of employees in that position applying for
12 an absence that is needed to yield the minimum staffing level
13 for that position as specified in the written notice to the
14 commissioner. The selection of which employees applying for
15 an absence shall be denied an absence shall be made without
16 regard to political party affiliation, political belief, or
17 affiliation with or support for any candidate, or for any of
18 the grounds for which employment discrimination is prohibited
19 in this state.
20 3. This section shall not be construed to prohibit an
21 employer from doing any of the following:
22 *a.* Authorizing paid leave to all affected employees.
23 *b.* Allowing all affected employees the option to work
24 additional compensatory hours to the extent otherwise permitted
25 by law, at a time designated by the employer not in conflict
26 with the time needed for caucus participation, equal in number
27 to the number of hours taken to participate in the presidential
28 precinct caucus as provided in subsection 1. The option of
29 working compensatory hours may be exercised individually by
30 each employee. Work performed during the compensatory hours
31 shall be compensated in the same manner as work performed
32 during regular hours.
33 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
34 immediate importance, takes effect upon enactment.
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 provides that a person shall be entitled to unpaid
4 time off from work to attend a presidential precinct caucus
5 for up to four hours beginning one hour prior to the start
6 of the precinct caucus. The bill provides that the employee
7 shall make a written application with their employer for such
8 absence two weeks prior to the caucus and the employee is not
9 liable for any penalty nor shall any deduction be made from the
10 person's regular salary or wages except for the period of time
11 of the absence.
12 The bill provides that the requirement to allow time off
13 does not apply if the person is employed in a position that
14 affects the protection of public health or safety or by an
15 entity that would experience severe economic disruption due
16 to the person's absence. Such employer must file a written
17 notice with the county commissioner of elections specifying the
18 exigent circumstances justifying the denial of such leave and
19 the minimum number of persons needed, by position, to protect
20 public health and safety or maintain minimum operational
21 capacity, and that the number of persons not applying for leave
22 is less than the minimum number specified by the employer.
23 The denial of leave for those number of persons needed to
24 reach the minimum staffing number specified must be done in a
25 nondiscriminatory manner.
26 The bill also permits an employer, in lieu of providing
27 unpaid leave, to provide paid leave for the absence or to allow
28 affected employees the option to work the hours of the absence
29 at another time to the extent permitted by law so long as
30 either option is made available to all affected employees.
31 The bill provides that an employer who denies an employee
32 the privilege conferred by this bill to attend a presidential
33 precinct caucus commits election misconduct in the fourth
34 degree, a simple misdemeanor. A simple misdemeanor is
35 punishable by confinement for no more than 30 days or a fine of

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1 at least $65 but not more than $625 or by both.
2 The bill takes effect upon enactment.

Senate File 438 - Introduced

SENATE FILE 438
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1256)

A BILL FOR

1 An Act requiring the racing and gaming commission to conduct a
2 study on exchange wagering.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2592SV (1) 86
ec/nh

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1 Section 1. RACING AND GAMING COMMISSION — EXCHANGE
2 WAGERING STUDY.
3 1. The state racing and gaming commission shall conduct
4 a study concerning the possible authorization of exchange
5 wagering, a form of wagering in which two or more persons place
6 identically opposing wagers in a given market, as a form of
7 pari-mutuel wagering in Iowa. The study shall consider the
8 current state of pari-mutuel wagering in Iowa, the potential
9 revenue impact of authorizing exchange wagering, the possible
10 regulatory framework necessary if exchange wagering is
11 authorized for licensees regulated under chapter 99D, including
12 any necessary consumer protections, the manner of collecting
13 wagering taxes for exchange wagering, and the general impact
14 of authorizing exchange wagering as a form of pari-mutuel
15 wagering.
16 2. In conducting the study, the commission shall consult
17 with the Iowa horsemen's benevolent and protective association,
18 and may consult with the horse racetrack located in Polk county
19 and any other parties the commission deems necessary.
20 3. The commission shall submit a written report on its
21 findings to the general assembly by December 1, 2015. The
22 commission is not required to make specific recommendations
23 regarding the legalization of exchange wagering in Iowa. The
24 cost of the study shall be treated as an additional cost to the
25 racing and gaming commission.
26 EXPLANATION

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

29 This bill requires the state racing and gaming commission
30 to conduct a study on the possibility of authorizing exchange
31 wagering as a form of pari-mutuel wagering in Iowa. The
32 bill requires the commission to consider the financial and
33 regulatory impact of allowing exchange wagering in conducting
34 the study. The bill requires the commission to submit a report
35 on its findings to the general assembly by December 1, 2015.

Senate File 439 - Introduced

SENATE FILE 439
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1210)

A BILL FOR

1 An Act creating an Iowa ABLE savings plan trust, providing
2 deductions and exclusions from the individual income tax
3 and inheritance tax relating to the trust, and including
4 retroactive and other applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1660SV (1) 86
mm/sc

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1 Section 1. NEW SECTION. **12I.1 Purpose and definitions.**
2 1. The general assembly finds that the general welfare
3 and well-being of the state are directly related to the
4 health, maintenance, independence, and quality of life of its
5 disabled residents, and that a vital and valid public purpose
6 is served by the creation and implementation of programs that
7 encourage and make possible savings to secure funding for
8 disability-related expenses on behalf of individuals with
9 disabilities that will supplement, but not supplant, other
10 benefits provided by various federal, state, and private
11 sources. The creation of the means of encouragement for
12 citizens to invest in such a program represents the carrying
13 out of a vital and valid public purpose. In order to make
14 available to the citizens of the state an opportunity to fund
15 future disability-related expenses of individuals, it is
16 necessary that a public trust be established in which moneys
17 may be invested for payment of future disability-related
18 expenses of an individual.
19 2. As used in this chapter, unless the context otherwise
20 requires:
21 *a. "Account balance limit"* means the maximum allowable
22 aggregate balance of an account established for a designated
23 beneficiary. Account earnings, if any, are included in the
24 account balance limit.
25 *b. "Account owner"* means an individual who is a resident of
26 this state and who enters into a participation agreement under
27 this chapter for the payment of qualified disability expenses
28 on behalf of a designated beneficiary.
29 *c. "Designated beneficiary"* means an individual who is a
30 resident of this state and who meets the definition of *"eligible*
31 *individual"* in section 529A of the Internal Revenue Code.
32 *d. "Internal Revenue Code"* means the same as defined in
33 section 422.3.
34 *e. "Iowa ABLE savings plan trust"* or *"trust"* means the trust
35 created under section 12I.2.

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1 *f. "Participation agreement"* means an agreement between the
2 account owner and the trust entered into under this chapter.
3 3. *"Qualified disability expenses"* means the same as defined
4 in section 529A of the Internal Revenue Code.
5 Sec. 2. NEW SECTION. **12I.2 Creation of Iowa ABLE savings**
6 **plan trust.**
7 An Iowa ABLE savings plan trust is created. The treasurer of
8 state is the trustee of the trust, and has all powers necessary
9 to carry out and effectuate the purposes, objectives, and
10 provisions of this chapter pertaining to the trust, including
11 the power to do all of the following:
12 1. Make and enter into contracts necessary for the
13 administration of the trust created under this chapter.
14 2. Enter into agreements with the state, or any federal or
15 other state agency, or other entity as required to implement
16 this chapter.
17 3. Carry out the duties and obligations of the trust
18 pursuant to this chapter.
19 4. Accept any grants, gifts, legislative appropriations,
20 and other moneys from the state, any unit of federal, state, or
21 local government, or any other person, firm, partnership, or
22 corporation which the treasurer of state shall deposit into the
23 administrative fund or program fund.
24 5. Participate in any federal, state, or local governmental
25 program for the benefit of the trust.
26 6. Procure insurance against any loss in connection with the
27 property, assets, or activities of the trust.
28 7. Enter into participation agreements with account owners.
29 8. Make payments to designated beneficiaries pursuant to
30 participation agreements.
31 9. Make refunds to account owners upon the termination
32 of participation agreements, and partial nonqualified
33 distributions to account owners, pursuant to this chapter and
34 the limitations and restrictions set forth in this chapter.
35 10. Invest moneys from the program fund in any investments

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1 that are determined by the treasurer of state to be
2 appropriate.
3 11. Engage investment advisors, if necessary, to assist in
4 the investment of trust assets.
5 12. Contract for goods and services and engage personnel
6 as necessary, including consultants, actuaries, managers,
7 legal counsel, and auditors for the purpose of rendering
8 professional, managerial, and technical assistance and advice
9 to the treasurer of state regarding trust administration and
10 operation.
11 13. Establish, impose, and collect administrative fees
12 and charges in connection with transactions of the trust, and
13 provide for reasonable service charges, including penalties for
14 cancellations and late payments with respect to participation
15 agreements.
16 14. Administer the funds of the trust.
17 15. Prepare and file reports and notices.
18 16. Adopt rules pursuant to chapter 17A for the
19 administration of this chapter.
20 Sec. 3. NEW SECTION. **12I.3 Participation agreements for**
21 **trust.**
22 The trust may enter into participation agreements with
23 account owners pursuant to the following terms and agreements:
24 1. *a.* The treasurer of state shall allow only one
25 participation agreement per designated beneficiary.
26 *b.* The account owner must also be the designated beneficiary
27 of the account. However, a trustee or legal guardian may
28 be designated as custodian of an account for a designated
29 beneficiary who is a minor or who lacks capacity to enter into
30 a participation agreement if such designation is not prohibited
31 under section 529A of the Internal Revenue Code.
32 *c.* The treasurer of state shall set an annual contribution
33 limit and account balance limit to maintain compliance with
34 section 529A of the Internal Revenue Code. A contribution
35 shall not be permitted to the extent it exceeds the annual

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1 contribution limit or causes the aggregate balance of the
2 account established for the designated beneficiary to exceed
3 the applicable account balance limit.
4 *d.* The maximum amount that may be deducted for Iowa income
5 tax purposes shall not exceed the maximum deductible amount
6 determined for the year pursuant to section 12D.3, subsection
7 1, paragraph *"a"*. This maximum amount applies per designated
8 beneficiary per year.
9 *e.* Participation agreements may be amended to provide
10 for adjusted levels of contributions based upon changed
11 circumstances or changes in disability-related expenses.
12 *f.* Any person may make contributions pursuant to a
13 participation agreement on behalf of a designated beneficiary
14 under rules adopted by the treasurer of state.
15 2. The execution of a participation agreement by the trust
16 shall not guarantee in any way that future disability-related
17 expenses will be equal to projections and estimates provided by
18 the trust or that the account owner or designated beneficiary
19 is guaranteed any of the following:
20 *a.* A return of principal.
21 *b.* A rate of interest or other return from the trust.
22 *c.* Payment of interest or other return from the trust.
23 3. *a.* A designated beneficiary under a participation
24 agreement may be changed as permitted under rules adopted by
25 the treasurer of state upon written request of the account
26 owner as long as such change would be permitted by section 529A
27 of the Internal Revenue Code.
28 *b.* Participation agreements may otherwise be freely amended
29 throughout their terms in order to enable account owners to
30 increase or decrease the level of participation, change the
31 designated beneficiary, and carry out similar matters as
32 authorized by rule.
33 4. Each participation agreement shall provide that the
34 participation agreement may be canceled upon the terms and
35 conditions, and upon payment of applicable fees and costs set

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1 forth and contained in the rules adopted by the treasurer of
2 state.
3 Sec. 4. NEW SECTION. **12I.4 Program and administrative funds**
4 **— investment and payment.**
5 1. *a.* The treasurer of state shall segregate moneys
6 received by the trust into two funds: the program fund and the
7 administrative fund.
8 *b.* All moneys paid by account owners or other persons
9 on behalf of a designated beneficiary in connection with
10 participation agreements shall be deposited as received into
11 separate accounts for each designated beneficiary within the
12 program fund.
13 *c.* Contributions to the trust made on behalf of designated
14 beneficiaries may only be made in the form of cash.
15 *d.* An account owner or designated beneficiary is not
16 permitted to provide investment direction regarding program
17 contributions or earnings held by the trust.
18 2. Moneys accrued by account owners in the program fund
19 of the trust may be used for payments of qualified disability
20 expenses.
21 3. Moneys in the account of a designated beneficiary may
22 be claimed by the Iowa Medicaid program as provided in section
23 529A(f) of the Internal Revenue Code and subject to limitations
24 imposed by the treasurer of state.
25 Sec. 5. NEW SECTION. **12I.5 Cancellation of agreements.**
26 An account owner may cancel a participation agreement at
27 will. Upon cancellation of a participation agreement, an
28 account owner shall be entitled to the return of the account
29 owner's account balance.
30 Sec. 6. NEW SECTION. **12I.6 Repayment and ownership of**
31 **payments and investment income — transfer of ownership rights.**
32 1. *a.* An account owner retains ownership of all
33 contributions made on behalf of a designated beneficiary under
34 a participation agreement up to the date of utilization for
35 payment of qualified disability expenses of the designated

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1 beneficiary.
2 *b.* All income derived from the investment of the
3 contributions made on behalf of a designated beneficiary shall
4 be considered to be held in trust for the benefit of the
5 designated beneficiary.
6 2. In the event the program is terminated prior to
7 payment of qualified disability expenses for the designated
8 beneficiary, the account owner is entitled to a refund of the
9 account owner's account balance.
10 3. Any amounts which may be paid to any person or persons
11 pursuant to the Iowa ABLE savings plan trust but which are not
12 listed in this section are owned by the trust.
13 4. An account owner may transfer ownership rights to
14 another designated beneficiary, including a gift of the
15 ownership rights to a designated beneficiary who is a minor, in
16 accordance with rules adopted by the treasurer of state and the
17 terms of the participation agreement, so long as the transfer
18 would be permitted by section 529A of the Internal Revenue
19 Code.
20 5. An account owner shall not be entitled to utilize any
21 interest in the trust as security for a loan.
22 Sec. 7. NEW SECTION. **12I.7 Reports — annual audited**
23 **financial report — reports under federal law.**
24 1. *a.* The treasurer of state shall submit an annual
25 audited financial report, prepared in accordance with generally
26 accepted accounting principles, on the operations of the trust
27 by November 1 to the governor and the general assembly.
28 *b.* The annual audit shall be made either by the auditor
29 of state or by an independent certified public accountant
30 designated by the auditor of state and shall include direct and
31 indirect costs attributable to the use of outside consultants,
32 independent contractors, and any other persons who are not
33 state employees.
34 2. The annual audit shall be supplemented by all of the
35 following information prepared by the treasurer of state:

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1 *a.* Any related studies or evaluations prepared in the
2 preceding year.
3 *b.* A summary of the benefits provided by the trust,
4 including the number of account owners and designated
5 beneficiaries in the trust.
6 *c.* Any other information deemed relevant by the treasurer of
7 state in order to make a full, fair, and effective disclosure
8 of the operations of the trust.
9 3. The treasurer of state shall prepare and submit to the
10 secretary of the United States treasury or other required party
11 any reports, notices, or statements required under section 529A
12 of the Internal Revenue Code.
13 Sec. 8. NEW SECTION. **12I.8 Tax considerations.**
14 1. For federal income tax purposes, the Iowa ABLE savings
15 plan trust shall be considered a qualified ABLE program exempt
16 from taxation pursuant to section 529A of the Internal Revenue
17 Code. The Iowa ABLE savings plan trust meets the requirements
18 of section 529A(b) of the Internal Revenue Code as follows:
19 *a.* Pursuant to section 12I.3, subsection 1, paragraph *"a"*,
20 only one account per designated beneficiary is allowed.
21 *b.* Pursuant to section 12I.3, subsection 1, paragraph *"c"*,
22 a maximum contribution level and account balance level is
23 established.
24 *c.* Pursuant to section 12I.3, subsection 1, paragraph
25 *"f"*, any person may make contributions to an account that is
26 established for the purpose of meeting the qualified disability
27 expenses of the designated beneficiary of the account.
28 *d.* Pursuant to section 12I.4, subsection 1, paragraph
29 *"b"*, a separate account is established for each designated
30 beneficiary.
31 *e.* Pursuant to section 12I.4, subsection 1, paragraph *"c"*,
32 contributions may only be made in the form of cash.
33 *f.* Pursuant to section 12I.4, subsection 1, paragraph *"d"*,
34 an account owner or designated beneficiary is not permitted to
35 provide investment direction regarding program contributions

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1 or earnings held by the trust.
2 *g.* Pursuant to section 12I.6, subsection 5, an account owner
3 shall not pledge any interest in the trust as security for a
4 loan.
5 2. State income tax treatment of the Iowa ABLE savings plan
6 trust shall be as provided in section 422.7, subsections 34 and
7 34A.
8 3. State inheritance tax treatment of interests in Iowa ABLE
9 savings plans shall be as provided in section 450.4, subsection
10 9.
11 Sec. 9. NEW SECTION. **12I.9 Property rights to assets in**
12 **trust.**
13 1. The assets of the trust shall at all times be preserved,
14 invested, and expended solely and only for the purposes of the
15 trust and shall be held in trust for the account owners and
16 designated beneficiaries.
17 2. Except as provided in section 12I.4, subsection 3, no
18 property rights in the trust shall exist in favor of the state.
19 3. Except as provided in section 12I.4, subsection 3, the
20 assets of the trust shall not be transferred or used by the
21 state for any purposes other than the purposes of the trust.
22 Sec. 10. NEW SECTION. **12I.10 Construction.**
23 This chapter shall be construed liberally in order to
24 effectuate its purpose.
25 Sec. 11. Section 422.7, Code 2015, is amended by adding the
26 following new subsections:
27 NEW SUBSECTION. 34. *a.* Subtract the maximum contribution
28 that may be deducted for Iowa income tax purposes for a
29 contribution on behalf of a designated beneficiary to the Iowa
30 ABLE savings plan trust pursuant to section 12I.3, subsection
31 1, paragraph *"d"*.
32 *b.* Add the amount resulting from the cancellation of a
33 participation agreement refunded to the taxpayer as an account
34 owner in the Iowa ABLE savings plan trust to the extent
35 previously deducted by the taxpayer or any other person as a

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contribution to the trust.

c. Add the amount resulting from a withdrawal made by a taxpayer from the Iowa ABLE savings plan trust for purposes other than the payment of qualified disability expenses to the extent previously deducted by the taxpayer or any other person as a contribution to the trust.

NEW SUBSECTION. 34A. Subtract, to the extent included, income from interest and earnings received from the Iowa ABLE savings plan trust created in chapter 12I.

Sec. 12. Section 450.4, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 9. On the value of any interest in the Iowa ABLE savings plan trust created in chapter 12I.

Sec. 13. APPLICABILITY. This Act applies to contributions to the Iowa ABLE savings plan trust made, and qualified disability expenses incurred, on or after July 1, 2015.

Sec. 14. APPLICABILITY. The section of this Act amending section 450.4 applies to estates of decedents dying on or after July 1, 2015.

Sec. 15. RETROACTIVE APPLICABILITY. The section of this Act amending section 422.7 applies retroactively to January 1, 2015, for tax years beginning on or after that date.

EXPLANATION

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

This bill creates an Iowa ABLE (Achieving A Better Life Experience) savings plan trust and provides for various Iowa individual income tax and inheritance tax benefits.

BACKGROUND. On December 19, 2014, the federal Achieving A Better Life Experience Act of 2014 (ABLE Act) was enacted as part of the federal Tax Increase Prevention Act of 2014 (Pub. L. No. 113-295). The ABLE Act allows states to create programs to assist individuals in saving private funds for the purpose of supporting individuals with disabilities. Qualifying state programs will allow for the establishment

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1 of accounts into which eligible disabled individuals or
2 others may make contributions for the payment of future
3 disability-related expenses of the eligible disabled
4 individual. Funds and earnings in accounts established
5 under qualifying state programs are afforded federal benefits
6 in certain circumstances, including federal tax exemption,
7 bankruptcy protection, and exclusion from consideration under
8 certain means-tested programs, such as Medicaid or supplemental
9 security income.
10 IOWA ABLE SAVINGS PLAN TRUST. The bill creates the Iowa
11 ABLE savings plan trust (trust) under the treasurer of state
12 (state treasurer) that will meet the requirements of §529A of
13 the Internal Revenue Code (federal ABLE program). The state
14 treasurer is the trustee of the trust and has numerous powers,
15 as specified in the bill, for the purpose of carrying out the
16 purpose of the trust.
17 The trust is authorized to enter into participation
18 agreements with individuals for the payment of future qualified
19 disability expenses. "Qualified disability expenses" means the
20 same as defined under the federal ABLE program, which generally
21 defines the term to include expenses related to a designated
22 beneficiary's education, housing, transportation, employment
23 training and support, assistive technology and personal support
24 services, health, prevention and wellness, financial management
25 and administrative services, legal fees, expenses for oversight
26 and monitoring, funeral and burial expenses, and other expenses
27 approved by the secretary of the United States treasury
28 (secretary).
29 The person with whom the state treasurer enters into a
30 participation agreement must be both the account owner and
31 designated beneficiary. However, the bill allows a trustee
32 or legal guardian to be designated as custodian of an account
33 for a designated beneficiary who is a minor or who lacks
34 capacity to enter into a participation agreement, provided such
35 designation would be allowed under the federal ABLE program.

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1 "Designated beneficiary" is defined in the bill as a person
2 who is a resident of Iowa and who qualifies as an eligible
3 individual under the federal ABLE program, which includes
4 individuals who are entitled to benefits based on blindness or
5 disability under Title II (disability insurance) or Title XVI
6 (supplemental security income) of the federal Social Security
7 Act if such blindness or disability occurred before attaining
8 26 years of age, and if such individual files a disability
9 certification with the secretary.
10 The bill requires the state treasurer to maintain a separate
11 account in the trust for each designated beneficiary of a
12 participation agreement. Only one participation agreement
13 shall be allowed per designated beneficiary. Any person is
14 allowed to make contributions in the form of cash to an account
15 on behalf of a designated beneficiary. The trust is required
16 to maintain limits on the annual contributions to an account,
17 and the aggregate balance in an account, matching those set
18 forth in the federal ABLE program, which prohibits annual
19 contributions to an account from exceeding the annual gift tax
20 exclusion amount ($14,000 for 2015), and prohibits an aggregate
21 account balance from exceeding the limit set by a state under
22 its qualified tuition program (currently $320,000 for Iowa).
23 The bill provides other various terms and conditions for
24 participation agreements, use and segregation of trust funds,
25 cancellation of agreements and refund of account balances,
26 and ownership rights in the trust. The bill provides that an
27 account may be claimed by the Iowa Medicaid program upon the
28 death of the designated beneficiary, in accordance with the
29 federal ABLE program. The bill requires the state treasurer to
30 prepare and submit audited financial reports to the governor
31 and general assembly, and further requires the state treasurer
32 to comply with any reporting requirements of the federal ABLE
33 program. The bill applies to qualified disability expenses
34 incurred on or after July 1, 2015.
35 IOWA TAX BENEFITS. The bill provides several tax benefits

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1 under the trust. First, the value of any interest in the trust
2 of a decedent dying on or after July 1, 2015, is excluded
3 from the Iowa inheritance tax. Second, contributions to the
4 trust made on or after July 1, 2015, on behalf of a designated
5 beneficiary are deductible from the Iowa individual income
6 tax up to the maximum amount allowed per beneficiary per year
7 for purposes of the Iowa educational savings plan trust in
8 Code chapter 12D. For 2015, that amount is set at $3,163.
9 Any amounts refunded to a taxpayer from the cancellation of
10 a participation agreement or that are withdrawn for purposes
11 other than the payment of qualified disability expenses of the
12 designated beneficiary must be included in Iowa net income to
13 the extent they were previously deducted by the taxpayer or any
14 other person as a contribution. Third, income and earnings
15 from the trust are exempt from the Iowa individual income tax.
16 The individual income tax benefits apply retroactively to
17 January 1, 2015, for tax years beginning on or after that date.

Senate File 440 - Introduced

SENATE FILE 440
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1200)

(COMPANION TO LSB 2092HV BY
COMMITTEE ON HUMAN RESOURCES)

A BILL FOR

1 An Act relating to interstate contracts for substance abuse and
2 mental health care and treatment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2092SV (2) 86
rh/rj

S.F. 440

1 Section 1. NEW SECTION. **331.910 Interstate contracts for**
2 **mental health and substance-related disorder treatment.**
3 1. *Purpose.* The purpose of this section is to enable
4 appropriate care and treatment to be provided to a person
5 with a substance-related disorder or a mental illness, across
6 state lines from the person's state of residence, in qualified
7 hospitals, centers, and facilities.
8 2. *Definitions.* For the purposes of this section:
9 *a. "Bordering state"* means Illinois, Minnesota, Missouri,
10 Nebraska, South Dakota, or Wisconsin.
11 *b. "Receiving agency"* means a public or private hospital,
12 mental health center, substance abuse treatment and
13 rehabilitation facility, or detoxification center, which
14 provides substance abuse or mental health care and treatment to
15 a person from a state other than the state in which a hospital,
16 center, or facility is located.
17 *c. "Receiving state"* means the state in which a receiving
18 agency is located.
19 *d. "Region"* means a mental health and disability services
20 region formed in accordance with section 331.389 or a county
21 that has been exempted by the director of human services from
22 being required to be a part of a mental health and disability
23 services region in accordance with section 331.389.
24 *e. "Sending agency"* means a state or regional agency located
25 in a state which sends a person to a receiving state for
26 substance abuse or mental health care and treatment under this
27 section.
28 *f. "Sending state"* means the state in which a sending agency
29 is located.
30 3. *Voluntary commitments.*
31 *a.* A region may contract with a receiving agency in a
32 bordering state to secure substance abuse or mental health care
33 and treatment under this subsection for persons who receive
34 substance abuse or mental health care and treatment pursuant to
35 section 125.33 or 229.2 through a region.

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1 *b.* This subsection shall not apply to a person who is any
2 of the following:
3 (1) Serving a criminal sentence.
4 (2) On probation or parole.
5 (3) The subject of a presentence investigation.
6 *c.* A region may contract with a sending agency in a
7 bordering state to provide care and treatment under this
8 subsection for residents of the bordering state in approved
9 substance abuse and mental health care and treatment hospitals,
10 centers, and facilities in this state, except that care and
11 treatment shall not be provided for residents of the bordering
12 state who are involved in criminal proceedings substantially
13 similar to the involvement described in paragraph *"b"*.
14 4. *Involuntary commitments.*
15 *a.* A person who is detained, committed, or placed on an
16 involuntary basis under section 125.75 or 229.6 may be confined
17 and treated in another state pursuant to a contract under this
18 section.
19 *b.* A person who is detained, committed, or placed on
20 an involuntary basis under the civil commitment laws of a
21 bordering state substantially similar to section 125.75 or
22 229.6 may be confined and treated in this state pursuant to a
23 contract under this section.
24 *c.* A law enforcement officer acting under the authority of a
25 sending state may transport a person to a receiving agency that
26 provides substance abuse or mental health care and treatment
27 pursuant to a contract under this subsection and may transport
28 the person back to the sending state under the laws of the
29 sending state.
30 *d.* Court orders valid under the law of the sending state
31 are granted recognition and reciprocity in the receiving state
32 for a person covered by a contract under this subsection to
33 the extent that the court orders relate to confinement for
34 substance abuse or mental health care and treatment. Such care
35 and treatment may include care and treatment for co-occurring

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1 substance-related and mental health disorders. Such court
2 orders are not subject to legal challenge in the courts of the
3 receiving state.
4 *e.* A person who is detained, committed, or placed under the
5 laws of a sending state and who is transferred to a receiving
6 state under this section shall be considered to be in the legal
7 custody of the authority responsible for the person under the
8 laws of the sending state with respect to the involuntary
9 civil commitment of the person due to a mental illness or a
10 substance-related disorder.
11 *f.* While in the receiving state pursuant to a contract
12 under this subsection, a person shall be subject to all laws
13 and regulations applicable to persons detained, committed, or
14 placed pursuant to the corresponding laws and regulations of
15 the receiving state with respect to the involuntary commitment
16 of the person due to a mental illness or substance-related
17 disorder. A person shall not be sent to a receiving state
18 pursuant to a contract under this section until the receiving
19 state has enacted a law recognizing the validity and
20 applicability of this subsection.
21 *g.* If a person receiving care and treatment pursuant to
22 a contract under this subsection escapes from the receiving
23 agency and the person at the time of the escape is subject
24 to involuntary confinement under the laws of the sending
25 state, the receiving agency shall use all reasonable means to
26 recapture the escapee. The receiving agency shall immediately
27 report the escape of the person to the sending agency. The
28 receiving state has the primary responsibility for, and the
29 authority to direct, the pursuit, retaking, and prosecution of
30 escaped persons within its borders and is liable for the cost
31 of such action to the extent that it would be liable for costs
32 if its own resident escaped.
33 *h.* Responsibility for payment for the cost of care and
34 treatment under this subsection shall remain with the sending
35 agency.

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1 5. A contract entered into under this section shall, at a
2 minimum, meet all of the following requirements:
3 *a.* Describe the care and treatment to be provided.
4 *b.* Establish responsibility for the costs of the care and
5 treatment, except as otherwise provided in subsection 4.
6 *c.* Establish responsibility for the costs of transporting
7 individuals receiving care and treatment under this section.
8 *d.* Specify the duration of the contract.
9 *e.* Specify the means of terminating the contract.
10 *f.* Identify the goals to be accomplished by the placement
11 of a person under this section.
12 6. This section shall apply to all of the following:
13 *a.* Detoxification services that are unrelated to substance
14 abuse or mental health care and treatment regardless of
15 whether the care and treatment are provided on a voluntary or
16 involuntary basis.
17 *b.* Substance abuse and mental health care and treatment
18 contracts that include emergency care and treatment provided to
19 a resident of this state in a bordering state.
20 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 relates to interstate contracts for substance
24 abuse and mental health care and treatment.
25 CONTRACTS FOR INVOLUNTARY COMMITMENTS. The bill provides
26 that a region as defined in the bill may contract with a public
27 or private agency in a bordering state to secure substance
28 abuse or mental health care and treatment for persons who may
29 receive substance abuse or mental health care and treatment
30 pursuant to Code section 125.33 or 229.2 through a region
31 in Iowa. Similarly, a region may contract with a public or
32 private agency in a bordering state to provide such care and
33 treatment for residents of the bordering state in approved
34 substance abuse or mental health treatment facilities in
35 this state. A person serving a criminal sentence, who is on

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1 probation or parole, or who is the subject of a presentence
2 investigation is not eligible to receive such care and
3 treatment. The bill defines "bordering state" to mean
4 Illinois, Minnesota, Missouri, Nebraska, South Dakota, or
5 Wisconsin, and "region" to mean a mental health and disability
6 services region formed in accordance with Code section 331.389
7 and a county not required to be a part of a region under that
8 Code section.
9 CONTRACTS FOR INVOLUNTARY COMMITMENTS. The bill provides
10 that a person who is detained, committed, or placed on an
11 involuntary basis under Code section 125.75 or 229.6 may
12 be confined and treated in another state pursuant to a
13 contract executed under the bill and a person who is detained,
14 committed, or placed on an involuntary basis under the civil
15 commitment laws of a bordering state substantially similar to
16 Code section 125.75 or 229.6 may be confined and treated in
17 this state pursuant to a contract executed under the bill.
18 Court orders valid under the law of the sending state are
19 granted recognition and reciprocity in the receiving state for
20 a person covered by an involuntary commitment contract under
21 the bill. A person who is detained, committed, or placed
22 under the laws of a sending state and who is transferred to a
23 receiving state is considered to be in the legal custody of
24 the authority responsible for the person under the involuntary
25 civil commitment laws of the sending state.
26 While in the receiving state pursuant to an involuntary
27 commitment contract executed under the bill, a person is
28 subject to all laws and regulations applicable to persons
29 detained, committed, or placed pursuant to the corresponding
30 involuntary civil commitment laws of the receiving state.
31 If a person receiving care and treatment pursuant to an
32 involuntary commitment contract under the bill escapes from
33 the receiving agency and the person at the time of the escape
34 is subject to involuntary confinement under the laws of the
35 sending state, the receiving agency shall use all reasonable

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means to recapture the escapee. The receiving agency shall immediately report the escape to the sending agency. The receiving state has the primary responsibility for, and the authority to direct, the pursuit, retaking, and prosecution of escaped persons within its borders and is liable for the cost of such action to the extent that it would be liable for costs if its own resident escaped.

MISCELLANEOUS. The bill specifies minimum requirements for contracts entered into under the bill. The bill applies to detoxification services unrelated to substance abuse or mental health care and treatment regardless of whether provided on a voluntary or involuntary basis and to substance abuse and mental health care and treatment contracts that include emergency care and treatment.

Senate File 441 - Introduced

SENATE FILE 441
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1167)

A BILL FOR

1 An Act relating to a health workforce program analysis.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1487SV (2) 86
pf/nh

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1 Section 1. HEALTH WORKFORCE PROGRAM ANALYSIS — DEPARTMENT
2 OF PUBLIC HEALTH. The department of public health shall assess
3 the health workforce development programs under the purview of
4 the oral and health delivery systems bureau and shall report
5 all of the following to the governor and general assembly by
6 December 15, 2015:
7 1. The scope, expenditures, outputs, and outcomes of each
8 program.
9 2. The extent to which the current programs are impacting
10 and making progress toward addressing the health workforce
11 needs identified.
12 3. Any identified gaps in the scope and availability of
13 workforce development programs and associated health workforce
14 data and recommendations to address such gaps.
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 This bill directs the department of public health to assess
19 the health workforce development programs under the purview of
20 the oral and health delivery systems bureau and submit a report
21 to the governor and the general assembly by December 15, 2015,
22 relating to all of the following: the scope, expenditures,
23 outputs, and outcomes of each program; the extent to which
24 the current programs are impacting and making progress toward
25 addressing the health workforce needs identified; and any
26 identified gaps in the scope and availability of workforce
27 development programs and associated health workforce data and
28 recommendations to address such gaps.

Senate File 442 - Introduced

SENATE FILE 442
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1217)

A BILL FOR

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

TLSB 1314SV (2) 86
ec/nh

S.F. 442

DIVISION I
SOCIAL AND CHARITABLE GAMBLING

Section 1. Section 99B.1, subsection 1, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

1. *"Amusement concession"* means a game of skill or game of chance with an instant win possibility where, if the participant completes a task, the participant wins a prize. *"Amusement concession"* includes but is not limited to carnival-style games that are conducted by a person for profit. *"Amusement concession"* does not include casino-style games or amusement devices required to be registered pursuant to section 99B.53.

