Iowa General Assembly
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February 01, 2012

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Senate File 93

H-8003

1 Amend Senate File 93, as passed by the Senate, as
2 follows:
3 1. Page 2, after line 25 by inserting:
4 <Sec. ___. DEPARTMENT OF JUSTICE —
5 APPROPRIATION. There is appropriated from the general
6 fund of the state to the department of justice for the
7 fiscal year beginning July 1, 2012, and ending June 30,
8 2013, the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:
10 For victim assistance grants:
11 ..... $ 366,000
12 In addition to any other appropriation, the funds
13 appropriated in this section shall be used to provide
14 grants to care providers providing services to crime
15 victims of domestic abuse.>
16 2. Title page, line 2, after <cases> by inserting
17 <, making related appropriations,>

WOLFE of Clinton

House File 2168 - Introduced

HOUSE FILE 2168
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 535)

A BILL FOR

1 An Act relating to the authorized deposit of public funds.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5426HV (1) 84
rn/sc

H.F. 2168

Section 1. Section 12B.10, subsection 7, Code Supplement 2011, is amended to read as follows:

7. Notwithstanding sections 12C.2, 12C.4, 12C.6, 12C.6A, and any other provision of law relating to the deposits of public funds, if public funds are deposited in a depository, as defined in section 12C.1, any uninsured portion of the public funds invested through the depository may be invested in insured deposits or certificates of deposit arranged by the depository that are placed in or issued by one or more federally insured banks or savings associations regardless of location for the account of the public funds depositor if all of the following requirements are satisfied:

a. The full amount of the principal and any accrued interest ~~of each~~ on such public funds or each such certificate of deposit issued shall be covered by federal deposit insurance.

b. The depository, either directly or through an agent or subcustodian, shall act as custodian of the insured deposits or certificates of deposit.

c. ~~The~~ On the same day that the public funds deposits are placed or the certificates of deposit are issued, the depository shall have received deposits in an amount eligible for federal deposit insurance from, and, with regard to certificates of deposit, shall have issued certificates of deposit to, customers of other financial institutions wherever located that are equal to or greater than the amount of public funds invested under this subsection by the public funds depositor through the depository.

Sec. 2. Section 12C.22, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The amount of the collateral required to be pledged by a bank shall at all times equal or exceed the total of the amount by which the public funds deposits in the bank exceeds the total capital of the bank. For purposes of this section, deposits that comply with section 12B.10, subsection 7, that are evidenced either by one or more certificates of deposit or

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one or more orders for the next business day settlement and issuance of certificates of deposit, by a federally insured bank or savings association other than the depository, or that are public funds placed in accordance with section 12B.10, subsection 7, shall not be deemed public funds deposits in the bank or savings association. For purposes of this chapter, unless the context otherwise requires, *"total capital of the bank"* means its tier one capital plus both of the following components of tier two capital:

Sec. 3. Section 12C.22, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* Certificates of deposit issued by a federal deposit insurance corporation insured bank, the payment of which is fully insured by the federal deposit insurance corporation both as to principal and accrued interest, and that have been assigned a committee on uniform security identification procedures number and deposited for the account of the public funds depository bank at the depository trust company.

EXPLANATION

This bill relates to the investment of public funds deposited in a depository, as both are defined in Code section 12C.1. Currently, the uninsured portion of public funds invested through a depository may be invested in certificates of deposit arranged by the depository issued by one or more federally insured banks or savings associations. The bill expands such authorized investments to include insured deposits.

The bill adds to the list of acceptable forms of collateral for the deposit of public funds specified in Code section 12C.22, subsection 6. Collateral may now include certificates of deposit issued by a federal deposit insurance corporation insured bank, the payment of which is fully insured by the federal deposit insurance corporation both as to principal and accrued interest, and that have been assigned a committee on

H.F. 2168

1 uniform security identification procedures number and deposited
2 for the account of the public funds depository bank at the
3 depository trust company.

House File 2169 - Introduced

HOUSE FILE 2169
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2086)
(SUCCESSOR TO HF 2021)

A BILL FOR

1 An Act exempting from the individual income tax all pay
2 received from the federal government for certain military
3 service in support of the national guard and including
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5092HZ (1) 84
aw/sc

H.F. 2169

1 Section 1. Section 422.7, subsection 42A, Code Supplement
2 2011, is amended to read as follows:
3 42A. Subtract, to the extent included, all pay received by
4 the taxpayer from the federal government for military service
5 performed while on active duty status in the armed forces, the
6 armed forces military reserve, or the national guard, including
7 pay for service performed pursuant to 32 U.S.C. § 502(f) and 32
8 U.S.C. § 709(a) and (b).
9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2012, for tax years beginning on
11 or after that date.
12 EXPLANATION
13 This bill exempts from the individual income tax all pay
14 received by a taxpayer from the federal government for military
15 service performed in support of the national guard pursuant to
16 32 U.S.C. § 502(f) and 32 U.S.C. § 709(a) and (b). This exempts
17 certain income received by active duty and reserve personnel,
18 certain operational support personnel, and certain dual-status
19 federal technicians.
20 The bill applies retroactively to January 1, 2012, for tax
21 years beginning on or after that date.

House File 2170 - Introduced

HOUSE FILE 2170
BY KRESSIG

A BILL FOR

1 An Act relating to the notice provided to persons subject to a
2 surcharge assessed for the return of a dishonored financial
3 instrument.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5144YH (2) 84
da/nh

H.F. 2170

Section 1. Section 554.3512, subsection 2, Code 2011, is amended to read as follows:

2. The surcharge authorized by ~~this section~~ subsection 1 shall not be assessed unless the holder clearly and conspicuously ~~posts a notice at the usual place of payment, or in the billing statement of the holder, stating~~ provides notice that a surcharge will be assessed and the amount of the surcharge. The notice shall be posted at the usual place of payment, published on the billing statement of the holder, or published on an internet site where electronic payment is made. However, the surcharge shall not be assessed against the maker if the reason for the dishonor of the check, draft, or order is that the maker has stopped payment pursuant to section 554.4403.

EXPLANATION

This bill amends a provision in the uniform commercial code (Code section 554.3512) which authorizes the holder of a dishonored check or similar financial instrument to assess a surcharge against its maker not to exceed $30. However, in order to assess the surcharge, there must be a notice posted at the place of payment or published on the holder's billing statement, indicating the surcharge amount. The bill provides that the same notice must be published on the internet site where electronic payment is made.

House File 2171 - Introduced

HOUSE FILE 2171
BY BRANDENBURG

A BILL FOR

1 An Act placing limitations on fees imposed for failure to
2 redeem a gift certificate, and including an applicability
3 date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5387YH (3) 84
rn/nh

H.F. 2171

Section 1. Section 556.9, subsection 2, Code 2011, is amended to read as follows:

2. An issuer of a gift certificate shall not deduct from the face value of the gift certificate any charge imposed due to the failure of the owner of the gift certificate to present the gift certificate in a timely manner~~.~~ for a period of three years from the date of issuance. Thereafter, an issuer shall not deduct any charge imposed due to the failure to present the gift certificate in a timely manner unless a valid and enforceable written contract exists between the issuer and the owner of the gift certificate pursuant to which the issuer regularly imposes such charges and does not regularly reverse or otherwise cancel them. For purposes of this subsection, *"gift certificate"* means a merchandise certificate or electronic gift card conspicuously designated as a gift certificate or electronic gift card, and generally purchased by a buyer for use by a person other than the buyer.

Sec. 2. APPLICABILITY. This Act applies to gift certificates issued on or after July 1, 2012.

EXPLANATION

This bill relates to amounts which the issuer of a gift certificate may deduct from the face value of the certificate based on the failure of the owner to present the certificate for payment in a timely manner.

Currently, an amount may not be deducted unless a valid and enforceable written contract exists between the issuer and the owner of the gift certificate pursuant to which the issuer regularly imposes charges for failure to present and does not regularly reverse or otherwise cancel them. The bill makes this provision applicable only after a three-year time frame has elapsed from the date of issuance of the gift certificate, for gift certificates issued on or after July 1, 2012. The result is that no deduction is authorized from the face amount of a gift certificate for the three-year period following issuance for certificates issued on or after July 1, 2012.

House File 2172 - Introduced

HOUSE FILE 2172
BY KELLEY

A BILL FOR

1 An Act prohibiting nuclear generating facilities from
2 reprocessing fuel under specified circumstances.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5065YH (3) 84
rn/nh

H.F. 2172

Section 1. NEW SECTION. **476A.6A Prohibition on weapons-grade reprocessing.**

The board shall not issue a certificate for a new nuclear generating facility if it finds that the applicant plans to reprocess spent fuel produced by the proposed plant into weapons-grade plutonium or any other weapons-grade material either at the plant or elsewhere in the state.

EXPLANATION

This bill provides that the Iowa utilities board shall not issue a certificate of public convenience, use and necessity for the construction, maintenance, and operation of a nuclear generating facility if it determines that an applicant plans to reprocess spent fuel produced by the proposed plant into weapons-grade plutonium or another weapons-grade material, either at the plant or elsewhere in the state.

House File 2173 - Introduced

HOUSE FILE 2173
BY J. TAYLOR

A BILL FOR

1 An Act authorizing certain students to enroll in a career and
2 technical course offered through a district-to-community
3 college sharing program for high school credit only,
4 exempting such students from proficiency requirements, and
5 prohibiting school districts from receiving supplementary
6 weighting for such students.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5835YH (2) 84
kh/nh

H.F. 2173

1 Section 1. Section 257.11, subsection 3, paragraph b,
2 unnumbered paragraph 1, Code 2011, is amended to read as
3 follows:
4 If the school budget review committee certifies to the
5 department of management that the class would not otherwise be
6 implemented without the assignment of additional weighting,
7 pupils who meet the senior year plus program student
8 eligibility criteria pursuant to section 261E.3, subsection
9 1, attending a community college-offered class or attending
10 a class taught by a community college-employed instructor
11 are assigned a weighting of the percentage of the pupil's
12 school day during which the pupil attends class in the
13 community college or attends a class taught by a community
14 college-employed instructor times seventy hundredths for career
15 and technical courses or forty-six hundredths for liberal arts
16 and sciences courses. The following requirements shall be
17 met for the purposes of assigning an additional weighting for
18 classes offered through a sharing agreement between a school
19 district and community college. The class must be:
20 Sec. 2. Section 260C.14, subsection 21, paragraph a, Code
21 2011, is amended by adding the following new subparagraph:
22 NEW SUBPARAGRAPH. (05) Unduplicated headcount of pupils
23 who are enrolled in a district-to-community college sharing
24 program for high school credit only in accordance with section
25 261E.8, subsection 6A.
26 Sec. 3. Section 261E.8, Code Supplement 2011, is amended by
27 adding the following new subsection:
28 NEW SUBSECTION. 6A. Notwithstanding section 261E.3,
29 subsection 1, if a school district's student registration
30 handbook includes notice of the availability of a career and
31 technical course pursuant to subsection 1, a student enrolled
32 in the school district may make application to a community
33 college and the school district to allow the student to enroll
34 in the career and technical course offered by the community
35 college for high school credit only. If the student applies

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only for high school credit, the student is exempt from the proficiency requirements of section 261E.3, subsection 1, paragraph *"e"*, and the school district shall not receive additional weighting for the student's enrollment in the course under section 257.11, subsection 3.

Sec. 4. Section 261E.8, subsection 7, paragraph b, Code Supplement 2011, is amended to read as follows:

b. An unduplicated enrollment count of eligible students participating in the program, and a separate unduplicated enrollment count of students participating in district-to-community college programs for high school credit only in accordance with subsection 6A.

EXPLANATION

This bill provides that if a school district's student registration handbook includes notice of the availability of a career and technical course offered under a district-to-community college sharing program, a student enrolled in the school district may make application to a community college and the school district to allow the student to enroll in the career and technical course to receive high school credit only. If the student applies only for high school credit, the student is exempt from the proficiency requirements of Code section 261E.3, subsection 1, paragraph "e", and the school district shall not receive additional supplementary weighting for the student's enrollment in the course.

The bill requires community colleges and the state board of education to include a count of these students in the reports and data collection elements currently required through the department of education's management information system and the district-to-community college and concurrent enrollment program requirements.

House File 2174 - Introduced

HOUSE FILE 2174
BY KAUFMANN, BYRNES, GRASSLEY, LOFGREN, R. OLSON, BRANDENBURG, PETTENGILL, JACOBY, ROGERS, and LUKAN

A BILL FOR

1 An Act requiring the state board of regents to provide for a
2 reduction in undergraduate resident tuition for residents
3 who earn an associate degree at an Iowa community college
4 and who transfer to an institution of higher education
5 governed by the board.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5396YH (5) 84
kh/nh

H.F. 2174

1 Section 1. Section 262.9, subsection 17, Code Supplement
2 2011, is amended by adding the following new paragraph:
3 NEW PARAGRAPH. *c.* Adopt rules to require the institutions
4 of higher education under the board to reduce the resident
5 undergraduate tuition rate by not less than ten percent
6 for a person who is a resident and who transfers to such an
7 institution after obtaining an associate degree from an Iowa
8 community college. The reduction shall be applied to the
9 tuition charged a student prior to the disbursement of any
10 financial aid for which the student is eligible.
11 EXPLANATION
12 This bill directs the state board of regents to require its
13 universities to reduce the resident undergraduate tuition rate
14 by not less than 10 percent for a person who is a resident and
15 who obtains from an Iowa community college an associate degree
16 and transfers to a regents university. The reduction shall
17 be applied to the tuition charged before any financial aid is
18 disbursed for the student.

House File 2175 - Introduced

HOUSE FILE 2175
BY WINDSCHITL, FRY, ALONS,
HUSEMAN, SWEENEY, HAGER,
HANUSA, and SCHULTZ

A BILL FOR

1 An Act relating to the definition of person under the criminal
2 code.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5222YH (9) 84
pf/nh

H.F. 2175

Section 1. NEW SECTION. **702.24 Person and application to crimes against a person.**

1. Whenever the word *"person"* appears in the criminal code relating to crimes against a person, *"person"* means all living human beings from the beginning of their biological development as human organisms regardless of age, race, sex, gender, capacity to function, condition of physical or mental dependency or disability, or method of sexual or asexual reproduction used, whether existing in vivo or in vitro, and each person is accorded the same rights and protections guaranteed to all persons by the Constitution of the United States, the Constitution of the State of Iowa, and the laws of this state.

2. Notwithstanding any other provision of law to the contrary, in the criminal code:

a. The elements of a crime against a person shall not be interpreted to preclude the use of medications or procedures necessary to relieve a person's pain or discomfort if the use of the medications or procedures is not intentionally or knowingly prescribed or administered to cause the death of a person.

b. The following acts do not constitute a crime against a person:

(1) Medical treatment for life-threatening conditions, provided to a person by a physician licensed to practice medicine, which results in the accidental or unintentional injury or death of another person.

(2) Legitimate medical treatment for life-threatening conditions not intended to harm a person but which has the foreseeable effect of ending a person's life, including legitimate medical treatment to preserve the life of a pregnant woman even if the foreseeable effect is harm to the fetus, as long as the person providing the medical treatment exercises that degree of professional skill, care, and diligence available to preserve the life and health of the fetus.

H.F. 2175

(3) The creation of a person through in vitro fertilization.
(4) Contraception administered before a clinically diagnosable pregnancy.
c. A crime against a person who has not yet been born shall only be charged against the principal actor of the criminal conduct.
(1) For the purposes of this paragraph "*c*", a person is a principal actor if the person does any of the following:
(a) Commits an offense punishable under the criminal code or aids, abets, counsels, commands, or procures its commission.
(b) Causes an act to be done which, if directly performed by the person, would be punishable under the criminal code.
(2) For the purposes of this paragraph "*c*", a pregnant woman shall not be considered a principal actor.
3. This section shall not be interpreted as a basis for inuring to or vesting in a child before the time of live birth or in the biological parents of a child before the time of live birth a pecuniary interest or citizenship status.

EXPLANATION

This bill defines "person" for the purposes of the criminal code to be: all living human beings from the beginning of their biological development as human organisms regardless of age, race, sex, gender, capacity to function, condition of physical or mental dependency or disability, or method of sexual or asexual reproduction used, whether existing in vivo or in vitro, and each person is accorded the same rights and protections guaranteed to all persons by the Constitution of the United States, the Constitution of the State of Iowa, and the laws of this state.
The bill provides some exemptions to the interpretation and application of crimes against a person based on the definition. The bill provides that elements of a crime against a person shall not be interpreted to preclude the use of medications or procedures necessary to relieve a person's pain or discomfort if the use of the medications or procedures is

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not intentionally or knowingly prescribed or administered to cause the death of a person. Additionally, the following acts do not constitute a crime against a person:

1. Medical treatment for life-threatening conditions, provided to a person by a physician licensed to practice medicine, which results in the accidental or unintentional injury or death of another person.

2. Legitimate medical treatment for life-threatening conditions not intended to harm a person but which has the foreseeable effect of ending a person's life, including legitimate medical treatment to preserve the life of a pregnant woman even if the foreseeable effect is harm to the fetus, as long as the person providing the medical treatment exercises that degree of professional skill, care, and diligence available to preserve the life and health of the fetus.

3. The creation of a person through in vitro fertilization.

4. Contraception administered before a clinically diagnosable pregnancy.

Finally, under the bill, a crime against a person who has not yet been born shall only be charged against the principal actor of the criminal conduct. The bill defines "principal actor" for the purposes of the bill and provides that a pregnant woman is not to be considered a principal actor.

The bill also provides that the provisions of the bill are not to be interpreted as a basis for inuring to or vesting in a child before the time of live birth or in the biological parents of a child before the time of live birth a pecuniary interest or citizenship status.

House File 2176 - Introduced

HOUSE FILE 2176
BY LYKAM and BAUDLER

A BILL FOR

1 An Act relating to acts performed against police service horses
2 and dogs resulting in injury or interference, providing
3 exceptions, and providing for penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5647HH (3) 84
da/nh

H.F. 2176

Section 1. NEW SECTION. **717.9 Injury or interference with a police service horse.**

1. A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service horse, without inflicting serious injury on the police service horse, commits a serious misdemeanor.

2. A person who knowingly, and willfully or maliciously does any of the following commits a class "D" felony:

a. Tortures a police service horse.

b. Injures, so as to disfigure or disable, a police service horse.

c. Sets a booby trap device for purposes of injuring, so as to disfigure or disable, or killing a police service horse.

d. Pays or agrees to pay a bounty for purposes of injury, so as to disfigure or disable, or kill a police service horse.

e. Kills a police service horse.

f. Administers poison to a police service horse.

3. As used in this section, *"police service horse"* means a horse used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the horse is on duty.

4. This section does not apply to any of the following:

a. A peace officer or veterinarian who treats a police service horse, if the treatment is for the purpose of rehabilitating the police service horse or relieving the police service horse of undue pain or suffering, and which may include terminating the horse's life.

b. A person who justifiably acts in defense of self or another person.

Sec. 2. Section 717B.9, subsection 4, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

4. This section does not apply to any of the following:

a. A peace officer or veterinarian who treats a police

H.F. 2176

service dog, if the treatment is for the purpose of rehabilitating the police service dog or relieving the police service dog of undue pain or suffering, and which may include terminating the dog's life.

b. A person who justifiably acts in defense of self or another person.

EXPLANATION

This bill creates criminal offenses for acts performed against a police service horse which result in an injury to the horse or some form of interference with its official duties. If enacted, the bill's provisions could be codified in Code chapter 717 which in part prohibits the abuse of livestock, including equine. The bill's provisions defining offenses and penalties closely resemble provisions currently in the Code chapter applicable to animals other than livestock and which specifically prohibits injuring or interfering with a police service dog (Code section 717B.9).

Under the bill, a person commits a serious misdemeanor by knowingly, and willfully or maliciously abusing or otherwise interfering with a police service horse, without inflicting serious injury. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875.

Under the bill, a person commits a class "D" felony by knowingly, and willfully or maliciously torturing, or injuring a police service horse in a manner that causes disfigurement or disability; setting a booby trap device for purposes of causing such injury or death; paying or agreeing to pay a bounty for purposes of causing such injury or death; killing a police service horse; or administering poison to a police service horse. A class "D" felony 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's definition of a police service horse mirrors the definition of a police service dog. Under the bill, a police

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service horse must be used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the animal is on duty.

The bill creates two exceptions, first for a peace officer or veterinarian who treats a police service horse to provide for either rehabilitation or termination, and second for a person who justifiably acts in self-defense or in the defense of another person. The bill also amends the current provision relating to police service dogs to correspond to the treatment exception applicable to police service horses under the bill.

House File 2177 - Introduced

HOUSE FILE 2177
BY COWNIE

A BILL FOR

1 An Act relating to a person proceeding pro se in an appellate
2 case.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5912YH (4) 84
rh/nh

H.F. 2177

1 Section 1. NEW SECTION. **814.11A Pro se litigant.**
2 A person seeking review pro se shall consult with a
3 court-appointed attorney. For purposes of this section, *"pro*
4 *se"* means a person is proceeding on the person's own behalf
5 without legal representation.
6 EXPLANATION
7 This bill requires a person who is seeking appellate review
8 to consult with a court-appointed attorney. For purposes of
9 the bill, "pro se" means a person is proceeding on the person's
10 own behalf without legal representation.

House File 2178 - Introduced

HOUSE FILE 2178
BY WATTS, HAGENOW, KAUFMANN,
and PEARSON

A BILL FOR

1 An Act relating to special assessments imposed by cities and
2 counties and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5154YH (6) 84
md/sc

H.F. 2178

1 Section 1. Section 331.488, subsection 3, Code 2011, is
2 amended to read as follows:
3 3. The method of specially assessing and determining
4 benefits and determining individual benefits, district
5 benefits, and community benefits.
6 Sec. 2. Section 384.37, subsection 4, Code 2011, is amended
7 to read as follows:
8 4. *"District"* means the lots or parts of lots within
9 boundaries of a geographic area established by the council for
10 the purpose of the assessment of all or part of the cost of
11 a public improvement that is intended in whole or in part to
12 provide an individual benefit to such lots or parts of lots.
13 Sec. 3. Section 384.37, Code 2011, is amended by adding the
14 following new subsections:
15 NEW SUBSECTION. 2A. *"Community benefit"* means that portion
16 of the total benefit derived from a public improvement designed
17 to be used by or serve the general public and community that
18 is in excess of the district benefit, if any, including but
19 not limited to those public improvements or parts of a public
20 improvement specified in section 384.61, subsection 4.
21 NEW SUBSECTION. 4A. *"District benefit"* means the sum of all
22 individual benefits conferred upon lots within the district.
23 NEW SUBSECTION. 8A. *"Individual benefit"* means that
24 amount of the total benefit of a public improvement that is
25 proportionate to the lot's use of the public improvement or
26 the amount of a benefit conferred upon the individual lot by a
27 public improvement that is intended to benefit, serve, or be
28 used only by the lot, including but not limited to those items
29 specified in section 384.61, subsection 3.
30 Sec. 4. Section 384.37, subsection 25, Code 2011, is amended
31 to read as follows:
32 25. *"Street improvement"* means the construction or repair of
33 a street by grading, paving, curbing, guttering, and surfacing
34 with oil, oil and gravel, or chloride, ~~and~~ street lighting
35 fixtures, connections and facilities, storm water management

H.F. 2178

1 intakes, sewers, and facilities, and traffic-control devices,
2 fixtures, connections, and facilities.
3 Sec. 5. Section 384.38, subsections 1 and 2, Code 2011, are
4 amended to read as follows:
5 1. A city may, subject to the limitations of this division,
6 assess to private property within the city the cost of
7 construction and repair of public improvements within the
8 city, and main sewers, sewage pumping stations, disposal and
9 treatment plants, waterworks, water mains, extensions, and
10 drainage conduits extending outside the city.
11 2. Upon petition as provided in section 384.41, subsection
12 1, a city may assess to private property affected by public
13 improvements within three miles of the city's boundaries the
14 cost of construction and repair of public improvements within
15 that area. The right-of-way of a railway company shall not
16 be assessed unless the company joins as a petitioner for said
17 improvements. In the petition the property owners shall waive
18 the limitation provided in section 384.62 that an assessment
19 shall not exceed twenty-five percent of the value of the lot.
20 The petition shall contain a statement that the owners agree
21 to pay the city an amount equal to five percent of the cost of
22 the improvements, to cover administrative expenses incurred
23 by the city. This amount may be added to the cost of the
24 improvements. Before the council may adopt the ordinance under
25 section 384.42, subsection 1A, the resolution of necessity, the
26 preliminary resolution, preliminary plans and specifications,
27 plat, schedule, and estimate of cost must be submitted to, and
28 receive written approval from, the board of supervisors of
29 any county which contains part of the property, and the city
30 development board established in section 368.9.
31 Sec. 6. Section 384.41, subsection 1, Code 2011, is amended
32 to read as follows:
33 1. Property owners may initiate a plan for a public
34 improvement to be paid for in whole or in part by special
35 assessments, by written contract to be approved by the city and

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signed by all of the owners of record of all property affected by the proposed assessment. If all owners of record of all the property to be affected by the public improvement petition the council, said owners may, in their petition, waive notice to property owners by publication and mailing, as provided in section 384.50, and the council may proceed to adopt the ordinance under section 384.42, subsection 1A, a preliminary resolution, a plat, schedule and estimate, and resolution of necessity, and order preparation of detailed plans and specifications. Special assessments initiated without notice under this section are liens upon the property to be affected by the assessment, to the same extent as provided in section 384.65, subsection 5, except that they shall be subordinate to any perfected lien unless the holder of such perfected lien consents in writing to the initiation of the public improvement.

Sec. 7. Section 384.42, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Prior to the adoption of a preliminary resolution under subsection 2, adopt an ordinance after forty-five days' notice and twenty days' notice, each published in accordance with section 362.3, and a public hearing, setting forth the method to be used in determining the amount of individual benefit, district benefit, and community benefit projected to result from the public improvement and a description of the manner in which the cost of the public improvement will be allocated to each category of benefit.

Sec. 8. Section 384.42, subsections 2 and 3, Code 2011, are amended to read as follows:

2. Adopt a preliminary resolution by the vote of a majority of all the members of the council, after thirty days' notice of the preliminary resolution published in accordance with section 362.3. The preliminary resolution shall contain the following:

a. A description of the types or alternate types of improvement proposed.

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b. The beginning and terminal points or general location of the proposed improvement.

c. An order to the engineer to prepare preliminary plans and specifications, estimated total cost of the work, and a plat and schedule, and to file them with the clerk.

d. A general description of the property or a designation of the lots which the council believes will be ~~specially~~ individually benefited by the improvement.

e. A detailed description of the method used for determining benefits as adopted by ordinance under subsection 1A, an estimate of the amount of individual benefit, district benefit, and community benefit that will be conferred as a result of the public improvement, and a statement of the proportion of the total cost of the public improvement that the council proposes to assess against all property within the proposed district.

3. The preliminary resolution may also contain ~~the following:~~

~~*a.* A statement of the proportion of the total cost which the council proposes to assess against specially benefited property.~~

~~*b.* A~~ a short and convenient designation for the public improvement by which it may be referred to in all subsequent proceedings.

Sec. 9. Section 384.44, Code 2011, is amended to read as follows:

384.44 Estimated cost.

The estimated total cost of any public improvement constructed under this part must include all of the items of cost listed in section 384.37, subsection 26, which the council proposes to include as a part of the cost of the public improvement, and may include an item to be known as the default fund amounting to not more than ten percent of the portion of the total cost of the improvement which the council proposes to assess against ~~specially~~ individually benefited property.

Sec. 10. Section 384.47, subsections 3 through 5, Code 2011,

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1 are amended to read as follows:
2 3. The total amount proposed to be assessed to each
3 lot according to the method described in the preliminary
4 resolution, including the assessment for the default fund, if
5 any.
6 4. The proportion of the estimated total cost of the public
7 improvement which is allocated to each lot as an individual
8 benefit.
9 5. The amount of deficiency, if any, between the amount
10 proposed to be assessed and the proportion of the estimated
11 total cost of the public improvement allocated to each lot
12 as an individual benefit. The amount of deficiency shall be
13 shown as a conditional deficiency assessment as authorized by
14 sections 384.60, 384.62 and 384.63.
15 Sec. 11. Section 384.51, unnumbered paragraph 2, Code 2011,
16 is amended to read as follows:
17 An amendment which extends the boundaries of a district,
18 increases the amount to be assessed against a lot, or adds
19 additional public improvements, is not effective until an
20 amended ordinance, plat, schedule, and estimate have been
21 prepared and adopted, a notice published and mailed to all
22 affected property owners, and hearing held in the same manner
23 as the original proceedings, or until all affected property
24 owners agree in writing to the change. The adoption of a
25 resolution of necessity is a legislative determination that the
26 improvement is expedient and proper and that property assessed
27 will be ~~specially~~ individually benefited by the improvement and
28 this determination of the council is conclusive. Ownership of
29 property to be assessed by an improvement does not, except for
30 fraud or bad faith, disqualify a council member from voting on
31 any measure.
32 Sec. 12. Section 384.54, subsection 15, Code 2011, is
33 amended to read as follows:
34 15. ~~*a.* The cost of all court proceedings are a legitimate~~
35 ~~item of expense in connection with a public improvement,~~

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~~and may be included within the final assessment against any property specially benefited in the assessment district.~~

~~*b.*~~ Whenever on a hearing by the court, the amount of any assessment is reduced or canceled so that there is a deficiency in the total amount remaining assessed in the proceeding, the court may assess the deficiency to the city or distribute the deficiency upon the other property abutting upon or adjacent to the improvement or in the district assessed, in a manner the court finds to be just and equitable, not exceeding, however, the amount the property would be ~~specially~~ individually benefited by the improvement, and not exceeding twenty-five percent of the value of the lot as shown by the plat and schedule of assessments or as reduced by the court.

Sec. 13. Section 384.61, Code 2011, is amended to read as follows:

384.61 Assessment of benefits.

1. The total cost of a public improvement, except for paving that portion of a street lying between railroad tracks and one foot outside of the tracks, or which is to be otherwise paid, ~~must~~ may be assessed against all lots within the assessment district in accordance with the ~~special~~ individual benefits conferred upon the property, and not in excess of such benefits. That portion of the total cost of a public improvement that is not assessed to individual lots in the district as the result of individual benefits shall be attributable to the community benefit and shall be paid by the city.

2. A property owner may divide property that is subject to a special assessment into two or more lots for the purpose of separating improved portions of the land from those portions of the land which are unimproved or used for agricultural purposes. If an owner of property subject to special assessment divides the property into two or more lots, and if the plan of division is approved by the council, the owner may discharge the lien upon any of the lots by payment of the

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1 amount unpaid, calculated as determined by the council.
2 3. All of the following public improvements are presumed to
3 confer an individual benefit on a lot within a district:
4 *a.* A public improvement that benefits, serves, or that
5 is intended for use by only one lot, unless such public
6 improvement is replacing an existing public improvement of
7 acceptable or working quality and is required as a result of
8 work on or repair of another public improvement that does not
9 benefit, serve, or that is not intended for use by only that
10 lot.
11 *b.* A sidewalk upon a lot that is single-family residential
12 property located along the frontage of the lot not to exceed
13 four feet in width at a standard thickness.
14 *c.* A sidewalk on a lot that is commercial property or
15 multifamily residential property located along the street
16 frontage of the lot not to exceed six feet in width at a
17 standard thickness.
18 *d.* Underground gas, water, heating, sanitary sewer, storm
19 sewer, and electrical connections and accessories located in a
20 public street right-of-way and that serve only the lot.
21 4. All of the following public improvements are presumed to
22 confer a community benefit:
23 *a.* A public improvement or part of a public improvement
24 that is intended for use by or intended to serve lots outside
25 the district.
26 *b.* A sidewalk or recreational trail, or part thereof, that
27 is part of a community-wide public recreational trail system.
28 *c.* The portion of a sidewalk that exceeds the portion of the
29 sidewalk presumed to be an individual benefit under subsection
30 3, paragraph *"b"* or *"c"*.
31 *d.* Notwithstanding any provision of this division to the
32 contrary, the planning, legal, administrative, and inspection
33 costs, including city employee salary costs, associated with
34 a public improvement that is paid for in part by special
35 assessments.

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5. *a.* Notwithstanding any other provision in this division to the contrary, each city undertaking the repair or construction of a public improvement that includes a street improvement paid for in whole or in part by a special assessment shall, prior to the preparation of the schedule under section 384.47, complete a vehicle traffic analysis and forecast for the location of the proposed street improvement that includes but is not limited to a determination of the current amount of vehicle traffic generated by each lot within the proposed district, a determination of the current amount of vehicle traffic generated by sources other than the lots within the district, and a determination of the amount of vehicle traffic forecasted to be generated from each such source in the future based on the type of street being analyzed, completion of the public improvement, full development of the district, and future planned land use within the district. In conjunction with actual vehicle traffic data available to the city, the vehicle traffic analysis and forecast shall be completed using the most current trip generation data from the institute of transportation engineers for planned land uses.

b. The individual benefit accruing to each lot within the district as the result of the street improvement shall not exceed the percentage of the total benefit from the street improvement that is proportionate to the lot's forecasted amount of traffic generated as it bears to the total forecasted amount of vehicle traffic.

Sec. 14. Section 384.63, subsection 2, Code 2011, is amended to read as follows:

2. The council shall, by resolution, provide that the deficiencies for the lots ~~specially~~ individually benefited by a public improvement shall be certified to the county treasurer, who shall record them in the county system as "special assessment deficiencies", and to the appropriate city official charged with the responsibility of issuing building permits, who shall notify the council when a private improvement is

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1 subsequently constructed on any lot subject to a deficiency.
2 Certification to the county treasurer shall include a legal
3 description of each lot. The period of amortization for a
4 public improvement for which there are deficiencies shall
5 commence with the adoption of the resolution of necessity
6 and extend for the same period for which installments of
7 assessments for the project are made payable. Deficiencies may
8 be assessed only during the period of amortization, which shall
9 also be certified to the county treasurer and the city official
10 charged with the responsibility of issuing building permits.
11 Certification to the county treasurer shall include a legal
12 description of each lot.
13 Sec. 15. APPLICABILITY. This Act applies to public
14 improvements undertaken on or after July 1, 2012.
15 EXPLANATION
16 This bill relates to special assessments imposed by cities
17 and counties on private property for the cost of a public
18 improvement.
19 The bill establishes definitions of "community benefit",
20 "district benefit", and "individual benefit" under Code chapter
21 384, division IV. The bill also adds storm water management
22 intakes, sewers, and facilities and traffic-control devices,
23 fixtures, connections, and facilities to the definition of
24 "street improvement" under Code section 384.37.
25 The bill amends the definition of "district" in Code section
26 384.37 to mean the lots or parts of lots within boundaries of
27 a geographic area established by the council for the purpose
28 of the assessment of all or part of the cost of a public
29 improvement that is intended in whole or in part to provide an
30 individual benefit to such lots or parts of lots.
31 The bill requires that prior to the adoption of a preliminary
32 resolution related to a public improvement, a city must
33 adopt an ordinance, after specified notices and a hearing,
34 setting forth the method to be used in determining the amount
35 of individual benefit, district benefit, and community

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1 benefit projected to result from the public improvement and
2 a description of the manner in which the cost of the public
3 improvement will be allocated to each category of benefit.
4 The bill requires that 30 days' notice of a resolution
5 be published prior to adoption of the preliminary resolution
6 related to a public improvement. The bill requires the
7 preliminary resolution to contain a detailed description of
8 the method used for determining benefits as previously adopted
9 by ordinance, an estimate of the amount of individual benefit,
10 district benefit, and community benefit that will be conferred
11 as a result of the public improvement, and a statement of the
12 proportion of the total cost of the public improvement which
13 the council proposes to assess against property within the
14 proposed special assessment district.
15 The bill specifies that the total cost of a public
16 improvement, except for certain paving near railroad tracks
17 or improvements to be otherwise paid, may be assessed against
18 all lots within the assessment district in accordance with the
19 individual benefits conferred upon the property, and not in
20 excess of such benefits. The bill provides that the portion
21 of the total cost of a public improvement that is not assessed
22 to individual lots as the result of individual benefits is
23 attributable to the community benefit and shall be paid by the
24 city.
25 The bill strikes the provision of Code section 384.54 that
26 designated the cost of all court proceedings to be a legitimate
27 item of expense in connection with a public improvement and
28 allowed such costs to be included within the final assessment
29 against any property specially benefited in the assessment
30 district.
31 The bill allows a property owner to divide property that
32 is subject to a special assessment into two or more lots for
33 the purpose of separating improved portions of the land from
34 those portions of the land which are unimproved or used for
35 agricultural purposes.

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1 The bill designates certain public improvements that are
2 presumed to confer an individual benefit and designates certain
3 public improvements that are presumed to confer a community
4 benefit. Under the bill, the planning, legal, administrative,
5 and inspection costs, including city employee salary costs,
6 associated with a public improvement that is paid for in part
7 by special assessments may not be assessed to individual lots
8 within a district and shall instead be paid by the city as a
9 community benefit.
10 The bill requires each city undertaking the repair or
11 construction of a public improvement that includes a street
12 improvement, as defined in the bill, paid for in whole or in
13 part by a special assessment to complete a vehicle traffic
14 analysis and forecast for the location of the proposed
15 street improvement that includes but is not limited to a
16 determination of the current amount of vehicle traffic
17 generated by each lot within the proposed special assessment
18 district, a determination of the current amount of vehicle
19 traffic generated by sources other than the lots within the
20 district, and a determination of the amount of vehicle traffic
21 forecasted to be generated from each such source in the future
22 based on the type of street being analyzed, completion of the
23 public improvement, full development of the district, and
24 future planned land use within the district. In conjunction
25 with actual vehicle traffic data available to the city, the
26 vehicle traffic analysis and forecast must be completed using
27 the most current trip generation data from the institute of
28 transportation engineers for planned land uses. The bill
29 specifies that the individual benefit accruing to each lot
30 within the district as the result of the street improvement
31 shall not exceed the percentage of the total benefit from
32 the street improvement that is proportionate to the lot's
33 forecasted amount of traffic generated as it bears to the total
34 forecasted amount of vehicle traffic.
35 By operation of law, the bill modifies similar provisions

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1 relating to the authority of a county to assess to property the
2 costs of a public improvement under Code chapter 331 and the
3 authority of a sanitary district under Code chapter 358.
4 This Act applies to public improvements undertaken on or
5 after July 1, 2012.

House File 2179 - Introduced

HOUSE FILE 2179
BY ROGERS

A BILL FOR

1 An Act related to filing requirements for certain petitions to
2 the city development board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5702YH (2) 84
aw/sc

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Section 1. Section 368.11, subsection 1, Code 2011, is amended to read as follows:

1. A petition for incorporation~~, discontinuance, or boundary adjustment~~ may be filed with the board by a city council, a county board of supervisors, a regional planning authority, or five percent of the registered voters of a ~~city or~~ territory involved in the proposal. A petition for discontinuance or boundary adjustment may be filed with the board by a city council, a county board of supervisors, a regional planning authority, or five percent of the registered voters of the city involved in the proposal. Notice of the filing, including a copy of the petition, must be served upon the council of each city for which a discontinuance or boundary adjustment is proposed, the board of supervisors for each county which contains a portion of a city to be discontinued or territory to be incorporated, annexed or severed, the council of a city if an incorporation includes territory within the city's urbanized area, and any regional planning authority for the area involved.

EXPLANATION

This bill modifies the filing requirements for petitions to the city development board involving involuntary city development action by specifying that a petition for incorporation must be filed with the city development board by 5 percent of registered voters of a territory involved in the proposal, and a petition for discontinuance or boundary adjustment must be filed with the city development board by 5 percent of registered voters of the city involved in the proposal.

Current law which allows petitions for incorporation, discontinuance, or boundary adjustments to also be filed by a city council, a county board of supervisors, or a regional planning authority involved in the proposal is maintained.

House File 2180 - Introduced

HOUSE FILE 2180
BY MURPHY

A BILL FOR

1 An Act providing for advance notification of the need to renew
2 a driver's license.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5984YH (2) 84
dea/nh

H.F. 2180

Section 1. Section 321.196, subsection 1, Code 2011, is amended to read as follows:

1. *a.* Except as otherwise provided, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires five years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license. If the licensee is under the age of seventeen years eleven months or age seventy or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as verified by the department, not to exceed two years.

b. On or about the first day of each month, the department shall notify each licensee whose driver's license is due to expire in the following month of the need to renew the license and the period for renewal. The notice shall be mailed to the most recent address of record provided by the licensee pursuant to section 321.182, or the notice may be sent electronically by prior arrangement with the licensee. Failure to receive a renewal notice shall not affect the expiration of a license or the requirements for renewal of an expired license.

EXPLANATION

This bill requires the department of transportation to send a notice on or about the first day of each month to a person whose driver's license will expire in the following month. The notice shall be sent to the most recent address of record for the licensee, or may be sent electronically by prior arrangement with the licensee. The expiration of a license or

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1 the requirements for renewal are not affected by the failure of
2 a licensee to receive the notice.

House File 2181 - Introduced

HOUSE FILE 2181
BY KELLEY

A BILL FOR

1 An Act requiring the commission of veterans affairs to take
2 certain actions related to a plan to establish a veterans
3 national recovery center in Newton, and including effective
4 date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5770YH (5) 84
aw/nh

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1 Section 1. COMMISSION OF VETERANS AFFAIRS — STUDY
2 REGARDING VETERANS NATIONAL RECOVERY CENTER.
3 1. The commission of veterans affairs shall conduct a study
4 of the business plan for the repurposing of the former Maytag
5 headquarters complex in Newton, submitted to the commission by
6 the veterans national recovery center, a 501(c)(3) corporation
7 organized for the purpose of providing charity to veterans
8 and their families. The primary purpose of the study is to
9 explore the relationship between the state of Iowa and the
10 repurposed Maytag headquarters complex as it is proposed to be
11 operated, to validate the fiscal and operational logic of the
12 business plan, to fill in critical gaps in the business plan,
13 to identify national, state, and local benefits provided to
14 veterans, and to identify economic benefits to be produced for
15 the city of Newton and the state of Iowa. The commission shall
16 make any corrections to the business plan deemed necessary by
17 the results of the study.
18 2. The commission of veterans affairs shall submit the
19 corrected business plan for review and certification by a
20 certified public accountant.
21 3. The commission of veterans affairs shall fund the
22 costs of such study, review, and certification with moneys
23 appropriated to the commission from the veterans license fee
24 fund pursuant to section 35A.11.
25 4. The commission on veterans affairs shall provide the
26 results of the commission's study and any relevant materials
27 produced in the review and certification to the governor and
28 the general assembly, with a copy to the veterans national
29 recovery center by June 1, 2012.
30 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
31 immediate importance, takes effect upon enactment.
32 EXPLANATION
33 This bill requires that the commission of veterans affairs
34 take certain actions related to a plan to establish a veterans
35 national recovery center in Newton.

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1 The bill requires that the commission conduct a study of the
2 business plan for the repurposing of the Maytag headquarters
3 complex in Newton, submitted to the commission by the veterans
4 national recovery center. The bill requires the commission
5 of veterans affairs to evaluate and make corrections to the
6 business plan and have the business plan reviewed and certified
7 by a certified public accountant. The commission shall pay
8 for the costs of such study, review, and certification with
9 moneys appropriated to the commission from the veterans license
10 fee fund, established in Code section 35A.11. The bill also
11 requires that the commission of veterans affairs provide the
12 results of the study and any relevant materials produced in
13 the review and certification to the governor and the general
14 assembly, with a copy to the veterans national recovery center,
15 by June 1, 2012.
16 The bill takes effect upon enactment.

House File 2182 - Introduced

HOUSE FILE 2182
BY ANDERSON and DOLECHECK

A BILL FOR

1 An Act establishing the sales tax rebate for county development
2 program and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5041HH (6) 84
mm/sc

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DIVISION I

SALES TAX REBATE FOR COUNTY DEVELOPMENT PROGRAM

Section 1. NEW SECTION. **15E.370 Short title.**

This division shall be known and may be cited as the *"Sales Tax Rebate for County Development Program Act"*.

Sec. 2. NEW SECTION. **15E.371 Definitions.**

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

1. *"Base employment level"* means the number of full-time equivalent positions at a business, as established by the authority and a business using the business's payroll records, as of the date a business applies for a financial assistance award under the program.

2. *"Base year"* means the fiscal year immediately preceding the year in which an application is made for participation in the sales tax rebate for county development program.

3. *"Created job"* or *"job created"* means a new, permanent, full-time equivalent position added to a business's payroll in excess of the business's base employment level.

4. *"Economic development entity"* means a county board of supervisors, city council, or not-for-profit business association vested by a board of supervisors or city council with the power to represent a particular city or unincorporated area of a county under the program including but not limited to an area chamber of commerce.

5. *"Economic development project"* means a project involving private or joint public and private investment involving the creation of new jobs and income or the retention of existing jobs and income. An economic development project includes a physical infrastructure project so long as it is undertaken with the specific intent to create, attract, or retain jobs and income.

6. *"Financial assistance award"* means assistance provided only from the special fund of a county established pursuant to section 15E.373, subsection 1, and includes but is not limited

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1 to assistance in the form of grants, loans, forgivable loans,
2 and royalty payments.
3 7. *"Full-time equivalent position"* means a non-part-time
4 position for the number of hours or days per week considered
5 to be full-time work for the kind of service or work performed
6 for an employer. Typically, a full-time equivalent position
7 requires two thousand eighty hours of work in a calendar year,
8 including all paid holidays, vacations, sick time, and other
9 paid leave.
10 8. *"Maintenance period"* means the period of time between the
11 project completion date and maintenance period completion date.
12 9. *"Maintenance period completion date"* means the date on
13 which the maintenance period ends.
14 10. *"Physical infrastructure project"* means a project
15 that creates necessary infrastructure for economic success
16 throughout Iowa, provides the foundation for the creation of
17 jobs, and that involves the investment of a substantial amount
18 of capital. Physical infrastructure projects include but are
19 not limited to projects involving any mode of transportation;
20 public works and utilities such as sewer, water, power, or
21 telecommunications; physical improvements that mitigate,
22 prevent, or eliminate environmental contamination; and other
23 similar projects deemed to be physical infrastructure by the
24 authority.
25 11. *"Program"* means the sales tax rebate for county
26 development program.
27 12. *"Program application"* means an application by a county
28 to participate in the sales tax rebate for county development
29 program.
30 13. *"Program year"* means the fiscal year beginning July
31 1, 2012, and every fiscal year thereafter during which
32 the authority administers the sales tax rebate for county
33 development program.
34 14. *"Project completion date"* means the date by which a
35 recipient of a financial assistance award has agreed to meet

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all the terms and obligations contained in an agreement with the authority as described in section 15E.373, subsection 6, paragraph *"a"*.

15. *"Retained job"* means a full-time equivalent position in existence at the time an employer applies for financial assistance which remains continuously filled or authorized to be filled as soon as possible and which is at risk of elimination if the project for which the employer is seeking assistance does not proceed.

Sec. 3. NEW SECTION. **15E.372 Sales tax rebate for county development program — establishment and application.**

1. The authority shall establish and administer a sales tax rebate for county development program to provide counties participating in the program with a one-time, limited rebate of sales tax imposed and collected by retailers upon sales of tangible personal property or services furnished to purchasers within the county. The rebate shall be used to provide financial assistance awards to local economic development projects pursuant to this division.

2. *a.* A county board of supervisors may make application to the authority for participation in the program. Program applications shall be received by November 30, 2012, to be eligible for consideration in the first year of the program, and by November 30 for every year thereafter.

b. Program applications shall be made in the manner and form prescribed by the authority and shall contain, at a minimum, the following information:

(1) The identity of the economic development entity located in the county that is designated as eligible to apply for financial assistance awards under the program.

(a) A city council shall designate one economic development entity to represent it under the program.

(b) A county board of supervisors shall designate one economic development entity to represent the unincorporated areas of the county under the program.

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(c) An economic development entity may represent more than one city or unincorporated area within a county under the program, but no city or unincorporated area shall be represented by more than one economic development entity.

(2) Sufficient information to enable the authority to make selections based on the criteria provided in subsection 3, paragraphs *"a"* through *"d"*.

3. After receiving the timely filed program applications for a program year, the authority may, within sixty days, select no more than ten counties to participate in the program. In making selection decisions, the authority shall consider all information contained in a program application, as well as any other relevant information and economic data, giving priority to counties demonstrating the greatest economic development need and the greatest potential for economic growth and expansion, and giving considerable weight to the following:

a. A recent business closure or permanent layoff that has, or may have, a significant negative economic impact in the county. For purposes of this paragraph, *"recent business closure or permanent layoff"* means the loss of full-time employees, not including retail employees, at one or more places or businesses within the county. To qualify as a loss of a full-time employee, the loss must occur because of the removal of the job to an out-of-state location, the cessation of one or more production lines, the removal of manufacturing machinery and equipment, or similar actions determined to be equivalent in nature by the authority. Loss of full-time employees does not include a layoff of seasonal employees or a layoff that is seasonal in nature.

b. A potential economic development project that exists or may exist within a county.

c. An unemployment rate for a county that is greater than the state average rate of unemployment.

d. A loss of population in a county as shown by the 2010 certified federal census when compared with the 2000 certified

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1 federal census.
2 4. A county chosen by the authority for participation
3 in the program that receives a sales tax rebate pursuant to
4 section 423.4, subsection 10, paragraph *"b"*, subparagraph (3),
5 is ineligible to submit another program application to the
6 authority for participation in the program.
7 5. *a.* If a member of the governing body of a city or county
8 or an employee of a state, city, or county board, agency,
9 commission, or other governmental entity of the state, city, or
10 county involved in this program has an interest, either direct
11 or indirect, in a private person, contract, or entity for
12 which financial assistance may be provided under this program,
13 the interest shall be disclosed to that governing body or
14 governmental entity, and the authority, in writing. The member
15 or employee having the interest shall not participate in the
16 decision-making process with regard to the providing of such
17 financial assistance to the private person or entity.
18 *b.* Employment by a governmental entity, public body, its
19 agencies or institutions, or by any other person having such
20 an interest shall not be deemed an indicia of an interest by
21 the employee or of any ownership or control by the employee of
22 interests of the employee's employer.
23 *c.* The word *"participate"* or *"participation"* shall be deemed
24 not to include discussion or debate preliminary to a vote of a
25 governmental entity, local governing body, or local agency upon
26 proposed ordinances or resolutions relating to such a project
27 or any abstention from such a vote.
28 *d.* The designation of a bank or trust company as depository,
29 paying agent, or agent for investment of funds shall not be
30 deemed a matter of interest or personal interest.
31 *e.* Stock ownership in a corporation, or other equity
32 interest in a business, having such an interest shall not be
33 deemed an indicia of an interest or of ownership or control by
34 the person owning the stock or equity interest when less than
35 five percent of the outstanding stock or equity interest of

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1 the corporation or business is owned or controlled directly or
2 indirectly by that person.
3 *f.* A violation of a provision of this subsection is
4 misconduct in office under section 721.2. However, a decision
5 of the governing board or governmental entity is not invalid
6 because of the participation of the member or employee in
7 the decision-making process or because of a vote cast by a
8 member or employee in violation of this subsection unless the
9 participation or vote was decisive in the awarding of the
10 financial assistance.
11 *g.* For purposes of this subsection, any private
12 not-for-profit economic development entity representing a city
13 or county under the program shall be considered a governmental
14 entity subject to the conflict of interest provisions in this
15 subsection.
16 6. The authority shall notify the department of revenue
17 of each county chosen for participation in the program. The
18 department of revenue shall credit the sales tax receipts as
19 calculated in section 423.4, subsection 10, paragraph *"b"*,
20 subparagraph (3), to the county's account in the special fund
21 created under section 15E.373.
22 Sec. 4. NEW SECTION. **15E.373 Special fund administration —**
23 **appropriation and allocation of rebate moneys.**
24 1. The authority shall create a special fund, and within
25 that fund create a separate account for each county chosen for
26 participation in the program. The fund shall consist only
27 of amounts credited by the department of revenue pursuant to
28 section 423.4, subsection 10, paragraph *"b"*, subparagraph
29 (3). The special fund shall be administered, allocated, and
30 distributed only as provided in this section.
31 2. Interest or earnings on moneys in a special fund shall
32 revert to the general fund.
33 3. All moneys remaining in a special fund after five years
34 from the date the credit is made shall revert to the general
35 fund.

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1 4. An economic development entity designated in the
2 program application of a participating county may apply to the
3 authority for a financial assistance award from the county's
4 account in the special fund, to be used for the purpose of an
5 economic development project.
6 *a.* Applications shall be made in the manner and form
7 prescribed by the authority and shall contain, at a minimum,
8 the following information:
9 (1) The amount requested and a detailed description of
10 how the moneys will be used including but not limited to a
11 description and purpose of the proposed economic development
12 project.
13 (2) The goal of the proposed economic development project,
14 including the projected jobs and income created or retained.
15 (3) The projected source, type, and amount of any private
16 capital or other investment involved with the proposed economic
17 development project. The authority shall not require any
18 economic development entity, county, or city to provide, or
19 demonstrate an ability to provide, local matching moneys
20 in order to receive a financial assistance award under the
21 program.
22 (4) A list of all public and private parties involved with
23 the proposed economic development project.
24 *b.* If upon review of an application for a financial
25 assistance award, the authority finds that the proposed
26 economic development project meets the definition of an
27 economic development project in section 15E.371, subsection 5,
28 the authority and the recipient of the financial assistance
29 award shall enter into an agreement pursuant to subsection 6.
30 5. *a.* For each city and unincorporated area within a
31 county, the aggregate financial assistance awards paid from the
32 county's account in the special fund for economic development
33 projects shall not exceed an amount which is equal to the
34 lesser of the following:
35 (1) The state sales tax imposed and collected within that

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city or unincorporated area for the base year, as calculated in section 423.4, subsection 10, paragraph *"b"*, subparagraph (2).

(2) An amount equal to the same proportion of the credit made pursuant to section 423.4, subsection 10, paragraph *"b"*, subparagraph (3), as the amount of state sales tax imposed and collected in the city or unincorporated area for the base year, as calculated in section 423.4, subsection 10, paragraph *"b"*, subparagraph (2), bears to the total amount of state sales tax imposed and collected in the county for the base year, as calculated in section 423.4, subsection 10, paragraph *"b"*, subparagraph (1).

b. Notwithstanding paragraph *"a"*, the governing body of an economic development entity may elect to allocate all or a portion of its share of moneys in the special fund to a different city or unincorporated area within the same county if the economic development entity determines all of the following:

(1) That a viable proposal for an economic development project does not currently exist within the allocating city or unincorporated area, and it is unlikely that one will be developed before the expiration of the five-year period set forth in subsection 3.

(2) That the proposed economic development project to which it wishes to allocate all or a portion of its share of moneys in the special fund will directly and materially benefit the allocating city or unincorporated area. For purposes of this subparagraph, *"directly and materially benefit"* means an increase in jobs, population, or tax revenue within the allocating city or unincorporated area.

