



Iowa General Assembly
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SSB3148 257



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House File 2165

H-8007

1 Amend House File 2165 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. LEGISLATIVE FINDINGS. The general
5 assembly recognizes the importance of encouraging
6 individuals to discuss and make health care decisions
7 before a situation necessitates an actual decision.
8 The general assembly also recognizes that health
9 care planning is a process, rather than a single
10 decision, based upon the individual's values and
11 personal health status. Advance directives provide
12 the opportunity for an individual to enunciate and
13 document the individual's wishes and to identify the
14 person authorized to make decisions for the individual
15 if the individual is unable to make decisions. The
16 general assembly recognizes that the physician
17 orders for scope of treatment form, modeled after
18 the national physician orders for life-sustaining
19 treatment paradigm initiative, complements advance
20 directives by converting individual wishes contained
21 in advance directives, or as otherwise expressed,
22 into medical orders that may be recognized and acted
23 upon across medical settings, thereby enhancing the
24 ability of medical providers to understand and honor
25 patients' wishes. An Iowa physician orders for scope
26 of treatment form is intended for individuals who are
27 frail and elderly or who have a chronic, critical
28 medical condition or a terminal illness.
29 Sec. 2. NEW SECTION. 144D.1 Physician orders for
30 scope of treatment.
31 As used in this chapter, unless the context
32 otherwise requires:
33 1. "*Advanced registered nurse practitioner*" means
34 an advanced registered nurse practitioner licensed
35 pursuant to chapter 152 or 152E.
36 2. "*Department*" means the department of public
37 health.
38 3. "*Emergency medical care provider*" means emergency
39 medical care provider as defined in section 147A.1.
40 4. "*Health care facility*" means health care facility
41 as defined in section 135C.1, a hospice program as
42 defined in section 135J.1, an elder group home as
43 defined in section 231B.1, and an assisted living
44 program as defined in section 231C.2.
45 5. "*Health care provider*" means an individual,
46 including an emergency medical care provider and
47 an individual providing home and community-based
48 services, and including a home health agency, licensed,
49 certified, or otherwise authorized or permitted by the
50 law of this state to administer health care in the

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1 ordinary course of business or in the practice of a
 2 profession.

3 6. *"Home health agency"* means home health agency as
 4 defined in 42 C.F.R. pt. 484.

5 7. *"Hospital"* means hospital as defined in section
 6 135B.1.

7 8. *"Legal representative"* means an individual
 8 authorized to execute a POST form on behalf of a
 9 patient who is not competent to do so, in the order
 10 of priority set out in section 144A.7, subsection 1,
 11 and guided by the express or implied intentions of the
 12 patient or, if such intentions are unknown, by the
 13 patient's best interests given the patient's overall
 14 medical condition and prognosis.

15 9. *"Patient"* means an individual who is frail
 16 and elderly or who has a chronic, critical medical
 17 condition or a terminal illness and for which a
 18 physician orders for scope of treatment is consistent
 19 with the individual's goals of care.

20 10. *"Physician"* means a person licensed to practice
 21 medicine and surgery or osteopathic medicine and
 22 surgery in this state.

23 11. *"Physician assistant"* means a person licensed as
 24 a physician assistant under chapter 148C.

25 12. *"Physician orders for scope of treatment form"*
 26 or *"POST form"* means a document containing medical
 27 orders which may be relied upon across medical
 28 settings that consolidates and summarizes a patient's
 29 preferences for life-sustaining treatments and
 30 interventions and acts as a complement to and does not
 31 supersede any valid advance directive.

32 **Sec. 3. NEW SECTION. 144D.2 Physician orders for**
 33 **scope of treatment (POST) form.**

34 1. The POST form shall be a uniform form based
 35 upon the national physician orders for life-sustaining
 36 treatment paradigm form. The form shall have all of
 37 the following characteristics:

38 a. The form shall include the patient's name and
 39 date of birth.

40 b. The form shall be signed and dated by the
 41 patient or the patient's legal representative.

42 c. The form shall be signed and dated by the
 43 patient's physician, advanced registered nurse
 44 practitioner, or physician assistant.

45 d. If preparation of the form was facilitated by an
 46 individual other than the patient's physician, advanced
 47 registered nurse practitioner, or physician assistant,
 48 the facilitator shall also sign and date the form.

49 e. The form shall include the patient's wishes
 50 regarding the care of the patient, including but not



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1 limited to all of the following:

2 (1) The administration of cardiopulmonary
3 resuscitation.

4 (2) The level of medical interventions in the event
5 of a medical emergency.

6 (3) The use of medically administered nutrition by
7 tube.

8 (4) The rationale for the orders.

9 f. The form shall be easily distinguishable to
10 facilitate recognition by health care providers,
11 hospitals, and health care facilities.

12 g. An incomplete section on the form shall imply
13 the patient's wishes for full treatment for the type of
14 treatment addressed in that section.

15 2. The department shall prescribe the uniform
16 POST form and shall post the form on the department's
17 website for public availability.

18 Sec. 4. NEW SECTION. 144D.3 Compliance with POST
19 form.

20 1. A POST form executed in this state or another
21 state or jurisdiction in compliance with the law of
22 that state or jurisdiction shall be deemed valid and
23 enforceable in this state to the extent the form is
24 consistent with the laws of this state, and may be
25 accepted by a health care provider, hospital, or health
26 care facility.