Sec. 2. Section 99B.1, subsections 2, 3, 5, 6, 15, 16, 17, 20, 21, and 26, Code 2015, are amended to read as follows:

2. *"Amusement device"* means an electrical or mechanical device possessed and used in accordance with ~~section 99B.10~~ this chapter. When possessed and used in accordance with ~~that section~~ this chapter, an amusement device is not a game of skill or game of chance, and is not a gambling device.

3. *"Applicant"* means an individual or an organization applying for a license under this chapter.

5. *"Bingo"* means a game, whether known as bingo or any other name, in which each participant uses one or more cards each of which is marked off into spaces arranged in horizontal and vertical rows of spaces, with each space being designated by number, letter, symbol, or picture, or combination of numbers, ~~and~~ letters, ~~no~~ symbols, or pictures. No two cards ~~being~~ shall be identical~~, with~~. In the game of bingo, players ~~covering~~ shall cover spaces on the card or cards as the operator of the game announces to the players the number, letter, symbol, or picture, or combination of numbers, ~~and~~ letters, symbols, or pictures, appearing on an object selected by chance, either manually or mechanically, from a receptacle in which have been placed objects bearing numbers, letters, symbols, or

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pictures, or combinations of numbers, ~~and~~ letters, symbols, or pictures corresponding to the system used for designating the spaces~~, with the~~. The winner of each game ~~being~~ is the player or players first properly covering a predetermined and announced pattern of spaces on a card ~~being used by the player or players~~. Each determination of a winner by the method described in ~~the preceding sentence~~ this subsection is a single bingo game at any bingo occasion.

6. *"Bingo occasion"* means a single gathering or session at which ~~successive~~ a series of bingo games ~~are~~ is played. A bingo occasion ~~commences~~ begins when the operator of ~~the~~ a bingo game ~~begins to announce the~~ selects an object with a number, letter, symbol, or picture, or combination of numbers, ~~or~~ letters, symbols, or pictures through which the winner of ~~a single~~ the first bingo game in a series of bingo games will be determined. A bingo occasion ends when at least one hour has elapsed since a bingo game is played or when an announcement by the operator of the bingo game is made that the bingo occasion is over, whichever first occurs.

15. *"Game of chance"* means a game whereby the result is determined by chance and the player in order to win ~~aligns~~ completes activities, such as aligning objects or balls in a prescribed pattern or order or makes certain color patterns appear ~~and~~. *"Game of chance"* specifically includes but is not limited to ~~the game defined as~~ bingo. ~~Game of chance~~ *"Game of chance"* does not include a slot machine or amusement device.

16. *"Game of skill"* means a game whereby the result is determined by the ~~player~~ player's ability to do a task, such as directing or throwing objects to designated areas or targets, or by maneuvering water or an object into a designated area, or by maneuvering a dragline device to pick up particular items, or by shooting a gun or rifle.

17. *"Gross receipts"* means the total revenue received from the sale of rights to participate in a game of skill, game of chance, bingo, or raffle and admission fees or charges.

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1 20. *"Merchandise"* means goods or services that are bought
2 and sold in the regular course of business. *"Merchandise"*
3 includes lottery tickets or shares sold or authorized under
4 chapter 99G. The value of the lottery ticket or share is the
5 price of the lottery ticket or share as established by the
6 Iowa lottery authority pursuant to chapter 99G. *"Merchandise"*
7 includes a gift card if the gift card is not redeemable for
8 cash.
9 21. *"Net receipts"* means gross receipts less amounts awarded
10 as prizes and less state and local sales tax paid upon the
11 gross receipts. ~~Reasonable expenses, charges, fees, taxes~~
12 ~~other than the state and local sales tax, and deductions~~
13 ~~allowed by the department shall not exceed twenty-five percent~~
14 ~~of net receipts.~~
15 26. *"Raffle"* means a lottery in which each participant
16 buys ~~a ticket~~ an entry for a chance at a prize with the winner
17 determined by a random method and the winner is not required to
18 be present to win. *"Raffle"* does not include a slot machine.
19 Sec. 3. Section 99B.1, subsections 4, 10, 12, 13, 18, 19,
20 23, 24, 27, and 28, Code 2015, are amended by striking the
21 subsections.
22 Sec. 4. Section 99B.1, subsection 8, Code 2015, is amended
23 by striking the subsection and inserting in lieu thereof the
24 following:
25 8. *"Bookmaking"* means the determining of odds and receipt
26 and paying off of bets by an individual or publicly or
27 privately owned enterprise not present when the wager or bet
28 was undertaken.
29 Sec. 5. Section 99B.1, Code 2015, is amended by adding the
30 following new subsections:
31 NEW SUBSECTION. 8A. *"Build-up or pyramid"* means a raffle
32 or a game in which a prize must be returned in order to play
33 another game or to be eligible for another bigger prize, a game
34 in which a prize must be forfeited if a later game is lost, or a
35 raffle which is multi-step and requires the participant to win

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at multiple steps to win the grand prize.

NEW SUBSECTION. 8B. *"Calendar raffle"* means a raffle where a single entry is entered in one raffle where winners will be selected over multiple dates.

NEW SUBSECTION. 8C. *"Casino-style games"* means any house banking game, including but not limited to casino-style card games such as poker, baccarat, chemin de fer, blackjack, and pai gow, and casino games such as roulette, craps, and keno. *"Casino-style games"* does not include a slot machine.

NEW SUBSECTION. 8D. *"Charitable uses"* includes uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm when the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense when the loss is uncompensated by insurance.

NEW SUBSECTION. 12A. *"Educational, civic, public, charitable, patriotic, or religious uses"* includes uses benefiting a society for the prevention of cruelty to animals or animal rescue league; uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government; and uses benefiting any bona fide nationally chartered fraternal or military veterans' corporation or organization which operates in Iowa a clubroom, post, dining room, or dance hall, but does not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless it is used for one or more of the uses described in this subsection.

NEW SUBSECTION. 14A. *"Gambling"* means any activity where a person risks something of value or other consideration for a chance to win a prize.

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1 NEW SUBSECTION. 14B. *"Game night"* means an event at
2 which casino-style games may be conducted, in addition to
3 games of skill and games of chance, within one consecutive
4 twenty-four-hour period.
5 NEW SUBSECTION. 17A. *"Licensed qualified organization"*
6 means a qualified organization that is issued a license under
7 this chapter and that complies with the requirements for a
8 qualified organization issued a license under this chapter.
9 NEW SUBSECTION. 24A. *"Public uses"* specifically includes
10 dedication of net receipts to political parties as defined in
11 section 43.2.
12 Sec. 6. Section 99B.1, subsection 25, Code 2015, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:
15 25. *"Qualified organization"* means an organization that has
16 an active membership of not less than twelve persons, does not
17 have a self-perpetuating governing body and officers, and meets
18 any of the following requirements:
19 *a.* Is exempt from federal income taxes under section
20 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7),
21 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue
22 Code as defined in section 422.3.
23 *b.* Is an agency or instrumentality of the United States
24 government, this state, or a political subdivision of this
25 state.
26 *c.* Is a parent-teacher organization or booster club that
27 is recognized as a fund-raiser and supporter for a school
28 district organized pursuant to chapter 274 or for a school
29 within the school district, in a notarized letter signed by the
30 president of the board of directors, the superintendent of the
31 school district, or a principal of a school within that school
32 district.
33 *d.* Is a political party, as defined in section 43.2, or a
34 nonparty political organization that has qualified to place
35 a candidate as its nominee for statewide office pursuant to

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chapter 44, or to a candidate's committee as defined in section 68A.102.

Sec. 7. Section 99B.3, Code 2015, is amended to read as follows:

99B.3 Amusement concessions.

1. ~~A game of skill or game of chance is lawful when conducted by a person at an amusement concession, but only~~ A person may conduct an amusement concession if all of the following ~~are complied with~~ conditions are met:

a. ~~The location where the game is conducted by the person has been authorized as provided in section 99B.4.~~

~~*b.*~~ The person conducting the ~~game~~ amusement concession has submitted a license application and a fee of fifty dollars for each ~~game~~ amusement concession, and has been issued a license for the ~~game~~ amusement concession, and prominently displays the license at the playing area of the ~~game~~ amusement concession. A license is valid for a period of one year from the date of issue.

~~*c.* Gambling other than the licensed game is not conducted or engaged in at the amusement concession.~~

~~*d.*~~ *b.* The ~~game is~~ rules of the amusement concession are prominently posted and ~~the~~ visible from all playing positions.

c. The cost to play ~~the game~~ a single amusement concession does not exceed ~~three~~ five dollars.

~~*e.*~~ *d.* A prize is not displayed which cannot be won.

~~*f.*~~ *e.* Cash prizes are not awarded ~~and merchandise prizes are not repurchased~~.

~~*g.*~~ *f.* The ~~game~~ amusement concession is not operated on a build-up or pyramid basis.

g. A pet, as defined in section 717E.1, is not awarded.

h. The actual retail value of any prize does not exceed ~~fifty~~ one hundred dollars. If a prize consists of more than one item, unit, or part, the aggregate retail value of all items, units, or parts shall not exceed ~~fifty~~ one hundred dollars.

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i. Merchandise prizes are not repurchased from the participants. However, a participant may have the option, at no additional cost to the participant, of trading multiple smaller prizes for a single larger prize.

j. Concealed numbers or conversion charts are not used to play the ~~game and the game~~ amusement concession.

k. The amusement concession is not designed or adapted with any control device to permit manipulation of the ~~game~~ amusement concession by the operator in order to prevent a player from winning or to predetermine who the winner will be~~, and the object target, block or~~.

l. The object of the ~~game~~ amusement concession must be attainable and possible to perform under the rules stated from ~~the~~ all playing ~~position of the player~~ positions.

~~*j.*~~ *m.* The ~~game~~ amusement concession is conducted in a fair and honest manner.

2. ~~It is lawful for an~~ An individual other than a person conducting the ~~game to~~ amusement concession may participate in ~~a game of skill or game of chance conducted at~~ an amusement concession, whether or not the amusement concession is conducted in compliance with ~~subsection 1~~ this section.

Sec. 8. Section 99B.5A, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. *"Community group"* means an Iowa nonprofit, tax-exempt organization which is open to the general public and established for the promotion and development of the arts, history, culture, ethnicity, historic preservation, tourism, economic development, festivals, or municipal libraries. *"Community group"* does not include a school, college, university, political party, labor union, ~~state or federal government agency,~~ fraternal organization, church, convention or association of churches, or organizations operated primarily for religious purposes, or which are operated, supervised, controlled, or principally supported by a church, convention, or association of churches.

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Sec. 9. Section 99B.5A, subsection 2, paragraphs a, c, and e, Code 2015, are amended to read as follows:

a. Bingo is conducted by the sponsor of the fair or community festival or a qualified organization licensed under section ~~99B.7~~ 99B.12B that has received permission from the sponsor of the fair or community festival to conduct bingo.

c. The number of bingo occasions conducted by a licensee under this section shall be limited to one for each day of the duration of the fair or community festival.

e. Except as provided in this section, the provisions of ~~sections 99B.2 and 99B.7~~ this chapter related to bingo shall apply.

Sec. 10. Section 99B.5A, subsection 4, Code 2015, is amended to read as follows:

4. Bingo occasions held under a license under this section shall not be counted in determining whether a qualified organization has conducted more than ~~fourteen~~ fifteen bingo occasions per month. In addition, bingo occasions held under this license shall not be limited to four consecutive hours.

Sec. 11. Section 99B.6, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.6 Social gambling in licensed alcohol establishments.

1. Social gambling is lawful on the premises of an establishment for which a class "A", class "B", class "C", special class "C", or class "D" liquor control license, or class "B" beer permit has been issued pursuant to chapter 123 when, subject to the provisions of section 99B.42, all of the following requirements are met:

a. The liquor control licensee or beer permittee has submitted an application for a social gambling license and a license fee of one hundred fifty dollars to the department, and a license has been issued.

b. The license is prominently displayed on the premises of the establishment.

c. The social gambling licensee or any agent or employee

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1 of the licensee does not participate in, sponsor, conduct,
2 promote, or act as cashier or banker for any social gambling,
3 except as a participant while playing on the same basis as
4 every other participant.
5 *d.* A person under the age of twenty-one years shall not
6 participate in the social games. A social gambling licensee
7 or an agent or employee of the licensee who knowingly allows
8 a person under the age of twenty-one to participate in the
9 gambling prohibited by this section or a person who knowingly
10 participates in gambling with a person under the age of
11 twenty-one, is subject to a penalty under section 99B.15.
12 2. A liquor control licensee or beer permittee with a social
13 gambling license issued pursuant to this section may conduct
14 a sports betting pool if all of the requirements of this
15 subsection are met.
16 *a.* The pool shall be publicly displayed and the rules of
17 the pool, including the cost per participant and the amount or
18 amounts that will be won, shall be conspicuously displayed on
19 or near the pool.
20 *b.* A participant shall not wager more than five dollars in
21 the pool.
22 *c.* The maximum winnings awarded to all participants in the
23 pool shall not exceed five hundred dollars.
24 *d.* The provisions of section 99B.42, except section 99B.42,
25 subsection 1, paragraphs *"a"* and *"h"*, are applicable to pools
26 conducted under this subsection.
27 *e.* The use of concealed numbers in the pool is permissible.
28 If the pool involves the use of concealed numbers, the numbers
29 shall be selected by a random method and no person shall be
30 aware of the numbers at the time wagers are made in the pool.
31 *f.* All moneys wagered in the pool shall be awarded as
32 winnings to participants.
33 3. An establishment issued a social gambling license under
34 this section that is required to obtain a new liquor license
35 or permit under chapter 123 due to a change in ownership shall

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be required to obtain a new social gambling license under this section to conduct social gambling.

Sec. 12. Section 99B.7A, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.7A Manufacturers and distributors — bingo equipment and supplies — electronic raffle systems — transfer or use.

1. As used in this section, unless the context otherwise requires, *"manufacturer or distributor"* means a person engaged in business in this state who originally produces, or purchases from a business that originally produces, equipment or supplies which are specifically used in the conduct of a bingo occasion or an electronic raffle.

2. A person shall not engage in business in this state as a manufacturer or distributor without first obtaining a license from the department.

a. Upon receipt of an application and a fee of one thousand dollars for a manufacturer or distributor license, the department may issue an annual license.

b. A license may be renewed annually upon submission of an application, payment of the annual license fee, and compliance with this section and the rules adopted pursuant to this section.

3. A licensed manufacturer or distributor may sell bingo equipment or supplies or an electronic raffle system directly to a licensed qualified organization.

4. A licensed qualified organization under this chapter may dispose of, transfer, or sell excess bingo equipment or supplies on a nonroutine basis to another licensed qualified organization.

5. A licensed qualified organization shall not sublease, rent, borrow, or otherwise use another qualified organization's electronic raffle system.

Sec. 13. Section 99B.7B, subsection 1, Code 2015, is amended to read as follows:

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

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1 requires:
2 *a.* *"Card game"* ~~means only~~ includes but is not limited to
3 poker, pinochle, pitch, gin rummy, bridge, euchre, hearts, or
4 cribbage.
5 *b.* *"Qualified organization representing veterans"* means any
6 ~~licensed~~ qualified organization ~~representing~~ which represents
7 veterans, which is a post, branch, or chapter of a national
8 association of veterans of the armed forces of the United
9 States which is a federally chartered corporation, dedicates
10 the net receipts of a game of skill, game of chance, or raffle
11 as provided in section ~~99B.7~~ 99B.14A, and is exempt from
12 federal income taxes under section 501(c)(19) of the Internal
13 Revenue Code as defined in section 422.3~~, has an active~~
14 ~~membership of not less than twelve persons, and does not have a~~
15 ~~self-perpetuating governing body and officers~~.
16 Sec. 14. Section 99B.7B, subsection 2, Code 2015, is amended
17 by adding the following new paragraph:
18 NEW PARAGRAPH. *0a.* The qualified organization representing
19 veterans has been issued a license pursuant to section 99B.12B.
20 The license application shall identify the premises where the
21 card game tournaments are to be conducted and the occupancy
22 limit of the premises, and shall include documentation that
23 the qualified organization representing veterans has conducted
24 regular meetings of the organization at the premises during the
25 previous eight months.
26 Sec. 15. Section 99B.7B, subsection 2, paragraphs a, b, c,
27 d, e, and g, Code 2015, are amended to read as follows:
28 *a.* The qualified organization ~~conducting the card game~~
29 ~~tournament has been issued a license pursuant to subsection 4~~
30 ~~and~~ representing veterans prominently displays ~~that~~ the license
31 in the playing area of the card game tournament.
32 *b.* The card games to be conducted during a card game
33 tournament, including the rules of each card game and how
34 winners are determined, shall be displayed prominently in the
35 playing area of the card game tournament.

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1 *0c.* Each card game shall be conducted in a fair and honest
2 manner ~~and~~.
3 *00c.* Each card game shall not be operated on a build-up or
4 pyramid basis.
5 *000c.* Every participant in a card game tournament must be
6 given the same chances of winning the tournament and shall not
7 be allowed any second chance entries or multiple entries in the
8 card game tournament.
9 *c.* Participation in a card game tournament ~~conducted by~~
10 ~~a qualified organization representing veterans~~ shall only be
11 open to members of the qualified organization representing
12 veterans and guests of members of the qualified organization
13 participating in the tournament, subject to the requirements of
14 this section.
15 *0d.* The total number of members and guests participating in
16 a card game tournament shall not exceed the occupancy limit of
17 the premises where the card game tournament is being conducted.
18 *00d.* Participants in a card game tournament shall be at
19 least twenty-one years of age.
20 *d.* (1) If the card game tournament is limited to one guest
21 for each member of the qualified organization representing
22 veterans participating in the tournament, then the requirements
23 of this subparagraph (1) shall apply. The cost to participate
24 in a card game tournament under this subparagraph (1) shall be
25 limited to one hundred dollars and shall be the same for every
26 participant in the card game tournament. Cash or merchandise
27 prizes may be awarded during a card game tournament under this
28 subparagraph (1) and shall not exceed one thousand dollars and
29 no participant shall win more than a total of five hundred
30 dollars.
31 (2) If the card game tournament is not limited to one guest
32 for each member of the qualified organization representing
33 veterans participating in the tournament, then the requirements
34 of this subparagraph (2) shall apply. The cost to participate
35 in a card game tournament under this subparagraph (2) shall be

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1 limited to twenty-five dollars and shall be the same for every
2 participant in the card game tournament. Cash or merchandise
3 prizes may be awarded during a card game tournament under this
4 subparagraph (2) and shall not exceed three hundred dollars
5 and no participant shall win more than a total of two hundred
6 dollars.
7 ~~(3)~~ *0e.* A qualified organization representing veterans
8 shall distribute amounts awarded as prizes on the day they
9 are won and merchandise prizes shall not be repurchased. An
10 organization conducting a card game tournament shall only
11 display prizes in the playing area of the card game tournament
12 that can be won.
13 *e.* The qualified organization representing veterans shall
14 conduct each card game tournament and any card game conducted
15 during the tournament and shall not contract with or permit
16 another person to conduct the card game tournament or any card
17 game during the tournament. ~~In addition, the~~
18 *0f.* The card game tournament and any card game conducted
19 during the tournament shall be conducted only on the premises
20 of the qualified organization representing veterans as
21 identified in the license application ~~pursuant to~~ as required
22 by this subsection ~~4~~.
23 *g.* A qualified organization representing veterans licensed
24 under this section shall not hold more than two card game
25 tournaments per month and shall not hold a card game tournament
26 within seven calendar days of another card game tournament
27 conducted by that qualified organization representing veterans.
28 Card game tournaments held ~~under an annual~~ during a game night
29 ~~license~~ conducted pursuant to section 99B.26 shall not count
30 toward the limit of one card game tournament per week for a
31 license holder. A qualified organization representing veterans
32 shall be allowed to hold only one card game tournament during
33 any period of twenty-four consecutive hours, starting from the
34 time the card game tournament begins.
35 Sec. 16. Section 99B.7B, subsection 2, paragraph h, Code

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2015, is amended by striking the paragraph.

Sec. 17. Section 99B.7B, subsection 3, Code 2015, is amended to read as follows:

3. The qualified organization representing veterans licensed to hold card game tournaments under this section shall keep a journal of all dates of events, amount of gross receipts, amount given out as prizes, expenses, amount collected for taxes, and the amount collected as revenue.

a. The qualified organization representing veterans shall dedicate and distribute the net receipts from each card game tournament as provided in section ~~99B.7, subsection 3, paragraph "*b*"~~ 99B.14A.

b. Each qualified organization representing veterans shall withhold that portion of the gross receipts subject to taxation pursuant to section 423.2, subsection 4, which shall be kept in a separate account and sent to the state along with the organization's annual report required by section ~~99B.2~~ 99B.16A.

c. A qualified organization representing veterans licensed to conduct card game tournaments ~~is allowed to~~ may withhold no more than five percent of the gross receipts from each card game tournament for qualified expenses. Qualified expenses include but are not limited to the purchase of supplies and materials used in conducting card games. Any money collected for expenses and not used by the end of the state fiscal year shall be donated for educational, civic, public, charitable, patriotic, or religious uses ~~as described in section 99B.7, subsection 3, paragraph "*b*"~~. The qualified organization representing veterans shall attach a receipt for any donation made to the annual report required to be submitted pursuant to section ~~99B.2~~ 99B.16A.

d. Each qualified organization representing veterans licensed under this section shall make recordkeeping and all deposit receipts available as provided in section ~~99B.2, subsection 2~~ 99B.16A.

Sec. 18. Section 99B.7B, subsection 4, Code 2015, is amended

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by striking the subsection.

Sec. 19. Section 99B.9, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.9 Social gambling in public places.

Social gambling in a public place is lawful, subject to the provisions of section 99B.42, if all of the following requirements are met:

1. The social gambling is conducted at any public place owned, leased, rented, or otherwise occupied by the licensee.

2. The person occupying the premises of the public place as an owner or tenant has submitted an application for a license and a fee of one hundred dollars to the department, and a license has been issued.

3. The license is prominently displayed on the premises of the public place.

4. The licensee or any agent or employee of the licensee does not participate in, sponsor, conduct, promote, or act as cashier or banker for any gambling activities, except as a participant while playing on the same basis as every other participant.

Sec. 20. Section 99B.10A, Code 2015, is amended to read as follows:

99B.10A Electrical ~~and~~ or mechanical amusement device manufacturers, distributors, and for-profit owners — registration.

1. A person engaged in business in this state as a manufacturer, ~~manufacturer's representative,~~ distributor, or for-profit owner of electrical ~~and~~ or mechanical amusement devices required to be registered as provided in section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, shall register with the department. Each person who registers with the department under this section shall pay an annual registration fee in an amount as provided in subsection 2. Registration shall be submitted on application forms designated by the department that shall contain the information required by the department

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by rule. The department shall adopt rules establishing the criteria for approval or denial of a registration application and providing for the submission of information to the department by a person registered pursuant to this section if information in the initial registration is changed, including discontinuing the business in this state.

2. For purposes of this section, the annual registration fee shall be as follows:

a. For a manufacturer ~~or manufacturer's representative~~, two thousand five hundred dollars.

b. For a distributor, five thousand dollars.

c. For an owner of no more than two electrical ~~and~~ or mechanical amusement devices registered as provided in section ~~99B.10, subsection 1, paragraph "*f*"~~ 99B.53, at a single location or premises that is not ~~an~~ a qualified organization ~~that meets the requirements of section 99B.7, subsection 1, paragraph "*m*"~~, two thousand five hundred dollars.

Sec. 21. Section 99B.10B, Code 2015, is amended to read as follows:

99B.10B Revocation of registration — electrical ~~and~~ or mechanical amusement devices — suspension of liquor license or beer permit.

1. *a.* The department may deny, suspend, or revoke a registration issued pursuant to section ~~99B.10 or~~ 99B.10A or 99B.53, if the department finds that an applicant, registrant, or an agent of a registrant violated or permitted a violation of a provision of section ~~99B.10,~~ 99B.10A, ~~or~~ 99B.10C, 99B.52, or 99B.53, or a departmental rule adopted pursuant to chapter 17A, or for any other cause for which the director of the department would be or would have been justified in refusing to issue a registration, or upon the conviction of a person of a violation of this chapter or a rule adopted under this chapter which occurred on the premises where the registered amusement device is or is to be located. ~~However, the~~

b. The denial, suspension, or revocation of a registration

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for one amusement device does not require, but may result in, the denial, suspension, or revocation of the registration for a different amusement device held by the same distributor or owner.

~~*b.*~~ *c.* ~~However, a~~ A person who commits an offense of failing to include a security mechanism on an amusement device as required pursuant to section ~~99B.10, subsection 1, paragraph "*m*"~~ 99B.52, subsection 4, shall be subject to a civil penalty in the amount of two hundred fifty dollars. A person who commits, within two years, a second offense of failing to include a security mechanism on an amusement device shall be subject to the provisions of paragraph "*a*".

2. *a.* A person who commits an offense of awarding a cash prize of fifty dollars or less in violation of section ~~99B.10, subsection 1, paragraph "*b*"~~ 99B.52, subsection 3, pursuant to rules adopted by the department, shall be subject to a civil penalty in the amount of two hundred fifty dollars.

b. A person who commits, within two years, a second offense of awarding a cash prize of fifty dollars or less in violation of section ~~99B.10, subsection 1, paragraph "*b*"~~ 99B.52, subsection 3, or a person who commits an offense of awarding a cash prize of more than fifty dollars in violation of section ~~99B.10, subsection 1, paragraph "*b*"~~ 99B.52, subsection 3, pursuant to rules adopted by the department, shall be subject to revocation of the person's registration and the following:

(1) If the person whose registration is revoked under this paragraph "*b*", is a person for which a class "A", class "B", class "C", special class "C", or class "D" liquor control license has been issued pursuant to chapter 123, the person's liquor control license shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph "*a*".

(2) If the person whose registration is revoked under this paragraph "*b*", is a person for which only a class "B" or class "C" beer permit has been issued pursuant to chapter 123, the

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1 person's class "B" or class "C" beer permit shall be suspended
2 for a period of fourteen days in the same manner as provided in
3 section 123.50, subsection 3, paragraph *"a"*.
4 (3) If a person owning or employed by an establishment
5 having a class "A", class "B", class "C", special class "C",
6 or class "D" liquor control license issued pursuant to chapter
7 123 commits an offense as provided in this paragraph *"b"*, the
8 liquor control license of the establishment shall be suspended
9 for a period of fourteen days in the same manner as provided in
10 section 123.50, subsection 3, paragraph *"a"*.
11 (4) If a person owning or employed by an establishment
12 having a class "B" or class "C" beer permit issued pursuant to
13 chapter 123 commits an offense as provided in this paragraph
14 *"b"*, the beer permit of the establishment shall be suspended
15 for a period of fourteen days in the same manner as provided in
16 section 123.50, subsection 3, paragraph *"a"*.
17 3. *a.* The process for denial, suspension, or revocation of
18 a registration issued pursuant to section ~~99B.10 or~~ 99B.10A~~,~~
19 or 99B.53, shall commence by delivering to the applicant or
20 registrant ~~by certified mail, return receipt requested, or~~
21 ~~by personal service a~~ notice, by means authorized by section
22 17A.18, setting forth the proposed action and the particular
23 reasons for such action.
24 *b.* (1) If a written request for a hearing is not received
25 within thirty days after ~~the mailing or service of the~~ the
26 delivery of notice as provided by paragraph *"a"*, the denial,
27 suspension, or revocation of a registration shall become
28 effective pending a final determination by the department. The
29 proposed action in the notice may be affirmed, modified, or set
30 aside by the department in a written decision.
31 (2) If a request for a hearing is timely received by
32 the department, the applicant or registrant shall be given
33 an opportunity for a prompt and fair hearing before the
34 department and the denial, suspension, or revocation shall
35 be deemed suspended until the department makes a final

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determination. However, the director of the department may suspend a registration prior to a hearing if the director finds that the public integrity of the registered activity is compromised or there is a risk to public health, safety, or welfare. In addition, at any time during or prior to the hearing, the department may rescind the notice of the denial, suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of any such hearing, the proposed action in the notice may be affirmed, modified, or set aside by the department in a written decision. The procedure governing hearings authorized by this paragraph shall be in accordance with the rules promulgated by the department and chapter 17A.

c. A copy of the final decision of the department shall be sent by electronic mail or certified mail, with return receipt requested, or served personally upon the applicant or registrant. The applicant or registrant may seek judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

d. If the department finds cause for denial of a registration issued pursuant to section ~~99B.10 or~~ 99B.10A~~,~~ or 99B.53, the applicant shall not reapply for the same registration for a period of two years. If the department finds cause for a suspension or revocation, the registration shall be suspended or revoked for a period not to exceed two years.

Sec. 22. Section 99B.10C, Code 2015, is amended to read as follows:

99B.10C ~~Electrical and~~ Registered electrical or mechanical amusement devices — persons under twenty-one — penalties.

1. A person under the age of twenty-one years shall not participate in the operation of ~~an~~ a registered electrical ~~and~~ or mechanical amusement device. A person who violates this subsection commits a scheduled violation under section 805.8C, subsection 4.

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2. A person owning or leasing ~~an~~ a registered electrical ~~and~~ or mechanical amusement device, or an employee of a person owning or leasing ~~an~~ a registered electrical ~~and~~ or mechanical amusement device, who knowingly allows a person under the age of twenty-one years to participate in the operation of ~~an~~ a registered electrical ~~and~~ or mechanical amusement device, or a person who knowingly participates in the operation of ~~an~~ a registered electrical ~~and~~ or mechanical amusement device with a person under the age of twenty-one years, is guilty of a simple misdemeanor.

3. For purposes of this section, ~~an electrical and mechanical amusement device~~ *"registered electrical or mechanical amusement device"* means an electrical ~~and~~ or mechanical amusement device required to be registered as provided in section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53.

Sec. 23. Section 99B.10D, Code 2015, is amended to read as follows:

99B.10D Electrical ~~and~~ or mechanical amusement devices — special fund.

Fees collected by the department pursuant to sections ~~99B.10 and~~ 99B.10A and 99B.53 shall be deposited in a special fund created in the state treasury. Moneys in the fund are appropriated to the department of inspections and appeals and the department of public safety for administration and enforcement of ~~sections 99B.10, 99B.10A, 99B.10B, and 99B.10C~~ this subchapter, including employment of necessary personnel. The distribution of moneys in the fund to the department of inspections and appeals and the department of public safety shall be pursuant to a written policy agreed upon by the departments. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state.

Sec. 24. Section 99B.11, Code 2015, is amended to read as

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follows:

99B.11 Bona fide contests.

1. ~~It is lawful for a~~ A person ~~to~~ may conduct, without a license, any of the contests specified in subsection 2, and ~~to~~ may offer and pay awards to persons winning in those contests whether or not entry fees, participation fees, or other charges are assessed against or collected from the participants, ~~but only~~ if all of the following requirements are ~~complied with~~ met:

a. ~~The contest is not held at an amusement concession.~~

~~*b.* No~~ A gambling device is not used in conjunction with, or incident to the contest.

~~*c.*~~ *b.* The contest is not conducted in whole or in part on or in any property subject to chapter 297, relating to schoolhouses and schoolhouse sites, unless the contest and the person conducting the contest has the express written approval of the governing body of that school district.

~~*d.*~~ *c.* The contest is conducted in a fair and honest manner.

d. A contest shall not be designed or adapted to permit the operator of the contest to prevent a participant from winning or to predetermine who the winner will be~~, and the~~.

e. The object of the contest must be attainable and possible to perform under the rules stated.

f. If the contest is a tournament, the tournament operator shall prominently display all tournament rules.

2. A contest, including a contest in a league or tournament, is ~~not~~ lawful ~~unless~~ only if it ~~is~~ falls into one of the following ~~contests~~ event categories:

a. *Athletic or sporting events.* ~~Athletic or sporting contests, leagues or tournaments,~~ Events in this category include basketball, volleyball, football, baseball, softball, soccer, wrestling, swimming, track and field, racquetball, tennis, squash, badminton, table tennis, rodeos, horse shows, golf, bowling, trap or skeet shoots, fly casting, tractor pulling, rifle, pistol, musket, or muzzle-loader shooting, ~~pool~~

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billiards, darts, archery, and ~~horseshoe contests, leagues, or tournaments~~ horseshoes.

b. Racing and skill-type events. ~~Horse~~ Events in this category include horse races, harness racing, ski, airplane, snowmobile, raft, boat, bicycle, and motor vehicle races.

c. Arts and crafts-type events. ~~Contests or exhibitions of~~ Events in this category include cooking, horticulture, livestock, poultry, fish or other animals, artwork, hobbywork ~~or~~, and craftwork, except those prohibited by chapter 717A.

d. Card game-type and board game-type events. ~~Cribbage,~~ Events in this category include cribbage, bridge, euchre, chess, checkers, dominoes, and pinochle ~~and similar contests, leagues or tournaments~~. ~~The provisions of this paragraph are retroactive to August 15, 1975.~~

e. Trivia and trading card events.

f. Video game-type and video sporting-type events. ~~A video machine golf tournament game which is an interactive bona fide contest. A player operates a video machine golf tournament game with a trackball assembly which acts as the golfer's swing and determines the results of play and tournament scores. A video machine golf tournament game is capable of receiving program and data information from an off-site location. A tournament operator shall prominently display all tournament rules.~~ Events in this category include pinball games, video games, and video machine golf tournament games, where skill is the predominant factor in determining the result of play and tournament scores. To be lawful, a player shall operate a video machine with a device which directly impacts the results of the game.

3. A poker, blackjack, craps, keno, or roulette contest, league, or tournament shall not be considered a bona fide contest under this section.

Sec. 25. NEW SECTION. **99B.11A Definitions.**

As used in this subchapter and subchapter III, unless the context otherwise requires:

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1. *"Electronic bingo equipment"* means an electronic device that assists an individual with a disability in the use of a bingo card during a bingo game.

2. *"Large raffle"* means a raffle where the cumulative value of cash and prizes is more than ten thousand dollars but not more than one hundred thousand dollars.

3. *"Small raffle"* means a raffle where the cumulative value of cash and prizes is more than one thousand dollars but not more than ten thousand dollars.

4. *"Very large raffle"* means a raffle where the cumulative value of cash and prizes is more than one hundred thousand dollars but not more than two hundred thousand dollars or the prize is real property.

5. *"Very small raffle"* means a raffle where the cumulative value of the prize or prizes is one thousand dollars or less and the value of all entries sold is one thousand dollars or less.

Sec. 26. Section 99B.12, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.12 Social gambling between individuals.