6. The authority and the recipient of the financial assistance shall enter into an agreement describing the terms and obligations under which the financial assistance will be provided. The authority, in consultation with the applicable economic development entity, may negotiate the terms and obligations of the agreement. An agreement shall contain

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1 but need not be limited to all of the following terms and
2 obligations:
3 *a.* A project completion date.
4 *b.* A maintenance period completion date.
5 *c.* The number of jobs to be created or retained.
6 *d.* The amount of private capital or other investment to be
7 involved.
8 *e.* The amount of the financial assistance award to be
9 provided under the program.
10 7. The authority may enforce the terms and obligations of
11 agreements described in subsection 6.
12 8. A recipient of a financial assistance award shall meet
13 all terms and obligations in an agreement by the project
14 completion date, but the authority may for good cause extend
15 the project completion date.
16 9. During the maintenance period, a recipient of a financial
17 assistance award shall continue to comply with the terms and
18 obligations of an agreement entered into pursuant to subsection
19 6.
20 10. During the entire life of an agreement entered into
21 pursuant to subsection 6, if the recipient of a financial
22 assistance award fails to meet all terms and obligations in
23 its agreement or experiences a layoff within this state or
24 closes any of its facilities within this state, the authority
25 may reduce or eliminate some or all of the amount of financial
26 assistance award to be received. If the recipient of a
27 financial assistance award under this section fails to meet
28 all terms and obligations in its agreement or experiences a
29 layoff within this state or closes any of its facilities within
30 this state, the recipient may be subject to repayment of all or
31 a portion of the financial assistance award it has received.
32 Any amount repaid to the authority under this subsection shall
33 revert to the general fund.
34 11. In addition to the terms and obligations agreed
35 to pursuant to subsection 6, the recipient of a financial

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1 assistance award shall be subject to all of the following
2 requirements:
3 *a.* The potential recipient of a financial assistance
4 award shall submit to the authority a report describing all
5 violations of environmental law or worker safety law within
6 the last five years by the private parties involved in the
7 proposed economic development project. If, upon review of the
8 report, the authority finds that a private party has a record
9 of violations of the law, statutes, rules, or regulations that
10 tends to show a consistent pattern, the authority shall not
11 make an award of financial assistance to the project unless the
12 authority finds either that the violations did not seriously
13 affect public health, public safety, or the environment, or,
14 if such violations did seriously affect public health, public
15 safety, or the environment, that mitigating circumstances were
16 present.
17 *b.* The recipient of a financial assistance award shall not
18 have closed, or substantially reduced, operations in one area
19 of this state and relocated substantially the same operations
20 in a community in another area of this state. However, this
21 section shall not be construed to prohibit the recipient of a
22 financial assistance award from expanding its operation in a
23 community if existing operations of a similar nature in this
24 state are not closed or substantially reduced.
25 *c.* The recipient of a financial assistance award shall only
26 employ individuals legally authorized to work in this state.
27 In addition to any and all other applicable penalties provided
28 by current law, all or a portion of the financial assistance
29 award is subject to recapture by the authority if the recipient
30 is found to knowingly employ individuals not legally authorized
31 to work in this state. Any amount repaid to the authority
32 under this paragraph shall revert to the general fund.
33 12. Funds and financial assistance awards issued by
34 the authority under this program to any party shall not be
35 deposited in the general fund of any economic development

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1 entity, county, or city, nor used for any of the following
2 purposes:
3 *a.* Salaries or bonuses of any person employed by an economic
4 development entity, county, or city.
5 *b.* Consultant fees.
6 *c.* Marketing fees.
7 *d.* Operating expenses of an economic development entity,
8 county, or city.
9 13. The authority shall adopt rules for the administration
10 of this division in accordance with chapter 17A. To the extent
11 necessary, the rules shall provide for the inclusion of uniform
12 terms and obligations in agreements between the authority
13 and the recipients of financial assistance awards under the
14 program.
15 DIVISION II
16 CALCULATION AND ISSUANCE OF SALES TAX REBATE
17 Sec. 5. Section 423.4, Code Supplement 2011, is amended by
18 adding the following new subsection:
19 NEW SUBSECTION. 10. *a.* For purposes of this subsection:
20 (1) *"Authority"* means the economic development authority
21 created in section 15.105.
22 (2) *"Base year"* means the same as defined in section
23 15E.371.
24 (3) *"Program"* means the sales tax rebate for county
25 development program in chapter 15E, division XXVII.
26 (4) *"Program application"* means an application by a county
27 to participate in the sales tax rebate for county development
28 program in chapter 15E, division XXVII.
29 (5) *"Program year"* means the same as defined in section
30 15E.371.
31 (6) *"State sales tax"* means sales tax imposed in section
32 423.2, and shall not exceed an amount equal to five percent of
33 the sales price of the tangible personal property or services
34 furnished to purchasers. *"State sales tax"* does not include
35 any local option sales and service taxes imposed pursuant to

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1 chapter 423B.
2 *b.* The department shall assist in the administration of the
3 sales tax rebate for county development program in chapter 15E,
4 division XXVII, and issue rebates of state sales tax imposed
5 and collected by retailers upon sales of tangible personal
6 property or services furnished to purchasers within a county in
7 the following manner and amounts:
8 (1) Upon notice by the authority of its applications for
9 a program year pursuant to section 15E.372, subsection 4, the
10 department shall calculate the total state sales tax imposed
11 and collected by retailers upon sales of tangible personal
12 property or services furnished to purchasers in each applicant
13 county for the base year of the program application and provide
14 that information to the authority on or before December 31 of
15 the program year.
16 (2) Upon notice by the authority of its selection of a
17 county for participation in the program, the department shall
18 calculate the total state sales tax imposed and collected by
19 retailers upon sales of tangible personal property or services
20 furnished to purchasers for each city and unincorporated area
21 within that county for the base year of the program application
22 and provide that information to the county and the authority on
23 or before March 1 of the program year.
24 (3) Upon notice by the authority of its selection of a
25 county for participation in the program, the department shall
26 credit to the county's account in the special fund created in
27 section 15E.373 an amount equal to the state sales tax imposed
28 and collected by retailers upon sales of tangible personal
29 property or services furnished to purchasers for the base year
30 of the program application, or five million dollars, whichever
31 is less. The credit shall be made by March 15 of the program
32 year to the county's account in the special fund under the
33 control of the authority to be administered and distributed by
34 the authority pursuant to section 15E.373.
35 DIVISION III

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1 ANNUAL REPORT TO GENERAL ASSEMBLY AND GOVERNOR
2 Sec. 6. Section 15.104, subsection 8, Code Supplement 2011,
3 is amended by adding the following new paragraph:
4 NEW PARAGRAPH. *m.* Sales tax rebate for county development
5 program. Data on the sales tax rebate for county development
6 program established pursuant to chapter 15E, division XXVII,
7 including all of the following for each participant county:
8 (1) The identity of each economic development entity
9 designated to represent the cities and unincorporated areas of
10 the county.
11 (2) A report of all deposits, withdrawals, and expenditures
12 made from the special fund of the county.
13 (3) A description of each proposed economic development
14 project disapproved for a financial assistance award by the
15 authority and the reason for disapproval.
16 (4) For each economic development project awarded financial
17 assistance:
18 (a) The project's description and location.
19 (b) For each project, the amount of financial assistance
20 awarded and the amount of the award actually paid to the
21 economic development entity as of June 30 of the fiscal year.
22 (c) If applicable, the number of created or retained
23 jobs contracted for and the actual number of jobs created or
24 retained as a result of the project.
25 (d) If applicable, the amount of private capital or other
26 investment contracted for and the actual amount of private
27 capital or other investment made as a result of the project.
28 (e) If applicable, other terms and obligations contracted
29 for and the actual terms and obligations complied with and
30 fulfilled as a result of the project.
31 EXPLANATION
32 This bill relates to a sales tax rebate for county
33 development program.
34 Division I of the bill relates to the creation and
35 administration of the program.

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1 The division requires the economic development authority
2 to create and administer a program to participating counties
3 in the state with a one-time, limited sales tax rebate to be
4 used to provide financial assistance awards to local economic
5 development projects. "Economic development project" is
6 defined as a project involving private or joint public and
7 private investment involving the creation of new jobs and
8 income or the retention of existing jobs and income. An
9 economic development project includes a physical infrastructure
10 project as defined in the bill, so long as it is undertaken
11 with the specific intent to create, attract, or retain jobs and
12 income.
13 The economic development authority may choose up to 10
14 counties per year to participate in the program and receive
15 a sales tax rebate, with the rebates first payable during
16 the fiscal year beginning July 1, 2012. Applications for
17 participation by a prospective county are to be made by
18 November 30 by the county board of supervisors. As part of
19 the application, each city and unincorporated area within the
20 county is required to designate one economic development entity
21 to represent it under the program. "Economic development
22 entity" is defined as a county board of supervisors, city
23 council, or not-for-profit business association vested by
24 a board of supervisors or city council with the power to
25 represent it under the program. The designation for each city
26 will be made by its city council, and the designation for
27 each unincorporated area will be made by the county board of
28 supervisors. An economic development entity may represent
29 more than one city or unincorporated area, but no city or
30 unincorporated area may be represented by more than one
31 economic development entity. In addition, each application
32 is required to have information pertaining to recent business
33 closures or permanent layoffs that have, or may have, a
34 significant negative impact in the county, potential economic
35 development projects that exist or may exist within the

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1 county, the current unemployment rate of the county, and the
2 county's population for the two most recently completed federal
3 censuses.
4 The economic development authority has 60 days after
5 November 30 to choose up to 10 counties to participate in the
6 program. In making its selection decisions, the authority is
7 required to consider all information contained in a program
8 application and any other relevant information, giving
9 considerable weight to counties that have had a recent business
10 closure or permanent layoff with a significant negative
11 impact in the county, that have potential economic development
12 projects in the county, that have unemployment rates greater
13 than the state average, and that have experienced a recent loss
14 of population. Applicant counties demonstrating the greatest
15 need and potential for economic growth and expansion are to be
16 given priority.
17 Each county is eligible to participate in the program one
18 time. A county chosen for participation shall receive a sales
19 tax rebate from the department of revenue equal to the state
20 sales tax imposed and collected by retailers upon sales of
21 tangible personal property or services furnished to purchasers
22 in that county for the base year of the county's application,
23 or $5 million, whichever is less. A county's "base year" is
24 defined as the fiscal year immediately preceding the program
25 year for which the program application is made. The rebate
26 applies only to the first 5 percent of state sales tax imposed
27 in Code section 423.2, and not to any local option sales and
28 service tax imposed pursuant to Code chapter 423B. The rebate
29 shall be issued by the department of revenue in the form of a
30 credit made by March 15 of the program year into the county's
31 account in a special fund to be administered and distributed by
32 the economic development authority. Any moneys remaining in a
33 special fund after five years from the date the credit is made
34 shall revert to the general fund of the state. Any interest or
35 earnings on moneys in a special fund shall immediately revert

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1 to the general fund of the state.
2 An economic development entity designated in a participating
3 county's program application may apply to the authority for a
4 financial assistance award from the county's account in the
5 special fund, provided it is used exclusively for an economic
6 development project. Applications for funds are to be made
7 in the manner and form developed by the authority and shall
8 contain, at a minimum, the amount requested and a detailed
9 description of how the moneys will be used; the description
10 and purpose of the proposed project; the goal of the proposed
11 project and estimated jobs and income created and retained; the
12 projected source, type, and amount of any private capital or
13 other investment involved with the proposed project; and a list
14 of all public and private parties involved with the proposed
15 project.
16 The authority is not allowed to require any economic
17 development entity, county, or city to provide, or demonstrate
18 an ability to provide, local matching moneys in order to
19 receive a financial assistance award under the program.
20 The maximum aggregate financial assistance awards paid
21 from the special fund of a participant county for economic
22 development projects within a city or unincorporated area
23 shall not exceed an amount which is the lesser of the total
24 amount of state sales tax imposed and collected in that city or
25 unincorporated area for the base year of the county's program
26 application, or an amount equal to the same proportion of the
27 county's rebate received from the department of revenue, as
28 the amount of state sales tax imposed and collected in that
29 city or unincorporated area for the base year of the county's
30 program application bears to the total amount of state sales
31 tax imposed and collected in that county for the base year of
32 the program application. However, an economic development
33 entity representing a city or unincorporated area may elect to
34 allocate all or a portion of its share of a county's special
35 fund to a different city or unincorporated area within that

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1 same county if it makes a determination based on factors
2 specified in the bill.
3 If the authority determines that a proposed economic
4 development project meets the definition of "economic
5 development project" described above, then it shall enter into
6 an agreement with the recipient of the financial assistance
7 award that describes the terms and obligations under which
8 the financial assistance will be provided. The authority, in
9 consultation with the applicable economic development entity,
10 may negotiate the terms and obligations of the agreement. An
11 agreement shall contain, at a minimum, the project completion
12 date, maintenance period completion date, the number of jobs
13 to be created or retained, the amount of private capital or
14 other investment to be involved, and the amount of financial
15 assistance to be provided. "Project completion date" means
16 the date by which a financial assistance award recipient has
17 agreed to meet all the terms and conditions contained in its
18 agreement with the authority. The maintenance period refers
19 to the period of time between the project completion date
20 and the maintenance period completion date. "Maintenance
21 period completion date" is defined as the date on which the
22 maintenance period ends.
23 The division also lists several requirements that the
24 potential recipient of a financial award must fulfill. First,
25 potential financial award recipients must submit to the
26 authority a report describing all violations of environmental
27 law and worker safety in the last five years. The authority
28 must deny a financial assistance award if it finds a consistent
29 pattern of violations unless mitigating circumstances were
30 present. Second, potential financial award recipients must
31 not have closed or substantially reduced operations in one
32 area of this state and relocated substantially the same
33 operations in another community in another area of this state.
34 Third, potential financial award recipients must only employ
35 individuals legally authorized to work in this state.

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1 During the life of the agreement, the authority may reduce,
2 eliminate, or recapture some or all of the financial assistance
3 awarded if a recipient fails to meet all the terms and
4 obligations of its agreement, experiences a layoff or closes
5 any facilities within the state, or employs individuals not
6 legally authorized to work in this state. Any amount repaid to
7 the authority shall revert to the general fund.
8 The division provides that funds and financial assistance
9 awards issued under the program to any party shall not be
10 deposited in the general fund of any economic development
11 entity, county, or city, nor used for operating expenses of any
12 economic development entity, county, or city, or for salaries
13 or bonuses of any person employed by an economic development
14 entity, county, or city. It further provides that funds and
15 financial assistance awards shall not be used for consulting
16 fees or marketing fees.
17 The division provides conflict of interest provisions that
18 apply to any member of a governing body of a city or county
19 or an employee of a state, city, or county board, agency,
20 commission, or other governmental entity of this state that
21 has an interest, either direct or indirect, in a private
22 person, contract, or entity for which financial assistance
23 may be provided under the program. For purposes of the
24 conflict of interest provisions, any not-for-profit economic
25 development entity representing a city or county shall be
26 considered a governmental entity subject to the conflict of
27 interest provisions. The bill provides that violations of
28 the conflict of interest provisions are considered misconduct
29 in office under Code section 721.2 and classified as a
30 serious misdemeanor. A serious misdemeanor is punishable by
31 confinement for no more than one year and a fine of at least
32 $315 but not more than $1,875.
33 The division provides that the authority shall adopt rules
34 for the administration of the sales tax rebate for county
35 development program and provide for the inclusion of uniform

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1 terms and obligations in agreements between the authority and
2 recipients of financial assistance awards under the program.
3 Division II of the bill relates to the calculation and
4 issuance of sales tax rebates by the department of revenue.
5 The division provides that the department of revenue will
6 assist the economic development authority in administering the
7 sales tax rebate for county development program by calculating
8 the total state sales tax imposed and collected by retailers
9 upon sales of tangible personal property or services furnished
10 to purchasers pursuant to Code section 423.2 in each applicant
11 county for the base year of each program application. The
12 department is responsible for calculating the same amounts for
13 each city and unincorporated area within any county that is
14 chosen for participation in the program, and then crediting the
15 appropriate amount by March 15 of the program year to a special
16 fund within the economic development authority.
17 Division III of the bill relates to an annual report prepared
18 by the economic development authority.
19 The division provides that the economic development
20 authority shall include a report on the sales tax rebate for
21 county development program in its annual report to the general
22 assembly and governor. The report shall include the identity
23 of each economic development entity designated to represent
24 cities and unincorporated areas under the program; a report of
25 all deposits, withdrawals, and expenditures made from special
26 funds of the counties; and a description of each disapproved
27 economic development project and the reason for disapproval.
28 For each approved project, the report shall include a
29 description and the location of the project; the amount of
30 financial assistance awarded and paid; and if applicable, the
31 number of jobs, investments, or other terms and conditions
32 contracted for and actually completed under the agreements.

House File 2183 - Introduced

HOUSE FILE 2183
BY KRESSIG

A BILL FOR

1 An Act establishing a long-term unemployed worker tax credit
2 for taxpayers who hire a long-term unemployed individual and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5053YH (4) 84
mm/sc

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Section 1. NEW SECTION. **422.11I Long-term unemployed worker tax credit.**

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

a. "Full-time basis" means an average of forty hours of work per week, including all paid holidays, vacations, sick leave, and other paid leave.

b. "Long-term unemployed individual" means a resident of this state who has been totally unemployed for at least eight consecutive months.

c. "Totally unemployed" means the same as defined in section 96.19, subsection 38, paragraph *"a"*.

2. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a long-term unemployed worker tax credit equal to one thousand five hundred dollars for hiring a long-term unemployed individual for employment in this state on or after the effective date of this Act. To be eligible for the credit, the taxpayer must employ the long-term unemployed individual on a full-time basis for twelve consecutive months.

3. The credit shall not be allowed for a long-term unemployed individual who was hired to replace an individual whose employment was terminated within the twelve-month period preceding the date the long-term unemployed individual is hired. However, if the individual being replaced left employment voluntarily without good cause attributable to the employer or if the individual was discharged for misconduct in connection with the individual's employment as determined by the department of workforce development, the credit shall be allowed.

4. To receive the long-term unemployed worker tax credit, a taxpayer must submit an application to the department, made in the manner and form prescribed by the department. If the taxpayer meets the criteria for eligibility, the department shall issue to the taxpayer a tax certificate for the long-term

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1 unemployed worker tax credit. The certificate shall contain
2 the taxpayer's name, address, tax identification number, the
3 amount of the credit, the tax year for which the certificate
4 applies, and an expiration date for the certificate. The
5 taxpayer must file the tax credit certificate with the
6 taxpayer's income tax return for the tax year in which the
7 twelfth month of employment falls in order to claim the tax
8 credit.
9 5. The tax credit certificates shall be issued on an
10 earliest filed basis. The aggregate total amount of tax credit
11 certificates that may be issued by the department shall not
12 exceed five million dollars.
13 6. Any credit in excess of the tax liability is not
14 refundable but the excess for the tax year may be credited to
15 the tax liability for the following three tax years or until
16 depleted, whichever is earlier.
17 7. An individual may claim the tax credit allowed a
18 partnership, limited liability company, S corporation, estate,
19 or trust electing to have the income taxed directly to the
20 individual. The amount claimed by the individual shall be
21 based upon the pro rata share of the individual's earnings of
22 the partnership, limited liability company, S corporation,
23 estate, or trust.
24 8. This section is repealed thirty days following the date
25 on which five million dollars in total credits under this
26 section, section 422.33, subsection 29, and section 422.60,
27 subsection 14, have been allowed.
28 Sec. 2. Section 422.33, Code Supplement 2011, is amended by
29 adding the following new subsection:
30 NEW SUBSECTION. 29. *a.* The taxes imposed under this
31 division shall be reduced by a long-term unemployed worker tax
32 credit allowed under section 422.11I.
33 *b.* This subsection is subject to repeal pursuant to section
34 422.11I, subsection 8.
35 Sec. 3. Section 422.60, Code Supplement 2011, is amended by

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1 adding the following new subsection:
2 NEW SUBSECTION. 14. *a.* The taxes imposed under this
3 division shall be reduced by a long-term unemployed worker tax
4 credit allowed under section 422.11I.
5 *b.* This subsection is subject to repeal pursuant to section
6 422.11I, subsection 8.
7 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
8 immediate importance, takes effect upon enactment.
9 Sec. 5. APPLICABILITY. This Act applies to long-term
10 unemployed individuals hired on or after the effective date of
11 this Act.
12 EXPLANATION
13 This bill provides an individual and corporate income tax
14 credit and franchise tax credit for the hiring and employment
15 of a long-term unemployed individual in this state. "Long-term
16 unemployed individual" is defined as a resident of this state
17 who has been totally unemployed for at least eight consecutive
18 months.
19 The credit is available to a taxpayer who hires and employs
20 a long-term unemployed individual for employment on a full-time
21 basis for 12 consecutive months in this state on or after the
22 effective date of the bill. "Full-time basis" is defined as
23 an average of 40 hours of work per week. The credit is equal
24 to $1,500. The credit is nonrefundable, but may be carried
25 forward for three years.
26 The credit is not allowed if the long-term unemployed
27 individual was hired to replace an individual whose employment
28 was terminated within the 12-month period preceding the date
29 the long-term unemployed individual was hired, unless the
30 individual left employment voluntarily without good cause
31 attributable to the employer or was discharged for misconduct
32 as determined by the department of workforce development.
33 To receive the tax credit, a taxpayer must submit an
34 application to the department of revenue and receive a tax
35 credit certificate, then attach the certificate to the

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1 taxpayer's tax return.
2 The total amount of tax credits that may be issued by the
3 department of revenue for tax years beginning on or after
4 January 1, 2012, shall not exceed $5 million. Tax credit
5 certificates shall be issued on an earliest filed basis.
6 An individual may claim the tax credit allowed a
7 partnership, limited liability company, S corporation, estate,
8 or trust electing to have the income taxed directly to the
9 individual. The amount claimed by the individual shall be
10 based upon the pro rata share of the individual's earnings of
11 the partnership, limited liability company, S corporation,
12 estate, or trust.
13 The credit is repealed 30 days following the date on which $5
14 million in total credits have been allowed.
15 The bill takes effect upon enactment and applies to
16 long-term unemployed individuals hired on or after that date.

House Study Bill 581 - Introduced

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

A BILL FOR

1 An Act requiring that absentee ballot return envelopes be
2 conspicuously marked with county commissioner of elections
3 receipt and postmark requirements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5290XD (1) 84
aw/sc

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1 Section 1. Section 53.17, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. *a.* In order for the ballot to be counted, the return
4 envelope must be received in the commissioner's office before
5 the polls close on election day or be clearly postmarked by an
6 officially authorized postal service not later than the day
7 before the election and received by the commissioner not later
8 than noon on the Monday following the election.
9 *b.* Return envelopes shall be conspicuously marked to provide
10 voters with notice of the requirements of this subsection. The
11 state commissioner of elections shall adopt rules to implement
12 this paragraph.
13 EXPLANATION
14 This bill requires that all absentee ballot return envelopes
15 be marked conspicuously to give notice to voters that in
16 order for the absentee ballot to be counted the ballot must
17 be received before the polls close on election day or be
18 postmarked by the day before the election and received by the
19 county commissioner of elections not later than noon on the
20 Monday following the election. The state commissioner of
21 elections shall adopt rules to implement this requirement.

House Study Bill 582 - Introduced

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

A BILL FOR

1 An Act relating to proof of identification and proof of
2 residence in order to register to vote or to vote, creating
3 a criminal offense for falsely swearing certain oaths,
4 providing penalties, and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5281XD (9) 84
aw/sc

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DIVISION I
VOTER IDENTIFICATION REQUIREMENTS

Section 1. Section 39A.2, subsection 1, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) Falsely swears to an oath required pursuant to section 49.77, subsection 3.

Sec. 2. Section 48A.7A, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. A person who is eligible to register to vote and to vote may register on election day by appearing in person at the polling place for the precinct in which the individual resides and completing a voter registration application, making written oath, and providing proof of identity and ~~residence~~ proof of residence pursuant to paragraph "*b*".

Sec. 3. Section 48A.7A, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

b. (1) For purposes of this section, a person may establish identity by showing proof of identification as required in section 49.77, subsection 3.

(2) For purposes of this section, a person may establish residence using a proof of identification document presented pursuant to section 49.77, subsection 3, if the proof of identification contains the person's current address in the precinct. If the proof of identification does not contain the person's current address in the precinct, the person shall also present one of the following documents that shows the person's name and current address in the precinct:

(a) Utility bill.

(b) Bank statement.

(c) Paycheck.

(d) Government check.

(e) Other government document.

Sec. 4. Section 48A.7A, subsections 2 and 3, Code 2011, are amended to read as follows:

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1 2. The oath required in subsection 1, paragraph "a", and
2 in paragraph "c", if applicable, shall be executed on the
3 same piece of paper and attached to the voter registration
4 application.
5 3. At any time before election day, and after the deadline
6 for registration in section 48A.9, a person who appears in
7 person at the commissioner's office or at a satellite absentee
8 voting station or whose ballot is delivered to a health care
9 facility pursuant to section 53.22 may register to vote and
10 vote an absentee ballot by following the procedure in this
11 section for registering to vote on election day. A person who
12 wishes to vote in person at the polling place on election day
13 and who has not registered to vote before the deadline for
14 registering in section 48A.9, is required to register to vote
15 at the polling place on election day following the procedure
16 in this section. However, the person may complete the voter
17 registration application at the commissioner's office and,
18 after the commissioner has reviewed the completed application,
19 may present the application to the appropriate precinct
20 election official along with proof of ~~identity and residency~~
21 identification and proof of residence.
22 Sec. 5. Section 49.53, subsection 1, Code 2011, is amended
23 to read as follows:
24 1. The commissioner shall not less than four nor more than
25 twenty days before the day of each election, except those for
26 which different publication requirements are prescribed by law,
27 publish notice of the election. The notice shall contain a
28 facsimile of the portion of the ballot containing the first
29 rotation as prescribed by section 49.31, subsection 2, and
30 shall show the names of all candidates or nominees and the
31 office each seeks, and all public questions, to be voted upon
32 at the election. The sample ballot published as a part of the
33 notice may at the discretion of the commissioner be reduced in
34 size relative to the actual ballot but such reduction shall not
35 cause upper case letters appearing in candidates' names or in

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1 summaries of public measures on the published sample ballot to
2 be less than nine point type. The notice shall also state the
3 date of the election, the hours the polls will be open, that
4 all voters will be required to show proof of identification
5 before casting a ballot, the location of each polling place at
6 which voting is to occur in the election, and the names of the
7 precincts voting at each polling place, but the statement need
8 not set forth any fact which is apparent from the portion of
9 the ballot appearing as a part of the same notice. The notice
10 shall include the full text of all public measures to be voted
11 upon at the election.
12 Sec. 6. Section 49.77, subsection 3, Code 2011, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:
15 3. *a.* A precinct election official shall require the voter
16 to present for inspection proof of identification before being
17 allowed to vote.
18 *b.* For purposes of this section, *"proof of identification"*
19 refers to a document that satisfies all of the following:
20 (1) The document shows the name of the individual to whom
21 the document was issued which shall conform to the name on the
22 election register.
23 (2) The document shows a photograph of the individual to
24 whom it was issued.
25 (3) The document contains an expiration date that has
26 not been expired more than one year before the document is
27 presented as proof of identification. This expiration date
28 requirement shall not apply to voters casting ballots under
29 section 53.22.
30 (4) The document was issued by the government of the
31 United States, the state of Iowa, an Iowa public or private
32 university or college, an Iowa secondary school, or a political
33 subdivision of the state of Iowa. In the case of a document
34 issued by a political subdivision, the document shall be
35 issued not later than the close of voter registration for

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1 the applicable election as set forth in section 48A.9 and
2 shall meet all other requirements established by the state
3 commissioner by rule.
4 *c.* In lieu of paragraph "*b*", a person wishing to vote may
5 establish proof of identity by written oath of an attesting
6 person who provides proof of identification pursuant to
7 paragraph "*b*". The attesting person's oath shall be in the
8 form prescribed by the state commissioner of elections and
9 shall attest to the stated identity of the person wishing to
10 vote. The oath shall advise the attesting person and the
11 person wishing to vote that falsely attesting to a voter's
12 identity is a class "D" felony. The oath must be signed by the
13 attesting person and the person wishing to vote in the presence
14 of the appropriate precinct election official. A person who
15 has signed an oath attesting to a person's identity as provided
16 in this paragraph is prohibited from signing any further oaths
17 as provided in this paragraph for the same election.
18 *d.* The commissioner shall, within forty-five days after
19 each election, review all attestations received under this
20 subsection and if any individual is found to have attested for
21 more than one voter in a particular election, the commissioner
22 shall immediately notify the state commissioner and the county
23 attorney.
24 Sec. 7. Section 49.77, Code 2011, is amended by adding the
25 following new subsection:
26 NEW SUBSECTION. 3A. *a.* If a person is unable or refuses
27 to present proof of identification, or the precinct election
28 official determines the proof of identification presented by
29 the person does not qualify as proof of identification under
30 subsection 3, paragraph "*b*", the person shall be allowed to
31 vote.
32 *b.* This subsection is repealed December 31, 2013.
33 Sec. 8. Section 49.77, subsection 4, paragraph a, Code 2011,
34 is amended to read as follows:
35 *a.* A person whose name does not appear on the election

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1 register of the precinct in which that person claims the right
2 to vote shall not be permitted to vote, unless the person
3 affirms that the person is currently registered in the county
4 ~~and presents proof of identity,~~ or the commissioner informs
5 the precinct election officials that an error has occurred
6 and that the person is a registered voter of that precinct,
7 and the person presents proof of identification pursuant to
8 subsection 3. If the commissioner finds no record of the
9 person's registration but the person insists that the person
10 is a registered voter of that precinct, the precinct election
11 officials shall allow the person to cast a ballot in the manner
12 prescribed by section 49.81.
13 Sec. 9. Section 49.81, subsection 2, paragraph b, Code 2011,
14 is amended to read as follows:
15 *b.* If the person is casting a provisional ballot because the
16 person ~~failed~~ was unable or refused to provide a required form
17 of identification pursuant to section 48A.7A, subsection 1,
18 section 48A.8, subsection 4, or section 49.77, subsection 4, a
19 list of the types of acceptable identification and notification
20 that the person must show identification before the ballot can
21 be counted.
22 Sec. 10. Section 53.10, subsection 2, Code 2011, is amended
23 to read as follows:
24 2. Each person who wishes to vote by absentee ballot at
25 the commissioner's office shall first sign an application for
26 a ballot including the following information: name, current
27 address, and the election for which the ballot is requested.
28 The person may report a change of address or other information
29 on the person's voter registration record at that time. The
30 person must also provide proof of identification pursuant
31 to section 49.77, subsections 3 and 3A, before receiving an
32 absentee ballot. Upon receipt of the absentee ballot, the
33 registered voter shall immediately mark the ballot; enclose
34 the ballot in a secrecy envelope, if necessary, and seal it
35 in an affidavit envelope; subscribe to the affidavit on the

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1 reverse side of the envelope; and return the absentee ballot to
2 the commissioner. The commissioner shall record the numbers
3 appearing on the application and affidavit envelope along with
4 the name of the registered voter.
5 Sec. 11. Section 53.22, subsection 1, Code 2011, is amended
6 by adding the following new paragraph:
7 NEW PARAGRAPH. *d.* (1) Before receiving a ballot under
8 this subsection, each applicant shall present proof of
9 identification pursuant to section 49.77, subsection 3, to
10 the special precinct election board members. If an applicant
11 is unable or refuses to present proof of identification, the
12 applicant shall be allowed to vote.
13 (2) This paragraph *"d"* is repealed December 31, 2013.
14 Sec. 12. Section 321.190, subsection 1, paragraph d, Code
15 Supplement 2011, is amended to read as follows:
16 *d.* The fee for a nonoperator's identification card shall
17 be five dollars and the card shall be valid for a period
18 of five years from the date of issuance. A nonoperator's
19 identification card shall be issued without expiration
20 to anyone age seventy or over. If an applicant for a
21 nonoperator's identification card is a foreign national
22 who is temporarily present in this state, the nonoperator's
23 identification card shall be issued only for the length of time
24 the foreign national is authorized to be present as determined
25 by the department, not to exceed two years. An issuance fee
26 shall not be charged for a person whose driver's license or
27 driving privilege has been suspended under section 321.210,
28 subsection 1, paragraph *"a"*, subparagraph (3), or for a person
29 obtaining an identification card to be used under section
30 49.77, subsection 3, for voting purposes. Identification cards
31 obtained for voting purposes shall be labeled by the department
32 as "For Voting Purposes Only".
33 DIVISION II
34 CONFORMING PROVISIONS
35 Sec. 13. Section 48A.8, subsection 2, unnumbered paragraph

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1 1, Code 2011, is amended to read as follows:
2 An eligible elector who registers by mail and who has
3 not previously voted in an election for federal office in
4 the county of registration shall be required to provide
5 additional identification documents when voting for the first
6 time in the county, unless the registrant provided on the
7 registration form the registrant's Iowa driver's license
8 number, or the registrant's Iowa nonoperator's identification
9 card number, or the last four numerals of the registrant's
10 social security number and the driver's license, nonoperator's
11 identification, or partial social security number matches
12 an existing state or federal identification record with the
13 same number, name, and date of birth. If the registrant
14 is required to show additional identification under this
15 subsection and votes in person at the polls, or by absentee
16 ballot at the commissioner's office or at a satellite voting
17 station, the registrant shall provide a current and valid
18 photo identification card, or shall present to the appropriate
19 election official one of the following current documents that
20 shows the name and address of the registrant:
21 Sec. 14. Section 48A.8, subsection 4, Code 2011, is amended
22 to read as follows:
23 4. A registrant under subsection 2 who is required to
24 present additional identification when casting a ballot in
25 person shall be permitted to vote a provisional ballot if the
26 voter does not provide the required additional identification
27 documents pursuant to subsection 2. If a voter who is required
28 to present such additional identification when casting a ballot
29 votes an absentee ballot by mail, the ballot returned by the
30 voter shall be considered a provisional ballot pursuant to
31 sections 49.81 and 53.31.
32 Sec. 15. Section 48A.27, subsection 4, paragraph c,
33 subparagraph (2), Code 2011, is amended to read as follows:
34 (2) The notice shall contain a statement in substantially
35 the following form:

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1 Information received from the United States postal service
2 indicates that you are no longer a resident of, and therefore
3 not eligible to vote in (name of county) County, Iowa. If this
4 information is not correct, and you still live in (name of
5 county) County, please complete and mail the attached postage
6 paid card at least ten days before the primary or general
7 election and at least eleven days before any other election at
8 which you wish to vote. If the information is correct and you
9 have moved, please contact a local official in your new area
10 for assistance in registering there. ~~If you do not mail in~~
11 ~~the card, you may be required to show identification before~~
12 ~~being allowed to vote in (name of county) County.~~ If you do not
13 return the card, and you do not vote in an election in (name
14 of county) County, Iowa, on or before (date of second general
15 election following the date of the notice) your name will be
16 removed from the list of voters in that county.
17 Sec. 16. Section 48A.29, subsection 1, paragraph b, Code
18 2011, is amended to read as follows:
19 *b.* The notice shall contain a statement in substantially the
20 following form:
21 Information received from the United States postal service
22 indicates that you are no longer a resident of (residence
23 address) in (name of county) County, Iowa. If this information
24 is not correct, and you still live in (name of county) County,
25 please complete and mail the attached postage paid card at
26 least ten days before the primary or general election and at
27 least eleven days before any other election at which you wish
28 to vote. If the information is correct, and you have moved,
29 please contact a local official in your new area for assistance
30 in registering there. ~~If you do not mail in the card, you may~~
31 ~~be required to show identification before being allowed to vote~~
32 ~~in (name of county) County.~~ If you do not return the card, and
33 you do not vote in some election in (name of county) County,
34 Iowa, on or before (date of second general election following
35 the date of the notice) your name will be removed from the list

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1 of voters in that county.
2 Sec. 17. Section 48A.29, subsection 3, paragraph b, Code
3 2011, is amended to read as follows:
4 *b.* The notice shall contain a statement in substantially the
5 following form:
6 Information received by this office indicates that you are no
7 longer a resident of (residence address) in (name of county)
8 County, Iowa. If the information is not correct, and you still
9 live at that address, please complete and mail the attached
10 postage paid card at least ten days before the primary or
11 general election and at least eleven days before any other
12 election at which you wish to vote. If the information is
13 correct, and you have moved within the county, you may update
14 your registration by listing your new address on the card and
15 mailing it back. If you have moved outside the county, please
16 contact a local official in your new area for assistance in
17 registering there. ~~If you do not mail in the card, you may be~~
18 ~~required to show identification before being allowed to vote in~~
19 ~~(name of county) County.~~ If you do not return the card, and you
20 do not vote in some election in (name of county) County, Iowa,
21 on or before (date of second general election following the
22 date of the notice) your name will be removed from the list of
23 registered voters in that county.
24 DIVISION III
25 VOTER IDENTIFICATION FOR 2014 ON
26 Sec. 18. Section 39A.2, subsection 1, paragraph b,
27 subparagraph (6), if enacted by this Act, is amended to read
28 as follows:
29 NEW SUBPARAGRAPH. (6) Falsely swears to an oath required
30 pursuant to section 49.77, subsection 3, or an affidavit
31 pursuant to section 49.81, subsection 5, paragraph *"b"*.
32 Sec. 19. Section 49.77, Code 2011, as amended by this Act,
33 if enacted, is amended by adding the following new subsection:
34 NEW SUBSECTION. 3B. *a.* If proof of identification is
35 established under subsection 3, the person shall be allowed to

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vote.

b. If a person is unable or refuses to present proof of identification, or the precinct election official determines the proof of identification presented by the person does not qualify as proof of identification under subsection 3, paragraph *"b"*, or proof of identity under subsection 3, paragraph *"c"*, the person shall be offered the option to vote a ballot, but only in accordance with section 49.81.

Sec. 20. Section 49.81, subsection 1, Code 2011, is amended to read as follows:

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 3B, paragraph *"b"*, section 49.77, subsection 4, section 49.80, ~~or~~ section 53.19, subsection 3, or section 53.22, subsection 1, paragraph *"e"*, from voting except under this section shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. The voter shall mark the ballot and immediately seal it in an envelope of the type prescribed by subsection 4. The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked "provisional ballots". The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

Sec. 21. Section 49.81, subsection 2, paragraph b, Code 2011, as amended by this Act, if enacted, is amended to read as follows:

b. If the person is casting a provisional ballot because the person was unable or refused to provide a required form of identification pursuant to section 48A.7A, subsection 1, section 48A.8, subsection 4, ~~or~~ section 49.77, subsection 3B, paragraph *"b"*, section 49.77, subsection 4, or section 53.22, subsection 1, paragraph *"e"*, a list of the types of acceptable identification and notification that the person must show identification before the ballot can be counted.

Sec. 22. Section 49.81, Code 2011, is amended by adding the

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following new subsection:

NEW SUBSECTION. 5. *a.* If a voter casts a provisional ballot pursuant to section 49.77, subsection 3B, paragraph *"b"*, the precinct election official shall indicate on the provisional ballot envelope that the voter is casting a provisional ballot due to the voter's inability or refusal to present proof of identification.

b. At the time a provisional ballot is cast the voter may also execute an affidavit in the form prescribed by the state commissioner which shall be attached to the provisional ballot envelope, affirming that the voter is the person the voter claims to be and further affirming either of the following:

(1) The voter is indigent and is unable to obtain proof of identification without the payment of a fee.

(2) The voter has a religious objection to being photographed.

c. A provisional ballot cast pursuant to section 49.77, subsection 3B, paragraph *"b"*, which is accompanied by an affidavit executed pursuant to paragraph *"b"* of this subsection shall be presumed valid by the special precinct board and shall be counted unless additional written statements or documents are delivered to the commissioner's office prior to the date provisional ballots are considered by the special precinct election board and the special precinct election board determines such additional evidence successfully rebuts the presumption of validity.

Sec. 23. Section 53.22, subsection 1, Code 2011, as amended by this Act, if enacted, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Before receiving a ballot under this subsection, each applicant shall present proof of identification pursuant to section 49.77, subsection 3, to the special precinct election board members. If an applicant is unable to present proof of identification, the applicant shall have an opportunity to execute an affidavit in the form

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1 prescribed by the state commissioner of elections affirming
2 that the voter does not have and is unable to obtain proof of
3 identification and that the voter resides in a hospital or
4 health care facility and is casting a ballot pursuant to this
5 section. If the applicant refuses to execute an affidavit, the
6 voter's ballot shall be considered a provisional ballot cast
7 pursuant to section 49.81.
8 Sec. 24. APPLICABILITY. This division of this Act applies
9 to elections held on or after January 1, 2014.
10 EXPLANATION
11 This bill requires that a person provide certain proof of
12 identification at the time that the person votes and modifies
13 proof of identification and proof of residence requirements for
14 election day and in-person absentee registration.
15 Division I of the bill modifies the proof of identification
16 and proof of residence requirements for election day and
17 in-person absentee registration. The bill requires that
18 acceptable proof of identification is the same proof of
19 identification required of a voter who is already registered
20 to vote. The bill removes residential leases and property tax
21 statements from the list of acceptable documents to provide
22 proof of residence for election day and in-person absentee
23 registration.
24 The bill maintains current law allowing a person wishing
25 to vote to establish proof of identity and proof of residence
26 by written oath of a person who is registered to vote in the
27 precinct, but requires that the oath of the person wishing to
28 vote and the registered voter's oath be executed on the same
29 piece of paper.
30 Division I of the bill requires that a voter provide
31 proof of identification to a precinct election official
32 before being allowed to vote, and also requires that a person
33 wishing to vote by absentee ballot at a county commissioner
34 of elections office or at a satellite absentee voting station
35 present the same proof of identification. The bill requires

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1 that acceptable proof of identification show the name of
2 the individual voter, include a photograph of the voter,
3 include an expiration date, and be issued by the government
4 of the United States, the state of Iowa, an Iowa public or
5 private university or college, an Iowa secondary school, or a
6 political subdivision of the state. The bill requires that
7 the expiration date not have been more than one year before
8 the document is presented to the precinct election official,
9 but exempts confined persons under Code section 53.22 from the
10 expiration date requirements.
11 The bill provides that, in lieu of providing identification
12 in order to vote, a person may establish proof of
13 identification by written oath of a person who provides their
14 own proof of identification and who attests to the voter's
15 identity. The bill provides that the oath shall be in the form
16 prescribed by the state commissioner of elections, and that the
17 oath shall attest to the stated identity of the person wishing
18 to vote. The bill makes it a class "D" felony to falsely swear
19 an oath pursuant to this provision. The bill requires that
20 the oath be signed by both the attesting person and the person
21 wishing to vote. The bill requires that the oath advise both
22 persons that falsely attesting to a voter's identity is a class
23 "D" felony. A class "D" felony is punishable by confinement
24 for no more than five years and a fine of at least $750 but not
25 more than $7,500. The bill provides that an attesting person
26 is prohibited from signing any additional such oaths for the
27 same election.
28 The bill also makes changes to the election notice
29 requirements produced by county commissioners of election,
30 requiring that election notices include a statement that all
31 voters will be required to show proof of identification before
32 casting a ballot.
33 The bill also provides that a person obtaining a
34 nonoperator's identification card for the purpose of voting
35 shall not be charged for the issuance of the nonoperator's

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1 identification card. The bill requires that nonoperator's
2 identification cards issued to serve as proof of identification
3 for voting be labeled by the department as "For Voting Purposes
4 Only".
5 For elections held on or after January 1, 2014, Division
6 III of the bill provides that if proof of identification
7 is established the person shall then be allowed to vote.
8 If a person is unable or refuses to present proof of
9 identification, or if the precinct election official determines
10 that the proof of identification does not meet specified
11 requirements, the person shall be offered the option to vote
12 a provisional ballot. If a person is casting a provisional
13 ballot under these circumstances, the person shall receive a
14 printed statement giving notice of the types of acceptable
15 identification and notice that the person is required to show
16 acceptable identification before the provisional ballot can be
17 counted unless the voter executes an affidavit pursuant to Code
18 section 49.81, subsection 5. If a voter casts a provisional
19 ballot for these reasons, the precinct election official shall
20 indicate on the provisional ballot that the voter is casting
21 a provisional ballot due to the voter's inability or refusal
22 to present proof of identification. The bill provides that a
23 voter casting a provisional ballot for this reason may execute
24 an affidavit in the form prescribed by the state commissioner
25 of elections, affirming that the voter is the person the voter
26 claims to be and affirming that the voter is either indigent
27 and unable to obtain proof of identification without the
28 payment of a fee or that the voter has a religious objection to
29 being photographed.
30 The bill makes it a class "D" felony to falsify an affidavit
31 that attests to identity. A class "D" felony is punishable by
32 confinement for no more than five years and a fine of at least
33 $750 but not more than $7,500. The bill also provides that
34 any provisional ballot cast accompanied by such an affidavit
35 shall be presumed valid unless additional written statements

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1 or documents are delivered to the county commissioner of
2 elections office prior to the date that provisional ballots
3 are considered and the precinct election board determines that
4 such additional evidence successfully rebuts the presumption
5 of validity.
6 Division II of the bill makes conforming changes to certain
7 required notices on forms related to voter registration and
8 registration by mail.
9 The bill requires that certain persons residing in a
10 hospital or health care facility who apply to vote by absentee
11 ballot shall present proof of identification. For elections
12 held on or after January 1, 2014, Division III of the bill
13 provides that if the applicant is unable to present proof of
14 identification they shall be able to execute an affidavit in
15 the form prescribed by the state commissioner of elections,
16 stating that the voter does not have and is unable to obtain
17 proof of identification and that the voter resides in a
18 hospital or health care facility. The bill further requires
19 that for elections occurring on or after January 1, 2014, if
20 the applicant refuses to execute such an affidavit and is
21 unable to present proof of identification, the voter is allowed
22 to cast a provisional ballot.

House Study Bill 583 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON L. MILLER)

A BILL FOR

1 An Act establishing an allopathic physician recruitment program
2 and revolving fund and making an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6006YC (3) 84
kh/nh

H.F. _____

1 Section 1. NEW SECTION. **261.21 Allopathic physician**
2 **recruitment program.**
3 1. *Program established.* An allopathic physician recruitment
4 program is established to be administered by the college
5 student aid commission for, and in conjunction with, the state
6 university of Iowa college of medicine. The program shall
7 consist of a forgivable loan program, a tuition scholarship
8 program, and a loan repayment program. The maximum amount of
9 assistance a person may qualify to receive under the program is
10 one hundred thousand dollars.
11 2. *Forgivable loan program.* A forgivable loan may be
12 awarded to a resident of Iowa who is enrolled at the state
13 university of Iowa college of medicine in a program leading
14 to a doctor of medicine degree if the individual agrees to
15 practice general internal medicine, general surgery, family
16 medicine, obstetrics and gynecology, pediatrics, or psychiatry
17 in an eligible community for a period of four years under
18 rules adopted by the commission. The state university of
19 Iowa college of medicine shall provide recommendations to
20 the commission for individuals who meet the eligibility
21 requirements of the forgivable loan program. Forgivable loans
22 shall not become due until after the individual completes
23 a residency program. Interest on the loans shall begin to
24 accrue the day following the individual´s graduation date.
25 The individual´s total loan amount, including principal and
26 interest, shall be reduced by twenty-five percent for each year
27 in which the individual remains an Iowa resident and practices
28 in the area of specialization in an eligible community as
29 agreed pursuant to the requirements of this subsection. If the
30 individual completes the four-year period of practice agreed to
31 by the individual, the total loan amount, including principal
32 and interest, shall be forgiven. The individual shall repay
33 the loan amount, including remaining principal and interest,
34 for any year in the four-year period in which the individual
35 fails to practice as required under the forgivable loan

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1 agreement. If the commission determines that the individual
2 who entered into the forgivable loan agreement with the
3 commission does not meet the criteria for forgiveness of the
4 principal and interest payments, the commission shall establish
5 a plan for repayment of the principal and interest over a
6 ten-year period. If the individual required to make repayment
7 does not make the required payments, the commission shall
8 provide for payment collection.
9 3. *Tuition scholarship.* A student enrolled at the state
10 university of Iowa college of medicine in a program leading to
11 a doctor of medicine degree shall be eligible for a tuition
12 scholarship for the student's study at the university. The
13 scholarship shall be for an amount not to exceed the annual
14 tuition for the university's college of medicine. A student
15 who receives a tuition scholarship may also be eligible for the
16 loan repayment program pursuant to subsection 4. A student who
17 receives a tuition scholarship shall agree to practice general
18 internal medicine, general surgery, family medicine, obstetrics
19 and gynecology, pediatrics, or psychiatry in an eligible
20 community for a period of four years under rules adopted by
21 the commission. The student shall repay the scholarship to
22 the commission if the student fails to practice in an eligible
23 community as agreed to for the required period of time.
24 4. *Loan repayment.* A physician who graduates from the state
25 university of Iowa college of medicine by December 31, 2016,
26 shall be eligible for the physician loan repayment program if
27 the physician agrees to practice general internal medicine,
28 general surgery, family medicine, obstetrics and gynecology,
29 pediatrics, or psychiatry in an eligible community for a period
30 of four years under rules adopted by the commission. The state
31 university of Iowa college of medicine shall assist eligible
32 communities to identify and recruit physicians eligible for
33 the loan repayment program. The contract for loan repayment
34 shall stipulate that the physician repay any funds paid on the
35 physician's loan by the commission if the physician fails to

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1 practice in an eligible community for the required period of
2 time.
3 5. *Eligible community.* For purposes of this section,
4 *"eligible community"* means any area in this state that is not
5 located within twenty miles of the boundary of a city having
6 a population of twenty thousand or more. The physician shall
7 choose the practice location and the eligible community may
8 offer additional benefits to the physician.
9 6. *Revolving fund.* An allopathic physician recruitment
10 revolving fund is created in the state treasury as a separate
11 fund under the control of the commission. The commission shall
12 deposit payments made by allopathic physician recruitment
13 program assistance recipients and the proceeds from the sale
14 of allopathic physician loans into the allopathic physician
15 recruitment revolving fund. Moneys credited to the fund
16 shall be used to supplement moneys appropriated for the
17 allopathic physician recruitment program and to pay for loan or
18 interest repayment defaults by program assistance recipients.
19 Notwithstanding section 8.33, any balance in the fund on June
20 30 of any fiscal year shall not revert to the general fund of
21 the state.
22 Sec. 2. COLLEGE STUDENT AID COMMISSION. There is
23 appropriated from the general fund of the state to the college
24 student aid commission for the fiscal year beginning July 1,
25 2012, and ending June 30, 2013, the following amount, or so
26 much thereof as is necessary, to be used for the purposes
27 designated:
28 For purposes of the allopathic physician recruitment program
29 established pursuant to section 261.21:
30 ..... $ 400,000
31 EXPLANATION
32 This bill establishes an allopathic physician recruitment
33 program to be administered by the college student aid
34 commission for, and in conjunction with, the state university
35 of Iowa college of medicine. The bill also establishes a

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1 revolving fund for the program in the state treasury under
2 the control of the commission. The allopathic physician
3 recruitment program consists of a forgivable loan program and
4 a tuition scholarship program for students enrolled at the
5 university's college of medicine in a program leading to a
6 doctor of medicine degree, and a loan repayment program for
7 physicians who graduated from the university's college of
8 medicine. The maximum amount of program assistance a person
9 may qualify to receive is $100,000. The bill appropriates
10 $400,000 from the general fund of the state to the commission
11 for the 2012-2013 fiscal year for the program.
12 To receive any kind of assistance under the program each
13 student or physician must agree to practice general internal
14 medicine, general surgery, family medicine, obstetrics and
15 gynecology, pediatrics, or psychiatry in an eligible community
16 for a period of four years.
17 Forgivable loans to students, who must be residents, do
18 not become due until after the student completes a residency
19 program. Interest on the loans shall begin to accrue the day
20 following the student's graduation date. The individual's
21 total loan amount, including principal and interest, shall be
22 reduced by 25 percent for each year in which the individual
23 remains an Iowa resident and practices as agreed. The
24 individual shall repay the loan amount, including remaining
25 principal and interest, for any year in the four-year period
26 in which the individual fails to practice as required. If the
27 commission determines that the individual who entered into the
28 forgivable loan agreement with the commission does not meet the
29 criteria for loan forgiveness, the commission shall establish a
30 plan for repayment of the principal and interest over a 10-year
31 period. If the individual required to make repayment does not
32 make the required payments, the commission shall provide for
33 payment collection.
34 The tuition scholarship shall be for an amount not to exceed
35 the annual tuition for the university's college of medicine. A

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1 student who receives a tuition scholarship may also be eligible
2 for the loan repayment program. The student shall repay the
3 scholarship to the commission if the student fails to practice
4 as agreed to in an eligible community for the required period
5 of time.
6 To be eligible for the physician loan repayment program,
7 a physician must graduate from the university's college of
8 medicine by December 31, 2016. The university's college of
9 medicine must assist eligible communities to identify and
10 recruit physicians eligible for the program. The contract for
11 loan repayment shall stipulate that the physician repay any
12 funds paid on the physician's loan by the commission if the
13 physician fails to practice in an eligible community for the
14 required period of time.
15 "Eligible community" is defined as any area in this state
16 that is not located within 20 miles of the boundary of a city
17 having a population of 20,000 or more. The physician shall
18 choose the practice location and the eligible community may
19 offer additional benefits to the physician.
20 Moneys in the allopathic physician recruitment revolving
21 fund shall be used to supplement moneys appropriated for the
22 program and to pay for loan or interest repayment defaults by
23 program assistance recipients. Any balance in the fund on June
24 30 of any fiscal year shall not revert to the general fund of
25 the state.

House Study Bill 584 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the membership of the medical assistance
2 advisory council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6007YC (1) 84
ad/nh

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1 Section 1. Section 249A.4B, subsection 2, paragraph a,
2 Code Supplement 2011, is amended by adding the following new
3 subparagraphs:
4 NEW SUBPARAGRAPH. (41) The Iowa dietetic association.
5 NEW SUBPARAGRAPH. (42) The Iowa behavioral health
6 association.
7 NEW SUBPARAGRAPH. (43) The midwest association for medical
8 equipment services or an affiliated Iowa organization.
9 EXPLANATION
10 This bill adds a representative of the Iowa dietetic
11 association, the Iowa behavioral health association, and the
12 midwest association for medical equipment services to the
13 membership of the medical assistance advisory council. The
14 medical assistance advisory council was created to comply with
15 federal law to advise the director of the department of human
16 services about health and medical care services under the
17 medical assistance program. The council is authorized to meet
18 no more than quarterly. An executive committee of the council
19 comprised of 11 members is authorized to meet monthly.