27 2. A health care provider, hospital, or health
28 care facility may comply with an executed POST form,
29 notwithstanding that the physician, advanced registered
30 nurse practitioner, or physician assistant who signed
31 the POST form does not have admitting privileges at the
32 hospital or health care facility providing health care
33 or treatment.

34 3. A POST form may be revoked at any time and in
35 any manner by which the patient or a patient's legal
36 representative is able to communicate the patient's
37 intent to revoke, without regard to the patient's
38 mental or physical condition. A revocation is only
39 effective as to the health care provider, hospital, or
40 health care facility upon communication to the health
41 care provider, hospital, or health care facility by
42 the patient, the patient's legal representative, or by
43 another to whom the revocation was communicated.

44 4. In the absence of actual notice of the
45 revocation of a POST form, a health care provider,
46 hospital, health care facility, or any other person who
47 complies with a POST form shall not be subject to civil
48 or criminal liability or professional disciplinary
49 action for actions taken under this chapter which are
50 in accordance with reasonable medical standards. A

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1 health care provider, hospital, health care facility,
 2 or other person against whom criminal or civil
 3 liability or professional disciplinary action is
 4 asserted because of conduct in compliance with this
 5 chapter may interpose the restriction on liability in
 6 this paragraph as an absolute defense.

7 5. A health care provider, hospital, or health care
 8 facility that is unwilling to comply with an executed
 9 POST form based on policy, religious beliefs, or moral
 10 convictions shall take all reasonable steps to transfer
 11 the patient to another health care provider, hospital,
 12 or health care facility.

13 **Sec. 5. NEW SECTION. 144D.4 General provisions.**

14 1. If an individual is a qualified patient as
 15 defined in section 144A.2, the individual's declaration
 16 executed under chapter 144A shall control health care
 17 decision making for the individual in accordance with
 18 chapter 144A. If an individual has not executed a
 19 declaration pursuant to chapter 144A, health care
 20 decision making relating to life-sustaining procedures
 21 for the individual shall be governed by section 144A.7.
 22 A POST form shall not supersede a declaration executed
 23 pursuant to chapter 144A.

24 2. If an individual has executed a durable power
 25 of attorney for health care pursuant to chapter 144B,
 26 the individual's durable power of attorney for health
 27 care shall control health care decision making for the
 28 individual in accordance with chapter 144B. A POST
 29 form shall not supersede a durable power of attorney
 30 for health care executed pursuant to chapter 144B.

31 3. If the individual's physician has issued an
 32 out-of-hospital do-not-resuscitate order pursuant to
 33 section 144A.7A, the POST form shall not supersede the
 34 out-of-hospital do-not-resuscitate order.

35 4. Death resulting from the withholding or
 36 withdrawal of life-sustaining procedures pursuant to an
 37 executed POST form and in accordance with this chapter
 38 does not, for any purpose, constitute a suicide,
 39 homicide, or dependent adult abuse.

40 5. The executing of a POST form does not affect
 41 in any manner the sale, procurement, or issuance
 42 of any policy of life insurance, nor shall it be
 43 deemed to modify the terms of an existing policy of
 44 life insurance. A policy of life insurance is not
 45 legally impaired or invalidated in any manner by the
 46 withholding or withdrawal of life-sustaining procedures
 47 pursuant to this chapter notwithstanding any term of
 48 the policy to the contrary.

49 6. A health care provider, hospital, health care
 50 facility, health care service plan, insurer issuing



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1 disability insurance, self-insured employee welfare
2 benefit plan, or nonprofit hospital plan shall
3 not require any person to execute a POST form as a
4 condition of being insured for, or receiving, health
5 care services.
6 7. This chapter does not create a presumption
7 concerning the intention of an individual who has
8 not executed a POST form with respect to the use,
9 withholding, or withdrawal of life-sustaining
10 procedures in the event of a terminal condition.
11 8. This chapter shall not be interpreted to affect
12 the right of an individual to make decisions regarding
13 use of life-sustaining procedures as long as the
14 individual is able to do so, nor to impair or supersede
15 any right or responsibility that any person has to
16 effect the withholding or withdrawal of medical care in
17 any lawful manner. In that respect, the provisions of
18 this chapter are cumulative.
19 9. This chapter shall not be construed to condone,
20 authorize, or approve mercy killing or euthanasia, or
21 to permit any affirmative or deliberate act or omission
22 to end life other than to permit the natural process
23 of dying.>
24 2. Title page, by striking lines 1 through 3 and
25 inserting <An Act relating to physician orders for
26 scope of treatment.>

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House File 2246 - Introduced

HOUSE FILE 2246
BY DE BOEF

A BILL FOR

1 An Act relating to a mechanic's lien and the filing of a bond.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5567YH (3) 84
rh/sc



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H.F. 2246

1 Section 1. Section 572.8, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. At the time of the filing of the lien
4 pursuant to subsection 1, the person shall file a bond in the
5 amount of one thousand dollars.

6 Sec. 2. Section 572.8, subsection 2, Code 2011, is amended
7 to read as follows:

8 2. Upon the filing of the lien and the bond, the clerk
9 of court shall mail a copy of the lien to the owner. If the
10 statement of the lien consists of more than one page, the clerk
11 may omit such pages as consist solely of an accounting of the
12 material furnished or labor performed. In this case, the clerk
13 shall attach a notification that pages of accounting were
14 omitted and may be inspected in the clerk's office.