1. An individual may participate in social gambling if, subject to the requirements of section 99B.42, all of the following requirements are met:

a. The gambling is not participated in, either wholly or in part, on or in any schoolhouses, schoolhouse sites, or other property subject to chapter 297.

b. All participants in the gambling are individuals.

c. A person shall not participate in any wager, bet, or pool which relates to an athletic event or contest and which is authorized or sponsored by one or more schools, educational institutions, or interscholastic athletic organizations, if the person is a coach, official, player, or contestant in the athletic event or contest.

d. In any game requiring a dealer or operator, the participants must have the option to take their turn at dealing

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1 or operating the game in a regular order according to the
2 standard rules of the game.
3 2. Social gambling allowed under this section is limited to
4 any of the following:
5 *a.* Games of skill and games of chance, except casino-style
6 games other than poker.
7 *b.* Wagers or bets between two or more individuals who are
8 physically in the presence of each other with respect to any
9 of the following:
10 (1) A contest specified in section 99B.11, except that no
11 individual shall win or lose more than a total of fifty dollars
12 or equivalent consideration in one or more contests at any time
13 during any period of twenty-four consecutive hours or over that
14 entire period.
15 (2) Any other event or outcome which does not depend upon
16 gambling or the use of a gambling device that is unlawful in
17 this state.
18 Sec. 27. NEW SECTION. **99B.12B Qualified organization**
19 **licenses — general provisions — types of licenses.**
20 1. *General provisions.*
21 *a.* A qualified organization shall submit an application for
22 a license, along with any required fees, to the department at
23 least thirty days in advance of the beginning of the gambling
24 activity, including the sale of entries or promotion of the
25 sale of entries for raffles.
26 *b.* For purposes of this section, a license is deemed to be
27 issued on the first day of the period for which the license is
28 issued.
29 *c.* An applicant that has not submitted an annual report
30 required pursuant to section 99B.16A shall submit such report
31 prior to approval of the application.
32 *d.* A license shall not be issued to an applicant whose
33 previous license issued under this chapter or chapter 123 has
34 been revoked until the period of revocation or revocations has
35 elapsed.

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e. The license fee is not refundable.

2. *Two-year qualified organization license.*

a. The license fee for a two-year qualified organization license is one hundred fifty dollars.

b. An applicant for a license under this subsection shall be a qualified organization that has been in existence for at least five years, or is a local chapter or an affiliate of a national tax-exempt organization that has been in existence for at least two years and has provided written authorization from the national organization to the department. The national tax-exempt organization shall be exempt from federal income taxes as described in section 99B.1, subsection 25, paragraph *"a"*, and have been in existence at least five years.

c. A qualified organization issued a two-year qualified organization license may conduct the following activities:

(1) Unlimited games of skill or games of chance except for bingo.

(2) An unlimited number of very small raffles and an unlimited number of small raffles, including electronic raffles.

(3) One large raffle, including an electronic raffle, each calendar year during the two-year period, subject to the requirements of section 99B.24.

(4) Up to three bingo occasions per week and up to fifteen bingo occasions per month.

(5) One game night each calendar year during the two-year period, subject to the requirements of section 99B.26.

3. *One-year qualified organization raffle license.*

a. The license fee for a one-year qualified organization raffle license is one hundred fifty dollars.

b. A qualified organization issued a one-year qualified organization raffle license may conduct the following activities:

(1) An unlimited number of very small raffles and an unlimited number of small raffles.

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1 (2) Up to eight large raffles with each large raffle
2 conducted in a different county during the one-year period,
3 subject to the requirements of section 99B.24.
4 (3) One game night during the one-year period, subject to
5 the requirements of section 99B.26.
6 4. *One hundred eighty-day qualified organization raffle*
7 *license.*
8 *a.* The license fee for a one hundred eighty-day qualified
9 organization raffle license is seventy-five dollars.
10 *b.* A qualified organization issued a one hundred eighty-day
11 qualified organization raffle license may conduct the following
12 activities:
13 (1) An unlimited number of very small raffles and an
14 unlimited number of small raffles.
15 (2) One large raffle during the period of one hundred eighty
16 days, subject to the requirements of section 99B.24.
17 (3) One game night during the period of one hundred eighty
18 days, subject to the requirements of section 99B.26.
19 5. *Ninety-day qualified organization raffle license.*
20 *a.* The license fee for a ninety-day qualified organization
21 raffle license is forty dollars.
22 *b.* A qualified organization issued a ninety-day qualified
23 organization raffle license may conduct the following
24 activities:
25 (1) An unlimited number of very small raffles and an
26 unlimited number of small raffles.
27 (2) One large raffle during the period of ninety days,
28 subject to the requirements of section 99B.24.
29 (3) One game night during the period of ninety days, subject
30 to the requirements of section 99B.26.
31 6. *Fourteen-day qualified organization license.*
32 *a.* The license fee for a fourteen-day qualified organization
33 license is fifteen dollars.
34 *b.* A qualified organization issued a fourteen-day qualified
35 organization license may conduct the following activities:

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1 (1) Unlimited games of skill or games of chance except for
2 bingo.
3 (2) An unlimited number of very small raffles and an
4 unlimited number of small raffles.
5 (3) One large raffle during the period of fourteen days,
6 subject to the requirements of section 99B.24.
7 (4) Two bingo occasions during the period of fourteen days
8 with no limit on the number of bingo games or the number of
9 hours played during each designated bingo day. Bingo occasions
10 conducted pursuant to a fourteen-day qualified organization
11 license do not count toward the fifteen bingo occasions per
12 month authorized for a two-year qualified organization license.
13 (5) One game night during the period of fourteen days,
14 subject to the requirements of section 99B.26.
15 7. *Qualified organizations — school provisions.* A school
16 district or a public or nonpublic school may be issued a
17 qualified organization license under this section subject to
18 the following additional restrictions:
19 *a.* The application for a license shall be authorized by
20 the board of directors of a school district for public schools
21 within that district, or the policymaking body of a nonpublic
22 school for a nonpublic school.
23 *b.* Activities authorized by the license may be held at
24 bona fide school functions such as carnivals, fall festivals,
25 bazaars, and similar events.
26 *c.* Each school shall obtain a license pursuant to this
27 section prior to permitting the games or activities on the
28 premises of that school.
29 *d.* The board of directors of a public school district
30 may also be issued a license under this section. A board
31 of directors of a public school district shall not spend or
32 authorize the expenditure of public funds for the purpose of
33 purchasing a license.
34 *e.* Upon written approval by the board of directors of a
35 school district for public schools within that district or

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1 the policymaking body of a nonpublic school, the license may
2 be used by any school group or parent support group in the
3 district or at the nonpublic school to conduct activities
4 authorized by this section. The board of directors or
5 policymaking body shall not authorize a school group or parent
6 support group to use the license to conduct more than two
7 events in a calendar year.
8 8. *Qualified organizations — miscellaneous provisions.* A
9 political party or party organization may contract with other
10 qualified organizations to conduct the games of skill, games
11 of chance, and raffles which may lawfully be conducted by the
12 political party or party organization. A licensed qualified
13 organization may promote the games of skill, games of chance,
14 and raffles which it may lawfully conduct.
15 Sec. 28. NEW SECTION. **99B.13A Licensed qualified**
16 **organizations — general requirements.**
17 A qualified organization licensed pursuant to section
18 99B.12B shall, as a condition of licensure under section
19 99B.12B, comply with the requirements of this section.
20 1. *Authorized gambling activities — display of license.* A
21 licensed qualified organization may only conduct gambling
22 activities as authorized by the license and shall prominently
23 display the license in the playing area where the gambling
24 activities are conducted.
25 2. *Location requirements.*
26 *a.* Gambling activities, as authorized by the type of
27 license, may be conducted on premises owned, leased, or rented
28 by the licensee. The amount imposed and collected for rental
29 or lease of such premises shall not be a percentage of, or
30 otherwise related to, the amount of the receipts for the
31 authorized gambling activities.
32 *b.* A gambling activity shall not take place on a gaming
33 floor, as defined in section 99F.1, licensed by the state
34 racing and gaming commission created in section 99D.5.
35 3. *Participation requirements.*

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1 *a.* A person shall not receive or have any fixed or
2 contingent right to receive, directly or indirectly, any
3 profit, remuneration, or compensation from or related to a
4 gambling activity conducted by a licensee, except any amount
5 which the person may win as a participant on the same basis as
6 the other participants.
7 *b.* The price to participate in a gambling activity,
8 including any discounts for the gambling activity, shall be the
9 same for each participant during the course of the gambling
10 activity.
11 *c.* The person conducting the gambling activity shall not
12 participate in the game.
13 4. *Gambling activity requirements.*
14 *a.* A gambling activity shall not be operated on a build-up
15 or pyramid basis.
16 *b.* Bookmaking shall not be allowed.
17 *c.* Concealed numbers or conversion charts shall not be used
18 in conducting any gambling activity.
19 *d.* A gambling activity shall not be adapted with any control
20 device to permit manipulation of the gambling activity by
21 the operator in order to prevent a player from winning or to
22 predetermine who the winner will be.
23 *e.* The object of the gambling activity must be attainable
24 and possible to perform under the rules stated from the playing
25 position of the player.
26 *f.* The gambling activity shall be conducted in a fair and
27 honest manner.
28 *g.* Rules for each gambling activity shall be posted.
29 *h.* Casino-style games shall only be allowed during a game
30 night as specified under section 99B.26 or during card game
31 tournaments under section 99B.7B.
32 Sec. 29. Section 99B.14, Code 2015, is amended to read as
33 follows:
34 **99B.14 License denial, suspension, and revocation.**
35 1. The department may deny, suspend, or revoke a license

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if the department finds that an applicant, licensee, or an agent of the licensee violated or permitted a violation of a provision of this chapter or a departmental rule adopted pursuant to chapter 17A, or for any other cause for which the director of the department would be or would have been justified in refusing to issue a license, or upon the conviction of a person of a violation of this chapter or a rule adopted under this chapter which occurred on the licensed premises. However, the denial, suspension, or revocation of one type of gambling license does not require, but may result in, the denial, suspension, or revocation of a different type of gambling license held by the same licensee. ~~In addition, a~~

2. A person whose license is revoked under this section who is a person for ~~which~~ whom a class "A", class "B", class "C", or class "D" liquor control license has been issued pursuant to chapter 123 shall have the person's liquor control license suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph *"a"*. ~~In addition, a~~

3. A person whose license is revoked under this section who is a person for ~~which~~ whom only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 shall have the person's class "B" or class "C" beer permit suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph *"a"*.

~~2.~~ 4. The process for denial, suspension, or revocation of a license shall commence by delivering to the applicant or licensee ~~by certified mail, return receipt requested, or by personal service a~~ notice, by means authorized by section 17A.18, setting forth the particular reasons for such action.

a. If a written request for a hearing is not received within thirty days after ~~the mailing or service of~~ the delivery of notice as provided in this subsection, the denial, suspension, or revocation of a license shall become effective pending a final determination by the department. The determination

1 involved in the notice may be affirmed, modified, or set aside
2 by the department in a written decision.
3 *b.* If a request for a hearing is timely received by the
4 department, the applicant or licensee shall be given an
5 opportunity for a prompt and fair hearing before the department
6 and the denial, suspension, or revocation shall be deemed
7 suspended until the department makes a final determination.
8 However, the director may suspend a license prior to a hearing
9 if the director finds that the public integrity of the licensed
10 activity is compromised or there is a risk to public health,
11 safety, or welfare. In addition, at any time during or prior
12 to the hearing the department may rescind the notice of the
13 denial, suspension, or revocation upon being satisfied that the
14 reasons for the denial, suspension, or revocation have been
15 or will be removed. On the basis of any such hearing, the
16 determination involved in the notice may be affirmed, modified,
17 or set aside by the department in a written decision.
18 ~~3.~~ 5. A copy of the final decision of the department shall
19 be sent by electronic mail or certified mail, with return
20 receipt requested, or served personally upon the applicant
21 or licensee. The applicant or licensee may seek judicial
22 review in accordance with the terms of the Iowa administrative
23 procedure Act, chapter 17A.
24 ~~4.~~ 6. The procedure governing hearings authorized by this
25 section shall be in accordance with the rules promulgated by
26 the department and chapter 17A.
27 ~~5.~~ 7. If the department finds cause for denial of a
28 license, the applicant may not reapply for the same license
29 for a period of two years. If the department finds cause
30 for suspension, the license shall be suspended for a period
31 determined by the department. If the department finds cause
32 for revocation, the license shall be revoked for a period not
33 to exceed two years.
34 Sec. 30. NEW SECTION. **99B.14A Distribution of proceeds —**
35 **licensed qualified organizations.**

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1 1. A licensed qualified organization shall certify
2 that the receipts from all charitable gambling conducted
3 by the organization under this chapter, less reasonable
4 expenses, charges, fees, taxes, and deductions, either will
5 be distributed as prizes to participants or will be dedicated
6 and distributed for educational, civic, public, charitable,
7 patriotic, or religious uses. Reasonable expenses, charges,
8 fees, taxes other than the state and local sales tax, and
9 deductions allowed by the department shall not exceed forty
10 percent of net receipts.
11 2. A licensed qualified organization shall dedicate and
12 distribute the balance of the net receipts received within
13 a calendar year and remaining after deduction of reasonable
14 expenses, charges, fees, taxes, and deductions allowed by
15 this chapter, before the annual report required under section
16 99B.16A is due.
17 *a.* A person desiring to hold the net receipts for a period
18 longer than permitted under this subsection shall apply to the
19 department for special permission and upon good cause shown the
20 department may grant the request.
21 *b.* If permission is granted to hold the net receipts,
22 the person shall, as a part of the annual report required by
23 section 99B.16A, report the amount of money being held and all
24 expenditures of the funds. This report shall be filed even if
25 the person no longer holds a gambling license.
26 3. Proceeds coming into the possession of a person under
27 this section are deemed to be held in trust for payment
28 of expenses and dedication to educational, civic, public,
29 charitable, patriotic, or religious uses as required by this
30 section.
31 4. A licensed qualified organization or agent of the
32 organization who willfully fails to dedicate the required
33 amount of proceeds to educational, civic, public, charitable,
34 patriotic, or religious uses as required by this section
35 commits a fraudulent practice under chapter 714.

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1 5. Proceeds distributed to another charitable organization
2 to satisfy the sixty percent dedication requirement shall not
3 be used by the donee to pay any expenses in connection with the
4 conducting of any gambling activity by the donor organization,
5 or for any use that would not constitute a valid dedication
6 under this section.
7 Sec. 31. Section 99B.15, Code 2015, is amended by striking
8 the section and inserting in lieu thereof the following:
9 **99B.15 Penalties.**
10 In addition to any other penalty specified in this chapter,
11 the following penalties shall apply:
12 1. A person who knowingly fails to comply with the
13 requirements of this chapter and the rules adopted pursuant to
14 chapter 17A commits a serious misdemeanor.
15 2. A person who intentionally files a false or fraudulent
16 report or application as required by this chapter commits a
17 fraudulent practice under chapter 714.
18 Sec. 32. NEW SECTION. **99B.15A Prizes awarded by licensed**
19 **qualified organizations.**
20 1. Unless otherwise provided, a prize awarded by a licensed
21 qualified organization shall comply with the following
22 requirements:
23 *a.* Only merchandise prizes whose value does not exceed ten
24 thousand dollars may be awarded for games of skill and games
25 of chance. If a prize consists of more than one item, unit, or
26 part, the aggregate value of all items, units, or parts shall
27 not exceed ten thousand dollars.
28 *b.* A merchandise prize shall not be repurchased.
29 *c.* No prize shall be displayed which cannot be won.
30 *d.* A cash prize may only be awarded in bingo and raffles.
31 *e.* A prize shall be distributed on the day the prize is won,
32 except that if the winner is not present, notification to the
33 winner shall be made as soon as practical.
34 2. A licensed qualified organization awarding a prize
35 for bingo is subject to the restrictions provided in section

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1 99B.21A. A licensed qualified organization awarding a prize
2 for a raffle is subject to the restrictions provided in section
3 99B.24.
4 Sec. 33. NEW SECTION. **99B.16A Records and reports —**
5 **licensed qualified organization.**
6 1. A qualified organization licensed pursuant to section
7 99B.12B, unless otherwise provided, shall maintain proper
8 books of account and records showing, in addition to any other
9 information required by the department, the following:
10 *a.* Gross receipts and the amount of the gross receipts
11 taxes collected or accrued with respect to gambling activities
12 conducted by the licensed qualified organization.
13 *b.* All expenses, charges, fees, and other deductions.
14 *c.* The cash amounts, or the cost to the licensee of goods
15 or other noncash valuables, distributed to participants in the
16 licensed activity.
17 *d.* The amounts dedicated and the date and name and address
18 of each person to whom distributed.
19 2. The books of account and records shall be made available
20 to the department or a law enforcement agency for inspection at
21 reasonable times, with or without notice. A failure to permit
22 inspection is a serious misdemeanor.
23 3. A licensed qualified organization required to maintain
24 records shall submit an annual report to the department on
25 forms furnished by the department. The annual report shall be
26 submitted by January 31 of each year for the prior calendar
27 year period of January 1 through December 31.
28 Sec. 34. Section 99B.17, Code 2015, is amended by striking
29 the section and inserting in lieu thereof the following:
30 **99B.17 Allowable forms for payment.**
31 1. Social gambling, registered amusement devices, and
32 amusement concessions not at a permanent location, require
33 payment solely by cash.
34 2. Except as provided by subsection 1, a participant in
35 an activity authorized by this chapter may make payment by

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1 cash, personal check, money order, bank check, cashier's check,
2 electronic check, debit card, or credit card.
3 3. The department shall adopt rules setting minimum
4 standards to ensure compliance with applicable federal law and
5 for the protection of personal information consistent with
6 payment card industry compliance regulations.
7 Sec. 35. Section 99B.21, Code 2015, is amended to read as
8 follows:
9 **99B.21 Tax on prizes.**
10 All prizes awarded pursuant to a gambling activity under
11 this chapter are Iowa earned income and are subject to state
12 and federal income tax laws. A person conducting a game of
13 skill, game of chance, bingo, or a raffle shall deduct state
14 income taxes, pursuant to section 422.16, subsection 1, from a
15 cash prize awarded to an individual. An amount deducted from
16 the prize for payment of a state tax shall be remitted to the
17 department of revenue on behalf of the prize winner.
18 Sec. 36. NEW SECTION. **99B.21A Bingo.**
19 A licensed qualified organization shall comply with the
20 requirements of this section for the purposes of conducting
21 bingo at a bingo occasion.
22 1. *Operational requirements.*
23 *a.* A bingo occasion shall not last for longer than four
24 consecutive hours.
25 *b.* Only one licensed qualified organization may conduct
26 bingo occasions within the same structure or building.
27 *c.* A licensed qualified organization shall not conduct or
28 offer free bingo games.
29 *d.* A licensed qualified organization shall not conduct bingo
30 within a building or structure that is licensed pursuant to
31 chapter 99D or 99F.
32 2. *Prize requirements.*
33 *a.* A cash or merchandise prize may be awarded in the game of
34 bingo.
35 *b.* A cash prize shall not exceed two hundred fifty dollars

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per game of bingo.

c. A merchandise prize may be awarded in the game of bingo, but the actual retail value of the prize, or if the prize consists of more than one item, unit, or part, the aggregate retail value of all items, units, or parts, shall not exceed two hundred fifty dollars in value.

d. A jackpot bingo game may be conducted twice during any twenty-four-hour period in which the prize may begin at not more than five hundred dollars in cash or actual retail value of merchandise prizes and may be increased by not more than two hundred dollars after each bingo occasion to a maximum prize of one thousand dollars for the first jackpot bingo game and two thousand five hundred dollars for the second jackpot bingo game.

3. *Equipment requirements.*

a. A licensed qualified organization conducting bingo shall purchase bingo equipment and supplies only from a manufacturer or distributor licensed by the department.

b. A licensed qualified organization may lease electronic bingo equipment from a manufacturer or distributor licensed by the department for the purposes of aiding individuals with disabilities during a bingo occasion.

4. *Accounting requirements.* A qualified organization conducting bingo occasions under a two-year qualified organization license and expecting annual gross receipts of more than ten thousand dollars shall establish and maintain one regular checking account designated the *"bingo account"* and may also maintain one or more interest-bearing savings accounts designated as *"bingo savings account"*. The accounts shall be maintained in a financial institution in Iowa.

a. Funds derived from the conduct of bingo, less the amount awarded as cash prizes, shall be deposited in the bingo account.

(1) No other funds except limited funds of the organization deposited to pay initial or unexpected emergency expenses shall

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1 be deposited in the bingo account.
2 (2) Deposits shall be made no later than the next business
3 day following the day of the bingo occasion on which the
4 receipts were obtained.
5 *b.* Payments shall be paid from the bingo account only for
6 the following purposes:
7 (1) The payment of reasonable expenses permitted under
8 section 99B.14A, subsection 1, incurred and paid in connection
9 with the conduct of bingo.
10 (2) The disbursement of net proceeds derived from the
11 conduct of bingo for educational, civic, public, charitable,
12 patriotic, or religious uses as required by section 99B.14A,
13 subsection 1.
14 (3) The transfer of net proceeds derived from the conduct
15 of bingo to a bingo savings account pending disbursement for
16 educational, civic, public, charitable, patriotic, or religious
17 uses.
18 (4) To withdraw initial or emergency funds deposited under
19 paragraph *"a"*.
20 (5) To pay prizes if the qualified organization decides to
21 pay prizes by check rather than cash.
22 *c.* Except as permitted by paragraph *"a"*, gross receipts
23 derived from the conduct of bingo shall not be commingled with
24 other funds of the licensed qualified organization. Except as
25 permitted by paragraph *"b"*, subparagraphs (3) and (4), gross
26 receipts shall not be transferred to another account maintained
27 by the licensed qualified organization.
28 Sec. 37. NEW SECTION. **99B.24 Raffles.**
29 1. *General provisions.* A licensed qualified organization
30 may conduct a raffle as permitted by the applicable license and
31 in accordance with the following requirements:
32 *a.* The winner of a raffle shall not be required to be
33 present to win.
34 *b.* If the winner is not present to win, notification to the
35 winner shall be made as soon as practical.

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1 *c.* A cash or merchandise prize may be awarded in a raffle.
2 If a merchandise prize is awarded, the actual retail value of
3 the prize, or if the prize consists of more than one item,
4 unit, or part, the aggregate retail value of all items, units,
5 or parts, shall not exceed the maximum value allowed for that
6 raffle.
7 *d.* Calendar raffles and build-up or pyramid raffles are
8 prohibited.
9 *e.* If a raffle is conducted at a fair, the licensed
10 qualified organization shall receive written permission from
11 the sponsor of the fair to conduct the raffle.
12 *f.* A licensed qualified organization shall, regardless of
13 the number of licenses issued, only conduct one large raffle
14 per calendar year. However, a licensed qualified organization
15 issued a one-year qualified organization raffle license may
16 conduct up to eight large raffles with each large raffle
17 conducted in a different county during the one-year period.
18 2. *Very large raffles.* A licensed qualified organization
19 may conduct one very large raffle per calendar year subject to
20 the provisions of this subsection.
21 *a.* The licensed qualified organization shall submit a very
22 large raffle license application and a fee of one hundred
23 dollars to the department and be issued a license.
24 *b.* The licensed qualified organization shall prominently
25 display the license at the drawing area of the raffle.
26 *c.* If the raffle prize is real property, the real property
27 shall be acquired by gift or donation or shall have been owned
28 by the licensed qualified organization for a period of at least
29 five years.
30 *d.* The department shall conduct a special audit of a
31 very large raffle to verify compliance with the applicable
32 requirements of this chapter concerning raffles and very large
33 raffles.
34 *e.* The licensed qualified organization shall submit to the
35 department within sixty days of the very large raffle drawing a

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1 cumulative report for the raffle on a form determined by the
2 department and one percent of the gross receipts from the very
3 large raffle. The one percent of the gross receipts shall be
4 retained by the department to pay for the cost of the special
5 audit.
6 3. *Very small raffles.* A qualified organization may conduct
7 one very small raffle per calendar year without obtaining a
8 qualified organization license. A qualified organization
9 conducting a very small raffle as authorized by this subsection
10 shall comply with the requirements for conducting a raffle
11 by a licensed qualified organization, including payment of
12 applicable sales tax. However, a qualified organization
13 holding only one very small raffle per calendar year shall be
14 exempt from the reporting requirements in section 99B.16A.
15 Sec. 38. NEW SECTION. **99B.25 Electronic raffles.**
16 1. A qualified organization with a two-year qualified
17 organization license may conduct a raffle using an electronic
18 raffle system, if the qualified organization complies with the
19 requirements of section 99B.24 and this section.
20 2. The licensed qualified organization shall only use
21 an electronic raffle system purchased from a manufacturer or
22 distributor licensed pursuant to section 99B.7A and certified
23 by an entity approved by the department. The electronic raffle
24 system may include stationary and portable or wireless raffle
25 sales units.
26 3. A licensed qualified organization shall hold only one
27 raffle using an electronic raffle system per calendar day. A
28 licensed qualified organization shall not hold a very large
29 raffle using an electronic raffle system and may hold only one
30 large raffle using an electronic raffle system per calendar
31 year. A large raffle conducted using an electronic raffle
32 system counts toward the limit of one large raffle per calendar
33 year under section 99B.24, subsection 1, paragraph *"f"*.
34 4. Except for a large raffle conducted using an electronic
35 raffle system, the prize for an electronic raffle shall be

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1 limited to the amount allowed for a small raffle.
2 5. Entries for a raffle using an electronic raffle system
3 shall not be preprinted and shall be provided to the purchaser
4 at the time of sale.
5 6. The electronic raffle receipt shall contain the
6 following information:
7 *a.* The name of the licensed qualified organization.
8 *b.* The license identification number of the qualified
9 organization.
10 *c.* The location, date, and time of the corresponding raffle
11 drawing.
12 *d.* The unique printed entry number, or multiple entry
13 numbers, of the raffle entry.
14 *e.* The price of the raffle entry.
15 *f.* An explanation of the prize to be awarded.
16 *g.* The statement, "Need not be present to win", and the
17 contact information, including name, telephone number, and
18 electronic mail address, of the individual from the qualified
19 organization responsible for prize disbursements.
20 *h.* The date by which the prize shall be claimed which shall
21 be no fewer than fourteen days following the drawing.
22 7. Each electronic raffle entry shall reflect a single
23 unique printed entry number on the entry.
24 8. The licensed qualified organization shall use a manual
25 draw procedure for the electronic raffle which ensures a draw
26 number is randomly selected as a winner from the entries sold.
27 *a.* The winning entry shall be verified as a sold and valid
28 entry prior to awarding the prize.
29 *b.* The drawing of the winning entry shall be done in such
30 manner as to allow the purchasers to observe the drawing.
31 9. If the prize is not claimed, the licensed qualified
32 organization shall donate the unclaimed prize to an
33 educational, civic, public, charitable, patriotic, or religious
34 use.
35 10. The department may determine any other requirements for

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1 conducting an electronic raffle by rule.
2 Sec. 39. NEW SECTION. **99B.26 Game nights.**
3 1. A licensed qualified organization may conduct one game
4 night per calendar year subject to the provisions of this
5 section.
6 2. A licensed qualified organization conducting a game
7 night may do any of the following during the game night:
8 *a.* Charge an entrance fee or a fee to participate in the
9 games.
10 *b.* Award cash or merchandise prizes in any games of
11 skill, games of chance, casino-style games, or card games in
12 an aggregate amount not to exceed ten thousand dollars and
13 no participant shall win more than a total of five thousand
14 dollars.
15 *c.* Allow participants at the game night that do not have
16 a bona fide social relationship with the sponsor of the game
17 night.
18 *d.* Allow participants to wager their own funds and pay an
19 entrance or other fee for participation, but participants shall
20 not be allowed to expend more than a total of two hundred fifty
21 dollars for all fees and wagers.
22 3. Except as provided by section 99B.62, a person or
23 organization that has not been issued a qualified organization
24 license under section 99B.12B shall not be authorized to
25 conduct a game night as authorized by this section.
26 Sec. 40. NEW SECTION. **99B.41 Definitions.**
27 For purposes of this subchapter, unless the context
28 otherwise requires:
29 1. *"Public place"* means an indoor or outdoor area, whether
30 privately or publicly owned, to which the public has access
31 by right or by invitation, expressed or implied, whether by
32 payment of money or not, but not a place when used exclusively
33 by one or more individuals for a private gathering or other
34 personal purpose.
35 2. *"Social gambling"* means an activity in which social games

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1 are played between individuals for any sum of money or other
2 property of any value.
3 3. *"Social games"* or *"social game"* means card and parlor
4 games, including but not limited to poker, pinochle, pitch, gin
5 rummy, bridge, euchre, hearts, cribbage, dominoes, checkers,
6 chess, backgammon, pool, and darts. *"Social games"* do not
7 include casino-style games, except poker.
8 4. *"Sports betting pool"* or *"pool"* means a game in which
9 the participants select a square on a grid corresponding to
10 numbers on two intersecting sides of the grid and winners
11 are determined by whether the square selected corresponds to
12 numbers relating to an athletic event in the manner prescribed
13 by the rules of the game.
14 Sec. 41. NEW SECTION. **99B.42 Social gambling general**
15 **requirements.**
16 1. Social gambling is lawful under section 99B.6, 99B.9, or
17 99B.12, when all of the following requirements are met:
18 *a.* The gambling occurs between two or more people who are
19 together for purposes other than social gambling. A social
20 relationship must exist beyond that apparent in the gambling
21 situation.
22 *b.* The gambling shall not take place on a gaming floor,
23 as defined in section 99F.1, licensed by the state racing and
24 gaming commission created in section 99D.5.
25 *c.* Concealed numbers or conversion charts are not used to
26 play any game.
27 *d.* A game is not adapted with any control device to permit
28 manipulation of the game by the operator in order to prevent a
29 player from winning or to predetermine who the winner will be.
30 *e.* The object of the game is attainable and possible to
31 perform under the rules stated from the playing position of the
32 player.
33 *f.* The game must be conducted in a fair and honest manner.
34 *g.* A person shall not receive or have any fixed or
35 contingent right to receive, directly or indirectly, any amount

1 wagered or bet or any portion of amounts wagered or bet, except
2 an amount which the person wins as a participant while playing
3 on the same basis as every other participant.
4 *h.* A cover charge, participation charge, or other charge
5 shall not be imposed upon a person for the privilege of
6 participating in or observing the social gambling, and a
7 rebate, discount, credit, or other method shall not be used
8 to discriminate between the charge for the sale of goods
9 or services to participants in the social gambling and the
10 charge for the sale of goods or services to nonparticipants.
11 Satisfaction of an obligation into which a member of an
12 organization enters to pay at regular periodic intervals a
13 sum fixed by that organization for the maintenance of that
14 organization is not a charge which is prohibited by this
15 paragraph.
16 *i.* A participant shall not win or lose more than a total of
17 fifty dollars or equivalent consideration in one or more games
18 permitted by this subchapter at any time during any period of
19 twenty-four consecutive hours or over that entire period.
20 *j.* A participant is not participating as an agent of another
21 person.
22 *k.* A representative of the department or a law enforcement
23 agency is immediately admitted, upon request, to the premises
24 with or without advance notice.
25 *l.* A person shall not engage in bookmaking on the premises.
26 2. The social gambling licensee is strictly accountable for
27 compliance with this section. Proof of an act constituting
28 a violation is grounds for revocation of the license issued
29 pursuant to section 99B.6 or 99B.9 if the licensee permitted
30 the violation to occur when the licensee knew or had reasonable
31 cause to know of the act constituting the violation.
32 3. A participant in a social game or pool which is not in
33 compliance with this section shall only be subject to a penalty
34 under section 99B.15 if the participant has knowledge of or
35 reason to know the facts constituting the violation.

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4. The social gambling licensee, and every agent of the licensee who is required by the licensee to exercise control over the use of the premises, who knowingly permits or engages in an act or omission which constitutes a violation of this subchapter is subject to a penalty under section 99B.15. A licensee has knowledge of an act or omission if any agent of the licensee has knowledge of the act or omission.

Sec. 42. NEW SECTION. **99B.51 Definitions.**

As used in this subchapter, unless the context otherwise requires:

1. *"Distributor"* means a person who owns an electrical or mechanical amusement device registered as provided in section 99B.53 that is offered for use at more than a single location or premise.

2. *"Manufacturer"* means a person who originally produces, or purchases an originally produced amusement device or an originally produced motherboard that will be installed into, an amusement device required to be registered under this subchapter for the purposes of reselling such device or motherboard.

3. *"Owner"* means a person who owns an operable amusement device required to be registered under section 99B.53 at no more than a single location or premise.

Sec. 43. NEW SECTION. **99B.52 Electrical or mechanical amusement devices.**

1. A person may own, possess, and offer for use at any location an electrical or mechanical amusement device, except for an amusement device required to be registered pursuant to section 99B.53. If the provisions of this section and other applicable provisions of this subchapter are complied with, the use of an electrical or mechanical amusement device shall not be deemed gambling. All electrical or mechanical amusement devices shall comply with this section.