House Study Bill 585 - Introduced

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

A BILL FOR

1 An Act providing that certain milk and products using milk may
2 be transferred directly by operators of dairy farms, and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6011YC (3) 84
da/nh

H.F. _____

1 Section 1. Section 159.6, subsection 7, Code 2011, is
2 amended to read as follows:
3 7. Regulation and inspection of foods, drugs, and other
4 articles, as provided in Title V, subtitle 4, but chapter 205
5 of that subtitle shall be enforced as provided in that chapter.
6 Except as expressly authorized in subtitle 4, the department
7 shall not regulate any of the following:
8 *a.* Producing, processing, labeling, or marketing of milk,
9 if the milk is produced by a person operating a dairy farm in
10 compliance with section 192.145.
11 *b.* Manufacturing, labeling, or marketing of a milk product
12 or dairy product, if the milk product or dairy product is
13 manufactured by a person operating a dairy farm in compliance
14 with section 192.145.
15 Sec. 2. Section 191.2, subsection 5, unnumbered paragraph
16 1, Code 2011, is amended to read as follows:
17 ~~All~~ Except as provided in subsection 5A, bottles,
18 containers, and packages enclosing milk or milk products shall
19 be conspicuously labeled or marked with the following:
20 Sec. 3. Section 191.2, Code 2011, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 5A. A person who operates a dairy farm as
23 provided in chapter 192 and who sells milk or a milk product
24 to an individual in compliance with section 192.145 is not
25 required to label or mark a container which includes the milk
26 or milk product.
27 Sec. 4. NEW SECTION. **191.9A Exception for on-farm sale of**
28 **dairy products.**
29 A person who operates a dairy farm as provided in chapter 192
30 and who sells a dairy product to an individual in compliance
31 with section 192.145 is not required to label or mark a
32 container which includes the dairy product.
33 Sec. 5. Section 192.103, Code 2011, is amended to read as
34 follows:
35 **192.103 Sale of grade "A" milk to final consumer —**

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impoundment of adulterated or misbranded milk.

1. Only grade "A" pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments~~;~~, except ~~in~~ as follows:

a. In an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case, such products shall be labeled "*ungraded*".

b. A person who operates a dairy farm may sell milk or a milk product to an individual in compliance with section 192.145.

2. No person shall within the state produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated or misbranded; except, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case such products shall be labeled "*ungraded*".

3. Any adulterated or misbranded milk or milk product may be impounded by the secretary or authorized municipal corporation and disposed of in accordance with applicable laws or regulations.

Sec. 6. NEW SECTION. **192.144 Definitions.**

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

1. "*Dairy product*" means a product, other than a milk product, in which milk is the principal ingredient at any temperature and in either a manufactured or unmanufactured state. To the extent that it is not classified as a milk product, a dairy product includes but is not limited to butter, cheese, cream, cottage cheese, ricotta cheese, keifer, or ice cream.

2. "*Manufacture*" means to convert or condition personal property by changing the form, composition, quality, or

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1 character of a product, and includes activities associated with
2 a creamery or cheese factory.
3 Sec. 7. NEW SECTION. **192.145 On-farm production,**
4 **processing, manufacturing, and marketing.**
5 1. A person who operates a dairy farm may do any of the
6 following:
7 *a.* Produce milk at the dairy farm or process the milk at the
8 dairy farm, if the person does not sell the milk. Nothing in
9 this paragraph prevents the person from disposing of the milk
10 without receiving compensation.
11 *b.* Produce milk at the dairy farm or process the milk at
12 the dairy farm, if the person sells the milk to an individual,
13 regardless of whether the milk is unpasteurized or ungraded.
14 The milk must be sold to the individual on a retail basis
15 and not for resale. The person may deliver or cause to be
16 delivered the milk to a location specified by the individual.
17 An individual who receives the milk shall not resell it.
18 2. A person who operates a dairy farm may manufacture a
19 milk product or dairy product at the dairy farm by using milk
20 produced at the dairy farm, if any of the following apply:
21 *a.* The person does not sell the milk product or dairy
22 product. Nothing in this paragraph prevents the person
23 from disposing of the milk product or dairy product without
24 receiving compensation.
25 *b.* The person sells the milk product or dairy product
26 to an individual, regardless of whether the milk product or
27 dairy product is unpasteurized or ungraded. The milk product
28 or dairy product must be sold to the individual on a retail
29 basis and not for resale. The person may deliver or cause to
30 be delivered the milk product or dairy product to a location
31 specified by the individual. An individual who receives the
32 milk product or dairy product shall not resell it.
33 3. A person who operates a dairy farm shall not be subject
34 to regulation by the department for acting in compliance with
35 this section. Such regulation includes but is not limited

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1 to labeling requirements under chapter 191 or licensing,
2 permitting, or inspection requirements under this chapter or
3 chapter 194.
4 Sec. 8. NEW SECTION. **194.22 On-farm production, processing,**
5 **manufacturing, and marketing — exception.**
6 This chapter does not apply to any of the following:
7 1. Producing, processing, labeling, or marketing of milk,
8 if the milk is produced by a person operating a dairy farm in
9 compliance with section 192.145.
10 2. Manufacturing, labeling, or marketing of a milk product
11 or dairy product, if the milk product or dairy product is
12 manufactured by a person operating a dairy farm in compliance
13 with section 192.145.
14 Sec. 9. DIRECTIVE TO CODE EDITOR. The Code editor is
15 directed to divide chapter 192 into subchapters.
16 EXPLANATION
17 BACKGROUND. This bill amends provisions affecting persons
18 who operate dairy farms, including provisions for the
19 processing of milk and the manufacture of milk products, and
20 dairy products on such farms. The provisions are administered
21 and enforced by the department of agriculture and land
22 stewardship.
23 Generally, statutory provisions and departmental rules
24 regulating milk are based on model legislation referred to
25 as the "Grade `A' Pasteurized Milk Ordinance" (Code section
26 192.101A). The "Grade `A' Pasteurized Milk Ordinance" defines
27 a milk product as including cream, sour cream, dry milk,
28 concentrated milk, eggnog, buttermilk, and yogurt. All food
29 offered or exposed for sale must be labeled (Code section
30 191.1). This includes labeling the milk or milk product as
31 "raw" (Code section 191.2(5)(e)). All milk must be sold on
32 the basis of grade (Code section 194.10) and only grade "A"
33 pasteurized milk and milk products can be sold to the final
34 consumer (Code section 192.103). Grade "B" milk may be sold
35 for manufacturing purposes (21 IAC 68.2). All dairy farms

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1 selling grade "A" or grade "B" milk must be issued a permit
2 by the department of agriculture and land stewardship (21 IAC
3 68.2).
4 The bill provides that these regulatory provisions do not
5 apply to a person who operates a dairy farm. The person may
6 produce milk and dispose of it or sell it to an individual on
7 a retail basis. The operator may also deliver the milk to a
8 location specified by the individual. The bill also provides
9 that the regulatory provisions do not apply to the operator of
10 a dairy farm who manufactures a milk product or dairy product,
11 who may dispose of the product or sell it in the same manner as
12 milk. A milk product is defined by the "Grade `A' Pasteurized
13 Milk Ordinance" and includes cream or yogurt. A dairy product
14 includes a product other than a milk product whose principal
15 ingredient is milk (e.g., ice cream).
16 A person who violates the bill's provisions is guilty of a
17 simple misdemeanor (Code section 189.21). A simple misdemeanor
18 is punishable by confinement for no more than 30 days or a fine
19 of at least $65 but not more than $625 or by both.

House Study Bill 586 - Introduced

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

A BILL FOR

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

TLSB 5249XD (9) 84
aw/sc

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1 Section 1. Section 39.3, subsection 7, Code 2011, is amended
2 to read as follows:
3 7. *"General election"* means the biennial election for
4 national or state officers, members of Congress and of the
5 general assembly, county and township officers, and for the
6 choice of other officers or the decision of questions as
7 provided by law and, where applicable, includes the regular
8 city election described in section 376.1.
9 Sec. 2. Section 44.4, subsection 1, Code 2011, is amended
10 to read as follows:
11 1. Nominations made pursuant to this chapter and chapter
12 45 which are required to be filed in the office of the state
13 commissioner shall be filed in that office not more than
14 ninety-nine days nor later than 5:00 p.m. on the eighty-first
15 day before the date of the general election to be held in
16 November. Nominations made for a special election called
17 pursuant to section 69.14 shall be filed by 5:00 p.m. not less
18 than twenty-five days before the date of an election called
19 upon at least forty days' notice and not less than fourteen
20 days before the date of an election called upon at least
21 eighteen days' notice. Nominations made for a special election
22 called pursuant to section 69.14A shall be filed by 5:00 p.m.
23 not less than twenty-five days before the date of the election.
24 Nominations made pursuant to this chapter and chapter 45 which
25 are required to be filed in the office of the commissioner
26 shall be filed in that office not more than ninety-two days
27 nor later than 5:00 p.m. on the sixty-ninth day before the
28 date of the general election. Nominations made pursuant to
29 this chapter or chapter 45 for city office shall be filed not
30 more than seventy-two days nor later than 5:00 p.m. on the
31 forty-seventh day before the city election with the ~~city clerk~~
32 county commissioner of elections responsible under section 47.2
33 for conducting elections held for the city, who shall process
34 them as provided by law.
35 Sec. 3. Section 44.4, subsection 2, paragraph a,

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subparagraphs (2) and (3), Code 2011, are amended to read as follows:

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

(3) Those filed with the ~~city clerk~~ commissioner for an elective city office, at least forty-two days before the regularly scheduled or special city election. However, for those cities that may be required to hold a primary election, at least sixty-three days before the regularly scheduled or special city election.

Sec. 4. Section 44.7, Code 2011, is amended to read as follows:

44.7 Hearing before commissioner.

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

Sec. 5. Section 44.8, Code 2011, is amended to read as follows:

44.8 Hearing before mayor.

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

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

Sec. 6. Section 44.9, subsections 2, 3, 5, and 6, Code 2011, are amended to read as follows:

2. In the office of the proper commissioner, at least sixty-four days before the date of the election, except as otherwise provided in subsections 3, 5, and 6.

3. In the office of the proper ~~school board secretary~~ commissioner, at least thirty-five days before the day of a regularly scheduled school election.

5. In the office of the proper commissioner ~~or school board secretary~~ in case of a special election to fill vacancies in an elective school board office, at least twenty-five days before the day of election.

6. In the office of the proper ~~city clerk~~ commissioner, at least forty-two days before the regularly scheduled or special city election. However, for those cities that may be required to hold a primary election, at least sixty-three days before a regularly scheduled or special city election.

Sec. 7. Section 44.11, Code 2011, is amended to read as follows:

44.11 Vacancies filled.

If a candidate named under this chapter withdraws before the deadline established in section 44.9, declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than seventy-four

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days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-four days before the election in the case of nominations required to be filed with the commissioner, not less than thirty-five days before the election in the case of nominations required to be filed ~~in~~ with the ~~office of the school board secretary~~ commissioner for school board elections, and not less than forty-two days before the election in the case of nominations required to be filed with the ~~city clerk~~ commissioner for city elections.

Sec. 8. Section 48A.5, subsection 2, paragraph c, Code 2011, is amended to read as follows:

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

Sec. 9. Section 48A.14, subsection 1, paragraph b, Code 2011, is amended to read as follows:

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

Sec. 10. Section 48A.23, subsection 1, Code 2011, is amended to read as follows:

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

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1 Sec. 11. Section 48A.26, subsection 9, Code 2011, is amended
2 to read as follows:
3 9. When a person who is at least seventeen ~~and one-half~~
4 years of age but less than eighteen years of age registers
5 to vote, the commissioner shall maintain a record of the
6 registration so as to clearly indicate that it will not take
7 effect until the registrant's eighteenth birthday and that the
8 person is registered and qualifies to vote at any election held
9 on or after that date.
10 Sec. 12. Section 48A.31, Code 2011, is amended to read as
11 follows:
12 **48A.31 Deceased persons record.**
13 The state registrar of vital statistics shall transmit
14 or cause to be transmitted to the state registrar of voters,
15 once each calendar quarter, a certified list of all persons
16 seventeen ~~and one-half~~ years of age and older in the state
17 whose deaths have been reported to the bureau of vital records
18 of the Iowa department of public health since the previous list
19 of decedents was certified to the state registrar of voters.
20 The list shall be submitted according to the specifications
21 of the state registrar of voters. The commissioner shall, in
22 the month following the end of a calendar quarter, run the
23 statewide voter registration system's matching program to
24 determine whether a listed decedent was registered to vote in
25 the county and shall immediately cancel the registration of any
26 person named on the list of decedents.
27 Sec. 13. Section 49.21, subsection 2, paragraph a, Code
28 2011, is amended to read as follows:
29 *a.* Upon the application of the commissioner, the authority
30 which has control of any buildings or grounds supported by
31 taxation under the laws of this state shall make available the
32 necessary space therein for the purpose of holding elections,
33 without charge for the use thereof. For a period of thirty
34 days prior to each scheduled election, and upon the application
35 of the commissioner, the authority shall also make such

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1 buildings or grounds available for training courses related
2 to the election and offered by the commissioner for precinct
3 election officials and other election personnel.
4 Sec. 14. Section 53.8, subsection 1, Code 2011, is amended
5 to read as follows:
6 1. Upon receipt of an application for an absentee ballot
7 meeting the requirements of section 53.2 and immediately after
8 the absentee ballots are printed but in no case sooner than the
9 fiftieth day before any election, the commissioner shall mail
10 an absentee ballot to the applicant within twenty-four hours,
11 except as otherwise provided in subsection 3. The absentee
12 ballot shall be enclosed in an unsealed envelope bearing a
13 serial number and affidavit. The absentee ballot and unsealed
14 envelope shall be enclosed in or with a return envelope marked
15 postage paid which bears the same serial number as the unsealed
16 envelope. The absentee ballot, unsealed envelope, and return
17 envelope shall be enclosed in a third envelope to be sent
18 to the registered voter. If the ballot cannot be folded so
19 that all of the votes cast on the ballot will be hidden, the
20 commissioner shall also enclose a secrecy envelope with the
21 absentee ballot.
22 Sec. 15. Section 53.10, subsection 1, Code 2011, is amended
23 to read as follows:
24 1. Not more than forty days before the date of the primary
25 election or the general election, the commissioner shall
26 provide facilities for absentee voting in person at the
27 commissioner's office. This service shall also be provided for
28 other elections as soon as the ballots are ready, but in no
29 case shall absentee ballots be available for absentee voting in
30 person more than forty days before an election.
31 Sec. 16. Section 53.11, subsection 1, paragraph a, Code
32 2011, is amended to read as follows:
33 *a.* Satellite absentee voting stations may be established
34 no sooner than the fortieth day before an election throughout
35 the cities and county at the direction of the commissioner

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1 and shall be established upon the commissioner's receipt
2 of a petition signed by not less than one hundred eligible
3 electors ~~requesting that a satellite absentee voting station~~
4 ~~be established at a location to be described on the petition~~
5 of the precinct where the requested satellite absentee
6 voting station is located. However, if a special election
7 is scheduled in the county on a date that falls between
8 the date of the regular city election and the date of the
9 city runoff election, the commissioner is not required to
10 establish a satellite absentee voting station for the city
11 runoff election. The petition shall be on a form prescribed
12 by the state commissioner and shall include a place for the
13 petitioner's signature, residential address, including house
14 number and street, date on which the petition is signed by the
15 petitioner, and a statement that the petitioners are residents
16 of the precinct in which the requested satellite absentee
17 voting station is located. The commissioner is only required
18 to accept one valid petition for each precinct in each election
19 scheduled for the same date. If more than one petition is
20 filed for establishment of a satellite absentee voting station
21 in a particular precinct for an election to be held on the same
22 date, the commissioner shall, at a minimum, honor the first
23 valid petition received.
24 Sec. 17. Section 53.11, subsection 1, Code 2011, is amended
25 by adding the following new paragraph:
26 NEW PARAGRAPH. *c.* Objections to a petition requesting
27 establishment of a satellite absentee voting station may be
28 filed with the commissioner no later than the second day
29 following the petition filing deadline set forth in subsection
30 2. The objection process in section 44.7 shall be followed for
31 objections filed pursuant to this section.
32 Sec. 18. Section 260C.15, subsection 3, Code 2011, is
33 amended to read as follows:
34 3. Nomination papers on behalf of candidates for member of
35 the board of directors of a merged area shall be filed with

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1 the ~~secretary of the board~~ county commissioner of elections
2 responsible under section 47.2 for conducting elections held
3 for the merged area not earlier than sixty-four days nor later
4 than 5:00 p.m. on the fortieth day prior to the election at
5 which members of the board are to be elected. ~~On the day~~
6 ~~following~~ No later than the last day on which nomination
7 petitions can be filed, and no later than 5:00 p.m. on that
8 day, the secretary shall deliver ~~all nomination petitions so~~
9 ~~filed, together with~~ the text of any public measure being
10 submitted by the board of directors to the electorate, to the
11 county commissioner of elections who is responsible under
12 section 47.2 for conducting elections held for the merged area.
13 That commissioner shall certify the names of candidates, and
14 the text and summary of any public measure being submitted to
15 the electorate, to all county commissioners of elections in the
16 merged area by the thirty-fifth day prior to the election.
17 Sec. 19. Section 260C.15, subsection 4, paragraph b, Code
18 2011, is amended to read as follows:
19 *b.* The objection must be filed with the ~~secretary of the~~
20 ~~board~~ county commissioner of elections responsible under
21 section 47.2 for conducting elections held for the merged area
22 at least thirty-five days before the day of the election at
23 which members of the board are elected. When objections are
24 filed, notice shall immediately be given to the candidate
25 affected, addressed to the candidate's place of residence as
26 given on the candidate's affidavit, stating that objections
27 have been made to the legal sufficiency of the petition or to
28 the eligibility of the candidate, and also stating the time and
29 place the objections will be considered. The ~~board secretary~~
30 county commissioner shall also attempt to notify the candidate
31 by telephone if the candidate provided a telephone number on
32 the candidate's affidavit.
33 Sec. 20. Section 260C.15, Code 2011, is amended by adding
34 the following new subsection:
35 NEW SUBSECTION. 4A. A candidate nominated under this

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

Sec. 21. Section 275.25, subsection 1, paragraph b, Code 2011, is amended to read as follows:

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

Sec. 22. Section 277.4, subsections 1, 3, and 4, Code 2011, are amended to read as follows:

1. Nomination papers for all candidates for election to office in each school district shall be filed with the ~~secretary of the school board~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the school district not more than sixty-four days, nor less than forty days before the election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing. ~~If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section.~~ On the final date for filing nomination papers the office of the

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1 ~~school secretary~~ county commissioner shall remain open until
2 5:00 p.m.
3 3. The ~~secretary of the school board~~ county commissioner
4 shall accept the petition for filing if on its face it appears
5 to have the requisite number of signatures and if it is timely
6 filed. The ~~secretary of the school board~~ county commissioner
7 shall note upon each petition and affidavit accepted for filing
8 the date and time that the petition was filed. The secretary
9 of the school board shall deliver ~~all nomination petitions,~~
10 ~~together with~~ the complete text of any public measure being
11 submitted by the board to the electorate, to the county
12 commissioner of elections ~~on the day following~~ no later than
13 the last day on which nomination petitions can be filed, and
14 not later than 5:00 p.m. on that day.
15 4. Any person on whose behalf nomination petitions have been
16 filed under this section may withdraw as a candidate by filing
17 a signed statement to that effect with the ~~secretary~~ county
18 commissioner of elections responsible under section 47.2 for
19 conducting elections held for the school district at any time
20 prior to 5:00 p.m. on the thirty-fifth day before the election.
21 Sec. 23. Section 277.5, Code 2011, is amended to read as
22 follows:
23 **277.5 Objections to nominations.**
24 1. Objections to the legal sufficiency of a nomination
25 petition or to the eligibility of a candidate may be filed by
26 any person who would have the right to vote for a candidate for
27 the office in question. The objection must be filed with the
28 ~~secretary of the school board~~ county commissioner of elections
29 responsible under section 47.2 for conducting elections held
30 for the school district at least thirty-five days before
31 the day of the school election. When objections are filed
32 notice shall forthwith be given to the candidate affected,
33 addressed to the candidate's place of residence as given on the
34 candidate's affidavit, stating that objections have been made
35 to the legal sufficiency of the petition or to the eligibility

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of the candidate, and also stating the time and place the objections will be considered.

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

Sec. 24. Section 280.9A, subsection 3, Code 2011, is amended to read as follows:

3. At least twice during each school year, the board of directors of each local public school district operating a high school and the authorities in charge of each accredited nonpublic school operating a high school shall offer the opportunity to register to vote to each student who is at least seventeen ~~and one-half~~ years of age, as required by section 48A.23.

Sec. 25. Section 372.13, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. (1) By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph "*b*" shall be followed. The appointment shall be made within forty days after the vacancy occurs and shall be for the period until the next ~~pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs~~ general election for a city described in section 39.3, subsection 7, or the regular city election described in section 376.1, unless there is an intervening special election to fill a vacancy in another elective city office in that city, in which event the election for the office shall be placed on the ballot at such special election. If the council fails to make an

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1 appointment within forty days as required by this subsection,
2 the city clerk shall give notice of the vacancy to the county
3 commissioner and the county commissioner shall call a special
4 election to fill the vacancy at the earliest practicable date
5 but no fewer than thirty-two days after the notice is received
6 by the county commissioner.
7 (2) If the council chooses to proceed under this paragraph,
8 it shall publish notice in the manner prescribed by section
9 362.3, stating that the council intends to fill the vacancy
10 by appointment but that the electors of the city or ward, as
11 the case may be, have the right to file a petition requiring
12 that the vacancy be filled by a special election. The council
13 may publish notice in advance if an elected official submits
14 a resignation to take effect at a future date. The council
15 may make an appointment to fill the vacancy after the notice
16 is published or after the vacancy occurs, whichever is later.
17 However, if within fourteen days after publication of the
18 notice or within fourteen days after the appointment is made,
19 there is filed with the city clerk a petition which requests a
20 special election to fill the vacancy, an appointment to fill
21 the vacancy is temporary and the council shall call a special
22 election to fill the vacancy permanently, under paragraph "b".
23 The number of signatures of eligible electors of a city for a
24 valid petition shall be determined as follows:
25 ~~(1)~~ (a) For a city with a population of ten thousand or
26 less, at least two hundred signatures or at least the number of
27 signatures equal to fifteen percent of the voters who voted for
28 candidates for the office at the preceding regular election at
29 which the office was on the ballot, whichever number is fewer.
30 ~~(2)~~ (b) For a city with a population of more than ten
31 thousand but not more than fifty thousand, at least one
32 thousand signatures or at least the number of signatures equal
33 to fifteen percent of the voters who voted for candidates for
34 the office at the preceding regular election at which the
35 office was on the ballot, whichever number is fewer.

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1 ~~(3)~~ (c) For a city with a population of more than fifty
2 thousand, at least two thousand signatures or at least the
3 number of signatures equal to ten percent of the voters who
4 voted for candidates for the office at the preceding regular
5 election at which the office was on the ballot, whichever
6 number is fewer.
7 ~~(4)~~ (d) The minimum number of signatures for a valid
8 petition pursuant to subparagraphs (1) through (3) shall not
9 be fewer than ten. In determining the minimum number of
10 signatures required, if at the last preceding election more
11 than one position was to be filled for the office in which the
12 vacancy exists, the number of voters who voted for candidates
13 for the office shall be determined by dividing the total number
14 of votes cast for the office by the number of seats to be
15 filled.
16 Sec. 26. Section 376.1, Code 2011, is amended to read as
17 follows:
18 **376.1 City election held — absentee ballot elections**
19 **authorized.**
20 1. A city shall hold a regular city election on the first
21 Tuesday after the first Monday in November of each odd-numbered
22 year. A city shall hold regular, special, primary, or runoff
23 city elections as provided by state law.
24 2. The mayor or council shall give notice of any special
25 election to the county commissioner of elections. The county
26 commissioner of elections shall publish notice of any city
27 election and conduct the election pursuant to the provisions of
28 chapters 39 to 53, except as otherwise specifically provided
29 in chapters 362 to 392. The results of any election shall be
30 canvassed by the county board of supervisors and certified
31 by the county commissioner of elections to the mayor and the
32 council of the city for which the election is held.
33 3. *a.* The council of a city with a population of two
34 hundred or less according to the most recent federal decennial
35 census may adopt an ordinance providing that elections be

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conducted by absentee ballot. If the city council adopts such an ordinance, the clerk shall notify the commissioner of elections of the adoption of the ordinance, and the commissioner shall mail an absentee ballot application form by forwardable mail to each registered voter within the city who is on active status pursuant to section 48A.37 no fewer than twenty-five days before each regular city election or special election for the city. The commissioner shall also enclose a postage paid return envelope and a notice in the form prescribed by the state commissioner informing the voter that voting in person on election day will also be available at the commissioner's office. The commissioner may designate one additional election day polling site for a city that adopts an ordinance pursuant to this subsection. The location of the additional polling site shall be included in the notice to the voter.

b. The provisions of chapter 53, insofar as applicable, shall apply to absentee ballot elections authorized under this section.

Sec. 27. Section 376.4, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. An eligible elector of a city may become a candidate for an elective city office by filing with the ~~city clerk~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the city a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. Nomination

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petitions shall be filed not later than 5:00 p.m. on the last day for filing.

Sec. 28. Section 376.4, subsections 3, 4, and 5, Code 2011, are amended to read as follows:

3. ~~If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section.~~ On the final date for filing nomination papers the office of the ~~city clerk~~ county commissioner shall remain open until 5:00 p.m.

4. The ~~city clerk~~ county commissioner shall review each petition and affidavit of candidacy for completeness following the standards in section 45.5 and shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The ~~city clerk~~ county commissioner shall note upon each petition and affidavit accepted for filing the date and time that they were filed. The ~~clerk~~ county commissioner shall return any rejected nomination papers to the person on whose behalf the nomination papers were filed.

5. Nomination papers filed with the ~~city clerk~~ county commissioner shall be available for public inspection.

6. The city clerk shall deliver ~~all nomination papers together with~~ the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections ~~on the day following~~ no later than the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day.

Sec. 29. Section 602.8102, subsection 15, Code 2011, is amended to read as follows:

15. Monthly, notify the county commissioner of registration and the state registrar of voters of persons seventeen ~~and one-half~~ years of age and older who have been convicted of a felony during the preceding calendar month or persons who at any time during the preceding calendar month have been legally

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1 declared to be a person who is incompetent to vote as that term
2 is defined in section 48A.2.
3 Sec. 30. REPEAL. Section 53.14, Code 2011, is repealed.
4 Sec. 31. EFFECTIVE DATE. The following provision or
5 provisions of this Act take effect January 1, 2013:
6 1. The section of this Act amending section 48A.5,
7 subsection 2.
8 2. The section of this Act amending section 48A.14,
9 subsection 1.
10 3. The section of this Act amending section 48A.23,
11 subsection 1.
12 4. The section of this Act amending section 48A.26,
13 subsection 9.
14 5. The section of this Act amending section 48A.31.
15 6. The section of this Act amending section 280.9A,
16 subsection 3.
17 7. The section of this Act amending section 602.8102,
18 subsection 15.
19 EXPLANATION
20 This bill relates to the policy administration of the
21 election and voter registration laws by the secretary of state.
22 The bill amends the definition of "general election" to
23 include certain regular city elections, where applicable.
24 The bill requires that the county commissioner of
25 registration accept completed voter registration forms from
26 registrants who are at least 17 years of age. Current law
27 requires the county commissioner of registration to accept such
28 forms from registrants who are at least 17 and one-half years
29 of age. This provision of the bill takes effect January 1,
30 2013.
31 The bill requires that any authority supported by taxation
32 under the laws of Iowa make space available for the training of
33 precinct election officials and other election personnel upon
34 the applications of the county commissioner of elections.
35 The bill provides that the county commissioner of elections

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1 shall not mail an absentee ballot to an applicant sooner than
2 50 days before any election. The bill removes language which
3 requires a voter's party affiliation be designated in the voter
4 affidavit on the unsealed affidavit envelope if the enclosed
5 ballot is a primary election ballot. The bill specifies that
6 absentee ballots shall be made available for voting in person
7 at the commissioner's office not more than 40 days before an
8 election.
9 The bill further provides that satellite absentee voting
10 stations shall not be established sooner than 40 days before
11 an election. The bill requires that a petition for the
12 establishment of a satellite absentee voting station be on a
13 form prescribed by the state commissioner of elections, and
14 as provided in the bill. The bill provides that a county
15 commissioner of elections is only required to accept one
16 valid petition for each precinct in each election. The bill
17 requires at a minimum that the county commissioner honor the
18 first valid petition for a satellite absentee voting station
19 if more than one petition is filed for a station in the same
20 precinct for the same election. Any objection to a petition
21 requesting a satellite absentee voting station shall be filed
22 with the county commissioner no later than two days following
23 the petition filing deadline.
24 The bill requires that nomination papers of candidates for
25 member of the board of directors of a merged area, objections
26 to such nominations, and withdrawals of such nominations be
27 filed with the county commissioner of elections responsible
28 for conducting elections for the merged area, rather than
29 with the secretary of the board. The bill also requires the
30 county commissioner, rather than the secretary of the board, to
31 attempt to notify the candidate by telephone if an objection
32 is filed if the candidate provided a telephone number. The
33 bill also provides that the text of any public measure relating
34 to the merged area be delivered by the secretary of the board
35 to the county commissioner no later than the last day on which

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1 nomination petitions can be filed.
2 The bill requires that nomination papers of candidates
3 for a school district elected office, and withdrawals of
4 such nominations, be filed with the county commissioner of
5 elections responsible for conducting elections for the school
6 district. Current law requires that such nomination papers and
7 withdrawals be filed with the secretary of the school board.
8 The bill requires that if a vacancy in an elective city
9 office is filled by appointment of the remaining members of the
10 city council, that such appointment be made within 40 days of
11 the vacancy's occurrence for the period until the next general
12 election for a city as described in the bill or the next
13 regular city election, as defined in statute. If, however,
14 there is an intervening special election to fill a vacancy in
15 another elective city office, then the election for the office
16 shall be placed on the ballot at the special election. The
17 bill requires the city clerk to notify the county commissioner
18 of elections if the council fails to make such an appointment
19 within the required 40 days. Upon receipt of such notice, the
20 county commissioner of elections shall call a special election
21 to fill the vacancy at the earliest practicable date, but no
22 sooner than 32 days after receiving such notice.
23 The bill further requires that nomination papers for
24 elective city office be filed with the county commissioner of
25 elections responsible for conducting elections for the city.
26 The bill allows cities with populations of 200 or less to
27 adopt an ordinance providing that city elections be conducted
28 by absentee ballot. The bill requires the county commissioner
29 of elections responsible for such a city to mail an absentee
30 ballot application form by forwardable mail to each active
31 status registered voter within the city no fewer than 25 days
32 before each regular city election or special election for
33 that city. The bill requires that the county commissioner
34 of elections also enclose a postage paid return envelope and
35 a notice that in-person voting will also be available at the

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1 county commissioner's office on the day of the election and, if
2 applicable, the location of the additional polling site. The
3 bill allows the county commissioner to designate one additional
4 election day polling site for such cities.

House Study Bill 587 - Introduced

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

A BILL FOR

1 An Act relating to elections and voter registration, including
2 technical administration of the law by making modifications
3 to certain filing deadlines, preservation of certain
4 records, special elections to fill certain vacancies
5 in office, absentee voting, voting systems, and ballot
6 summaries.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5255XD (18) 84
aw/sc

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Section 1. Section 43.16, Code 2011, is amended to read as follows:

43.16 Return of papers, additions not allowed.

1. After a nomination paper has been filed, it shall not be returned to the person who has filed the paper, nor shall any signature or other information be added to the nomination paper.

2. *a.* A person who has filed nomination petitions with the state commissioner may withdraw as a candidate not later than 5:00 p.m. on the seventy-sixth day before the primary election by notifying the state commissioner in writing.

b. A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than 5:00 p.m. on the sixty-seventh day before the primary election by notifying the commissioner in writing.

3. The name of a candidate who has withdrawn or died at a time in accordance with this section shall be omitted from the certificate furnished by the state commissioner under section 43.22 and omitted from the primary election ballot.

Sec. 2. Section 43.23, Code 2011, is amended to read as follows:

43.23 Death or withdrawal of primary candidate.

1. If a person who has filed nomination papers with the state commissioner as a candidate in a primary election dies or withdraws ~~up to~~ before 5:00 p.m. on the seventy-sixth day before the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by 5:00 p.m. on the seventy-first day before the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section 43.22.

2. If a person who has filed nomination papers with the

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1 commissioner as a candidate in a primary election dies or
2 withdraws ~~up to~~ before 5:00 p.m. on the sixty-seventh day
3 before the primary election, the appropriate convention
4 or central committee of that person's political party may
5 designate one additional primary election candidate for the
6 nomination that person was seeking, if the designation is
7 submitted to the commissioner in writing by 5:00 p.m. on the
8 sixty-third day before the primary election. The name of any
9 candidate so submitted shall be placed on the appropriate
10 ballot or ballots by the commissioner.
11 Sec. 3. Section 43.24, subsection 1, paragraph b, Code 2011,
12 is amended by adding the following new subparagraph:
13 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
14 vacancies in the office of representative in Congress at a
15 special election held under section 69.14 shall be filed with
16 the state commissioner not less than sixty days prior to the
17 date set for the special election.
18 Sec. 4. Section 43.24, subsection 1, paragraph b,
19 subparagraph (3), Code 2011, is amended to read as follows:
20 (3) Objections to nominations to fill vacancies in the
21 general assembly at a special election held under section
22 69.14, under which the forty-day notice of election provision
23 applies, shall be filed with the state commissioner not less
24 than fifteen days prior to the date set for the special
25 election. If the forty-day notice provision does not apply,
26 objections to nominations to fill vacancies in the general
27 assembly at a special election held under section 69.14 may be
28 filed any time prior to the date set for the special election.
29 Sec. 5. Section 43.24, subsection 1, Code 2011, is amended
30 by adding the following new paragraph:
31 NEW PARAGRAPH. *c.* Objections filed pursuant to this section
32 shall be filed no later than 5:00 p.m. on the final date for
33 filing.
34 Sec. 6. Section 43.24, subsection 2, paragraph b, Code 2011,
35 is amended to read as follows:

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1 *b.* If an objection is filed to a nomination to fill
2 a vacancy in the general assembly at a special election
3 held under section 69.14, under which the forty-day notice
4 of election provision of section 69.14 does not apply,
5 notice of the objection shall be made to the candidate by
6 the state commissioner as soon as practicable. Under this
7 paragraph, failure to notify a candidate of an objection to the
8 candidate's nomination prior to the date set for the special
9 election does not invalidate the hearing conducted under
10 subsection 3. The hearing to an objection shall proceed as
11 quickly as possible to expedite the special election.
12 Sec. 7. Section 43.72, Code 2011, is amended to read as
13 follows:
14 **43.72 State returns filed and preserved.**
15 When the canvass is concluded, the board shall deliver
16 the original abstract returns to the state commissioner, who
17 shall file the returns in the state commissioner's office and
18 preserve the abstracts of the canvass of the state board and
19 certificates attached thereto. The state commissioner may
20 preserve the abstracts and certificates attached thereto in an
21 electronic format.
22 Sec. 8. Section 43.88, Code 2011, is amended to read as
23 follows:
24 **43.88 Certification of nominations.**
25 1. Nominations made by state, district, and county
26 conventions, shall, under the name, place of residence, and
27 post office address of the nominee, and the office to which
28 nominated, and the name of the political party making the
29 nomination, be forthwith certified to the proper officer by
30 the chairperson and secretary of the convention, or by the
31 committee, as the case may be, and if such certificate is
32 received in time, the names of such nominees shall be printed
33 on the official ballot the same as if the nomination had been
34 made in the primary election.
35 2. Nominations made to fill vacancies in the office of

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1 representative in Congress shall be certified to the state
2 commissioner not less than sixty-two days prior to the date set
3 for the special election. Nominations made to fill vacancies
4 in other offices to which this chapter applies at a special
5 election shall be certified to the proper official not less
6 than twenty-five days prior to the date set for the special
7 election. In the event the special election is to fill a
8 vacancy in the general assembly while it is in session or
9 within forty-five days of the convening of any session, the
10 nomination shall be certified not less than fourteen days
11 before the date of the special election.
12 3. Nominations certified to the proper official under this
13 section shall be accompanied by an affidavit executed by the
14 nominee in substantially the form required by section 43.67.
15 Sec. 9. Section 44.4, subsection 1, Code 2011, is amended
16 to read as follows:
17 1. Nominations made pursuant to this chapter and
18 chapter 45 which are required to be filed in the office of
19 the state commissioner shall be filed in that office not
20 more than ninety-nine days nor later than 5:00 p.m. on the
21 eighty-first day before the date of the general election to
22 be held in November. Nominations made for a special election
23 called pursuant to section 69.14 to fill vacancies in the
24 general assembly shall be filed by 5:00 p.m. not less than
25 twenty-five days before the date of an election called upon
26 at least forty days' notice and not less than fourteen days
27 before the date of an election called upon at least eighteen
28 days' notice. Nominations made to fill vacancies in the
29 office of representative in Congress at a special election
30 shall be certified to the state commissioner not less than
31 sixty-two days prior to the date set for the special election.
32 Nominations made for a special election called pursuant to
33 section 69.14A shall be filed by 5:00 p.m. not less than
34 twenty-five days before the date of the election. Nominations
35 made pursuant to this chapter and chapter 45 which are required

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1 to be filed in the office of the commissioner shall be filed
2 in that office not more than ninety-two days nor later than
3 5:00 p.m. on the sixty-ninth day before the date of the general
4 election. Nominations made pursuant to this chapter or chapter
5 45 for city office shall be filed not more than seventy-two
6 days nor later than 5:00 p.m. on the forty-seventh day before
7 the city election with the city clerk, who shall process them
8 as provided by law.
9 Sec. 10. Section 44.4, subsection 2, paragraph a, Code 2011,
10 is amended by adding the following new subparagraphs:
11 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
12 a vacancy in the office of representative in Congress at a
13 special election held under section 69.14 shall be filed with
14 the state commissioner not less than sixty days prior to the
15 date set for the special election.
16 NEW SUBPARAGRAPH. (003) Objections to nominations to
17 fill a vacancy in the general assembly at a special election
18 held under section 69.14, under which the forty-day notice
19 of election provision applies, shall be filed with the state
20 commissioner not less than fifteen days prior to the date set
21 for the special election. If the forty-day notice provision
22 does not apply, objections to nominations to fill vacancies at
23 a special election held under section 69.14 may be filed no
24 later than the day before the special election.
25 Sec. 11. Section 48A.30, subsection 1, paragraph a, Code
26 2011, is amended to read as follows:
27 *a.* The registered voter dies. For the purposes of this
28 subsection, the commissioner may accept as evidence of death a
29 notice from the state registrar of vital statistics forwarded
30 by the state registrar of voters, a written statement from a
31 member of the registered voter's household, an obituary in
32 a newspaper, an obituary on a funeral home internet site, a
33 written statement from an election official, or a notice from
34 the county recorder of the county where the registered voter
35 died.

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1 Sec. 12. Section 48A.32, Code 2011, is amended to read as
2 follows:
3 **48A.32 Destruction or removal of canceled voter registration**
4 **records.**
5 Twenty-two months after the next general election following
6 the cancellation of a person's voter registration, or
7 receipt of an incomplete voter registration application,
8 the commissioner may destroy all records of that person's
9 registration, including electronic records. At the discretion
10 of the commissioner, canceled records may be donated to a
11 historical society if all confidential information has been
12 removed from the records.
13 Sec. 13. Section 49.45, Code 2011, is amended to read as
14 follows:
15 **49.45 General form of ballot.**
16 Ballots referred to in section 49.43 shall be ~~substantially~~
17 in one of the following ~~form~~ forms:
18 Shall the following amendment to the Constitution (or public
19 measure) be adopted?
20 ☐ Yes
21 ☐ No
22 (Here insert the summary, if it is for a constitutional
23 amendment or statewide public measure, and in full the proposed
24 constitutional amendment or public measure. The number
25 assigned by the state commissioner or the letter assigned
26 by the county commissioner shall be included on the ballot
27 centered above the question, "Shall the following amendment to
28 the Constitution [or public measure] be adopted?".)
29 Shall the following amendment to the Constitution (or public
30 measure) be adopted?
31 (Here insert the summary, if it is for a constitutional
32 amendment or statewide public measure, and in full the proposed
33 constitutional amendment or public measure. The number
34 assigned by the state commissioner or the letter assigned
35 by the county commissioner shall be included on the ballot

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1 centered above the question, "Shall the following amendment to
2 the Constitution [or public measure] be adopted?".)
3 ☐ Yes
4 ☐ No
5 Sec. 14. Section 50.15A, subsection 2, paragraph a, Code
6 2011, is amended to read as follows:
7 *a.* After the polls close on election day for a primary
8 election, general election, or special election under section
9 69.14, the commissioner of elections shall periodically provide
10 election results to the state commissioner of elections as
11 the precincts in the county report election results to the
12 commissioner pursuant to section 50.11. If the commissioner
13 has access to the software program necessary to produce the
14 election results in an electronic format, the commissioner
15 shall provide the election results required by this section in
16 an electronic format. If the commissioner determines that all
17 precincts will not report election results before the office is
18 closed, the commissioner shall report the most complete results
19 available prior to leaving the office at the time the office is
20 closed as provided in section 50.11. The commissioner shall
21 specify the number of precincts included in the report to the
22 state commissioner of elections.
23 Sec. 15. Section 50.48, subsection 1, paragraph b, Code
24 2011, is amended to read as follows:
25 *b.* Immediately upon receipt of a request for a recount,
26 the commissioner shall send a copy of the request to the
27 apparent winner by certified mail. The commissioner shall
28 also attempt to contact the apparent winner by telephone.
29 If the apparent winner cannot be reached within four days,
30 the chairperson of the political party or organization which
31 nominated the apparent winner shall be contacted or, in the
32 case of an election for a nonpartisan office, the entity or
33 officer responsible for making an appointment to fill a vacancy
34 in the office shall be contacted and shall act on behalf of the
35 apparent winner, if necessary. ~~For~~ On behalf of candidates for

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1 partisan state or federal offices, the chairperson of the state
2 party shall be contacted. ~~For~~ On behalf of candidates for
3 partisan county offices, the county chairperson of the party
4 shall be contacted.
5 Sec. 16. Section 52.5, subsection 2, Code 2011, is amended
6 to read as follows:
7 2. The state commissioner shall formulate, with the advice
8 and assistance of the examiners, and adopt rules governing the
9 testing and examination of any optical scan voting system by
10 the board of examiners. The rules shall prescribe the method
11 to be used in determining whether the system is suitable for
12 use within the state and performance standards for voting
13 equipment in use within the state. The rules shall provide
14 that all optical scan voting systems approved for use by the
15 examiners after April 9, 2003, shall meet voting systems
16 performance and test standards, as adopted ~~by the federal~~
17 ~~election commission on April 30, 2002, and~~ pursuant to the
18 provisions of or as deemed adopted by Pub. L. No. 107-252,
19 § 222. The rules shall include standards for determining when
20 recertification is necessary following modifications to the
21 equipment or to the programs used in tabulating votes, and a
22 procedure for rescinding certification if a system is found
23 not to comply with performance standards adopted by the state
24 commissioner.
25 Sec. 17. Section 53.18, subsection 2, Code 2011, is amended
26 to read as follows:
27 2. If the commissioner receives the return envelope
28 containing the completed absentee ballot by 5:00 p.m. on the
29 Saturday before the election for general and primary elections
30 and by 5:00 p.m. on the Friday before the election for all
31 other elections, the commissioner shall open the envelope to
32 review the affidavit for completeness. If the affidavit is
33 incomplete, the commissioner shall, within twenty-four hours of
34 the time the envelope was received, notify the voter of that
35 fact and that the voter may complete the affidavit in person

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at the office of the commissioner by 5:00 p.m. on the day before the election, or in the case of an election at which the polls open at noon on election day, by 10:00 a.m. on the date of the election, vote a replacement ballot in the manner and within the time period provided in subsection 3, or appear at the voter's precinct polling place on election day and cast a ballot in accordance with section 53.19, subsection 3.

Sec. 18. Section 53.30, Code 2011, is amended to read as follows:

53.30 Ballots, ballot envelopes, and other information preserved.

At the conclusion of each meeting of the absentee and special voter's precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the envelope having the registered voter's affidavit on it, the return envelope, and secrecy envelope ~~bearing the signatures of precinct election officials~~, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

Sec. 19. Section 53.39, subsection 2, Code 2011, is amended to read as follows:

2. All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election, ~~and~~ the general election, and special elections for representative in Congress shall be printed prior to forty-five days before the respective elections and shall be available for transmittal to such qualified voters in the armed forces of the United States at least forty-five days before the respective elections. The provisions of this chapter apply to absent voting by qualified voters in the armed forces of the United States except as modified by the provisions of this division.

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1 Sec. 20. Section 53.40, subsection 2, Code 2011, is amended
2 to read as follows:
3 2. The commissioner shall immediately ~~on~~ after the ballots
4 are available and no later than the forty-fifth day prior to
5 the ~~particular~~ primary election, general election, or special
6 election for representative in Congress transmit ballots to
7 the voter by mail or otherwise, postage prepaid, as directed
8 by the state commissioner, requests for which are in the
9 commissioner's hands at that time, and thereafter so transmit
10 ballots immediately upon receipt of requests. A request for
11 ballot for the primary election which does not state the party
12 affiliation of the voter making the request is void and of no
13 effect. A request which does not show that the person for whom
14 a ballot is requested will be a qualified voter in the precinct
15 in which the ballot is to be cast on the day of the election for
16 which the ballot is requested, shall not be honored. However,
17 a request which states the age and the city, including street
18 address, and county where the voter resides is sufficient to
19 show that the person is a qualified voter. A request by the
20 voter containing substantially the information required is
21 sufficient.
22 Sec. 21. Section 53.47, Code 2011, is amended to read as
23 follows:
24 **53.47 Materials furnished by ~~department of administrative~~**
25 **~~services~~ state commissioner.**
26 1. In order to establish uniformity in size, weight
27 and other characteristics of the ballot and facilitate its
28 distribution and return, the ~~department of administrative~~
29 ~~services shall upon direction of the~~ state commissioner
30 shall purchase any material needed for any special ballots,
31 envelopes, and other printed matter, and sell any such
32 materials to the several counties of the state at cost plus
33 handling and transportation costs.
34 2. There is hereby appropriated to the ~~department of~~
35 ~~administrative services~~ state commissioner from the general

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fund of the state such sums as may be necessary to purchase any materials provided for herein. The proceeds from sale of such materials to counties shall be turned into the general fund of the state upon receipt of same by the ~~department of administrative services~~ state commissioner.

Sec. 22. Section 69.14, Code 2011, is amended to read as follows:

69.14 Special election to fill vacancies.

A special election to fill a vacancy shall be held for a representative in Congress, or senator or representative in the general assembly, when the body in which such vacancy exists is in session, or will convene prior to the next general election~~, and the~~. The governor shall order, not later than five days from the date the vacancy exists, a special election, giving not less than seventy-six days' notice of such election to fill a vacancy in the office of representative in Congress or forty days' notice of such election to fill a vacancy in the office of senator or representative in the general assembly. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit provided in this section shall not apply and the governor shall order such special election at the earliest practical time, giving at least eighteen days' notice of the special election. Any special election called under this section must be held on a Tuesday and shall not be held on the same day as a school election within the district.

Sec. 23. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 43.24, subsection 1, paragraph "b".

2. The section of this Act amending section 43.24, subsection 2, paragraph "b".

3. The section of this Act amending section 43.88.

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1 4. The sections of this Act amending section 44.4,
2 subsections 1 and 2.
3 5. The section of this Act amending section 53.39,
4 subsection 2.
5 6. The section of this Act amending section 53.40,
6 subsection 2.
7 7. The section of this Act amending section 69.14.
8 EXPLANATION
9 This bill relates to the conduct of elections and voter
10 registration generally.
11 The bill amends Code section 43.16, relating to withdrawal
12 of a primary election candidate, and Code section 43.23,
13 relating to replacement of a primary election candidate who
14 has withdrawn or died, to add the clock time of 5:00 p.m. to
15 the current deadline dates. The bill also amends Code section
16 43.24, relating to filing objections to primary election
17 nominations, to add the clock time of 5:00 p.m. to the current
18 deadline dates.
19 The bill amends Code section 43.72 to specify that the state
20 commissioner of elections has the authority to electronically
21 preserve certain abstracts and certificates from primary
22 elections.
23 The bill amends Code section 48A.30 to provide that in
24 canceling the registration of a registered voter, a county
25 commissioner of elections may accept an obituary on a funeral
26 home internet site as evidence of death.
27 The bill amends Code section 48A.32 to allow a county
28 commissioner of elections, following receipt of a person's
29 incomplete voter registration application, to destroy all
30 records and electronic records of that person's incomplete
31 registration 22 months after the next general election. The
32 bill also allows a county commissioner of elections to destroy
33 the electronic records of canceled or incomplete registrations.
34 The bill amends Code section 49.45 to allow ballots for
35 constitutional amendments and other public measures to be

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1 published in one of two forms.
2 The bill amends Code section 50.15A to require that a
3 county commissioner of elections provide unofficial election
4 results to the state commissioner of elections for all primary
5 elections and special elections to fill vacancies in the
6 general assembly or office of representative in Congress.
7 Current law already requires that county commissioners provide
8 such results for general elections. The bill also requires
9 that for a primary election, general election, or special
10 election to fill vacancies in the general assembly or office of
11 representative in Congress, a county commissioner of elections
12 provide the state commissioner of elections with election
13 results in an electronic format if the county commissioner has
14 access to the software necessary to produce the results in an
15 electronic format.
16 The bill amends Code section 50.48 to require that in the
17 case of a recount of an election for a nonpartisan office, if
18 the apparent winner cannot be reached within four days after
19 receipt of a request for a recount, the county commissioner of
20 elections shall contact the entity or officer responsible for
21 making an appointment to a vacancy in the nonpartisan office.
22 The bill amends Code section 52.5, relating to the testing
23 and examination of voting equipment, to remove a reference to
24 specific performing and test standards adopted by the federal
25 elections commission on April 30, 2002, but to maintain a
26 reference to the adoption of such standards pursuant to Pub.
27 L. No. 107-252, § 222.
28 The bill amends Code section 53.18 which requires that a
29 county commissioner of elections notify a voter that the voter
30 is allowed the opportunity to complete an affidavit, if the
31 affidavit that accompanies the absentee ballot is incomplete,
32 within 24 hours of the county commissioner receiving
33 the absentee ballot. The bill requires that the county
34 commissioner notify such a voter that they may complete the
35 affidavit in person at the office of the county commissioner

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1 by 10:00 a.m. on the date of the election in the case of an
2 election at which the polls open at noon.
3 The bill amends Code section 53.30 to remove a reference to
4 a requirement that precinct election officials sign the secrecy
5 envelopes that are included with absentee ballots. That
6 requirement was repealed in 2008.
7 The bill amends Code section 53.47, relating to military
8 and overseas voters, to require that the state commissioner
9 of elections purchase any materials needed for any special
10 ballots, envelopes, and other printed materials, and sell such
11 materials to the several counties of the state. Current law
12 requires that the department of administrative services conduct
13 these functions at the direction of the state commissioner of
14 elections. The bill also directs general funds appropriated
15 for these purposes to the state commissioner of elections
16 instead of to the department of administrative services.
17 In order to comply with the provisions of the 2009 Military
18 and Overseas Voter Empowerment Act, the bill amends Code
19 section 69.14 to provide that for vacancies in the office
20 of representative in Congress the governor shall give not
21 less than 76 days' notice, rather than 40 days' notice, of
22 the special election to fill the vacancy. The bill makes
23 corresponding changes to Code section 43.24, relating to
24 deadlines for filing objections, and to Code section 43.88,
25 relating to the deadline for filing nomination petitions. The
26 bill makes corresponding changes to Code section 44.4, relating
27 to deadlines for nominations made by nonparty political
28 organizations to fill a vacancy for representatives in Congress
29 or the general assembly and objections to those nominations.
30 The bill also makes corresponding amendments to Code sections
31 53.39 and 53.40 to add special elections for representative in
32 Congress to provisions relating to availability of ballots for
33 qualified voters in the armed forces. These provisions of the
34 bill take effect upon enactment.

House Study Bill 588 - Introduced

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

A BILL FOR

1 An Act relating to requirements for the enactment of the state
2 percent of growth and the categorical state percent of
3 growth and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6029YC (2) 84
md/sc

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Section 1. Section 257.8, subsections 1 and 2, Code Supplement 2011, are amended to read as follows:

1. *State percent of growth.* The state percent of growth for the budget year beginning July 1, 2010, is two percent. The state percent of growth for the budget year beginning July 1, 2012, is two percent. The state percent of growth for ~~each~~ subsequent budget ~~year~~ years shall be established by statute which shall be enacted in each odd-numbered year and shall include the state percent of growth for the budget year beginning July 1 of the calendar year in which the statute is enacted and the state percent of growth for the budget year beginning July 1 of the calendar year following the calendar year in which the statute is enacted. The statute establishing the state percent of growth for both such years shall be enacted within thirty days of the submission ~~in the year preceding the base year~~ of the governor's budget under section 8.21 in each odd-numbered year. The establishment of the state percent of growth for ~~a budget year~~ both such years pursuant to this subsection shall be the only subject matter of the bill which enacts the state percent of growth ~~for a budget year~~.

2. *Categorical state percent of growth.* The categorical state percent of growth for the budget year beginning July 1, 2010, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2012, is two percent. The categorical state percent of growth for ~~each~~ subsequent budget ~~year~~ years shall be established by statute which shall be enacted in each odd-numbered year and shall include the categorical state percent of growth for the budget year beginning July 1 of the calendar year in which the statute is enacted and the categorical state percent of growth for the budget year beginning July 1 of the calendar year following the calendar year in which the statute is enacted. The statute establishing the state percent of growth for both such years shall be enacted within thirty days of the submission ~~in the year preceding the base year~~ of the governor's budget under

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1 section 8.21 in each odd-numbered year. The establishment
2 of the categorical state percent of growth for ~~a budget year~~
3 both such years pursuant to this subsection shall be the only
4 subject matter of the bill which enacts the categorical state
5 percent of growth ~~for a budget year~~. The categorical state
6 percent of growth may include state percents of growth for
7 the teacher salary supplement, the professional development
8 supplement, and the early intervention supplement.
9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.
11 EXPLANATION
12 This bill modifies the requirements for enacting the state
13 percent of growth and the categorical state percent of growth
14 under Code section 257.8.
15 Current law requires the state percent of growth and the
16 categorical state percent of growth to be established by
17 statute within 30 days of the submission of the governor's
18 budget in the year preceding the base year.
19 The bill requires the state percent of growth and the
20 categorical state percent of growth to be established by
21 statute in each odd-numbered year for the budget year beginning
22 July 1 of the calendar year in which the statute is enacted
23 and for the budget year beginning July 1 of the calendar year
24 following the calendar year in which the statute is enacted.
25 The bill also requires that the statute establishing such
26 percents of growth be enacted within 30 days of the submission
27 of the governor's budget in each odd-numbered year.
28 The bill takes effect upon enactment.