15 Sec. 3. Section 572.32, subsection 2, Code 2011, is amended
16 to read as follows:

17 2. In a court action to challenge a mechanic's lien filed
18 on an owner-occupied dwelling, if the person challenging the
19 lien prevails, the court may award reasonable attorney fees and
20 actual damages. If the court determines that the mechanic's
21 lien was filed in bad faith or the supporting affidavit was
22 materially false, the court shall award the owner reasonable
23 attorney fees plus an amount not less than five hundred dollars
24 or the amount of the lien, whichever is less, and the amount of
25 the bond filed pursuant to section 572.8.

26 **EXPLANATION**

27 This bill requires a person who files a mechanic's lien
28 pursuant to Code section 572.8 to file a bond in the amount of
29 \$1,000.

30 Current law requires the court, in a court action to
31 challenge a mechanic's lien filed on an owner-occupied
32 dwelling, to award the owner reasonable attorney fees plus an
33 amount not less than \$500 or the amount of the lien, whichever
34 is less, if the court determines that the mechanic's lien was
35 filed in bad faith or the supporting affidavit was materially

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1 false. The bill requires the court to also award the owner the
2 amount of the bond in such a case.



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House File 2247 - Introduced

HOUSE FILE 2247
BY ARNOLD

A BILL FOR

- 1 An Act requiring the department of natural resources to conduct
- 2 pheasant studies, contingent on outside funding, and
- 3 including a repeal.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5594YH (4) 84
av/nh



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H.F. 2247

1 Section 1. NEW SECTION. **481A.6B Pheasant population studies**
2 **— reports.**

3 1. The department, in cooperation with private and public
4 partners, shall conduct a multiyear study to determine the
5 effectiveness of stocking wild or first-generation pheasants
6 in the state.

7 2. The department, in cooperation with private and public
8 partners, shall stock wild or first-generation pheasants
9 in an area with suitable pheasant habitat that has a very
10 low or no wild pheasant population. The rate at which the
11 pheasant population changes over time in the stocked area shall
12 be compared to the rate of change in another area where no
13 pheasants have been stocked. Both areas shall be located in
14 the southern half of the state. The results of the study shall
15 be published and made available to the public at the conclusion
16 of the study.

17 3. The department shall collect a sufficient amount of new
18 data as is necessary to confirm or revise population parameters
19 used by the department to predict pheasant population change.
20 A report discussing the data collected and the changes made to
21 the department's pheasant population prediction model, if any,
22 shall be submitted to the general assembly and made available
23 to the public by December 31, 2015.

24 4. The department, in cooperation with an institution under
25 the control of the state board of regents, shall also conduct a
26 study to determine the economic impact of pheasant hunting in
27 Iowa. The study shall focus on the impact to rural areas of the
28 state and to small communities. A report on the results of the
29 study shall be submitted to the general assembly by December
30 31, 2014.

31 5. The duties imposed in this section are contingent on
32 the receipt of outside funding by the department sufficient to
33 cover the costs associated with the studies required.

34 6. This section is repealed June 30, 2016.

35

EXPLANATION

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1 This bill requires the department of natural resources, in
2 cooperation with private and public partners, to conduct a
3 multiyear study to determine the effectiveness of stocking wild
4 or first-generation pheasants in the state.

5 The department, along with partners, must stock wild or
6 first-generation pheasants in an area with suitable pheasant
7 habitat that has a very low or no wild pheasant population.
8 The rate at which the pheasant population changes over time
9 in the stocked area is to be compared to the rate of change
10 in another area where no pheasants have been stocked. The
11 results of the study shall be published and made available to
12 the public.

13 The department is required to collect sufficient data to
14 confirm or revise population parameters used by the department
15 to predict pheasant population change. A report discussing
16 the data collected and the changes made to the department's
17 pheasant population prediction model, if any, is to be
18 submitted to the general assembly and made available to the
19 public by December 31, 2015.

20 The department, in cooperation with a regents institution,
21 is also required to conduct a study that determines the
22 economic impact of pheasant hunting in Iowa, focusing on the
23 impact to rural Iowa and to small communities. A report of the
24 results of the study shall be submitted to the general assembly
25 by December 31, 2014.

26 The duties imposed in the bill are contingent on the receipt
27 of outside funding by the department sufficient to cover
28 the costs associated with the studies required. The bill
29 provisions are repealed June 30, 2016.



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House File 2248 - Introduced

HOUSE FILE 2248
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 542)

A BILL FOR

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

TLSB 5303HV (1) 84
jr/nh



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H.F. 2248

1 Section 1. Section 147.108, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. After contact lenses have been adequately adapted and
4 the patient released from initial follow-up care by a person
5 licensed under chapter 148 or 154, the patient may request
6 a copy, at no cost, of the contact lens prescription from
7 that licensed person. A person licensed under chapter 148 or
8 154 shall not withhold a contact lens prescription after the
9 requirements of this section have been met. The prescription,
10 at the option of the prescriber, may be given orally only to a
11 person who is actively practicing and licensed under chapter
12 148, 154, or 155A. The contact lens prescription shall contain
13 an expiration date, at the discretion of the prescriber, but
14 not to exceed eighteen months. The contact lens prescription
15 shall contain the necessary requirements of the ophthalmic
16 lens, and the prescription validation requirements as defined
17 by rules adopted pursuant to this section. The prescription
18 may contain adapting and material guidelines and may also
19 contain specific instructions for use by the patient. For
20 the purpose of this section, "*ophthalmic lens*" means one which
21 has been fabricated to fill the requirements of a particular
22 contact lens prescription, including pharmaceutical-delivering
23 contact lenses as defined in section 154.1, subsection 4 3.