2. A prize of merchandise not exceeding fifty dollars in value shall be awarded for use of an electrical or mechanical

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1 amusement device. An electrical or mechanical amusement device
2 may be designed or adapted to award a prize of one or more
3 free games or portions of games without payment of additional
4 consideration by the participant.
5 3. A prize of cash shall not be awarded for use of an
6 electrical or mechanical amusement device.
7 4. An amusement device shall not be designed or adapted to
8 cause or to enable a person to cause the release of free games
9 or portions of games when designated as a potential award for
10 use of the device, and shall not contain any meter or other
11 measurement device for recording the number of free games or
12 portions of games which are awarded.
13 5. An amusement device shall not be designed or adapted to
14 enable a person using the device to increase the chances of
15 winning free games or portions of games by paying more than is
16 ordinarily required to play the game.
17 6. An award given for the use of an amusement device shall
18 only be redeemed on the premises where the device is located
19 and only for merchandise sold in the normal course of business
20 for the premises.
21 7. The department may determine any other requirements
22 by rule. Rules adopted pursuant to this section shall be
23 formulated in consultation with affected state agencies and
24 industry and consumer groups.
25 Sec. 44. NEW SECTION. **99B.53 Electrical or mechanical**
26 **amusement devices — registration required.**
27 1. In addition to the requirements of section 99B.52,
28 an electrical or mechanical amusement device in operation
29 or distributed in this state that awards a prize where the
30 outcome is not primarily determined by skill or knowledge of
31 the operator shall be registered by the department as provided
32 in this section.
33 2. Except as provided in subsection 3, an electrical or
34 mechanical amusement device requiring registration shall be
35 located on premises for which a class "A", class "B", class

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1 "C", special class "C", or class "D" liquor control license has
2 been issued pursuant to chapter 123.
3 3. *a.* An electrical or mechanical amusement device
4 requiring registration may be located on premises for which a
5 class "B" or class "C" beer permit has been issued pursuant to
6 chapter 123, but the department shall not initially register
7 an electrical or mechanical amusement device to an owner or
8 distributor for a location for which a class "B" or class "C"
9 beer permit has been issued pursuant to chapter 123 on or after
10 April 28, 2004.
11 *b.* A distributor that owns an amusement device at a location
12 for which only a class "B" or class "C" beer permit has been
13 issued pursuant to chapter 123 shall not relocate an amusement
14 device registered as provided in this section to a location
15 other than a location for which a class "A", class "B", class
16 "C", special class "C", or class "D" liquor license has been
17 issued and shall not transfer, assign, sell, or lease an
18 amusement device registered as provided in this section to
19 another person for which only a class "B" or class "C" beer
20 permit has been issued pursuant to chapter 123 after April 28,
21 2004.
22 *c.* If ownership of the location changes, the class "B"
23 or class "C" beer permit does not lapse, and the device is
24 not removed from the location, the device may remain at the
25 location.
26 4. An electrical or mechanical amusement device required to
27 be registered and at a location for which only a class "B" or
28 class "C" beer permit has been issued pursuant to chapter 123
29 shall include on the device a security mechanism which prevents
30 the device from being operated by a person until action is
31 taken by the owner or owner's designee to allow the person to
32 operate the device.
33 5. *a.* For a qualified organization, no more than four
34 electrical or mechanical amusement devices registered as
35 provided in this section shall be permitted or offered for use

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1 in any single location or premises meeting the requirements of
2 this section.
3 *b.* For all other persons, no more than two electrical or
4 mechanical amusement devices registered as provided in this
5 section shall be permitted or offered for use in any single
6 location or premises meeting the requirements of this section.
7 6. The total number of electrical or mechanical amusement
8 devices registered by the department under this section shall
9 not exceed six thousand nine hundred twenty-eight.
10 7. Each person owning an electrical or mechanical amusement
11 device in this state shall submit annually an application
12 form designated by the department that shall contain the
13 information required by the department by rule and a fee of
14 twenty-five dollars for each device required to be registered.
15 If approved, the department shall issue an annual registration
16 tag.
17 8. A new amusement device registration tag shall be
18 obtained if electronic or mechanical components have been
19 adapted, altered, or replaced and such adaptation, alteration,
20 or replacement changes the operational characteristics of
21 the amusement device including but not limited to the game
22 being changed. The amusement device shall not be placed
23 into operation prior to obtaining a new amusement device
24 registration tag.
25 9. An electrical or mechanical amusement device required
26 to be registered under this section shall only be leased or
27 purchased from a manufacturer or distributor registered with
28 the department under section 99B.10A.
29 10. A person owning or leasing an electrical or mechanical
30 amusement device required to be registered by this section
31 shall display the registration tag as required by rules adopted
32 by the department.
33 11. A person owning or leasing an electrical or mechanical
34 amusement device required to be registered by this section
35 shall not allow the electrical or mechanical amusement device

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1 to be operated or made available for operation with an expired
2 registration.
3 12. A person or employee of a person owning or leasing
4 an electrical or mechanical amusement device required to be
5 registered by this section shall not advertise or promote the
6 availability of the device to the public as anything other than
7 an electrical or mechanical amusement device pursuant to rules
8 adopted by the department.
9 13. A person owning or leasing an electrical or mechanical
10 amusement device required to be registered by this section
11 shall not relocate and place into operation an amusement device
12 in any location other than a location which has been issued
13 an appropriate liquor control license in good standing and to
14 which the device has been appropriately registered with the
15 department.
16 14. A counting mechanism which establishes the volume of
17 business of the electrical or mechanical amusement device shall
18 be included on each device required to be registered by this
19 section. The department and the department of public safety
20 shall have immediate access to the information provided by the
21 counting mechanism.
22 15. An electrical or mechanical amusement device required
23 to be registered as provided by this section shall not be a
24 gambling device, as defined in section 725.9, or a device that
25 plays poker, blackjack, or keno.
26 Sec. 45. NEW SECTION. **99B.54 Electrical or mechanical**
27 **amusement devices — criminal penalties.**
28 1. A person who violates any provision of section 99B.52 or
29 99B.53, except as specified in subsection 2, commits a serious
30 misdemeanor.
31 2. A person who violates any provision of section 99B.52,
32 subsection 2 or 6; or section 99B.53, subsection 4, 8, 10, 11,
33 12, or 13, shall be subject to the following:
34 *a.* For a first offense under an applicable subsection, the
35 person commits a simple misdemeanor, punishable as a scheduled

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1 violation pursuant to section 805.8C, subsection 4, paragraph
2 *"b"*.
3 *b.* For a second or subsequent offense under the same
4 applicable subsection, the person commits a serious
5 misdemeanor.
6 3. Notwithstanding any provision of section 99B.52 or
7 99B.53 to the contrary, the following shall apply:
8 *a.* An individual other than an owner or distributor of an
9 amusement device may operate an amusement device, whether or
10 not the amusement device is owned, possessed, or offered for
11 use in compliance with section 99B.52 or 99B.53.
12 *b.* A distributor shall not be liable for a violation of
13 section 99B.52 or 99B.53 unless the distributor or an employee
14 of the distributor intentionally violates a provision of
15 section 99B.52 or 99B.53.
16 Sec. 46. NEW SECTION. **99B.62 Game nights — licensing**
17 **exceptions.**
18 1. A person other than a qualified organization may lawfully
19 conduct a game night without a license, and may award cash or
20 merchandise prizes, under the following conditions:
21 *a.* A bona fide social, employment, or trade or professional
22 association relationship exists between the sponsors and the
23 participants.
24 *b.* The participants pay no consideration of any nature,
25 either directly or indirectly, to participate in the games.
26 *c.* All money, play money, or other items of no intrinsic
27 value which may be wagered are provided to the participant
28 free, and the sponsor conducting the game receives no
29 consideration, either directly or indirectly, other than
30 goodwill.
31 *d.* The games may be conducted at any location, except at a
32 fair or a location for which a license is required pursuant to
33 section 99B.3.
34 *e.* During the entire time activities permitted by this
35 subsection are being engaged in, no other gambling is engaged

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1 in at the same location.
2 2. A person or an organization may sponsor one or more game
3 nights using play money for participation by students without
4 the person or organization obtaining a license otherwise
5 required by this chapter if the person or organization obtains
6 prior approval for the game night from the board of directors
7 of the accredited public school or the authorities in charge of
8 the nonpublic school accredited by the state board of education
9 for whose students the game night is to be held.
10 3. A gambling device intended for use or used as provided in
11 this section is exempt from the provisions of section 725.9,
12 subsection 2.
13 Sec. 47. REPEAL. Sections 99B.2, 99B.4, 99B.5, 99B.7,
14 99B.8, 99B.9A, 99B.10, 99B.16, and 99B.18, Code 2015, are
15 repealed.
16 Sec. 48. LICENSED QUALIFIED ORGANIZATION —— INITIAL
17 ANNUAL REPORT. Notwithstanding any provision of section
18 99B.16A, subsection 3, to the contrary, the first annual
19 report submitted by a licensed qualified organization to the
20 department of inspections and appeals after July 1, 2015, shall
21 be submitted by January 31, 2017, and shall cover the period of
22 July 1, 2015, through December 31, 2016.
23 DIVISION II
24 COORDINATING AMENDMENTS
25 Sec. 49. Section 99.1A, unnumbered paragraph 2, Code 2015,
26 is amended to read as follows:
27 The provisions of this section do not apply to ~~games of~~
28 ~~skill, games of chance, or raffles~~ social and charitable
29 gambling conducted pursuant to chapter 99B or to devices lawful
30 under section ~~99B.10~~ 99B.52 or 99B.53.
31 Sec. 50. Section 99D.8, unnumbered paragraph 1, Code 2015,
32 is amended to read as follows:
33 A qualifying organization, as defined in section
34 513(d)(2)(C) of the Internal Revenue Code, as defined in
35 section 422.3, exempt from federal income taxation under

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1 sections 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal
2 Revenue Code or a nonprofit corporation organized under the
3 laws of this state, whether or not it is exempt from federal
4 income taxation, which is organized to ~~promote those purposes~~
5 ~~enumerated in section 99B.7, subsection 3, paragraph "b"~~
6 distribute funds for educational, civic, public, charitable,
7 patriotic, or religious uses, as defined in section 99B.1,
8 or which regularly conducts an agricultural and educational
9 fair or exposition for the promotion of the horse, dog, or
10 other livestock breeding industries of the state, or an agency,
11 instrumentality, or political subdivision of the state, may
12 apply to the commission for a license to conduct horse or dog
13 racing. The application shall be filed with the administrator
14 of the commission at least sixty days before the first day
15 of the horse race or dog race meeting which the organization
16 proposes to conduct, shall specify the day or days when and
17 the exact location where it proposes to conduct racing, and
18 shall be in a form and contain information as the commission
19 prescribes.
20 Sec. 51. Section 99F.5, subsection 1, Code 2015, is amended
21 to read as follows:
22 1. A qualified sponsoring organization may apply to the
23 commission for a license to conduct gambling games on an
24 excursion gambling boat or gambling structure as provided in
25 this chapter. A person may apply to the commission for a
26 license to operate an excursion gambling boat. An operating
27 agreement entered into on or after May 6, 2004, between
28 a qualified sponsoring organization and an operator of an
29 excursion gambling boat or gambling structure shall provide for
30 a minimum distribution by the qualified sponsoring organization
31 for educational, civic, public, charitable, patriotic, or
32 religious uses as defined in section ~~99B.7, subsection 3,~~
33 ~~paragraph "b"~~ 99B.1, that averages at least three percent
34 of the adjusted gross receipts for each license year. The
35 application shall be filed with the administrator of the

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commission at least ninety days before the first day of the next excursion season as determined by the commission, shall identify the excursion gambling boat upon which gambling games will be authorized, shall specify the exact location where the excursion gambling boat will be docked, and shall be in a form and contain information as the commission prescribes. The minimum capacity of an excursion gambling boat or gambling structure is two hundred fifty persons.

Sec. 52. Section 99F.6, subsection 4, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) A qualified sponsoring organization licensed to operate gambling games under this chapter shall distribute the receipts of all gambling games, less reasonable expenses, charges, taxes, fees, and deductions allowed under this chapter, as winnings to players or participants or shall distribute the receipts for educational, civic, public, charitable, patriotic, or religious uses as defined in section ~~99B.7, subsection 3, paragraph "b"~~ 99B.1. However, a licensee to conduct gambling games under this chapter shall, unless an operating agreement for an excursion gambling boat otherwise provides, distribute at least three percent of the adjusted gross receipts for each license year for educational, civic, public, charitable, patriotic, or religious uses as defined in section ~~99B.7, subsection 3, paragraph "b"~~ 99B.1. However, if a licensee who is also licensed to conduct pari-mutuel wagering at a horse racetrack has unpaid debt from the pari-mutuel racetrack operations, the first receipts of the gambling games operated within the racetrack enclosure less reasonable operating expenses, taxes, and fees allowed under this chapter shall be first used to pay the annual indebtedness.

Sec. 53. Section 331.304, subsection 2, Code 2015, is amended by striking the subsection.

Sec. 54. Section 423.3, subsection 62, Code 2015, is amended to read as follows:

62. The sales price from the sale of raffle tickets for a

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raffle licensed and conducted at a fair pursuant to section ~~99B.5~~ 99B.24.

Sec. 55. Section 805.8C, subsection 4, Code 2015, is amended to read as follows:

4. *Electrical ~~and~~ or mechanical amusement device violations.*

a. For violations of legal age for operating an electrical ~~and~~ or mechanical amusement device required to be registered as provided in section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, pursuant to section 99B.10C, subsection 1, the scheduled fine is two hundred fifty dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

b. For first offense violations concerning electrical ~~and~~ or mechanical amusement devices as provided in section ~~99B.10, subsection 3~~ 99B.54, subsection 2, the scheduled fine is two hundred fifty dollars.

DIVISION III

CODE EDITOR DIRECTIVES

Sec. 56. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

a. Section 99B.3 to section 99B.31.

b. Section 99B.5A to section 99B.22.

c. Section 99B.6 to section 99B.43.

d. Section 99B.7A to section 99B.32.

e. Section 99B.7B to section 99B.27.

f. Section 99B.9 to section 99B.44.

g. Section 99B.10A to section 99B.56.

h. Section 99B.10B to section 99B.55.

i. Section 99B.10C to section 99B.57.

j. Section 99B.10D to section 99B.58.

k. Section 99B.11 to section 99B.61.

l. Section 99B.11A, as enacted in this Act, to section 99B.11.

m. Section 99B.12 to section 99B.45.

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1 n. Section 99B.12A to section 99B.23.
2 o. Section 99B.12B, as enacted in this Act, to section
3 99B.12.
4 p. Section 99B.13 to section 99B.2.
5 q. Section 99B.13A, as enacted in this Act, to section
6 99B.13.
7 r. Section 99B.14 to section 99B.3.
8 s. Section 99B.14A, as enacted in this Act, to section
9 99B.14.
10 t. Section 99B.15 to section 99B.4.
11 u. Section 99B.15A, as enacted in this Act, to section
12 99B.15.
13 v. Section 99B.16A, as enacted in this Act, to section
14 99B.16.
15 w. Section 99B.17 to section 99B.5.
16 x. Section 99B.19 to section 99B.6.
17 y. Section 99B.20 to section 99B.7.
18 z. Section 99B.21 to section 99B.8.
19 aa. Section 99B.21A, as enacted in this Act, to section
20 99B.21.
21 2. The Code editor is directed to create seven new
22 subchapters in chapter 99B as follows:
23 a. Subchapter I shall be entitled "general provisions" and
24 include sections 99B.1 through 99B.10.
25 b. Subchapter II shall be entitled "qualified
26 organizations" and include sections 99B.11 through 99B.20.
27 c. Subchapter III shall be entitled "charitable gambling"
28 and include sections 99B.21 through 99B.30.
29 d. Subchapter IV shall be entitled "other activities
30 requiring licensure" and include sections 99B.31 through
31 99B.40.
32 e. Subchapter V shall be entitled "social gambling" and
33 include sections 99B.41 through 99B.50.
34 f. Subchapter VI shall be entitled "electrical or
35 mechanical amusement devices" and include sections 99B.51

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1 through 99B.60.
2 g. Subchapter VII shall be entitled "activities not
3 requiring licensure" and include sections 99B.61 and 99B.62.
4 3. The Code editor may modify subchapter titles if necessary
5 and is directed to correct internal references in the Code as
6 necessary due to enactment of this section.
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 provides for the reorganization and modification
11 of provisions in Code chapter 99B governing games of skill or
12 chance, and raffles.
13 DIVISION I —— SOCIAL AND CHARITABLE GAMBLING PROVISIONS.
14 The bill makes a variety of changes to Code section 99B.1
15 (definitions). The bill eliminates definitions for
16 "authorized", "controlling shareholder", "eligible applicant",
17 "posted", and "unrelated entity". New definitions for
18 "build-up or pyramid", "calendar raffles", "casino-style
19 games", "gambling", "game nights", and "licensed charitable
20 organization" are added. In addition, current definitions
21 or descriptions in Code section 99B.7 for "qualified
22 organizations", "charitable uses", "educational, civic, public,
23 charitable, patriotic, or religious uses", and "public uses"
24 are moved to Code section 99B.1. Existing definitions in Code
25 section 99B.1 are also modified. The definition for "amusement
26 concession" is amended to reference the games authorized and
27 not the location of where the games are played. "Bingo" is
28 amended to allow symbols or pictures to be used in playing
29 bingo and "bingo occasion" is amended to specify when a bingo
30 occasion ends. "Merchandise" is amended to provide that it
31 includes goods or services bought or sold in the regular course
32 of business and that a gift card not redeemable for cash is
33 considered merchandise. Other definitions in Code section
34 99B.1 are moved and made applicable to a subchapter of the
35 reorganized Code chapter.

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1 Code section 99B.3, concerning amusement concessions, is
2 amended. The Code section, consistent with the change in the
3 definition of amusement concession, focuses on the type of
4 gambling activity allowed and eliminates existing locational
5 requirements for the activity. The Code section is amended
6 to increase the maximum value of prizes from $50 to $100 and
7 increases the maximum cost to play a game from $3 to $5. The
8 Code section is amended to specify what constitutes and does
9 not constitute allowable repurchase of prizes.
10 Code section 99B.4, providing for permitted locations of
11 amusement concessions, is repealed.
12 Code section 99B.5 (raffles conducted at a fair) is
13 repealed. The bill consolidates provisions governing raffles
14 in new Code section 99B.24.
15 Code section 99B.6 (games where liquor or beer is sold) is
16 rewritten by the bill. Restrictions on the locations where the
17 games may be conducted are unchanged and allowable games are
18 defined as social gambling but remain unchanged. Provisions
19 of existing Code section 99B.6 applicable to lawful social
20 gambling that may occur between individuals or in public places
21 in addition to locations where liquor or beer is sold are moved
22 to new Code section 99B.42.
23 Code section 99B.7 (games conducted by qualified
24 organizations) is repealed. Several provisions of the Code
25 section are moved and modified in new Code sections governing
26 qualified organization licensing as provided in the bill.
27 Code section 99B.7A (manufacturers and distributors of
28 bingo equipment and supplies — license) is amended to apply
29 to manufacturers and distributors of electronic raffle
30 systems. In addition, the amended Code section provides for
31 a single annual license for manufacturers and distributors of
32 $1,000 instead of a $1,000 manufacturers license and a $500
33 distributor license.
34 Code section 99B.7B (card game tournaments conducted by
35 qualified organizations representing veterans) is amended to

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1 provide that a qualified organization representing veterans
2 shall apply for a qualified organization license under new Code
3 section 99B.12B to conduct a card game tournament.
4 Code section 99B.8 (annual game night) is repealed.
5 Provisions governing licensed and unlicensed game nights are
6 included in new Code sections 99B.26 and 99B.62.
7 Code section 99B.9 (gambling in public places) is rewritten
8 by the bill. Current provisions relative to the license fee
9 and the public places in which social gambling may be conducted
10 are unchanged. Provisions of existing Code section 99B.9
11 applicable to lawful social gambling that may occur between
12 individuals or where liquor or beer is sold are moved to new
13 Code section 99B.42.
14 Code section 99B.9A, concerning exceptions for qualified
15 organizations to conduct bingo in certain locations, is
16 repealed.
17 Code section 99B.10, concerning electrical and mechanical
18 amusement devices, is repealed. New Code sections 99B.52,
19 99B.53, and 99B.54, all governing electrical or mechanical
20 amusement devices, include provisions contained in current Code
21 section 99B.10.
22 Code section 99B.10A, concerning registration of electrical
23 and mechanical amusement device manufacturers, distributors,
24 and for-profit owners, is amended by eliminating specific
25 reference to a manufacturer's representation in the category of
26 persons required to be registered under this Code section.
27 Code section 99B.10B, is amended to allow service for
28 actions relative to denial, suspension, or revocation of a
29 registration of an electrical or mechanical amusement device by
30 means authorized by Code chapter 17A and to permit decisions
31 relative to these actions to be delivered by electronic mail.
32 Code sections 99B.10C and 99B.10D are amended to reflect
33 updated internal code references in Code chapter 99B.
34 Code section 99B.11, concerning bona fide contests, is
35 amended by providing categories that include current bona fide

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1 contests and by then allowing contests that fit each of the
2 categories. The bill also allows, as an additional category,
3 trivia and trading card contests.
4 New Code section 99B.11A provides definitions applicable
5 to qualified organizations and charitable gambling. New
6 definitions include "electronic bingo equipment" and several
7 categories of raffles based on the value of prizes that may be
8 awarded. The new raffle definitions are "large raffle", "small
9 raffle", "very large raffle", and "very small raffle".
10 Code section 99B.12 (games between individuals) is stricken
11 and rewritten. The changes primarily eliminate provisions
12 applicable to social gambling generally that are moved to new
13 Code section 99B.42.
14 New Code section 99B.12B provides for qualified organization
15 licenses. The Code section identifies provisions generally
16 applicable to all licenses issued to a qualified organization
17 and provides for the fees and applicable games that may be
18 conducted pursuant to a two-year, one-year, 180-day, 90-day,
19 and 14-day qualified organization license. Current provisions
20 in Code section 99B.7 relative to licenses for public and
21 nonpublic schools and for school districts are moved to this
22 new Code section.
23 New Code section 99B.13A provides for general requirements
24 applicable to any gambling conducted by a qualified
25 organization. The requirements include provisions on
26 displaying the license, where gambling activities under
27 the license may be conducted, participation in gambling
28 requirements, and game-specific requirements.
29 New Code section 99B.14A provides for the distribution of
30 proceeds by a licensed qualified organization. Most provisions
31 governing distribution of proceeds are moved from current Code
32 section 99B.7. However, the bill provides that reasonable
33 expenses that may be retained by a licensed qualified
34 organization shall not exceed 40 percent of net receipts.
35 Current law limits reasonable expenses to 25 percent of net

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1 receipts.
2 Code section 99B.15, providing for the applicability of the
3 Code chapter and penalties, is stricken and rewritten. The
4 Code section provides that a person who knowingly fails to
5 comply with the requirements of Code chapter 99B commits a
6 serious misdemeanor and that a person who intentionally files a
7 false or fraudulent report or application commits a fraudulent
8 practice under Code chapter 714.
9 New Code section 99B.15A provides general provisions
10 governing prizes awarded by a licensed charitable organization.
11 The Code section provides that merchandise prizes shall not
12 exceed $10,000 and cash can only be awarded in bingo and
13 raffles.
14 Code section 99B.16, concerning the criminal penalty for a
15 willful failure to maintain or submit records, is repealed.
16 Criminal penalties relative to reports and applications are
17 moved to Code section 99B.15.
18 Code section 99B.16A provides for records and reports
19 required of licensed qualified organizations. The Code section
20 requires an annual report to be submitted by January 31 for the
21 prior calendar year. The bill provides that the initial annual
22 report shall be submitted by January 31, 2017, for the period
23 beginning July 1, 2015, and ending December 31, 2016.
24 Code section 99B.17, providing that gambling on credit is
25 unlawful and including an exception, is rewritten by the bill.
26 The rewritten Code section allows payment by check, electronic
27 check, debit card, or credit card for gambling activities
28 under Code chapter 99B, except that only cash payments are
29 allowed for social gambling, registered amusement devices, and
30 amusement concessions not at a permanent location.
31 Code section 99B.18 (company games) is repealed. Games
32 authorized under this Code section are moved to new Code
33 section 99B.62 governing unlicensed game nights.
34 New Code section 99B.21A establishes requirements for a
35 licensed qualified organization conducting bingo. The Code

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1 section provides operational requirements, prize requirements
2 as an exception to the general prize requirements in new
3 Code section 99B.15A, equipment requirements, and accounting
4 requirements. Most of the accounting requirements are moved
5 from Code section 99B.2 and other requirements are moved from
6 Code section 99B.7. As far as prizes, the new Code section
7 limits cash prizes and merchandise prizes to $250 per game of
8 bingo instead of $100 as currently provided in Code section
9 99B.7. For jackpot bingo games, the new Code section allows
10 the prize to start at no more $500, instead of the current
11 $300.
12 New Code section 99B.24 establishes requirements for a
13 licensed qualified organization conducting a raffle. The
14 Code section establishes operational requirements relative
15 to conducting a raffle and authorizes a licensed qualified
16 organization to conduct one very large raffle per year upon
17 submission of an additional fee. The bill defines "very large
18 raffle" as a raffle where the cumulative value of cash and
19 prizes is more than $100,000 but not more than $200,000 or
20 the prize is real property. The bill also allows a qualified
21 organization to conduct one very small raffle per calendar
22 year without a license and without adhering to the reporting
23 requirements of new Code section 99B.16A. A "very small
24 raffle" is defined in the bill as a raffle where the cumulative
25 value of the prize or prizes is $1,000 or less and the value of
26 all entries sold is $1,000 or less.
27 New Code section 99B.25 allows a licensed qualified
28 organization with a two-year license to conduct a raffle
29 using an electronic raffle system. The bill allows only one
30 electronic raffle per calendar day and specifies how the
31 raffle is to be conducted and the information necessary on an
32 electronic raffle receipt.
33 New Code section 99B.26 allows a licensed qualified
34 organization to conduct one game night per calendar year.
35 Current provisions specific to game nights conducted by a

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1 licensed qualified organization in Code section 99B.8 are moved
2 to this new Code section. In addition, the expanded prize
3 authorization for certain qualified organizations, such as for
4 veterans and voluntary emergency services providers, in current
5 Code section 99B.8, subsection 6, is made applicable to all
6 licensed qualified organizations.
7 New Code section 99B.41 provides definitions specific to
8 social gambling. The definition for "social games" is moved
9 from current Code section 99B.12, and the definition for
10 "sports betting pool" is moved from the definition of "pool"
11 in current Code section 99B.6.
12 New Code section 99B.42 provides general requirements
13 applicable to social gambling. Requirements in current Code
14 sections 99B.6, 99B.9, and 99B.12 that are applicable to social
15 gambling regardless of location are generally moved to this new
16 Code section.
17 New Code section 99B.51 includes definitions of
18 "distributor", "manufacturer", and "owner", for purposes of
19 electrical or mechanical amusement devices. The definitions
20 are moved from current Code section 99B.1. The definition
21 of "manufacturer" is also modified to include a person who
22 produces or purchases an originally produced motherboard.
23 New Code section 99B.52 provides general requirements
24 concerning all electrical or mechanical amusement devices.
25 Current provisions in Code section 99B.10, subsection 1,
26 paragraphs "a" through "d", "k", and "o" are moved to this new
27 Code section.
28 New Code section 99B.53 provides additional requirements for
29 electrical or mechanical amusement devices that are required
30 to be registered. Current provisions in Code section 99B.10,
31 subsection 1, governing amusement devices that are required to
32 be registered are moved to this new Code section.
33 New Code section 99B.54 establishes criminal penalties for
34 violations of provisions concerning electrical or mechanical
35 amusement devices. The criminal offenses are similar to

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1 current provisions in Code section 99B.10, subsections 2
2 through 5.
3 New Code section 99B.62 allows game nights to be conducted
4 without a license under certain circumstances. Current Code
5 section 99B.18, allowing company games, is moved to this new
6 Code section and is expanded to allow all persons to also hold
7 a casino night without a license subject to the requirements of
8 the new Code section. Current Code section 99B.8, subsection
9 4, concerning school game nights, is moved to this new Code
10 section.
11 DIVISION II —— COORDINATING AMENDMENTS. Code section 99.1A,
12 concerning nuisances, is amended to refer to Code chapter 99B
13 as social and charitable gambling and to refer to amusement
14 devices as authorized by new Code sections 99B.52 and 99B.53.
15 Code section 99D.8, concerning qualified organization for
16 purposes of horse or dog racing licenses, is amended to provide
17 that the purposes of the organization shall be for educational,
18 civic, public, charitable, patriotic, or religious uses, as
19 defined in Code section 99B.1.
20 Code sections 99F.5 and 99F.6 are amended to provide that
21 the definition of "educational, civic, public, charitable,
22 patriotic, or religious uses" is located in Code section 99B.1.
23 Code section 331.304, concerning county powers, is amended
24 by striking the provision concerning the power to determine
25 locations of amusement concessions in accordance with current
26 Code section 99B.4 as Code section 99B.4 is repealed by the
27 bill.
28 Code section 423.3, subsection 62, concerning exemptions
29 from sales and use taxes, is amended to provide that the
30 exemption is for raffles licensed pursuant to new Code section
31 99B.24 and only conducted at a fair. Current law references
32 the current Code section, repealed in the bill, that limited
33 the exemption to raffles conducted at a fair.
34 Code section 805.8C, subsection 4, concerning scheduled
35 violations relating to amusement devices, is amended to correct

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internal references to the applicable amusement device.

DIVISION III — CODE EDITOR DIRECTIVES. This division directs the Code editor to transfer existing and new Code sections in Code chapter 99B. The division further directs the Code editor to reorganize the Code chapter by creating seven new subchapters, containing the transferred Code sections, and entitled "general provisions", "qualified organizations", "charitable gambling", "other activities requiring licensure", "social gambling", "electrical or mechanical amusement devices", and "activities not requiring licensure".

Senate File 443 - Introduced

SENATE FILE 443
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1255)

A BILL FOR

1 An Act requiring publication on the internet of contact
2 information for elective public officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2319SV (2) 86
aw/sc

S.F. 443

1 Section 1. NEW SECTION. **70A.40 Elective public officer**
2 **contact information.**
3 1. Within thirty days of an elective public officer swearing
4 to an oath of office, the governmental entity the officer
5 serves shall provide the officer with designated contact
6 information with the governmental entity. A governmental
7 entity shall cause to be published the contact information for
8 each of the entity's elective public officers on an internet
9 site maintained by the entity. An elective public officer may
10 provide additional contact information that would normally
11 be used to make contact with the officer to the governmental
12 entity to be published as provided in this section for
13 designated contact information.
14 2. *a.* For the purposes of this section *"contact*
15 *information"* means a street address, a telephone number, and
16 an electronic mail address, and any other electronic contact
17 information.
18 *b.* For the purposes of this section, *"elective public*
19 *officer"* or *"officer"* means all of the following:
20 (1) Members of the general assembly.
21 (2) Members of a county board of supervisors.
22 (3) Members of a city council.
23 (4) Members of a board of directors of a school district.
24 EXPLANATION
25 **The inclusion of this explanation does not constitute agreement with**
26 **the explanation's substance by the members of the general assembly.**
27 This bill requires publication of contact information for
28 certain elective public officers, as defined in the bill,
29 on the internet site of the governmental entity the officer
30 serves. The bill requires that the governmental entity
31 provide the officer with designated contact information and
32 requires the governmental entity to publish designated contact
33 information for each of the entity's elective public officers
34 on an internet site maintained by the governmental entity.
35 The bill also allows an elective public officer to provide

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1 additional contact information to the governmental entity to
2 be published as provided in the bill for designated contact
3 information.

Senate File 444 - Introduced

SENATE FILE 444
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1257)

A BILL FOR

1 An Act relating to emergency services by conducting a study
2 concerning modernization, reform, and regionalization of
3 financing, education and training of providers, reporting
4 requirements, tax credits for personnel, governance reform,
5 and governing boards and commissions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2595SV (1) 86
ad/sc

S.F. 444

1 Section 1. STUDY ON EMERGENCY SERVICES.
2 1. The department of public health, in consultation with
3 other agencies as the department deems appropriate, shall
4 study the condition of emergency services in the state.
5 The department of public health shall consider and make
6 recommendations on all of the following:
7 a. A method for modernizing, reforming, and regionalizing
8 the financing of emergency services to ensure adequate
9 resources for the provision of emergency services.
10 b. A method by which to provide a comprehensive approach
11 to emergency services training and education to ensure
12 standardization and support.
13 c. A method by which to streamline reporting requirements
14 for emergency medical services providers.
15 d. The adequacy of the volunteer fire fighter and volunteer
16 emergency medical services personnel tax credit and whether
17 another method of incenting Iowans is needed to ensure
18 financial rewards and encourage more Iowans to consider
19 emergency services positions.
20 e. A method for providing an alternate governance structure
21 with an option for regional emergency services delivery.
22 f. The current state boards and commissions and whether the
23 emergency services community is adequately represented with
24 other public safety professionals.
25 2. The department of public health shall submit a report
26 regarding the findings and recommendations resulting from the
27 study to the general assembly by December 15, 2015.
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 relates to emergency services by requiring the
32 department of public health to conduct a study concerning
33 modernization, reform, and regionalization of financing
34 for emergency services, education and training of emergency
35 services providers, reporting requirements, tax credits for

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1 personnel, governance reform, and current governing boards and
2 commissions. The bill requires the department of public health
3 to submit a report of its findings and recommendations to the
4 general assembly by December 15, 2015.

Senate File 445 - Introduced

SENATE FILE 445
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SF 286)

A BILL FOR

1 An Act establishing a business accelerator program administered
2 through the economic development authority for women-owned
3 businesses in the state and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1304SV (1) 86
ad/sc

S.F. 445

1 Section 1. WOMEN-OWNED BUSINESS ACCELERATOR PROGRAM AND
2 APPROPRIATION.
3 1. There is appropriated from the general fund of the state
4 to the Iowa economic development authority for the following
5 fiscal years, the following amounts, or so much thereof as is
6 necessary, to be used for the purpose designated:
7 To develop a business accelerator program and provide
8 related assistance for Iowa businesses owned by women:
9 a. FY 2015-2016:
10 ..... $ 450,000
11 b. FY 2016-2017:
12 ..... $ 450,000
13 2. From the moneys appropriated pursuant to this section,
14 the economic development authority shall procure the services
15 of a nonprofit Iowa entity to establish, develop, and
16 maintain a business accelerator program for Iowa businesses
17 owned by women and to provide related services. Under a
18 business accelerator program authorized pursuant to this
19 section, an entity shall provide Iowa women-owned businesses
20 long-term, individualized technical assistance and also
21 provide advanced business and market intelligence which assists
22 women-owned businesses in identifying market, product, or
23 service development opportunities. The entity establishing
24 the business accelerator program shall also develop, in
25 consultation with the economic development authority, an
26 internet site offering equity investment opportunities for Iowa
27 women to fund other Iowa women in business.
28 3. The economic development authority shall begin a request
29 for proposals process, issued for purposes of this section, no
30 later than September 1, 2015.
31 4. The nonprofit entity providing services pursuant to this
32 section shall report on the progress of the program and future
33 needs of women-owned businesses in the state to the general
34 assembly and the economic development authority by July 1,
35 2017.

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5. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

EXPLANATION

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

This bill establishes a business accelerator program for women-owned businesses in the state. The bill appropriates $450,000 for both fiscal year 2015-2016 and fiscal year 2016-2017 to the economic development authority for the development of a business accelerator program and other related assistance for Iowa businesses owned by women. The bill requires the economic development authority to procure the services of a nonprofit Iowa entity to establish the program. Through the program, the nonprofit entity must provide women-owned Iowa businesses long-term, technical assistance as well as advanced business and market intelligence. The bill requires the nonprofit entity to develop an internet site offering equity investment opportunities for Iowa women to fund other Iowa women in business. The bill states that the economic development authority shall begin a request for proposals process by September 1, 2015. The nonprofit entity is required to report to the general assembly on the program by July 1, 2017.