House Study Bill 589 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL BILL)

A BILL FOR

1 An Act relating to crime victims, including restitution plan
2 hearings, crime victim compensation, and the identity theft
3 passport program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5291DP (8) 84
rh/nh

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1 Section 1. Section 715A.9A, subsection 1, paragraph a, Code
2 2011, is amended to read as follows:
3 *a.* Is a victim of identity theft in this state as described
4 in section 715A.8 or is a resident of this state who is a victim
5 of identity theft.
6 Sec. 2. Section 910.7, subsections 2 and 3, Code 2011, are
7 amended to read as follows:
8 2. After a petition has been filed, the court, at any time
9 prior to the expiration of the offender's sentence, provided
10 the required notice has been given pursuant to subsection
11 3, may hold a hearing and modify the plan of restitution or
12 the restitution plan of payment, or both, and may extend
13 the period of time for the completion of restitution. If a
14 hearing involving the crime victim compensation program is
15 conducted, an employee of the crime victim compensation program
16 or the attorney for the crime victim compensation program may
17 participate by telephone.
18 3. If a petition related to a plan of restitution has
19 been filed, the offender, the county attorney, the department
20 of corrections if the offender is currently confined in a
21 correctional institution, the office or individual who prepared
22 the offender's restitution plan, other witnesses, and the
23 victim shall receive notice prior to any hearing under this
24 section.
25 Sec. 3. Section 915.80, subsection 2, Code 2011, is amended
26 to read as follows:
27 2. *a.* *"Crime"* means any of the following:
28 (1) ~~conduct~~ Conduct that occurs or is attempted in this
29 state, poses a substantial threat of personal injury or death,
30 and is punishable as a felony or misdemeanor, or would be so
31 punishable but for the fact that the person engaging in the
32 conduct lacked the capacity to commit the crime under the laws
33 of this state.
34 (2) A violation of section 715A.8.
35 (3) The financial exploitation of a person who is sixty-five

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1 years of age or older or is a dependent adult as defined
2 in section 235B.2. For the purposes of this subparagraph,
3 *"financial exploitation"* means the criminal act or process of
4 taking unfair advantage of a person for one's own personal or
5 pecuniary profit, without the informed consent of the person,
6 including theft, by the use of undue influence, harassment,
7 duress, deception, false representation, false pretenses,
8 forgery, fraudulent practices, or securities fraud.
9 *b.* *"Crime"* does not include conduct arising out of the
10 ownership, maintenance, or use of a motor vehicle, motorcycle,
11 motorized bicycle, train, boat, or aircraft except for
12 violations of section 321.261, 321.277, 321J.2, 462A.7,
13 462A.12, 462A.14, or 707.6A, or when the intention is to cause
14 personal injury or death.
15 *c.* A license revocation under section 321J.9 or 321J.12
16 shall be considered by the department as evidence of a
17 violation of section 321J.2 for the purposes of this
18 subchapter. A license suspension or revocation under section
19 462A.14, 462A.14B, or 462A.23 shall be considered by the
20 department as evidence of a violation of section 462A.14 for
21 the purposes of this subchapter.
22 Sec. 4. Section 915.80, Code 2011, is amended by adding the
23 following new subsection:
24 NEW SUBSECTION. 4A. *"Homicide victim survivor"* means any
25 of the following:
26 *a.* A homicide victim's spouse, parent, child, grandparent,
27 aunt, uncle, niece, nephew, sibling, grandchild, first cousin,
28 great-grandparent, great-aunt, great-uncle, great-niece,
29 great-nephew, great-grandchild, fiance, legal custodian,
30 legal ward, legal guardian, step-parent, step-child,
31 step-sibling, step-grandparent, step-aunt, step-uncle,
32 step-grandchild, step-niece, step-nephew, step-first-cousin,
33 step-great-grandchild, step-great-grandparent, foster child,
34 foster parent, foster sibling, brother-in-law, sister-in-law,
35 mother-in-law, father-in-law, daughter-in-law, son-in-law,

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1 step-brother-in-law, step-sister-in-law, step-mother-in-law,
2 step-father-in-law, step-daughter-in-law, or step-son-in-law.
3 *b.* The spouses of persons identified in paragraph *"a"*.
4 *c.* A former intimate partner of a homicide victim who has
5 legal guardianship of the victim's children.
6 *d.* A person cohabiting with a homicide victim at the time
7 of the crime.
8 Sec. 5. Section 915.86, subsections 3, 4, 9, 10, 13, 14, and
9 15, Code Supplement 2011, are amended to read as follows:
10 3. Loss of reasonable income from work that ~~the victim's~~
11 ~~parent or caretaker~~ a secondary victim would have performed and
12 for which ~~the victim's parent or caretaker~~ a secondary victim
13 would have received remuneration ~~for up to three days after~~
14 ~~the crime or the discovery of the crime~~ to allow ~~the victim's~~
15 ~~parent or caretaker~~ a secondary victim to assist the victim
16 and when ~~the victim's parent or caretaker~~ a secondary victim
17 accompanies the victim to medical and counseling services,
18 not to exceed one thousand dollars per ~~parent or caretaker~~
19 secondary victim.
20 4. Loss of reasonable income from work that the victim, ~~the~~
21 ~~victim's parent or caretaker, or the survivor of a homicide~~
22 ~~victim as described in subsection 10~~ a secondary victim, or a
23 homicide victim survivor would have performed and for which
24 that person would have received remuneration, where the loss of
25 income is a direct result of cooperation with the investigation
26 and prosecution of the crime or attendance at medical or
27 counseling services, funerals, or criminal justice proceedings
28 including the trial and sentencing in the case, not to exceed
29 one thousand dollars per person.
30 9. In the event of a homicide, reasonable charges incurred
31 for health care for ~~the victim's spouse; child, foster child,~~
32 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
33 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
34 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
35 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~

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1 ~~with the victim,~~ a homicide victim survivor, not to exceed
2 three thousand dollars per homicide victim survivor.
3 10. In the event of a homicide, loss of reasonable income
4 from work that, but for the death of the victim, would have
5 been earned by ~~the victim's spouse; child, foster child,~~
6 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
7 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
8 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
9 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~
10 ~~with the victim~~ a homicide victim survivor, not to exceed six
11 thousand dollars per homicide victim survivor.
12 13. Reasonable dependent care expenses incurred by the
13 victim, ~~the victim's parent or caretaker, or the survivor of~~
14 ~~a homicide victim as described in subsection 10~~ a secondary
15 victim, or a homicide victim survivor for the care of
16 dependents while attending medical or counseling services,
17 funerals, or criminal justice proceedings ~~or medical or~~
18 ~~counseling services~~ including the trial and sentencing in the
19 case, not to exceed one thousand dollars per person.
20 14. Reasonable expenses incurred by a victim, ~~the victim's~~
21 ~~parent or caretaker, or the survivor of a homicide victim as~~
22 ~~described in subsection 10~~ a secondary victim, or a homicide
23 victim survivor to replace or install locks, windows, and other
24 residential security items at the victim's or homicide victim
25 survivor's residence or at the residential scene of a crime,
26 not to exceed five hundred dollars per residence.
27 15. Reasonable expenses incurred by the victim, a secondary
28 victim, ~~the parent or guardian of a victim, or the survivor of~~
29 ~~a homicide victim as described in subsection 10~~ or a homicide
30 victim survivor for transportation to medical~~,~~ or counseling
31 services, ~~funeral~~ funerals, or criminal justice proceedings
32 including the trial and sentencing in the case, not to exceed
33 one thousand dollars per person.
34 Sec. 6. Section 915.87, Code 2011, is amended by adding the
35 following new subsection:

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1 NEW SUBSECTION. 3. Compensation shall not be made to a
2 secondary victim or a homicide victim survivor if the victim
3 is ineligible for compensation.
4 Sec. 7. Section 915.94, Code 2011, is amended to read as
5 follows:
6 **915.94 Victim compensation fund.**
7 1. A victim compensation fund is established as a separate
8 fund in the state treasury. Moneys deposited in the fund shall
9 be administered by the department and dedicated to and used
10 for the purposes of section 915.41 and this subchapter. In
11 addition, the department may use moneys from the fund for ~~the~~
12 ~~purpose of~~ the following:
13 *a.* The department's prosecutor-based victim service
14 coordination, including the duties defined in sections 910.3
15 and 910.6 and this chapter~~,~~.
16 *b.* ~~and for the~~ To award of funds to programs that provide
17 services and support to victims of domestic abuse or sexual
18 assault as provided in chapter 236, to victims under section
19 710A.2, and for the support of an automated victim notification
20 system established in section 915.10A.
21 *c.* To implement the identity theft passport program
22 established by rule pursuant to section 715A.9A.
23 2. The department may also use up to one hundred thousand
24 dollars from the fund to provide training for victim service
25 providers.
26 3. Notwithstanding section 8.33, any balance in the fund on
27 June 30 of any fiscal year shall not revert to the general fund
28 of the state.
29 EXPLANATION
30 This bill relates to crime victims, including restitution
31 plan hearings, crime victim compensation, and the identity
32 theft passport program.
33 The bill allows for the issuance of an identity theft
34 passport to a person who is a resident of Iowa who is the
35 subject of identity theft outside of Iowa, in addition to

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1 victims of identity theft in Iowa.
2 The bill provides that if a hearing involving the crime
3 victim compensation program is conducted, an employee of the
4 crime victim compensation program of the department of justice
5 or the program's attorney may participate in the hearing by
6 telephone. The bill includes witnesses in the list of persons
7 and entities who shall receive notice that a petition relating
8 to a plan of restitution has been filed.
9 The bill expands the definition of a "crime" for purposes of
10 the crime victim compensation program to include a violation
11 of Code section 715A.8 (identity theft) and the financial
12 exploitation of a person who is 65 or older or who is a
13 dependent adult as defined in Code section 235B.2. "Financial
14 exploitation" means the criminal act or process of taking
15 unfair advantage of a person for one's own personal or
16 pecuniary profit, without the informed consent of the person,
17 including theft, by the use of undue influence, harassment,
18 duress, deception, false representation, false pretenses,
19 forgery, fraudulent practices, or securities fraud.
20 The bill distinguishes two categories of persons who are
21 eligible for compensation for economic losses incurred as a
22 direct result of an injury to or death of a victim: a "homicide
23 victim survivor" (defined in the bill) and a "secondary victim"
24 (defined in Code section 915.80).
25 The bill specifies that a loss of income due to missed work
26 days for various categories of persons who may be awarded crime
27 victim compensation shall be computed based upon the loss of
28 reasonable income. The bill includes an award of compensation
29 for such income for missed work days that the victim, secondary
30 victim, or a homicide victim survivor would have performed
31 where the loss of income is due to attendance at medical or
32 counseling services or funerals, in addition to current law
33 which allows compensation in such cases for attendance at
34 criminal justice proceedings. The bill also includes an award
35 of compensation for reasonable dependent care expenses incurred

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1 by a victim, secondary victim, or a homicide survivor due to
2 attendance at funerals.
3 The bill provides that compensation shall not be made to a
4 secondary victim or a homicide victim survivor if the victim
5 is ineligible for compensation.
6 The bill allows moneys from the victim compensation fund
7 to be used to implement the identity theft passport program
8 established by rule pursuant to Code section 715A.9A.

House Study Bill 590 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to economic development by making technical
2 and policy changes related to environmental response
3 projects and to certain programs administered by the
4 economic development authority and including retroactive
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5263DP (7) 84
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DIVISION I

TARGETED JOBS WITHHOLDING ELIGIBILITY

Section 1. Section 403.19A, subsection 1, paragraph a, Code Supplement 2011, is amended to read as follows:

a. *"Business"* means ~~any~~ an enterprise that is located in this state and that is operated for profit and under a single management. *"Business"* includes professional services~~, or industrial enterprise, including~~ and industrial enterprises, including but not limited to medical treatment facilities, manufacturing facilities, corporate headquarters, and research facilities. *"Business"* does not include a retail operation, a government entity, or a business which closes or substantially reduces its operation in one area of this state and relocates substantially the same operation to another area of this state.

DIVISION II

ACCELERATED CAREER EDUCATION PHYSICAL INFRASTRUCTURE PROJECTS

Sec. 2. Section 260G.6, subsections 1, 3, and 4, Code Supplement 2011, are amended to read as follows:

1. An accelerated career education fund is established in the state treasury ~~under the control of the economic development authority~~ consisting of moneys appropriated to the ~~authority~~ fund for purposes of funding the cost of accelerated career education program capital projects.

3. If moneys are appropriated by the general assembly to support program capital costs, the moneys shall be allocated ~~according to rules adopted by the economic development authority pursuant to chapter 17A~~ equally to each community college.

~~4. In order to receive moneys pursuant to this section, a program agreement approved by the community college board of directors shall be in place, program capital cost requests shall be approved by the economic development authority created in section 15.105, and employer contributions toward program capital costs shall be certified and agreed to in the agreement. Program capital cost requests shall be approved~~

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1 ~~or denied not later than sixty days following receipt of the~~
2 ~~request by the economic development authority.~~
3 DIVISION III
4 IOWA INNOVATION COUNCIL
5 Sec. 3. Section 15.117A, subsection 2, Code Supplement
6 2011, is amended by adding the following new paragraph:
7 NEW PARAGRAPH. *c.* A vacancy on the council shall be filled
8 in the same manner as the original selection and shall be for
9 the remainder of the term.
10 DIVISION IV
11 ENTERPRISE ZONE CERTIFICATION SUNSET
12 Sec. 4. Section 15E.192, subsection 4, paragraph b, Code
13 Supplement 2011, is amended to read as follows:
14 *b.* A county or city may apply to the authority for an area
15 to be certified as an enterprise zone at any time prior to July
16 1, ~~2012~~ 2014. However, the total amount of land designated as
17 enterprise zones under subsection 1, and any other enterprise
18 zones certified by the authority, excluding those approved
19 pursuant to subsection 2 and section 15E.194, subsections 3 and
20 5, shall not exceed in the aggregate one percent of the total
21 county area.
22 DIVISION V
23 ENVIRONMENTAL RESPONSE PROJECTS
24 Sec. 5. Section 455I.2, subsection 5, unnumbered paragraph
25 1, Code 2011, is amended to read as follows:
26 *"Environmental response project"* means a plan or work
27 performed for environmental remediation or flood control
28 affecting real property and conducted under or by one of the
29 following:
30 Sec. 6. Section 455I.11, subsection 3, Code 2011, is amended
31 to read as follows:
32 3. A person is not responsible for or subject to liability
33 for environmental remediation or flood control solely because
34 it has the right to enforce an environmental covenant.
35 Sec. 7. RETROACTIVE APPLICABILITY AND COVENANT VALIDITY.

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1 1. This division of this Act applies retroactively to
2 an instrument entered into on or after July 1, 1992, and
3 before the effective date of this division of this Act, if the
4 instrument meets the following requirements:
5 a. The instrument creates restrictions or obligations with
6 respect to flood control affecting real property that would
7 qualify as activity and use limitations under chapter 455I, as
8 amended in this division of this Act.
9 b. A grantor or holder or a party to or beneficiary of
10 the instrument, as named in the instrument, files by July 1,
11 2013, in the office of the recorder of deeds of the county in
12 which the real estate is situated, a statement in writing, duly
13 acknowledged, doing all of the following:
14 (1) Definitely describing the real estate involved and
15 the originally recorded instrument creating the restrictions
16 or obligations with respect to flood control affecting real
17 property.
18 (2) Declaring that such instrument is an environmental
19 covenant for purposes of chapter 455I, as amended in this
20 division of this Act.
21 2. An instrument meeting the requirements of this section of
22 this division of this Act is valid and enforceable under the
23 provisions of chapter 455I, as amended in this division of this
24 Act, and the validity of the environmental covenant established
25 by the instrument is not impaired by section 558.68 or 614.24.
26 DIVISION VI
27 REGIONAL SPORTS AUTHORITY DISTRICTS
28 Sec. 8. Section 15E.321, subsection 2, Code Supplement
29 2011, is amended to read as follows:
30 2. *a.* A convention and visitors bureau may apply to the
31 authority for certification of a regional sports authority
32 district which may include more than one city and more than
33 one convention and visitors bureau within the district. The
34 authority shall not certify more than ten such districts.
35 *b.* If more than ten applications are received in any

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1 certification year, the authority shall certify the districts
2 on a competitive basis. In evaluating the applications for
3 certification, the authority shall consider the economic impact
4 to the state of the activities proposed in the application, the
5 geographic diversity of the districts applying, and any other
6 factors the authority deems relevant.
7 DIVISION VII
8 CONFIDENTIAL INFORMATION
9 Sec. 9. Section 15.118, subsection 2, Code Supplement 2011,
10 is amended to read as follows:
11 2. All information contained in an application for
12 financial assistance submitted to the authority shall remain
13 confidential while the authority is reviewing the application,
14 processing requests for confidentiality, negotiating with the
15 applicant, and preparing the application for consideration by
16 the director or the board. The authority may release certain
17 information in an application for financial assistance to a
18 third party for technical review. If the authority releases
19 such information to a third party, the authority shall ensure
20 that the third party protects such information from public
21 disclosure. After the authority has considered a request for
22 confidentiality pursuant to subsection 3, any information not
23 deemed confidential shall be made publicly available. Any
24 information deemed confidential by the authority shall also
25 be kept confidential during and following administration of
26 a contract executed pursuant to a successful application.
27 Information deemed confidential may be treated as such for as
28 long as the authority deems necessary to protect an applicant's
29 competitive position, and the confidential treatment of the
30 information shall apply whether the authority is in possession
31 of the information or whether the information has been sent to
32 off-site storage or to the state archivist.
33 DIVISION VIII
34 EMPLOYEES ELIGIBLE FOR JOBS TRAINING PROGRAMS
35 Sec. 10. Section 260E.2, subsection 6, Code 2011, is amended

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to read as follows:

6. *"Employee"* means the person employed in a new job. *"Employee"* does not include a person with executive responsibilities or a person not subject to the withholding of Iowa income pursuant to a reciprocal agreement under section 422.8, subsection 5.

Sec. 11. Section 260F.2, subsection 6, Code Supplement 2011, is amended to read as follows:

6. *"Employee"* means a person currently employed by a business who is to be trained. However, *"employee"* does not include a person with executive responsibilities or replacement workers who are hired as a result of a strike, lockout, or other labor dispute in Iowa.

EXPLANATION

This bill makes technical and policy changes relating to environmental response projects and certain programs administered by the economic development authority (EDA).

Division I of the bill amends the definition of "business" under Code section 403.19A, which determines the eligibility of an entity to enter into an agreement with a pilot project city under the targeted jobs withholding credit program. The bill adds that a business for purposes of the targeted jobs withholding credit program is a for-profit enterprise that is located within the state and that operates under single management. The bill provides that a government entity does not constitute a business for purposes of the program.

Division II of the bill amends Code section 260G.6 to provide that the EDA would not control the accelerated career education fund, and appropriations for accelerated career education would be directed to the fund rather than the EDA. The bill states that moneys appropriated by the general assembly for program capital costs shall be allocated equally to each community college rather than requiring the EDA to allocate the moneys. The bill strikes language that requires a program agreement to be in place. The bill strikes language that would require the

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1 EDA to approve program capital cost requests.
2 Division III of the bill amends Code section 15.117A to
3 require a vacancy on the Iowa innovation council be filled
4 for the remainder of the term in the same manner in which the
5 original selection was made.
6 Division IV of the bill amends Code section 15E.192 to allow
7 counties or cities to apply to the EDA to be certified as an
8 enterprise zone any time prior to July 1, 2014, rather than
9 July 1, 2012.
10 Division V of the bill amends Code section 455I.2 defining
11 an environmental response project to include a plan or
12 work performed for flood control. Current law and the bill
13 exempt a flood covenant that meets certain standards from
14 the requirement that certain conveyances containing land use
15 restrictions be renewed every 21 years. Under the bill, a
16 flood covenant can be exempted if a grantor or holder or
17 any party to or beneficiary of the flood control covenant,
18 who is named in the document creating the flood control
19 covenant, files a written statement that is duly acknowledged
20 and definitely describes the real estate involved in the
21 original recorded flood control covenant and describes the
22 originally recorded flood control covenant. The written
23 statement must also declare that the flood control covenant is
24 an environmental covenant for purposes of Code chapter 455I.
25 Division V applies retroactively to eligible flood control
26 covenants entered into on or after July 1, 1992, and before the
27 effective date of this division of this Act.
28 Division VI of the bill amends Code section 15E.321 to
29 include criteria for the EDA to consider when determining
30 whether to certify a regional sports authority district when
31 more than 10 applications for certification are received.
32 Division VII of the bill amends Code section 15.118 to add
33 that an applicant's confidential information contained in an
34 application for financial assistance may remain confidential
35 as long as necessary to protect the applicant's competitive

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1 position. The bill also provides that the information's
2 confidential status and treatment applies regardless of
3 whether the authority has possession of the information or the
4 information has been sent to off-site storage or the state
5 archivist.
6 Division VIII of the bill amends Code sections 260E.2 and
7 260F.2 regarding the definition of an employee for purposes
8 of the industrial new jobs training and the jobs training
9 programs, respectively. The bill provides that an employee
10 for purposes of eligibility for the jobs training program and
11 the industrial jobs training program does not include a person
12 with executive responsibilities. The bill also provides that a
13 person not subject to withholding of Iowa income tax because
14 of a reciprocal withholding agreement with another state does
15 not qualify as an employee for purposes of eligibility for the
16 industrial jobs training program.

House Study Bill 591 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to economic development and the use of tax
2 revenues and other funds by affecting programs, tax
3 incentives, and project completion and other assistance
4 administered by the economic development authority, by
5 diverting franchise tax revenues and withholding tax
6 payments for such programs, incentives, and assistance,
7 by abolishing the film tax credit program, by replacing
8 references to the economic development fund and financial
9 assistance program, and by providing spending authority,
10 by providing for properly related matters, and including
11 effective date and retroactive and other applicability
12 provisions.
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

HIGH QUALITY JOBS PROGRAM AND RELATED ASSISTANCE AND PROGRAMS

Section 1. Section 15.327, subsections 2, 5, 7, 8, 10, 12, and 13, Code Supplement 2011, are amended to read as follows:

2. *"Benefit"* ~~has the same meaning as defined in section 15G.101~~ means nonwage compensation provided to an employee. Benefits typically include medical and dental insurance plans, pension, retirement, and profit-sharing plans, child care services, life insurance coverage, vision insurance coverage, disability insurance coverage, and any other nonwage compensation as determined by the board.

5. *"Created job"* ~~has the same meaning as defined in section 15G.101~~ means a new, permanent, full-time equivalent position added to a business's payroll in excess of the business's base employment level.

7. *"Fiscal impact ratio"* ~~has the same meaning as defined in section 15G.101~~ means a ratio calculated by estimating the amount of taxes to be received from a business by the state and dividing the estimate by the estimated cost to the state of providing certain project completion assistance and tax incentives to the business, reflecting a ten-year period and expressed in terms of current dollars. For purposes of the program, *"fiscal impact ratio"* does not include taxes received by political subdivisions.

8. *"Maintenance period completion date"* ~~has the same meaning as defined in section 15G.101~~ means the date on which the maintenance period ends.

10. *"Project completion date"* ~~has the same meaning as defined in section 15G.101~~ means the date by which a recipient of project completion assistance has agreed to meet all the terms and obligations contained in an agreement with the authority.

12. *"Qualifying wage threshold"* ~~has the same meaning as defined in section 15G.101~~ means the laborshed wage for an eligible business.

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13. *"Retained job"* ~~has the same meaning as defined in section 15G.101~~ means a full-time equivalent position, in existence at the time an employer applies for financial assistance which remains continuously filled and which is at risk of elimination if the project for which the employer is seeking assistance does not proceed.

Sec. 2. Section 15.327, Code Supplement 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. *"Base employment level"* means the number of full-time equivalent positions at a business, as established by the authority and a business using the business's payroll records, as of the date a business applies for incentives or project completion assistance under the program.

NEW SUBSECTION. 2A. *"Business engaged in disaster recovery"* means a business located in an area declared a disaster area by a federal official, that has sustained substantial physical damage, that has closed as the result of a natural disaster, and that has a plan for reopening that includes employing a substantial number of the employees the business employed before the natural disaster occurred.

NEW SUBSECTION. 6A. *"Financial assistance"* means assistance provided only from the funds, rights, and assets legally available to the authority pursuant to this chapter and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty payments.

NEW SUBSECTION. 7A. *"Full-time equivalent position"* means a non-part-time position for the number of hours or days per week considered to be full-time work for the kind of service or work performed for an employer. Typically, a full-time equivalent position requires two thousand eighty hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave.

NEW SUBSECTION. 7B. *"Fund"* means a fund created pursuant to section 15.335B.

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1 NEW SUBSECTION. 7C. *"Laborshed wage"* means the wage level
2 represented by those wages within two standard deviations
3 from the mean wage within the laborshed area in which the
4 eligible business is located, as calculated by the authority,
5 by rule, using the most current covered wage and employment
6 data available from the department of workforce development for
7 the laborshed area.
8 NEW SUBSECTION. 7D. *"Maintenance period"* means the period
9 of time between the project completion date and the maintenance
10 period completion date.
11 NEW SUBSECTION. 8A. *"Necessary physical infrastructure*
12 *project"* means a project that creates necessary infrastructure
13 for economic success throughout Iowa, provides the foundation
14 for the creation of jobs, and involves the investment of
15 a substantial amount of capital. Physical infrastructure
16 projects include but are not limited to projects involving
17 any mode of transportation; public works and utilities such
18 as sewer, water, power, or telecommunications; physical
19 improvements that mitigate, prevent, or eliminate environmental
20 contamination; and other similar projects deemed to be physical
21 infrastructure by the authority.
22 NEW SUBSECTION. 9A. *"Program support"* means the services
23 necessary for the efficient administration of this part,
24 including the delivery of program services to eligible
25 businesses. *"Program support"* may include the administrative
26 costs of providing project assistance, conducting a statewide
27 laborshed study in coordination with the department of
28 workforce development, outreach to business and marketing of
29 programs, the procurement of technical assistance, and the
30 implementation of information technology.
31 NEW SUBSECTION. 9B. *"Project completion assistance"* means
32 financial assistance or technical assistance provided to
33 an eligible business in order to facilitate the start-up,
34 location, or expansion of the business in this state and
35 provided in an expedient manner to ensure the successful

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1 completion of the start-up, location, or expansion project.
2 NEW SUBSECTION. 10A. *"Project completion period"* means the
3 period of time between the date financial assistance is awarded
4 and the project completion date.
5 Sec. 3. Section 15.329, subsection 1, unnumbered paragraph
6 1, Code Supplement 2011, is amended to read as follows:
7 To be eligible to receive incentives or assistance
8 under this part, a business shall meet all of the following
9 requirements:
10 Sec. 4. Section 15.329, subsection 1, paragraph c,
11 subparagraphs (1) and (2), Code Supplement 2011, are amended
12 to read as follows:
13 (1) If the business is creating jobs, the business shall
14 demonstrate that the jobs will pay at least one hundred percent
15 of the qualifying wage threshold at the start of the project
16 completion period, at least one hundred ~~thirty~~ twenty percent
17 of the qualifying wage threshold by the project completion
18 date, and at least one hundred ~~thirty~~ twenty percent of
19 the qualifying wage threshold until the maintenance period
20 completion date.
21 (2) If the business is retaining jobs, the business
22 shall demonstrate that the jobs retained will pay at least
23 one hundred ~~thirty~~ twenty percent of the qualifying wage
24 threshold throughout both the project completion period and the
25 maintenance period.
26 Sec. 5. Section 15.329, subsection 2, Code Supplement 2011,
27 is amended by striking the subsection.
28 Sec. 6. Section 15.330, Code Supplement 2011, is amended to
29 read as follows:
30 **15.330 Agreement.**
31 A business shall enter into an agreement with the authority
32 specifying the requirements that must be met to confirm
33 eligibility pursuant to this part. The authority ~~shall~~ may
34 consult with the community during negotiations relating to the
35 agreement. The agreement shall contain, at a minimum, the

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following provisions:

1. A business that is approved to receive incentives or assistance under this part shall, for the length of the agreement, certify annually to the authority the compliance of the business with the requirements of the agreement. If the business receives a local property tax exemption, the business shall also certify annually to the community the compliance of the business with the requirements of the agreement.

2. The repayment of incentives or financial assistance by the business if the business does not meet any of the requirements of this part or the resulting agreement.

3. If a business that is approved to receive incentives or assistance under this part experiences a layoff within the state or closes any of its facilities within the state, the authority shall have the discretion to reduce or eliminate some or all of the incentives or assistance. If a business has received incentives or assistance under this part and experiences a layoff within the state or closes any of its facilities within the state, the business may be subject to repayment of all or a portion of the incentives or financial assistance that it has received.

4. A project completion date, a maintenance period completion date, the number of jobs to be created or retained, or certain other terms and obligations ~~described in section 15G.112, subsection 1, paragraph "d",~~ as the authority deems necessary in order to make the requirements in project agreements uniform. The authority, with the approval of the board, may adopt rules as necessary for making such requirements uniform. Such rules shall be in compliance with the provisions of this part ~~and with the provisions of chapter 15G~~.

5. The amount and type of project completion assistance to be provided under section 15.335B.

6. The amount of matching funds to be received by a business from a city or county. The authority shall adopt by rule a

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1 formula for determining the amount of matching funds required
2 under the program.
3 7. The business shall not have closed or substantially
4 reduced operations in one area of this state and relocated
5 substantially the same operations in a community in another
6 area of this state. However, this paragraph shall not be
7 construed to prohibit a business from expanding its operation
8 in a community if existing operations of a similar nature in
9 this state are not closed or substantially reduced.
10 8. The proposed project shall not negatively impact other
11 businesses in competition with the business being considered
12 for assistance. The authority shall make a good-faith effort
13 to identify existing Iowa businesses within an industry in
14 competition with the business being considered for incentives
15 or assistance. The authority shall make a good-faith effort
16 to determine the probability that the proposed incentives or
17 assistance will displace employees of the existing businesses.
18 In determining the impact on businesses in competition with the
19 business being considered for incentives or assistance, jobs
20 created or retained as a result of other jobs being displaced
21 elsewhere in the state shall not be considered direct jobs
22 created or retained.
23 9. A report submitted to the authority with its application
24 describing all violations of environmental law or worker
25 safety law within the last five years. If, upon review of the
26 application, the authority finds that a business has a record
27 of violations of the law, statutes, rules, or regulations that
28 tends to show a consistent pattern, the authority shall not
29 provide incentives or assistance to the business unless the
30 authority finds either that the violations did not seriously
31 affect public health, public safety, or the environment, or,
32 if such violations did seriously affect public health, public
33 safety, or the environment, that mitigating circumstances were
34 present.
35 10. That the business shall only employ individuals legally

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1 authorized to work in this state. In addition to any and
2 all other applicable penalties provided by current law, all
3 or a portion of the incentives or assistance received under
4 this part by a business that is found to knowingly employ
5 individuals not legally authorized to work in this state is
6 subject to recapture by the authority or by the department of
7 revenue.
8 11. Any terms deemed necessary by the authority to effect
9 compliance with the eligibility requirements of section 15.329.
10 Sec. 7. NEW SECTION. **15.330A Maintenance of agreements.**
11 1. An eligible business receiving incentives or assistance
12 under this part shall meet all terms and obligations in an
13 agreement by the project completion date, but the board may
14 for good cause extend the project completion date or otherwise
15 amend an agreement.
16 2. During the maintenance period an eligible business
17 receiving incentives or assistance under this part shall
18 continue to comply with the terms and obligations of an
19 agreement entered into pursuant to section 15.330.
20 3. The authority may enforce the terms of an agreement as
21 necessary and appropriate.
22 Sec. 8. NEW SECTION. **15.331 Withholding tax payment**
23 **diversion.**
24 1. If the authority enters into an agreement pursuant to
25 this part, or pursuant to chapter 15E, division XVIII, for
26 any of the incentives or assistance provided under this part,
27 the authority and the eligible business may agree to credit a
28 portion of the payments required under section 422.16 to the
29 authority as provided in this section.
30 2. *a.* An eligible business entering into a withholding
31 agreement with the authority pursuant to this section shall
32 remit the total amount of withholding payments due pursuant to
33 section 422.16 to the department of revenue.
34 *b.* The department of revenue shall quarterly deposit in a
35 fund created pursuant to section 15.106A an amount equal to two

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1 and one-half percent of the gross wages paid by the eligible
2 business to each employee holding a created or retained job
3 covered by an agreement entered into pursuant to this part or
4 chapter 15E, division XVIII. Moneys to be deposited pursuant
5 to this paragraph shall not be paid to the authority until
6 the correct amounts have been verified by the department of
7 revenue.
8 3. Withholding payments shall be deposited pursuant to this
9 section by the department of revenue for each employee holding
10 a created or retained job for the duration of the agreement
11 between the eligible business and the authority.
12 4. The authority and the eligible business shall provide
13 to the department of revenue any information necessary to
14 correctly process the diversion of withholding tax payments
15 pursuant to this section.
16 5. An employee holding a created or retained job shall
17 receive full credit for the amount withheld as provided in
18 section 422.16.
19 6. If a portion of the employee's gross wages are subject
20 to a withholding credit diversion under chapter 260E, chapter
21 260G, or section 403.19A, or a supplemental withholding credit
22 diversion under section 15E.197, when a withholding credit
23 diversion under this section is agreed to, then the withholding
24 payments shall be credited in the following order of priority:
25 *a.* First, the withholding payments to be credited pursuant
26 to chapters 260E and 260G and section 15E.197.
27 *b.* Second, the withholding payments to be credited pursuant
28 to this section.
29 *c.* Third, the withholding payments to be credited pursuant
30 to section 403.19A.
31 7. If a withholding agreement is entered into pursuant
32 to this section before a withholding agreement under chapter
33 260E or 260G, or section 15E.197 or 403.19A, the withholding
34 payments shall be credited in the order in which the agreements
35 are entered into.

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8. The authority, in conjunction with the department of revenue, shall adopt rules for the implementation of this section.

Sec. 9. Section 15.335A, subsection 1, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

Tax incentives are available to eligible businesses as provided in this section. The incentives are based upon the number of jobs created or retained that pay at least one hundred ~~thirty~~ twenty percent of the qualifying wage threshold ~~as computed pursuant to section 15G.112, subsection 4,~~ and the amount of the qualifying investment made according to the following schedule:

Sec. 10. Section 15.335A, subsection 2, paragraphs b, c, f, and g, Code Supplement 2011, are amended by striking the paragraphs.

Sec. 11. Section 15.335A, subsections 3 through 5, Code Supplement 2011, are amended to read as follows:

3. A community may apply to the economic development authority for a project-specific waiver from the qualifying wage threshold requirement provided in subsection 1 in order to seek tax incentives for an eligible business. The authority may grant a project-specific waiver from the qualifying wage threshold requirement in subsection 1 for the remainder of a calendar year~~, based on county wage or regional wage calculations brought forth by the applicant county including but not limited to any of the following:~~

~~*a.* The county wage calculated without wage data from the business in the county employing the greatest number of full-time employees~~ if the community meets the requirements of an economically distressed community pursuant to 15.335C.

~~*b.* The regional wage calculated without wage data from up to two adjacent counties.~~

~~*c.* The county wage calculated without wage data from the largest city in the county.~~

~~*d.* A qualifying wage guideline for a specific project based~~

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1 ~~upon unusual economic circumstances present in the city or~~
2 ~~county.~~
3 ~~*e.* The annualized, average hourly wage paid by all~~
4 ~~businesses in the county located outside the largest city of~~
5 ~~the county.~~
6 ~~*f.* The annualized, average hourly wage paid by all~~
7 ~~businesses other than the largest employer in the entire~~
8 ~~county.~~
9 ~~4. Each calendar year, the authority shall not approve~~
10 ~~more than three million six hundred thousand dollars worth of~~
11 ~~investment tax credits for projects with qualifying investments~~
12 ~~of less than one million dollars.~~
13 ~~5.~~ 4. The authority shall negotiate the amount of
14 tax incentives provided to an applicant under the program
15 in accordance with this section ~~and section 15G.112, as~~
16 ~~applicable~~.
17 Sec. 12. NEW SECTION. **15.335B Assistance for certain**
18 **programs and projects.**
19 1. *a.* Under the authority provided in section 15.106A,
20 there shall be established one or more funds within the state
21 treasury, under the control of the authority, to be used for
22 purposes of this section.
23 *b.* A fund established for purposes of this section shall
24 consist of the moneys deposited by the department of revenue
25 pursuant to sections 15.331 and 422.64.
26 *c.* Interest or earnings on moneys deposited in a fund to be
27 used for the purposes of this section, and all repayments or
28 recaptures of the assistance provided under this section, shall
29 accrue to the authority and shall be used for purposes of this
30 section, notwithstanding section 12C.7. Moneys in a fund are
31 not subject to section 8.33.
32 2. *a.* Moneys deposited pursuant to subsection 1 shall be
33 allocated by the authority in appropriate amounts to be used
34 for the following purposes:
35 (1) For providing project completion assistance to eligible

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1 businesses under this part and for program support of such
2 assistance.
3 (2) For providing economic development region financial
4 assistance under section 15E.232, subsections 1, 3, 4, 5, and
5 6.
6 (3) For providing financial assistance for business
7 accelerators pursuant to section 15E.351.
8 (4) For deposit in the innovation and commercialization
9 fund created pursuant to section 15.412.
10 (5) For providing financial assistance to businesses or
11 communities engaged in necessary physical infrastructure
12 projects.
13 (6) For providing financial assistance to businesses
14 engaged in disaster recovery.
15 (7) For providing financial assistance to Iowa's councils
16 of governments.
17 *b.* Each fiscal year, the authority shall estimate the
18 amount of revenues available for purposes of this section and
19 shall develop a budget appropriate for the expenditure of the
20 revenues available.
21 3. In providing assistance under this section, the
22 authority shall make a determination as to the amount and
23 type of assistance that is most appropriate for facilitating
24 the successful completion of an eligible business's project.
25 Before making such a determination, the authority shall do all
26 of the following:
27 *a.* Consider a business's eligibility for the tax incentives
28 available under section 15.335A and ensure that the amount of
29 assistance to be provided appropriately complements the amount
30 and type of tax incentives to be provided.
31 *b.* Consider the amount of private sector investment to be
32 leveraged by the project, including the eligible business's
33 equity investment, debt financing, and any venture capital or
34 foreign investment available, and make a good-faith effort to
35 provide only the amount of incentives and assistance necessary

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1 to facilitate the project's successful completion.
2 *c.* Consider the amount and type of the local community
3 match. The authority may provide assistance to an early-stage
4 business in a high-growth industry regardless of the amount of
5 local match involved.
6 *d.* Calculate the fiscal impact ratio of the project and use
7 it to guide the provision of incentives and assistance under
8 this part.
9 *e.* Evaluate the quality of the project based on the factors
10 described in section 15.329, subsection 5, and any other
11 relevant factors.
12 *f.* Ensure that the combined amount of incentives and
13 assistance are appropriate to the size of the project, to
14 the value of the project, to the fiscal impact ratio of the
15 project, and to any other relevant factors.
16 4. Each eligible business receiving assistance under this
17 section shall enter into an agreement with the authority and
18 the agreement shall meet the requirements of sections 15.330
19 and 15.330A.
20 Sec. 13. NEW SECTION. **15.335C Economically distressed**
21 **areas.**
22 1. *a.* Notwithstanding section 15.329, subsection 1,
23 paragraph *"c"*, the authority may provide tax incentives or
24 project completion assistance under this part to an eligible
25 business paying less than one hundred twenty percent of the
26 qualifying wage threshold if that business is located in an
27 economically distressed area.
28 *b.* A business in an economically distressed area receiving
29 incentives or assistance pursuant to this section shall be
30 required to pay at least one hundred percent of the qualifying
31 wage threshold.
32 2. For purposes of this section, *"economically distressed*
33 *area"* means a county that ranks among the bottom twenty-five of
34 all Iowa counties, as measured by one of the following:
35 *a.* Average monthly unemployment level for the most recent

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1 twelve-month period.
2 *b.* Average annualized unemployment level for the most recent
3 five-year period.
4 Sec. 14. Section 15A.7, subsection 3, Code Supplement 2011,
5 is amended to read as follows:
6 3. That the employer shall agree to pay wages for the jobs
7 for which the credit is taken of at least the ~~county wage or~~
8 ~~the regional~~ laborshed wage, as calculated by the authority
9 pursuant to section ~~15G.112~~ 15.327, subsection ~~3, whichever~~
10 ~~is lower~~ 7C. Eligibility for the supplemental credit shall
11 be based on a one-time determination of starting wages by the
12 community college.
13 Sec. 15. Section 15E.193, subsection 1, paragraph b,
14 subparagraph (1), Code Supplement 2011, is amended to read as
15 follows:
16 (1) The business shall provide a sufficient package of
17 benefits to each employee holding a created or retained job.
18 For purposes of this paragraph, *"created job"* and *"retained job"*
19 have the same meaning as defined in section ~~15G.101~~ 15.327.
20 Sec. 16. Section 15E.193, subsection 1, paragraphs c and d,
21 Code Supplement 2011, are amended to read as follows:
22 *c.* The business shall pay a wage that is at least ninety
23 percent of the qualifying wage threshold. For purposes of this
24 paragraph, *"qualifying wage threshold"* has the same meaning as
25 defined in section ~~15G.101~~ 15.327.
26 *d.* Creates or retains at least ten full-time equivalent
27 positions and maintains them until the maintenance period
28 completion date. For purposes of this paragraph, *"maintenance*
29 *period completion date"* and *"full-time equivalent position"* have
30 the same meanings as defined in section ~~15G.101~~ 15.327.
31 Sec. 17. Section 15E.231, unnumbered paragraph 1, Code
32 Supplement 2011, is amended to read as follows:
33 In order for an economic development region to receive
34 ~~moneys under the economic development financial assistance~~
35 ~~program established in section 15G.112~~ assistance pursuant to

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1 section 15.335B, an economic development region's regional
2 development plan must be approved by the authority. An
3 economic development region shall consist of not less than
4 three counties, unless two contiguous counties have a combined
5 population of at least three hundred thousand based on the
6 most recent federal decennial census. An economic development
7 region shall establish a focused economic development effort
8 that shall include a regional development plan relating to one
9 or more of the following areas:
10 Sec. 18. Section 15E.232, subsections 1, 3, 4, 5, and 6,
11 Code Supplement 2011, are amended to read as follows:
12 1. An economic development region may apply for financial
13 assistance from ~~the economic development~~ a fund established
14 pursuant to section 15.335B to assist with the installation
15 of physical infrastructure needs including, but not limited
16 to, horizontal infrastructure, water and sewer infrastructure,
17 and telecommunications infrastructure, related to the
18 development of fully served business and industrial sites by
19 one or more of the region's economic development partners
20 or for the installation of infrastructure related to a
21 new business location or expansion. In order to receive
22 financial assistance pursuant to this subsection, the economic
23 development region must demonstrate all of the following:
24 *a.* The ability to provide matching moneys on a basis of a
25 one dollar contribution of local matching moneys for every two
26 dollars received from the economic development fund.
27 *b.* The commitment of the specific business partner
28 including, but not limited to, a letter of intent defining a
29 capital commitment or a percentage of equity.
30 *c.* That all other funding alternatives have been exhausted.
31 3. An economic development region may apply for financial
32 assistance from ~~the economic development~~ a fund established
33 pursuant to section 15.335B to assist an existing business
34 threatened with closure due to a potential consolidation to an
35 out-of-state location. The economic development region may

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apply for financial assistance from the economic development fund for the purchase, rehabilitation, or marketing of a building that has become available due to the closing of an existing business due to a consolidation to an out-of-state location. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every three dollars received from the economic development fund.

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

5. *a.* An economic development region may apply for financial assistance from ~~the economic development~~ a fund established pursuant to section 15.335B to establish and operate a business succession assistance program for the region.

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

6. An economic development region may apply for financial assistance from ~~the economic development~~ a fund established pursuant to section 15.335B to implement economic development initiatives that are either unique to the region or innovative in design and implementation. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching

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moneys on a one-to-one basis.

Sec. 19. Section 15E.351, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The economic development authority shall establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added agricultural, information solutions, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph *"a"*, subparagraph (1), or advanced manufacturing start-up businesses or for a satellite of an existing business accelerator. The program shall be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance. The economic development authority may provide financial assistance under this section from moneys allocated for ~~regional~~ financial assistance for business accelerators pursuant to section ~~15G.111~~ section 15.335B, subsection ~~9~~ 2.

Sec. 20. Section 159A.6B, subsection 2, Code Supplement 2011, is amended to read as follows:

2. The office may execute contracts in order to provide technical support and outreach services for purposes of assisting and educating interested persons as provided in this section. The office may also contract with a consultant to provide part or all of these services. The office may require that a person receiving assistance pursuant to this section contribute up to fifty percent of the amount required to support the costs of contracting with the consultant to provide assistance to the person. The office shall assist the person in completing any technical information required in order to receive assistance by the economic development authority pursuant to ~~the value-added agriculture component of the economic development financial assistance program established pursuant to section 15G.112~~ section 15.335B.

Sec. 21. Section 266.19, Code Supplement 2011, is amended

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1 to read as follows:
2 **266.19 Renewable fuel — assistance.**
3 The university shall cooperate in assisting renewable fuel
4 production facilities supporting livestock operations managed
5 by persons receiving assistance pursuant to ~~the value-added~~
6 ~~agriculture component of the economic development financial~~
7 ~~assistance program established in section 15G.112~~ section
8 15.335B.
9 Sec. 22. NEW SECTION. **422.64 Diversion of franchise tax**
10 **revenues.**
11 1. During the period beginning January 1, 2012, and ending
12 December 31, 2021, a portion of the revenues arising from the
13 tax imposed in section 422.60 shall be deposited in a fund
14 established in the state treasury for use by the economic
15 development authority pursuant to section 15.335B, subsection
16 1.
17 2. The portion to be deposited for each calendar year shall
18 be as follows:
19 *a.* For the calendar year beginning January 1, 2012, the
20 portion is twenty-four million dollars.
21 *b.* For the calendar year beginning January 1, 2013, the
22 portion is twenty-two million five hundred thousand dollars.
23 *c.* For the calendar year beginning January 1, 2014, the
24 portion is twenty million dollars.
25 *d.* For the calendar year beginning January 1, 2015, the
26 portion is seventeen million five hundred thousand dollars.
27 *e.* For the calendar year beginning January 1, 2016, the
28 portion is fifteen million dollars.
29 *f.* For the calendar year beginning January 1, 2017, the
30 portion is twelve million five hundred thousand dollars.
31 *g.* For the calendar year beginning January 1, 2018, the
32 portion is ten million dollars.
33 *h.* For the calendar year beginning January 1, 2019, the
34 portion is seven million five hundred thousand dollars.
35 *i.* For the calendar year beginning January 1, 2020, the

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portion is five million dollars.

j. For the calendar year beginning January 1, 2021, the portion is two million five hundred thousand dollars.

Sec. 23. Section 455B.104, subsection 2, Code Supplement 2011, is amended to read as follows:

2. The department shall assist persons applying for assistance to establish and operate renewable fuel production facilities pursuant to ~~the value-added agriculture component of the economic development financial assistance program established in section 15G.112~~ section 15.335B.

Sec. 24. Section 455B.433, Code Supplement 2011, is amended to read as follows:

455B.433 Physical infrastructure assistance — funding — liability.

1. The department of natural resources shall work in conjunction with the economic development authority to identify environmentally contaminated sites which qualify for ~~the infrastructure component of the economic development financial assistance program established in section 15G.112~~ assistance under section 15.335B as necessary physical infrastructure projects. The department shall provide an assessment of the site and shall provide any emergency response activities which the department deems necessary. The department may take any further action, including remediation of the site, that the department deems to be appropriate and which promotes the purposes of the necessary physical infrastructure ~~component~~ project.

2. The department shall be reimbursed ~~from the economic development fund created in section 15G.111~~ by the economic development authority for any costs incurred pursuant to this section.

3. A person shall not have standing pursuant to section 455B.111 to commence a citizen suit which is based upon property that is ~~part of the infrastructure component of the economic development financial assistance program established~~

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1 ~~in section 15G.112~~ receiving assistance pursuant to section
2 15.335B as a necessary physical infrastructure project.
3 Sec. 25. RULES. The economic development authority shall
4 adopt rules for the implementation of this division of this
5 Act.
6 Sec. 26. EFFECTIVE UPON ENACTMENT. The following provision
7 or provisions of this division of this Act, being deemed of
8 immediate importance, take effect upon enactment:
9 1. The section of this division of this Act enacting section
10 15.331.
11 2. The section of this division of this Act enacting section
12 422.64.
13 Sec. 27. RETROACTIVE APPLICABILITY.
14 1. The provision or provisions of this division of this
15 Act enacting section 15.331 apply retroactively to agreements
16 entered into under the high quality jobs program or the
17 enterprise zones program on or after July 1, 2011, and to
18 awards of incentives or assistance made under those programs on
19 or after July 1, 2011.
20 2. The provision or provisions of this division of this Act
21 enacting section 422.64 apply retroactively to January 1, 2012.
22 DIVISION II
23 TARGETED INDUSTRIES PROGRAM
24 Sec. 28. Section 15.102, subsection 11, Code Supplement
25 2011, is amended to read as follows:
26 11. *"Targeted industries"* means the ~~same as defined~~
27 ~~in section 15.411, subsection 1~~ industries of advanced
28 manufacturing, biosciences, and information technology.
29 Sec. 29. Section 15.106B, subsection 2, paragraph d,
30 subparagraph (1), Code Supplement 2011, is amended by adding
31 the following new subparagraph division:
32 NEW SUBPARAGRAPH DIVISION. (g) Services related to
33 outreach and assistance to businesses for small business
34 innovation research and technology transfer pursuant to section
35 15.411, subsection 5.

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Sec. 30. Section 15.411, Code Supplement 2011, is amended to read as follows:

15.411 ~~Targeted industries~~ Innovative business development — internships — technical and financial assistance.

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

a. "Innovative business" means the same as defined in section 15E.52.

~~*a.*~~ *b. "Internship"* means temporary employment of a student that focuses on providing the student with work experience in the student's field of study.

~~*b. "Targeted industries"* means the industries of advanced manufacturing, biosciences, and information technology.~~

2. The authority ~~shall, upon board approval,~~ may contract with service providers on a case-by-case basis for services related to statewide commercialization development ~~in the targeted industries~~ of innovative businesses. Services provided shall include all of the following:

a. Assistance provided directly to businesses by experienced serial entrepreneurs for all of the following activities:

(1) Business plan development.

(2) Due diligence.

(3) Market assessments.

(4) Technology assessments.

(5) Other planning activities.

b. Operation and coordination of various available competitive seed and prototype development funds.

c. Connecting businesses to private angel investors and the venture capital community.

d. Assistance in obtaining access to an experienced pool of managers and operations talent that can staff, mentor, or advise start-up enterprises.

e. Support and advice for accessing sources of early stage financing.

3. The authority shall establish and administer a program

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1 to provide financial and technical assistance to encourage
2 prototype and concept development activities by innovative
3 businesses that have a clear potential to lead to commercially
4 viable products or services within a reasonable period of time
5 ~~in the targeted industries~~. Financial assistance shall be
6 awarded on a per project basis upon board approval. ~~The amount~~
7 ~~of financial assistance available for a single project shall~~
8 ~~not exceed one hundred fifty thousand dollars.~~ In order to
9 receive financial assistance, an applicant must demonstrate
10 the ability to secure one dollar of nonstate moneys for every
11 two dollars received from the authority. For purposes of this
12 section, *"financial assistance"* means assistance provided only
13 from the funds, rights, and assets legally available to the
14 authority pursuant to this chapter and includes but is not
15 limited to assistance in the form of grants, loans, forgivable
16 loans, and royalty payments.
17 ~~4. The authority shall, upon board approval, establish~~
18 ~~and administer a program to provide financial assistance for~~
19 ~~projects designed to encourage collaboration between commercial~~
20 ~~users and developers of information technology in the state~~
21 ~~for the purpose of commercializing existing software and~~
22 ~~applications technologies. Financial assistance shall not~~
23 ~~exceed one hundred thousand dollars per project. In order to~~
24 ~~receive financial assistance, an applicant must demonstrate the~~
25 ~~ability to secure two dollars of nonstate moneys for every one~~
26 ~~dollar received from the authority. Financial assistance shall~~
27 ~~be awarded to projects that will result in technologies being~~
28 ~~developed as commercial products for sale by Iowa companies~~
29 ~~rather than as custom applications for proprietary use by a~~
30 ~~participating firm.~~
31 ~~5. The authority shall, upon board approval, establish~~
32 ~~and administer a program to provide financial assistance to~~
33 ~~businesses or departments of businesses engaged in the delivery~~
34 ~~of information technology services in the state for the purpose~~
35 ~~of upgrading the high-level technical skills of existing~~

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1 ~~employees. The amount of financial assistance shall not exceed~~
2 ~~twenty-five thousand dollars for any business site. In order~~
3 ~~to receive financial assistance, an applicant must demonstrate~~
4 ~~the ability to secure two dollars of nonstate moneys for every~~
5 ~~one dollar received from the authority.~~
6 ~~6.~~ 4. The authority shall~~, upon board approval,~~ establish
7 and administer ~~a targeted industries~~ an innovative businesses
8 internship program for Iowa students. For purposes of this
9 subsection, *"Iowa student"* means a student of an Iowa community
10 college, private college, or institution of higher learning
11 under the control of the state board of regents, or a student
12 who graduated from high school in Iowa but now attends an
13 institution of higher learning outside the state of Iowa. The
14 purpose of the program is to link Iowa students to small and
15 medium sized Iowa firms ~~in the targeted industries~~ through
16 internship opportunities. An Iowa employer may receive
17 financial assistance in an amount of one dollar for every
18 two dollars paid by the employer to an intern. The amount
19 of financial assistance shall not exceed three thousand one
20 hundred dollars for any single internship, or nine thousand
21 three hundred dollars for any single employer. In order to be
22 eligible to receive financial assistance under this subsection,
23 the employer must have five hundred or fewer employees and must
24 be ~~engaged in a targeted industry~~ an innovative business. The
25 authority shall encourage youth who reside in economically
26 distressed areas, youth adjudicated to have committed a
27 delinquent act, and youth transitioning out of foster care to
28 participate in the ~~targeted industries~~ internship program.
29 ~~7. The economic development authority shall work with the~~
30 ~~department of workforce development to create a statewide~~
31 ~~supplier capacity and product database to assist the economic~~
32 ~~development authority in linking suppliers to Iowa-based~~
33 ~~companies. The economic development authority may procure~~
34 ~~technical assistance for the creation of the database from a~~
35 ~~third party through a request for proposals process.~~

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1 ~~8. The technology commercialization committee created~~
2 ~~pursuant to section 15.116 shall review all applications for~~
3 ~~financial assistance and requests for proposals pursuant to~~
4 ~~this section and make recommendations to the board.~~
5 ~~9. In each fiscal year, the authority may transfer~~
6 ~~additional moneys that become available to the authority~~
7 ~~from sources such as loan repayments or recaptures of awards~~
8 ~~from federal economic stimulus funds to the innovation~~
9 ~~and commercialization development fund created in section~~
10 ~~15.412, provided the authority spends those moneys for the~~
11 ~~implementation of the recommendations included in the separate~~
12 ~~consultant reports on bioscience, advanced manufacturing,~~
13 ~~information technology, and entrepreneurship submitted to the~~
14 ~~department in calendar years 2004, 2005, and 2006.~~
15 5. *a.* (1) The authority shall establish and administer
16 an outreach program for purposes of assisting businesses with
17 applications to the federal small business innovation research
18 and small business technology transfer programs.
19 (2) The goals of this assistance are to increase the number
20 of successful phase II small business innovation research grant
21 proposals in the state, increase the amount of such grant
22 funds awarded in the state, stimulate subsequent investment by
23 industry, venture capital, and other sources, and encourage
24 businesses to commercialize promising technologies.
25 *b.* (1) In administering the program, the authority may
26 provide technical and financial assistance to businesses.
27 Financial assistance provided pursuant to this subsection shall
28 not exceed twenty-five thousand dollars to any single business.
29 (2) The authority may require successful applicants to
30 repay the amount of financial assistance received, but shall
31 not require unsuccessful applicants to repay such assistance.
32 Any moneys repaid pursuant to this subsection may be used to
33 provide financial assistance to other applicants.
34 *c.* The authority may also provide financial assistance
35 for purposes of helping businesses meet the matching funds

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requirements of the federal small business innovation research and small business technology transfer programs.

d. The authority may contract with outside service providers for assistance with the programs described in this subsection or may delegate the functions to be performed under this subsection to the corporation pursuant to section 15.106B.