24 Sec. 2. Section 154.1, Code 2011, is amended to read as
25 follows:
26 **154.1 Board defined — optometry — ~~diagnostically certified~~**
27 **~~licensed optometrists — therapeutically certified optometrists~~**
28 **licensed optometrists.**

29 1. As used in this chapter, "*board*" means the board of
30 optometry created under chapter 147.
31 2. For the purpose of this subtitle, the following classes
32 of persons shall be deemed to be engaged in the practice of
33 optometry:
34 *a.* Persons employing any means ~~other than the use of drugs,~~
35 ~~medicine, or surgery~~ for the measurement of the visual power



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1 and visual efficiency of the human eye; persons engaged in
2 the prescribing and adapting of lenses, prisms, and contact
3 lenses; ~~and~~ persons engaged in the using or employing of visual
4 training or ocular exercise for the aid, relief, or correction
5 of vision; and persons employing the use of medicines and
6 procedures for the purposes of diagnosis and treatment of
7 diseases or conditions of the eye and adnexa.

8 *b.* Persons who allow the public to use any mechanical device
9 for a purpose described in paragraph "a".

10 *c.* Persons who publicly profess to be optometrists and to
11 assume the duties incident to the profession.

12 ~~3. Diagnostically certified licensed optometrists may~~
13 ~~employ cycloplegics, mydriatics, and topical anesthetics as~~
14 ~~diagnostic agents topically applied to determine the condition~~
15 ~~of the human eye for proper optometric practice or referral~~
16 ~~for treatment to a person licensed under chapter 148. A~~
17 ~~diagnostically certified licensed optometrist is an optometrist~~
18 ~~who is licensed to practice optometry in this state and who is~~
19 ~~certified by the board to use diagnostic agents.~~

20 ~~4. 3. a. Therapeutically certified optometrists An~~
21 optometrist licensed under this chapter may employ all
22 diagnostic and therapeutic pharmaceutical agents for the
23 purpose of diagnosis and treatment of conditions of the human
24 eye and adnexa pursuant to this subsection, excluding the
25 use of injections other than to counteract an anaphylactic
26 reaction, and notwithstanding section 147.107, may without
27 charge supply any of the above pharmaceuticals to commence a
28 course of therapy. A licensed optometrist may perform minor
29 surgical procedures and use medications for the diagnosis and
30 treatment of diseases, disorders, and conditions of the eye and
31 adnexa. A license to practice optometry under this chapter
32 does not authorize the performance of surgical procedures
33 which require the use of injectable or general anesthesia or
34 penetration of the globe or the use of ophthalmic lasers for
35 the purpose of ophthalmic surgery within or upon the globe.

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1 ~~b. Therapeutically certified optometrists~~ A licensed
2 optometrist may employ and, notwithstanding section 147.107,
3 supply pharmaceutical-delivering contact lenses for the
4 purpose of treatment of conditions of the human eye and adnexa.
5 For purposes of this paragraph, "*pharmaceutical-delivering*
6 *contact lenses*" means contact lenses that contain one or more
7 therapeutic pharmaceutical agents authorized for employment
8 by this section for the purpose of treatment of conditions of
9 the human eye and adnexa and that deliver such agents into the
10 wearer's eye.

11 ~~c. Therapeutically certified optometrists~~ A licensed
12 optometrist may prescribe oral steroids for a period not to
13 exceed fourteen days without consultation with a physician.
14 ~~Therapeutically certified optometrists shall not prescribe oral~~
15 ~~Imuran or oral Methotrexate.~~

16 ~~d. Therapeutically certified optometrists~~ A licensed
17 optometrist may be authorized, where reasonable and
18 appropriate, by rule of the board, to employ new diagnostic and
19 therapeutic pharmaceutical agents approved by the United States
20 food and drug administration on or after July 1, 2002, for the
21 diagnosis and treatment of the human eye and adnexa.

22 ~~e. The board shall~~ is not ~~be~~ required to adopt rules
23 relating to topical pharmaceutical agents, oral antimicrobial
24 agents, oral antihistamines, oral antiglaucoma agents, and
25 oral analgesic agents. ~~Superficial~~ A licensed optometrist may
26 remove superficial foreign bodies ~~may be removed~~ from the human
27 eye and adnexa.

28 ~~f. The therapeutic efforts of a therapeutically certified~~
29 licensed optometrist are intended for the purpose of
30 examination, diagnosis, and treatment of visual defects,
31 abnormal conditions, and diseases of the human eye and adnexa,
32 for proper optometric practice or referral for consultation or
33 treatment to persons licensed under chapter 148.

34 ~~g. A therapeutically certified~~ licensed optometrist is
35 an optometrist who is licensed to practice optometry in this



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1 state and who is certified by the board to use the agents and
2 procedures authorized pursuant to this subsection.