Senate File 446 - Introduced

SENATE FILE 446
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SF 288)

A BILL FOR

1 An Act related to public sector preferences for veterans in
2 appointment and employment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2252SV (2) 86
aw/rj

S.F. 446

Section 1. NEW SECTION. **8A.403 Veterans preferences.**

The department shall administer and enforce the laws of this state under chapter 35C.

Sec. 2. Section 35C.1, subsections 1, 3, and 4, Code 2015, are amended to read as follows:

1. In ~~every public department and upon all public works in the state, and of the counties, cities, and school corporations of the state~~ all jobs of the state and its political subdivisions filled by appointment or examination, veterans who are citizens and residents of the United States are entitled to preference in appointment and employment over other applicants of no greater qualifications. ~~The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10.~~ For purposes of this section, *"veteran"* means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.

3. In all jobs of the state and its political subdivisions ~~of the state which~~ that are to be filled by competitive examination or by appointment, public notice of the application deadline to fill a job shall be posted at least ten days before the deadline in the same manner as notices of meetings are posted under section 21.4.

4. For jobs ~~in~~ of the state and its political subdivisions ~~of the state~~ that are filled through a point-rated qualifying examination, the preference afforded to veterans shall be equivalent to that provided for ~~municipal civil service systems~~ in section ~~400.10~~ 35C.3A.

Sec. 3. Section 35C.1, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. In all jobs of the state and its political subdivisions, an application form shall be completed. The application form shall contain an inquiry into the applicant's military service during the wars or armed conflicts as specified in subsection 1. The state and each of its political subdivisions shall

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1 provide each applicant who indicates the applicant's status
2 as a veteran under this section with the written statement
3 developed pursuant to subsection 5.
4 Sec. 4. Section 35C.1, Code 2015, is amended by adding the
5 following new subsection:
6 NEW SUBSECTION. 5. The department of administrative
7 services, in consultation with the office of the attorney
8 general, shall develop a written statement which sets forth in
9 simple and nontechnical terms the rights and duties contained
10 in this chapter. The written statement shall be posted and
11 remain posted on the attorney general's internet site and the
12 internet sites of the department of veterans affairs and the
13 department of administrative services.
14 Sec. 5. NEW SECTION. **35C.3A Preferences.**
15 In all examinations and appointments under this chapter,
16 other than promotions or the appointment of a chief of police
17 or chief of a fire department, veterans who are citizens and
18 residents of the United States, shall have five preference
19 points added to the veteran's grade or score attained in
20 qualifying examinations or tests for appointment to positions
21 and five additional preference points added to the grade or
22 score if the veteran has a service-connected disability or
23 is receiving compensation, disability benefits, or pension
24 benefits under laws administered by the United States
25 department of veterans affairs. However, the preference
26 points shall be given only upon passing the exam and shall not
27 be the determining factor in passing. Veteran's preference
28 points shall be applied once to the final scores used to rank
29 applicants for selection for an interview. For purposes of
30 this section, *"veteran"* means as defined in section 35.1 except
31 that the requirement that the person be a resident of this
32 state shall not apply.
33 Sec. 6. NEW SECTION. **35C.9 Administration — enforcement.**
34 The department of administrative services shall administer
35 and enforce the provisions of this chapter.

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1 Sec. 7. REPEAL. Section 400.10, Code 2015, is repealed.
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 This bill relates to appointment and employment preferences
6 for veterans in the public sector.
7 The bill amends Code chapter 35C (veterans preference)
8 to provide that for all jobs of the state and its political
9 subdivisions filled by appointment or examination, veterans
10 who are citizens and residents of the United States are
11 entitled to preference in appointment and employment over
12 other applicants of no greater qualifications and repeals the
13 veterans preferences in city employment that are contained in
14 Code section 400.10.
15 The bill provides a preference of five preference points for
16 veterans in all examinations and appointments by the state and
17 its political subdivisions except for promotions or appointment
18 of a chief of police or a chief of a fire department. The bill
19 further provides an additional preference of five points for
20 veterans with service-connected disabilities.
21 The bill requires that the department of administrative
22 services, in consultation with the attorney general, develop
23 a written statement that sets forth the rights and duties
24 contained in Code chapter 35C, and requires that the statement
25 be provided to certain applicants for all state and political
26 subdivision jobs.
27 The bill requires that the department of administrative
28 services administer and enforce the provisions of Code chapter
29 35C.

Senate File 447 - Introduced

SENATE FILE 447
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 107)

A BILL FOR

1 An Act modifying the periods of time to bring civil and
2 criminal actions, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1469SV (3) 86
jm/rj

S.F. 447

1 Section 1. Section 614.1, subsection 12, Code 2015, is
2 amended to read as follows:
3 12. *Sexual abuse or sexual exploitation by a counselor,*
4 *therapist, or school employee.* An action for damages for
5 injury suffered as a result of sexual abuse, as defined in
6 section 709.1, by a counselor, therapist, or school employee,
7 as defined in section 709.15, or as a result of sexual
8 exploitation by a counselor, therapist, or school employee
9 shall be brought within ~~five~~ ten years of the date the victim
10 was last treated by the counselor or therapist, or within
11 ~~five~~ ten years of the date the victim was last enrolled in or
12 attended the school.
13 Sec. 2. Section 614.8, Code 2015, is amended to read as
14 follows:
15 **614.8 Minors and persons with mental illness.**
16 1. The times limited for actions in this chapter, or for
17 complaints or claims in chapter 216, 669, or 670, except those
18 brought for penalties and forfeitures, are extended in favor
19 of persons with mental illness, so that they shall have one
20 year from and after the termination of the disability within
21 which to file a complaint pursuant to chapter 216, to make a
22 claim pursuant to chapter 669 or 670, or to otherwise commence
23 an action.
24 2. Except as provided in section 614.1, subsection 9, or
25 section 614.8A, the times limited for actions in this chapter,
26 or for complaints or claims in chapter 216, 669, or 670, except
27 those brought for penalties and forfeitures, are extended in
28 favor of minors, so that they shall have one year from and
29 after attainment of majority within which to file a complaint
30 pursuant to chapter 216, to make a claim pursuant to chapter
31 669, or to otherwise commence an action.
32 Sec. 3. Section 614.8A, Code 2015, is amended to read as
33 follows:
34 **614.8A ~~Damages~~ Commencement of action for minor or child**
35 **sexual abuse —— time limitation.**

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1. Notwithstanding section 614.8, subsection 2, and the times limited for actions in this chapter, the time to file an action relating to sexual abuse which occurred when the injured person was a minor is extended twenty-five years beyond the minor's attainment of eighteen years of age.

2. ~~An~~ In addition to the extension of time provided in subsection 1, an action for damages for injury suffered as a result of sexual abuse which occurred when the injured person was a child, but not discovered until after the injured person is of the age of majority, shall be brought within ~~four~~ twenty-five years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the sexual abuse.

Sec. 4. Section 802.2, subsection 1, Code 2015, is amended to read as follows:

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years ~~shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later~~ may be commenced at any time after the commission of the offense.

Sec. 5. Section 802.10, subsection 3, Code 2015, is amended to read as follows:

3. However, notwithstanding subsection 2, an indictment or information shall be found against a person within three years from the date the person is identified by the person's DNA profile. If the action involves sexual abuse of a person eighteen years of age or older or another sexual offense, the indictment or information shall be found as provided in section 802.2, subsection 2, or 802.2B, if the person is identified by the person's DNA profile.

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1 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 immediate importance, takes effect upon enactment.
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 This bill modifies the periods of time to bring civil and
7 criminal actions relating to young persons and persons with
8 mental illness.
9 Under current Code section 614.1(12), a civil action for
10 damages for injury suffered as result of sexual abuse, as
11 defined in Code section 709.1, or sexual exploitation, by a
12 counselor, therapist, or school employee, each as defined in
13 Code section 709.15, can only be brought within five years
14 after the date that the victim was either last treated by the
15 counselor or therapist or last enrolled in or attended the
16 school. The bill amends the current law to provide that a
17 victim may bring such an action within 10 years of the date
18 that the victim was either last treated by the counselor or
19 therapist or last enrolled in or attended the school.
20 Under current Code section 614.8, the applicable limitations
21 period in which to bring certain civil actions is extended for
22 persons with mental illness and minors. Under current Code
23 section 670.2, a municipality is subject to liability for the
24 municipality's torts and those of the municipality's officers
25 and employees, acting within the scope of such officers'
26 and employees' employment or duties. Under current Code
27 section 670.5, an action for damages for an injury against a
28 municipality cannot be brought after two years of the alleged
29 injury, except as provided in Code section 614.8.
30 The bill amends Code section 614.8 to specify that the
31 extension of the limitations period for persons with mental
32 illness and for minors applies to claims brought pursuant to
33 Code chapter 670, which chapter is already referenced at the
34 beginning of the sentences extending the limitations period.
35 The amendment to Code section 614.8A in the bill extends

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1 the time for filing a civil action relating to sexual abuse
2 which occurred when the injured person was a minor from one
3 year after the attainment of majority to 25 years after the
4 attainment of majority.
5 The amendment to Code section 614.8A in the bill also
6 provides that a civil action for damages relating to sexual
7 abuse which occurred when the injured party was a child shall
8 be brought within 25 years from the time of the discovery of
9 both the injury and the causal relationship between the injury
10 and the sexual abuse. Current law specifies such an action
11 shall be brought within four years from the time of discovery
12 of both the injury and the causal relationship between the
13 injury and the sexual abuse.
14 The amendment to Code section 802.2 in the bill provides
15 that a criminal information or indictment for sexual abuse
16 in the first, second, or third degree committed on or with
17 a person under the age of 18 may be commenced at any time
18 after the commission of the offense. Current law specifies
19 the indictment or information for such sexual abuse be found
20 within 10 years of the sexually abused person attaining 18
21 years of age or within three years after being identified by
22 DNA evidence, whichever is later.
23 The bill takes effect upon enactment.

Senate File 448 - Introduced

SENATE FILE 448
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1185)

A BILL FOR

1 An Act relating to the commission of a class "A" felony by a
2 person under eighteen years of age, providing penalties, and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2259SV (3) 86
jm/rj

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1 Section 1. Section 902.1, subsection 2, Code 2015, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:
4 2. *a.* Notwithstanding subsection 1, a defendant convicted
5 of murder in the first degree in violation of section 707.2,
6 and who was under the age of eighteen at the time the offense
7 was committed shall receive one the following sentences:
8 (1) Commitment to the director of the department of
9 corrections for the rest of the defendant's life with no
10 possibility of parole unless the governor commutes the sentence
11 to a term of years.
12 (2) Commitment to the custody of the director of the
13 department of corrections for the rest of the defendant's life
14 with the possibility of parole after serving a minimum term of
15 confinement as determined by the court.
16 (3) Commitment to the custody of the director of the
17 department of corrections for the rest of the defendant's life
18 with the possibility of parole.
19 *b.* (1) The prosecuting attorney shall provide reasonable
20 notice to the defendant, after conviction and prior to
21 sentencing, of the state's intention to seek a life sentence
22 with no possibility of parole under paragraph "*a*", subparagraph
23 (1).
24 (2) In determining which sentence to impose, the court shall
25 consider all circumstances including but not limited to the
26 following:
27 (a) The impact of the offense on each victim, as defined in
28 section 915.10, through the use of a victim impact statement,
29 as defined in section 915.10, under any format permitted by
30 section 915.13. The victim impact statement may include
31 comment on the sentence of the defendant.
32 (b) The impact of the offense on the community.
33 (c) The threat to the safety of the public or any individual
34 posed by the defendant.
35 (d) The degree of participation in the murder by the

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1 defendant.
2 (e) The nature of the offense.
3 (f) The defendant's remorse.
4 (g) The defendant's acceptance of responsibility.
5 (h) The severity of the offense, including any of the
6 following:
7 (i) The commission of the murder while participating in
8 another felony.
9 (ii) The number of victims.
10 (iii) The heinous, brutal, cruel manner of the murder,
11 including whether the murder was the result of torture.
12 (i) The capacity of the defendant to appreciate the
13 criminality of the conduct.
14 (j) Whether the ability to conform the defendant's conduct
15 with the requirements of the law was substantially impaired.
16 (k) The level of maturity of the defendant.
17 (l) The intellectual and mental capacity of the defendant.
18 (m) The nature and extent of any prior juvenile delinquency
19 or criminal history of the defendant, including the success or
20 failure of previous attempts at rehabilitation.
21 (n) The mental health history of the defendant.
22 (o) The level of compulsion, duress, or influence exerted
23 upon the defendant, but not to such an extent as to constitute
24 a defense.
25 (p) The likelihood of the commission of further offenses by
26 the defendant.
27 (q) The chronological age of the defendant and the features
28 of youth, including immaturity, impetuosity, and failure to
29 appreciate risks and consequences.
30 (r) The family and home environment that surrounded the
31 defendant.
32 (s) The circumstances of the murder including the extent
33 of the defendant's participation in the conduct and the way
34 familial and peer pressure may have affected the defendant.
35 (t) The competencies associated with youth, including but

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1 not limited to the defendant's inability to deal with peace
2 officers or the prosecution or the defendant's incapacity to
3 assist the defendant's attorney in the defendant's defense.
4 (u) The possibility of rehabilitation.
5 (v) Any other information considered relevant by the
6 sentencing court.
7 Sec. 2. Section 902.1, Code 2015, is amended by adding the
8 following new subsections:
9 NEW SUBSECTION. 3. *a.* Notwithstanding subsections 1 and 2,
10 a defendant convicted of a class "A" felony, other than murder
11 in the first degree in violation of section 707.2, and who was
12 under the age of eighteen at the time the offense was committed
13 shall receive one of the following sentences:
14 (1) Commitment to the custody of the director of the
15 department of corrections for the rest of the defendant's life
16 with the possibility of parole after serving a minimum term of
17 confinement as determined by the court.
18 (2) Commitment to the custody of the director of the
19 department of corrections for the rest of the defendant's life
20 with the possibility of parole.
21 *b.* In determining which sentence to impose, the court shall
22 consider all circumstances including but not limited to the
23 following:
24 (1) The impact of the offense on each victim, as defined in
25 section 915.10, through the use of a victim impact statement,
26 as defined in section 915.10, under any format permitted by
27 section 915.13. The victim impact statement may include
28 comment on the sentence of the defendant.
29 (2) The impact of the offense on the community.
30 (3) The threat to the safety of the public or any individual
31 posed by the defendant.
32 (4) The degree of participation in the offense by the
33 defendant.
34 (5) The nature of the offense.
35 (6) The defendant's remorse.

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1 (7) The defendant's acceptance of responsibility.
2 (8) The severity of the offense, including any of the
3 following:
4 (a) The commission of the offense while participating in
5 another felony.
6 (b) The number of victims.
7 (c) The heinous, brutal, cruel manner of the offense,
8 including whether the offense involved torture.
9 (9) The capacity of the defendant to appreciate the
10 criminality of the conduct.
11 (10) Whether the ability to conform the defendant's conduct
12 with the requirements of the law was substantially impaired.
13 (11) The level of maturity of the defendant.
14 (12) The intellectual and mental capacity of the defendant.
15 (13) The nature and extent of any prior juvenile delinquency
16 or criminal history of the defendant, including the success or
17 failure of previous attempts at rehabilitation.
18 (14) The mental health history of the defendant.
19 (15) The level of compulsion, duress, or influence exerted
20 upon the defendant, but not to such an extent as to constitute
21 a defense.
22 (16) The likelihood of the commission of further offenses
23 by the defendant.
24 (17) The chronological age of the defendant and the features
25 of youth, including immaturity, impetuosity, and failure to
26 appreciate risks and consequences.
27 (18) The family and home environment that surrounded the
28 defendant.
29 (19) The circumstances of the offense including the extent
30 of the defendant's participation in the conduct and the way the
31 familial and peer pressure may have affected the defendant.
32 (20) The competencies associated with youth, including but
33 not limited to the defendant's inability to deal with peace
34 officers or the prosecution or the defendant's incapacity to
35 assist the defendant's attorney in the defendant's defense.

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(21) The possibility of rehabilitation.

(22) Any other information considered relevant by the sentencing court.

NEW SUBSECTION. 4. If a defendant is paroled pursuant to subsection 2 or 3, the defendant shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and 908, and rules adopted under those chapters for persons on parole.

Sec. 3. Section 903A.2, subsection 5, Code 2015, is amended to read as follows:

5. Earned time accrued by inmates serving life sentences imposed under section 902.1 shall not reduce the life sentence, ~~but~~ or any mandatory minimum sentence imposed under section 902.1, except that earned time accrued shall be credited against the inmate's life sentence if the life sentence is commuted to a term of years under section 902.2, but shall not reduce any mandatory minimum sentence imposed under section 902.1.

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

Sec. 5. APPLICABILITY. The sentencing provisions of this Act shall apply to a person who was convicted of a class "A" felony prior to, on, or after the effective date of this Act and who was under the age of eighteen at the time the offense was committed.

EXPLANATION

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

This bill relates to the commission of a class "A" felony by a person under 18 years of age, and provides penalties.

Current Iowa statutory law provides that a person under 18 years of age who commits a class "A" felony, other than murder in the first degree, shall be eligible for parole after serving a minimum term of confinement of 25 years. Also, under current Iowa statutory law, a person under 18 years of age who commits murder in the first degree must serve a life sentence

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1 without the possibility of parole which equals the sentences
2 of other class "A" felons. However, the United States Supreme
3 Court in Miller v. Alabama, 132 S. Ct. 2455 (2012), has ruled
4 that a mandatory life sentence without the possibility of
5 parole for a person under 18 years of age who commits murder
6 is unconstitutional. In addition, the Iowa Supreme Court in
7 State v. Lyle, 854 N.W.2d 378 (Iowa 2014), ruled that the Iowa
8 Constitution forbids a mandatory minimum sentencing schema for
9 juvenile offenders that deprives the district court of the
10 discretion to consider youth and its attendant circumstances
11 as mitigating factors.
12 The bill provides that a person who commits murder in the
13 first degree and who was under the age of 18 at the time the
14 offense was committed shall be sentenced to serve one of
15 three sentencing options. The first option provides that the
16 court sentence the person to confinement for the rest of the
17 person's life with no possibility of parole unless the governor
18 commutes the sentence to a term of years. The second option
19 provides that the court sentence the person to confinement for
20 the rest of the person's life with the possibility of parole
21 after serving a minimum term of confinement as determined by
22 the court. Under the third option, the court sentences the
23 person to confinement for the rest of the person's life with
24 the possibility of parole.
25 The bill lists numerous circumstances for the court to
26 consider prior to sentencing a person who commits murder in the
27 first degree and who was under the age of 18 at the time the
28 offense was committed.
29 The bill provides that a person who commits a class "A"
30 felony, other than murder in the first degree, and who was
31 under the age of 18 at the time the offense was committed
32 shall be sentenced to serve one of two sentencing options.
33 The first option provides that the court sentence the
34 person to confinement for the rest of the person's life with
35 the possibility of parole after serving a minimum term of

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1 confinement as determined by the court. Under the second
2 option, the court sentences the person to confinement for the
3 rest of the person's life with the possibility of parole.
4 The bill lists numerous circumstances for the court to
5 consider prior to sentencing a person who commits a class "A"
6 felony, other than murder in the first degree, and who was
7 under the age of 18 at the time the offense was committed. This
8 list of circumstances is similar to the list of circumstances
9 the court must consider for a person under the age of 18 who
10 commits murder in the first degree.
11 A person paroled pursuant to the bill is subject to the same
12 set of procedures set out in Code chapters 901B, 905, 906, and
13 908, and rules adopted under those Code chapters for persons
14 on parole.
15 The bill prohibits earned time from reducing any mandatory
16 minimum sentence imposed under Code section 902.1.
17 The bill takes effect upon enactment and applies to a person
18 who was convicted of a class "A" felony prior to, on, or after
19 the effective date of the bill and who was under the age of 18
20 at the time the offense was committed.

Senate File 449 - Introduced

SENATE FILE 449
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 152)

A BILL FOR

1 An Act relating to the procedures and requirements for
2 condemnation of property and for disposition of certain
3 condemned property and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1147SV (3) 86
md/sc

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1 Section 1. Section 6B.2C, Code 2015, is amended to read as
2 follows:
3 **6B.2C Approval of the public improvement.**
4 The authority to condemn is not conferred, and the
5 condemnation proceedings shall not commence, unless the
6 governing body for the acquiring agency approves a preliminary
7 or final route or site location of the proposed public
8 improvement, approves the use of condemnation, and finds that
9 there is a reasonable expectation the applicant will be able
10 to achieve its public purpose, comply with all applicable
11 standards, and obtain the necessary permits.
12 Sec. 2. Section 6B.56, subsection 1, Code 2015, is amended
13 to read as follows:
14 1. If all or a portion of real property condemned pursuant
15 to this chapter is not used for the purpose stated in the
16 application filed pursuant to section 6B.3 and the acquiring
17 agency seeks to dispose of the unused real property, the
18 acquiring agency shall first offer the unused real property for
19 sale to the prior owner of the condemned property as provided
20 in this section. If real property condemned pursuant to this
21 chapter is used for the purpose stated in the application filed
22 pursuant to section 6B.3 and the acquiring agency seeks to
23 dispose of the real property by sale to a private person or
24 entity within five years after acquisition of the property, the
25 acquiring agency shall first offer the property for sale to
26 the prior owner of the condemned property as provided in this
27 section. For purposes of this section, the prior owner of the
28 real property includes the successor in interest of the real
29 property.
30 Sec. 3. Section 6B.56, subsection 2, paragraph a, Code 2015,
31 is amended to read as follows:
32 *a.* Before the real property described in subsection 1
33 may be offered for sale to the general public, the acquiring
34 agency shall notify the prior owner of ~~the~~ such real property
35 ~~condemned~~ in writing of the acquiring agency's intent to

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1 dispose of the real property, of the current appraised value
2 of the real property to be offered for sale, and of the prior
3 owner's right to purchase the real property to be offered for
4 sale within sixty days from the date the notice is served
5 at a price equal to the current appraised value of the real
6 property to be offered for sale or the fair market value of the
7 property to be offered for sale at the time it was acquired by
8 the acquiring agency from the prior owner plus cleanup costs
9 incurred by the acquiring agency for the property to be offered
10 for sale, whichever is less. However, the current appraised
11 value of the real property to be offered for sale shall be the
12 purchase price to be paid by the previous owner if any other
13 amount would result in a loss of federal funding for projects
14 funded in whole or in part with federal funds. The notice sent
15 by the acquiring agency as provided in this subsection shall
16 be filed with the office of the recorder in the county in which
17 the real property is located.
18 Sec. 4. Section 6B.56A, subsection 1, Code 2015, is amended
19 to read as follows:
20 1. When five years have elapsed since property was condemned
21 and all or a portion of the property has not been used for the
22 purpose stated in the application filed pursuant to section
23 6B.3, and the acquiring agency has not taken action to dispose
24 of the unused property pursuant to section 6B.56, the acquiring
25 agency shall, within sixty days, adopt a resolution reaffirming
26 the purpose for which the property will be used or offering the
27 property for sale to the prior owner at a price as provided in
28 section 6B.56. If the resolution adopted approves an offer of
29 sale to the prior owner, the offer shall be made in writing
30 and mailed by certified mail to the prior owner. The prior
31 owner has one hundred eighty days after the offer is mailed to
32 purchase the property from the acquiring agency.
33 Sec. 5. APPLICABILITY. The section of this Act amending
34 section 6B.2C applies to public improvement projects for which
35 an application under section 6B.3 is filed on or after July 1,

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2015.

Sec. 6. APPLICABILITY. The sections of this Act amending sections 6B.56 and 6B.56A apply to public improvement projects for which an application under section 6B.3 is filed before, on, or after July 1, 2015.

EXPLANATION

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

This bill relates to procedures and requirements for condemning property and for disposing of certain condemned property.

The bill amends Code section 6B.2C by specifying that the authority to condemn property is not conferred on an acquiring agency unless the governing body for the acquiring agency first approves a preliminary or final route or site location of the proposed public improvement.

The bill also amends Code sections 6B.56 and 6B.56A relating to the disposition of condemned property by an acquiring agency. The bill specifies that the requirements and procedures for property that has not been used for the purpose stated in the condemnation application, including the requirement for first offering such property for sale to the prior owner, also apply to any portion of the property that has not been used for the purpose stated in the application. The bill also modifies the provisions of Code section 6B.56 that govern the price of the unused real property when offered for sale to the prior owner to specify that such price is to be the amount applicable to the portion of the unused property that is being offered for sale.

The section of the bill amending Code section 6B.2C applies to public improvement projects for which an application for condemnation is filed on or after July 1, 2015.

The sections of the bill amending Code sections 6B.56 and 6B.56A apply to public improvement projects for which an application is filed before, on, or after July 1, 2015.

Senate File 450 - Introduced

SENATE FILE 450
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 312)

A BILL FOR

1 An Act relating to human trafficking and including a penalty
2 provision.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1078SV (2) 86
jh/rj

S.F. 450

1 Section 1. Section 80B.11, subsection 1, paragraph c, Code
2 2015, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (4) In-service training under this
4 paragraph *"c"* shall include the requirement that all law
5 enforcement officers complete four hours of in-service training
6 every five years related to domestic assault, sexual assault,
7 human trafficking, stalking, and harassment. Such in-service
8 training shall be approved by the academy in consultation
9 with the Iowa coalition against sexual assault and the Iowa
10 coalition against domestic violence.
11 Sec. 2. NEW SECTION. **692.23 Human trafficking information.**
12 The division of criminal and juvenile justice planning
13 of the department of human rights shall collect and maintain
14 criminal history data on incidents related to human trafficking
15 in this state, and shall submit an annual report to the general
16 assembly concerning the collected data. For purposes of this
17 section, *"incidents related to human trafficking"* means criminal
18 violations of section 710.5, 710.11, or 710A.2, section 725.1,
19 subsection 2, or section 725.2 or 725.3, or violations of
20 section 710.2, 710.3, or 710.4 if the victim was forced to
21 provide labor or services or participate in commercial sexual
22 activity.
23 Sec. 3. Section 702.11, subsection 1, Code 2015, is amended
24 to read as follows:
25 1. A *"forcible felony"* is any felonious child endangerment,
26 assault, murder, sexual abuse, kidnapping, robbery, arson in
27 the first degree, ~~or~~ burglary in the first degree, or human
28 trafficking.
29 Sec. 4. NEW SECTION. **710A.6 Outreach, public awareness, and**
30 **training programs.**
31 The crime victim assistance division of the department of
32 justice, in cooperation with other governmental agencies and
33 nongovernmental or community organizations, shall develop and
34 conduct outreach, public awareness, and training programs for
35 the general public, law enforcement agencies, first responders,

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1 potential victims, and persons conducting or regularly dealing
2 with businesses or other ventures that have a high statistical
3 incidence of debt bondage or forced labor or services. The
4 programs shall train participants to recognize and report
5 incidents of human trafficking and to suppress the demand that
6 fosters exploitation of persons and leads to human trafficking.
7 Sec. 5. Section 915.94, Code 2015, is amended to read as
8 follows:
9 **915.94 Victim compensation fund.**
10 A victim compensation fund is established as a separate
11 fund in the state treasury. Moneys deposited in the fund
12 shall be administered by the department and dedicated to and
13 used for the purposes of section 915.41 and this subchapter.
14 In addition, the department may use moneys from the fund
15 for the purpose of the department's prosecutor-based victim
16 service coordination, including the duties defined in sections
17 910.3 and 910.6 and this chapter, and for the award of funds
18 to programs that provide services and support to victims of
19 domestic abuse or sexual assault as provided in chapter 236,
20 to victims under section 710A.2, and for the support of an
21 automated victim notification system established in section
22 915.10A. ~~The~~ For each fiscal year, the department may also
23 use up to ~~one~~ three hundred thousand dollars from the fund
24 to provide training for victim service providers, to provide
25 training for related professionals concerning victim service
26 programming, and to provide training to law enforcement
27 officers concerning homicide, domestic assault, sexual assault,
28 stalking, harassment, and human trafficking as required by
29 section 80B.11. Notwithstanding section 8.33, any balance in
30 the fund on June 30 of any fiscal year shall not revert to the
31 general fund of the state.
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 human trafficking and includes a

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1 penalty provision.
2 HUMAN TRAFFICKING TRAINING. The bill requires law
3 enforcement officers to complete four hours of in-service
4 training every five years related to domestic assault,
5 sexual assault, human trafficking, stalking, and harassment.
6 The in-service training must be approved by the Iowa law
7 enforcement academy in consultation with the Iowa coalition
8 against sexual assault and the Iowa coalition against domestic
9 violence.
10 The bill directs the crime victim assistance division of the
11 department of justice, in cooperation with other governmental
12 agencies and nongovernmental or community organizations, to
13 develop and conduct outreach, public awareness, and training
14 programs related to human trafficking. The programs are for
15 the general public, law enforcement agencies, first responders,
16 potential victims, and persons conducting or regularly dealing
17 with businesses that have a high statistical incidence of
18 debt bondage or forced labor or services, and are intended
19 to train participants to recognize and report incidents of
20 human trafficking and to suppress the demand that fosters
21 exploitation of persons and leads to human trafficking.
22 Under current law, the department of justice may use up to
23 $100,000 from the victim compensation fund to provide training
24 to victim service providers. The bill provides that the
25 department of justice may use up to $300,000 each fiscal year
26 to provide training programs to victim service providers, to
27 provide training to related professionals concerning victim
28 service programming, and to provide training concerning
29 homicide, domestic assault, sexual assault, stalking,
30 harassment, and human trafficking.
31 HUMAN TRAFFICKING DATA COLLECTION. The bill requires the
32 division of criminal and juvenile justice planning of the
33 department of human rights to collect and maintain criminal
34 history data on incidents related to human trafficking, and to
35 submit an annual report to the general assembly concerning the

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1 collected data. The bill defines "incidents related to human
2 trafficking" to mean criminal violations of Code section 710.5
3 (child stealing), 710.11 (purchase or sale of individual),
4 710A.2 (human trafficking), 725.1(2) (prostitution), 725.2
5 (pimping), 725.3 (pandering), or violations of Code section
6 710.2 (kidnapping in the first degree), 710.3 (kidnapping in
7 the second degree), or 710.4 (kidnapping in the third degree)
8 if the victim was forced to provide labor or services or
9 participate in commercial sexual activity.
10 DEFINING HUMAN TRAFFICKING AS A FORCIBLE FELONY. The bill
11 amends the definition of "forcible felony" to include human
12 trafficking. "Human trafficking" means participating in a
13 venture to recruit, harbor, transport, supply provisions, or
14 obtain a person for either forced labor or service that results
15 in involuntary servitude, peonage, debt bondage, or slavery, or
16 for commercial sexual activity through the use of force, fraud,
17 or coercion, except that if the trafficked person is under the
18 age of 18, the commercial sexual activity need not involve
19 force, fraud, or coercion. As an offense that is a forcible
20 felony, a person convicted of human trafficking would not be
21 eligible for a suspended or deferred sentence, or a deferred
22 judgment.

Senate File 451 - Introduced

SENATE FILE 451
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1230)

(COMPANION TO LSB 2518HV BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the transfer of jurisdiction from the
2 juvenile court to the district court related to a child in
3 need of assistance case.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2518SV (3) 86
pf/nh

S.F. 451

1 Section 1. NEW SECTION. **232.103A Transfer of jurisdiction**
2 **related to child in need of assistance case — bridge order.**
3 1. The juvenile court may close a child in need of
4 assistance case by transferring jurisdiction over the child's
5 custody, physical care, and visitation to the district court
6 through a bridge order, if all of the following criteria are
7 met:
8 *a.* The child has been adjudicated a child in need
9 of assistance in an active juvenile court case, and a
10 dispositional order in that case is in place.
11 *b.* Paternity of the child has been legally established,
12 including by operation of law due to the individual's marriage
13 to the mother at the time of conception, birth, or at any
14 time during the period between conception and birth of the
15 child, by order of a court of competent jurisdiction, or by
16 administrative order when authorized by state law.
17 *c.* The child is safely placed by the juvenile court with a
18 parent.
19 *d.* There is not a current district court order for custody
20 in place.
21 *e.* The juvenile court has determined that the child in need
22 of assistance case can safely close once orders for custody,
23 physical care, and visitation are entered by the district
24 court.
25 *f.* A parent qualified for a court-appointed attorney in the
26 juvenile court case.
27 2. When the criteria specified in subsection 1 are met, any
28 party to a child in need of assistance proceeding in juvenile
29 court may file a motion with the juvenile court for a bridge
30 order under subsection 1. Such motion shall be set for hearing
31 by the juvenile court no less than thirty days nor more than
32 ninety days from the date of filing the motion. The juvenile
33 court, on its own motion, may set a hearing on the issue of a
34 bridge order if such hearing is set no less than thirty days
35 from the date of notice to the parties.

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1 3. The juvenile court shall designate the petitioner and
2 respondent for the purposes of the bridge order. A bridge
3 order shall only address matters of custody, physical care, and
4 visitation. All other matters, including child support, shall
5 be filed by separate petition or by action of the child support
6 recovery unit, and shall be subject to existing applicable
7 statutory provisions.
8 4. Upon transferring jurisdiction from the juvenile court
9 to the district court, the clerk of court shall docket the
10 case. Filing fees and other court costs shall not be assessed
11 against the parties.
12 5. The district court shall take judicial notice of the
13 juvenile file in any hearing related to the case. Records
14 contained in the district court case file that were copied or
15 transferred from the juvenile court file concerning the case
16 shall be subject to section 232.147 and other confidentiality
17 provisions of this chapter for cases not involving juvenile
18 delinquency, and shall be disclosed, upon request, to the child
19 support recovery unit without a court order.
20 6. Following the issuance of a bridge order, a party may
21 file a petition in district court for modification of the
22 bridge order for custody, physical care, or visitation. If
23 the petition for modification is filed within one year of
24 the filing date of the bridge order, the party requesting
25 modification shall not be required to demonstrate a substantial
26 change of circumstances but instead shall demonstrate that
27 such modification is in the best interest of the child. If
28 a petition for modification is filed within one year of the
29 filing date of the bridge order, filing fees and other court
30 costs shall not be assessed against the parties.
31 7. Nothing in this section shall be construed to require
32 appointment of counsel for the parties in the district court
33 action.
34 EXPLANATION
35 The inclusion of this explanation does not constitute agreement with

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1 the explanation's substance by the members of the general assembly.