~~10.~~ 6. The board shall adopt rules pursuant to chapter 17A necessary for the administration of this section.

Sec. 31. Section 15.412, subsections 2 and 3, Code Supplement 2011, are amended to read as follows:

2. Moneys in the fund are appropriated to the authority and, with the approval of the board, shall be used to facilitate agreements, enhance commercialization ~~in the targeted industries~~, and increase the availability of skilled workers ~~within the targeted industries~~ in innovative businesses. Such moneys shall not be used for the support of retail businesses, health care businesses, or other businesses requiring a professional license.

3. Moneys in the fund~~, with the approval of the board,~~ may also be used for the following purposes:

a. For assistance to entities providing student internship opportunities.

~~*b.* For increasing career awareness training.~~

~~*c.* For recruiting management talent.~~

~~*d.*~~ *b.* For assistance to entities engaged in prototype and concept development activities.

~~*e.*~~ *c.* For developing a statewide commercialization network.

~~*f.* For deploying and maintaining an Iowa entrepreneur website.~~

~~*g.* For funding asset mapping and supply chain initiatives, including for identifying methods of supporting lean manufacturing practices or processes.~~

~~*h.* For information technology training.~~

~~*i.* For networking events to facilitate the transfer of technology among researchers and industries.~~

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~~*j.* For funding student competition programs.~~

~~*k.* For the purchase of advanced equipment and software at Iowa community colleges in order to support training and coursework related to the targeted industries.~~

Sec. 32. Section 15E.52, subsection 1, paragraph c, Code Supplement 2011, is amended to read as follows:

c. *"Innovative business"* means a business applying novel or original methods to the manufacture of a product or the delivery of a service. *"Innovative business"* includes but is not limited to a business engaged in ~~a targeted industry as defined in section 15.411~~ the industries of advanced manufacturing, biosciences, and information technology.

DIVISION III

OTHER ECONOMIC DEVELOPMENT CHANGES

Sec. 33. Section 15.106A, subsection 1, paragraph o, Code Supplement 2011, is amended to read as follows:

o. Establish one or more funds within the state treasury under the control of the authority. Moneys deposited in or accruing to such a fund are appropriated to the authority for purposes of administering the economic development programs in this chapter, chapter 15E, or such other programs as directed by law. Notwithstanding section 8.33 or 12C.7, or any other provision to the contrary, moneys invested by the treasurer of state pursuant to this subsection shall not revert to the general fund of the state and interest accrued on the moneys shall be moneys of the authority and shall not be credited to the general fund. The nonreversion of moneys allowed under this paragraph does not apply to moneys appropriated to the authority by the general assembly.

Sec. 34. REPEAL. Sections 15.103 and 15.104, Code Supplement 2011, are repealed.

DIVISION IV

FILM TAX CREDIT PROGRAM

Sec. 35. Section 2.48, subsection 3, paragraph c, subparagraph (5), Code 2011, is amended by striking the

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1 subparagraph.
2 Sec. 36. Section 15.119, subsection 2, paragraph b, Code
3 Supplement 2011, is amended by striking the paragraph.
4 Sec. 37. Section 422.7, subsection 52, Code Supplement
5 2011, is amended by striking the subsection.
6 Sec. 38. Section 422.33, subsections 23 and 24, Code
7 Supplement 2011, are amended by striking the subsections.
8 Sec. 39. Section 422.35, subsection 23, Code Supplement
9 2011, is amended by striking the subsection.
10 Sec. 40. Section 422.60, subsections 10 and 11, Code
11 Supplement 2011, are amended by striking the subsections.
12 Sec. 41. Section 533.329, subsection 2, paragraphs f and g,
13 Code Supplement 2011, are amended by striking the paragraphs.
14 Sec. 42. REPEAL. Sections 15.391, 15.392, 422.11T,
15 422.11U, 432.12J, and 432.12K, Code 2011, are repealed.
16 Sec. 43. REPEAL. Section 15.393, Code Supplement 2011, is
17 repealed.
18 Sec. 44. EFFECTIVE UPON ENACTMENT. This division of this
19 Act, being deemed of immediate importance, takes effect upon
20 enactment.
21 Sec. 45. RETROACTIVE APPLICABILITY. This division of this
22 Act applies retroactively to January 1, 2012, for tax years
23 beginning on or after that date.
24 Sec. 46. APPLICABILITY. This division of this Act does not
25 apply to contracts or agreements entered into on or before the
26 effective date of this division of this Act.
27 EXPLANATION
28 This bill relates to economic development and the use of tax
29 revenues and other funds by affecting programs, tax incentives,
30 and project completion and other assistance administered
31 by the economic development authority. The bill diverts
32 franchise tax revenues and diverts withholding tax payments
33 for such programs, incentives, and assistance. The bill
34 provides general spending authority to the economic development
35 authority for funds established pursuant to Code section

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1 15.106A. The bill abolishes the film tax credit program.
2 HIGH QUALITY JOBS PROGRAM. Division I relates to assistance
3 in the high quality jobs program and related assistance and
4 programs.
5 The bill amends Code chapter 15, part 13, to provide for
6 assistance when providing for incentives. The bill includes
7 amendments to definitions, which incorporate the language of
8 the definitions in Code chapter 15G, the economic development
9 fund and financial assistance program (formerly, the grow Iowa
10 values fund and program), which is repealed June 30, 2012, with
11 some modifications. The bill transfers the definitions of
12 "created job", "maintenance period completion date", "retained
13 job", "financial assistance", "full-time equivalent position",
14 "maintenance period", and "project completion period" from Code
15 section 15G.101 to Code section 15.327.
16 The bill transfers the definitions of "benefit", "fiscal
17 impact ratio", "project completion date", "qualifying wage
18 threshold", and "base employment level" from Code section
19 15G.101 to Code section 15.327, with modifications. The bill
20 changes the definition of "benefit" by providing that the
21 economic development board, rather than the authority, shall
22 determine any other nonwage compensation that is considered a
23 benefit. The bill changes the calculation of a "fiscal impact
24 ratio". The estimated taxes to be received by the state from a
25 business would be divided by the estimated cost to the state of
26 providing certain project completion assistance and incentives
27 to the business rather than dividing the estimated taxes by
28 the cost of providing financial incentives to the business.
29 The bill amends the definition of "project completion date"
30 to provide that the person may be a recipient of project
31 completion assistance rather than financial assistance. The
32 bill amends the definition of "qualifying wage threshold".
33 The bill provides that the qualifying wage threshold means
34 the "laborshed wage" as defined in the bill rather than the
35 county or regional wage. The bill provides that the "base

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1 employment level" is calculated as of the date the business
2 applies for incentives or project completion assistance rather
3 than financial assistance.
4 The bill also adds definitions for "business engaged in
5 disaster recovery", "fund", "laborshed wage", "necessary
6 physical infrastructure project", "program support", and
7 "project completion assistance" in Code section 15.327. The
8 bill provides that a "business engaged in disaster recovery"
9 means a business located in a federally declared disaster
10 area that sustained substantial physical damage and closed
11 as a result of the disaster, but has a plan for reopening
12 that includes employing a substantial number of the employees
13 the business employed before the natural disaster. The bill
14 provides that "fund" means a fund created pursuant to new Code
15 section 15.335B. The bill provides that "laborshed wage" means
16 the wage level represented by those wages within two standard
17 deviations from the mean wage within the laborshed area, as
18 calculated by the authority. The bill defines "necessary
19 physical infrastructure project" as a project creating
20 necessary infrastructure for economic success by providing
21 the foundation for job creation, and involving investment of
22 capital. The bill defines "program support" as the services
23 necessary for the efficient administration of the high quality
24 jobs program. The bill defines "project completion assistance"
25 as financial or technical assistance provided to an eligible
26 business to facilitate the start-up, location, or expansion of
27 the business.
28 The bill strikes the definitions for "benefits", "county
29 wage", "qualifying wage threshold", and "regional wage" as used
30 in Code section 15.335A, as those definitions placed by the
31 bill in Code section 15.327 also apply to Code section 15.335A.
32 The bill amends Code section 15.329 regarding qualifying
33 wage thresholds for eligible businesses. The current law
34 requires that any jobs created or retained pay at least
35 130 percent of the qualifying wage threshold at the project

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1 completion date until the maintenance period completion
2 date. The bill provides that a business eligible to receive
3 incentives or assistance for creating or retaining jobs must
4 pay at least 120 percent of the qualifying wage threshold
5 at the project completion date until the maintenance period
6 completion date. The bill also eliminates a credit against
7 the qualifying wage threshold for businesses that create or
8 retain jobs with sufficient benefits packages. However, the
9 bill allows the authority to provide assistance to a business
10 paying less than 120 percent but at least 100 percent of the
11 qualifying wage threshold if the business is located in an
12 economically distressed area. An economically distressed
13 area is defined in the bill as a county that ranks among the
14 bottom 25 counties in Iowa based on either the average monthly
15 unemployment level for the most recent 12-month period, or
16 the average annualized unemployment level for the most recent
17 five-year period.
18 The bill amends Code section 15.330 to include financial
19 assistance where the statutory language provides for
20 incentives. The bill also amends Code section 15.330 to
21 eliminate references to Code chapter 15G, the economic
22 development fund and financial assistance program, which is
23 repealed on June 30, 2012.
24 The bill allows the authority to consult with the community
25 during negotiations relating to an agreement between the
26 authority and a business under the high quality jobs program.
27 The bill provides that an agreement between the business
28 and the authority that specifies the requirements to be met
29 to confirm eligibility must include the amount and type of
30 project completion assistance to be provided, the amount of
31 matching funds from a city or county, a provision that the
32 business has not closed or substantially reduced operations
33 in one area of the state and relocated in another area of
34 the state, a provision that the proposed project shall not
35 negatively impact other businesses in competition with the

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1 business being considered for assistance, a report submitted
2 to the authority describing violations of environmental law or
3 worker safety law, a provision that the business shall only
4 employ individuals legally authorized to work in the state, and
5 any terms necessary to effect compliance with the eligibility
6 requirements of Code section 15.329.
7 The bill adds a new Code section 15.330A regarding the
8 maintenance of agreements. The new Code section provides that
9 an eligible business that is receiving incentives or assistance
10 must meet the terms and obligations in the agreement by the
11 project completion date and the business must comply with the
12 agreement throughout the maintenance period. If the recipient
13 business experiences a layoff or closure within the state, the
14 authority is authorized to reduce or eliminate part or all of
15 the incentives or assistance. The business may also be subject
16 to repayment of the incentives and assistance. The bill allows
17 the authority to enforce the terms of an agreement as necessary
18 and appropriate.
19 The bill provides that a community may apply to the economic
20 development authority for a project-specific waiver from
21 the qualifying wage threshold requirement in order to seek
22 tax incentives, and the authority may grant the waiver for
23 the remainder of the calendar year if the community meets
24 the requirements of an economically distressed community as
25 provided by new Code section 15.335C. The bill eliminates
26 the county wage or regional wage calculations as a tool for
27 determining whether to grant a project-specific waiver. The
28 bill also eliminates a provision that prohibits the authority
29 from approving more than $3.6 million worth of investment tax
30 credits for projects with qualifying investments of less than
31 $1 million.
32 The bill provides that one or more funds shall be established
33 within the state treasury to be used for assistance under newly
34 created Code section 15.335B. One of the funds shall consist
35 of moneys deposited by the department of revenue pursuant to

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1 a 10-year diversion of franchise tax revenues as established
2 through new Code section 422.64 as well as moneys deposited in
3 the fund pursuant to a withholding tax diversion through new
4 Code section 15.331. Moneys deposited into the fund shall be
5 used for project completion assistance, economic development
6 region financial assistance, financial assistance for business
7 accelerators, the innovation and commercialization fund,
8 financial assistance to business or communities for necessary
9 physical infrastructure projects, financial assistance
10 to businesses engaged in disaster recovery, and financial
11 assistance to Iowa's councils of governments.
12 The bill provides that the authority may enter into
13 agreements with recipients of financial assistance under the
14 high quality jobs program and the enterprise zones program that
15 allow for the diversion of withholding tax payments pursuant
16 to Code section 422.16 from the department of revenue to the
17 authority. The diversion amount will be 2.5 percent of gross
18 wages paid by eligible businesses to each employee considered
19 to be holding a created or retained job. The bill establishes
20 a priority withholding order if the employee's wages are
21 subject to another withholding diversion. The bill provides
22 that the withholding diversion takes effect upon enactment and
23 applies retroactively to agreements entered into on or after
24 July 1, 2011, and awards of incentives and assistance made
25 under those programs on or after July 1, 2011.
26 For calendar year 2012, the franchise tax diversion
27 established in Code section 422.64 will be $24 million. For
28 calendar year 2013, the franchise tax diversion will be $22.5
29 million and will decline by $2.5 million each subsequent
30 calendar year until the diversion ceases. The diversion is
31 effective upon enactment and applies retroactively to January
32 1, 2012.
33 The bill provides that the authority shall estimate the
34 revenues available for project completion and shall develop
35 a budget for the expenditure of funds each fiscal year. In

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1 providing assistance, the authority shall make determinations
2 as to the amount and type of assistance that is most
3 appropriate. Each eligible business that receives assistance
4 under Code section 15.335B must enter into an agreement with
5 the authority that meets the requirements of agreements under
6 the high quality jobs program pursuant to Code sections 15.330
7 and 15.330A.
8 The bill removes references to the economic development
9 fund and financial assistance program and replaces it with the
10 assistance created by new Code section 15.335B.
11 TARGETED INDUSTRIES PROGRAM. Division II relates to the
12 targeted industries program. The term "targeted industries"
13 in Code section 15.411 is replaced with "innovative business".
14 The bill no longer requires board approval for the authority
15 to contract with service providers for services related to
16 commercialization development. The bill removes the $150,000
17 limitation on financial assistance for a single project of
18 an innovative business. The bill removes the requirement
19 that the authority administer a program to provide financial
20 assistance for projects designed to encourage collaboration
21 between commercial users and developers of information
22 technology. The bill also removes the requirement the
23 authority establish and administer a program to provide
24 financial assistance to business or business departments
25 engaged in the delivery of information technology services
26 in the state. The bill eliminates the requirement that the
27 authority and department of workforce development create a
28 statewide supplier capacity and product database. The bill
29 provides that applications for financial assistance under the
30 innovative businesses program no longer require a review by
31 the technology commercialization committee. The bill removes
32 the transfer provisions relating to money received by the
33 authority as loan repayments or recaptures of federal economic
34 stimulus funds. The bill requires the authority to establish
35 and administer an outreach program to assist businesses with

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1 applications to the federal small business innovation research
2 and small business technology transfer programs. However,
3 the authority may contract with outside service providers for
4 assistance with the program or may delegate the administration
5 of the program to the Iowa innovation corporation pursuant to
6 Code section 15.106B. The authority may provide technical
7 or financial assistance and may require that successful
8 applicants repay any financial assistance received. The
9 bill specifies that moneys appropriated to the innovation
10 and commercialization development fund shall not be used for
11 retail businesses, health care businesses, or other businesses
12 requiring a professional license. The bill also reduces the
13 number of purposes for which money in the innovation and
14 commercialization development fund may be used.
15 OTHER ECONOMIC DEVELOPMENT CHANGES. Division III of the
16 bill repeals Code sections 15.103 and 15.104, relating to the
17 economic development board, which was replaced by the economic
18 development authority board in Code section 15.105.
19 The bill provides spending authority for moneys deposited
20 in or accruing to funds established pursuant to Code section
21 15.106A for the purposes of administering economic development
22 programs in Code chapters 15 and 15E, or other programs as
23 directed by law.
24 FILM TAX CREDIT PROGRAM. Division IV repeals the film tax
25 credit program and the tax credits provided under that program.
26 The bill makes changes corresponding to the repeal of the
27 program and the related tax credits.

Senate File 2071

S-5005

Amend Senate File 2071 as follows:

1. Page 1, line 2, by striking <APPROPRIATIONS> and inserting <SUPPLEMENTAL APPROPRIATIONS AND OTHER APPROPRIATION REDUCTIONS AND TRANSFERS>

2. Page 1, after line 2 by inserting:

<HUMAN SERVICES APPROPRIATION REDUCTION — FAMILY INVESTMENT PROGRAM

Sec. ___. 2011 Iowa Acts, chapter 129, section 7, unnumbered paragraph 2, is amended to read as follows:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... $ ~~50,171,027~~
48,271,027

HUMAN SERVICES APPROPRIATION REDUCTION — STATE SUPPLEMENTARY ASSISTANCE

Sec. ___. 2011 Iowa Acts, chapter 129, section 11, subsection 1, unnumbered paragraph 2, is amended to read as follows:

For the state supplementary assistance program:

..... $ ~~16,850,747~~
15,450,747

HUMAN SERVICES APPROPRIATION REDUCTION — CHILDREN'S HEALTH INSURANCE PROGRAM

Sec. ___. 2011 Iowa Acts, chapter 129, section 12, subsection 1, unnumbered paragraph 2, is amended to read as follows:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:

..... $ ~~32,806,102~~
31,106,102

HUMAN SERVICES APPROPRIATION REDUCTION — STATE MENTAL HEALTH INSTITUTE AT CHEROKEE

Sec. ___. 2011 Iowa Acts, chapter 129, section 20, subsection 1, is amended to read as follows:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~5,877,308~~
5,477,308

..... FTEs 168.50

BOARD OF EDUCATIONAL EXAMINERS — DEPOSIT TO GENERAL FUND

Sec. ___. 2011 Iowa Acts, chapter 132, is amended by adding the following new section:

1 NEW SECTION. SEC. 5A. BOARD OF EDUCATIONAL
2 EXAMINERS LICENSING FEES —— DEPOSIT TO GENERAL
3 FUND. Notwithstanding section 272.10, subsection 2, in
4 addition to the percentage of licensing fees required
5 to be deposited with the treasurer of state and
6 credited to the general fund of the state pursuant to
7 section 272.10, subsection 2, the executive director of
8 the board of educational examiners shall, at or before
9 the close of the fiscal year beginning July 1, 2011,
10 also deposit $98,643 of the fees with the treasurer of
11 state which shall be credited to the general fund of
12 the state.
13 DEPARTMENT OF CORRECTIONS SUPPLEMENTAL APPROPRIATIONS>
14 3. Page 2, by striking lines 6 and 7 and inserting:
15 <..... $ 9,316,466>
16 4. Page 2, by striking lines 11 and 12 and
17 inserting:
18 <..... $ 24,482,356>
19 5. Page 2, by striking lines 21 and 22 and
20 inserting:
21 <..... $ 15,615,374>
22 6. Page 2, by striking lines 26 and 27 and
23 inserting:
24 <..... $ 29,062,235>
25 7. Page 3, by striking lines 34 and 35 and
26 inserting:
27 <..... $ 10,336,948>
28 8. Page 4, by striking lines 7 and 8 and inserting:
29 <..... $ 5,391,355>
30 9. Page 4, by striking lines 12 and 13 and
31 inserting:
32 <..... $ 18,742,129>
33 10. Page 4, after line 25 by inserting:
34 <INDIGENT DEFENSE APPROPRIATION REDUCTION
35 Sec. ___. 2011 Iowa Acts, chapter 134, section 11,
36 subsection 2, is amended to read as follows:
37 2. For the fees of court-appointed attorneys for
38 indigent adults and juveniles, in accordance with
39 section 232.141 and chapter 815:
40 ..... $ ~~30,680,929~~
41 29,680,929>
42 11. By renumbering as necessary.

BILL DIX

Senate File 2092 - Introduced

SENATE FILE 2092
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3073)

A BILL FOR

1 An Act relating to informal dispute resolution, by eliminating
2 a program for the establishment and support of locally
3 organized informal dispute resolution centers in the
4 office of prosecuting attorneys training coordinator of the
5 department of justice.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5220SV (1) 84
rh/nh

S.F. 2092

Section 1. Section 679A.18, Code 2011, is amended to read as follows:

679A.18 Chapter not retroactive.

This chapter applies only to arbitration agreements made on or after July 1, 1981. ~~Sections 679.1 to 679.18, Code 1981, do not apply to agreements to arbitrate entered into after July 1, 1981.~~

Sec. 2. REPEAL. Chapter 679, Code 2011, is repealed.

EXPLANATION

This bill eliminates a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice contained in Code chapter 679.

The bill makes a conforming change in Code section 679A.18 relating to the applicability of Code chapters 679 and 679A to arbitration agreements entered into before and on or after July 1, 1981.

Senate File 2093 - Introduced

SENATE FILE 2093
BY HORN

A BILL FOR

1 An Act relating to requirements for drivers of vehicles at
2 railroad grade crossings upon the approach or presence of
3 railroad track equipment, and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5825SS (2) 84
dea/nh

S.F. 2093

Section 1. Section 321.341, Code 2011, is amended to read as follows:

321.341 Obedience to signal ~~of~~ indicating approach of railroad train or railroad track equipment.

1. When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person, or otherwise of the immediate approach of a railroad train or railroad track equipment, the driver of the vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely.

2. The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment.

Sec. 2. Section 321.342, subsection 1, Code 2011, is amended to read as follows:

1. The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop, or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to ~~crossing~~ driving across the railroad grade crossing at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad ~~traffic~~ train or railroad track equipment.

Sec. 3. Section 321.343, subsection 1, Code 2011, is amended to read as follows:

1. The driver of a motor vehicle carrying passengers for hire, a school bus, or a vehicle carrying hazardous material and required to stop before ~~crossing~~ driving across a railroad track by motor carrier safety rules adopted under section 321.449, before ~~crossing~~ driving across at grade any track of a railroad, shall stop the vehicle within fifty feet but not

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less than fifteen feet from the nearest rail. While stopped, the driver shall listen and look in both directions for an approaching railroad train or railroad track equipment, and for signals indicating the approach of a railroad train or railroad track equipment, and shall not proceed until the driver can do so safely.

Sec. 4. Section 321.343, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. If the driver is not always required to stop at a railroad crossing, slow down when approaching the crossing and check that the railroad tracks are clear of an approaching railroad train or railroad track equipment before proceeding.

Sec. 5. Section 321.344, subsections 2, 3, and 4, Code 2011, are amended to read as follows:

2. Notice of ~~any such~~ the intended crossing shall be given to a superintendent of ~~such~~ the railroad, and a reasonable time shall be given to ~~such~~ the railroad to provide proper protection at ~~such~~ the crossing.

3. Before making ~~any such~~ the crossing, the person operating or moving ~~any such~~ the vehicle or equipment shall first stop the ~~same~~ vehicle or equipment not less than ten feet nor more than fifty feet from the nearest rail of ~~such railway~~ the railroad and, while ~~so~~ stopped, shall listen and look in both directions along ~~such~~ the track for any approaching railroad train or railroad track equipment and for signals indicating the approach of a railroad train or railroad track equipment, and shall not proceed until the crossing can be made safely.

4. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or ~~car~~ railroad track equipment.

EXPLANATION

This bill amends Code provisions relating to requirements for drivers of vehicles at railroad grade crossings. The bill provides that in any situation where a driver is required

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1 to stop or proceed with caution when given warning of an
2 approaching railroad train or is required to stop or be alert
3 for an approaching railroad train, the requirement also applies
4 in the case of approaching railroad track equipment.
5 Pursuant to current law, a person convicted of a railroad
6 crossing violation commits a simple misdemeanor punishable by a
7 scheduled fine of $200.

Senate File 2094 - Introduced

SENATE FILE 2094
BY DANIELSON

A BILL FOR

1 An Act relating to disclosure of information relating to a debt
2 to the spouse of the debtor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5649SS (2) 84
rn/nh

S.F. 2094

Section 1. Section 537.7103, subsection 3, paragraph a, subparagraph (8), Code 2011, is amended to read as follows:

(8) Communicating with the debtor's spouse ~~with the consent of the debtor,~~ or responding to inquiry from the debtor's spouse.

EXPLANATION

This bill relates to the disclosure of information relating to a debt to the spouse of the debtor.

The consumer credit code contained in Code chapter 537 specifies prohibited practices in connection with the dissemination of information relating to a debt or a debtor. One of the prohibited practices concerns communicating or threatening to communicate or implying that a debt exists to a person other than the debtor or a person who might reasonably be expected to be liable for the debt, except with the written permission of the debtor given after default. There are several exceptions to this prohibition, however, including communications with the debtor's spouse with the consent of the debtor, or responding to an inquiry from the debtor's spouse. This spousal exception does not currently authorize or extend to communicating with the debtor's spouse without the consent of the debtor where the communication is not pursuant to an inquiry from the debtor's spouse.

This bill removes the provision that the communication with the debtor's spouse is authorized only with the consent of the debtor in a nonspousal inquiry situation. Accordingly, a debt collector would be permitted to disclose information relating to a debt to the spouse of the debtor without the requirement that the debtor consent to the communication.

Senate File 2095 - Introduced

SENATE FILE 2095
BY BEHN

A BILL FOR

1 An Act creating the penalty of death for the commission of
2 murder in the first degree, kidnapping, and sexual abuse
3 against the same minor, providing a penalty, and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5867XS (3) 84
jm/rj

S.F. 2095

1 Section 1. Section 13B.4, Code 2011, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6A. The state public defender shall perform
4 all of the following duties with respect to the appointment of
5 counsel for indigent persons in cases in which a sentence of
6 death may be or is to be imposed:
7 *a.* Provide or contract with attorneys for appointment as
8 lead counsel and cocounsel to provide legal services in cases
9 where a person is charged with murder in the first degree,
10 kidnapping, and sexual abuse under section 902.15, and the
11 state has given notice of intent to seek the death penalty or
12 in cases in which a sentence of death is to be imposed.
13 *b.* Conduct or sponsor specialized training programs for
14 attorneys representing persons who may be executed.
15 Sec. 2. NEW SECTION. **602.10112 Qualifications of counsel**
16 **in death penalty cases.**
17 The supreme court shall prescribe rules which establish
18 minimum standards and procedures by which attorneys may become
19 qualified to provide legal services as lead counsel in cases in
20 which a sentence of death may be or is to be imposed.
21 Sec. 3. NEW SECTION. **812A.1 Procedure to determine sanity**
22 **of condemned inmate.**
23 1. At any time prior to execution of an inmate under section
24 902.1, if the director of the department of corrections or
25 the counsel for a person who is under a sentence of execution
26 has cause to believe that the inmate is suffering from such
27 a diseased or deranged condition of the mind as to prevent
28 the defendant from knowing the nature and quality of the act
29 the defendant has been convicted of, or from understanding
30 that trial on the offense has taken place and that execution
31 proceedings are about to take place, or to otherwise cause the
32 defendant to lack the capacity to understand the sentence which
33 has been imposed and to participate in any legal proceedings
34 relating to the sentence, the director or counsel may file a
35 request with the court that issued the warrant for execution

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1 for a determination of the inmate's sanity. If the district
2 court determines that there is not sufficient reason to believe
3 that the inmate is insane, the court shall enter an order
4 denying the request and shall state the grounds for denying the
5 request. If the court believes that there is sufficient reason
6 to believe that the inmate is insane, the court shall suspend
7 the execution and conduct a hearing to determine the sanity of
8 the inmate.
9 2. At the hearing, the court shall determine the issue of
10 the inmate's sanity. Prior to the hearing, the court shall
11 appoint two licensed physicians or licensed psychologists, or
12 one licensed physician and one licensed psychologist, who are
13 qualified by training and practice, for purposes of conducting
14 a psychiatric or psychological examination of the inmate. The
15 physicians or psychologists shall examine the inmate and report
16 any findings in writing to the court within ten days after
17 the order of examination is issued. The inmate shall have
18 the right to present evidence and cross-examine any witnesses
19 at the hearing. Any statement made by the inmate during the
20 course of any examination provided for in this section, whether
21 or not the inmate consents to the examination, shall not be
22 admitted into evidence against the inmate in any criminal
23 proceeding for purposes other than a determination of the
24 inmate's sanity.
25 3. If, at the conclusion of a hearing held pursuant to
26 this section, the court determines that the inmate is sane,
27 the court shall enter an order setting a date for the inmate's
28 execution, which shall be carried into effect in the same
29 manner as provided in the original sentence. A copy of the
30 order shall be sent to the director of the department of
31 corrections and the governor.
32 4. If, at the conclusion of a hearing held pursuant to this
33 section, the court determines that the inmate is insane, the
34 court shall suspend the execution until further order. At any
35 time after issuance of the order, if the court has sufficient

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1 reason to believe that the inmate has become sane, the court
2 shall again determine the sanity of the inmate as provided
3 by this section. Proceedings pursuant to this section may
4 continue to be held at such times as the court orders until
5 it is either determined that the inmate is sane or incurably
6 insane.
7 Sec. 4. NEW SECTION. **814.28 Review of death sentence.**
8 1. In a case in which a sentence of death is imposed, the
9 supreme court shall automatically review the judgment and
10 sentence. The court's review of the case shall be de novo. The
11 case shall not be transferred to the court of appeals.
12 2. A review by the supreme court of a judgment and sentence
13 imposing the punishment of death has priority over all other
14 criminal and other actions pending before the supreme court.
15 3. The supreme court shall review the trial and judgment,
16 and shall separately review the sentencing proceeding. Upon
17 determining that errors did not occur at the trial requiring
18 reversal or modification of the judgment, the supreme court
19 shall proceed to determine if the sentence of death is lawfully
20 imposed. In its review of the sentencing proceeding the
21 supreme court shall determine all of the following:
22 *a.* Whether the sentence of death was imposed capriciously or
23 under the influence of prejudice or other arbitrary factor.
24 *b.* Whether the special verdicts returned under section
25 901.11 are supported by the evidence.
26 *c.* Whether the sentence of death is excessive or
27 disproportionate to the penalty imposed in similar cases,
28 considering both the crime and the defendant.
29 4. If the supreme court determines that the sentence of
30 death was not lawfully imposed, the court shall set aside the
31 sentence and shall remand the case to the trial court for a
32 second sentencing proceeding to determine if the imposition of
33 death is warranted.
34 5. If the supreme court affirms the judgment and sentence
35 of death, the clerk of the supreme court shall certify the

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1 judgment of the supreme court under the seal of the court to
2 the clerk of the trial court.
3 Sec. 5. Section 815.10, Code 2011, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 1A. If two attorneys have not already
6 been appointed pursuant to section 13B.4 or 13B.9, the court
7 shall appoint, for each indigent person who is charged with
8 murder, kidnapping, and sexual abuse under section 902.15, and
9 in which a notice of intent to seek the death penalty has been
10 filed, two attorneys who are qualified under section 602.10112
11 to represent the person in the proceedings and in all state
12 legal proceedings which take place from the time the person
13 is indicted or arraigned until the person is sentenced on the
14 charge. In addition, if at any point in federal postconviction
15 proceedings an indigent person is not afforded court-appointed
16 counsel, the state shall provide counsel to the person to
17 present any claims determined meritorious by the federal court
18 if the person is not otherwise represented by legal counsel.
19 Only private attorneys and public defenders who are qualified
20 to provide representation in cases in which the death penalty
21 may be imposed are eligible for appointment or assignment to a
22 case in which the death penalty may be imposed.
23 Sec. 6. NEW SECTION. **901.11 Murder proceedings — request**
24 **for death penalty — penalty proceedings.**
25 1. If a notice of intent to seek the death penalty has been
26 filed, objections to the imposition of the death penalty based
27 upon allegations that a defendant was mentally retarded or
28 mentally ill at the time of the commission of the offense shall
29 be raised within the time provided for the filing of pretrial
30 motions under rule of criminal procedure 2.11, Iowa court
31 rules. The court may, for good cause shown, allow late filing
32 of the motion. Hearing on the motion shall be held prior to
33 trial and the burden of proof shall be on the defendant to
34 prove mental retardation or mental illness by a preponderance
35 of the evidence. However, a rebuttable presumption of mental

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1 retardation arises if a defendant has an intelligence quotient
2 of seventy or below. If the court finds that the defendant
3 is mentally retarded, the defendant, if convicted of murder,
4 kidnapping, and sexual abuse under section 902.15, shall not be
5 sentenced to death but shall be sentenced to life imprisonment
6 in the manner provided in section 902.1, subsection 1. A
7 finding by the court that the evidence presented by the
8 defendant at the hearing does not preclude the imposition of
9 the death penalty under this section and section 902.15 shall
10 not preclude the introduction of evidence of mental retardation
11 or mental illness during the penalty proceeding. If the court
12 finds that evidence of mental retardation or mental illness
13 does not preclude imposition of the death penalty, evidence
14 of mental retardation or mental illness may be reviewed by
15 the jury in the penalty proceeding and the jury shall not be
16 informed of the finding in the initial proceeding at any time
17 during the penalty proceeding.
18 2. If at the trial on a charge of murder, kidnapping,
19 and sexual abuse under section 902.15, the state intends to
20 request that the death penalty be imposed under section 902.1,
21 subsection 3, the prosecutor shall file a notice of intent
22 to seek the death penalty, at the time of and as part of the
23 information or indictment filed in the case.
24 3. If a notice of intent to seek the death penalty has been
25 filed, the trial shall be conducted in bifurcated proceedings
26 before the same trier of fact. During the initial proceeding,
27 the jury, or the court, if the defendant waives the right to a
28 jury trial, shall decide only whether the defendant is guilty
29 or not guilty of murder, kidnapping, and sexual abuse under
30 section 902.15.
31 *a.* If, in the initial proceeding, the court or jury finds
32 the defendant guilty of, or the defendant pleads guilty to,
33 an offense other than murder, kidnapping, and sexual abuse
34 under section 902.15, the court shall sentence the defendant
35 in accordance with the sentencing procedures set forth in rule

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1 of criminal procedure 2.23, Iowa court rules, and chapters 901
2 through 909, which are applicable to the offense.
3 *b.* If the court or jury finds the defendant guilty of, or
4 the defendant pleads guilty to, murder, kidnapping, and sexual
5 abuse under section 902.15, but the prosecuting attorney waives
6 the death penalty, the court shall sentence the defendant to
7 life imprisonment in accordance with the sentencing procedures
8 set forth in rule of criminal procedure 2.23, Iowa court rules,
9 and chapters 901 through 909, which are otherwise applicable
10 to convictions of murder in the first degree, kidnapping, and
11 sexual abuse.
12 *c.* If the court or jury finds the defendant guilty of
13 murder, kidnapping, and sexual abuse under section 902.15, or a
14 defendant enters a plea of guilty in the initial proceeding,
15 and the prosecuting attorney does not waive imposition of the
16 death penalty, a penalty proceeding shall be held in the manner
17 provided in subsections 4 through 12.
18 4. No sooner than twenty-four hours after a verdict of
19 guilty or a plea of guilty to the charge of murder, kidnapping,
20 and sexual abuse under section 902.15 is returned in the
21 initial proceeding, a penalty proceeding shall be held to
22 determine whether the defendant shall be sentenced to death
23 or to life imprisonment. The proceeding shall be conducted
24 in the trial court before the trial jury, or the court if
25 the defendant has waived the right to a jury trial or has
26 waived the right for the proceeding to be before the trial
27 jury. Both the state and the defendant shall have the right to
28 present opening statements at the commencement of the penalty
29 proceedings. In the proceeding, evidence relevant to the
30 existence of any aggravating or mitigating circumstances may
31 be presented as follows:
32 *a.* The state or the defendant may present evidence relevant
33 to the conviction of the criminal offenses enumerated in
34 section 902.15 and any aggravating circumstances other than
35 juvenile delinquency adjudications for offenses which carry

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1 penalties equivalent to the penalties imposed for simple or
2 serious misdemeanors. The state may introduce evidence of the
3 actual harm caused by the commission of the murder, kidnapping,
4 and sexual abuse under section 902.15, including but not
5 limited to evidence relating to the life of the victim and the
6 impact of the loss of the victim to the victim's family and
7 society.
8 *b.* The defendant may present evidence that the defendant was
9 mentally retarded at the time of the commission of the offense.
10 The burden of proof shall be on the defendant to prove mental
11 retardation by a preponderance of the evidence. However,
12 a rebuttable presumption of mental retardation arises if a
13 defendant has an intelligence quotient of seventy or below.
14 *c.* The state or the defendant may present evidence relevant
15 to any mitigating circumstances which may exist. Mitigating
16 circumstances may include the following circumstances:
17 (1) The defendant was under the influence of an extreme
18 mental or emotional disturbance insufficient to constitute a
19 defense.
20 (2) The age of the defendant at the time of the murder.
21 (3) The defendant's capacity to appreciate the wrongfulness
22 of the defendant's conduct and to conform that conduct to the
23 requirements of law was significantly impaired as a result of a
24 mental disease or defect or mental retardation, but not to a
25 degree sufficient to constitute a defense.
26 (4) The defendant has no significant history of prior adult
27 criminal activity.
28 (5) The defendant acted under extreme duress or under the
29 substantial domination of another person.
30 (6) The defendant did not directly commit the murder,
31 kidnapping, and sexual abuse and the defendant did not intend
32 to kill or anticipate that lethal force would be used.
33 (7) Any other factor which is relevant to the defendant's
34 character or record or to the circumstances of the offense.
35 *d.* The state and the defendant or the defendant's counsel

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1 shall be permitted to present and cross-examine witnesses and
2 present arguments for or against a sentence of death. Evidence
3 regarding aggravating and mitigating circumstances shall not
4 be governed by the rules governing admissibility of evidence,
5 except that introduction of evidence secured in violation of
6 the Constitution of the United States or of the Constitution of
7 the State of Iowa shall not be permitted.
8 5. At the conclusion of presentation of evidence in
9 the penalty proceeding, the state and the defendant or the
10 defendant's counsel shall be permitted to make closing
11 arguments, including any rebuttal arguments, in the same manner
12 as in the initial proceeding and the following issues shall be
13 determined by the jury or the court, if there is no jury:
14 *a.* Whether the aggravating circumstance or circumstances
15 have been established beyond a reasonable doubt and outweigh
16 any one or more mitigating circumstances.
17 *b.* Whether the defendant shall be sentenced to death.
18 6. A recommendation for a sentence of death shall not be
19 permitted if the recommendation is based on the race, color,
20 religious beliefs, national origin, or sex of the defendant
21 or of any victim. After submission of the issues, but prior
22 to the return of a finding in the penalty proceeding, if
23 the matter is tried before a jury, the court shall instruct
24 the jury that in considering whether a sentence of death
25 is justified, it shall not consider race, color, religious
26 beliefs, national origin, or sex of the defendant or of any
27 victim. The court shall further instruct the jury that it
28 shall not return a sentence of death unless it concludes
29 that such a sentence would be recommended no matter what the
30 race, color, religious beliefs, national origin, or sex of the
31 defendant or of any victim may be.
32 7. After submission of the issues, but prior to the
33 commencement of the jury deliberations in the penalty
34 proceeding, the court shall instruct the jury that if the
35 defendant is not sentenced to death, the court is required by

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law to impose a sentence of imprisonment until death without parole. The court shall further instruct the jury that the sentence of imprisonment until death without parole is required by law if the jury fails to reach a unanimous verdict recommending a sentence of death.

8. Concurrently with the return of the findings on the issues submitted under subsection 5, the jury, or the court if there is no jury, shall return special verdicts as follows:

a. Which aggravating circumstances were established beyond a reasonable doubt and were considered in reaching the verdict.

b. Which mitigating circumstances were established and were considered in reaching the verdict returned on the issue specified in subsection 5, paragraph *"a"*.

9. If the jury, or the court if there is no jury, returns a unanimous affirmative finding on each of the issues submitted under subsection 5, paragraphs *"a"* and *"b"*, the court shall enter a judgment of conviction and shall sentence the defendant to death as provided in section 902.1, subsection 3.

10. However, if evidence that the defendant was not a major participant in the commission of the murder, kidnapping, and sexual abuse under section 902.15, and that the defendant's conduct did not manifest a reckless indifference to human life is presented to the jury, or the court if there is no jury, the jury or the court shall also return a special verdict on the issue. If the jury unanimously determines, or the court, if there is no jury, finds that a preponderance of evidence exists that shows that the defendant was not a major participant in the commission of the murder, kidnapping, and sexual abuse under section 902.15, and that the defendant's conduct did not manifest a reckless indifference to human life, the court shall enter a judgment of conviction and shall sentence the defendant to life imprisonment as provided in section 902.1, subsection 1, even if the jury or the court returns unanimous affirmative findings on each of the issues submitted under subsection 5.

11. If the jury, or the court if there is no jury, returns

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1 a negative finding on any of the issues submitted under
2 subsection 5, paragraphs "a" or "b", the court shall enter a
3 judgment of conviction and shall sentence the defendant to life
4 imprisonment as provided in section 902.1, subsection 1.
5 12. After a verdict has been rendered it shall be recorded
6 on the jury verdict form and shall be read and recorded in open
7 court. The jurors shall be collectively asked by the court
8 whether the verdict returned is their true and correct verdict.
9 Even though no juror makes any declaration to the contrary, the
10 jury shall, if either party so requests, be polled and each
11 juror shall be separately asked whether the verdict rendered by
12 the jury foreperson is the juror's true and correct verdict.
13 If, upon either the collective or the separate inquiry, any
14 juror denies that the verdict is the juror's verdict, the court
15 shall refuse to accept the verdict. The court may direct
16 inquiry or permit inquiry by counsel to ascertain whether any
17 juror has been subjected to coercion or has become confused
18 during the jury deliberation process. The court may, as
19 appropriate, direct the jury to resume deliberation in the
20 case. If no disagreement on the verdict is expressed by any of
21 the jurors, the court shall discharge the jury.
22 13. This section shall not apply to a defendant who
23 was under the age of eighteen at the time the offense was
24 committed.
25 Sec. 7. Section 902.1, subsection 1, Code Supplement 2011,
26 is amended to read as follows:
27 1. ~~Upon~~ Except as otherwise provided in subsection 2 or
28 3, upon a plea of guilty, a verdict of guilty, or a special
29 verdict upon which a judgment of conviction of a class "A"
30 felony may be rendered, the court shall enter a judgment of
31 conviction and shall commit the defendant into the custody of
32 the director of the Iowa department of corrections for the
33 rest of the defendant's life. Nothing in the Iowa corrections
34 code pertaining to deferred judgment, deferred sentence,
35 suspended sentence, or reconsideration of sentence applies

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1 to a sentence of life imprisonment for a class "A" felony,
2 and a person convicted of a class "A" felony and sentenced to
3 life imprisonment shall not be released on parole unless the
4 governor commutes the sentence to a term of years.
5 Sec. 8. Section 902.1, Code Supplement 2011, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 3. Notwithstanding subsection 1, upon
8 return of a plea or verdict of guilty to the offense of murder
9 in the first degree, kidnapping, and sexual abuse under section
10 902.15, and a return of a verdict in favor of a sentence of
11 death in a penalty proceeding conducted as provided in section
12 901.11, the court shall enter a judgment of conviction and
13 shall commit the defendant into the custody of the director
14 of the Iowa department of corrections. The sentence shall
15 be carried out by the administration of a lethal injection
16 pursuant to rules adopted by the board of corrections. If
17 a defendant, for whom a warrant of execution is issued, is
18 pregnant, the execution shall not take place until after the
19 defendant is no longer pregnant. If a defendant, for whom
20 a warrant of execution is issued, is suffering from such a
21 diseased or deranged condition of the mind as to prevent the
22 defendant from knowing the nature and quality of the act
23 the defendant has been convicted of, or from understanding
24 that trial on the offense has taken place and that execution
25 proceedings are about to take place, or otherwise causes the
26 defendant to lack the capacity to understand the sentence which
27 has been imposed and to participate in any legal proceedings
28 relating to the sentence, the execution shall not take place
29 until after the defendant's capacity is restored. If the
30 director of the department of corrections or the defendant's
31 counsel files a request with the court which issued the warrant
32 of execution, alleging that the defendant suffers from such
33 a diseased or deranged condition, a hearing on the matter
34 shall be held in the manner provided in section 812A.1. If a
35 defendant was under the age of eighteen at the time the offense

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was committed, the defendant shall be sentenced as provided in subsection 1. For the purposes of this section, *"lethal injection"* means a continuous intravenous injection of a lethal substance sufficient to cause death.

Sec. 9. NEW SECTION. **902.15 First degree murder, kidnapping, and sexual abuse.**

A person who commits murder in the first degree, kidnapping, and sexual abuse with respect to the same victim, who is not mentally retarded or mentally ill, and who is age eighteen or older at the time the offense is committed, shall be eligible for a sentence of death under section 902.1, subsection 3, if the victim was a minor.

For purposes of this section, *"mentally retarded"* means significant subaverage general intellectual functioning accompanied by significant deficits or impairments in adaptive functioning manifested in the developmental period, but no later than the age of eighteen years, and accompanied by deficits in adaptive behavior.

For purposes of this section, *"mentally ill"* means the condition of a person who is suffering from a chronic and persistent serious mental disease or disorder and who, by reason of that condition, lacks sufficient judgment to make responsible decisions regarding treatment and is reasonably likely to injure the person's self or others who may come into contact with the person if the person is allowed to remain at liberty without treatment.

Sec. 10. NEW SECTION. **902.16 Data collection for death penalty.**

1. The supreme court shall collect data on all murder, kidnapping, and sexual abuse charges in which the death penalty is or was not waived, which are filed and processed in the courts in this state. This data may be used by the supreme court to determine whether death sentences imposed are excessive or disproportionate, or under the influence of prejudice as a result of racial discrimination under section

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1 814.28. The court shall make this data available to litigants
2 in death penalty cases.
3 2. Data collected by public officials concerning factors
4 relevant to the imposition of the death sentence shall be made
5 publicly available.
6 Sec. 11. NEW SECTION. **903C.1 Executions — refusal to**
7 **perform.**
8 An employee of the state who may lawfully perform, assist, or
9 participate in the execution of a person pursuant to section
10 902.1, and rules adopted by the department of corrections,
11 shall not be required to perform, assist, or participate in
12 the execution. State employees who refuse to perform, assist,
13 or participate in the execution of a person shall not be
14 discriminated against in any way, including but not limited
15 to employment, promotion, advancement, transfer, licensing,
16 education, training, or the granting of any privileges or
17 appointments because of the refusal to perform, assist, or
18 participate in the execution.
19 Sec. 12. Section 904.105, Code 2009, is amended by adding
20 the following new subsection:
21 NEW SUBSECTION. 9A. Adopt rules pursuant to chapter 17A
22 pertaining to executions of persons convicted of murder,
23 kidnapping, and sexual abuse under section 902.15. Rules
24 adopted shall include, but are not limited to, rules permitting
25 the witnessing of executions by members of the public and the
26 victim's family. Invitations to witness an execution shall at
27 least be extended to the following representatives of the news
28 media:
29 *a.* A representative from a wire service serving Iowa.
30 *b.* A representative from a broadcasting network serving
31 Iowa.
32 *c.* A representative from a television station located in
33 Iowa.
34 *d.* A representative from a radio station located in Iowa.
35 *e.* A representative from a daily newspaper published in

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1 Iowa.
2 *f.* A representative from a weekly newspaper published in
3 Iowa.
4 *g.* A representative from the news media from the community
5 in which the condemned person resided, if that community is
6 located in Iowa.
7 Sec. 13.
8 Rules of criminal procedure, Iowa court rules, are amended
9 by adding the following four sections of this Act.
10 Sec. 14.
11 2.___ DEATH PENALTY — PROCEDURE.
12 2.___(1) If a notice of intent to seek the death penalty
13 has been filed, objections to the imposition of the death
14 penalty based upon allegations that a defendant was mentally
15 retarded at the time of the commission of the offense shall
16 be raised within the time provided for the filing of pretrial
17 motions under R.Cr.P. 2.11, Iowa court rules. The court may,
18 for good cause shown, allow late filing of the motion. Hearing
19 on the motion shall be held prior to trial and the burden of
20 proof shall be on the defendant to prove mental retardation
21 by a preponderance of the evidence. However, a rebuttable
22 presumption of mental retardation arises if a defendant has
23 an intelligence quotient of seventy or below. A finding of
24 the court that the evidence presented by the defendant at the
25 hearing does not preclude the imposition of the death penalty
26 under this rule and Iowa Code section 902.15 shall not preclude
27 the introduction of evidence of mental retardation during the
28 penalty proceeding. If the court finds that the evidence
29 presented by the defendant does not preclude the imposition
30 of the death penalty, evidence of mental retardation may be
31 reviewed by the jury during the penalty proceeding and the jury
32 shall not be informed of the finding in the initial proceeding
33 at any time during the penalty proceeding.
34 2.___(2) Upon a finding or plea that a defendant is guilty of
35 murder, kidnapping, and sexual abuse under Iowa Code section

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1 902.15, in an initial proceeding, if a notice of intent to seek
2 the death penalty has been filed and has not been waived, the
3 court shall conduct a separate penalty proceeding to determine
4 whether the defendant shall be sentenced to death or to life
5 imprisonment. The penalty proceeding shall be conducted in
6 the trial court before the trial jury, or the court, if there
7 is no jury, no sooner than twenty-four hours after the return
8 of the verdict or plea in the initial proceeding. In the
9 penalty proceeding, additional evidence may be presented as to
10 the conviction for murder, kidnapping, and sexual abuse under
11 section 902.15, or any aggravating or mitigating circumstance
12 which may exist. Presentation of evidence which is relevant
13 to the existence of an aggravating or mitigating circumstance
14 shall not be bound by the rules of evidence. This subsection
15 does not authorize the introduction of any evidence secured in
16 violation of the Constitution of the United States or of the
17 Constitution of the State of Iowa. The state and the defendant
18 or the defendant's counsel shall be permitted to cross-examine
19 witnesses and to present arguments for or against a sentence of
20 death.
21 2.___(3) On conclusion of the presentation of the evidence
22 in the penalty proceeding, the state and the defendant or
23 the defendant's counsel shall be permitted to make closing
24 arguments, including any rebuttal arguments, in the same manner
25 as in the initial proceeding and the court shall submit each of
26 the following issues to the jury:
27 *a.* Whether one or more aggravating circumstances outweigh
28 any one or more mitigating circumstances.
29 *b.* Whether the defendant shall be sentenced to death.
30 If the case is not tried to a jury, the court shall determine
31 the issues.
32 2.___(4) The state must prove the issue in rule 2.___(3)(a)
33 beyond a reasonable doubt, and the jury, or the court if there
34 is no jury, shall return a special verdict of "yes" or "no" on
35 each issue.