3 ~~5.~~ 4. Beginning July 1, 2012, all licensed optometrists
4 shall meet requirements established by the board by rule to
5 employ diagnostic and therapeutic pharmaceutical agents for the
6 practice of optometry. All licensees practicing optometry in
7 this state shall have demonstrated qualifications and obtained
8 certification to use diagnostic and therapeutic pharmaceutical
9 agents as a condition of license renewal.

10 Sec. 3. Section 154.10, Code 2011, is amended to read as
11 follows:

12 **154.10 Standard of care.**

13 ~~1. A diagnostically certified licensed optometrist~~
14 ~~employing diagnostic pharmaceutical agents as authorized by~~
15 ~~section 154.1 shall be held to the same standard of care in the~~
16 ~~use of such agents and in diagnosis as is common to persons~~
17 ~~licensed under chapter 148 in this state.~~

18 2. A therapeutically certified person licensed as an
19 optometrist employing pharmaceutical agents as authorized
20 by section 154.1 pursuant to this chapter shall be held to
21 the same standard of care in the use of such agents and in
22 diagnosis and treatment as is common to persons licensed under
23 chapter 148 in this state.

24 Sec. 4. Section 155A.21, subsection 2, Code 2011, is amended
25 to read as follows:

26 2. Subsection 1 does not apply to a licensed pharmacy,
27 licensed wholesaler, physician, veterinarian, dentist,
28 podiatric physician, ~~therapeutically certified optometrist,~~
29 advanced registered nurse practitioner, physician assistant,
30 a nurse acting under the direction of a physician, or the
31 board of pharmacy, its officers, agents, inspectors, and
32 representatives, or to a common carrier, manufacturer's
33 representative, or messenger when transporting the drug or
34 device in the same unbroken package in which the drug or device
35 was delivered to that person for transportation.

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House File 2249 - Introduced

HOUSE FILE 2249
BY ISENHART

A BILL FOR

1 An Act directing the Iowa utilities board to require that
2 energy efficiency plans and programs be developed and
3 provided by an entity appointed by the board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5234YH (7) 84
rn/nh



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H.F. 2249

1 Section 1. Section 476.6, subsection 14, Code Supplement
2 2011, is amended to read as follows:

3 14. *Energy efficiency plans.* Electric and gas public
4 utilities shall offer energy efficiency programs to their
5 customers through energy efficiency plans. An energy
6 efficiency plan as a whole shall be cost-effective. In
7 determining the cost-effectiveness of an energy efficiency
8 plan, the board shall apply the societal test, utility cost
9 test, rate-payer impact test, and participant test. Energy
10 efficiency programs for qualified low-income persons and for
11 tree planting programs, educational programs, and assessments
12 of consumers' needs for information to make effective choices
13 regarding energy use and energy efficiency need not be
14 cost-effective and shall not be considered in determining
15 cost-effectiveness of plans as a whole. The energy efficiency
16 programs in the plans may be provided by the utility, ~~or~~ by a
17 contractor or agent of the utility, or on and after January 1,
18 2014, by an independent entity appointed by the board pursuant
19 to subsection 16, paragraph "i". Programs offered pursuant to
20 this subsection by gas and electric utilities that are required
21 to be rate-regulated shall require board approval.

22 Sec. 2. Section 476.6, subsection 16, Code Supplement 2011,
23 is amended by adding the following new paragraph:

24 NEW PARAGRAPH. *i.* (1) In lieu of the provision of
25 utility-specific energy efficiency programs as specified in
26 paragraphs "a" and "b" by gas and electric public utilities
27 required to be rate-regulated under this chapter either
28 directly by the utility or by a contractor or agent of the
29 utility, the board shall, after conducting a contested case
30 proceeding, provide for the development, implementation, and
31 monitoring of energy efficiency plans and programs by one or
32 more entities appointed by the board for such purposes by
33 January 1, 2014. Development and implementation of these
34 plans and programs shall satisfy a rate-regulated utility's
35 obligations with regard to energy efficiency plans and programs

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1 and implementation of these plans and programs satisfies a
2 rate-regulated utility's obligations with regard to otherwise
3 applicable energy efficiency plan and program requirements.

4 The bill additionally provides that the board shall
5 establish, after a contested case proceeding, an automatic
6 adjustment of rates and charges for the support of energy
7 efficiency programs developed and implemented by the appointed
8 entity or entities. The bill specifies that the charge shall
9 be known as the energy efficiency charge, shall be shown
10 separately on each customer's bill, and shall be remitted by
11 a utility to the board. When such a charge is imposed and
12 shown on the bill, the bill requires that notice of an internet
13 site containing information about energy efficiency programs
14 developed and implemented by the entity or entities shall also
15 be provided on a customer's bill near notation of the energy
16 efficiency charge. The bill provides that amounts remitted
17 in the form of energy efficiency charges shall be considered
18 repayment receipts as defined in Code section 8.2 and used by
19 the board in compensating the appointed entity or entities.

20 The bill directs the board to submit a report to the
21 general assembly by January 1, 2015, and annually thereafter,
22 detailing the energy efficiency plans and programs developed
23 and implemented by an appointed entity or entities and the
24 corresponding revenues collected and expenditures made.