2 This bill provides for the issuance of a bridge order to
3 transfer jurisdiction related to a child in need of assistance
4 (CINA) case from the juvenile court to the district court.
5 Under the bill, the juvenile court may close a CINA case by
6 transferring jurisdiction over the child's custody, physical
7 care, and visitation to the district court through a bridge
8 order, if: the child has been adjudicated a CINA in an active
9 juvenile court case, and a dispositional order in that case is
10 in place; paternity of the child has been legally established,
11 including by operation of law, by order of a court of competent
12 jurisdiction, or by administrative order when authorized by
13 state law; the child is safely placed by the juvenile court
14 with a parent; there is not a current district court order for
15 custody in place; the juvenile court has determined that the
16 CINA case can safely close once orders for custody, physical
17 care, and visitation are entered by the district court; and a
18 parent qualified for a court-appointed attorney in the juvenile
19 court case.
20 If all of the criteria specified are met, any party to a
21 CINA proceeding in juvenile court may file a motion with the
22 juvenile court for a bridge order. Such motion is required to
23 be set for hearing no less than 30 days and not more than 90
24 days from the date of filing the motion. The juvenile court,
25 on its own motion, may set a hearing on the bridge order if the
26 hearing is set no less than 30 days from the date of notice to
27 the parties.
28 The bill directs the juvenile court to designate the
29 petitioner and respondent for the bridge order, which is
30 limited to addressing only matters of custody, physical care,
31 and visitation. All other matters, including child support,
32 are to be filed by separate petition or by action of the child
33 support recovery unit (CSRU) and are subject to existing
34 applicable statutory provisions.
35 Upon transferring jurisdiction, the clerk of court is

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1 directed to docket the case. Filing fees and other court
2 costs are not to be assessed against the parties. The bill
3 provides that the district court shall take judicial notice
4 of the juvenile file in any hearing related to the case and
5 provides for confidentiality of the records contained in the
6 district court case file that were copied or transferred from
7 the juvenile court file and for disclosure of the records to
8 the CSRU, upon request, without a court order.
9 The bill provides for modification of the bridge order for
10 issues relating only to custody, physical care, or visitation.
11 If the petition for modification is filed within one year of
12 the filing date of the bridge order, the party requesting
13 modification is not required to demonstrate a substantial
14 change of circumstances, but instead must demonstrate that
15 such modification is in the best interest of the child.
16 Additionally, if a petition for modification is filed within
17 one year of the filing date of the bridge order, filing fees
18 and other court costs are not to be assessed against the
19 parties. Nothing in the bill is to be construed to require
20 appointment of counsel for the parties in the district court
21 action.

Senate File 452 - Introduced

SENATE FILE 452
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1253)

A BILL FOR

1 An Act relating to Medicaid program transformation and
2 oversight.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2591SV (3) 86
pf/nh

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1 Section 1. NEW SECTION. **249A.9 Medicaid transformation and**
2 **oversight commission — findings, goals, and intent.**
3 1. The general assembly finds that state Medicaid program
4 initiatives have consistently advanced the goals of a health
5 care delivery system that improves population health, enhances
6 the experiences and outcomes of patients, reduces the costs of
7 care, and integrates and coordinates services and supports to
8 address social determinants of health. Existing initiatives,
9 including the healthiest state initiative, the balancing
10 incentive program, the Iowa health and wellness plan created
11 pursuant to chapter 249N, and the state innovation models
12 initiative, all reflect these consistent goals. Each of
13 these programs and initiatives has been formulated to realign
14 the health care delivery system to provide whole-person,
15 patient-centered and family-centered care while moving toward a
16 value and risk-based model of reimbursement.
17 2. Legislative involvement and oversight is essential to
18 ensure stakeholder input, consumer protection, and quality
19 assurance in the transformation of the Medicaid program. A
20 transition to a managed care system, especially one that
21 affects vulnerable populations so diverse in medical and
22 functional needs and that involves such a wide spectrum of
23 providers and state agencies, requires intentional planning
24 and attention. The state must also provide for appropriate
25 and adequate infrastructure, resources, and funding to ensure
26 accountability to and compliance with state policy, rules, and
27 contract requirements.
28 3. Given the challenges presented, a Medicaid
29 transformation and oversight commission is created to provide
30 a formal venue for guidance and oversight of and stakeholder
31 engagement in, the design, development, and implementation of
32 Medicaid program transformation.
33 4. *a.* The commission shall include all of the following
34 members:
35 (1) The co-chairpersons and ranking members of the

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1 legislative joint appropriations subcommittee on health
2 and human services, or members of the joint appropriations
3 subcommittee designated by the respective co-chairpersons or
4 ranking members.
5 (2) The chairpersons and ranking members of the
6 human resources committees of the senate and house of
7 representatives, or members of the respective committees
8 designated by the respective chairpersons or ranking members.
9 (3) The chairpersons and ranking members of the
10 appropriations committees of the senate and house of
11 representatives, or members of the respective committees
12 designated by the respective chairpersons or ranking members.
13 *b.* The members of the commission shall receive a per diem as
14 provided in section 2.10.
15 *c.* The commission shall meet at least quarterly, but may
16 meet as often as necessary. The commission may use sources of
17 information deemed appropriate, and the department of human
18 services and other agencies of state government shall provide
19 information to the commission as requested. The legislative
20 services agency shall provide staff support to the commission.
21 *d.* The commission shall select a chairperson, annually, from
22 its membership. A majority of the members of the commission
23 shall constitute a quorum.
24 *e.* The commission may contract for the services of persons
25 who are qualified by education, expertise, or experience to
26 advise, consult with, or otherwise assist the commission in the
27 performance of its duties. The commission may specifically
28 enlist the assistance of entities such as the university of
29 Iowa public policy center to provide ongoing evaluation of the
30 Medicaid program and to make evidence-based recommendations to
31 improve the program.
32 5. The commission shall do all of the following:
33 *a.* Provide overall long-term and real-time guidance for the
34 Medicaid program including but not limited to:
35 (1) Developing a strategic plan to provide a predictable

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1 guide for transformation prior to any transition. The
2 strategic plan shall address health care delivery and payment
3 reforms that reflect a holistic, integrated, patient-centered
4 and family-centered, primary care-focused, value-based model
5 and extend beyond a medical model to address the social
6 determinants of health.
7 (2) Reviewing, recommending, and approving the design,
8 development, and implementation of all initiatives under the
9 Medicaid program, and making additional recommendations for
10 Medicaid program reform.
11 (3) Monitoring progress in obtaining federal approval of
12 proposals such as those relating to benefit design, service
13 delivery, payment reform, and quality and cost containment
14 measures.
15 (4) Reviewing other states' models of health care delivery
16 and payment reform and specifically those related to Medicaid
17 managed care to determine best practices and inform future
18 state Medicaid program initiatives.
19 (5) Ensuring that at each stage of transformation, existing
20 models, provider networks, reimbursement methodologies,
21 and performance and quality metrics are integrated into the
22 subsequent stage to provide consistency and reliability.
23 (6) Ensuring that the state has a clearly articulated
24 vision for the Medicaid program, which is reflected in contract
25 expectations, oversight, incentives, and penalties under the
26 program.
27 (7) Assessing state agencies including those involved
28 in the Medicaid program, child welfare, aging and disability
29 services, and public health to articulate clear roles and
30 responsibilities and to promote state program interoperability.
31 (a) The commission shall review and make recommendations
32 regarding potential integration of various service delivery
33 systems including public health, aging and disability services
34 agencies, and mental health and disability services regions to
35 more efficiently and effectively address consumer needs.

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1 (b) The commission shall ensure that state agencies provide
2 leadership and have the appropriate organizational structures,
3 adequate resources and funding, and qualified staff with
4 specialized skills, training, and expertise to provide the
5 level of expertise and scrutiny required to administer and
6 oversee the various transformation initiatives, including those
7 related to Medicaid managed care.
8 (8) Ensuring that state Medicaid managed care initiatives
9 comply with the guidance to states using 1115 demonstrations
10 or 1915(b) waivers for managed long-term services and supports
11 programs published by the centers for Medicare and Medicaid
12 services of the United States department of health and human
13 services on May 20, 2013, including those relating to adequate
14 planning, stakeholder engagement, enhanced provision of home
15 and community-based services, alignment of structures and
16 goals, support for beneficiaries, a person-centered process, a
17 comprehensive, integrated service package, qualified providers,
18 consumer protections, and quality.
19 (9) Reviewing the performance under and outcomes of
20 contracts including but not limited to those between the
21 state and the Iowa Medicaid enterprise and managed care
22 organizations, to determine compliance.
23 (10) Ensuring that the various Medicaid populations are
24 managed at all times within funding limitations and contract
25 terms. The commission shall also monitor service delivery
26 and utilization to ensure the responsibility for provision of
27 services to Medicaid consumers is not shifted to non-Medicaid
28 covered services solely to attain savings, and that such
29 responsibility is not shifted to mental health and disability
30 services regions, local public health agencies, aging and
31 disability resource centers, or other entities unless agreement
32 to provide, and provision for adequate compensation for, such
33 services is agreed to in advance.
34 *b.* Address provider access and workforce adequacy issues.
35 (1) As the state moves toward integration of long-term

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1 services and supports into Medicaid managed care, the
2 commission shall provide for a comprehensive review of
3 long-term services and supports and make recommendations to
4 create a sustainable, person-centered approach that increases
5 health and life outcomes, supports maximum independence,
6 addresses medical and social needs in a coordinated, integrated
7 manner, and provides for sufficient resources including a
8 stable, well-qualified workforce.
9 (a) The commission shall provide a forum for open and
10 constructive dialogue among stakeholders representing
11 individuals involved in the delivery and financing of long-term
12 services and supports, address the cost and financing of
13 long-term services and supports, the coordination of services
14 among providers, and the availability of and access to a
15 well-qualified workforce, and consider methods to educate
16 consumers and enhance engagement of consumers in the broader
17 conversation regarding long-term services and supports.
18 (b) The commission shall recommend ways to eliminate Iowa's
19 institutional bias and come into full compliance with the
20 Olmstead decision.
21 (2) The commission shall review current and projected
22 overall health care workforce availability to determine
23 the most efficient utilization of the roles, functions,
24 responsibilities, activities, and decision-making capacity
25 of health care professionals and make recommendations for
26 improvement. The commission shall encourage the use of
27 alternative modes of health care delivery, as appropriate.
28 (3) The commission shall ensure the linguistic and cultural
29 competency of providers and other program facilitators.
30 *c.* Provide for consumer engagement, address consumer
31 choice and satisfaction, and provide for consumer appeal and
32 grievance procedures. The commission shall provide for input
33 from the medical assistance advisory council created in section
34 249A.4B, the mental health and disabilities services commission
35 created in section 225C.5, the commission on aging created

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1 in section 231.11, the medical home system advisory council
2 created in section 135.159, the bureau of substance abuse of
3 the department of public health, and other appropriate entities
4 to provide advice to the commission.
5 *d.* Review and make recommendations regarding reimbursement
6 and rate setting to ensure adequate compensation for all
7 providers of services and supports to the Medicaid population,
8 an adequate provider network, and timely access to services for
9 consumers.
10 *e.* Define the desired outcomes and the metrics by which
11 improvement is determined. The commission shall provide for
12 consistency and uniformity of metrics and required outcomes
13 across payors and providers to the greatest extent possible.
14 *f.* Ensure that care coordination and case management are
15 provided in a patient-centered and family-centered manner that
16 requires a knowledge of community supports, a reasonable ratio
17 of care coordinators to consumers, standards for frequency
18 of contact with the consumer, and specific and adequate
19 reimbursement.
20 *g.* Address health information technology and data collection
21 and sharing.
22 6. The commission shall submit a report of its findings
23 and recommendations to the governor and the general assembly
24 by January 15, annually.
25 Sec. 2. TRANSITION TO MEDICAID MANAGED CARE ——
26 DIRECTIVES. In order to ensure a seamless transition of
27 Medicaid consumers to Medicaid managed care, all of the
28 following circumstances shall be considered and all of the
29 following conditions shall be met in any design, development,
30 or implementation of Medicaid managed care on or after March
31 1, 2015:
32 1. The state shall engage in a thoughtful and deliberative
33 planning process that permits sufficient time to outline a
34 clear vision for the program, solicit and consider stakeholder
35 input, educate program consumers, assess readiness, and

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1 develop safeguards and oversight mechanisms to ensure a
2 smooth transition to and effective ongoing implementation of
3 Medicaid managed care. The movement to Medicaid managed care
4 shall retain an emphasis on choice, consumer-driven care and
5 services, a community-based infrastructure, and promotion of
6 community-based alternatives. The state shall demonstrate
7 that systems and processes are in place between state agencies
8 to support the populations enrolled in Medicaid managed care
9 such as elders, persons with physical, intellectual, and
10 developmental disabilities, persons with chronic diseases, and
11 persons with mental health or substance abuse issues.
12 2. a. Prior to the transition to Medicaid managed care
13 of any population, and especially to ensure that high-risk
14 populations are provided continuity of care and do not
15 experience gaps in coverage or access to care issues, the state
16 shall perform a readiness assessment to ensure that managed
17 care organizations are in compliance with network adequacy
18 requirements, that necessary consumer and provider outreach and
19 education has been conducted, and that programmatic gaps have
20 been identified prior to the system becoming operational.
21 b. A managed care contract shall include a provision
22 for continuity and coordination of care for a consumer
23 transitioning to managed care, including maintaining existing
24 provider-consumer relationships and honoring the amount and
25 duration of an individual's authorized services under an
26 existing service plan, based on individual assessment and
27 needs. In the initial transition of a consumer to Medicaid
28 managed care, to ensure the least amount of disruption, managed
29 care organizations shall provide, at a minimum, a one-year
30 transition of care period for all provider types, regardless of
31 network status with an individual managed care organization.
32 c. The state shall ensure that if an individual is
33 auto-enrolled in a Medicaid managed care plan, there are
34 sufficient staff and safeguards available to ensure continuity
35 of care for the consumer through the consumer's existing

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1 provider.
2 d. The state shall administratively credential existing
3 Medicaid providers, rather than requiring such providers to
4 complete a new credentialing process, to ensure a seamless
5 transition to the new managed care system and to ensure rapid
6 development of managed care provider networks.
7 e. The state shall retain external managed care experts to
8 guide patient transition, system implementation, and oversight
9 until the department of human services is able to develop the
10 internal staff capacity to confidently operate independently.
11 Such external experts shall be selected through a request for
12 proposals process and the state shall ensure that such experts
13 are not affiliated with any of the managed care organizations
14 selected in order to provide unbiased and appropriate guidance.
15 3. a. The state shall establish a specific, enforceable
16 process to ensure managed care organizations grievance and
17 appeals procedures are fully accessible to patients regardless
18 of physical, intellectual, behavioral, or sensory barriers.
19 b. Managed care contracts shall include consumer
20 protections including a statement of consumer rights and
21 responsibilities, a critical incident management system with
22 safeguards to prevent abuse, neglect, and exploitation, and
23 fair hearing protections including the continuation of services
24 during an appeal.
25 c. Managed care organization contracts shall include
26 provider appeals and grievance procedures that in part allow a
27 provider to file a grievance independently but on behalf of a
28 member and to appeal claims denials which, if determined to be
29 based on claims for medically necessary services whether or not
30 denied on an administrative basis, shall receive appropriate
31 payment.
32 4. a. The state shall utilize public forums, public input
33 surveys, stakeholder workgroup sessions, and other effective
34 formal channels for stakeholder engagement in the design,
35 development, and implementation of Medicaid managed care. The

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1 state shall utilize the medical assistance advisory council
2 established pursuant to section 249A.4B to provide a forum
3 for oversight of managed care organizations and to advise the
4 department regarding systemic issues identified by the council.
5 b. Managed care organizations shall maintain stakeholder
6 panels comprised of an equal number of consumers and providers
7 in place at least thirty days prior to the transition to
8 managed care. Managed care organizations shall provide for
9 separate provider-specific panels to address detailed payment
10 and claims issues and grievance and appeals processes.
11 5. a. The state shall ensure that a managed care
12 organization develops and maintains a network of qualified
13 providers who meet state licensing, credentialing, and
14 certification requirements, as applicable, which network shall
15 be sufficient to provide adequate access to all services
16 covered under the managed care contract. The state shall
17 ensure that managed care organizations incorporate existing and
18 traditional providers, including but not limited to those that
19 comprise the Iowa collaborative safety net provider network
20 created in section 135.153.
21 b. Managed care contracts shall specify provider network
22 composition and access requirements including continuity of
23 care provisions and rules for when and how consumers may
24 access out-of-network providers. Managed care plans shall
25 provide reports of compliance with state network composition
26 and access standards and the state shall include financial
27 incentives and disincentives as management tools to support
28 state expectations.
29 c. The state shall review managed care organization
30 credentialing processes to provide consistency across such
31 organizations and to simplify and streamline the credentialing
32 process.
33 d. The state shall ensure that management of care for the
34 population served is consumer-driven, patient-focused and
35 family-focused, and provider-led.

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1 e. The state shall monitor and enforce access standards
2 to ensure that consumers are able to access appropriate care
3 as close to their own homes as possible. The state shall
4 review, at least quarterly, network adequacy compliance and
5 require the dissemination of easily accessible and updated
6 provider directories to ensure consumers have the most accurate
7 information possible regarding the number, location, type, and
8 current capacity of providers contracted with the individual
9 managed care organization. The state shall ensure that
10 noncompliance results in swift corrective action.
11 f. The state shall require managed care plans to remove
12 administrative barriers to, provide reimbursement for,
13 and utilize emerging technologies such as e-health, mobile
14 technologies, and telehealth in health care delivery in a
15 medically appropriate manner in order to expand access to
16 services and extend the reach of approved provider networks
17 into rural and underserved areas of the state. Reimbursement
18 for telehealth shall be at the same rate as in-person services.
19 Reimbursable activities shall include store and forward
20 consultation, direct-to-consumer virtual care, telehealth
21 visits, home-based monitoring, and telehealth monitoring in
22 long-term care facilities.
23 g. The state shall require managed care organizations to
24 implement tools and strategies that support community-level
25 system integration between acute care, long-term services and
26 supports, and community-level agencies and organizations to
27 further population health goals.
28 6. a. (1) The state shall require managed care
29 organizations to align economic incentives, delivery system
30 reform, and performance and outcome metrics with those of the
31 state innovation models initiative and Medicaid accountable
32 care organizations.
33 (2) The state shall develop a common, uniform set of
34 process, quality, and consumer satisfaction measures across
35 all Medicaid payors and providers that align with those

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1 developed through the state innovation models initiative and
2 shall ensure that such measures are expanded and adjusted to
3 address additional populations and to meet population health
4 objectives. Measures considered may include but are not
5 limited to those related to consumer education, transition
6 to and ongoing implementation of managed care, monitoring
7 and oversight, consumer input and rights, network adequacy
8 and access to care including services that address social
9 determinants of health, the provision of preventive services
10 and supports as well as those that address chronic conditions,
11 continuity of care, long-term services and supports, provider
12 standards, and evaluation and quality measures.
13 (3) Any quality data collected regarding provider
14 performance shall be shared with providers for review and input
15 prior to dissemination to consumers.
16 b. Managed care contracts shall include long-term
17 performance goals that reward success in achieving population
18 health goals such as improved community health metrics.
19 c. The state shall require consistency and uniformity
20 of processes and forms across all managed care organizations
21 including but not limited to the use of uniform cost and
22 quality reporting and uniform prior authorization procedures.
23 7. The state shall require the provision of independent
24 choice counseling, education, functional assessment, and
25 enrollment and disenrollment from a managed care plan by
26 an entity free of conflicts. The state shall ensure an
27 independent advocate is available to assist consumers in
28 navigating the Medicaid managed care landscape, understanding
29 their rights, responsibilities, choices, and opportunities,
30 and helping to resolve any problems that arise between the
31 consumer and the managed care organization. Unless such an
32 entity declines, as applicable to the population of consumers,
33 the aging and disability resource centers and the long-term
34 care ombudsman shall provide such independent, conflict-free
35 services in an accessible, ongoing, and consumer-friendly

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1 manner, and shall be provided adequate resources and
2 reimbursement for provision of such services.
3 7A. a. Managed care organization contracts shall
4 specifically and appropriately address the unique needs of
5 children and children's health care delivery.
6 b. Managed care organizations shall maintain child health
7 panels that include representatives of child health, welfare,
8 policy, and advocacy organizations in the state that address
9 child health and child well-being.
10 c. Managed care organization contracts that apply
11 to children's health care delivery shall address early
12 intervention and prevention strategies, the provision of a
13 child health delivery infrastructure for children with special
14 health care needs, utilization of current standards and
15 guidelines for children's health care and pediatric-specific
16 screening and assessment tools, the inclusion of pediatric
17 specialty providers in the provider network, and the
18 utilization of health homes for children and youth with special
19 health care needs including intense care coordination and
20 family support and access to a professional family-to-family
21 support system.
22 d. Managed care organization contracts that apply
23 to children's health care delivery shall utilize
24 pediatric-specific quality measures, which shall align
25 with existing pediatric-specific measures as determined in
26 consultation with the child health panel.
27 8. The state shall require the use of a uniform,
28 standardized, person-centered, and state-approved instruments
29 to assess a consumer's physical, psychosocial, and functional
30 needs, including current health status and treatment needs;
31 social, employment, and transportation needs and preferences;
32 personal goals; consumer and caregiver preferences for
33 care; back-up plans for situations in which caregivers are
34 unavailable; and informal networks. The state shall approve a
35 pediatric-specific assessment tool and quality measures. The

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1 information collected from these assessments shall be used to
2 identify health risks and social determinants of health that
3 impact health outcomes. Plans and providers shall use this
4 data in care coordination and interventions to improve patient
5 outcomes and to drive program designs that improve the health
6 of the population. Managed care organizations shall share
7 aggregate assessment data for consumers with providers on a
8 routine basis.
9 9. The state shall establish guidelines for care
10 coordination across managed care organizations to ease
11 administrative burdens on providers and help streamline
12 access to care. Coordinated care shall utilize the team-based
13 care model by connecting a Medicaid consumer to a single
14 primary care provider. The state shall require managed care
15 organizations to coordinate data sharing and analytics across
16 providers to facilitate care coordination. A managed care plan
17 shall provide for identification of the care coordination needs
18 of a consumer including those related to social determinants of
19 health, ensure that appropriate care coordination services are
20 provided, and provide evidence on an ongoing basis to the state
21 that both have occurred.
22 10. The state shall review and integrate the activities of
23 state agencies, including those agencies with public health,
24 child welfare, aging and disabilities, and ombudsman functions
25 to ensure there is no wrong door for consumers to access the
26 medical and social services and supports necessary for improved
27 outcomes. Managed care organizations shall provide or ensure
28 that consumers are connected with or referred to providers
29 and services to meet social determinants of health, even if
30 provision of services is outside their provider network.
31 Managed care contracts shall encourage partnerships between
32 managed care organizations and local public health agencies,
33 aging and disability resource centers, child welfare agencies,
34 mental health and disability services regions, and others to
35 address the holistic needs of the consumer and shall provide

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1 for adequate reimbursement for such services.
2 11. a. Managed care plans shall include policies, plans,
3 and procedures to prepare consumers for transitions between
4 care settings to improve the quality of care for all consumers,
5 reduce avoidable rehospitalizations, and allow individuals to
6 live and receive services in the setting of their choice.
7 b. The state shall require managed care organizations
8 to have in place nursing facility diversion programs. The
9 state shall provide for the use of incentives in managed care
10 contracts for transition of consumers from a nursing facility
11 to home and community-based services.
12 12. The state shall ensure a sufficient and sustainable
13 state infrastructure for monitoring managed care organizations.
14 There shall be sufficient resources for the state to evaluate
15 contractually required quality reports and financial reports,
16 evaluate the impact or effectiveness of incentive programs,
17 conduct quality-focused audits, provide quality-related
18 technical assistance, validate that managed care organization
19 corrective actions have been implemented, analyze quality
20 findings and develop reports to assess quality trends and
21 to identify areas for improvement, develop, implement, and
22 evaluate performance improvement projects, solicit and analyze
23 consumer feedback, and investigate and follow up on critical
24 incident events.
25 13. Managed care contracts shall require that a portion
26 of the savings achieved by a managed care organization be
27 reinvested in innovations and longer-term community investments
28 to address population health, infrastructure, the healthcare
29 workforce, and improved service delivery and capacity.
30 14. a. The state shall ensure that savings achieved
31 through Medicaid managed care does not come at the expense
32 of further reduction in already inadequate provider rates.
33 The state shall ensure that managed care organizations use
34 reasonable reimbursement standards for all provider types and
35 compensate providers for covered services at not less than

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1 current Medicaid fee-for-service levels, as determined in
2 conjunction with actuarially sound rate setting procedures.
3 Such reimbursement shall extend for the entire duration of a
4 managed care organization's contract.
5 b. The state shall address rate setting and reimbursement
6 of the entire scope of services provided under the Medicaid
7 program to ensure the adequacy of the provider network and to
8 ensure that providers that contribute to the holistic health
9 of the consumer, whether inside or outside of the provider
10 network, are compensated for their services.
11 c. The state shall ensure that managed care organizations do
12 not arbitrarily deny coverage for medically necessary services
13 solely based on financial reasons.
14 15. a. In order to provide adequate access to care for
15 vulnerable Iowans, managed care organizations shall extend
16 nonemergency transportation services to all consumers.
17 b. The state shall ensure that dental coverage, if not
18 integrated into an overall managed care contract, is provided
19 and is part of the overall integrated coverage for physical,
20 behavioral, and long-term services and supports provided to a
21 Medicaid consumer.
22 c. The state shall ensure that the existing formulary for
23 pharmacy benefits under the Medicaid state plan is honored and
24 continued.
25 d. Managed care plans shall ensure consumers receive
26 services and supports in the amount, duration, scope, and
27 manner as identified through the applicable person-centered
28 assessment and service planning process.
29 e. The state shall ensure that for those populations
30 for whom Medicaid home and community-based services waiver
31 services have been historically provided, managed care
32 organizations address with specific plans the expansion,
33 support, reinvestment of savings in, and adequate reimbursement
34 of community-based services and supports.
35 16. a. The state shall utilize the application of

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1 liquidated damages in contracts to be paid from moneys other
2 than those paid by the state to hold managed care organizations
3 accountable regarding such provisions as timely claims
4 processing and claims payment accuracy, compliance with
5 licensure and background check requirements, timely provision
6 of an approved service, continuation of benefits pending
7 appeal, timely development of a plan of care, initiation
8 of long-term services and supports, and completion of care
9 coordination contacts.
10 b. The state shall review and approve or deny approval
11 for contract amendments on an ongoing basis to provide for
12 continuous improvement in Medicaid managed care.
13 c. Medicaid managed care organization contracts shall
14 include sanctions for failure to comply with the terms of
15 a contract, including failure relating to performance or
16 deliverables including meeting of performance and outcomes
17 measures. Such sanctions may include but are not limited to
18 assessment of a penalty or assessment of liquidated damages or
19 other monetary remedies.
20 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
21 immediate importance, takes effect upon enactment.
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 Medicaid program transformation.
26 The bill establishes the Medicaid transformation and
27 oversight commission, to provide for legislative involvement
28 and oversight and ensure stakeholder input, consumer
29 protection, and quality assurance in the transformation of the
30 Medicaid program. The membership of the commission consists
31 of the co-chairpersons and ranking members of the legislative
32 joint appropriations subcommittee on health and human services,
33 or a member of the joint appropriations subcommittee designated
34 by the respective co-chairperson or ranking member; the
35 chairpersons and ranking members of the human resources

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1 committees of the senate and house of representatives, or a
2 member of the respective committee designated by the respective
3 chairperson or ranking member; and the chairpersons and
4 ranking members of the appropriations committees of the senate
5 and house of representatives, or a member of the respective
6 committee designated by the respective chairperson or ranking
7 member. The bill provides that the members are to receive
8 a per diem, and that the commission shall meet at least
9 quarterly, but may meet as necessary. The commission may use
10 sources of information deemed appropriate, and the department
11 of human services and other agencies of state government are
12 required to provide information to the commission as requested.
13 The legislative services agency will provide staff support to
14 the commission. The commission is to select a chairperson,
15 annually, from its membership and a majority of the members
16 of the commission constitute a quorum. The bill authorizes
17 the commission to contract for the services of persons who are
18 qualified by education, expertise, or experience to advise,
19 consult with, or otherwise assist the commission in the
20 performance of its duties, and provides that the commission
21 may specifically enlist the assistance of entities such as the
22 university of Iowa public policy center to provide ongoing
23 evaluation of the Medicaid program and to make evidence-based
24 recommendations to improve the program.
25 The bill specifies the duties of the commission including:
26 to provide overall long-term and real-time guidance for the
27 Medicaid program, addressing provider access and workforce
28 adequacy, providing for consumer engagement, addressing
29 consumer choice and satisfaction, and providing for consumer
30 appeal and grievance procedures; reviewing and making
31 recommendations regarding reimbursement and rate setting to
32 ensure adequate compensation for all providers of services
33 and supports to the Medicaid population, an adequate provider
34 network, and timely access to services for consumers; defining
35 the desired outcomes and the metrics by which improvement is

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1 determined; ensuring that care coordination and case management
2 are provided in a patient-centered manner; and addressing
3 health information technology and data collection and sharing.
4 The commission is required to submit a report of findings and
5 recommendations to the governor and the general assembly by
6 January 15, annually.
7 The bill also specifies directives for the transition to
8 Medicaid managed care. The directives relate to overall
9 policy and planning, transition of Medicaid members to
10 managed care, appeals and grievance procedures, consumer
11 protections, stakeholder input, provider networks and access,
12 uniform processes, conflict-free consumer choice, education,
13 enrollment and disenrollment, care coordination, state agency
14 readiness and infrastructure, the use of savings by managed
15 care organizations, health care delivery alternatives,
16 required benefits, metrics and outcomes, and penalties for
17 noncompliance.

Senate File 453 - Introduced

SENATE FILE 453
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1021)

A BILL FOR

1 An Act relating to the board of pharmacy, including nonresident
2 pharmacy and outsourcing facility licensure, pharmacist
3 supervision of pharmacy technicians, alternate board
4 members, and enforcement authority.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1217SV (2) 86
tr/nh

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1 Section 1. Section 147.107, subsection 2, paragraph a, Code
2 2015, is amended to read as follows:
3 *a.* A pharmacist, physician, dentist, or podiatric physician
4 who dispenses prescription drugs, including but not limited
5 to controlled substances, for human use, may delegate
6 nonjudgmental dispensing functions to staff assistants only
7 when verification of the accuracy and completeness of the
8 dispensing is determined by the pharmacist or practitioner
9 in the pharmacist's or practitioner's physical presence.
10 However, the physical presence requirement does not apply
11 when a pharmacist or practitioner is utilizing an automated
12 dispensing system; ~~or~~ when a pharmacist is utilizing a
13 tech-check-tech program, as defined in section 155A.3; or when
14 a pharmacist is remotely supervising a certified pharmacy
15 technician practicing at a telepharmacy site approved by the
16 board of pharmacy. When using an automated dispensing system
17 the pharmacist or practitioner shall utilize an internal
18 quality control assurance plan that ensures accuracy for
19 dispensing. When using a tech-check-tech program or when
20 remotely supervising a certified pharmacy technician practicing
21 at an approved telepharmacy site, the pharmacist shall utilize
22 an internal quality control assurance plan, in accordance
23 with rules adopted by the board of pharmacy, that ensures
24 accuracy for dispensing. Verification of automated dispensing,
25 ~~and~~ tech-check-tech, and telepharmacy practice accuracy and
26 completeness remains the responsibility of the pharmacist or
27 practitioner and shall be determined in accordance with rules
28 adopted by the board of pharmacy, the board of medicine, the
29 dental board, and the board of podiatry for their respective
30 licensees.
31 Sec. 2. Section 155A.3, Code 2015, is amended by adding the
32 following new subsection:
33 NEW SUBSECTION. 40A. *"Telepharmacy"* means the practice of
34 pharmacy via telecommunications as provided by the board by
35 rule.

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Sec. 3. Section 155A.13A, Code 2015, is amended to read as follows:

155A.13A Nonresident pharmacy license — required, renewal, discipline.