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1 2.___(5) If the case is tried to a jury, the court shall
2 charge the jury that:
3 *a.* It shall answer any issue "yes" if it agrees unanimously.
4 *b.* It shall answer any issue "no" if the jurors unanimously
5 agree that the answer is "no" or if the jurors do not
6 unanimously agree that the answer is "yes".
7 2.___(6) Concurrently with the return of the special
8 verdicts under rule 2.___(3), the jury, or the court if there
9 is no jury, shall also return special verdicts as follows:
10 *a.* Which aggravating circumstances were established beyond
11 a reasonable doubt and were considered in reaching the verdict
12 returned on the issue specified in rule 2.___(3)(a).
13 *b.* Which mitigating circumstances were established and
14 were considered in reaching the verdict returned on the issue
15 specified in rule 2.___(3)(a).
16 2.___(7) If the jury, or the court if there is no jury,
17 returns an affirmative finding on all applicable issues, the
18 court shall sentence the defendant to death. If the jury or
19 the court returns a negative finding on any applicable issue,
20 the court shall sentence the defendant to the custody of the
21 director of the department of corrections for confinement for
22 the rest of the defendant's life.
23 2.___(8) After a verdict has been rendered it shall be
24 recorded on the jury verdict form and shall be read and
25 recorded in open court. The jurors shall be collectively asked
26 by the court whether the verdict returned is their true and
27 correct verdict. Even though no juror makes any declaration
28 to the contrary, the jury shall, if either party so requests,
29 be polled and each juror shall be separately asked whether the
30 verdict rendered by the jury foreperson is the juror's true
31 and correct verdict. If, upon either the collective or the
32 separate inquiry, any juror denies that the verdict is the
33 juror's verdict, the court shall refuse to accept the verdict.
34 The court may direct inquiry or permit inquiry by counsel to
35 ascertain whether any juror has been subjected to coercion

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1 or has become confused during the jury deliberation process.
2 The court may, as appropriate, direct the jury to resume
3 deliberation in the case. If no disagreement on the verdict
4 is expressed by any of the jurors, the court shall discharge
5 the jury.
6 2.___(9) Provisions relating to deferred judgment, deferred
7 sentence, suspended sentence, reconsideration of sentence,
8 probation, parole, or work release contained in Iowa Code
9 chapters 901 through 909 do not apply to a conviction of
10 murder, kidnapping, and sexual abuse under Iowa Code section
11 902.15 if the defendant is sentenced to death.
12 Sec. 15.
13 2.___ AUTOMATIC REVIEW — STAY OF EXECUTION OF JUDGMENT.
14 2.___(1) A judgment of conviction and sentence of death
15 shall be reviewed automatically in the manner provided in Iowa
16 Code section 814.28, and the Iowa supreme court has exclusive
17 jurisdiction of the review.
18 2.___(2) Upon entry of judgment and sentence of death, the
19 trial court shall prepare a complete record and transcript of
20 the action in the manner provided in the rules of criminal
21 procedure and shall docket the record and transcript with the
22 clerk of the supreme court.
23 2.___(3) The execution of judgment of the trial court is
24 stayed as a matter of law from the time of its entry until
25 the judgment of the supreme court is certified to and entered
26 by the trial court. Upon entry of a judgment of the supreme
27 court which affirms the conviction and sentence, the stay of
28 execution of judgment terminates as a matter of law.
29 2.___(4) All court costs required due to the automatic
30 preparation of the record and transcript, docketing with the
31 supreme court, and stay of execution of judgment shall be
32 assessed to the state.
33 Sec. 16.
34 2.___ ISSUANCE OF WARRANT.
35 2.___(1) Upon entry by the trial court of the judgment of

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1 the supreme court affirming a judgment and sentence of death,
2 a district judge shall within five days of the entry issue
3 a warrant under the seal of the court for the execution of
4 the sentence of death. The warrant shall specifically set
5 forth the offense and the fact of conviction, shall state
6 the judgment and sentence of the court, shall state that the
7 judgment and sentence were affirmed by the supreme court and
8 the date of entry of judgment of the supreme court in the
9 trial court, and shall, subject to the requirements of Iowa
10 Code section 902.1, subsection 3, specify a range of five days
11 for execution of the defendant which shall be not less than
12 fifty nor more than sixty days after the date of entry in the
13 trial court of the judgment of the supreme court affirming the
14 judgment and sentence of death. The warrant shall be directed
15 to the director of the department of corrections commanding
16 the director to cause the warrant to be executed within the
17 dates specified. The trial court shall deliver the warrant
18 to the sheriff of the county in which judgment of conviction
19 was entered and the sheriff shall deliver the warrant to the
20 director of the department of corrections. The director of
21 the department of corrections shall acknowledge receipt of the
22 warrant and the defendant, and the sheriff shall return the
23 acknowledgment to the office of the clerk of the trial court
24 from which the warrant was issued.
25 2.___(2) Immediately after issuance of a warrant ordering
26 a sentence of death, the clerk of the trial court issuing the
27 warrant shall transmit by certified mail to the governor a copy
28 of the indictment, the plea, the verdict and special findings,
29 the affirmation of judgment and sentence by the supreme court,
30 and the complete transcript of the trial court.
31 2.___(3) Notwithstanding rule 2.___(1), if a defendant,
32 for whom a warrant of execution is issued, is pregnant, the
33 execution shall not take place until after the defendant
34 is no longer pregnant. Notwithstanding rule 2.___(1), if
35 a defendant, for whom a warrant of execution is issued, is

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1 suffering from such a diseased or deranged condition of the
2 mind as to prevent the defendant from knowing the nature
3 and quality of the act the defendant has been convicted of,
4 or from understanding that trial on the offense has taken
5 place and that execution proceedings are about to take place,
6 or to otherwise cause the defendant to lack the capacity
7 to understand the sentence which has been imposed and to
8 participate in any legal proceedings relating to the sentence,
9 the execution shall not take place until after the defendant is
10 no longer suffering from the condition.
11 Sec. 17.
12 2.___ EVIDENCE AT PENALTY PROCEEDING WHERE DEATH SENTENCE
13 REQUESTED.
14 2.___(1) At a reasonable time before the commencement of
15 initial proceedings in a murder, kidnapping, and sexual abuse
16 trial in which a sentence of death has been requested, each
17 party shall file and serve upon the other party the following:
18 *a.* A list of all aggravating or mitigating circumstances
19 which the party intends to prove during the sentencing
20 proceedings.
21 *b.* The names of all persons whom the party intends to call
22 as witnesses during the sentencing proceedings.
23 *c.* Notwithstanding rule 2.14, copies, or for inspection
24 purposes, the location, of all documents, including books,
25 papers, writings, drawings, graphs, charts, photographs,
26 telephone records, and other data compilations from which
27 information can be obtained, or other objects which the
28 party intends to offer into evidence during the sentencing
29 proceedings. If copies are not supplied to opposing counsel,
30 the party shall make the items available for inspection and
31 copying without order of the court.
32 2.___(2) In proceedings to determine whether the sentence
33 shall be death or life imprisonment, evidence may be presented
34 as to any matter which the trial court deems relevant to
35 the sentence, including but not limited to the nature,

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1 circumstances, and manner of completion of the murder,
2 kidnapping, and sexual abuse, and the defendant's character,
3 background, history, and mental and physical condition. The
4 trial court shall admit any relevant admissible evidence
5 respecting any aggravating or mitigating circumstances, if the
6 party has included the circumstance on a list provided pursuant
7 to this rule, or good cause is shown for the failure to do so.
8 Sec. 18. IMPLEMENTATION OF ACT. Section 25B.2, subsection
9 3, shall not apply to this Act.
10 Sec. 19. EFFECTIVE DATE — SEVERABILITY.
11 1. This Act takes effect January 1, 2013, and applies to
12 offenses committed on or after that date.
13 2. If any provision of this Act or the application thereof
14 to any person is invalid, the invalidity shall not affect the
15 provisions or application of this Act which can be given effect
16 without the invalid provisions or application and to this end,
17 the provisions of this Act are severable.
18 EXPLANATION
19 This bill amends the Iowa criminal code to provide for
20 punishment by death for murder in the first degree, kidnapping,
21 and sexual abuse committed with respect to the same victim
22 who is a minor if the trial jury, or the judge if there
23 is no jury, makes specific findings and whether the jury
24 believes the defendant should be put to death in a separate
25 penalty proceeding held after the close of the initial trial
26 proceeding. Under the bill, a death sentence could be imposed
27 if the murder would constitute murder in the first degree and
28 the state pleads and proves the defendant also kidnapped and
29 committed sexual abuse against the murder victim who was a
30 minor.
31 If a person is indigent and is charged with capital murder,
32 payment of costs for two attorneys is authorized. The supreme
33 court is required to establish standards for the competency of
34 counsel in death penalty cases. The state public defender is
35 charged with establishing teams of qualified lead and cocounsel

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1 for death penalty cases, as well as conducting or sponsoring
2 specialized training programs for attorneys representing
3 persons who may be executed.
4 If such a case proceeds to trial and a notice of intent to
5 seek the death penalty has been filed, in addition to any other
6 defenses which may be presented to the charge, the defendant
7 may raise the issue of mental retardation during the time of
8 filing pretrial motions, and the defendant is entitled to a
9 rebuttable presumption of mental retardation if the defendant
10 establishes that the defendant has an intelligence quotient of
11 70 or below.
12 Once the evidence is submitted to the jury, the court
13 will instruct the jury, at the defendant's request, that in
14 considering whether a sentence of death is justified, the
15 race, color, religious beliefs, national origin, or sex of
16 the defendant or of any victim is not to be considered. The
17 supreme court shall collect evidence relating to whether the
18 death sentences imposed are excessive, disproportionate, or
19 imposed under the influence of prejudice at trial which will be
20 available to litigants.
21 The sentence of death is imposed only when the trier of fact
22 (the jury or the court if the defendant has waived the right to
23 a jury trial) unanimously answers two questions affirmatively:
24 (1) whether aggravating circumstances established beyond a
25 reasonable doubt outweigh any mitigating circumstances that
26 may exist; and (2) whether the defendant should be sentenced
27 to death. Mitigating factors the trier of fact may consider
28 include the following: the defendant was under the influence
29 of an extreme mental or emotional disturbance; the age of
30 the defendant; the defendant's ability to appreciate the
31 wrongfulness of the conduct due to mental disease but not
32 to a degree to constitute a defense; the defendant has no
33 significant prior criminal history; the defendant was under
34 extreme duress; the defendant did not directly commit the
35 murder, kidnapping, and sexual abuse; and the defendant's

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1 character or record or the circumstances of the offense. The
2 sentencing proceeding is conducted separately from the finding
3 of guilt or innocence by the same trier of fact.
4 For the sentencing proceeding, the trier of fact (the jury
5 or the court if the defendant has waived the right to have
6 the jury hear the proceedings) is to weigh any aggravating
7 circumstances established beyond a reasonable doubt by the
8 state against any of the enumerated mitigating circumstances
9 which may be presented by the defendant. Evidence of certain
10 juvenile delinquency adjudications is not admissible in any
11 proceeding to determine the sentence. If the jury fails to
12 agree unanimously on the required affirmative findings, the
13 penalty would be life imprisonment.
14 The death penalty sentence would be reviewed automatically
15 by the supreme court. The supreme court shall review the trial
16 and judgment separately from the sentencing proceeding. If the
17 supreme court finds error in the sentencing proceeding, the
18 supreme court may remand the case back to district court for a
19 new sentencing hearing. The bill requires the supreme court to
20 examine whether the sentence is excessive or disproportionate
21 to penalties in similar cases. If affirmed by the supreme
22 court, the penalty would be accomplished by lethal injection.
23 The bill requires the board of corrections to adopt rules
24 pertaining to executions, including rules pertaining to the
25 witnessing of executions.
26 The bill further provides that in order to receive a sentence
27 of death, the defendant must be at least 18 years of age at
28 the time the offense is committed, must not be mentally ill
29 or mentally retarded, and must have been a major participant
30 in the commission of the crime or must have shown a manifest
31 indifference to human life.
32 A person who is sentenced to death, but who is pregnant when
33 the warrant of execution is issued, is not to be executed until
34 the person is no longer pregnant. A procedure is also provided
35 to stay execution of a condemned inmate who becomes insane

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after conviction but before execution.

An employee of the state shall not be required to perform or assist in any execution and shall not be discriminated against for refusing to participate.

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

The bill contains severability provisions and takes effect January 1, 2013, and applies only to offenses committed on or after that date.

Senate File 2096 - Introduced

SENATE FILE 2096
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3024)

A BILL FOR

1 An Act relating to reimbursements for certain state prisoners
2 confined in a county jail.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5323SV (2) 84
jm/sc

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1 Section 1. Section 904.513, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. Upon request by the director, a county shall provide
4 temporary confinement for offenders allegedly violating the
5 conditions of assignment to a program under this chapter,
6 if space is available in the county. The department shall
7 negotiate a reimbursement rate with each county. The amount
8 to be reimbursed shall be determined by multiplying the number
9 of days a person is confined by the average daily cost of
10 confining a person in the county facility as negotiated with
11 the department. A county holding offenders in jail due to
12 insufficient space in a community residential facility shall
13 be reimbursed. Payment shall be made upon submission of a
14 voucher executed by the sheriff and approved by the director.
15 A voucher seeking payment shall be submitted within ~~fifteen~~
16 thirty days of the end of a calendar quarter. If a voucher
17 seeking payment is not made within ~~fifteen~~ thirty days of the
18 end of the calendar quarter, the request ~~may~~ shall be denied
19 by the department.
20 Sec. 2. Section 904.908, subsection 3, Code 2011, is amended
21 to read as follows:
22 3. Any request for reimbursement under subsection 2 shall
23 be made within ~~fifteen~~ thirty days of the end of a calendar
24 quarter. If a request for reimbursement is not made within
25 ~~fifteen~~ thirty days of the end of the calendar quarter, the
26 request ~~may~~ shall be denied by the department.
27 Sec. 3. Section 906.17, subsection 3, Code 2011, is amended
28 to read as follows:
29 3. Any request for reimbursement under subsection 2 shall
30 be made within ~~fifteen~~ thirty days of the end of a calendar
31 quarter. If a request for reimbursement is not made within
32 ~~fifteen~~ thirty days of the end of the calendar quarter, the
33 request ~~may~~ shall be denied by the department of corrections.
34 EXPLANATION
35 This bill relates to reimbursements for state prisoners

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1 confined in a county jail.
2 The bill lengthens the time period a county may request
3 reimbursement from the department of corrections for confining
4 a person sentenced to the custody of the department of
5 corrections who is temporarily confined in a county jail due to
6 alleged violations of an assignment at a treatment facility or
7 violations of work release or parole. The time period a county
8 may request reimbursement from the department of corrections
9 is extended by the bill from within 15 days of the end of the
10 calendar quarter to within 30 days of the end of the calendar
11 quarter. Under the bill, if a request is not timely made by a
12 county, the department of corrections shall deny the request
13 for reimbursement.

Senate File 2097 - Introduced

SENATE FILE 2097
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 3081)

A BILL FOR

1 An Act relating to the department of public defense by making
2 changes regarding the Iowa military code and military
3 service, including terminology modifications and leases
4 entered into by the department of public defense and the
5 armory board, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5317SV (1) 84
aw/sc

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Section 1. Section 8A.321, subsection 6, Code Supplement 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* This subsection shall not apply to the department of public defense or the armory board.

Sec. 2. Section 8A.327, subsection 1, Code Supplement 2011, is amended to read as follows:

1. A rent revolving fund is created in the state treasury under the control of the department to be used by the department to pay the lease or rental costs of all buildings and office space necessary for the proper functioning of any state agency, except the department of public defense or the armory board, wherever located throughout the state as provided in section 8A.321, subsection 6, except that this fund shall not be used to pay the rental or lease costs of a state agency which has not received funds budgeted for rental or lease purposes.

Sec. 3. Section 8A.402, subsection 2, paragraph f, subparagraphs (1) and (2), Code 2011, are amended to read as follows:

(1) Develop, in consultation with the department of veterans affairs, programs to inform state employees who are members of the national guard or organized reserves of the armed forces of the United States, and their families, of their rights and benefits while the member is deployed in ~~active~~ federal ~~service~~ active duty.

(2) Develop, in consultation with the department of veterans affairs and the department of workforce development, programs to inform members of the national guard or organized reserves of the armed forces of the United States returning to Iowa following ~~active~~ federal ~~service~~ active duty about job opportunities in state government.

Sec. 4. Section 8A.402, subsection 2, paragraph f, subparagraph (3), subparagraph division (a), Code 2011, is amended to read as follows:

(a) Programs to inform disabled veterans returning to the

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state after ~~active~~ federal ~~service~~ active duty about federally funded job training opportunities in state government, pursuant to 38 U.S.C. ch. 31.

Sec. 5. Section 16.54, subsection 1, Code 2011, is amended to read as follows:

1. For the purposes of this section, *"eligible member of the armed forces of the United States"* means a person who is or was a member of the national guard, reserve, or regular component of the armed forces of the United States who has served at least ninety days of active duty service beginning on or after September 11, 2001. *"Eligible member of the armed forces of the United States"* also means a former member of the national guard, reserve, or regular component of the armed forces of the United States who was honorably discharged due to injuries incurred while on ~~active~~ federal ~~service~~ active duty beginning on or after September 11, 2001, that precluded completion of a minimum aggregate of ninety days of ~~active~~ federal ~~service~~ active duty.

Sec. 6. Section 29A.1, subsection 3, Code 2011, is amended to read as follows:

3. *"Federal ~~service"~~ active duty"* means full-time duty in the active military service of the United States authorized and performed under the provisions of Tit. 10 ~~U.S.C. as part of the active military forces of the United States or the army national guard of the United States or the air national guard~~ of the United States Code.

Sec. 7. Section 29A.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. *"National guard duty"* means training or other duty authorized and performed under the provisions of 32 U.S.C. § 316 or 32 U.S.C. §§ 502 through 505 as part of the national guard and paid for with federal funds. *"National guard duty"* includes but is not limited to full-time national guard duty pursuant to 32 U.S.C. § 502(f) and inactive duty training and annual training pursuant to 32 U.S.C § 502(a).

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Sec. 8. Section 29A.1, subsection 9, Code 2011, is amended to read as follows:

9. *"On duty"* means training, including unit training assemblies, and other training, operational duty, and other service which may be required under state or federal law, regulations, or orders, and the necessary travel of an officer or enlisted person to the place of performance and return home after performance of that duty, but does not include federal ~~service~~ active duty. A member of the national guard shall be considered to be on duty when called to testify about an incident which the member observed or was involved in while that member was on duty.

Sec. 9. Section 29A.1, subsection 12, Code 2011, is amended by striking the subsection.

Sec. 10. Section 29A.7, subsections 1 and 2, Code 2011, are amended to read as follows:

1. The governor is the commander in chief of the military forces, except when they are ~~in~~ on federal ~~service~~ active duty. The governor may employ the military forces of the state for the defense of the state, to provide assistance to civil authorities in emergencies resulting from disasters or public disorders as defined in section 29C.2, including homeland security and defense duties, and for parades and ceremonies of a civic nature.

2. The governor shall provide for the participation of the national guard in training at the times and places as necessary to ensure readiness for public defense or federal ~~service~~ active duty.

Sec. 11. Section 29A.8A, Code 2011, is amended to read as follows:

29A.8A ~~State military service~~ National guard duty.

1. If federal funding and authorization exist for ~~this~~ the purpose identified by the governor, the governor may order to ~~state military service~~ national guard duty the military forces of the ~~Iowa army national guard or Iowa air~~ national guard as

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the governor may deem appropriate ~~for the purposes of homeland security, homeland defense, or other duty~~.

2. A state employee shall take either a full day's leave in accordance with section 29A.28 or eight hours of compensatory time on a day in which the state employee receives a full day's pay from federal funds for ~~state military service~~ national guard duty.

3. When performing ~~state military service~~ national guard duty, the adjutant general, a deputy adjutant general, or the state quartermaster shall not be considered a state employee, except for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefits plans.

Sec. 12. Section 29A.15, Code 2011, is amended to read as follows:

29A.15 State awards and decorations.

The adjutant general, from the funds appropriated for the support and maintenance of the national guard, shall procure and issue to the members of the national guard merit or service badges or other appropriate awards for service under regulations and according to the design and pattern determined by the adjutant general. Members of the national guard who, by order of the president, serve in federal forces during national emergency, may count the period of that federal ~~service~~ active duty toward the procurement of a service badge.

Sec. 13. Section 29A.19, Code Supplement 2011, is amended to read as follows:

29A.19 Quartermaster.

A present or retired member of the national guard who has ten years' service in the ~~Iowa army national guard or the Iowa air~~ national guard shall be detailed to be the quartermaster ~~and property officer of the state~~, who shall ~~have charge of and~~ be ~~accountable~~ responsible for, under the adjutant general, all state military property and facilities. ~~The quartermaster shall keep property returns and reports and give bond to the~~

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~~state of Iowa as the governor may direct.~~

Sec. 14. Section 29A.27, subsections 1 and 3, Code Supplement 2011, are amended to read as follows:

1. Officers and enlisted persons while in state active duty shall receive the same pay, per diem, and allowances as are paid for the same rank or grade for federal ~~service~~ active duty. However, a person shall not be paid at a base rate of pay of less than one hundred dollars per calendar day of state active duty.

3. Where the provisions of this section may be applicable or at other times as considered necessary, ~~but at least once a year,~~ the adjutant general shall appoint a state review board consisting of three officers, one of whom shall be a medical officer, for the purpose of determining the continuation of benefits for individuals who have established their eligibility under this section. Once established, benefits shall be paid until terminated by the review board and shall continue for the duration of the disability even though the individual may no longer be medically qualified for military service and may have been discharged from the national guard.

Sec. 15. Section 29A.28, subsections 1 and 3, Code 2011, are amended to read as follows:

1. *a.* All officers and employees of the state, a subdivision thereof, or a municipality, other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, or who are members of the civil air patrol, shall, when ordered by proper authority to state active duty, ~~state military service~~ national guard duty, or federal ~~service~~ active duty, or when performing a civil air patrol mission pursuant to section 29A.3A, be entitled to a leave of absence from such civil employment for the period of state active duty, ~~state military~~

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1 ~~service~~ national guard duty, federal ~~service~~ active duty, or
2 civil air patrol duty without loss of status or efficiency
3 rating, and without loss of pay during the first thirty days of
4 such leave of absence.
5 *b.* Where state active duty, ~~state military service~~ national
6 guard duty, federal ~~service~~ active duty, or civil air patrol
7 duty is for a period of less than thirty days, a leave of
8 absence under this section shall only be required for those
9 days that the civil employee would normally perform services
10 for the state, subdivision of the state, or a municipality.
11 The provisions of this section shall also apply to a leave of
12 absence by a member of the national disaster medical system
13 of the United States when activated for federal service with
14 the system. If the workday for a civil employee encompasses
15 more than one calendar day, the civil employee shall only
16 be required to take a leave of absence for one day for that
17 workday if a leave of absence is required under this paragraph.
18 3. Upon returning from a leave of absence under this
19 section, an employee shall be entitled to return to the same
20 position and classification held by the employee at the time of
21 entry into state active duty, ~~state military service~~ national
22 guard duty, federal ~~service~~ active duty, or civil air patrol
23 duty, or to the position and classification that the employee
24 would have been entitled to if the continuous civil service of
25 the employee had not been interrupted by state active duty,
26 ~~state military service~~ national guard duty, federal ~~service~~
27 active duty, or civil air patrol duty. Under this subsection,
28 *"position"* includes the geographical location of the position.
29 Sec. 16. Section 29A.43, subsections 1 and 2, Code
30 Supplement 2011, are amended to read as follows:
31 1. A person shall not discriminate against any officer or
32 enlisted person of the national guard or organized reserves
33 of the armed forces of the United States or any member of the
34 civil air patrol because of that membership. An employer,
35 or agent of an employer, shall not discharge a person from

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1 employment because of being an officer or enlisted person of
2 the military forces of the state or member of the civil air
3 patrol, or hinder or prevent the officer or enlisted person or
4 member of the civil air patrol from performing any military
5 service or civil air patrol duty the person is called upon to
6 perform by proper authority. A member of the national guard
7 or organized reserves of the armed forces of the United States
8 ordered to temporary duty or service, as defined in section
9 29A.1, subsection 3, 7A, or 11~~, or 12~~, or a member of the
10 civil air patrol performing duty pursuant to section 29A.3A,
11 for any purpose is entitled to a leave of absence during
12 the period of the duty or service, from the member's private
13 employment unless the employment is of a temporary nature.
14 Upon completion of the duty or service, the employer shall
15 restore the person to the position held prior to the leave of
16 absence or employ the person in a position of like seniority,
17 status, and pay. However, the person shall give evidence to
18 the employer of satisfactory completion of the duty or service,
19 and that the person is still qualified to perform the duties of
20 the position. The period of absence shall be construed as an
21 absence with leave, and shall in no way affect the employee's
22 rights to vacation, sick leave, bonus, or other employment
23 benefits relating to the employee's particular employment.
24 2. An officer or enlisted person of the national guard or
25 organized reserves of the armed forces of the United States who
26 is insured as a dependent under a group policy for accident or
27 health insurance as a full-time student less than twenty-five
28 years of age, whose coverage under the group policy would
29 otherwise terminate while the officer or enlisted person
30 was on a leave of absence during a period of temporary duty
31 or service, as defined for members of the national guard in
32 section 29A.1, subsection 3, 7A, or 11~~, or 12~~, or as a member
33 of the organized reserves called to active duty from a reserve
34 component status, shall be considered to have been continuously
35 insured under the group policy for the purpose of returning to

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the insured dependent status as a full-time student who is less than twenty-five years of age. This subsection does not apply to coverage of an injury suffered or a disease contracted by a member of the national guard or organized reserves of the armed forces of the United States in the line of duty.

Sec. 17. Section 29A.53, unnumbered paragraph 3, Code 2011, is amended to read as follows:

Officers and enlisted personnel called into federal ~~service~~ active duty through the national guard shall upon completion of such ~~service~~ duty continue to serve the balance of their enlistment period the same as though it had not been interrupted by such ~~service~~ duty.

Sec. 18. Section 29A.65, Code 2011, is amended to read as follows:

29A.65 Activation.

Whenever any part of the national guard is ~~in~~ on federal ~~service~~ active duty the governor may activate such part of the unorganized militia, to be designated the "Iowa State Guard", as the governor may deem necessary, subject to provisions of federal law and regulations relating to such military organizations.

Sec. 19. Section 29A.67, Code 2011, is amended to read as follows:

29A.67 Chief of staff.

In the event the state headquarters of the national guard is inducted into federal ~~service~~ active duty, the governor shall appoint a chief of staff for the Iowa state guard.

Sec. 20. Section 29A.90, subsection 3, Code 2011, is amended to read as follows:

3. *"Military service"* means full-time ~~state military service~~ national guard duty or state active duty, as defined in section 29A.1, for a period of at least ~~ninety~~ thirty consecutive days, commencing on or after ~~April 22, 2002~~ the effective date of this Act.

Sec. 21. Section 29B.1, Code 2011, is amended to read as

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1 follows:
2 **29B.1 Persons subject to code.**
3 This chapter applies to all members of the state military
4 forces, while not ~~in~~ on federal ~~service~~ active duty. As used
5 in this chapter, unless the context otherwise requires, *"state*
6 *military forces"* has the same meaning as in section 29A.6, and
7 *"code"* means this chapter, which may be cited as the *"Iowa Code*
8 *of Military Justice"*.
9 Sec. 22. Section 29B.13, unnumbered paragraph 1, Code 2011,
10 is amended to read as follows:
11 Under regulations as may be prescribed under this code a
12 person subject to this code who is on ~~state military service~~
13 national guard duty or state active duty who is accused of an
14 offense against civil authority may be delivered, upon request,
15 to the civil authority for trial.
16 Sec. 23. Section 29B.21, Code 2011, is amended to read as
17 follows:
18 **29B.21 Confinement instead of fine.**
19 In the state military forces, not ~~in~~ on federal ~~service~~
20 active duty, a court-martial may, instead of imposing a fine,
21 sentence to confinement for not more than one day for each
22 three dollars of the authorized fine.
23 Sec. 24. Section 29B.22, unnumbered paragraph 2, Code 2011,
24 is amended to read as follows:
25 The adjutant general shall designate a staff judge advocate
26 for the army national guard and the air national guard. The
27 adjutant general may appoint the number of judge advocates of
28 the state military forces as the adjutant general considers
29 necessary to perform state active duty to supplement or replace
30 national guard judge advocates in emergencies or when the
31 national guard judge advocates are ~~in~~ on federal ~~service~~ active
32 duty.
33 Sec. 25. Section 29C.21, subsection 13, Code 2011, is
34 amended to read as follows:
35 13. *Article XIII — Additional provisions.* Nothing in this

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1 compact shall authorize or permit the use of military force by
2 the national guard of a state at any place outside that state
3 in any emergency for which the president is authorized by law
4 to call into federal ~~service~~ active duty the militia, or for
5 any purpose for which the use of the army or the air force would
6 in the absence of express statutory authorization be prohibited
7 under 18 U.S.C. § 1385.
8 Sec. 26. Section 35.1, subsection 2, paragraph b,
9 subparagraph (1), Code 2011, is amended to read as follows:
10 (1) Former members of the reserve forces of the United
11 States who served at least twenty years in the reserve forces
12 and who were discharged under honorable conditions. However, a
13 member of the reserve forces of the United States who completed
14 a minimum aggregate of ninety days of ~~active~~ federal ~~service~~
15 active duty, other than training, and was discharged under
16 honorable conditions, or was retired under Tit. 10 of the
17 United States Code shall be included as a veteran.
18 Sec. 27. Section 35.1, subsection 2, paragraph c, Code 2011,
19 is amended to read as follows:
20 *c.* A resident of this state who served on ~~active~~ federal
21 ~~service~~ active duty, other than training, in the armed forces
22 of the United States and who was discharged under honorable
23 conditions.
24 Sec. 28. Section 35.9, subsection 1, paragraph a, Code 2011,
25 is amended to read as follows:
26 *a.* The department may expend not more than six hundred
27 dollars per year for any one child who has lived in the state of
28 Iowa for two years preceding application for state educational
29 assistance, and who is the child of a person who died prior
30 to September 11, 2001, during ~~active~~ federal ~~military service~~
31 active duty while serving in the armed forces or during ~~active~~
32 federal ~~military service~~ active duty in the Iowa national
33 guard or other military component of the United States, to
34 defray the expenses of tuition, matriculation, laboratory and
35 similar fees, books and supplies, board, lodging, and any other

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reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department.

Sec. 29. Section 35.9, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. Upon application by a child who is less than thirty-one years of age, and who is the child of a person who died on or after September 11, 2001, during ~~active~~ federal ~~military service~~ active duty while serving in the armed forces or during ~~active~~ federal ~~military service~~ active duty in the Iowa national guard or other military component of the United States, and who at the time of entering into federal active ~~military service~~ duty had maintained the person's residence in the state for a period of at least six months immediately before entering into federal active ~~military service~~ duty, the department shall provide state educational assistance in an amount of no more than the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition at any postsecondary educational institution in this state.

Sec. 30. Section 69.20, subsections 1 and 3, Code 2011, are amended to read as follows:

1. A temporary vacancy in an elective office of a political subdivision, community college, or hospital board of trustees of this state occurs on the date when the person filling that office is placed on ~~state military service~~ national guard duty or federal ~~service~~ active duty, as those terms are defined in section 29A.1, and when such a person will not be able to attend to the duties of that person's elective position for a period greater than sixty consecutive days. The temporary

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vacancy terminates on the date when such person is released from such service, or the term of office expires.

3. Upon the termination of a temporary vacancy due to a person's release from ~~state military service~~ national guard duty or federal ~~service~~ active duty, the person who held the elective office just prior to the temporary vacancy shall immediately be deemed to have been reinstated to that position and the person who filled the temporary vacancy shall immediately be deemed to have been removed from that office.

Sec. 31. Section 96.7, subsection 2, paragraph a, subparagraph (2), subparagraph division (e), subparagraph subdivision (i), Code 2011, is amended to read as follows:

(i) A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary duty, as defined in section 29A.1, subsection 3, 7A, or 11~~, or 12~~, for any purpose, who has completed the duty as evidenced in accordance with section 29A.43.

Sec. 32. Section 144.13B, Code Supplement 2011, is amended to read as follows:

144.13B Waiver of fees — military service.

Notwithstanding any provision of this chapter to the contrary, the certified copy fees for a birth certificate or death certificate of a service member who died while performing military duty, as defined in section 29A.1, subsection 3, 7A, or 11, ~~or 12,~~ shall be waived for a period of one year from the date of death for a family member of the deceased service member.

Sec. 33. Section 144C.6, subsection 4, Code Supplement 2011, is amended to read as follows:

4. A declaration for disposition of remains made by a service member who died while performing military duty as defined in section 29A.1, subsection 3, 7A, or 11, ~~or 12,~~ on forms provided and authorized by the department of defense for service members for this purpose shall constitute a valid declaration of designee for purposes of this chapter.

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1 Sec. 34. Section 260C.14, subsection 20, unnumbered
2 paragraph 1, Code 2011, is amended to read as follows:
3 Adopt a policy to offer not less than the following options
4 to a student who is a member, or the spouse of a member if
5 the member has a dependent child as defined in subsection 14,
6 paragraph "b", subparagraph (2), subparagraph division (a), of
7 the Iowa national guard or reserve forces of the United States
8 and who is ordered to ~~state military service~~ national guard
9 duty or federal ~~service or~~ active duty:
10 Sec. 35. Section 261.9, subsection 1, paragraph g,
11 subparagraph (1), unnumbered paragraph 1, Code Supplement 2011,
12 is amended to read as follows:
13 Adopts a policy to offer not less than the following options
14 to a student who is a member, or the spouse of a member if
15 the member has a dependent child, of the Iowa national guard
16 or reserve forces of the United States and who is ordered to
17 ~~state military service~~ national guard duty or federal ~~service~~
18 ~~or~~ active duty:
19 Sec. 36. Section 262.9, subsection 30, unnumbered paragraph
20 1, Code Supplement 2011, is amended to read as follows:
21 Direct the institutions of higher education under its
22 control to adopt a policy to offer not less than the following
23 options to a student who is a member, or the spouse of a member
24 if the member has a dependent child as defined in subsection
25 17, paragraph "b", subparagraph (2), subparagraph division (a),
26 of the Iowa national guard or reserve forces of the United
27 States and who is ordered to ~~state military service~~ national
28 guard duty or federal ~~service or~~ active duty:
29 Sec. 37. Section 422.7, subsection 38, Code Supplement
30 2011, is amended to read as follows:
31 38. Subtract, to the extent not otherwise excluded, the
32 amount of withdrawals from qualified retirement plan accounts
33 made during the tax year if the taxpayer or taxpayer's spouse
34 is a member of the Iowa national guard or reserve forces of the
35 United States who is ordered to ~~state military service~~ national

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guard duty or federal ~~service or~~ active duty. In addition, a penalty for such withdrawals shall not be assessed by the state.

Sec. 38. Section 483A.24, subsection 14, Code Supplement 2011, is amended to read as follows:

14. Upon payment of the fee of five dollars for a lifetime fishing license or lifetime hunting and fishing combined license, the department shall issue a lifetime fishing license or lifetime hunting and fishing combined license to a resident of Iowa who has served in the armed forces of the United States on ~~active~~ federal ~~service~~ active duty and who was disabled or was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a lifetime fishing license or lifetime hunting and fishing combined license under this subsection. The department of veterans affairs shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, *"disabled"* means entitled to a service connected rating under 38 U.S.C. ch. 11.

Sec. 39. Section 654.1A, Code 2011, is amended to read as follows:

654.1A Maintenance of mortgagor protections — discontinuation of occupation.

For purposes of sections 615.1, 615.3, 628.28, 654.2D, 654.20, 654.21, and 654.26, property shall be deemed the residence of and occupied by the mortgagor where occupation has ceased because of the effects of natural disaster, injury to the property not willfully caused by the mortgagor, or the mortgagor's ~~state military service~~ national guard duty or federal ~~military service~~ active duty as those terms are defined in section 29A.1.

Sec. 40. Section 724.7, subsection 2, Code Supplement 2011, is amended to read as follows:

2. The commissioner of public safety shall develop a process to allow service members deployed for military service to

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1 submit a renewal of a nonprofessional permit to carry weapons
2 early and by mail. In addition, a permit issued to a service
3 member who is deployed for military service, as defined in
4 section 29A.1, subsection 3, 7A, or 11, ~~or 12,~~ that would
5 otherwise expire during the period of deployment shall remain
6 valid for ninety days after the end of the service member's
7 deployment.
8 Sec. 41. 2011 Iowa Acts, chapter 127, section 2, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 5. This section shall not apply to leases
11 entered into by the department of public defense or the armory
12 board.
13 Sec. 42. MILITARY OCCUPATIONAL SPECIALTIES AND PROFESSIONAL
14 CERTIFICATIONS STUDY COMMITTEE.
15 1. The legislative council is requested to establish
16 a military occupational specialties and professional
17 certifications study committee. The study committee shall
18 assess the feasibility of allowing military occupational
19 specialties to be counted toward professional certifications or
20 other certifications required in Iowa for certain occupations,
21 and shall recommend legislative or administrative rule changes
22 relating to such requirements.
23 2. The study committee shall meet during the 2012
24 legislative interim. The study committee shall submit a report
25 and recommendations to the general assembly by January 1, 2013.
26 Sec. 43. EFFECTIVE UPON ENACTMENT. The following
27 provision or provisions of this Act, being deemed of immediate
28 importance, take effect upon enactment:
29 1. The section of this Act amending section 29A.90,
30 subsection 3.
31 EXPLANATION
32 This bill relates to the department of public defense. The
33 bill exempts the department of public defense and the armory
34 board from the requirement that all state property leases be
35 administered by the department of administrative services.

S.F. 2097

1 The bill changes the term "federal service" in Code section
2 29A.1, subsection 3, to "federal active duty" and defines the
3 term to conform more closely to the definition found in 10
4 U.S.C. § 101. The bill makes conforming changes throughout the
5 Code.
6 The bill changes the term "state military service" to
7 "national guard duty" and defines the term to mean training or
8 other duty in accordance with 32 U.S.C. in the national guard
9 that is paid for with federal funds. The term includes but is
10 not limited to full-time national guard duty, inactive duty
11 training, and annual training.
12 The bill provides that the quartermaster shall be
13 responsible for all state military facilities, in addition
14 to state military property. The bill also strikes
15 reporting requirements and bond requirements relating to the
16 quartermaster.
17 The bill amends the definition of "military service",
18 relating to suspension or postponement of the performance of
19 certain civil obligations while a person is engaged in military
20 service, by reducing the period of duty required from 90
21 days to 30 days. This section of the bill takes effect upon
22 enactment.
23 The bill requests that the legislative council appoint an
24 interim study committee to assess the feasibility of allowing
25 military occupational specialty training to qualify toward
26 professional or other certifications required in Iowa for
27 certain occupations and to recommend legislative or regulatory
28 changes to implement that.

Senate File 2098 - Introduced

SENATE FILE 2098
BY KETTERING

A BILL FOR

1 An Act concerning reemployed retired members under the Iowa
2 public employees' retirement system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5252XS (2) 84
ec/sc

S.F. 2098

1 Section 1. Section 97B.1A, subsection 8, paragraph b,
2 Code Supplement 2011, is amended by adding the following new
3 subparagraph:
4 NEW SUBPARAGRAPH. (10) Retired members.
5 Sec. 2. Section 97B.1A, subsection 26, paragraph b,
6 subparagraph (3), Code Supplement 2011, is amended to read as
7 follows:
8 (3) Effective July 1, 1992, *"covered wages"* does not
9 include wages to a member on or after the effective date of
10 the member's retirement, except as otherwise permitted by the
11 system's administrative rules~~, unless the member is reemployed,~~
12 ~~as provided under section 97B.48A~~.
13 Sec. 3. NEW SECTION. **97B.11B Additional contributions.**
14 Notwithstanding any provision of this chapter to the
15 contrary, an employer of an eligible retired member shall make
16 contributions to the system in an amount equal to the amount
17 the employer would have contributed for that eligible retired
18 member pursuant to section 97B.11 if the eligible retired
19 member was not excluded from coverage under this chapter.
20 Contributions made pursuant to this section shall not be
21 refunded to the retired member. For purposes of this section,
22 an *"eligible retired member"* is a retired member who would
23 otherwise be covered under this chapter if the retired member
24 was not excluded from the definition of employee as provided in
25 section 97B.1A, subsection 8.
26 Sec. 4. Section 97B.48A, subsections 1, 2, and 4, Code 2011,
27 are amended to read as follows:
28 1. *a.* If a retired member who has not reached the
29 retired member's sixty-fifth birthday and who has a bona
30 fide retirement under this chapter is in regular full-time
31 employment with a covered employer during a calendar year,
32 the retired member's retirement allowance shall be reduced
33 by fifty cents for each dollar the retired member earns over
34 the limit provided in this subsection. However, employment
35 is not full-time employment with a covered employer until the

S.F. 2098

1 retired member receives remuneration in an amount in excess of
2 thirty thousand dollars for a calendar year, or an amount equal
3 to the amount of remuneration permitted for a calendar year
4 for persons under sixty-five years of age before a reduction
5 in federal social security retirement benefits is required,
6 whichever is higher. Effective the first of the month in which
7 a retired member attains the age of sixty-five years, a retired
8 member may receive a retirement allowance without a reduction
9 after return to ~~covered~~ employment with a covered employer
10 regardless of the amount of remuneration received.
11 *b.* If a retired member dies and the full amount of the
12 reduction from retirement allowances required under this
13 subsection has not been paid, the remaining amounts shall
14 be deducted from the payments made, if any, to the retired
15 member's designated beneficiary or contingent annuitant.
16 If the retired member has selected an option under which
17 remaining payments are not required or the remaining payments
18 are insufficient to satisfy the full amount of the reduction
19 from retirement allowances required under this subsection,
20 the amount still unpaid shall be a claim against the member's
21 estate.
22 *c.* For purposes of this subsection and not for purposes of
23 determining a retiree's covered wages, remuneration paid on
24 and after July 1, 2007, includes noncovered contributions to a
25 defined contribution plan qualified under Internal Revenue Code
26 section 401(a), a tax-deferred annuity qualified under Internal
27 Revenue Code section 403(b), an eligible deferred compensation
28 plan qualified under Internal Revenue Code section 457, or any
29 other tax qualified or nonqualified investment vehicle, that
30 is provided by an employer to a retiree who has been or will
31 be reemployed in ~~covered~~ regular full-time employment with a
32 covered employer.
33 2. Effective January 1, 1991, a retired member of any age
34 may receive a retirement allowance after return to ~~covered~~
35 employment with a covered employer, regardless of the amount

S.F. 2098

1 of remuneration received, if the ~~covered~~ employment consists
2 of holding an elective office.
3 4. The system shall pay to ~~the~~ a retired member the
4 accumulated contributions of the retired member and all of
5 the employer contributions made prior to July 1, 2012, plus
6 interest plus interest dividends as provided in section 97B.70,
7 for all completed calendar years, compounded as provided in
8 section 97B.70, on the covered wages earned by a retired member
9 prior to July 1, 2012, that are not used in the calculation
10 or recalculation of the retirement allowance of a member. A
11 payment of contributions to a retired member pursuant to this
12 subsection shall be considered a retirement payment and not a
13 refund and the retired member shall not be eligible to buy back
14 the period of reemployment service.
15 Sec. 5. Section 97B.52A, subsection 1, paragraph c, Code
16 2011, is amended by adding the following new subparagraph:
17 NEW SUBPARAGRAPH. (3) For purposes of this paragraph *"c"*,
18 *"covered employment"* means employment by a retired member with
19 a covered employer that would be covered employment under
20 this chapter if the retired member was not excluded from
21 the definition of employee as provided in section 97B.1A,
22 subsection 8.
23 EXPLANATION
24 This bill provides that retired members under the Iowa
25 public employees' retirement system (IPERS) are excluded from
26 the definition of employee for purposes of IPERS. By excluding
27 retired members from the definition of employee, a retired
28 member returning to employment with an IPERS-covered employer
29 shall not become a member of the system for that employment
30 and shall not make contributions to the system or be granted
31 membership service for that employment. Under current law, a
32 retired member who returns to employment with an IPERS-covered
33 employer can be considered an employee for purposes of IPERS
34 coverage.
35 New Code section 97B.11B provides that an employer of a

S.F. 2098

1 retired member shall make employer contributions to the system
2 for that member in an amount equal to what the employer would
3 have been required to contribute if the retired member was not
4 excluded from the definition of employee as provided in this
5 bill. Contributions made pursuant to this Code section shall
6 not be refunded to the retired member.
7 Code section 97B.48A, concerning reemployment, is amended
8 to provide that current requirements applicable to retired
9 reemployed members apply to retired members who return to
10 full-time employment with an IPERS-covered employer. The
11 provision allowing the refund of accumulated contributions made
12 on behalf of retired reemployed members is amended to provide
13 that only employer contributions made prior to July 1, 2012,
14 can be refunded.
15 Code section 97B.52A, concerning bona fide retirement, is
16 amended to provide that covered employment for purposes of
17 determining a bona fide retirement for a retired member means
18 employment that would have been covered employment under IPERS
19 if the retired member was not excluded from the definition of
20 employee as provided in the bill.

Senate File 2099 - Introduced

SENATE FILE 2099
BY BOWMAN

A BILL FOR

1 An Act providing for the transfer of moneys in the taxpayers
2 trust fund at the end of each fiscal year to the property
3 tax equity and relief fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5719XS (2) 84
md/rj

S.F. 2099

1 Section 1. Section 8.57E, subsection 2, Code Supplement
2 2011, is amended to read as follows:
3 2. Moneys in the taxpayers trust fund shall only be used
4 pursuant to appropriations made by the general assembly for tax
5 relief. At the conclusion of each fiscal year beginning on or
6 after July 1, 2013, the balance of the taxpayers trust fund
7 shall be transferred to the property tax equity and relief fund
8 created under section 257.16A.
9 EXPLANATION
10 This bill requires the balance of the taxpayers trust fund
11 created under Code section 8.57E to be transferred to the
12 property tax equity and relief fund created under Code section
13 257.16A at the conclusion of each fiscal year beginning on or
14 after July 1, 2013.
15 By operation of Code section 257.16A, the moneys in the
16 property tax equity and relief fund are appropriated annually,
17 along with amounts allocated under Code section 257.15(4),
18 for the purpose of lowering all school district additional
19 property tax levy rates to the statewide maximum adjusted
20 additional property tax levy rate, and if any funds remain,
21 for the purpose of increasing for the budget year beginning
22 the following July 1, the state foundation base percentage.
23 Under Code section 257.4(1)(b), the statewide maximum adjusted
24 additional property tax levy rate is annually determined by the
25 department of management taking into account amounts allocated
26 pursuant to Code section 257.15(4), and the balance of the
27 property tax equity and relief fund at the end of the calendar
28 year.

Senate File 2100 - Introduced

SENATE FILE 2100
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3032)

A BILL FOR

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

TLSB 5260SV (3) 84
jm/nh

S.F. 2100

Section 1. Section 46.14, Code 2011, is amended to read as follows:

46.14 Nomination — residence.

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

2. An applicant for district judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the district judicial nominating commission. A district judge appointee shall be a resident of the judicial district before assuming office or, if the judicial district is divided into judicial election districts, the appointee shall be a resident of the judicial election district where the nomination occurred before assuming office.

~~2.~~ 3. A commissioner shall not be eligible for nomination by the commission during the term for which the commissioner was elected or appointed to that commission. A commissioner shall not be eligible to vote for the nomination of a family

S.F. 2100

member, current law partner, or current business partner. For purposes of this subsection, *"family member"* means a spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Sec. 2. Section 602.7103C, subsections 2 and 3, Code 2011, are amended to read as follows:

2. A person does not qualify for appointment to the office of full-time associate juvenile judge unless the person is at the time of appointment a resident of the ~~county~~ judicial election district in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. An applicant for full-time associate juvenile judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission.

3. A full-time associate juvenile judge must be a resident of ~~a county~~ the judicial election district in which the office is held during the entire term of office. A full-time associate juvenile judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

EXPLANATION

This bill relates to the nomination and qualifications of district judges and associate juvenile judges.

The bill specifies that a district judge appointee shall be a resident of the judicial district where the nomination occurred before assuming office. If the judicial district is divided into judicial election districts, the bill specifies the appointee shall be a resident of the judicial election district where the nomination occurred before assuming office.

S.F. 2100

1 The bill modifies the residency requirements of a full-time
2 associate juvenile judge. Under the bill, a full-time
3 associate juvenile judge is required at the time of appointment
4 to reside in the judicial election district where the vacancy
5 exists. The bill also requires a full-time associate juvenile
6 judge to reside in the judicial election district in which the
7 office is held during the entire term of office.
8 Current law requires a full-time magistrate at the time of
9 appointment to reside in the county in which the vacancy exists
10 and to reside in the county in which the office is held during
11 the entire term of office.

Senate File 2101 - Introduced

SENATE FILE 2101
BY JOCHUM

A BILL FOR

1 An Act relating to children in out-of-home placements in
2 accordance with a court order.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5783XS (4) 84
jp/nh

S.F. 2101

1 Section 1. Section 232.108, Code Supplement 2011, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 8. The department shall report annually
4 by December 15 to the governor and general assembly regarding
5 the status of the efforts made by the department and others
6 involved with the child welfare system in the previous
7 fiscal year to comply with the requirements of this section
8 regarding sibling placements and visitation, or other ongoing
9 interaction.
10 Sec. 2. Section 232.117, subsection 6, Code 2011, is amended
11 to read as follows:
12 6. *a.* If the court orders the termination of parental
13 rights and transfers guardianship and custody under subsection
14 3, the court shall specify the nature and category of
15 disposition which will serve the best interests of the child,
16 and shall prescribe the means by which the placement shall
17 be monitored by the court, which may be in addition to the
18 reporting requirements under paragraph "*b*". If the court orders
19 the transfer of custody to the department of human services
20 or other agency, facility, or institution for placement, the
21 department or other agency shall make every reasonable effort
22 to place the child in the least restrictive, most family-like,
23 and most appropriate setting available, and shall consider
24 the placement's proximity to the school in which the child
25 is enrolled at the time of placement. If the termination
26 order applies to a sibling of the child or the child has a
27 sibling, the department or other agency shall comply with the
28 requirements of section 232.108, regarding sibling placement
29 and visitation or ongoing interaction while a permanent
30 placement is being established.
31 *b.* The guardian shall submit a case permanency plan to
32 the court and shall make every effort to establish a stable
33 placement for the child by adoption or other permanent
34 placement. Within forty-five days of receipt of the
35 termination order, and every forty-five days thereafter until

S.F. 2101

1 the court determines such reports are no longer necessary, the
2 guardian shall report to the court regarding efforts made to
3 place the child for adoption or providing the rationale as to
4 why adoption would not be in the child's best interest.
5 Sec. 3. Section 235.3, Code 2011, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION. 10. Create and make available to department
8 staff, child-placing agencies, and others engaged with placing
9 children in out-of-home settings an internet-based capacity, or
10 other regularly updated approach, for tracking foster care and
11 other placement openings for such children.
12 EXPLANATION
13 This bill relates to children in out-of-home placements in
14 accordance with a court order.
15 Code section 232.108, relating to court-ordered out-of-home
16 placements of a child and requiring efforts to place siblings
17 together or provide for visitation or other ongoing interaction
18 with siblings during an out-of-home placement, is amended. The
19 amendment requires the department of human services to report
20 annually by December 15 to the governor and general assembly
21 regarding the status of the efforts made by the department
22 and others involved with the child welfare system in the
23 previous fiscal year to comply with the requirements of the
24 Code section.
25 Code section 232.117, relating to the disposition of a
26 child when termination of parental rights has been ordered,
27 is amended. The amendment includes requirements similar to
28 those applicable when an out-of-home placement is ordered in
29 a child in need of assistance proceeding under Code chapter
30 232. The court is required to specify the nature and category
31 of disposition which will serve the best interests of the
32 child, and to prescribe the means by which the placement will
33 be monitored by the court, which may be in addition to the
34 reporting requirements in current law. If the court orders
35 the transfer of custody to the department of human services

S.F. 2101

or other agency, facility, or institution for placement, the department or other agency is required to make every reasonable effort to place the child in the least restrictive, most family-like, and most appropriate setting available, and to consider the placement's proximity to the school in which the child is enrolled at the time of placement. In addition, if the termination order applies to a sibling of the child or the child has a sibling, the department or other agency is required to comply with the requirements of Code section 232.108, regarding sibling placement and visitation or ongoing interaction while a permanent placement is being established.

Code section 235.3, relating to the powers and duties of the department of human services regarding child welfare services, is amended to require the department to create and make available to department staff, child-placing agencies, and others engaged with placing children in out-of-home settings an internet-based capacity, or other regularly updated approach, for tracking foster care and other placement openings for such children.

Senate File 2102 - Introduced

SENATE FILE 2102
BY JOCHUM

A BILL FOR

1 An Act providing for partition fences, and including effective
2 date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5215XS (7) 84
da/nh

S.F. 2102

Section 1. Section 359A.1, Code 2011, is amended to read as follows:

359A.1 Definitions.

As used in this chapter, unless the context otherwise requires~~, *"book"*,~~:

1. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. *"Livestock"* means the same as defined in section 169C.1.

Sec. 2. Section 359A.1A, Code 2011, is amended to read as follows:

359A.1A Partition fences.

1. ~~The respective owners~~ Either owner of adjoining ~~tracts of~~ land ~~shall upon~~ may provide a written ~~request of either~~ demand notice to the other owner ~~be compelled to erect and maintain~~ to participate in providing for a partition ~~fences,~~ fence. Each owner shall then participate by erecting or maintaining the partition fence or ~~contribute thereto~~ contributing to the erection or maintenance of the partition fence, ~~and keep the same~~ including by keeping the partition fence in good repair throughout the year.

2. Notwithstanding subsection 1, if the owner of the adjoining land has not kept livestock on that owner's adjoining land for five years prior to receiving a demand notice to participate in providing for a partition fence, that owner is not required to participate in providing for a partition fence as otherwise provided in that subsection. However, after such a partition fence is erected and maintained, if the owner of the adjoining land begins to keep livestock on the land, that owner becomes responsible for participation as provided in this subsection.

a. The owner of land responsible for erecting and maintaining the partition fence must first provide a demand notice to the owner of the adjoining land in the same manner as

S.F. 2102

provided in subsection 1 after the owner of the adjoining land begins keeping livestock on the adjoining land.

b. The owner of the adjoining land, after receiving a demand notice as provided in paragraph "*a*", shall contribute to the erection of the partition fence by paying the owner of land responsible for erecting and maintaining the partition fence fifty percent of the actual and reasonable costs incurred in erecting the partition fence. In addition, the owner of the adjoining land must maintain the partition fence, or contribute to its maintenance as provided in subsection 1. However, the owner of the adjoining land is not required to contribute to the maintenance of the partition fence for the period prior to keeping livestock on the adjoining land.

3. The respective owners of adjoining land shall participate in providing for the partition fence by maintaining the partition fence or contributing to its maintenance as provided in subsections 1 and 2, for as long as livestock is kept on each owner's land. If either owner no longer keeps livestock on that owner's land for five years, that owner may discontinue participation by delivering a written termination notice to the other owner.

4. Nothing in this section restricts the right of respective owners of adjoining land from executing an agreement which supplements or departs from the requirements of this section.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

This bill amends Iowa's fence law (Code chapter 359A) which in part provides that the respective owners of adjoining tracts of land must upon written "request" (i.e., demand) of either owner erect and maintain a partition fence or contribute to its erection and maintenance (Code section 359A.1A). The modern version of the requirement can be traced to 1921 Iowa Acts, ch. 76. The provision does not distinguish between rural or urban areas or refer to livestock.

S.F. 2102

1 The bill provides that if one owner keeps livestock on the
2 adjoining tract of land, that owner has the sole responsibility
3 to erect and maintain the partition fence upon the written
4 demand of the other owner. If an owner who did not contribute
5 to the erection and maintenance of a fence begins keeping
6 livestock on that owner's land after the fence is erected, that
7 owner must pay the adjoining owner 50 percent of the costs
8 incurred in erecting the partition fence. The respective
9 owners are both to be responsible for maintaining the partition
10 fence for as long as they both keep livestock on their
11 respective land. If either owner no longer keeps livestock
12 on that owner's land for five years, that owner may terminate
13 participation by delivering a written notice to the other
14 owner. The bill does not restrict the right of landowners
15 to execute agreements which supplement or depart from these
16 statutory requirements.
17 The bill takes effect upon enactment.

Senate File 2103 - Introduced

SENATE FILE 2103
BY JOCHUM

A BILL FOR

1 An Act relating to services provided by assisted living
2 programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5585XS (2) 84
ad/rj

S.F. 2103

Section 1. Section 231C.1, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. To establish standards for assisted living programs that allow flexibility in design which promotes a social model of service delivery by focusing on independence, individual needs and desires, and consumer-driven quality of service, and that provide consumer protections to ensure program transparency, oversight, and accountability.

Sec. 2. Section 231C.1, subsection 3, Code 2011, is amended to read as follows:

3. It is the intent of the general assembly that the department promote a social model for assisted living programs, provide consistent standards and oversight to ensure protection of consumers, and utilize a consultative process to assist with compliance by assisted living programs.

Sec. 3. Section 231C.2, subsection 2, Code Supplement 2011, is amended to read as follows:

2. *a.* *"Assisted living"* means the provision to three or more tenants of a social model of housing ~~with~~ in a physical structure which provides a homelike environment and balances individual privacy with the benefits of social interaction and provides associated services ~~which may~~.

b. The social model shall provide an environment that supports each tenant in maximizing the tenant's highest practicable level of well-being through individualized, stimulating, and purposeful activities, connections to and interaction with the outside community, and other interventions that assist a tenant in maintaining optimal independence while delaying further decline from any existing health, cognitive, mental health, or functional condition.

c. The services offered shall include but are not limited to ~~health-related~~ the following:

(1) Health-related care~~,~~ or personal care~~, and assistance with instrumental activities of daily living to three or more tenants in a physical structure which provides a homelike~~

S.F. 2103

1 ~~environment~~.
2 (2) ~~"*Assisted living*" also includes~~ The encouragement
3 of family involvement, tenant self-direction, and tenant
4 participation in decisions that emphasize choice, dignity,
5 privacy, individuality, shared risk, and independence in a
6 manner commensurate with the tenant's health, cognitive,
7 mental health, and functional status. ~~"*Assisted living*"~~
8 ~~includes the provision of housing and assistance with~~
9 ~~instrumental activities of daily living only if personal care~~
10 ~~or health-related care is also included. "*Assisted living*"~~
11 ~~includes~~
12 (3) Access to awake staff twenty-four hours per day
13 ~~response staff~~ to meet a tenant's scheduled and unscheduled
14 or unpredictable needs commensurate with the tenant's health,
15 cognitive, mental health, and functional status, in a manner
16 that promotes maximum dignity and independence and provides
17 supervision, safety, and security.
18 *d.* Services may include assistance with instrumental
19 activities of daily living.
20 Sec. 4. Section 231C.5, subsection 2, paragraph a, Code
21 Supplement 2011, is amended to read as follows:
22 *a.* A description of all fees, charges, and rates describing
23 tenancy and basic services covered, and any additional and
24 optional services and their related costs. The occupancy
25 agreement shall also include the circumstances under which
26 fees, charges, or rates are subject to change, and the process
27 by which such change is made including but not limited to a
28 provision of timely notice of such change.
29 Sec. 5. Section 231C.5, subsection 2, Code Supplement 2011,
30 is amended by adding the following new paragraph:
31 NEW PARAGRAPH. *q.* The specific type and level of services
32 the program provides and the specific health, cognitive, mental
33 health, or functional condition that, by law, prohibit initial
34 occupancy or may necessitate subsequent transfer or involuntary
35 transfer.