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House File 2250 - Introduced

HOUSE FILE 2250
BY HANSON, SWAIM, GASKILL,
ABDUL-SAMAD, MASCHER,
THOMAS, BYRNES, MUHLBAUER,
and PETTENGILL

A BILL FOR

1 An Act relating to school district transportation costs by
2 providing supplementary weighting for transported pupils
3 in certain school districts and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5667YH (4) 84
md/sc



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1 Section 1. Section 257.11, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. *School district per pupil transportation*
4 *cost.*

5 *a.* In order to provide additional funds for school districts
6 with district transportation costs per pupil in excess of the
7 state average transportation costs per pupil, as those terms
8 are defined in section 257.31, subsection 17, a supplementary
9 weighting plan for determining enrollment is adopted.

10 *b.* A supplementary weighting amount per pupil as determined
11 under paragraph "c" shall be assigned to each transported pupil
12 of a school district that meets the requirement of paragraph
13 "a".

14 *c.* The department of management shall calculate a
15 supplementary weighting amount per pupil for each school
16 district meeting the requirement of paragraph "a" to generate
17 an amount for the school district equal to the number of
18 transported pupils in the district multiplied by the difference
19 between the district transportation costs per pupil and the
20 state average transportation cost per pupil.

21 *d.* Eligibility for supplementary weighting under this
22 subsection shall not affect a school district's eligibility for
23 transportation assistance under section 257.31, subsection 17.

24 Sec. 2. **APPLICABILITY.** This Act applies to school budget
25 years beginning on or after July 1, 2013.

26 **EXPLANATION**

27 This bill establishes a supplementary weighting plan for
28 those school districts with district transportation costs per
29 pupil in excess of the state average transportation costs
30 per pupil. The bill requires the department of management
31 to calculate a supplementary weighting amount per pupil for
32 each school district meeting such a requirement to generate
33 an amount for the school district equal to the number of
34 transported pupils in the district multiplied by the difference
35 between the district transportation costs per pupil and the

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1 state average transportation cost per pupil.

2 The bill provides that eligibility for supplementary
3 weighting under the bill does not affect a school district's
4 eligibility for transportation assistance from the school
5 budget review committee under Code section 257.31(17).

6 The bill applies to school budget years beginning on or after
7 July 1, 2013.



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House File 2251 - Introduced

HOUSE FILE 2251
BY ISENHART

A BILL FOR

- 1 An Act providing for a tax credit for the repayment of certain
- 2 student loan debt and including applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5078YH (2) 84
mm/sc



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1 Section 1. NEW SECTION. **261.113 Educational Opportunities**
2 **Tax Credit Program.**

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 *a.* "Commission" means the college student aid commission.

6 *b.* "Eligible institution" means a postsecondary educational
7 institution in this state that meets the requirements of the
8 provisions of the federal Higher Education Act of 1965 for
9 student participation in the federal interest subsidy program
10 and the requirements prescribed by rule of the commission.

11 *c.* "Eligible lender" means the same as defined in section
12 261.35.

13 *d.* "Eligible student" means a person who has entered into a
14 program agreement that meets the requirements of subsections 4
15 and 5.

16 *e.* "Program" means the educational opportunities tax credit
17 program established in this section.

18 *f.* "Program agreement" means an agreement to attend an
19 eligible institution entered into between the commission and a
20 student pursuant to subsections 4 and 5.

21 *g.* "Qualified student debt" means the maximum amount of an
22 eligible student's loan principal as determined pursuant to
23 subsection 7.

24 2. The commission shall establish and administer an
25 educational opportunities tax credit program pursuant to this
26 section. The purpose of the program is to reimburse eligible
27 students who agree to remain Iowa residents, or employers
28 of such students, for the amount of qualified student debt
29 borrowed and repaid in order to attend an eligible institution.

30 3. The commission shall coordinate with eligible
31 institutions, eligible students, eligible lenders, and the
32 department of revenue in the administration of the program.

33 4. The commission shall enter into a program agreement with
34 a student wishing to enroll at an eligible institution and
35 participate in the program. As part of the program agreement,

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1 the student shall covenant and agree to the following:

2 *a.* That the person is an Iowa resident, will remain a
3 resident while pursuing a degree from an eligible institution,
4 and will be for the entirety of each tax year for which the
5 person wishes to claim a tax credit under the program. A
6 person not meeting the residency requirements of this paragraph
7 is not eligible to claim the tax credit.

8 *b.* To enroll in a degree program at an eligible
9 institution. The degree to be pursued and the time allowed
10 for its completion shall be determined under the terms of
11 the agreement. A student shall not be required to complete
12 the degree at the eligible institution at which the student
13 initially enrolled provided all coursework for the degree is
14 completed at eligible institutions.

15 *c.* To keep all necessary financial and educational records
16 relating to the degree pursued and the qualified student debt
17 incurred for a period of not less than three years after the
18 last tax year in which a tax credit under the program is
19 claimed.

20 *d.* That only qualified student debt is eligible to be
21 claimed as a tax credit under the program.

22 *e.* That any acceleration in the repayment schedule of the
23 qualified student debt will result in a forfeiture of the tax
24 credit in that tax year and all subsequent tax years.

25 *f.* To refinance the loans comprising qualified student debt
26 only if they remain separate from all other debt and if both
27 the annual repayments and the total remaining indebtedness
28 under the loan's amortization schedule will be reduced by such
29 refinancing.