1. *License required.* A pharmacy located outside of this state ~~which~~ that delivers, dispenses, or distributes by any method, prescription drugs or devices to an ultimate user in this state shall obtain a nonresident pharmacy license from the board. The board shall make available an application form for a nonresident pharmacy license and shall require such information it deems necessary to fulfill the purposes of this section. A nonresident pharmacy shall do all of the following in order to obtain a nonresident pharmacy license from the board:

a. Submit a completed application form and an application fee as determined by the board.

b. Submit evidence of possession of a valid pharmacy license, permit, or registration ~~as a pharmacy in compliance with the laws of the state in which it is located, a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which it is located, and evidence of compliance with all legal directions and requests for information issued by the regulatory or licensing agency of the state in which it is located~~ issued by the home state licensing authority.

c. (1) ~~Submit a list of the names, titles, and locations of all principal owners, partners, or officers of the nonresident pharmacy, all pharmacists employed by the nonresident pharmacy who deliver, dispense, or distribute by any method prescription drugs to an ultimate user in this state, and of the pharmacist in charge of the nonresident pharmacy. A nonresident pharmacy shall update the list within thirty days of any addition, deletion, or other change to the list.~~ Submit an inspection report that satisfies all of the following requirements:

(a) Less than two years have passed since the date of

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1 inspection.
2 (b) The inspection occurred while the pharmacy was in
3 operation. An inspection prior to the initial opening of the
4 pharmacy shall not satisfy this requirement.
5 (c) The inspection report addresses all aspects of the
6 pharmacy's business that will be utilized in Iowa.
7 (d) The inspection was performed by or on behalf of the home
8 state licensing authority, if available.
9 (e) The inspection report is the most recent report
10 available that satisfies the requirements of this paragraph
11 *"c"*.
12 (2) If the home state licensing authority has not conducted
13 an inspection satisfying the requirements of this paragraph
14 *"c"*, the pharmacy may submit an inspection report from the
15 national association of boards of pharmacy's verified pharmacy
16 program, or the pharmacy may submit an inspection report from
17 another qualified entity if preapproved by the board, if the
18 inspection report satisfies all of the other requirements of
19 this paragraph *"c"*.
20 (3) The board may recover from a nonresident pharmacy, prior
21 to the issuance of a license or renewal, the costs associated
22 with conducting an inspection by or on behalf of the board
23 for purposes of satisfying the requirement in subparagraph
24 (1), subparagraph division (d). In addition, the nonresident
25 pharmacy shall submit evidence of corrective actions for all
26 deficiencies noted in the inspection report and shall submit
27 evidence of compliance with all legal directives of the home
28 state regulatory or licensing authority.
29 *d.* Submit evidence that the nonresident pharmacy maintains
30 records of the controlled substances delivered, dispensed, or
31 distributed to ultimate users in this state.
32 *e.* Submit evidence that the nonresident pharmacy provides~~,~~
33 ~~during its regular hours of operation for at least six days~~
34 ~~and for at least forty hours per week,~~ a toll-free telephone
35 service ~~to facilitate communication between ultimate users in~~

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1 ~~this state and~~, the telephone number of which is printed on the
2 label affixed to each prescription dispensed or distributed
3 in Iowa, that allows patients to speak with a pharmacist who
4 has access to ~~the ultimate user's~~ patient records ~~in the~~
5 ~~nonresident pharmacy, and that the toll-free number is printed~~
6 ~~on the label affixed to each container of prescription drugs~~
7 ~~delivered, dispensed, or distributed in this state~~ at least six
8 days per week for a total of at least forty hours.
9 2. *Pharmacist license requirement.* The pharmacist who is
10 the pharmacist in charge of the nonresident pharmacy shall
11 be designated as such on the nonresident pharmacy license
12 application or renewal. Any change in the pharmacist in charge
13 shall be reported to the board within ten days of the change.
14 The pharmacist in charge must be registered, not licensed,
15 according to rules established by the board of pharmacy.
16 ~~2.~~ 3. *License renewal.* A nonresident pharmacy shall renew
17 its license on or before January 1 annually. In order to renew
18 a nonresident pharmacy license, a nonresident pharmacy shall
19 submit a ~~renewal~~ completed application and fee as determined
20 by the board, and shall fulfill all of the requirements of
21 subsection 1~~, paragraphs "b" through "e"~~. A nonresident
22 pharmacy shall pay an additional fee for late renewal as
23 determined by the board.
24 4. *License denial.* The board shall refuse to issue
25 a nonresident pharmacy license for failure to meet the
26 requirements of subsection 1. The board may refuse to issue
27 or renew a license for any grounds under which the board
28 may impose discipline. License or renewal denials shall be
29 considered contested cases governed by chapter 17A.
30 ~~3.~~ 5. *Discipline.* The board may ~~deny~~ fine, suspend, ~~or~~
31 revoke, or impose other disciplinary sanctions on a nonresident
32 pharmacy license for any ~~violation of this section, section~~
33 ~~155A.15, subsection 2, paragraph "a", "b", "d", "e", "f", "g",~~
34 ~~"h", or "i", chapter 124, 124A, 124B, 126, or 205, or a rule of~~
35 ~~the board.~~ of the following:

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1 *a.* Any violation of the federal Food, Drug, and Cosmetic Act
2 or federal regulations promulgated under the Act. A warning
3 letter issued by the United States food and drug administration
4 shall be conclusive evidence of a violation.
5 *b.* Any conviction of a crime related to prescription drugs
6 or the practice of pharmacy committed by the nonresident
7 pharmacy, pharmacist in charge, or individual owner, or if the
8 pharmacy is an association, joint stock company, partnership,
9 or corporation, by any managing officer.
10 *c.* Refusing access to the pharmacy or pharmacy records to an
11 agent of the board for the purpose of conducting an inspection
12 or investigation.
13 *d.* Any violation of this chapter or chapter 124, 124A, 124B,
14 126, or 205, or rule of the board.
15 Sec. 4. NEW SECTION. **155A.13C Outsourcing facility license**
16 **— renewal, cancellation, denial, discipline.**
17 1. *License required.* Any compounding facility that is
18 registered as an outsourcing facility, as defined in 21
19 U.S.C. §353b, that distributes sterile compounded human
20 drug products without a patient-specific prescription to an
21 authorized agent or practitioner in this state shall obtain an
22 outsourcing facility license from the board prior to engaging
23 in such distribution. If an outsourcing facility dispenses
24 prescription drugs pursuant to patient-specific prescriptions
25 to patients in Iowa, the outsourcing facility shall obtain and
26 maintain a valid Iowa pharmacy license or Iowa nonresident
27 pharmacy license under this chapter. The board shall make
28 available an application form for an outsourcing facility
29 license and shall require such information it deems necessary
30 to fulfill the purposes of this section. An outsourcing
31 facility shall do all of the following in order to obtain an
32 outsourcing facility license from the board:
33 *a.* Submit a completed application form and application fee
34 as determined by the board.
35 *b.* Submit evidence of possession of a valid registration as

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1 an outsourcing facility with the United States food and drug
2 administration.
3 *c.* If one or more inspections have been conducted by the
4 United States food and drug administration in the five-year
5 period immediately preceding the application, submit a copy
6 of any correspondence from the United States food and drug
7 administration as a result of the inspection, including but
8 not limited to any form 483s, warning letters, or formal
9 responses, and all correspondence from the applicant to the
10 United States food and drug administration related to such
11 inspections, including but not limited to formal responses and
12 corrective action plans. In addition, the applicant shall
13 submit evidence of correction of all deficiencies discovered in
14 such inspections and evidence of compliance with all directives
15 from the United States food and drug administration.
16 *d.* Submit evidence that the supervising pharmacist, as
17 described in 21 U.S.C. §353b(a), holds a valid pharmacist
18 license in the state in which the facility is located and that
19 such license is in good standing.
20 2. *License renewal.* An outsourcing facility shall renew
21 its license on or before January 1 annually. In order to renew
22 an outsourcing facility license, an outsourcing facility shall
23 submit a completed application and fee as determined by the
24 board, and shall fulfill all of the requirements of subsection
25 1. An outsourcing facility shall pay an additional fee for
26 late renewal as determined by the board.
27 3. *License cancellation.* If a facility ceases to be
28 registered as an outsourcing facility with the United States
29 food and drug administration, the facility shall notify the
30 board in writing and shall surrender its Iowa outsourcing
31 facility license to the board within thirty days of such
32 occurrence. Upon receipt, the board shall administratively
33 cancel the outsourcing facility license.
34 4. *License denial.* The board shall refuse to issue
35 an outsourcing facility license for failure to meet the

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1 requirements of subsection 1. The board may refuse to issue
2 or renew a license for any grounds under which the board
3 may impose discipline. License or renewal denials shall be
4 considered contested cases governed by chapter 17A.
5 5. *Discipline.* The board may fine, suspend, revoke, or
6 impose other disciplinary sanctions on an outsourcing facility
7 license for any of the following:
8 *a.* Any violation of the federal Food, Drug, and Cosmetic Act
9 or federal regulations promulgated under the Act. A warning
10 letter issued by the United States food and drug administration
11 shall be conclusive evidence of a violation.
12 *b.* Any conviction of a crime related to prescription drugs
13 or the practice of pharmacy committed by the outsourcing
14 facility, supervising pharmacist, or individual owner, or
15 if the outsourcing facility is an association, joint stock
16 company, partnership, or corporation, by any managing officer.
17 *c.* Refusing access to the outsourcing facility or facility
18 records to an agent of the board for the purpose of conducting
19 an inspection or investigation.
20 *d.* Any violation of this chapter or chapter 124, 124A, 124B,
21 126, or 205, or rule of the board.
22 Sec. 5. Section 155A.26, subsections 2, 3, and 4, Code 2015,
23 are amended to read as follows:
24 2. Make audits of the supply and inventory of controlled
25 substances and prescription drugs in the possession of any and
26 all individuals or institutions authorized to have possession
27 of any controlled substances or prescription drugs, regardless
28 of the location of the individual or institution.
29 3. Conduct routine and unannounced inspections of
30 pharmacies, drug wholesalers, and the offices or business
31 locations of all individuals and institutions authorized to
32 have possession of prescription drugs including controlled
33 substances or prescription devices, regardless of the location
34 of the office or business.
35 4. Conduct inspections and investigations related to the

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1 practice of pharmacy and the distribution of prescription drugs
2 and devices in and into this state.
3 Sec. 6. Section 155A.33, Code 2015, is amended to read as
4 follows:
5 **155A.33 Delegation of technical functions.**
6 A pharmacist may delegate technical dispensing functions
7 to pharmacy technicians, but only if the pharmacist is
8 physically present to verify the accuracy and completeness
9 of the patient's prescription prior to the delivery of the
10 prescription to the patient or the patient's representative.
11 However, the physical presence requirement does not apply when
12 a pharmacist is utilizing an automated dispensing system or
13 a tech-check-tech program or when a pharmacist is remotely
14 supervising a certified pharmacy technician practicing at
15 a telepharmacy site approved by the board. When using an
16 automated dispensing system or a tech-check-tech program, or
17 when remotely supervising a certified pharmacy technician
18 practicing at an approved telepharmacy site, the pharmacist
19 shall utilize an internal quality control assurance plan that
20 ensures accuracy for dispensing. Verification of automated
21 dispensing, ~~and~~ tech-check-tech, and telepharmacy practice
22 accuracy and completeness remains the responsibility of the
23 pharmacist and shall be determined in accordance with rules
24 adopted by the board.
25 Sec. 7. NEW SECTION. **155A.45 Inspection reports —**
26 **disclosure.**
27 Notwithstanding section 272C.6, subsection 4, paragraph *"a"*,
28 an inspection report in possession of the board, regardless
29 of whether the report is based on a routine inspection or an
30 inspection prompted by one or more complaints, may be disclosed
31 to the national association of boards of pharmacy's inspection
32 network.
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.**

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1 This bill relates to the operation of, and persons and
2 activities regulated by, the board of pharmacy.
3 The bill provides for remote pharmacist supervision of
4 a certified pharmacy technician practicing at an approved
5 telepharmacy practice site, pursuant to rules of the board.
6 The bill defines the term "telepharmacy" as it relates to the
7 practice of pharmacy.
8 The bill amends provisions relating to the licensure of
9 nonresident pharmacies that provide prescription pharmaceutical
10 products to patients located in Iowa. The bill requires the
11 pharmacist in charge of a nonresident pharmacy to be identified
12 as such on the nonresident pharmacy license application or
13 renewal, report any change in the pharmacist in charge to the
14 board within 10 days, and be registered in accordance with
15 board rules. The bill clarifies the information required for
16 license application, including evidence of recent inspection
17 of the pharmacy and defining the elements of an acceptable
18 inspection. The bill describes and identifies various entities
19 that may be employed to perform an inspection acceptable for
20 Iowa licensure. The bill authorizes the board to recoup from
21 a nonresident pharmacy any costs incurred by the board in
22 completing an inspection of the nonresident pharmacy if the
23 nonresident pharmacy cannot provide an acceptable inspection
24 report.
25 The bill eliminates the requirement that a nonresident
26 pharmacy maintain minimum hours and days of operation,
27 requiring in lieu thereof that a pharmacist with access to
28 patient records be readily available to speak to patients via
29 a toll-free telephone number at least six days per week for a
30 total of at least 40 hours.
31 The bill authorizes the board to deny an application for a
32 nonresident pharmacy license if the applicant fails to meet the
33 application requirements and authorizes the board to refuse to
34 issue or renew a nonresident pharmacy license for any grounds
35 under which the board may impose discipline.

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1 The bill amends the grounds for disciplining nonresident
2 pharmacies. The board may impose discipline for any violation
3 of the federal Food, Drug, and Cosmetic Act or regulations
4 promulgated under the Act including the issuance by the United
5 States food and drug administration of a warning letter;
6 conviction of a crime related to prescription drugs or the
7 practice of pharmacy by the owner, managing officer, or the
8 pharmacy; refusal to provide the board's agent access to the
9 pharmacy or pharmacy records for purposes of inspection or
10 investigation; and any violation of Iowa law or rule of the
11 board relating to the practice of pharmacy and the distribution
12 of prescription products in Iowa. For nonresident pharmacies,
13 the bill adds that the board has the option to fine the
14 nonresident pharmacy, in addition to license suspension,
15 revocation, and other sanctions.
16 The bill adds a new license classification for outsourcing
17 facilities, for the purpose of licensing and regulating any
18 compounding facility that is registered under federal law as an
19 outsourcing facility. The bill establishes the requirements
20 for application and licensure; license renewal, cancellation,
21 and denial; and establishes grounds for discipline of the
22 outsourcing facility license identical to the disciplinary
23 procedure available regarding nonresident pharmacies.
24 The bill clarifies that the officers, agents, inspectors,
25 and representatives of the board may perform functions and
26 activities relating to authorized enforcement activities
27 regardless of the location of the office or business that is
28 the subject of the enforcement activities. The bill authorizes
29 the board to provide reports of inspections of board licensees
30 to the national association of boards of pharmacy's inspection
31 network, a closed network of information regarding individual
32 states' licensees that compiles information and makes that
33 information available to other state boards of pharmacy for
34 purposes of regulating the subject licensees.

Senate File 454 - Introduced

SENATE FILE 454
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1208)

A BILL FOR

1 An Act establishing a study relating to the health and
2 well-being of children in this state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1879SV (2) 86
rh/rj

S.F. 454

1 Section 1. CHILDREN´S HEALTH AND WELL-BEING WORKGROUP. The
2 department of human services, in cooperation with the
3 departments of education and public health, is requested to
4 facilitate a workgroup of stakeholders to study and make
5 recommendations relating to children´s health and well-being
6 in this state. The issues that may be considered by the
7 workgroup include developing a strategic plan for data
8 systems to provide an overview of health and well-being of
9 children in this state; creating a comprehensive system of
10 care for children that incorporates a coordinated response
11 to adverse childhood experiences and extreme child poverty
12 and homelessness across many disciplines including education,
13 public health, mental health, child welfare, and child welfare
14 systems and services; building interdepartmental awareness of
15 adverse childhood experiences and extreme child poverty and
16 homelessness and creating interdepartmental strategies for
17 helping improve child health and well-being and understanding
18 impacts on education and employment outcomes; examining child
19 care quality and affordability; and determining how government
20 can create community partnerships to help address issues of
21 child well-being. In carrying out the charge of the workgroup,
22 the workgroup shall review a 2014 report by the children´s
23 defense fund on the state of America´s children containing
24 the most recent and reliable national and state-by-state
25 data on many complex issues affecting children´s health and
26 well-being, including data on more than 7,000 homeless public
27 school students in Iowa. The workgroup shall develop and
28 recommend proactive strategies across state systems to address
29 these most complex needs of children´s health and well-being
30 which will also aid different populations of children with
31 fewer challenges. The workgroup shall submit a report on the
32 study and make recommendations to the governor and the general
33 assembly on or before December 15, 2015.
34 EXPLANATION
35 The inclusion of this explanation does not constitute agreement with

S.F. 454

1 **the explanation's substance by the members of the general assembly.**

2 This bill requests the departments of human services, in
3 cooperation with the departments of education and public
4 health, to facilitate a workgroup of stakeholders to study
5 and make recommendations relating to children's health and
6 well-being in this state. The issues that may be considered
7 by the workgroup include developing a strategic plan for
8 data systems to provide an overview of health and well-being
9 of children in this state; creating a comprehensive system
10 of care for children that incorporates a coordinated
11 response to adverse childhood experiences and extreme child
12 poverty and homelessness across many disciplines; building
13 interdepartmental awareness of adverse childhood experiences
14 and extreme child poverty and homelessness and creating
15 interdepartmental strategies for helping improve child
16 health and well-being; examining child care quality and
17 affordability; and determining how government can create
18 community partnerships. In carrying out the charge of the
19 workgroup, the workgroup shall review a 2014 report by the
20 children's defense fund on the state of America's children
21 including data on more than 7,000 homeless public school
22 students in Iowa. The workgroup shall develop and recommend
23 proactive strategies across state systems to address complex
24 needs of children's health and well-being, and shall submit a
25 report and make recommendations to the governor and the general
26 assembly on or before December 15, 2015.

Senate File 455 - Introduced

SENATE FILE 455
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1136)

A BILL FOR

1 An Act relating to the establishment of a child care provider
2 reimbursement workgroup.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1873SV (2) 86
rh/nh

S.F. 455

1 Section 1. CHILD CARE PROVIDER REIMBURSEMENT
2 WORKGROUP. The department of human services shall establish
3 a child care assistance provider reimbursement workgroup of
4 stakeholders to study and make recommendations relating to the
5 establishment of a tiered reimbursement program that links the
6 level of payment for subsidized child care to the voluntary
7 child care quality rating system implemented by the department
8 pursuant to section 237A.30 and that is consistent with the
9 provisions of the federal Child Care and Development Block
10 Grant Act of 2014. The membership of the workgroup shall
11 include child care professionals, representatives of certified
12 child development homes, and representatives of certified child
13 care centers, in both rural and urban areas, and may include
14 additional stakeholders designated by the department. The
15 workgroup shall submit a report and make recommendations to the
16 governor and the general assembly by December 1, 2015.
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 The bill directs the department of human services to
21 establish a child care assistance provider reimbursement
22 workgroup of stakeholders to study and make recommendations
23 relating to the establishment of a tiered reimbursement program
24 that links the level of payment for subsidized child care to
25 the voluntary child care quality rating system and that is
26 consistent with the provisions of the federal Child Care and
27 Development Block Grant Act of 2014. The bill specifies the
28 membership of the workgroup and requires the workgroup to
29 submit a report and make recommendations to the governor and
30 the general assembly by December 1, 2015.

Senate File 456 - Introduced

SENATE FILE 456
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1171)

A BILL FOR

1 An Act concerning the sale and off-premises transportation and
2 consumption of certain containers of beer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1712SV (3) 86
ec/nh

S.F. 456

Section 1. Section 123.132, Code 2015, is amended to read as follows:

123.132 Authority under class "C" permit.

1. The holder of a class "C" permit shall be allowed to sell beer to consumers at retail for consumption off the premises. The sales made pursuant to this section shall be made in original containers ~~only~~ except as provided in subsection 2.

2. Subject to the rules of the division, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

a. The beer is transferred from the original container to the container to be sold on the licensed premises at the time of sale.

b. The person transferring the beer from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer has been tampered with or the sealed container has otherwise been reopened.

3. A container of beer other than the original container that is sold and sealed in compliance with the requirements of subsection 2 and the division's rules shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with.

4. The holder of a class "C" permit or the permittee's agents or employees shall not sell beer to other retail license or permit holders knowing or having reasonable cause to believe that the beer will be resold in another licensed establishment.

S.F. 456

EXPLANATION

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

This bill provides that a person holding a class "C" permit authorized to sell beer for consumption off the licensed premises may sell beer in a container other than the original container if certain requirements are met. The bill requires the beer to be transferred from the original container to the container to be sold on the licensed premises, the person transferring the beer shall be 18 years of age or more, the container to be sold shall be no larger than 72 ounces, and the container to be sold shall be securely sealed by a method authorized by the alcoholic beverages division of the department of commerce. The bill also provides that the sealed container of beer is not considered an open container for purposes of those Code sections prohibiting open containers of alcohol in vehicles.

Senate File 457 - Introduced

SENATE FILE 457
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 82)

A BILL FOR

1 An Act allowing the Iowa public information board and the
2 office of ombudsman access in the performance of their
3 duties to the minutes and audio recording of a closed
4 session.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1970SV (2) 86
rh/rj

S.F. 457

1 Section 1. Section 21.5, subsection 4, Code 2015, is amended
2 to read as follows:
3 4. *a.* A governmental body shall keep detailed minutes of
4 all discussion, persons present, and action occurring at a
5 closed session, and shall also audio record all of the closed
6 session.
7 *b.* The detailed minutes and audio recording of a closed
8 session shall be sealed and shall not be public records open
9 to public inspection. However, upon order of the court in
10 an action to enforce this chapter, the detailed minutes and
11 audio recording shall be unsealed and examined by the court
12 in camera. The court shall then determine what part, if
13 any, of the minutes should be disclosed to the party seeking
14 enforcement of this chapter for use in that enforcement
15 proceeding. In determining whether any portion of the
16 minutes or recording shall be disclosed to such a party for
17 this purpose, the court shall weigh the prejudicial effects
18 to the public interest of the disclosure of any portion of
19 the minutes or recording in question, against its probative
20 value as evidence in an enforcement proceeding. After such
21 a determination, the court may permit inspection and use of
22 all or portions of the detailed minutes and audio recording by
23 the party seeking enforcement of this chapter. A governmental
24 body shall keep the detailed minutes and audio recording of any
25 closed session for a period of at least one year from the date
26 of that meeting, except as otherwise required by law.
27 (1) This paragraph "*b*" does not require the Iowa public
28 information board to obtain a court order to examine the
29 detailed minutes and audio recording of a closed session for
30 the purpose of resolving a complaint alleging a violation of
31 this chapter. Any portion of the minutes or recording released
32 by a governmental body to the Iowa public information board
33 shall remain confidential pursuant to section 23.6, subsection
34 6.
35 (2) This paragraph "*b*" does not require the office of

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1 ombudsman to obtain a court order to examine the detailed
2 minutes and audio recording of a closed session when such
3 examination is relevant to an investigation under chapter 2C
4 and the information sought is not available through other
5 reasonable means. Any portion of the minutes or recording
6 released by a governmental body to the office of ombudsman
7 shall remain confidential pursuant to section 2C.9.
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 Under current law, meetings of a governmental body under
12 Iowa's open meetings law (Code chapter 21) are required to be
13 preceded by public notice and shall be held in open session.
14 A governmental body may hold a closed session under certain
15 circumstances and the minutes and audio recording of a closed
16 session are not accessible to the public unless the person
17 seeking access to the records files an action in court.
18 This bill provides that the Iowa public information board
19 is not required to obtain a court order to examine the minutes
20 and audio recording of a closed session for the purpose
21 of resolving complaints alleging violations of Iowa's open
22 meetings law. Similarly, the office of ombudsman is not
23 required to obtain a court order to examine the minutes and
24 audio recording of a closed session when such examination is
25 relevant to an investigation under Code chapter 2C (ombudsman's
26 office) and the information is not available through other
27 means.

Senate File 458 - Introduced

SENATE FILE 458
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1218)

A BILL FOR

1 An Act relating to the authority of cities to regulate and
2 restrict the occupancy of residential property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1179SV (2) 86
aw/sc

S.F. 458

1 Section 1. NEW SECTION. **414.33 Owner-occupied and**
2 **residential rental property.**
3 1. A council may, only in accordance with this chapter,
4 adopt and enforce an ordinance to regulate and restrict use
5 or occupancy of property based upon familial and nonfamilial
6 status.
7 2. An ordinance adopted and enforced under this section
8 shall require the following:
9 *a.* That the board of adjustment make a special exception to
10 the ordinance, pursuant to section 414.12, if the owner of an
11 owner-occupied property petitions for such a special exception
12 and if making the special exception would not be contrary to
13 the public interest.
14 *b.* That the board of adjustment grant a variance from the
15 terms of the ordinance, pursuant to section 414.12, if the
16 owner of an owner-occupied property makes an appeal for such a
17 variance and if granting the variance would not be contrary to
18 the public interest.
19 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
20 2016.
21 EXPLANATION
22 **The inclusion of this explanation does not constitute agreement with**
23 **the explanation's substance by the members of the general assembly.**
24 This bill relates to the authority of cities to regulate and
25 restrict the occupancy of property.
26 The bill provides that a city council may adopt and enforce
27 an ordinance to regulate and restrict use or occupancy of
28 property based upon familial and nonfamilial status in
29 accordance with Code chapter 414. The bill further provides
30 that such an ordinance adopted shall require that the board
31 of adjustment make a special exception to the ordinance if
32 the owner of an owner-occupied property petitions for such a
33 special exception and if making the special exception would not
34 be contrary to the public interest. The bill also provides
35 that the ordinance must require that the board of adjustment

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1 grant a variance from the terms of the ordinance if the owner
2 of an owner-occupied property makes an appeal for such a
3 variance and if granting the variance would not be contrary to
4 the public interest.
5 The bill takes effect January 1, 2016.

Senate File 459 - Introduced

SENATE FILE 459
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 297)

A BILL FOR

1 An Act concerning employment of and merit system protection
2 for administrative law judges, workers´ compensation
3 commissioners, and the administrator of the administrative
4 hearings division of the department of inspections and
5 appeals.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1616SV (2) 86
ec/rj

S.F. 459

1 Section 1. Section 8A.412, subsection 11, Code 2015, is
2 amended to read as follows:
3 11. Professional employees under the supervision of the
4 attorney general, the state public defender, the secretary
5 of state, the auditor of state, the treasurer of state, and
6 the public employment relations board. However, employees of
7 the consumer advocate division of the department of justice,
8 other than the consumer advocate, and administrative law judges
9 appointed or employed by the public employment relations board,
10 are subject to the merit system.
11 Sec. 2. Section 8A.415, subsection 1, paragraph b, Code
12 2015, is amended to read as follows:
13 *b.* If not satisfied, the employee may, within thirty
14 calendar days following the director's response, file an
15 appeal with the public employment relations board. The
16 hearing shall be conducted in accordance with the rules of the
17 public employment relations board and the Iowa administrative
18 procedure Act, chapter 17A. Decisions rendered shall be
19 based upon a standard of substantial compliance with this
20 subchapter and the rules of the department. Decisions by the
21 public employment relations board constitute final agency
22 action. However, if the employee is an administrative law
23 judge appointed or employed by the public employment relations
24 board, the employee shall not file an appeal with the public
25 employment relations board and the response of the director
26 shall constitute final agency action.
27 Sec. 3. Section 8A.415, subsection 2, paragraph b, Code
28 2015, is amended to read as follows:
29 *b.* If not satisfied, the employee may, within thirty
30 calendar days following the director's response, file an appeal
31 with the public employment relations board. The employee has
32 the right to a hearing closed to the public, unless a public
33 hearing is requested by the employee. The hearing shall
34 otherwise be conducted in accordance with the rules of the
35 public employment relations board and the Iowa administrative

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procedure Act, chapter 17A. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action. However, if the employee is an administrative law judge appointed or employed by the public employment relations board, the employee shall not file an appeal with the public employment relations board and the response of the director shall constitute final agency action.

Sec. 4. Section 10A.801, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. The department shall employ a sufficient number of administrative law judges to conduct proceedings for which agencies are required, by section 17A.11 or any other provision of law, to use an administrative law judge employed by the division. An administrative law judge employed by the division shall not perform duties inconsistent with the judge's duties and responsibilities as an administrative law judge and shall be located in an office that is separated from the offices of the agencies for which that person acts as a presiding officer. ~~Administrative~~ The administrator and all administrative law judges shall be covered by the merit system provisions of chapter 8A, subchapter IV.

Sec. 5. Section 86.2, subsection 1, paragraphs a and b, Code 2015, are amended to read as follows:

a. Chief deputy workers' compensation commissioners for whose acts the commissioner is responsible, ~~who are exempt from~~ who shall be appointed and serve pursuant to the merit system provisions of chapter 8A, subchapter IV, ~~and who shall serve at the pleasure of the commissioner~~ unless the commissioners are otherwise covered by a collective bargaining agreement.

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b. Deputy workers' compensation commissioners for whose acts the commissioner is responsible ~~and~~ who shall ~~serve at the pleasure of the commissioner~~ be appointed and serve pursuant to the merit system provisions of chapter 8A, subchapter IV, unless the commissioners are otherwise covered by a collective bargaining agreement.

Sec. 6. Section 96.6, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department who shall be covered by the merit system provisions of chapter 8A, subchapter IV, unless the administrative law judge is otherwise covered by a collective bargaining agreement. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

EXPLANATION

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

This bill concerns administrative law judges, workers' compensation commissioners, and the administrative hearings division of the department of inspections and appeals.

Code section 8A.412 is amended to provide that administrative law judges appointed or employed by the public employment relations board are subject to the merit system provision of Code chapter 8A.

Code section 8A.415 is amended to provide that if an employee subject to the merit system is an administrative law judge appointed or employed by the public employment relations board, a response by the director of the department of administrative services concerning a grievance or discipline involving the employee is considered final agency action and the employee shall not appeal that response to the public employment

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relations board.

Code section 10A.801 is amended to provide that the administrator of the administrative hearings division of the department of inspections and appeals is covered by the merit system as provided in Code chapter 8A.

Code section 86.2 is amended to provide that chief deputy workers' compensation commissioners and deputy workers' compensation commissioners shall be appointed and serve pursuant to the merit system provision of Code chapter 8A unless the commissioners are otherwise covered by a collective bargaining agreement. Current law provides that chief deputy commissioners are exempt from the merit system and that all chief deputy and deputy commissioners serve at the pleasure of the workers' compensation commissioner.

Code section 96.6 is amended to provide that an administrative law judge employed by the department of workforce development for unemployment compensation cases shall be covered by the merit system provisions of Code chapter 8A unless the judge is otherwise covered by a collective bargaining agreement.

Senate File 460 - Introduced

SENATE FILE 460
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1004)

A BILL FOR

1 An Act permitting the voluntary receipt by employees of payment
2 of wages by debit card or pay card and making penalties and
3 remedies applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1331SV (2) 86
je/rj

S.F. 460

1 Section 1. Section 91A.3, subsection 3, Code 2015, is
2 amended to read as follows:
3 3. *a.* The wages paid under subsection 1 shall be paid using
4 a method authorized by this section.
5 *b.* Wages due may be paid at the employee's normal place of
6 employment during normal employment hours or at a place and
7 hour mutually agreed upon by the employer and employee~~, or the~~
8 ~~employee may elect to have the wages sent for direct deposit,~~
9 ~~on or by the regular payday of the employee, into a financial~~
10 ~~institution designated by the employee~~.
11 *c.* Upon written request by the employee, wages due may be
12 sent to the employee by mail. The employer shall maintain a
13 copy of the request for as long as it is effective and for at
14 least two years thereafter.
15 *d.* The employee may elect to have wages due sent for
16 direct deposit, on or by the regular payday of the employee,
17 into a financial institution designated by the employee. An
18 employee hired on or after July 1, 2005, may be required, as
19 a condition of employment, to participate in direct deposit
20 of the employee's wages in a financial institution of the
21 employee's choice unless any of the following conditions exist:
22 (1) The costs to the employee of establishing and
23 maintaining an account for purposes of the direct deposit would
24 effectively reduce the employee's wages to a level below the
25 minimum wage provided under section 91D.1.
26 (2) The employee would incur fees charged to the employee's
27 account as a result of the direct deposit.
28 (3) The provisions of a collective bargaining agreement
29 mutually agreed upon by the employer and the employee
30 organization prohibit the employer from requiring an employee
31 to sign up for direct deposit as a condition of hire.
32 *e.* (1) An employer may offer payment of wages by debit
33 card or pay card pursuant to this section only if all of the
34 following requirements are met:
35 (a) The employee voluntarily agrees in writing to payment

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by debit card or pay card after the employer offers to pay the employee's wages by debit card or pay card and notifies the employee in writing that receipt of payment by debit card or pay card is voluntary on the employee's part and listing the other method or methods of payment offered by the employer.

(b) The employee has the option of withdrawing all wages due once per pay period, but not more frequently than once per week, without incurring any charge, if such withdrawal of wages is conducted at a financial institution's office location. For purposes of this subparagraph division, *"financial institution"* means the same as defined in section 537.1301.

(2) The employer shall retain copies of the employee's written consent and the notice of charges for the period for which the consent is effective and for at least two years thereafter.

(3) The employer shall substitute another payment method in accordance with this section no later than two pay periods after receiving a request from an employee for termination of payment by debit card or pay card.

~~*b.*~~ *f.* If the employer fails to pay an employee's wages on or by the regular payday in accordance with this subsection, the employer is liable for the amount of any overdraft charge if the overdraft is created on the employee's account because of the employer's failure to pay the wages on or by the regular payday. The overdraft charges may be the basis for a claim under section 91A.10 and for damages under section 91A.8.

Sec. 2. Section 91A.6, subsection 4, Code 2015, is amended to read as follows:

4. On each regular payday, the employer shall send to each employee by mail or shall provide at the employee's normal place of employment during normal employment hours a statement showing the beginning and ending dates of the pay period to which the statement applies, the hours the employee worked, the wages earned by the employee, and deductions made for the employee. However, the employer need not provide

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information on hours worked for employees who are exempt from overtime under the federal Fair Labor Standards Act, as defined in 29 C.F.R. pt. 541, unless the employer has established a policy or practice of paying to or on behalf of exempt employees overtime, a bonus, or a payment based on hours worked, whereupon the employer shall send or otherwise provide a statement to the exempt employees showing the hours the employee worked or the payments made to the employee by the employer, as applicable. An employer who provides each employee access to view an electronic statement of the employee's earnings and provides the employee free and unrestricted access to a printer to print the employee's statement of earnings, if the employee chooses, is in compliance with this subsection.

Sec. 3. NEW SECTION. **91A.15 Unclaimed wages.**

Wages that remain unclaimed by an employee for a period of one year after becoming payable shall be deemed abandoned as provided in section 556.9, subsection 1, regardless of the medium of payment in which they are paid or payable. Unclaimed wages shall be reported to the treasurer of state pursuant to section 556.9, subsection 1. The employer of an employee who abandons wages shall be considered the holder of such wages, regardless of whether the employer has engaged a service provider to perform payroll, debit card, or pay card services. For purposes of this section, *"holder"* means the same as defined in section 556.1.

EXPLANATION

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

This bill permits an employer to offer payment of wages by debit card or pay card under Code chapter 91A, the Iowa wage payment collection law, if certain requirements are met.

The employee must voluntarily agree in writing to payment by debit card or pay card after the employer offers to pay the employee's wages by debit card or pay card and notifies the

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1 employee in writing that receipt of payment by debit card or
2 pay card is voluntary on the employee's part and listing the
3 other method or methods of payment offered by the employer.
4 The employee must also have the option of withdrawing all wages
5 due once per pay period, but not more frequently than once per
6 week, without incurring any charge, if such withdrawal of wages
7 is conducted at a financial institution's office location.
8 The bill requires an employer to retain copies of the
9 employee's written consent and the notice of charges for the
10 period for which the consent is effective and for at least two
11 years thereafter.
12 The bill requires an employer to substitute another payment
13 method in accordance with this Code section no later than two
14 pay periods after receiving a request from an employee for
15 termination of payment by debit card or pay card.
16 The bill provides that regular payday statements provided to
17 employees by employers must include the beginning and ending
18 dates of the pay period to which the statement applies.
19 The bill provides that wages that remain unclaimed by an
20 employee for a period of one year after becoming payable
21 shall be deemed abandoned as provided in Code chapter 556,
22 relating to disposition of unclaimed property, regardless of
23 the medium of payment in which they are paid or payable. The
24 bill that requires unclaimed wages be reported to the treasurer
25 of state as provided in Code chapter 556. The bill provides
26 that the employer of an employee who abandons wages shall be
27 considered the holder of such wages as defined in Code chapter
28 556, regardless of whether the employer has engaged a service
29 provider to perform payroll, debit card, or pay card services.
30 Under Code chapter 91A, unpaid wages or expenses, along with
31 liquidated damages, court costs, and attorney fees, may be
32 recovered by the employee or the labor commissioner by civil
33 action. An employer who violates Code chapter 91A is also
34 subject to a civil penalty of not more than $500 per pay period
35 for each violation.