S.F. 2103

1 Sec. 6. RULES. The department of inspections and appeals
2 shall adopt rules to implement the provisions of this Act.
3 EXPLANATION
4 This bill amends Code sections related to assisted living
5 programs. The bill adds that the purpose of establishing an
6 assisted living program includes providing consumer protections
7 to ensure program transparency, oversight, and accountability.
8 The bill provides that it is the intent of the general assembly
9 that the department of inspections and appeals provide
10 consistent standards and oversight to ensure protection of
11 consumers of assisted living programs.
12 The bill amends the definition of "assisted living" to
13 mean the provision of a social model of housing in a physical
14 structure with services to three or more tenants. The physical
15 structure must balance individual privacy with the benefits
16 of social interaction. The bill provides that the social
17 model must create an environment that supports the tenant in
18 maximizing the highest practicable level of well-being that
19 assists the tenant in maintaining optimal independence and
20 delaying further decline in any existing health, cognitive,
21 mental health, or functional condition.
22 The bill amends the definition of "assisted living" to
23 include as required assisted living services, health-related
24 care, the encouragement of family involvement, tenant
25 self-direction, and tenant participation in a manner
26 commensurate with the tenant's health, cognitive, mental
27 health, and functional status, and access to awake staff 24
28 hours per day to meet the tenant's needs commensurate with
29 the tenant's health, cognitive, mental health, and functional
30 status. The bill provides that assisted living services may
31 include assistance with instrumental activities of daily
32 living.
33 The bill provides that a written occupancy agreement
34 shall include the circumstances under which fees, charges, or
35 rates are subject to change and the process for making the

S.F. 2103

1 changes including a provision for timely notice. The bill
2 also requires a written occupancy agreement to include the
3 specific type and level of services the program provides and
4 the specific health, cognitive, mental health, or functional
5 conditions that prohibit initial occupancy or may necessitate
6 subsequent transfer.

Senate File 2104 - Introduced

SENATE FILE 2104
BY JOCHUM

A BILL FOR

1 An Act exempting persons furnishing electricity from solar
2 energy conversion facilities to designated entities under
3 specified circumstances from public utility regulation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5748XS (7) 84
rn/nh

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Section 1. Section 476.1, Code 2011, is amended to read as follows:

476.1 Applicability of authority.

1. The utilities board within the utilities division of the department of commerce shall regulate the rates and services of public utilities to the extent and in the manner hereinafter provided.

2. *a.* As used in this chapter, *"board"* or *"utilities board"* means the utilities board within the utilities division of the department of commerce.

b. As used in this chapter, *"public utility"* shall include any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for:

~~1.~~ (1) Furnishing gas by piped distribution system or electricity to the public for compensation.

~~2.~~ (2) Furnishing communications services to the public for compensation.

~~3.~~ (3) Furnishing water by piped distribution system to the public for compensation.

3. Mutual telephone companies in which at least fifty percent of the users are owners, cooperative telephone corporations or associations, telephone companies having ~~less~~ fewer than fifteen thousand customers and ~~less~~ fewer than fifteen thousand access lines, municipally owned utilities, and unincorporated villages which own their own distribution systems are not subject to the rate regulation provided for in this chapter.

~~This chapter does not apply to waterworks having less than two thousand customers, municipally owned waterworks, joint water utilities established pursuant to chapter 389, rural water districts incorporated and organized pursuant to chapters 357A and 504, cooperative water associations incorporated and organized pursuant to chapter 499, or to a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro~~

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1 ~~facility, from electricity that is produced primarily for the~~
2 ~~person's own use.~~
3 4. A telephone company otherwise exempt from rate
4 regulation and having telephone exchange facilities which cross
5 state lines may elect, in a writing filed with the board, to
6 have its rates regulated by the board. When a written election
7 has been filed with the board, the board shall assume rate
8 regulation jurisdiction over the company.
9 5. The jurisdiction of the board under this chapter
10 shall include efforts designed to promote the use of energy
11 efficiency strategies by rate or service-regulated gas and
12 electric utilities.
13 6. This chapter does not apply to the following:
14 *a.* Waterworks having fewer than two thousand customers.
15 *b.* Municipally owned waterworks.
16 *c.* Joint water utilities established pursuant to chapter
17 389.
18 *d.* Rural water districts incorporated and organized pursuant
19 to chapters 357A and 504.
20 *e.* Cooperative water associations incorporated and organized
21 pursuant to chapter 499.
22 *f.* Persons furnishing electricity to five or fewer customers
23 either by secondary line or from an alternate energy production
24 facility or small hydro facility, from electricity that is
25 produced primarily for the person's own use.
26 *g.* Persons furnishing electricity to a political subdivision
27 of the state, or to an organization qualifying under section
28 501(c)(3) of the Internal Revenue Code as an organization
29 exempt from taxation, from a solar energy conversion facility
30 pursuant to a power purchase agreement whereby the electricity
31 is used on the real property where the facility is located.
32 EXPLANATION
33 This bill provides that persons furnishing electricity to
34 a political subdivision of the state, or to an organization
35 qualifying under section 501(c)(3) of the Internal Revenue Code

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1 as an organization exempt from taxation, from a solar energy
2 conversion facility pursuant to a power purchase agreement
3 whereby the electricity is used on the real property where the
4 facility is located shall not be considered a public utility
5 subject to regulation under Code chapter 476.

Senate File 2105 - Introduced

SENATE FILE 2105
BY HOGG

A BILL FOR

1 An Act requiring the state building code commissioner to adopt
2 statewide requirements and standards for radon control in
3 residential construction.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5197XS (2) 84
aw/sc

S.F. 2105

1 Section 1. NEW SECTION. **103A.8D Residential construction**
2 **requirements and standards for radon control.**
3 The state building code commissioner shall adopt as a part
4 of the state building code construction requirements and
5 standards for radon control in new residential construction.
6 The requirements and standards adopted by the commissioner
7 shall, if possible, be based upon a nationally recognized
8 standard or code for radon control in residential construction.
9 Notwithstanding any other provision of this chapter to the
10 contrary, the construction requirements and standards for radon
11 control adopted by the commissioner and approved by the council
12 shall apply to new residential construction commenced on or
13 after January 1, 2014, and shall supersede and replace any
14 minimum requirements and standards for radon control in new
15 residential construction adopted or enacted by a governmental
16 subdivision prior to that date. The state building code
17 commissioner may provide training to builders, contractors, and
18 other interested persons on the construction requirements and
19 standards for radon control in residential construction.
20 Sec. 2. Section 103A.10, Code 2011, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 6. Notwithstanding any other provision of
23 this chapter to the contrary, the construction requirements and
24 standards for radon control in new residential construction
25 adopted by the commissioner and approved by the council shall
26 apply to all new residential construction commenced on or after
27 January 1, 2014, and shall supersede and replace any minimum
28 requirements or standards for radon control in new residential
29 construction adopted or enacted by the governmental subdivision
30 prior to that date.
31 EXPLANATION
32 This bill requires that the building code commissioner,
33 with the approval of the building code advisory council, adopt
34 requirements and standards for radon control in new residential
35 construction. The bill provides that the standards shall

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1 supersede and replace any minimum radon control requirements
2 and standards for new residential construction adopted by
3 governmental subdivisions in Iowa. The bill requires that the
4 requirements and standards be mandatory for all new residential
5 construction beginning on or after January 1, 2014.

Senate File 2106 - Introduced

SENATE FILE 2106
BY DOTZLER

A BILL FOR

1 An Act relating to qualifying investments for redevelopment tax
2 credits and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5858XS (2) 84
tm/sc

S.F. 2106

1 Section 1. Section 15.291, subsection 5, Code Supplement
2 2011, is amended to read as follows:
3 5. *"Qualifying investment"* means costs that are directly
4 related to a qualifying redevelopment project and that
5 are incurred after an application for the project has been
6 ~~registered and approved by~~ filed with the ~~board~~ authority.
7 *"Qualifying investment"* only includes the purchase price, the
8 cleanup costs, and the redevelopment costs.
9 Sec. 2. APPLICABILITY. This Act applies to applications
10 filed on and after July 1, 2012.
11 EXPLANATION
12 This bill relates to qualifying investments for
13 redevelopment tax credits.
14 Currently, for a redevelopment tax credit, the term
15 qualifying investment means certain costs related to a
16 qualifying redevelopment project that are incurred after the
17 project has been registered and approved by the economic
18 development authority board. The bill provides that the term
19 qualifying investment means certain costs that are incurred
20 after an application for a project has been filed with the
21 economic development authority.
22 The bill applies to applications filed on and after July 1,
23 2012.

Senate File 2107 - Introduced

SENATE FILE 2107
BY DOTZLER

(COMPANION TO LSB 5784HH BY
LOFGREN)

A BILL FOR

1 An Act requiring acceptance of universal health care
2 practitioner credentialing application forms by certain
3 credentialing entities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5784XS (4) 84
av/nh

S.F. 2107

1 Section 1. Section 514F.6, Code 2011, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 01. *a.* A health insurer, hospital, or
4 other entity that credentials physicians, advanced registered
5 nurse practitioners, physician assistants, or other health
6 care practitioners, shall accept the Iowa statewide universal
7 practitioner credentialing application forms developed and
8 maintained by the Iowa credentialing coalition when submitted
9 by a physician, advanced registered nurse practitioner,
10 physician assistant, or any other health care practitioner
11 applicant required to be credentialed by the credentialing
12 entity.
13 *b.* A health insurer, hospital, or other credentialing
14 entity is not required to use the Iowa statewide universal
15 practitioner credentialing application forms exclusively, and
16 in accepting the universal application forms as required by
17 this subsection, is not precluded from requesting additional
18 information from the applicant necessary to complete the
19 credentialing process consistent with information required by
20 the credentialing entity's own forms.
21 Sec. 2. Section 514F.6, subsection 1, Code 2011, is amended
22 to read as follows:
23 1. The commissioner shall adopt rules to provide for
24 the retrospective payment of clean claims for covered
25 services provided by a physician, advanced registered nurse
26 practitioner, ~~or~~ physician assistant, or other health care
27 practitioner, during the credentialing period, once the
28 physician, advanced registered nurse practitioner, ~~or~~ physician
29 assistant, or other health care practitioner is credentialed.
30 Sec. 3. Section 514F.6, subsection 2, Code 2011, is amended
31 by striking the subsection and inserting in lieu thereof the
32 following:
33 2. As used in this section, unless the context otherwise
34 requires:
35 *a.* *"Advanced registered nurse practitioner"* means a licensed

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1 nurse who is also registered to practice in an advanced role.
2 *b. "Clean claim"* means the same as defined in section
3 507B.4A, subsection 2, paragraph *"b"*.
4 *c. "Credentialing"* means a process through which a
5 credentialing entity makes a determination based on criteria
6 established by the credentialing entity concerning whether a
7 physician, advanced registered nurse practitioner, physician
8 assistant, or other health care practitioner is eligible to
9 provide health care services to a patient and to receive
10 reimbursement for the health care services provided under
11 an agreement entered into between the physician, advanced
12 registered nurse practitioner, physician assistant, or other
13 health care practitioner, and the credentialing entity.
14 *d. "Credentialing period"* means the time period between
15 the credentialing entity's receipt of a physician's, advanced
16 registered nurse practitioner's, physician assistant's, or
17 other health care practitioner's application for credentialing
18 and approval of that application by the credentialing entity.
19 *e. "Health insurer"* means a carrier, as defined in section
20 513B.2.
21 *f. "Hospital"* means the same as defined in section 135B.1.
22 *g. "Physician"* means a licensed doctor of medicine and
23 surgery or a licensed doctor of osteopathic medicine and
24 surgery.
25 *h. "Physician assistant"* means a person who is licensed to
26 practice as a physician assistant under the supervision of one
27 or more physicians.
28 EXPLANATION
29 This bill amends Code section 514F.6 to require a health
30 insurer, hospital, or other entity that credentials physicians,
31 advanced registered nurse practitioners, physician assistants,
32 or other health care practitioners to accept the Iowa
33 statewide universal practitioner credentialing application
34 forms developed and maintained by the Iowa credentialing
35 coalition. A credentialing entity is not required to use the

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1 universal credentialing forms exclusively and can request
2 additional information from applicants necessary to complete
3 the credentialing process consistent with information required
4 by the credentialing entity's own forms.
5 The bill also changes the definition of "credentialing"
6 to include a process utilized by any entity, not just health
7 insurers, that credentials physicians, advanced registered
8 nurse practitioners, physician assistants, or other health
9 care practitioners. Corresponding changes are made in other
10 definitions. "Credentialing" is now defined as a process
11 through which a credentialing entity makes a determination
12 based on criteria established by the credentialing entity
13 concerning whether a physician, advanced registered nurse
14 practitioner, physician assistant, or other health care
15 practitioner is eligible to provide health care services to
16 a patient and to receive reimbursement for the health care
17 services provided under an agreement entered into between
18 the physician, advanced registered nurse practitioner,
19 physician assistant, or other health care practitioner, and the
20 credentialing entity.
21 The bill also adds definitions of "health insurer" and
22 "hospital" and reorganizes all the definitions in the Code
23 section so that they are in alphabetical order.

Senate File 2108 - Introduced

SENATE FILE 2108
BY HATCH, DANIELSON, HORN, DEARDEN, FRAISE, COURTNEY, BLACK, QUIRMBACH, BEALL, and BOWMAN

A BILL FOR

1 An Act relating to the Iowa health care coverage partnership
2 program and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5253SS (11) 84
av/rj

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1 PART 5
2 IOWA HEALTH CARE COVERAGE PARTNERSHIP PROGRAM
3 Section 1. NEW SECTION. **8A.471 Definitions.**
4 As used in this part, unless the context otherwise requires:
5 1. *"Nonprofit employer"* means a nonprofit corporation that
6 is either of the following and does not include a nonstate
7 public employer:
8 *a.* A corporation subject to chapter 504.
9 *b.* A corporation which qualifies under 26 U.S.C. §
10 501(c)(3).
11 2. *"Nonstate public employee"* means any employee or elected
12 official of a nonstate public employer.
13 3. *"Nonstate public employer"* means a political subdivision
14 of this state, including a quasi-public agency.
15 4. *"Political subdivision of the state"* means a political
16 subdivision of the state or its offices or units, including but
17 not limited to a county, city, community college, or school
18 district.
19 5. *"State health or medical group insurance plan"* or *"state*
20 *plan"* means a health or medical group insurance plan for
21 employees of the state.
22 Sec. 2. NEW SECTION. **8A.472 Eligibility.**
23 1. Nonstate public employees and employees of a nonprofit
24 employer shall be considered state employees for purposes of
25 eligibility to obtain employee health or medical insurance from
26 a state health or medical group insurance plan as provided to
27 state employees by the department of administrative services
28 through the Iowa health care coverage partnership program.
29 2. A nonstate public employer or nonprofit employer is
30 not eligible to participate in a state health or medical
31 group insurance plan through the Iowa health care coverage
32 partnership program unless all employees and elected officials
33 of the nonstate public employer or all employees of the
34 nonprofit employer elect to enroll in the state plan pursuant
35 to the program.

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1 3. If a nonstate public employer or nonprofit employer
2 elects to participate in a state health or medical group
3 insurance plan through the Iowa health care coverage
4 partnership program, the nonstate public employer or nonprofit
5 employer shall pay the costs of participation in the plan as
6 provided in this part 5.
7 4. An employee or elected official of a nonstate public
8 employer, or an employee of a nonprofit employer shall not
9 be enrolled in the state plan through the Iowa health care
10 coverage partnership program if such employee is covered
11 through the employee's employer by health insurance plans or
12 insurance arrangements issued to or in accordance with a trust
13 established pursuant to collective bargaining subject to the
14 federal Labor Management Relations Act.
15 Sec. 3. NEW SECTION. **8A.473 Iowa health care coverage**
16 **partnership program — coverage offered.**
17 1. The Iowa health care coverage partnership program is
18 established in the department. Pursuant to the program, the
19 department shall offer coverage under the state health or
20 medical group insurance plan to nonstate public employees
21 and employees of nonprofit employers and shall pool such
22 employees with the state plan, provided the department received
23 an application from an employer of such employees and the
24 application is approved in accordance with the provisions
25 of this part 5. Employees and elected officials of such
26 employers shall be covered under the state plan pursuant to the
27 Iowa health care coverage partnership program under the same
28 conditions that state employees are covered under the state
29 plan and shall not be denied coverage on the basis of risk,
30 cost, preexisting conditions, or other factors not applicable
31 to state employees.
32 *a.* Premium payments for such coverage shall be remitted
33 by the nonstate public employer or nonprofit employer to the
34 department and shall be the same as those paid by the state
35 inclusive of any premiums paid by state employees, except as

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1 otherwise provided in this part 5.
2 *b.* The department shall offer participation in the state
3 plan pursuant to the Iowa health care coverage partnership
4 program for no shorter than three-year intervals, and at
5 the end of any such interval, a nonstate public employer or
6 nonprofit employer may apply for coverage for an additional
7 interval.
8 *c.* The department, by rule, shall develop procedures
9 by which nonstate public employers and nonprofit employers
10 obtaining coverage for their employees pursuant to the Iowa
11 health care coverage partnership program may withdraw from such
12 coverage. Any such procedures shall provide that nonstate
13 public employees covered by collective bargaining shall
14 withdraw from such coverage in accordance with the provisions
15 of their collective bargaining agreements and applicable
16 statutes.
17 2. The department is not required to offer coverage to every
18 nonstate public employer or nonprofit employer seeking coverage
19 pursuant to the Iowa health care coverage partnership program
20 from every vendor providing coverage under the state plan.
21 3. The department may procure coverage to be offered
22 pursuant to the Iowa health care coverage partnership program
23 to nonstate public employees and employees of nonprofit
24 employers from vendors other than those providing coverage to
25 state employees and may offer insurance plans different from
26 those available to state employees.
27 4. The department shall develop and procure coverage
28 to be offered pursuant to the Iowa health care coverage
29 partnership program that meets minimum standards of quality and
30 affordability.
31 5. The department shall implement and administer the Iowa
32 health care coverage partnership program including but not
33 limited to creating applications and application procedures,
34 enrollment periods and procedures, and procedures for
35 withdrawal from the program.

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1 6. Notwithstanding any other provision of state or
2 federal law, the state plan or the Iowa health care coverage
3 partnership program shall not be deemed an unauthorized insurer
4 or a multiple employer welfare arrangement. Any licensed
5 insurer in this state is eligible to conduct business with
6 the state plan and the Iowa health care coverage partnership
7 program.
8 Sec. 4. NEW SECTION. **8A.474 Nonstate public employees —**
9 **coverage.**
10 1. Nonstate public employees and elected officials may
11 obtain coverage under the state plan pursuant to the Iowa
12 health care coverage partnership program in accordance with
13 this section.
14 2. A nonstate public employer may submit an application
15 to the department for coverage under the state plan of all of
16 such employer's employees and elected officials. If a nonstate
17 public employer submits such an application for coverage, the
18 department shall provide such coverage no later than the first
19 day of the third calendar month following such application.
20 3. Notwithstanding any other provisions of state law,
21 initial participation in the state plan shall be a permissive
22 subject of collective bargaining and shall be subject to
23 binding arbitration only if the employee organization and
24 the nonstate public employer mutually agree to bargain over
25 such initial participation. Such mutual agreement shall be
26 in writing and signed by the authorized representatives of
27 the employee organization and the nonstate public employer.
28 Continuation in the state plan, after initial participation,
29 shall be a mandatory subject of bargaining, and shall be
30 subject to binding arbitration in accordance with the same
31 procedures and standards that apply to any other mandatory
32 subject of bargaining pursuant to state law.
33 4. Premium rates for nonstate public employers shall be the
34 total premium rate paid by the state inclusive of any premiums
35 paid by state employees for the particular state health care

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1 product offered by the state plan.
2 Sec. 5. NEW SECTION. **8A.475 Employees of nonprofit**
3 **employers — coverage.**
4 1. Employees of nonprofit employers may obtain coverage
5 under the state plan pursuant to the Iowa health care coverage
6 partnership program in accordance with this section.
7 2. A nonprofit employer may submit an application to the
8 department for coverage under the state plan of all of such
9 employer's employees. If a nonprofit employer submits such an
10 application for coverage, the department shall provide such
11 coverage no later than the first day of the third calendar
12 month following such application. However, the department
13 shall not approve an application for coverage under the
14 state plan if the department determines that approval of such
15 coverage would cause the state plan to be subject to the
16 requirements of the federal Employee Retirement Income Security
17 Act of 1974, as codified at 29 U.S.C. § 1001 et seq. If the
18 department determines that the state plan is compliant with
19 such federal requirements, the department shall resume approval
20 of applications for coverage under the state plan as provided
21 in this section.
22 3. Premium rates for nonprofit employers shall be the total
23 premium rate paid by the state inclusive of any premiums paid
24 by state employees for the particular state health care product
25 offered by the state plan.
26 Sec. 6. NEW SECTION. **8A.476 Retirees — coverage.**
27 1. Nonstate public employers and nonprofit employers
28 eligible to obtain coverage for their employees under the state
29 plan pursuant to the Iowa health care coverage partnership
30 program may obtain such coverage for all of their retirees as
31 provided in this part 5. Premium payments for such coverage
32 shall be remitted by the nonstate public employer or nonprofit
33 employer to the department and shall be the same as those paid
34 by the nonstate public employer or nonprofit employer for
35 employees who are not retired.

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1 2. Nothing in this part 5 shall diminish any right to
2 retiree health insurance pursuant to a collective bargaining
3 agreement or pursuant to any other provision of state or
4 federal law.
5 Sec. 7. NEW SECTION. **8A.477 Premium payments —**
6 **administrative fees.**
7 1. A nonstate public employer or nonprofit employer
8 participating in the state plan pursuant to the Iowa health
9 care coverage partnership program shall pay the monthly amount
10 determined by the department, for coverage of its employees
11 and elected officials and retirees, or its employees and
12 retirees, as appropriate under the state plan. A nonstate
13 public employer or nonprofit employer may require each covered
14 employee, elected official, or retiree to contribute a portion
15 of the cost of such coverage under the state plan, subject
16 to any collective bargaining obligation applicable to such
17 employer. If any payment due by a nonstate public employer or
18 nonprofit employer under this section is not timely paid, after
19 the due date interest shall be added to such payment at the
20 prevailing rate of interest, as determined by the department.
21 Such interest shall be paid by the nonstate public employer or
22 nonprofit employer.
23 2. The department shall charge a nonstate public employer
24 or nonprofit employer participating in the state plan pursuant
25 to the Iowa health care coverage partnership program, an
26 administrative fee calculated on a per-month basis per covered
27 employee, elected official, or retiree.
28 3. Payments made pursuant to this section shall be
29 deposited in the health insurance administration fund created
30 in section 8A.454. Moneys deposited in the health insurance
31 administration fund pursuant to this section shall be
32 separately accounted for and shall be expended for payment
33 of insurance premiums for employees, elected officials,
34 and retirees covered under the Iowa health care coverage
35 partnership program.

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1 4. If a nonstate public employer fails to make premium
2 payments as required under this section, the department may
3 direct the treasurer of state, or any other office of the state
4 that is the custodian of any moneys made available by reason of
5 any grant, allocation, or appropriation by the state or state
6 agencies payable to the nonstate public employer at any time
7 subsequent to the failure of the nonstate public employer, to
8 pay such premiums and interest that are due and unpaid and
9 to withhold payment of moneys payable to the nonstate public
10 employer until the amount of the premiums and interest then due
11 and unpaid by the nonstate public employer has been paid to
12 the state or until the treasurer determines that arrangements,
13 satisfactory to the treasurer of state, have been made for the
14 payment of such premiums and interest. However, such moneys
15 shall not be withheld from a nonstate public employer if such
16 withholding will adversely affect the receipt of any federal
17 grant or aid in connection with such moneys.
18 5. If a nonprofit employer fails to make premium payments,
19 the department may terminate the nonprofit employer's employee
20 or retiree participation in the state plan pursuant to the
21 Iowa health care coverage partnership program and request the
22 attorney general to recover any premiums and interest due and
23 unpaid.
24 Sec. 8. EFFECTIVE DATE. This Act takes effect January 1,
25 2013.
26 EXPLANATION
27 This bill establishes the Iowa health care coverage
28 partnership program in the department of administrative
29 services (DAS). The program allows employees, elected
30 officials, and retired employees of a nonstate public employer,
31 and employees and retirees of a nonprofit employer to be
32 considered state employees for the purpose of enrolling in a
33 state health or medical group insurance plan provided to state
34 employees by DAS and requires such participating employees
35 and elected officials, and retirees to be pooled with state

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1 employees in the state plan. In order to be eligible to
2 participate in the partnership program, an employer must apply
3 for the coverage and all employees and elected officials of
4 such an employer must agree to enroll in a state health or
5 medical insurance plan. Employees and elected officials
6 of such employers receive health coverage under the same
7 conditions as state employees and shall not be denied coverage
8 on the basis of risk, cost, preexisting conditions, or other
9 factors not applicable to state employees.
10 Premium payments for coverage received through the program
11 must be the same as for state employees, including any premiums
12 paid by state employees. An employer must participate in the
13 partnership program for at least three years.
14 DAS is required to develop and procure coverage to be offered
15 through the partnership program that meets minimum standards
16 of quality and affordability and to implement and administer
17 the program. DAS is not required to offer coverage through the
18 partnership program from every vendor providing coverage under
19 the state plan, and may procure coverage from different vendors
20 and offer different insurance plans than those available to
21 state employees.
22 Each employer who participates in the Iowa health care
23 coverage partnership program must pay monthly premium amounts
24 for coverage to DAS, plus administrative fees calculated on a
25 per-month basis per employee, elected official, or retiree. An
26 employer may require each covered employee, elected official,
27 or retiree to contribute a portion of the cost of such coverage
28 under the state plan, subject to any collective bargaining
29 obligations. The payments are to be deposited in the health
30 insurance administration fund created in Code section 8A.454
31 for state employee premium payments, but must be separately
32 accounted for and expended for coverage being provided pursuant
33 to the partnership program.
34 If monthly premium payments are not made, DAS may charge
35 interest on the unpaid balance. If a nonstate public employer

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1 fails to make premium payments, DAS may direct the treasurer
2 of state to withhold grants, allocations, or appropriations
3 payable to the nonstate public employer, until the premium
4 payments are made. If a nonprofit employer fails to make
5 premium payments, DAS may terminate participation of that
6 employer's employees and retirees in the state plan and
7 request the attorney general to recover the unpaid premiums and
8 interest.
9 For purposes of the program, a "nonstate public employer" is
10 a political subdivision of the state, including but not limited
11 to counties, cities, community colleges, quasi-public agencies,
12 and school districts. A "nonprofit employer" is a corporation
13 organized or recognized as a nonprofit corporation under state
14 or federal law.
15 The bill takes effect January 1, 2013.

Senate File 2109 - Introduced

SENATE FILE 2109
BY DANIELSON

(COMPANION TO HF 2111 BY WOLFE)

A BILL FOR

1 An Act relating to elimination of the authorization for a court
2 to order the payment of a postsecondary education subsidy in
3 dissolution of marriage proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5614SS (1) 84
pf/nh

S.F. 2109

Section 1. Section 252D.16, subsection 3, Code 2011, is amended to read as follows:

3. *"Support"* or *"support payments"* means any amount which the court or administrative agency may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree entered under chapter 232, 234, 252A, 252C, 252F, 252H, 598, 600B, or any other comparable chapter, and may include child support, maintenance, medical support as defined in chapter 252E, spousal support, and any other term used to describe these obligations. These obligations may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability. The obligations may include support for a child eighteen or more years of age with respect to whom a child support order has been issued pursuant to the laws of a foreign jurisdiction. ~~These obligations shall not include amounts for a postsecondary education subsidy as defined in section 598.1.~~

Sec. 2. Section 598.1, subsection 8, Code 2011, is amended by striking the subsection.

Sec. 3. Section 598.20, Code 2011, is amended to read as follows:

598.20 Forfeiture of marital rights.

When a dissolution of marriage is decreed the parties shall forfeit all rights acquired by marriage which are not specifically preserved in the decree. This provision shall not obviate any of the provisions of section 598.21, 598.21A, 598.21B, 598.21C, 598.21D, or 598.21E~~, or 598.21F~~.

Sec. 4. Section 598.22, subsection 5, Code 2011, is amended to read as follows:

5. Prompt payment of sums required to be paid under sections 598.10, 598.21A, 598.21B, 598.21C, and 598.21E~~, and 598.21F~~ is the essence of such orders or judgments and the court may act pursuant to section 598.23 regardless of whether the amounts in default are paid prior to the contempt hearing.

Sec. 5. Section 600.11, subsection 2, paragraph a,

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subparagraph (6), Code Supplement 2011, is amended to read as follows:

(6) A person who is ordered to pay support ~~or a postsecondary education subsidy~~ pursuant to ~~section 598.21F, or~~ chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter of the Code, for a person eighteen years of age or older who is being adopted by a stepparent, and the support order or order requires payment of support ~~or postsecondary education subsidy~~ for any period of time after the child reaches eighteen years of age.

Sec. 6. REPEAL. Section 598.21F, Code 2011, is repealed.

EXPLANATION

This bill repeals provisions authorizing the court to order payment of a postsecondary education subsidy. A postsecondary education subsidy is an amount which either of the parties to a dissolution may be required to pay for educational expenses of a child who is between the ages of 18 and 22 years of age if the child is regularly attending a course of vocational-technical training; is, in good faith, a full-time student in a college, university, or community college; or has been accepted for admission to a college, university, or community college.

Senate File 2110 - Introduced

SENATE FILE 2110
BY HANCOCK

A BILL FOR

1 An Act relating to the rebate of state sales tax to the owner or
2 operator of a baseball and softball tournament facility and
3 movie site.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5471XS (6) 84
mm/sc

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1 Section 1. FINDINGS. The general assembly finds that a
2 baseball and softball tournament facility and movie site in
3 Iowa would result in a substantial economic benefit to the
4 state and would offer thousands of competitors and visitors the
5 opportunity to experience and discover Iowa.
6 The general assembly further finds that the development
7 of the baseball and softball tournament facility and movie
8 site, including a year-round training facility, would enhance
9 the economic development of the area through an increase in
10 tourism.
11 The general assembly further finds that the rebate of state
12 sales tax collected at the baseball and softball tournament
13 facility and movie site to assist in the development of such
14 facility and complex would further tourism and is a public
15 purpose for which state funds may be used.
16 The general assembly further finds that the rebate of state
17 sales tax to the baseball and softball tournament facility and
18 movie site should be considered a program to be used as a means
19 to increase tourism into the state.
20 Sec. 2. Section 423.4, Code Supplement 2011, is amended by
21 adding the following new subsection:
22 NEW SUBSECTION. 10. *a.* For purposes of this subsection:
23 (1) *"Baseball and softball tournament facility and movie*
24 *site"* means a baseball and softball tournament complex and
25 tourist destination, which facility is located on a maximum of
26 two hundred seventy-nine acres, located inside or within three
27 miles of the city limits of a city with a population of at least
28 four thousand but not more than five thousand five hundred
29 residents, which city is located in a county with a population
30 of at least ninety-three thousand but not more than one hundred
31 thousand residents and where the construction on the baseball
32 and softball tournament facility commenced not later than one
33 year following the enactment of this Act, and the cost of the
34 construction upon completion was at least thirty-eight million
35 dollars.

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(2) *"Change of control"* means any of the following:
(a) Any change in the ownership of the original or any subsequent legal entity that is the owner or operator of the baseball and softball tournament facility and movie site such that more than fifty percent of the equity interests in the legal entity cease to be owned by individuals who are residents of Iowa, an Iowa corporation, or combination of both.
(b) The original owners of the legal entity that is the owner or operator of the baseball and softball tournament facility and movie site shall collectively cease to own more than fifty percent of the voting equity interests of such legal entity or shall otherwise cease to have effective control of such legal entity.
(3) *"Iowa corporation"* means a corporation incorporated under the laws of Iowa where at least fifty percent of the corporation's equity interests are owned by individuals who are residents of Iowa.
(4) *"Owner or operator"* means a for-profit legal entity where at least fifty percent of its equity interests are owned by individuals who are residents of Iowa, an Iowa corporation, or combination of both and that is the owner or operator of a baseball and softball tournament facility and movie site and is primarily a promoter of baseball and softball tournaments.
(5) *"Population"* means the population based upon the 2010 certified federal census.
b. The owner or operator of a baseball and softball tournament facility and movie site may apply to the department for a rebate of sales tax imposed and collected by retailers upon sales of any goods, wares, merchandise, admission tickets, or services furnished to purchasers at the baseball and softball tournament facility and movie site.
c. The rebate may be obtained only in the following amounts and manner and only under the following conditions:
(1) On forms furnished by the department within the time period provided by the department by rule, which time period

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1 shall not be longer than quarterly.
2 (2) The owner or operator shall provide information as
3 deemed necessary by the department.
4 (3) The transactions for which sales tax was collected and
5 the rebate is sought occurred on or after January 1, 2014,
6 but before January 1, 2024. However, not more than sixteen
7 million five hundred thousand dollars in total rebates shall be
8 provided pursuant to this subsection.
9 (4) Notwithstanding subparagraph (3), the rebate of sales
10 tax shall cease for transactions occurring on or after the
11 date of the change of control of the baseball and softball
12 tournament facility and movie site.
13 *d.* To assist the department in determining the amount
14 of the rebate, the owner or operator shall identify to the
15 department retailers located at the baseball and softball
16 tournament facility and movie site who will be collecting sales
17 tax. The department shall verify such identity and ensure
18 that all proper permits have been issued. For purposes of
19 this subsection, advance ticket and admissions sales shall be
20 considered occurring at the baseball and softball tournament
21 facility and movie site regardless of where the transactions
22 actually occur.
23 *e.* There is established within the state treasury under the
24 control of the department a baseball and softball tournament
25 facility and movie site sales tax rebate fund consisting of
26 the amount of state sales tax revenues transferred pursuant
27 to section 423.2, subsection 11, paragraph *"b"*, subparagraph
28 (4). An account is created within the fund for each baseball
29 and softball tournament facility and movie site meeting the
30 qualifications of this subsection. Moneys in the fund shall
31 only be used to provide rebates of state sales tax pursuant
32 to this subsection, and only the state sales tax revenues in
33 the baseball and softball tournament facility and movie site
34 rebate fund are subject to rebate under this subsection. Not
35 more than sixteen million five hundred thousand dollars in

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1 total rebates shall be paid from the fund. Any moneys in the
2 fund which represent state sales tax revenue for which the time
3 period in paragraph *"c"* for receiving a rebate has expired,
4 or which otherwise represent state sales tax revenue that has
5 become ineligible for rebate pursuant to this subsection, shall
6 immediately revert to the general fund of this state.
7 *f.* Upon determining that the conditions and requirements
8 of this subsection and the department are met, the department
9 shall issue a warrant from the applicable account within the
10 baseball and softball tournament facility and movie site rebate
11 fund to the owner or operator in the amount equal to the amount
12 claimed and verified by the department.
13 *g.* This subsection is repealed June 30, 2024, or thirty
14 days following the date on which sixteen million five hundred
15 thousand dollars in total rebates have been provided, or thirty
16 days following the date on which rebates cease as provided in
17 paragraph *"c"*, subparagraph (4), whichever is the earliest.
18 Sec. 3. Section 423.2, subsection 11, Code Supplement 2011,
19 is amended to read as follows:
20 11. *a.* (1) All revenues arising under the operation of the
21 provisions of this section shall be deposited into the general
22 fund of the state.
23 (2) Subsequent to the deposit into the general fund of
24 the state, the director shall credit an amount equal to the
25 product of the sales tax rate imposed in this section times
26 the sales price of the tangible personal property or services
27 furnished to purchasers at a baseball and softball tournament
28 facility and movie site meeting the qualifications of section
29 423.4, subsection 10, into the baseball and softball tournament
30 facility and movie site sales tax rebate fund created under
31 section 423.4, subsection 10, paragraph *"e"*. The director
32 shall credit the moneys beginning the first day of the quarter
33 following the effective date of this Act. This subparagraph is
34 repealed June 30, 2024, or thirty days following the date on
35 which sixteen million five hundred thousand dollars in total

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rebates have been provided under section 423.4, subsection 10, or thirty days following the date on which rebates cease as provided in section 423.4, subsection 10, paragraph *"c"*, subparagraph (4), whichever is earliest.

b. Subsequent to the deposit into the general fund of the state ~~and after the transfer of such~~ pursuant to paragraph *"a"*, the department shall do the following in the order prescribed:

(1) Transfer the revenues collected under chapter 423B~~, the department shall transfer~~.

(2) Transfer from the remaining revenues the amounts required under Article VII, section 10, of the Constitution of the State of Iowa to the natural resources and outdoor recreation trust fund created in section 461.31, if applicable.

(3) Transfer one-sixth of ~~such~~ the remaining revenues to the secure an advanced vision for education fund created in section 423F.2. This ~~paragraph~~ subparagraph (3) is repealed December 31, 2029.

(4) Transfer to the baseball and softball tournament facility and movie site sales tax rebate fund that portion of the sales tax receipts described in paragraph *"a"*, subparagraph (2), remaining after the transfers required under subparagraphs (1), (2), and (3) of this paragraph *"b"*. This subparagraph is repealed June 30, 2024, or thirty days following the date on which sixteen million five hundred thousand dollars in total rebates have been provided under section 423.4, subsection 10, or thirty days following the date on which rebates cease as provided in section 423.4, subsection 10, paragraph *"c"*, subparagraph (4), whichever is earliest.

EXPLANATION

This bill authorizes the department of revenue to rebate sales tax collected by retailers on purchases made at a baseball and softball tournament facility and movie site. To be eligible for the rebate the baseball and softball tournament facility and movie site must be located on a maximum of 279 acres and located inside or within three miles of the city

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limits of a city with a population between 4,000 and 5,500, which is located in a county with a population between 93,000 and 100,000. In addition, construction on the facility must commence not later than one year following the enactment of the bill, and the cost of the construction must be at least $38 million.

The person eligible to receive the rebate is the owner or operator of the baseball and softball tournament facility and movie site. The rebate of sales tax only applies to the sales tax collected on transactions occurring on or after January 1, 2014, and before January 1, 2024, and shall only be paid from the baseball and softball tournament facility and movie site sales tax rebate fund created in the bill.

The bill creates the baseball and softball tournament facility and movie site sales tax rebate fund consisting of the remaining amount of state sales tax revenue collected upon tangible personal property or services furnished to purchasers at the baseball and softball tournament facility and movie site after subtracting the local option sales tax under Code chapter 423B, the natural resources and outdoor recreation trust fund transfer pursuant to Article VII, section 10, of the Constitution of the State of Iowa if applicable, and the secure an advanced vision for education fund transfer pursuant to Code section 423F.2. Rebates are paid only from this rebate fund and are limited to the amounts in the fund. The total amount that may be rebated from the fund and under the bill is $16.5 million.

The rebate ceases if control of the facility changes. The rebate provision is repealed June 30, 2024, or 30 days after a total of $16.5 million has been rebated, whichever occurs earlier.

Senate File 2111 - Introduced

SENATE FILE 2111
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3055)

A BILL FOR

1 An Act relating to crime victims, including restitution plan
2 hearings, crime victim compensation, and the identity theft
3 passport program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5291SV (2) 84
rh/nh

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1 Section 1. Section 715A.9A, subsection 1, paragraph a, Code
2 2011, is amended to read as follows:
3 *a.* Is a victim of identity theft in this state as described
4 in section 715A.8 or is a resident of this state who is a victim
5 of identity theft.
6 Sec. 2. Section 910.7, subsections 2 and 3, Code 2011, are
7 amended to read as follows:
8 2. After a petition has been filed, the court, at any time
9 prior to the expiration of the offender's sentence, provided
10 the required notice has been given pursuant to subsection
11 3, may hold a hearing and modify the plan of restitution or
12 the restitution plan of payment, or both, and may extend
13 the period of time for the completion of restitution. If a
14 hearing involving the crime victim compensation program is
15 conducted, an employee of the crime victim compensation program
16 or the attorney for the crime victim compensation program may
17 participate by telephone.
18 3. If a petition related to a plan of restitution has
19 been filed, the offender, the county attorney, the department
20 of corrections if the offender is currently confined in a
21 correctional institution, the office or individual who prepared
22 the offender's restitution plan, other witnesses, and the
23 victim shall receive notice prior to any hearing under this
24 section.
25 Sec. 3. Section 915.80, subsection 2, Code 2011, is amended
26 to read as follows:
27 2. *a.* *"Crime"* means any of the following:
28 (1) ~~conduct~~ Conduct that occurs or is attempted in this
29 state, poses a substantial threat of personal injury or death,
30 and is punishable as a felony or misdemeanor, or would be so
31 punishable but for the fact that the person engaging in the
32 conduct lacked the capacity to commit the crime under the laws
33 of this state.
34 (2) A violation of section 715A.8.
35 (3) The financial exploitation of a person who is sixty-five

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1 years of age or older or is a dependent adult as defined
2 in section 235B.2. For the purposes of this subparagraph,
3 *"financial exploitation"* means the criminal act or process of
4 taking unfair advantage of a person for one's own personal or
5 pecuniary profit, without the informed consent of the person,
6 including theft, by the use of undue influence, harassment,
7 duress, deception, false representation, false pretenses,
8 forgery, fraudulent practices, or securities fraud.
9 *b.* *"Crime"* does not include conduct arising out of the
10 ownership, maintenance, or use of a motor vehicle, motorcycle,
11 motorized bicycle, train, boat, or aircraft except for
12 violations of section 321.261, 321.277, 321J.2, 462A.7,
13 462A.12, 462A.14, or 707.6A, or when the intention is to cause
14 personal injury or death.
15 *c.* A license revocation under section 321J.9 or 321J.12
16 shall be considered by the department as evidence of a
17 violation of section 321J.2 for the purposes of this
18 subchapter. A license suspension or revocation under section
19 462A.14, 462A.14B, or 462A.23 shall be considered by the
20 department as evidence of a violation of section 462A.14 for
21 the purposes of this subchapter.
22 Sec. 4. Section 915.80, Code 2011, is amended by adding the
23 following new subsection:
24 NEW SUBSECTION. 4A. *"Homicide victim survivor"* means any
25 of the following:
26 *a.* A homicide victim's spouse, parent, child, grandparent,
27 aunt, uncle, niece, nephew, sibling, grandchild, first cousin,
28 great-grandparent, great-aunt, great-uncle, great-niece,
29 great-nephew, great-grandchild, fiance, legal custodian,
30 legal ward, legal guardian, step-parent, step-child,
31 step-sibling, step-grandparent, step-aunt, step-uncle,
32 step-grandchild, step-niece, step-nephew, step-first-cousin,
33 step-great-grandchild, step-great-grandparent, foster child,
34 foster parent, foster sibling, brother-in-law, sister-in-law,
35 mother-in-law, father-in-law, daughter-in-law, son-in-law,

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1 step-brother-in-law, step-sister-in-law, step-mother-in-law,
2 step-father-in-law, step-daughter-in-law, or step-son-in-law.
3 *b.* The spouses of persons identified in paragraph *"a"*.
4 *c.* A former intimate partner of a homicide victim who has
5 legal guardianship of the victim's children.
6 *d.* A person cohabiting with a homicide victim at the time
7 of the crime.
8 Sec. 5. Section 915.86, subsections 3, 4, 9, 10, 13, 14, and
9 15, Code Supplement 2011, are amended to read as follows:
10 3. Loss of reasonable income from work that ~~the victim's~~
11 ~~parent or caretaker~~ a secondary victim would have performed and
12 for which ~~the victim's parent or caretaker~~ a secondary victim
13 would have received remuneration ~~for up to three days after~~
14 ~~the crime or the discovery of the crime~~ to allow ~~the victim's~~
15 ~~parent or caretaker~~ a secondary victim to assist the victim
16 and when ~~the victim's parent or caretaker~~ a secondary victim
17 accompanies the victim to medical and counseling services,
18 not to exceed one thousand dollars per ~~parent or caretaker~~
19 secondary victim.
20 4. Loss of reasonable income from work that the victim, ~~the~~
21 ~~victim's parent or caretaker, or the survivor of a homicide~~
22 ~~victim as described in subsection 10~~ a secondary victim, or a
23 homicide victim survivor would have performed and for which
24 that person would have received remuneration, where the loss of
25 income is a direct result of cooperation with the investigation
26 and prosecution of the crime or attendance at medical or
27 counseling services, funerals, or criminal justice proceedings
28 including the trial and sentencing in the case, not to exceed
29 one thousand dollars per person.
30 9. In the event of a homicide, reasonable charges incurred
31 for health care for ~~the victim's spouse; child, foster child,~~
32 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
33 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
34 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
35 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~

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1 ~~with the victim,~~ a homicide victim survivor, not to exceed
2 three thousand dollars per homicide victim survivor.
3 10. In the event of a homicide, loss of reasonable income
4 from work that, but for the death of the victim, would have
5 been earned by ~~the victim's spouse; child, foster child,~~
6 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
7 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
8 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
9 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~
10 ~~with the victim~~ a homicide victim survivor, not to exceed six
11 thousand dollars per homicide victim survivor.
12 13. Reasonable dependent care expenses incurred by the
13 victim, ~~the victim's parent or caretaker, or the survivor of~~
14 ~~a homicide victim as described in subsection 10~~ a secondary
15 victim, or a homicide victim survivor for the care of
16 dependents while attending medical or counseling services,
17 funerals, or criminal justice proceedings ~~or medical or~~
18 ~~counseling services~~ including the trial and sentencing in the
19 case, not to exceed one thousand dollars per person.
20 14. Reasonable expenses incurred by a victim, ~~the victim's~~
21 ~~parent or caretaker, or the survivor of a homicide victim as~~
22 ~~described in subsection 10~~ a secondary victim, or a homicide
23 victim survivor to replace or install locks, windows, and other
24 residential security items at the victim's or homicide victim
25 survivor's residence or at the residential scene of a crime,
26 not to exceed five hundred dollars per residence.
27 15. Reasonable expenses incurred by the victim, a secondary
28 victim, ~~the parent or guardian of a victim, or the survivor of~~
29 ~~a homicide victim as described in subsection 10~~ or a homicide
30 victim survivor for transportation to medical~~,~~ or counseling
31 services, ~~funeral~~ funerals, or criminal justice proceedings
32 including the trial and sentencing in the case, not to exceed
33 one thousand dollars per person.
34 Sec. 6. Section 915.87, Code 2011, is amended by adding the
35 following new subsection:

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1 NEW SUBSECTION. 3. Compensation shall not be made to a
2 secondary victim or a homicide victim survivor if the victim
3 is ineligible for compensation.
4 Sec. 7. Section 915.94, Code 2011, is amended to read as
5 follows:
6 **915.94 Victim compensation fund.**
7 1. A victim compensation fund is established as a separate
8 fund in the state treasury. Moneys deposited in the fund shall
9 be administered by the department and dedicated to and used
10 for the purposes of section 915.41 and this subchapter. In
11 addition, the department may use moneys from the fund for ~~the~~
12 ~~purpose of~~ the following:
13 *a.* The department's prosecutor-based victim service
14 coordination, including the duties defined in sections 910.3
15 and 910.6 and this chapter~~,~~.
16 *b.* ~~and for the~~ To award ~~of~~ funds to programs that provide
17 services and support to victims of domestic abuse or sexual
18 assault as provided in chapter 236, to victims under section
19 710A.2, and for the support of an automated victim notification
20 system established in section 915.10A.
21 *c.* To implement the identity theft passport program
22 established by rule pursuant to section 715A.9A.
23 2. The department may also use up to one hundred thousand
24 dollars from the fund to provide training for victim service
25 providers.
26 3. Notwithstanding section 8.33, any balance in the fund on
27 June 30 of any fiscal year shall not revert to the general fund
28 of the state.
29 EXPLANATION
30 This bill relates to crime victims, including restitution
31 plan hearings, crime victim compensation, and the identity
32 theft passport program.
33 The bill allows for the issuance of an identity theft
34 passport to a person who is a resident of Iowa who is the
35 subject of identity theft outside of Iowa, in addition to

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1 victims of identity theft in Iowa.
2 The bill provides that if a hearing involving the crime
3 victim compensation program is conducted, an employee of the
4 crime victim compensation program of the department of justice
5 or the program's attorney may participate in the hearing by
6 telephone. The bill includes witnesses in the list of persons
7 and entities who shall receive notice that a petition relating
8 to a plan of restitution has been filed.
9 The bill expands the definition of a "crime" for purposes of
10 the crime victim compensation program to include a violation
11 of Code section 715A.8 (identity theft) and the financial
12 exploitation of a person who is 65 or older or who is a
13 dependent adult as defined in Code section 235B.2. "Financial
14 exploitation" means the criminal act or process of taking
15 unfair advantage of a person for one's own personal or
16 pecuniary profit, without the informed consent of the person,
17 including theft, by the use of undue influence, harassment,
18 duress, deception, false representation, false pretenses,
19 forgery, fraudulent practices, or securities fraud.
20 The bill distinguishes two categories of persons who are
21 eligible for compensation for economic losses incurred as a
22 direct result of an injury to or death of a victim: a "homicide
23 victim survivor" (defined in the bill) and a "secondary victim"
24 (defined in Code section 915.80).
25 The bill specifies that a loss of income due to missed work
26 days for various categories of persons who may be awarded crime
27 victim compensation shall be computed based upon the loss of
28 reasonable income. The bill includes an award of compensation
29 for such income for missed work days that the victim, secondary
30 victim, or a homicide victim survivor would have performed
31 where the loss of income is due to attendance at medical or
32 counseling services or funerals, in addition to current law
33 which allows compensation in such cases for attendance at
34 criminal justice proceedings. The bill also includes an award
35 of compensation for reasonable dependent care expenses incurred

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1 by a victim, secondary victim, or a homicide survivor due to
2 attendance at funerals.
3 The bill provides that compensation shall not be made to a
4 secondary victim or a homicide victim survivor if the victim
5 is ineligible for compensation.
6 The bill allows moneys from the victim compensation fund
7 to be used to implement the identity theft passport program
8 established by rule pursuant to Code section 715A.9A.

Senate File 2112 - Introduced

SENATE FILE 2112
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SF 2037)

A BILL FOR

1 An Act allowing a veteran to request that the veteran's
2 driver's license or nonoperator's identification card be
3 marked with the word "VETERAN" to indicate veteran status.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5540SV (2) 84
aw/nh

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1 Section 1. Section 321.189, Code 2011, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 8. *Veterans status.* Beginning no later
4 than July 1, 2013, a licensee who is an honorably discharged
5 veteran of the armed forces of the United States seeking to
6 obtain a license, other than a replacement license, pursuant
7 to this section may request that such a license be marked to
8 reflect the licensee's veteran status. Upon such a request
9 the word "VETERAN" shall be marked prominently on the face
10 of the license. Such a license shall be issued only upon
11 receipt of satisfactory proof of veteran status pursuant to
12 procedures established by the department in consultation with
13 the department of veterans affairs. This subsection shall
14 not apply to duplicate or substitute licenses or nonoperator
15 identification cards obtained pursuant to section 321.195.
16 Sec. 2. Section 321.190, subsection 1, paragraph b, Code
17 Supplement 2011, is amended to read as follows:
18 *b.* (1) The department shall not issue a card to a person
19 holding a driver's license. However, a card may be issued to a
20 person holding a temporary permit under section 321.181. The
21 card shall be identical in form to a driver's license issued
22 under section 321.189 except the word "nonoperator" shall
23 appear prominently on the face of the card.
24 (2) A nonoperator's identification card issued to a person
25 under eighteen years of age shall contain the same information
26 as any other nonoperator's identification card except that the
27 words "under eighteen" shall appear prominently on the face of
28 the card.
29 (3) A nonoperator's identification card issued to a
30 person eighteen years of age or older but under twenty-one
31 years of age shall contain the same information as any other
32 nonoperator's identification card except that the words "under
33 twenty-one" shall appear prominently on the face of the card.
34 (4) A nonoperator's identification card issued to an
35 honorably discharged veteran of the armed forces of the United

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1 States who satisfies the requirements of section 321.189,
2 subsection 8, shall contain the same information as any other
3 nonoperator's identification card except the word "VETERAN"
4 shall appear prominently on the face of the card.
5 EXPLANATION
6 This bill provides that by July 1, 2013, a person who is a
7 veteran of the armed forces of the United States may request
8 to have that status noted on the person's driver's license
9 or nonoperator's identification card. A veteran may not
10 request that such status appear on a replacement, duplicate,
11 or substitute license or nonoperator's identification card. A
12 veteran making such a request is required to provide proof of
13 veteran status. The license card issued to the veteran will
14 have the word "VETERAN" marked prominently on its face.

Senate File 2113 - Introduced

SENATE FILE 2113
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3058)

A BILL FOR

1 An Act relating to the identification of owners of blinds and
2 stands for hunting deer and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5602SV (2) 84
av/nh

S.F. 2113

1 Section 1. NEW SECTION. **481A.41 Blinds and stands for**
2 **hunting deer.**
3 A person shall not use a blind or stand for hunting deer
4 unless the blind or stand is affixed with and exhibits a
5 weather-resistant tag or other form of identification which
6 plainly shows the name, hunting license number, and address of
7 the owner of the blind or stand. For purposes of this section,
8 *"blind or stand"* means an enclosure used for concealment while
9 hunting deer, constructed either wholly or partially from
10 man-made materials, and used by a person who is hunting deer
11 for the purpose of hiding from sight. A *"blind or stand"* is not
12 a naturally occurring landscape feature or an arrangement of
13 natural or agricultural plant material that a deer hunter uses
14 for concealment. The natural resource commission shall adopt
15 rules pursuant to chapter 17A to implement this section.
16 Sec. 2. Section 805.8B, subsection 3, paragraph b, Code
17 2011, is amended to read as follows:
18 *b.* For violations of sections 481A.41, 481A.54, 481A.69,
19 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.19, and 483A.27,
20 the scheduled fine is twenty dollars.
21 EXPLANATION
22 This bill requires that a blind or stand used for hunting
23 deer must be affixed with and exhibit a weather-resistant tag
24 or other form of identification which plainly shows the name,
25 hunting license number, and address of the owner of the blind
26 or stand. For purposes of the bill, a "blind or stand" is an
27 enclosure used for concealment while hunting deer, constructed
28 either wholly or partially from man-made materials, and used
29 by a person who is hunting deer for the purpose of hiding
30 from sight. A "blind or stand" does not include a naturally
31 occurring landscape feature or an arrangement of natural
32 or agricultural plant material that a deer hunter uses for
33 concealment. The natural resource commission is required
34 to adopt rules to implement the provisions of the bill. A
35 violation of the provisions of the bill is punishable by a

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1 scheduled fine of $20.