30 5. A student shall not enter into more than one program
31 agreement or claim the tax credit available under the program
32 more than once.

33 6. An eligible institution shall notify the commission
34 when an eligible student has completed applicable degree
35 requirements contained in the program agreement's covenants and



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1 shall certify to the commission the eligible student's amount
2 of qualified student debt.

3 7. a. An eligible student's qualified student debt shall
4 be the lesser of the following:

5 (1) The total amount of principal borrowed from an eligible
6 lender for purposes of paying the amount of tuition and
7 mandatory fees required in order to obtain a degree from an
8 eligible institution.

9 (2) The standard principal amount. For purposes of this
10 section, "*standard principal amount*" means the total average
11 annual amount of in-state tuition and mandatory fees charged
12 for attendance at the institutions of higher learning under
13 the control of the state board of regents during the time the
14 eligible student attended an eligible institution.

15 b. Only loans included as part of a financial aid package
16 awarded to the eligible student by an eligible institution
17 shall be included in the amount of qualified student debt
18 determined pursuant to this subsection.

19 8. After verifying the fulfillment of the program
20 agreement's covenants and certifying the amount of qualified
21 student debt, the commission shall issue to the eligible
22 student a tax credit certificate which shall contain the
23 eligible student's name, address, tax identification number,
24 the amount of the tax credit, and any other information
25 required by the department of revenue.

26 9. The commission, in consultation with the department of
27 revenue, shall adopt rules pursuant to chapter 17A for the
28 implementation and administration of the program.

29 10. a. (1) An educational opportunities tax credit shall
30 be allowed against the taxes imposed in chapter 422, divisions
31 II, III, and V, and in chapter 432, and against the moneys and
32 credits tax imposed in section 533.329, for the repayment of
33 qualified student debt.

34 (2) An individual may claim the tax credit under this
35 section of a partnership, limited liability company, S

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1 corporation, estate, or trust electing to have income taxed
2 directly to the individual. The amount claimed by the
3 individual shall be based upon the pro rata share of the
4 individual's earnings from the partnership, limited liability
5 company, S corporation, estate, or trust.

6 *b.* (1) An employer may claim a tax credit under this
7 section for payments made directly to an eligible lender on
8 behalf of an eligible student with qualified student debt who
9 has been issued a tax credit certificate pursuant to this
10 section.

11 (2) Such an employer may claim the tax credit in an amount
12 equal to the payments made by the employer of qualified student
13 debt that came due during the eligible student's period of
14 employment with the employer.

15 (3) The employer may require a person to provide a copy of
16 the program agreement and a copy of the tax credit certificate
17 issued pursuant to this section in order to verify that a
18 person is an eligible student with qualified student debt.

19 (4) The employer claiming a tax credit under the program
20 shall retain all relevant records for at least three tax years
21 following the last tax year in which the tax credit is claimed.

22 *c.* An eligible student and the eligible student's employer
23 may both claim tax credits for payments of qualified student
24 debt, but the same payment of qualified student debt shall not
25 be claimed by more than one taxpayer.

26 *d.* Any tax credit in excess of the taxpayer's liability
27 for the tax year is not refundable but may be credited to the
28 tax liability for the following ten years or until depleted,
29 whichever is earlier. A tax credit shall not be carried back
30 to a tax year prior to the tax year in which the taxpayer first
31 receives the tax credit.

32 *e.* An eligible student or employer may claim the tax credit
33 only if the eligible student is in compliance with the program
34 agreement, is an Iowa resident while working for the employer
35 located in Iowa, and is not in arrears on the repayment

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1 schedule for the qualified student debt.

2 11. *a.* (1) To claim the educational opportunities
3 tax credit, an eligible student must attach the tax credit
4 certificate issued by the commission to the taxpayer's tax
5 return.

6 (2) To claim the educational opportunities tax credit for
7 payments made on behalf of an eligible student, a taxpayer
8 shall attach a copy of the tax credit certificate issued to the
9 eligible student and any information required by the department
10 of revenue pertaining to the payments made to an eligible
11 lender.

12 *b.* The tax credit certificate or certificates attached
13 to the taxpayer's tax return shall be issued in the eligible
14 student's name, expire on or after the last day of the taxable
15 year for which the taxpayer is claiming the tax credit, and
16 show a tax credit amount equal to or greater than the tax
17 credit claimed on the taxpayer's tax return.

18 *c.* The tax credit certificate, unless rescinded by the
19 commission, shall be accepted by the department of revenue as
20 payment for taxes imposed pursuant to chapter 422, divisions
21 II, III, and V, and in chapter 432, and for the moneys and
22 credits tax imposed in section 533.329, subject to any
23 conditions or restrictions placed by the commission upon
24 the face of the tax credit certificate and subject to the
25 limitations of this section.

26 *d.* Except as otherwise provided in this section, a tax
27 credit certificate is not transferable to any person or entity.

28 12. An eligible student who exercises the forbearance
29 or deferment provisions of a loan agreement that comprises
30 a portion of the student's qualified student debt does not
31 forfeit the right to claim the tax credit available under this
32 section. The department of revenue shall toll the carryforward
33 provisions of subsection 10, paragraph "d", for any student
34 exercising such forbearance or deferment provisions.