Senate File 461 - Introduced

SENATE FILE 461
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SF 60)

A BILL FOR

1 An Act relating to the coordination of, access to, and
2 availability of broadband via fiberoptic network
3 infrastructure throughout the state, including a broadband
4 grant program and fund, the use of tax incentives and
5 statewide school infrastructure funding, and including
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1386SV (3) 86
ad/sc

S.F. 461

DIVISION I
STATEWIDE BROADBAND COORDINATION

Section 1. Section 8B.1, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 01. *"Broadband"* means a high-speed, high-capacity electronic transmission medium that can carry data signals from multiple independent network sources by establishing different bandwidth channels and that is commonly used to deliver internet services to the public.

NEW SUBSECTION. 001. *"Communications service provider"* means a service provider that provides broadband service using fiberoptic network infrastructure.

NEW SUBSECTION. 0001. *"Fiberoptic network infrastructure"* means the physical infrastructure used for the transmission of data via broadband over fiberoptic networks, including but not limited to any fiberoptic cable equipment, systems, switches, routers, conduits, servers, software, technology, base transceiver station sites, or other equipment used to transmit broadband communications via fiberoptics. *"Fiberoptic network infrastructure"* does not include land, buildings, structures, improvements, or equipment not directly used in the transmission of data via broadband over fiberoptic networks.

NEW SUBSECTION. 7A. *"Targeted underserved service area"* means one or more homes or businesses that do not have access to broadband service provided by fiberoptic network infrastructure.

Sec. 2. Section 8B.1, subsection 1, Code 2015, is amended to read as follows:

1. *"Information technology"* means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices, information technology services, infrastructure services, broadband and fiberoptic network infrastructure, and value-added services.

Sec. 3. Section 8B.3, subsection 1, Code 2015, is amended

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1 to read as follows:
2 1. The office is created for the purpose of leading,
3 directing, managing, coordinating, and providing accountability
4 for the information technology resources of state government
5 and for coordinating statewide broadband availability and
6 access provided by fiberoptic network infrastructure.
7 Sec. 4. Section 8B.4, Code 2015, is amended by adding the
8 following new subsections:
9 NEW SUBSECTION. 14A. Streamline, consolidate, and
10 coordinate the access to and availability of broadband via
11 fiberoptic network infrastructure throughout the state,
12 including but not limited to developing policies and
13 recommendations for expanding the installation of fiberoptic
14 network infrastructure in targeted underserved service areas
15 of the state, facilitating public-private partnerships,
16 ensuring that all state agencies' broadband and fiberoptic
17 network infrastructure policies and procedures are aligned,
18 promoting accountability regarding broadband and fiberoptic
19 network infrastructure availability and access, integrating
20 broadband with cyber security standards and rules, resolving
21 issues which arise with regard to implementation efforts,
22 collecting data and developing metrics or standards against
23 which the data may be measured and evaluated regarding
24 fiberoptic network infrastructure installation and deployment,
25 and identifying options regarding the creation of standing
26 resources for stakeholders, such as a fiberoptic database or a
27 fiberoptic network conduit installation coordination effort for
28 state-funded construction projects.
29 NEW SUBSECTION. 14B. Establish and administer the
30 broadband grant program pursuant to section 8B.11.
31 NEW SUBSECTION. 14C. Coordinate the fiberoptic network
32 conduit installation program established in section 8B.25.
33 Sec. 5. Section 8B.9, Code 2015, is amended by adding the
34 following new subsection:
35 NEW SUBSECTION. 5. An annual report regarding the status of

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1 broadband expansion and coordination via fiberoptic networks
2 and the broadband grant program established under section
3 8B.11.
4 Sec. 6. NEW SECTION. **8B.11 Broadband grant program — fund.**
5 1. The office shall administer a broadband grant program
6 to award grants to communication service providers that reduce
7 or eliminate targeted underserved service areas by providing
8 broadband services via fiberoptic network infrastructure.
9 2. *a.* A broadband grant fund is established in the state
10 treasury under the authority of the office. The fund shall
11 consist of moneys appropriated to the fund or appropriated to
12 the office for purposes of the grant program, moneys available
13 to and obtained or accepted by the office from the federal
14 government or private sources, or other funds available to
15 the office for purposes of the grant program. Moneys in the
16 fund are appropriated to the office to be used for the grant
17 program.
18 *b.* The office shall use moneys in the fund to provide grants
19 to communication service providers pursuant to this section.
20 The office shall use moneys in the fund to leverage available
21 federal moneys.
22 *c.* Notwithstanding section 8.33, moneys in the fund
23 that remain unencumbered or unobligated at the close of the
24 fiscal year shall not revert but shall remain available for
25 expenditure for the purposes designated until the close of the
26 succeeding fiscal year.
27 3. Communication service providers may apply to the office
28 for a grant pursuant to this section for the installation
29 of fiberoptic network infrastructure to provide broadband
30 services in targeted underserved service areas. The office
31 shall include representatives from schools, communities,
32 agriculture, industry, and other areas as appropriate to review
33 and recommend grant awards. The office shall conduct an open
34 application review process and include a public internet site
35 for applications, results, and performance.

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1 4. *a.* The office shall award grants on a competitive basis
2 after considering the following:
3 (1) The relative need for broadband services in the area.
4 (2) The geographic diversity of the project areas of all the
5 applicants.
6 (3) The economic impact of the project to the area.
7 (4) The applicant's total proposed budget for the project,
8 including the amount or percentage of local match, if any.
9 (5) Other factors the office deems relevant.
10 *b.* Except as otherwise provided in this section, the office
11 shall not evaluate applications based on the office's knowledge
12 of the applicant except for the information provided in the
13 application.
14 5. The office shall not award a grant pursuant to this
15 section that exceeds ten percent of the communication service
16 provider's project cost.
17 6. The office shall adopt rules pursuant to chapter 17A,
18 including but not limited to the broadband grant program
19 process, management, and measurements as deemed necessary by
20 the office.
21 Sec. 7. NEW SECTION. **8B.25 Fiberoptic network conduit**
22 **installation program.**
23 1. For the purposes of this section, *"fiberoptic network*
24 *conduit"* means a pipe or duct used to enclose fiberoptic cable
25 facilities buried alongside a roadway or surface mounted on
26 a bridge, overpass, or other facility where placement below
27 ground is impossible or impractical.
28 2. The office shall lead and coordinate a program to
29 provide for the installation of fiberoptic network conduit
30 where such conduit does not exist. The chief information
31 officer shall consult and coordinate with the department of
32 administrative services, the department of transportation, the
33 Iowa communications network, and other agencies and entities
34 as determined appropriate to ensure that the opportunity is
35 provided to lay or install fiberoptic network conduit wherever

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a state-funded construction project involves trenching, boring, a bridge, a roadway, or opening of the ground, or alongside any state-owned infrastructure.

3. Contingent upon the provision of funding for such purposes by the general assembly, the office may contract with a third party to manage, lease, install, or otherwise provide fiberoptic network conduit access for projects described in this section. This section shall not prohibit the office from purchasing or installing fiberoptic cable within any fiberoptic network conduit installed pursuant to the program.

Sec. 8. NEW SECTION. **8B.26 Broadband permitting process — expeditious response.**

Notwithstanding any other provision to the contrary and in compliance with applicable federal laws and regulations, a political subdivision vested with permitting authority shall approve, approve with modification, or disapprove nonwireless, broadband-related permits within sixty business days following the submission of a permit application and fee. In the event that no action is taken during the sixty-day period, the application shall be deemed approved.

Sec. 9. Section 8D.3, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. The commission is composed of five voting members appointed by the governor and subject to confirmation by the senate. ~~Members~~ Voting members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network.

(1) The governor shall appoint a voting member as the chairperson of the commission from the five voting members ~~appointed by the governor~~, subject to confirmation by the senate.

(2) ~~Members~~ Voting members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements

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of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term.

(3) The salary of the voting members of the commission shall be twelve thousand dollars per year, except that the salary of the chairperson shall be seventeen thousand dollars per year. ~~Members~~ Voting members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. The benefits and salary paid to the voting members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

Sec. 10. Section 8D.3, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. ~~In addition to the members appointed by the governor, the~~ The auditor of state or the auditor's designee and the chief information officer appointed pursuant to section 8B.2 or the chief information officer's designee shall serve as ~~a~~ nonvoting, ex officio ~~member~~ members of the commission.

Sec. 11. Section 8D.4, Code 2015, is amended to read as follows:

8D.4 Executive director appointed.

The commission, in consultation with the director of the department of administrative services ~~and the chief information officer~~, shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly. The salary and support of the executive director shall be paid from funds deposited in

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1 the Iowa communications network fund.
2 Sec. 12. Section 80.28, subsection 2, Code 2015, is amended
3 to read as follows:
4 2. The board shall consist of ~~fifteen~~ nineteen voting
5 members, as follows:
6 *a.* The following members representing state agencies:
7 (1) One member representing the department of public
8 safety.
9 (2) One member representing the state department of
10 transportation.
11 (3) One member representing the department of homeland
12 security and emergency management.
13 (4) One member representing the department of corrections.
14 (5) One member representing the department of natural
15 resources.
16 (6) One member representing the Iowa department of public
17 health.
18 (7) One member representing the office of the chief
19 information officer created in section 8B.2.
20 *b.* The governor shall solicit and consider recommendations
21 from professional or volunteer organizations in appointing the
22 following members:
23 (1) Two members who are representatives from municipal
24 police departments.
25 (2) Two members who are representatives of sheriff's
26 offices.
27 (3) Two members who are representatives from fire
28 departments. One of the members shall be a volunteer fire
29 fighter and the other member shall be a paid fire fighter.
30 (4) Two members who are law communication center managers
31 employed by state or local government agencies.
32 (05) One member who is an emergency medical care provider
33 as defined in section 147A.1.
34 (005) One member who is a local emergency management
35 coordinator as described in section 29C.9.

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1 (0005) One member representing the communication workers
2 of America in Iowa.
3 (5) One at-large member.
4 Sec. 13. RULES. The office of the chief information officer
5 shall adopt rules pursuant to chapter 17A to certify that
6 fiberoptic network infrastructure is installed in a targeted
7 underserved service area and to allow challenges to claims that
8 an area meets the definition of a targeted underserved service
9 area.
10 DIVISION II
11 PROPERTY TAX INCENTIVES AND ASSESSMENT
12 Sec. 14. Section 421.1A, subsection 3, Code 2015, is amended
13 to read as follows:
14 3. At the election of a property owner or aggrieved taxpayer
15 or an appellant described in section 441.42, the property
16 assessment appeal board shall review any final decision,
17 finding, ruling, determination, or order of a local board of
18 review relating to protests of an assessment, valuation, or
19 application of an equalization order, or any final decision
20 of the county board of supervisors relating to denial of an
21 application for a property tax exemption pursuant to section
22 427.1, subsection 40.
23 Sec. 15. Section 421.1A, subsection 4, Code 2015, is amended
24 by adding the following new paragraph:
25 NEW PARAGRAPH. *0b.* Affirm or reverse a final decision
26 of a county board of supervisors relating to denial of an
27 application for a property tax exemption under section 427.1,
28 subsection 40.
29 Sec. 16. Section 427.1, Code 2015, is amended by adding the
30 following new subsection:
31 NEW SUBSECTION. 40. *Fiberoptic network infrastructure.*
32 *a.* The owner of fiberoptic network infrastructure shall be
33 entitled to an exemption from taxation to the extent provided
34 in this subsection. For the purposes of this subsection,
35 *"fiberoptic network infrastructure"* and *"targeted underserved*

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1 *service area"* mean the same as defined in section 8B.1.
2 *b.* The exemption shall apply to the installation of
3 fiberoptic network infrastructure commenced and completed on
4 or after July 1, 2015, in a targeted underserved service area,
5 and used to deliver internet services to the public. A person
6 claiming an exemption under this subsection shall certify to
7 the local assessor prior to commencement of the installation
8 that the fiberoptic network installation will take place within
9 a targeted underserved service area.
10 *c.* The tax exemption shall be a one hundred percent
11 exemption from taxation for a period of five years in an
12 amount equal to the actual value added by installation of the
13 fiberoptic network infrastructure.
14 *d.* For companies assessed by the department of revenue
15 pursuant to chapter 433, the exemption shall be limited to an
16 amount equal to the actual value added by installation of the
17 fiberoptic network infrastructure as of the assessment date,
18 as determined by the department, and the exemption shall be
19 applied prior to any other exemption applicable to the unit
20 value, as determined under that chapter.
21 *e.* (1) An application for an exemption shall be filed by
22 the owner of the property with the county board of supervisors
23 of each county in which the property is located by February 1
24 of the year in which the fiberoptic network infrastructure is
25 first assessed for taxation, or the following two assessment
26 years, and in each case the exemption is allowed for five
27 years.
28 (2) In lieu of subparagraph (1), and notwithstanding any
29 provision in this subsection to the contrary, an owner may at
30 any time before completion of the project submit a proposal to
31 the board of supervisors requesting that the board allow the
32 owner to file an application for exemption by February 1 of
33 any other assessment year following completion of the project,
34 which year shall be selected by the board. If the board, by
35 resolution, approves the proposal, the exemption is allowed for

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1 five years.
2 *f.* (1) The application shall be made on forms prescribed by
3 the director of revenue. The application shall contain but not
4 be limited to the following information:
5 (a) The nature of the fiberoptic network infrastructure
6 installation.
7 (b) The actual cost of installing the fiberoptic network
8 infrastructure under the project, if available. The
9 application shall contain supporting documents demonstrating
10 the actual cost.
11 (c) Certification from the office of the chief information
12 officer that the installation is being performed or was
13 completed in a targeted underserved service area and
14 certification of the date of commencement and actual or
15 estimated date of completion.
16 (d) A copy of any permit related to fiberoptic network
17 infrastructure issued by a political subdivision.
18 (e) If applying pursuant to paragraph *"e"*, subparagraph (2),
19 the actual cost already incurred for installation of fiberoptic
20 network infrastructure, if any, the estimated costs for project
21 completion, and the estimated date of project completion. The
22 application shall contain supporting documents demonstrating
23 the actual cost.
24 (2) The board of supervisors shall forward all approved
25 applications and any necessary information regarding the
26 applications to the appropriate local assessor or to the
27 department of revenue, as applicable, by March 1 annually.
28 After the tax exemption is granted, the local assessor shall
29 continue to grant the tax exemption for five years, and
30 applications for exemption for succeeding years shall not be
31 required.
32 (3) An applicant for a property tax exemption under this
33 subsection may appeal the decision of the board of supervisors
34 regarding denial of the application to the property assessment
35 appeal board.

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1 *g.* (1) If a company whose property in the county is not
2 assessed by the department of revenue is approved to receive
3 a property tax exemption pursuant to this subsection, the
4 actual value added by installation of the fiberoptic network
5 infrastructure shall be determined by the local assessor who
6 shall certify the amount of exemption determined to the county
7 auditor at the time of transmitting the assessment rolls.
8 (2) Notwithstanding any other provision of law to the
9 contrary, if a company in which all or a portion of the
10 company's property in the county is assessed by the department
11 pursuant to chapter 433 and the company's property in the
12 county is approved to receive a property tax exemption
13 pursuant to this subsection, the department shall assess
14 all the company's property in the county used for operating
15 telegraph and telephone lines, broadband, or cable systems for
16 each assessment year the company receives the exemption, for
17 purposes of determining the actual value added by installation
18 of the fiberoptic network infrastructure.
19 (3) (a) If assessing property pursuant to subparagraph (2),
20 the department shall certify the assessment value and exemption
21 amounts for all property used for the operation of providing
22 cable and broadband services and generally not assessed by
23 the department to the local assessor for inclusion on the
24 assessment rolls as provided in section 433.8, subsection 2.
25 (b) A company whose property is assessed by the department
26 pursuant to subparagraph (2) shall follow the appeal procedures
27 in chapter 429 for appealing any part of the assessment on
28 all the company's property, including the company's property
29 that would have been valued by the local assessor but for
30 subparagraph (2). For appeal proceedings for assessed values
31 submitted pursuant to subparagraph division (a), the department
32 shall notify the taxpayer of the right to appeal pursuant to
33 chapter 429.
34 *h.* The director of revenue may adopt rules pursuant to
35 chapter 17A for the interpretation and proper administration of

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1 the exemption provided in this subsection.
2 Sec. 17. Section 433.8, Code 2015, is amended to read as
3 follows:
4 **433.8 Assessment in each county — how certified.**
5 1. The director of revenue shall, for the purpose of
6 determining what amount shall be assessed to each company
7 in each county of the state into which the line of the said
8 company extends, certify to the several county auditors of the
9 respective counties into, over, or through which said line
10 extends the number of miles of line in the county for that
11 company, the actual value per mile of line for that company,
12 and the exemption value per mile of line for that company for
13 exemptions received pursuant to section 427.1, subsection 40,
14 section 433.4, or any other exemptions. In no case, however,
15 shall the taxable value of the property be reduced below zero.
16 2. If assessing all of the property of a company pursuant to
17 section 427.1, subsection 40, paragraph *"g"*, subparagraph (2),
18 the director shall also certify such amounts to the assessor
19 for inclusion on the assessment rolls.
20 Sec. 18. IMPLEMENTATION. Section 25B.7 shall not apply to
21 this division of this Act.
22 Sec. 19. APPLICABILITY. This division of this Act applies
23 to assessment years beginning on or after January 1, 2016.
24 DIVISION III
25 INFORMATION TECHNOLOGY INFRASTRUCTURE FOR EDUCATION
26 Sec. 20. Section 423F.3, subsection 6, Code 2015, is amended
27 by adding the following new paragraph:
28 NEW PARAGRAPH. *0c.* Additionally, *"school infrastructure"*
29 includes the acquisition or installation of information
30 technology infrastructure. For purposes of this paragraph,
31 *"information technology infrastructure"* means the basic,
32 underlying physical framework or system necessary to deliver
33 technology connectivity to a school district and to network
34 school buildings within a school district.
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 relates to the coordination of and availability of
4 broadband access via fiberoptic network infrastructure across
5 the state.
6 Division I of the bill modifies provisions in Code chapter
7 8B, the information technology chapter which creates the office
8 of the chief information officer, by adding several definitions
9 to the Code chapter. The division defines "broadband" as
10 a high-speed, high-capacity electronic transmission medium
11 that can carry data signals from multiple independent network
12 sources by establishing different bandwidth channels and that
13 is commonly used to deliver internet services to the public.
14 The division defines "fiberoptic network infrastructure" as the
15 physical infrastructure used for the transmission of data via
16 broadband over fiberoptic networks. The division also adds
17 definitions for "communications service provider" and "targeted
18 underserved service area". The division changes the definition
19 of "information technology" to include broadband and fiberoptic
20 network infrastructure.
21 The division adds additional powers and duties for the
22 chief information officer relating to broadband and fiberoptic
23 network infrastructure. The division includes coordination
24 of statewide broadband availability and access via fiberoptic
25 network infrastructure as a mission of the office of the chief
26 information officer. The division also requires the chief
27 information officer to streamline, consolidate, and coordinate
28 access to and availability of broadband via fiberoptic network
29 infrastructure. The division directs the chief information
30 officer to submit an annual report regarding the status of
31 broadband expansion and coordination via fiberoptic networks
32 and the broadband grant program. The division also adds the
33 chief information officer as a nonvoting, ex officio member to
34 the telecommunication and technology commission, established in
35 current Code section 8D.3 and which oversees the operation of

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1 the Iowa communications network, and adds the chief information
2 officer as a voting member of the statewide interoperable
3 communications system board established in current Code
4 section 80.28 under the purview of the departments of public
5 safety and transportation. The division makes corresponding
6 amendments regarding voting members of the commission and the
7 appointment of the executive director of the telecommunication
8 and technology commission. The division also adds an emergency
9 care provider, a local emergency management coordinator, and
10 a person representing the communication workers of America
11 in Iowa to the statewide interoperable communications system
12 board.
13 The division establishes a broadband grant program and fund.
14 The division requires the office of the chief information
15 officer to administer a broadband grant program to award grants
16 to communication service providers that reduce or eliminate
17 targeted underserved service areas by providing broadband
18 services via fiberoptic network infrastructure. The division
19 establishes a fund, consisting of moneys appropriated to it or
20 appropriated to the office or otherwise available to the office
21 for purposes of the grant program. The moneys in the fund are
22 appropriated to the office of the chief information officer.
23 The division provides that communication service providers may
24 apply to the office for a grant. The division requires the
25 office to include representatives from schools, communities,
26 agriculture, industry, and other areas as appropriate to
27 review and recommend grant awards. The division also requires
28 the office to conduct an open application review process and
29 include a public internet site for applications, results,
30 and performance. The division sets criteria for the office
31 to consider when awarding grants. The division limits grant
32 amounts to a maximum of 10 percent of the communication service
33 provider´s project cost.
34 The division adds the responsibility for coordinating a new
35 fiberoptic network conduit installation program to facilitate

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1 incorporation of fiberoptic network conduit installations, as
2 defined by the bill, into state-funded construction projects or
3 by state-owned infrastructure to the powers and duties of the
4 chief information officer. The division provides that, subject
5 to funding from the general assembly, the office may contract
6 with a third party to manage, lease, install, or otherwise
7 provide fiberoptic network conduit access, and the program
8 shall not prohibit the office from purchasing or installing
9 fiberoptic cable within fiberoptic network conduit installed
10 pursuant to the program.
11 Additionally, the division specifies expeditious response
12 requirements regarding the approval, modification, or
13 disapproval of nonwireless broadband-related permits. The
14 division provides that, notwithstanding any other provision to
15 the contrary, a political subdivision vested with permitting
16 authority shall approve, approve with modification, or
17 disapprove nonwireless broadband-related permits within 60
18 business days following the submission of a permit application
19 and fee. If the political subdivision does not take action
20 during the 60-day period, the application shall be deemed
21 approved.
22 Division II of the bill provides a property tax exemption for
23 installation of fiberoptic network infrastructure commenced and
24 completed on or after July 1, 2015, in a targeted underserved
25 service area and used to deliver internet services to the
26 public. The exemption shall be a 100 percent exemption from
27 taxation for a period of five years based on the actual
28 value added by the installation of the fiberoptic network
29 infrastructure. The division specifies procedures relating to
30 applying for the tax exemption with the board of supervisors in
31 the county within which the fiberoptic network infrastructure
32 is located, granting the tax exemption, and assessing the
33 property of companies receiving the exemption. The division
34 applies to assessment years beginning on or after January 1,
35 2016. Code section 25B.7 provides that for a property tax

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1 credit or exemption enacted on or after January 1, 1997, if a
2 state appropriation made to fund the credit or exemption is not
3 sufficient to fully fund the credit or exemption, the political
4 subdivision shall be required to extend to the taxpayer only
5 that portion of the credit or exemption estimated by the
6 department of revenue to be funded by the state appropriation.
7 The division provides that Code section 25B.7 does not apply to
8 the property tax exemption created under the division.
9 Division III of the bill adds the acquisition or
10 installation of information technology infrastructure,
11 as defined in the bill, to the definition of "school
12 infrastructure" for purposes of the statewide school
13 infrastructure funding provisions contained in Code chapter
14 423F.

Senate File 462 - Introduced

SENATE FILE 462
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1244)

A BILL FOR

1 An Act relating to the maintenance and administration of
2 epinephrine in schools and certain other facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2138SV (4) 86
je/nh

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1 Section 1. NEW SECTION. **135.185 Epinephrine auto-injector**
2 **supply.**
3 1. For purposes of this section, unless the context
4 otherwise requires:
5 *a. "Epinephrine auto-injector"* means the same as provided
6 in section 280.16.
7 *b. "Facility"* means a food establishment as defined in
8 section 137F.1, a carnival as defined in section 88A.1, a
9 recreational camp, a youth sports facility, or a sports area.
10 *c. "Licensed health care professional"* means the same as
11 provided in section 280.16.
12 *d. "Personnel authorized to administer epinephrine"* means
13 an employee of a facility who is trained and authorized to
14 administer an epinephrine auto-injector.
15 *e. "Physician"* means the same as provided in section 280.16.
16 2. Notwithstanding any other provision of law to the
17 contrary, a licensed health care professional may prescribe
18 epinephrine auto-injectors in the name of a facility to be
19 maintained for use as provided in this section.
20 3. A facility may obtain a prescription for epinephrine
21 auto-injectors and maintain a supply of such auto-injectors in
22 a secure location at each location where a member of the public
23 may be present for use as provided in this section. A facility
24 that obtains such a prescription shall replace epinephrine
25 auto-injectors in the supply upon use or expiration. Personnel
26 authorized to administer epinephrine may possess and administer
27 epinephrine auto-injectors from the supply as provided in this
28 section.
29 4. Personnel authorized to administer epinephrine may
30 provide or administer an epinephrine auto-injector from the
31 facility's supply to an individual present at the facility
32 if such personnel reasonably and in good faith believe the
33 individual is having an anaphylactic reaction.
34 5. The following persons, provided they have acted
35 reasonably and in good faith, shall not be liable for

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any injury arising from the provision, administration, or assistance in the administration of an epinephrine auto-injector as provided in this section:

a. Any personnel authorized to administer epinephrine who provide, administer, or assist in the administration of an epinephrine auto-injector to an individual present at the facility who such personnel believe to be having an anaphylactic reaction.

b. The owner or operator of the facility.

c. The prescriber of the epinephrine auto-injector.

6. The department of public health, the board of medicine, the board of nursing, and the board of pharmacy shall adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of epinephrine auto-injectors, and for training and authorization to be required for personnel authorized to administer epinephrine.

Sec. 2. Section 280.16, Code 2015, is amended to read as follows:

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

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

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

b. "Licensed health care professional" means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E and registered with the board of nursing, or a physician assistant licensed to practice under the supervision of a physician as authorized in chapters 147 and 148C.

~~*a.*~~ *c.* *"Medication"* means a drug that meets the definition

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provided in section 126.2, subsection 8, has an individual prescription label, is prescribed by a ~~physician~~ licensed health care professional for a student, and pertains to the student's asthma or other airway constricting disease or risk of anaphylaxis.

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

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

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

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

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

(1) The name and purpose of the medication or epinephrine auto-injector.

(2) The prescribed dosage.

(3) The times at which or the special circumstances under which the medication or epinephrine auto-injector is to be administered.

c. The parent or guardian and the school meet the

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1 requirements of subsection 3.
2 3. The school district or accredited nonpublic school
3 shall notify the parent or guardian of the student, in
4 writing, that the school district or accredited nonpublic
5 school and its employees are to incur no liability, except
6 for gross negligence, as a result of any injury arising from
7 self-administration of medication or use of an epinephrine
8 auto-injector by the student. The parent or guardian of the
9 student shall sign a statement acknowledging that the school
10 district or nonpublic school is to incur no liability, except
11 for gross negligence, as a result of self-administration of
12 medication or use of an epinephrine auto-injector by the
13 student. A school district or accredited nonpublic school
14 and its employees acting reasonably and in good faith shall
15 incur no liability for any improper use of medication or an
16 epinephrine auto-injector as defined in this section or for
17 supervising, monitoring, or interfering with a student's
18 self-administration of medication or use of an epinephrine
19 auto-injector as defined in this section.
20 4. The permission for self-administration of medication
21 or use of an epinephrine auto-injector is effective for the
22 school year for which it is granted and shall be renewed each
23 subsequent school year upon fulfillment of the requirements
24 of this section. However, the parent or guardian shall
25 immediately notify the school of any changes in the conditions
26 listed under subsection 2.
27 5. Provided that the requirements of this section are
28 fulfilled, a student with asthma or other airway constricting
29 disease may possess and use the student's medication and a
30 student with a written statement from a licensed health care
31 professional on file pursuant to subsection 2, paragraph
32 "a", may use an epinephrine auto-injector while in school,
33 at school-sponsored activities, under the supervision
34 of school personnel, and before or after normal school
35 activities, such as while in before-school or after-school

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1 care on school-operated property. If the student misuses
2 this privilege, the privilege may be withdrawn. A school
3 district or nonpublic school shall notify a student's parent or
4 guardian before withdrawing the privilege to use an epinephrine
5 auto-injector.
6 6. Information provided to the school under subsection 2
7 shall be kept on file in the office of the school nurse or, in
8 the absence of a school nurse, the school's administrator.
9 7. The Iowa braille and sight saving school, the state
10 school for the deaf, and the institutions under the control of
11 the department of human services as provided in section 218.1
12 are exempt from the provisions of this section.
13 Sec. 3. NEW SECTION. **280.16A Epinephrine auto-injector**
14 **supply.**
15 1. For purposes of this section, unless the context
16 otherwise requires:
17 *a. "Epinephrine auto-injector"* means the same as provided
18 in section 280.16.
19 *b. "Licensed health care professional"* means the same as
20 provided in section 280.16.
21 *c. "Personnel authorized to administer epinephrine"*
22 means a school nurse or other employee of a school district
23 or accredited nonpublic school trained and authorized to
24 administer an epinephrine auto-injector.
25 2. Notwithstanding any other provision of law to the
26 contrary, a licensed health care provider may prescribe
27 epinephrine auto-injectors in the name of a school district
28 or accredited nonpublic school to be maintained for use as
29 provided in this section.
30 3. The board of directors in charge of each school district
31 and the authorities in charge of each accredited nonpublic
32 school may obtain a prescription for epinephrine auto-injectors
33 and maintain a supply of such auto-injectors in a secure
34 location at each school for use as provided in this section.
35 The board and the authorities shall replace epinephrine

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1 auto-injectors in the supply upon use or expiration. Personnel
2 authorized to administer epinephrine may possess and administer
3 epinephrine auto-injectors from the supply as provided in this
4 section.
5 4. Personnel authorized to administer epinephrine may
6 provide or administer an epinephrine auto-injector from the
7 school's supply to a student or other individual if such
8 personnel reasonably and in good faith believe the student or
9 other individual is having an anaphylactic reaction.
10 5. The following persons, provided they have acted
11 reasonably and in good faith, shall not be liable for
12 any injury arising from the provision, administration,
13 or assistance in the administration of an epinephrine
14 auto-injector as provided in this section:
15 *a.* Any personnel authorized to administer epinephrine who
16 provide, administer, or assist in the administration of an
17 epinephrine auto-injector to a student or other individual
18 present at the school who such personnel believe to be having
19 an anaphylactic reaction.
20 *b.* A school district or accredited nonpublic school
21 employing the personnel.
22 *c.* The board of directors in charge of the school district
23 or authorities in charge of the accredited nonpublic school.
24 *d.* The prescriber of the epinephrine auto-injector.
25 6. The department of education, the board of medicine,
26 the board of nursing, and the board of pharmacy shall, in
27 consultation with an organization representing school nurses,
28 adopt rules pursuant to chapter 17A to implement and administer
29 this section, including but not limited to standards and
30 procedures for the prescription, distribution, storage,
31 replacement, and administration of epinephrine auto-injectors,
32 and for training and authorization to be required for personnel
33 authorized to administer epinephrine.
34 EXPLANATION
35 The inclusion of this explanation does not constitute agreement with

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1 the explanation's substance by the members of the general assembly.
2 This bill permits the board of directors in charge of
3 each school district and the authorities in charge of an
4 accredited nonpublic school to maintain in a secure location
5 at each school a supply of epinephrine auto-injectors for
6 use as provided in the bill. The bill requires the board
7 and authorities to replace epinephrine auto-injectors in the
8 supply upon use or expiration. The bill permits the board
9 and authorities to obtain a prescription for epinephrine
10 auto-injectors for use as provided in the bill. The bill
11 permits personnel authorized to administer epinephrine
12 to possess and administer epinephrine auto-injectors from
13 the supply as provided in the bill. The bill permits a
14 licensed health care professional to prescribe epinephrine
15 auto-injectors in the name of a school district or accredited
16 nonpublic school to be maintained for use as provided in
17 the bill, notwithstanding any other provision of law to the
18 contrary.
19 The bill permits personnel authorized to administer
20 epinephrine to provide or administer an epinephrine
21 auto-injector from a school's supply to a student or
22 other individual if such personnel reasonably and in good
23 faith believe the student or other individual is having an
24 anaphylactic reaction.
25 The bill provides immunity from legal liability to any
26 personnel authorized to administer epinephrine who provide,
27 administer, or assist in the administration of an epinephrine
28 auto-injector to a student or other individual who such
29 personnel reasonably and in good faith believe to be having
30 an anaphylactic reaction; a school district or accredited
31 nonpublic school employing the personnel; the board of
32 directors in charge of the school district or authorities in
33 charge of the accredited nonpublic school; or the prescriber of
34 the epinephrine auto-injector, for any injury arising from the
35 provision, administration, or assistance in the administration

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of an epinephrine auto-injector as provided in the bill, provided such persons acted reasonably and in good faith.

The bill defines "epinephrine auto-injector" as a medical device for immediate self-administration or administration by another trained individual of a measured dose of epinephrine to a person at risk of anaphylaxis. The bill defines "personnel authorized to administer epinephrine" as an employee who is trained and authorized to administer an epinephrine auto-injector. The bill defines "licensed health care professional" as a person licensed under Code chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under Code chapter 152 or 152E and registered with the board of nursing, or a physician assistant licensed to practice under the supervision of a physician as authorized in Code chapters 147 and 148C.

The bill permits certain facilities to maintain a supply of epinephrine auto-injectors in the same fashion at locations where members of the public may be present, with the same duties, powers, and immunities relating to maintaining a supply of epinephrine auto-injectors and administering the auto-injectors applying if the facility chooses to do so. The bill defines "facility" as a food establishment as defined in Code section 137F.1, a carnival as defined in Code section 88A.1, a recreational camp, a youth sports facility, or a sports area.

The bill requires the department of education, the department of public health, the board of medicine, the board of nursing, and the board of pharmacy to adopt rules to implement and administer the bill, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of epinephrine auto-injectors, and for training and authorization to be required for personnel authorized to administer epinephrine auto-injectors.

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The bill also adds epinephrine auto-injectors to Code section 280.16, which permits self-administration of medication in public and nonpublic schools by students with asthma.

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

The bill permits a student with a written statement from a licensed health care professional on file to possess and use an epinephrine auto-injector while in school, at school-sponsored activities, under the supervision of school personnel, and before or after normal school activities, such as while in before-school or after-school care on school-operated property. The bill requires a school district or nonpublic school to notify a student's parent or guardian before withdrawing the privilege to use an epinephrine auto-injector.

The bill adds epinephrine auto-injectors to the provisions of Code section 280.16 granting immunity from legal liability to school employees, except for gross negligence, for injuries resulting from the self-administration of medication. Code section 280.16 requires a student's parent or guardian to receive notice of such immunity.