Senate File 2114 - Introduced

SENATE FILE 2114
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3112)

A BILL FOR

1 An Act relating to establishment of the state percent of growth
2 for purposes of the state school foundation program and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6021SV (1) 84
md/sc

S.F. 2114

1 Section 1. Section 257.8, subsection 1, Code Supplement
2 2011, is amended to read as follows:
3 1. *State percent of growth.* ~~The state percent of growth~~
4 ~~for the budget year beginning July 1, 2010, is two percent.~~
5 The state percent of growth for the budget year beginning July
6 1, 2012, is two percent. The state percent of growth for the
7 budget year beginning July 1, 2013, is four percent. The state
8 percent of growth for each subsequent budget year shall be
9 established by statute which shall be enacted within thirty
10 days of the submission in the year preceding the base year of
11 the governor's budget under section 8.21. The establishment of
12 the state percent of growth for a budget year shall be the only
13 subject matter of the bill which enacts the state percent of
14 growth for a budget year.
15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.
17 Sec. 3. APPLICABILITY. This Act is applicable for computing
18 state aid under the state school foundation program for the
19 school budget year beginning July 1, 2013.
20 EXPLANATION
21 This bill establishes a state percent of growth of 4
22 percent for purposes of the state school foundation program
23 for the school budget year beginning July 1, 2013. The bill
24 takes effect upon enactment and is applicable for state aid
25 computation under the state school foundation program for the
26 school budget year beginning July 1, 2013.

Senate File 2115 - Introduced

SENATE FILE 2115
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3113)

A BILL FOR

1 An Act relating to establishment of the categorical state
2 percent of growth for purposes of the state school
3 foundation program and including effective date and
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6022SV (2) 84
md/sc

S.F. 2115

Section 1. Section 257.8, subsection 2, Code Supplement 2011, is amended to read as follows:

2. *Categorical state percent of growth.* ~~The categorical state percent of growth for the budget year beginning July 1, 2010, is two percent.~~ The categorical state percent of growth for the budget year beginning July 1, 2012, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2013, is four percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, and the early intervention supplement.

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

Sec. 3. APPLICABILITY. This Act is applicable for computing state aid under the state school foundation program for the school budget year beginning July 1, 2013.

EXPLANATION

This bill establishes a categorical state percent of growth of 4 percent for purposes of the state school foundation program for the school budget year beginning July 1, 2013. The categorical state percent of growth includes the teacher salary supplement, the professional development supplement, and the early intervention supplement. The bill takes effect upon enactment and is applicable for computing state aid under the state school foundation program for the school budget year beginning July 1, 2013.

Senate Resolution 103 - Introduced

SENATE RESOLUTION NO. 103
BY BEHN, JOHNSON, CHELGREN, KAPUCIAN, WHITVER, SEYMOUR, BOETTGER, KETTERING, ANDERSON, BERTRAND, ERNST, FEENSTRA, HAMERLINCK, DIX, SORENSON, GREINER, SMITH, HOUSER, ZAUN, McKINLEY, BARTZ, WARD, BACON, and HAHN

1 A Resolution in support of the completion of the
2 Keystone XL pipeline project.
3 WHEREAS, the United States relies, and will continue
4 to rely for many years, on gasoline, diesel, and jet
5 fuel despite a recent focus on the development and
6 utilization of alternative and renewable sources of
7 energy; and
8 WHEREAS, additional amounts of oil and natural
9 gas, as well as alternative sources of energy,
10 will be necessary in order to expand this country's
11 economy; and
12 WHEREAS, the United States currently depends on
13 foreign imports for more than one-half of its petroleum
14 usage, and as the largest consumer of petroleum in the
15 world, this dependence has created difficult political
16 relationships with damaging consequences for this
17 country's national security; and
18 WHEREAS, oil shale deposits in the Bakken Reserves
19 in Montana, North Dakota, and South Dakota are an
20 increasingly important crude oil resource, with an
21 estimated 11 billion barrels of recoverable crude oil,
22 and there is not enough pipeline capacity for crude
23 oil supplies from Montana, North Dakota, South Dakota,
24 Oklahoma, and Texas to reach American refineries; and

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25 WHEREAS, Canadian oil reserves contain an estimated
26 173 billion barrels of recoverable oil, and Canada is
27 the single largest supplier of oil to the United States
28 at 2.62 million barrels per day, and Canada has the
1 capacity to significantly increase this rate; and
2 WHEREAS, the Keystone XL pipeline will, when
3 completed, carry 700,000 barrels of North American
4 oil to American refineries in the Gulf Coast region
5 and the construction of the pipeline will create an
6 estimated 120,000 jobs nationwide, generate $20 billion
7 in economic growth, and generate millions of dollars
8 in government receipts; and
9 WHEREAS, a recent study by the United States
10 Department of Energy found that increasing oil
11 deliveries to American refineries from Montana, North
12 Dakota, South Dakota, Texas, Oklahoma, and Alberta,
13 Canada, to American refineries has the potential to
14 substantially reduce this country's dependency on
15 foreign energy sources; and
16 WHEREAS, Canada sends more than 99 percent of its
17 oil exports to the United States, the bulk of which
18 goes to midwestern refineries, oil companies are
19 investing huge sums to expand and upgrade refineries in
20 the Midwest and elsewhere to make gasoline and other
21 refined products from Canadian oil, and these expansion
22 and upgrade projects will create many construction jobs
23 over the next five years, and add to Iowa's gross state
24 product; and
25 WHEREAS, the same money used to purchase North
26 American oil will likely later be spent directly on

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27 United States goods and services in contrast with money
28 sent to hostile oil-producing governments that is later
29 used to further antidemocratic agendas; NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, That the Senate
1 supports the continued and increased development
2 and delivery of oil derived from North American oil
3 reserves to American refineries and urges the United
4 States Congress to similarly support that continued and
5 increased development and delivery; and
6 BE IT FURTHER RESOLVED, That the Senate urges the
7 United States Congress to request the approval of the
8 Keystone XL pipeline project, which has been awaiting
9 a permit since 2008 in order to reduce dependence on
10 unstable governments, improve this country's national
11 security, and strengthen ties with an important
12 ally; and
13 BE IT FURTHER RESOLVED, That copies of this
14 resolution be sent to the members of Iowa's
15 congressional delegation.

Senate Study Bill 3119 - Introduced

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

A BILL FOR

1 An Act relating to energy recovery as a form of recycling for
2 waste volume reduction purposes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5772SC (1) 84
tm/nh

S.F. _____

1 Section 1. Section 455D.1, subsection 6, Code 2011, is
2 amended to read as follows:
3 6. *"Recycling"* means any process by which waste, or
4 materials which would otherwise become waste, are collected,
5 separated, or processed and revised or returned to use in the
6 form of raw materials or products. *"Recycling"* includes but
7 is not limited to the composting of yard waste which has been
8 previously separated from other waste~~, but does not include any~~
9 ~~form of energy recovery~~.
10 EXPLANATION
11 This bill relates to energy recovery as a form of recycling.
12 Currently, in Code chapter 455D relating to waste volume
13 reduction, the term "recycling" does not include any form
14 of energy recovery. The bill provides that energy recovery
15 is included in the term recycling thereby including energy
16 recovery within the provisions of Code chapter 455D relating to
17 waste reduction policies and goals.

Senate Study Bill 3120 - Introduced

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

A BILL FOR

1 An Act relating to the registration of motor trucks, truck
2 tractors, trailers, and semitrailers and providing for
3 apportioned registration of commercial motor vehicles
4 under the international registration plan, and including
5 implementation provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5313DP (14) 84
dea/nh

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Section 1. Section 321.1, subsection 60, Code Supplement 2011, is amended to read as follows:

60. *"Registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month of the birth of the owner of the vehicle for vehicles registered by the county treasurer ~~and the calendar year for vehicles registered by the department or motor trucks and truck tractors with a combined gross weight exceeding five tons which are registered by the county treasurer~~. For leased vehicles registered by the county treasurer, ~~except for motor trucks and truck tractors with a combined gross weight exceeding five tons,~~ *"registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month in which the lease expires. For vehicles registered under chapter 326, *"registration year"* means the twelve-month period determined by the department pursuant to section 326.14.

Sec. 2. Section 321.20, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Except as provided in this chapter, an owner of a vehicle subject to registration shall make application to the county treasurer of the county of the owner's residence, or if a nonresident, to the county treasurer of the county where the primary users of the vehicle are located, or if a lessor of the vehicle pursuant to chapter 321F which vehicle has a gross vehicle weight of less than ten thousand pounds, to the county treasurer of the county of the lessee's residence, or if a firm, association, or corporation with vehicles in multiple counties, the owner may make application to the county treasurer of the county where the primary user of the vehicle is located, for the registration and issuance of a certificate of title for the vehicle upon the appropriate form furnished by the department. However, upon the transfer of ownership, the owner of a vehicle subject to the ~~proportional~~ apportioned registration provisions of chapter 326 shall make application

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for ~~registration and~~ issuance of a certificate of title to either the department or the appropriate county treasurer. The application shall be accompanied by a fee of twenty dollars, and shall bear the owner's signature. A nonresident owner of two or more vehicles subject to registration may make application for registration and issuance of a certificate of title for all vehicles subject to registration to the county treasurer of the county where the primary user of any of the vehicles is located. The owner of a mobile home or manufactured home shall make application for a certificate of title under this section from the county treasurer of the county where the mobile home or manufactured home is located. The application shall contain:

Sec. 3. Section 321.20A, Code 2011, is amended to read as follows:

321.20A Certificate of title and registration fees — commercial vehicles.

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the ~~proportional~~ apportioned registration provisions of chapter 326 may make application to the department or the appropriate county treasurer for a certificate of title. The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by a twenty dollar title fee and the appropriate fee for new registration. The department or the county treasurer shall deliver the certificate of title to the owner if there is no security interest. If there is a security interest, the title, when issued, shall be delivered to the first secured party. Delivery may be made using electronic means.

2. An owner of more than fifty commercial vehicles subject to the ~~proportional~~ apportioned registration provisions of chapter 326 who is issued a certificate of title under this section shall not be subject to annual registration fees until the commercial vehicle is driven or moved upon the highways.

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The annual registration fee due shall be prorated for the remaining unexpired months of the registration year. Ownership of the commercial vehicle shall not be transferred until annual registration fees have been paid to the department.

Sec. 4. Section 321.34, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *~~Multiyear~~* *Permanent plates.* In lieu of issuing annual registration plates for trailers, semitrailers, motor trucks, and truck tractors, the department may issue a ~~multiyear registration plate for a three-year period or a~~ permanent registration plate for trailers, ~~and~~ semitrailers, ~~licensed under chapter 326, and a permanent registration plate for~~ motor trucks, and truck tractors licensed under chapter 326, upon payment of the appropriate registration fee. Payment of fees for trailers and semitrailers for a permanent registration plate shall, at the option of the registrant, be made at five-year intervals or on an annual basis. Fees from ~~three-year and~~ five-year payments shall not be reduced or prorated. Payment of fees for motor trucks and truck tractors shall be made on an annual basis.

Sec. 5. Section 321.39, subsections 1 and 3, Code 2011, are amended by striking the subsections.

Sec. 6. Section 321.40, subsection 1, Code 2011, is amended to read as follows:

1. Application for renewal ~~of~~ for a vehicle ~~registration~~ registered under this chapter shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month following the month of expiration of registration. The registration shall be renewed upon payment of the appropriate annual registration fee. Application for renewal for a vehicle registered under chapter 326 shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the ~~month following the~~ month of expiration of registration.

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Sec. 7. Section 321.46A, Code 2011, is amended to read as follows:

321.46A Change from ~~proportional~~ apportioned registration — credit.

An owner changing a vehicle's registration from ~~proportional~~ apportioned registration under chapter 326 to registration under this chapter shall be entitled to a credit on the vehicle's annual registration fees under this chapter. The credit ~~shall~~ may be allowed when the owner surrenders to the county treasurer proof of ~~proportional~~ apportioned registration provided by the department. The amount of the credit shall be calculated based on the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

Sec. 8. Section 321.105, subsection 4, Code 2011, is amended to read as follows:

4. In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued ~~an annual~~ a registration plate under chapter 326, an additional registration fee may be paid for a period of ~~two or~~ four subsequent registration years.

Sec. 9. Section 321.106, subsections 1 and 3, Code 2011, are amended to read as follows:

1. When a vehicle is registered under chapter 326 ~~or a motor truck, truck tractor, or road tractor is registered for a combined gross weight exceeding five tons~~ and there is no delinquency and the registration is made in ~~February or succeeding months through November~~ the second through eleventh month of the registration year, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. ~~A fee shall not be required for the month of December for a vehicle registered on a calendar year basis on which there is no delinquency.~~ However, ~~except for a vehicle registered under chapter 326,~~ when such a vehicle is registered in ~~November~~ the eleventh month of the registration

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1 year, the vehicle may be registered for the remaining unexpired
2 months of the registration year ~~or for the remaining unexpired~~
3 ~~months of the registration year~~ and for the next registration
4 year, upon payment of the applicable registration fees.
5 3. If a fee computed under this section contains a
6 fractional part of a dollar, the fee shall be computed to the
7 nearest whole dollar. A fee computed under this section shall
8 not be less than five dollars. The fee so computed shall be
9 deemed to be the annual registration fee for the remainder
10 of the registration year. This subsection does not apply to
11 vehicles registered under chapter 326.
12 Sec. 10. Section 321.126, subsection 1, paragraphs d and e,
13 Code 2011, are amended to read as follows:
14 *d.* If the vehicle is registered by the county treasurer
15 during the current registration year and the owner or lessee
16 registers the vehicle for ~~proportional~~ apportioned registration
17 under chapter 326, the owner of the registered vehicle shall
18 surrender the registration plates to the county treasurer and
19 may file a claim for refund. In lieu of a refund, a credit
20 for the annual registration fees paid to the county treasurer
21 may be applied by the department to the owner or lessee's
22 ~~proportional~~ apportioned registration fees upon the surrender
23 of the county plates and registration.
24 *e.* A refund for trailers and semitrailers issued a ~~multiyear~~
25 permanent registration plate pursuant to chapter 326 shall be
26 paid by the department upon application.
27 Sec. 11. Section 321.126, subsection 2, Code 2011, is
28 amended to read as follows:
29 2. Notwithstanding any provision of this section to the
30 contrary, there shall be no refund of ~~proportional~~ apportioned
31 registration fees unless the state which issued the base plate
32 for the vehicle allows such refund. If an owner subject to
33 ~~proportional~~ apportioned registration leases the vehicle
34 for which the refund is sought, the claim shall be filed in
35 the names of both the lessee and the lessor and the refund

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payment made payable to both the lessor and the lessee. The term *"owner"* for purposes of this section shall include a person in whom is vested right of possession or control of a vehicle which is subject to a lease, contract, or other legal arrangement vesting right of possession or control in addition to the term as defined in section 321.1, subsection 49.

Sec. 12. Section 321.127, subsections 3 and 4, Code 2011, are amended to read as follows:

3. For trailers or semitrailers issued a ~~multiyear~~ permanent registration plate, a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete registration years.

4. Refunds for vehicles registered for ~~proportional~~ apportioned registration under chapter 326 shall be paid on the basis of unexpired complete calendar months remaining in the registration year from the date the claim for refund~~,~~ and the license plate~~, and registration receipt~~ are received by the department.

Sec. 13. Section 321.134, Code 2011, is amended to read as follows:

321.134 Monthly penalty.

1. On the first day of the second month following the beginning of each registration year a penalty of five percent of the annual registration fee shall be added to the annual registration fees not paid by that date and an additional penalty of five percent shall be added the first day of each succeeding month, until the fee is paid. A penalty shall not be less than five dollars. If the owner of a vehicle surrenders the registration plates for a vehicle prior to the plates becoming delinquent, to the county treasurer of the county where the vehicle is registered, or to the department if the vehicle is registered under chapter 326, the owner may register the vehicle any time thereafter upon payment of the annual registration fee for the registration year without penalty. ~~The penalty on vehicles registered under chapter 326~~

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1 ~~shall accrue February 1 of each year.~~ To avoid a penalty or
2 an additional penalty in the case of a delinquent registration
3 through a county treasurer, if the last calendar day of a month
4 falls on Saturday, Sunday, or a holiday, the payment deadline
5 is extended to include the first business day of the following
6 month. For payments made through a county treasurer's
7 authorized website only, if the last day of the month falls
8 on a Saturday, Sunday, or a holiday, the electronic payment
9 must be initiated by midnight on the first business day of the
10 next month. All other electronic payments must be initiated by
11 midnight on the last day of the month preceding the delinquent
12 date.
13 ~~2. The annual registration fee for trucks, truck tractors,~~
14 ~~and road tractors, as provided in sections 321.121 and 321.122,~~
15 ~~may be payable in two equal semiannual installments if the~~
16 ~~annual registration fee exceeds the annual registration fee~~
17 ~~for a vehicle with a gross weight exceeding five tons. The~~
18 ~~penalties provided in subsection 1 shall be computed on the~~
19 ~~amount of the first installment only and on the first day~~
20 ~~of the seventh month of the registration period the same~~
21 ~~rate of penalty shall apply to the second installment, until~~
22 ~~the fee is paid. Semiannual installments do not apply to~~
23 ~~commercial vehicles, as defined under section 326.2, subject~~
24 ~~to proportional registration, with a base state other than~~
25 ~~the state of Iowa, as defined in section 326.2, subsection 1.~~
26 ~~The penalty on vehicles registered under chapter 326 accrues~~
27 ~~August 1 of each year except as provided in section 326.6. The~~
28 ~~department shall not allow the annual registration fee for a~~
29 ~~commercial vehicle registered under chapter 326 to be paid in~~
30 ~~two equal semiannual installments for five years after the~~
31 ~~registrant has paid the annual registration fee late for two~~
32 ~~consecutive years.~~
33 ~~3.~~ 2. If a penalty applies to an annual vehicle
34 registration fee provided for in sections 321.121 and 321.122,
35 the same penalty shall be assessed on the fees collected to

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increase the registered gross weight of the vehicle, if the increased gross weight is requested within forty-five days from the date the delinquent vehicle is registered for the current registration period.

~~4.~~ 3. Notwithstanding subsections 1 ~~through 3~~ and 2, if a vehicle registration is delinquent for twenty-four months or more, a flat penalty and fee shall be assessed for the delinquent period in addition to the current annual registration fee. The flat penalty and fee shall be one hundred fifty percent of the current annual registration fee.

~~5.~~ 4. The department shall waive the penalties imposed by this section for an owner who is in the military service of the United States and who has been relocated as a result of being placed on active duty on or after September 11, 2001. The department shall adopt rules to implement this subsection, including, if necessary, procedures for refunding penalties collected prior to March 29, 2004.

Sec. 14. Section 321.466, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 15. Section 321.466, subsections 2 and 6, Code 2011, are amended to read as follows:

2. ~~During or after the seventh month of a current registration year, the~~ The owner of a motor truck, truck tractor, or road tractor~~, semitrailer or trailer may, if the owner's operation has not resulted in a conviction or action pending under this section,~~ may increase the gross weight registration of the vehicle to a higher gross weight ~~classification~~ registration by payment of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which ~~it~~ the vehicle is registered, multiplied by the number of unexpired months of the registration year.

6. For the purposes of this section cracked or ground soybeans, ~~sargo~~ sorgo, corn, wheat, rye, oats, or other grain shall be deemed to be raw farm products, provided that such

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products are being directly delivered to a farm, from the place where the whole grain had been delivered from a farm for the purpose of cracking or grinding and immediate delivery to the farm to which such cracked or ground products are being delivered.

Sec. 16. Section 321F.8, Code 2011, is amended to read as follows:

321F.8 Registration of vehicle required.

All motor vehicles which are primarily garaged or located in this state and which are the subject of a lease shall be registered in this state. This section shall not be construed to exempt any motor vehicle from registration which is otherwise subject to registration under the provisions of chapter 321, provided, however, that the provisions of this section shall not apply to motor vehicles in fleets whose registrations are apportioned under the provisions of ~~section 326.2~~ chapter 326.

Sec. 17. Section 326.1, Code 2011, is amended to read as follows:

326.1 Policy.

It is the policy of this state to promote and encourage the fullest possible use of ~~its~~ the state's highway system by authorizing the negotiation and execution of motor vehicle ~~reciprocal or proportional registration agreements, arrangements and declarations with other jurisdictions~~ reciprocity agreements. Apportioned registration shall be conducted in accordance with the international registration plan with respect to vehicles registered in this and ~~such~~ other jurisdictions, thus contributing to the economic and social development and growth of this state.

Sec. 18. Section 326.2, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

326.2 Definitions.

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

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1. *"Commercial vehicle"* means any vehicle which is operated in interstate commerce or combined intrastate and interstate commerce and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

2. *"Department"* means the department of transportation.

3. *"Director"* means the director of transportation or the director's designee.

4. *"International registration plan"* or *"plan"* means the registration reciprocity agreement among states of the United States, the District of Columbia, and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions, in effect on January 1, 2011, or as later amended, published by international registration plan, inc., and available on the plan's internet site.

5. *"Registration fee"* means the annual motor vehicle registration fee imposed pursuant to section 321.105, unless otherwise specified.

6. *"Trip"* for purposes of section 326.23 means:

a. A one-way movement from one point originating outside this state and destined to another point outside this state.

b. A round-trip movement between two points within this state.

c. A round-trip movement originating in this state or destined for a point within this state.

7. The terms *"combination"* or *"combination of vehicles"*, *"gross weight"*, *"highway"*, *"motor vehicle"*, *"nonresident"*, *"owner"*, *"person"*, *"semitrailer"*, *"trailer"*, *"truck tractor"*, and *"vehicle"* mean as defined in section 321.1.

Sec. 19. NEW SECTION. **326.3 Additional definitions.**

As used in this chapter, unless the context otherwise requires, the following terms have the following meaning, as provided in the international registration plan, or the meaning ascribed in the international registration plan as it may exist

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at the time of its applicability to the provisions of this chapter:

1. *"Applicant"* means a person in whose name an application is filed for registration under the plan.

2. *"Apportionable fee"* means any periodic recurring fee or tax required for registering vehicles, such as registration, license, or weight fees.

3. *a. "Apportionable vehicle"* means any power unit that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property if one of the following applies:

(1) The power unit has two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds.

(2) The power unit has three or more axles, regardless of weight.

(3) The power unit is used in combination, when the gross vehicle weight of such combination exceeds twenty-six thousand pounds.

b. A recreational vehicle, a vehicle displaying restricted plates, a bus used in the transportation of chartered parties, or a government-owned vehicle is not an apportionable vehicle; except that a truck or truck tractor, or the power unit in a combination of vehicles having a gross vehicle weight of twenty-six thousand pounds or less, or a bus used in the transportation of chartered parties may be registered under the plan at the option of the registrant.

4. *"Apportioned vehicle"* means an apportionable vehicle that has been registered under the plan.

5. *"Audit"* means the physical examination of a registrant's operational records, including source documents, to verify the distances reported in the registrant's application for apportioned registration and the accuracy of the registrant's record-keeping system for its fleet. Such an examination may

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1 be of multiple fleets for multiple years.
2 6. *"Audit procedures manual"* or *"APM"* means the audit
3 procedures manual required to be maintained in the plan.
4 7. *"Auxiliary axle"* means an auxiliary undercarriage
5 assembly with a fifth wheel and tow bar used to convert a
6 semitrailer to a trailer.
7 8. *"Axle"* means an assembly of a vehicle consisting of two
8 or more wheels whose centers are in one horizontal plane, by
9 means of which a portion of the weight of a vehicle and its
10 load, if any, is continually transmitted to the roadway. For
11 purposes of registration under the plan, an "axle" is any such
12 assembly whether or not it is load-bearing only part of the
13 time.
14 9. *"Base jurisdiction"* means the member jurisdiction,
15 selected in accordance with the plan, to which an applicant
16 applies for apportioned registration under the plan or the
17 member jurisdiction that issues apportioned registration to a
18 registrant under the plan.
19 10. *"Cab card"* means an evidence of registration, other than
20 a plate, issued for an apportioned vehicle registered under
21 the plan by the base jurisdiction and carried in or on the
22 identified vehicle.
23 11. *"Chartered party"* means a group of persons who, pursuant
24 to a common purpose and under a single contract, have acquired
25 the exclusive use of a passenger-carrying motor vehicle to
26 travel together as a group to a specified destination or for a
27 particular itinerary, either agreed upon in advance or modified
28 by the group after leaving the place of origin. *"Chartered*
29 *party"* includes services rendered to a number of passengers that
30 a passenger carrier or its agent has assembled into a travel
31 group through sales of a ticket to each individual passenger
32 covering a round trip from one or more points of origin to a
33 single advertised destination.
34 12. *"Credentials"* means the cab card and plate issued in
35 accordance with the plan.

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1 13. *"Fleet"* means one or more apportionable vehicles
2 designated by a registrant for distance reporting under the
3 plan.
4 14. *"Jurisdiction"* means a country or a state, province,
5 territory, possession, or federal district of a country.
6 15. *"Lease"* means a transaction evidenced by a written
7 document in which a lessor vests exclusive possession, control,
8 and responsibility for the operation of a vehicle in a lessee
9 for a specific term. A long-term lease is for a period of
10 thirty calendar days or more. A short-term lease is for a
11 period of less than thirty calendar days.
12 16. *"Lessee"* means a person that is authorized to have
13 exclusive possession and control of a vehicle owned by another
14 person under terms of a lease agreement.
15 17. *"Lessor"* means a person that, under the terms of a
16 lease agreement, authorizes another person to have exclusive
17 possession of, control of, and responsibility for the operation
18 of a vehicle.
19 18. *"Member jurisdiction"* means a jurisdiction that has
20 applied and has been approved for membership in the plan in
21 accordance with the plan.
22 19. *"Operational records"* means source documents that
23 evidence distance traveled by a fleet in each member
24 jurisdiction, such as furl reports, trip sheets, and driver
25 logs, including those which may be generated through on-board
26 devices and maintained electronically, as required by the audit
27 procedures manual.
28 20. *"Plate"* means the license plate, including renewal
29 decals, if any, issued for a vehicle registered under the plan
30 by the base jurisdiction.
31 21. *"Power unit"* means a motor vehicle as distinguished from
32 a trailer, semitrailer, or auxiliary axle, but not including
33 an automobile or a motorcycle.
34 22. *"Properly registered vehicle"* means a vehicle which
35 has been registered in full compliance with the laws of all

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1 jurisdictions in which it is intended to operate.
2 23. *"Reciprocity"* means the reciprocal grant by one
3 jurisdiction of operating rights or privileges in properly
4 registered vehicles registered by another jurisdiction,
5 especially but not exclusively including privileges generally
6 conferred by vehicle registration.
7 24. *"Reciprocity agreement"* means an agreement, arrangement,
8 or understanding between two or more jurisdictions under which
9 each of the participating jurisdictions grants reciprocal
10 rights or privileges to properly registered vehicles that are
11 registered under the laws of other participating jurisdictions.
12 25. *"Recreational vehicle"* means a vehicle used for personal
13 pleasure or personal travel and not in connection with any
14 commercial endeavor.
15 26. *"Registrant"* means a person in whose name a properly
16 registered vehicle is registered.
17 27. *"Registration year"* means the twelve-month period
18 during which, under the laws of the base jurisdiction, the
19 registration issued to a registrant by the base jurisdiction is
20 valid.
21 28. *"Reporting period"* means the period of twelve
22 consecutive months immediately prior to July 1 of the calendar
23 year immediately preceding the beginning of the registration
24 year for which apportioned registration is sought. However,
25 if the registration year begins on any date in July, August,
26 or September, the reporting period shall be the previous such
27 twelve-month period.
28 29. *"Restricted plate"* means a plate that has a time,
29 geographic area, distance, or commodity restriction or a mass
30 transit or other special plate issued for a bus leased or owned
31 by a municipal government, a state or provincial transportation
32 authority, or a private party, and operated as part of an urban
33 mass transit system, as defined by the jurisdiction that issues
34 the plate.
35 30. *"Total distance"* means all distance, including that

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accrued on trip permits, operated by a fleet of apportioned vehicles in all member jurisdictions during the reporting period.

31. *"Trip permit"* means a permit issued by a member jurisdiction in lieu of apportioned or full registration.

32. *"Truck"* means a power unit designed, used, or maintained primarily for the transportation of property.

Sec. 20. Section 326.6, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

326.6 Apportionable registration fees.

The department may determine the sum total amount of registration fees necessary to register each and every vehicle in a fleet based on the annual registration fees prescribed in chapter 321.

Sec. 21. Section 326.10A, Code 2011, is amended to read as follows:

326.10A Payment ~~by check~~.

The department shall accept payment of fees under this chapter by personal or corporate check, cash, wire transfer, or other means allowed by the department. ~~The~~ A fee shall be deemed to have been paid upon receipt of the ~~check~~ payment in full. If the ~~check~~ payment is not honored, all fees and penalties shall accumulate as if the fee ~~was~~ were not paid. After appropriate warning from the department, the registration account shall be suspended, collection pursued, and the delinquent registration fees shall become a debt due the state of Iowa. After a dishonored ~~check~~ payment has been received from an applicant, payments submitted by the applicant during the following year must be made with guaranteed funds. However, the department may instead accept payment in the form of a corporate check made on behalf of the applicant from an approved company with a satisfactory payment history.

Sec. 22. Section 326.11, Code 2011, is amended to read as follows:

326.11 Subsequently acquired vehicles.

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Vehicles acquired by a ~~fleet owner~~ registrant after the commencement of the registration year and subsequently added to the fleet shall be ~~prorated by applying the mileage percentage used in the original application for such fleet for such registration period to registration fees due under chapter 321. An application for registration shall be filed with the department~~ apportioned pursuant to the provisions of chapter 321 and the international registration plan.

~~The director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to the fleet owner's prorate fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after sixty days.~~

Sec. 23. Section 326.12, Code 2011, is amended to read as follows:

326.12 Vehicles deleted — registration transferred.

~~Fleet owners~~ Registrants who delete commercial vehicles displaying Iowa base plates from the fleet after the commencement of the registration year shall be allowed to transfer registration credit to a replacement vehicle in accordance with this section. Iowa shall allow credit for non-Iowa based deleted vehicles only if the ~~state~~ jurisdiction designated by the ~~fleet owner~~ registrant as the base ~~state~~ jurisdiction of the deleted vehicle permits transfer of registration credit to the replacement vehicle. Allowance of credit for deleted vehicles shall be subject to the following conditions:

1. The fee for ~~reissuance or~~ issuance of registration credentials ~~or~~ for ~~transfer of credentials~~ a replacement vehicle shall be seven dollars.

~~2. No deletion shall be made nor credit allowed toward registration of a replacement vehicle unless the vehicle to be removed from service has been sold, junked, repossessed,~~

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~~foreclosed by mechanic's lien, title transferred by operation of law, or cancellation or expiration of a lease arrangement. The deleted vehicle shall have been disposed of on or before the date the replacement vehicle was acquired or in the possession of the applicant.~~

~~3.~~ 2. If a leased vehicle is to be deleted from the fleet and unexpired registration fees applied to the replacement vehicle, the lessee shall refund any unexpired registration fees paid by the lessor to the lessee on the transferred vehicle.

~~4.~~ 3. Credit shall be given for unexpired months.

~~5.~~ 4. The registration of the vehicle being added to the fleet is not delinquent under chapter 321.

Sec. 24. Section 326.13, Code 2011, is amended to read as follows:

326.13 Information under oath.

The department shall require ~~fleet owners~~ registrants to submit under oath any information deemed necessary by the department to carry out the provisions of this chapter. ~~Information furnished under this chapter shall be forwarded to the director of the department by each fleet owner no later than January 1 of the current registration year.~~

Sec. 25. Section 326.14, Code 2011, is amended to read as follows:

326.14 ~~Plates and receipts~~ Credentials — registration ~~period~~ year and renewal — penalty.

1. The department shall issue a single registration plate and registration receipt for each vehicle pursuant to apportionment agreements or provisions authorized under this chapter. ~~The registration period for a vehicle registered pursuant to this chapter is from January 1 through December 31 of each year.~~

2. *a.* Each registration year for a vehicle registered pursuant to this chapter is a twelve-month period commencing on the first day of a calendar month and ending on the last day

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of the twelfth month in that twelve-month period. Vehicles subject to registration shall be registered for a registration year as determined by the department. The department may adjust the renewal or expiration date of a vehicle's registration when deemed necessary to equalize the number of vehicles registered in each twelve-month period or for the administrative efficiency of the department.

b. The department may establish a procedure for the implementation of a staggered registration system for vehicles registered pursuant to the international registration plan. Procedures established under this section may provide for a one-time collection of fewer than twelve or up to eighteen months of registration fees.

~~2.~~ 3. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than ~~January 31~~ the last day of the registration expiration month. A five percent late filing penalty shall be assessed to an application for renewal postmarked or received on or after ~~February 1~~ the first day following the last day of the registration expiration month, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The enforcement deadline for failure to display a registration plate and registration is ~~March 15 at~~ 12:01 a.m. of the first day following the last day of the registration expiration month.

Sec. 26. Section 326.15, Code 2011, is amended to read as follows:

326.15 Refunds of registration fees.

1. Refunds of registration fees paid for motor vehicles under this chapter shall be in accordance with section 321.126. In addition, if a motor vehicle is removed from an apportioned fleet, the ~~owner in whose name the motor vehicle was registered~~ registrant shall return the registration plate to the department and make a claim for refund. A refund shall not be

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allowed without documentation of the subsequent registration of the motor vehicle.

2. A qualified ~~fleet owner~~ registrant may certify to the department that the registration plate has been destroyed in lieu of surrendering the plate. The department shall adopt rules to define a qualified ~~fleet owner~~ registrant.

Sec. 27. Section 326.16, subsections 1 and 2, Code 2011, are amended to read as follows:

1. If the fees for ~~proportional~~ apportioned registration are not paid to each ~~contracting~~ member jurisdiction entitled thereto on the basis of the ~~proportional~~ apportioned registration application and supporting documents filed with the department by the ~~fleet owner~~ registrant within a reasonable amount of time as determined by the department, the department shall calculate late payment penalties. The ~~fleet owner~~ registrant shall be notified by regular mail that fees and penalties are due and must be paid within thirty days of the invoice date. If fees and penalties are not received, the ~~fleet owner~~ registrant shall be notified by ~~certified~~ regular mail that the ~~owner's~~ registration has been suspended.

2. A five percent late payment penalty shall be assessed if an invoice is not paid within thirty days of the invoice date ~~or within thirty days of January 31 of the registration year, whichever is later~~, with an additional five percent penalty assessed the first of each month thereafter until all fees and penalties are paid. In addition, the fees due for registration in this state shall be a debt due to the state of Iowa.

Sec. 28. Section 326.19A, Code 2011, is amended to read as follows:

326.19A Failure to maintain operational records — penalty.

1. The department may assess a penalty in an amount equal to twenty percent of the ~~amount calculated under section 326.6, subsection 2, paragraph "b", if the audit of the apportioned fleet owner under section 326.19~~ apportioned fees if an audit conducted pursuant to the international registration plan

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confirms that the ~~fleet owner~~ registrant has failed to maintain operational records on all of the following:

a. Verification of ~~miles~~ distance for the preceding year.

~~*b.* Jurisdictional percentages claimed pursuant to section 326.6, subsection 1.~~

~~*c.*~~ *b.* Reciprocity agreements to which the department may be a party.

2. The department shall adopt rules specifying the records and other information required for an audit under ~~section 326.19~~ the international registration plan.

Sec. 29. Section 326.21, Code 2011, is amended to read as follows:

326.21 Laws of other ~~states~~ jurisdictions — Iowa interests.

In the absence of an agreement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles or owners of vehicles properly registered or licensed in such other jurisdiction. The department shall consider the interests of the state of Iowa and ~~the~~ its citizens ~~thereof~~, the interests of the other jurisdictions and ~~the~~ their citizens ~~thereof~~, and the benefits which will accrue to the economy of the state of Iowa from the uninterrupted flow of commerce in declarations made ~~under~~ pursuant to this section. Each declaration shall specify that the extent of exemptions, benefits, and privileges is subject to revision without notice upon adoption by the general assembly of legislation in conflict with the terms of any such declaration.

Sec. 30. Section 326.22, Code 2011, is amended to read as follows:

326.22 Operational laws of Iowa applicable.

A nonresident registered vehicle is subject to all laws and rules governing the operation of such vehicle on the highways of this state. The registration ~~plates, stickers, or other identification~~ credentials assigned and furnished to

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any vehicle for the current registration year by the ~~state~~ jurisdiction in which the vehicle is registered shall be displayed on the vehicle substantially as provided in chapter 321 for vehicles registered pursuant to the provisions of this chapter. In addition, a fee set by the department to cover actual cost shall be charged for each plate, sticker, or other identification furnished for each vehicle registered in accordance with the provisions of this section or extended reciprocity in accordance with the provisions of this section. A charge shall not be made for the initial ~~registration receipt~~ credentials issued for each vehicle registered pursuant to an ~~apportionment~~ apportioned registration agreement. A fee set by the department to cover actual costs shall be charged for issuance of duplicate plates, stickers, other required identification, or ~~registration receipts~~ other credentials.

Sec. 31. Section 326.25, Code 2011, is amended to read as follows:

326.25 Applications — investigations.

1. The department shall examine and determine the genuineness, regularity, and legality of every application lawfully made pursuant to this chapter, and may in all cases make investigations as may be deemed necessary or require additional information. The department shall reject any such application if not satisfied of the genuineness, regularity, or legality ~~thereof~~ of the application or the truth of any statement contained ~~therein~~ in the application, or for any other reason, when authorized by law. The department is ~~hereby~~ authorized to take possession of any indicia of ~~proportional~~ apportioned registration or reciprocity upon expiration, revocation, cancellation, or suspension ~~thereof~~ of the registration, or which is fictitious, or which has been unlawfully or erroneously issued.

2. The department may suspend or revoke the registration indicia of a vehicle registered on ~~a prorated~~ an apportioned basis in any one of the following events:

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1 *a.* When the department is satisfied that such registration
2 indicia was issued upon fraudulent application. Bona
3 fide errors shall be corrected within fifteen days after
4 notification by the department.
5 *b.* When the department determines that the required fee
6 has not been paid and ~~same~~ the fee is not paid upon reasonable
7 notice and demand.
8 *c.* When the registration indicia is knowingly displayed on
9 a vehicle which is not in the ~~prorate~~ apportioned fleet of the
10 registrant.
11 *d.* Upon a determination that the motor vehicle does not have
12 financial liability coverage as required under section 321.20B.
13 Sec. 32. Section 326.26, Code 2011, is amended to read as
14 follows:
15 **326.26 Forms.**
16 The department shall prescribe and provide suitable forms of
17 application, ~~registration receipts~~ credentials, and all other
18 forms requisite or deemed necessary to carry out the provisions
19 of this chapter.
20 Sec. 33. Section 326.27, Code 2011, is amended to read as
21 follows:
22 **326.27 Violations to negate agreements.**
23 Operation of a commercial vehicle or vehicles in violation
24 of the requirements of this chapter, the motor vehicle
25 registration laws of this state, or the terms of any agreement
26 negotiated by the department pursuant to this chapter may,
27 after due notice and hearing, be grounds for denial of
28 reciprocal or ~~proportional~~ apportioned registration privileges
29 ~~on~~ for the vehicle or vehicles of an owner so operated. ~~Any~~
30 An owner denied such reciprocal or ~~proportional~~ apportioned
31 registration privileges shall be subject to payment of full
32 annual Iowa registration fees ~~on~~ for any such vehicle operated
33 on Iowa highways. In addition to denial of reciprocal or
34 ~~proportional~~ apportioned registration privileges, it shall be
35 a simple misdemeanor, unless such act is declared under Iowa

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law to be a felony, for any person to operate under reciprocity or ~~proportional~~ apportioned registration in violation of any requirements of this chapter.

Sec. 34. Section 326.28, Code 2011, is amended to read as follows:

326.28 Copies of records — fee.

A fee shall be charged for copies of ~~such~~ records ~~as may be~~ provided ~~from the office of~~ by the department or the director. ~~Such fee shall be one dollar for the first page and fifty cents for each additional page of copy received at any one time.~~

Sec. 35. Section 326.29, Code 2011, is amended to read as follows:

326.29 Fees to road use tax fund.

Fees collected by the department pursuant to this chapter shall be remitted to the treasurer of state for deposit in the road use tax fund except that fees collected for other ~~states~~ jurisdictions shall be placed in a special fund known as the "reciprocity fund". The department, at least monthly, shall order the disbursement of such fees collected to the appropriate ~~states~~ jurisdictions. Interest earned on the "reciprocity fund" shall be retained by the state and shall be credited to the road use tax fund.

Sec. 36. Section 326.30, Code 2011, is amended to read as follows:

326.30 Motor vehicle law applicable.

All provisions of chapter 321, insofar as applicable, are extended to include owners who register and title vehicles in this state on ~~a proportional~~ an apportioned registration basis or who operate interstate on Iowa highways under reciprocity.

Sec. 37. Section 326.31, Code 2011, is amended to read as follows:

326.31 Filing incorrect information — effect.

1. If the director has reason to believe that a ~~fleet owner~~ registrant has filed incorrect information with the department, for the purpose of reducing the ~~fleet owner's~~

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registrant's obligation for registration fees or fuel taxes, the director may revoke the apportioned registration privileges on all of the vehicles owned by the person. A person who has such privileges revoked shall be required to register all of the vehicles owned by the person with the appropriate county treasurer for a period of no less than one year and no more than five years thereafter. The department may use all reports pertaining to the registration fees and motor fuel taxes in ascertaining the accuracy of reports filed pertaining to registration fees and motor fuel taxes.

2. A person whose privileges are revoked may request an administrative hearing of ~~said~~ the action in accordance with chapter 17A, and during the period pending the hearing, the apportioned registration privileges shall be reinstated if the ~~fleet owner~~ registrant posts security with the department in an amount sufficient to pay the full annual fees if an adverse decision is rendered at the hearing. At ~~such~~ the hearing, the ~~fleet owner~~ registrant shall have the burden of proof as to the accuracy of any report filed by the ~~fleet owner~~ registrant with the department. Judicial review of any decision reached at the administrative hearing may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

Sec. 38. Section 326.32, Code 2011, is amended to read as follows:

326.32 Additional fees or restrictions by other ~~states~~ jurisdictions — effect.

If the laws of any other ~~state or country~~ jurisdiction impose any taxes, fees, charges, penalties, obligations, prohibitions, or limitations of any kind upon the vehicles of residents of Iowa, in addition to those imposed upon the vehicles of residents of such other ~~state or country~~ jurisdiction by the state of Iowa, the department may impose and collect fees and charges in the same amount and impose the same obligations, prohibitions, or limitations upon the owner or operator of a vehicle registered in such other ~~state or country~~ jurisdiction.

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1 Sec. 39. Section 326.46, Code 2011, is amended to read as
2 follows:
3 **326.46 Temporary unladen weight registration.**
4 The department may issue temporary registration for
5 unregistered vehicles subject to registration under this
6 chapter upon application by the owner and payment of a fee
7 of ten dollars for each vehicle. The registration shall be
8 valid for fifteen days and for one trip between specified
9 points of origin and destination, with intermediate points
10 authorized by the department. Property or passengers shall
11 not be transported while the vehicle is subject to temporary
12 registration.
13 Sec. 40. REPEAL. Sections 326.7, 326.8, 326.9, 326.17,
14 326.18, 326.19, and 326.20, Code 2011, are repealed.
15 Sec. 41. IMPLEMENTATION. The section of this Act amending
16 sections 321.1, subsection 60, relating to the registration
17 of motor trucks and truck tractors with a combined gross
18 weight exceeding five tons that are registered with the county
19 treasurer, the section of this Act striking section 321.134,
20 subsection 2, to eliminate semiannual installment payments
21 for certain registration fees, and the section of this Act
22 amending section 321.106, subsection 1, relating to proration
23 of certain registration fees shall be implemented on and after
24 January 1, 2013, for vehicles with a registration expiration
25 date after December 31, 2012. However, the department of
26 transportation may begin implementation before January 1, 2013,
27 to the extent necessary to transition to full implementation of
28 those provisions.
29 EXPLANATION
30 This bill contains provisions concerning the registration
31 of motor trucks, truck tractors, trailers, and semitrailers
32 and provisions concerning motor carriers operating in multiple
33 jurisdictions under the international registration plan.
34 The bill provides that motor trucks and truck tractors with
35 a combined gross weight exceeding five tons shall be registered

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1 for a registration year that begins on the first day of the
2 month following the month of the birth of the owner, rather
3 than on a calendar year basis. The bill amends the definition
4 of "registration year" for purposes of Code chapter 321 to
5 reflect the change for six-ton motor trucks and truck tractors.
6 The bill further amends the definition of "registration
7 year" to reflect the change from calendar year registration
8 to staggered registration for vehicles registered under the
9 international registration plan pursuant to Code chapter 326.
10 The bill eliminates the current option of a three-year
11 registration for trailers and semitrailers licensed under the
12 international registration plan, but retains the option of a
13 five-year registration and allows the issuance of a permanent
14 registration plate for those vehicles.
15 Under current law, the annual registration fee for trucks,
16 truck tractors, and road tractors with a gross weight exceeding
17 five tons may be paid in semiannual installments. The bill
18 strikes that option, and requires full payment of registration
19 fees on an annual basis. The bill makes conforming changes
20 to provisions for proration of registration fees for vehicles
21 registered in the second through eleventh month of the
22 registration year.
23 The bill amends Code section 321.134 to specify that the
24 penalties prescribed in that Code section for delinquent
25 registration of a vehicle do not apply to vehicles registered
26 under the international registration plan.
27 Under current law, the owner of a vehicle may obtain
28 an increased gross weight registration by payment of the
29 difference between the annual fee for the higher gross weight
30 and the fee for the gross weight at which the vehicle is
31 registered. If the increased weight registration occurs
32 during or after the seventh month of the registration year,
33 the required fee is one-twelfth of the difference in the
34 annual fees multiplied by the number of unexpired months of
35 the registration year. However, increased weight registration

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1 is not allowed if the owner's operation of the vehicle has
2 resulted in a conviction or action pending under Code chapter
3 321. The bill eliminates that restriction and allows proration
4 of the difference in the fee at any time in the registration
5 year when the application for increased weight registration is
6 made.
7 The bill makes numerous changes to Code chapter 326, which
8 provides for reciprocal arrangements with other jurisdictions
9 for the registration of commercial vehicles that operate in
10 multiple jurisdictions. The bill substitutes the concept
11 of "apportioned registration" for the current "proportional
12 registration" and specifies that apportioned registration
13 shall be conducted under the international registration
14 plan. "International registration plan" is defined as
15 the registration reciprocity agreement among states of the
16 United States, the District of Columbia, and provinces of
17 Canada providing for payment of apportionable fees on the
18 basis of total distance operated in all jurisdictions, in
19 effect on January 1, 2011, or as later amended, published by
20 international registration plan, inc., and available on the
21 plan's internet site.
22 The bill strikes definitions which are no longer relevant
23 to Code chapter 326 and defines newly relevant terms as they
24 are defined in the most current edition of the international
25 registration plan. The bill makes various changes for
26 the purpose of conforming the Code to the lexicon of the
27 international registration plan.
28 The bill strikes current provisions relating to the
29 application process for proportional registration and the
30 calculation of registration fees for fleets of commercial
31 vehicles subject to proportional registration. The department
32 is authorized under the bill to determine the necessary
33 apportionable registration fees. The bill directs that the
34 department shall accept payment of apportioned registration
35 fees by personal or corporate check, cash, wire transfer, or

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1 other means allowed by the department.
2 The bill strikes provisions for the proration of fees
3 for vehicles added to a fleet after the commencement of the
4 registration year and provides that newly acquired vehicles
5 shall be apportioned according to Code chapter 321 and the
6 international registration plan. Current restrictions on
7 the deletion of vehicles and the allowance of credit for
8 replacement vehicles are stricken from Code chapter 326 by the
9 bill.
10 The bill strikes a requirement for the forwarding of
11 required information by a fleet owner to the director of
12 transportation by January 1 of the current registration year.
13 Under current law, vehicles subject to proportional
14 registration are registered on a calendar-year basis. The
15 bill changes that by providing for staggered registration
16 periods of 12 months, with one registration year beginning in
17 each month of the calendar year and expiring on the last day
18 of the twelfth calendar month in that 12-month period. The
19 application deadline for registration renewal is the last day
20 of the registration expiration month. The enforcement deadline
21 for failure to display a registration plate and registration
22 is 12:01 a.m. of the first day following the last day of the
23 registration expiration month. The department is authorized
24 to establish procedures for a one-time collection of fewer
25 than 12 or up to 18 months of registration fees to transition
26 to staggered registration periods. Notice of suspension of
27 registration for nonpayment of fees, which the department is
28 currently required to send by certified mail, may be sent by
29 regular mail under the bill.
30 The bill strikes specific requirements for the retention
31 of records by a registrant and the auditing of records,
32 but retains penalty provisions relating to audits conducted
33 pursuant to the international registration plan.
34 The bill strikes specific fees for copies of records
35 provided by the department, but requires the department to

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1 charge an unspecified fee for such copies. Pursuant to current
2 law, fees collected by the department relating to apportioned
3 registration are deposited in the road use tax fund, except
4 that fees collected for other jurisdictions are placed in
5 a special fund called the "reciprocity fund" for eventual
6 disbursement to appropriate jurisdictions.
7 The bill repeals sections from Code chapter 326 relating
8 to agreements for proportional registration based on compact
9 miles, the estimation of mileage for particular fleets of
10 vehicles, requirements for consistent registration of entire
11 fleets within each state, the issuance of Iowa base plates,
12 nonresident fleet owner privileges, specific requirements for
13 audits, and reciprocity for leased vehicles.
14 The bill states that certain provisions relating to the
15 registration of motor trucks and truck tractors with a combined
16 gross weight exceeding five tons that are registered with the
17 county treasurer, the elimination of semiannual installment
18 payments for certain registration fees, and the proration of
19 certain registration fees shall be implemented on and after
20 January 1, 2012, for vehicles whose registration expires after
21 December 31, 2012. However, the bill authorizes the department
22 of transportation to begin implementation earlier to the extent
23 necessary to transition to full implementation.

Senate Study Bill 3121 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act providing for petition and election to approve the use
2 of increased local sales and services tax revenues to fund
3 urban renewal projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6015SC (3) 84
md/sc

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1 Section 1. Section 423B.1, subsection 6, paragraph c, Code
2 2011, is amended to read as follows:
3 *c.* Notwithstanding any other provision in this section,
4 a change in use of the local sales and services tax revenues
5 for purposes of funding an urban renewal project pursuant
6 to section 423B.10 does not require an election, except as
7 provided in section 423B.10, subsection 2.
8 Sec. 2. Section 423B.10, subsection 2, Code 2011, is amended
9 to read as follows:
10 2. *a.* An eligible city may by ordinance of the city council
11 provide for the use of a designated amount of the increased
12 local sales and services tax revenues collected under this
13 chapter which are attributable to retail establishments in an
14 urban renewal area to fund urban renewal projects located in
15 the area. The designated amount may be all or a portion of ~~such~~
16 the increased revenues allocable to the eligible city under
17 section 423B.7.
18 *b.* Prior to consideration of an ordinance under this
19 section, a city council shall adopt a resolution stating its
20 intent to propose the ordinance. If within thirty days of the
21 adoption of the resolution, a petition is filed with the clerk
22 of the city in the manner provided by section 362.4 asking that
23 the question of the use of a designated amount of the increased
24 revenues allocable to the city be submitted to the registered
25 voters of the city, the council shall either by resolution
26 declare the proposal to have been abandoned or shall direct the
27 county commissioner of elections to call a special election
28 to be held on a date specified in section 39.2, subsection
29 4, paragraph *"b"*. If the vote in favor of the proposition is
30 equal to at least a majority of the total votes cast for and
31 against the proposition, the city council may proceed with
32 consideration of an ordinance authorizing funding of urban
33 renewal projects as provided in paragraph *"a"*.
34 *c.* If no petition is filed, the council may proceed with
35 consideration of an ordinance authorizing funding of urban

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1 renewal projects as provided in paragraph "a".
2 Sec. 3. Section 423B.10, subsection 3, unnumbered paragraph
3 1, Code 2011, is amended to read as follows:
4 To determine the revenue increase allocable to the city for
5 purposes of subsection 2, revenue amounts shall be calculated
6 by the department of revenue as follows:
7 Sec. 4. TAXES RECEIVED PRIOR TO EFFECTIVE DATE. The amount
8 of the increased local sales and services taxes received by a
9 city under chapter 423B prior to the effective date of this
10 Act that have been designated by a city by ordinance to fund
11 urban renewal projects pursuant to section 423B.10 shall be
12 deposited in the city's special fund created in section 403.19,
13 subsection 2, and shall be used to fund urban renewal projects
14 located in an urban renewal area.
15 Sec. 5. OBLIGATIONS OF CITIES. This Act shall not relieve,
16 impair, or otherwise alter the obligations of a city relating
17 to bonds issued pursuant to chapter 403 prior to the effective
18 date of this Act or contracts made prior to the effective date
19 of this Act in connection with an urban renewal project.
20 EXPLANATION
21 This bill relates to the use of sales and services tax
22 revenues to fund urban renewal projects.
23 Current law allows an eligible city to provide by ordinance
24 for the use of a designated amount of the increased local sales
25 and services tax revenues attributable to retail establishments
26 in an urban renewal area to fund urban renewal projects located
27 in the area.
28 The bill requires an eligible city to adopt a resolution of
29 intent before considering an ordinance authorizing the use of
30 local sales and services tax revenues for urban renewal. If
31 within 30 days of the adoption of the resolution, a petition
32 requesting an election on the question is filed with the city
33 clerk, the city council must either declare the proposal
34 abandoned or direct the county commissioner of elections to
35 call a special election on the question. If the majority of

S.F. _____

1 votes cast is in favor of the proposition, it is approved by
2 voters, and the city may proceed with consideration of the
3 ordinance. If no petition is filed, the council may proceed
4 with consideration of the ordinance.
5 The bill specifies that the amount of increased revenues
6 designated for urban renewal projects may be all or a portion
7 of the increased revenues allocable to the eligible city.
8 The bill provides that any local sales and services taxes
9 received prior to the effective date of the bill and designated
10 for urban renewal projects must be deposited in the city's
11 special fund and used to fund urban renewal projects.
12 The bill provides that the funding of urban renewal projects
13 with increased sales and services tax revenues shall not
14 relieve, impair, or alter the obligations of a city in regard
15 to certain bonds or contracts.

Senate Study Bill 3122 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act providing for sales and use taxes collected on farm
2 machinery and equipment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5629XC (6) 84
da/sc

S.F. _____

1 Section 1. Section 423.3, subsection 8, paragraph a,
2 subparagraph (1), Code Supplement 2011, is amended to read as
3 follows:
4 (1) The farm machinery and equipment shall be ~~directly and~~
5 primarily used in production of agricultural products.
6 Sec. 2. ADOPTION OF RULES. The department of revenue shall
7 adopt rules as necessary in order to administer this Act. In
8 drafting its proposed rules as part of its notice of intended
9 action as required in section 17A.4, the department shall
10 consult organizations representing persons involved in the sale
11 of farm machinery and equipment.
12 EXPLANATION
13 This bill provides for an exemption from sales and use taxes
14 imposed on machinery and equipment sold for farm use (Code
15 sections 423.3 and 423.6). The bill retains the requirement
16 that the exemption applies to machinery and equipment primarily
17 used in agricultural production, but eliminates the requirement
18 that it also must be directly used for such production. The
19 bill also provides that when the department of revenue adopts
20 its rules to administer the exemption revised in the bill, it
21 must consult with organizations representing retailers who sell
22 farm machinery and equipment.