35 13. The department of revenue, in consultation with the

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1 The purpose of the program is to provide a tax credit to
2 eligible students who agree to remain Iowa residents after
3 graduation, or their employers, for payments made toward the
4 student's qualified student debt. For purposes of the bill,
5 qualified student debt is either the total amount of principal
6 borrowed by the student or the total average annual amount of
7 in-state tuition charged to attend one of the institutions
8 of higher learning under the control of the state board of
9 regents, whichever is less. Only those loans included as part
10 of an eligible student's financial aid package from an eligible
11 institution may be included in the amount of qualified student
12 debt.

13 To be eligible for the program, a student must be an Iowa
14 resident, agree to remain so while pursuing a degree at an
15 eligible institution, and agree to be an Iowa resident for
16 the entirety of any tax year in which the student seeks to
17 claim the tax credit available under the program. An eligible
18 student must also agree to pursue a degree program at an
19 eligible institution. For purposes of the bill, an eligible
20 institution is a postsecondary educational institution in this
21 state which meets the requirements of the provisions of the
22 federal Higher Education Act of 1965 for student participation
23 in the federal interest subsidy program and the requirements
24 prescribed by rule of the commission. An eligible student
25 must enter into an agreement with the college student aid
26 commission for the completion of the degree program and the
27 certification of the amount of qualified student debt incurred
28 by the student.

29 The commission is required to coordinate with eligible
30 institutions, eligible students, eligible lenders, and the
31 department of revenue in the administration of the program.
32 When an eligible student has completed the degree required
33 by the agreement, the eligible institution the student
34 was attending must notify the commission and certify to
35 the commission the amount of qualified student debt. Upon

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1 verification of the completion of the degree and certification
2 of the amount of qualified student debt, the commission must
3 issue a tax credit certificate to the student.

4 The student may claim the amount of qualified student debt as
5 a credit against state income taxes, and may carry the credit
6 forward for up to 10 years. An employer may claim the portion
7 of the credit for payments made directly to eligible lenders
8 on the student's behalf to the extent that such payments are
9 due under the terms of the loan during the student's period of
10 employment with that employer. The credit is not refundable
11 or transferable and may not be carried back to prior tax
12 years. The credit is only available if the eligible student
13 is in compliance with the agreement entered into with the
14 college student aid commission, is an Iowa resident working
15 for the employer located in Iowa, and is not in arrears on the
16 repayment schedule for the qualified student debt.

17 The bill provides for rulemaking by both the college
18 student aid commission and the department of revenue for the
19 administration of the program.

20 The bill applies to tax years beginning on or after January
21 1, 2013, for qualified student debt incurred on or after that
22 date.



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House File 2252 - Introduced

HOUSE FILE 2252
BY KRESSIG and BAUDLER

A BILL FOR

1 An Act relating to the possession of certain substances with
2 the intent to manufacture a controlled substance, and
3 providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5902YH (3) 84
jm/nh



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H.F. 2252

1 Section 1. Section 124.401, subsection 4, Code Supplement
2 2011, is amended by adding the following new paragraphs:

3 NEW PARAGRAPH. o. Ammonium sulfate.

4 NEW PARAGRAPH. p. Ammonium nitrate.

5 NEW PARAGRAPH. q. Sodium hydroxide.

6 EXPLANATION

7 This bill relates to the possession of certain substances
8 with the intent to manufacture a controlled substance.

9 Under the bill, it is illegal for any unauthorized person
10 to possess ammonium sulfate (commonly used in tree fertilizer
11 spikes), ammonium nitrate, or sodium hydroxide (lye) with the
12 intent to manufacture a controlled substance.

13 A person who violates the bill commits a class "D" felony. A
14 class "D" felony is punishable by confinement for no more than
15 five years and a fine of at least \$750 but not more than \$7,500.



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House File 2253 - Introduced

HOUSE FILE 2253

BY KAUFMANN, SWEENEY, MOORE,
HUSEMAN, SODERBERG,
LOFGREN, COWNIE, J. TAYLOR,
BRANDENBURG, JORGENSEN,
ALONS, RASMUSSEN, PAUSTIAN,
HAGER, KOESTER, GARRETT,
and DOLECHECK

A BILL FOR

- 1 An Act relating to reporting a missing child to a law
- 2 enforcement agency, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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jm/rj



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1 Section 1. NEW SECTION. 726.9 Reporting a missing child
 2 to law enforcement.

3 1. As used in this section:

4 a. "Parent" means a parent, guardian, or other adult, who is
 5 a member of a child's household and responsible for the child's
 6 welfare.

7 b. "Serious injury" means as defined in section 702.18.

8 c. "Supervisory person" means the following:

9 (1) A person who has accepted, undertaken, or assumed
 10 supervision of a child from a parent.

11 (2) A person who has undertaken or assumed temporary
 12 supervision of a child without explicit consent from a parent.

13 2. A parent of a child twelve years of age or younger who
 14 recklessly fails to make contact with or verify the whereabouts
 15 and safety of the child within a twenty-four-hour period
 16 commits the following:

17 a. A class "B" felony, if the parent fails to report
 18 the child as missing to a law enforcement agency within the
 19 twenty-four-hour period, and the child is found dead or dies
 20 shortly after being found from injuries sustained while the
 21 child was missing.

22 b. A class "C" felony, if the parent fails to report
 23 the child as missing to a law enforcement agency within the
 24 twenty-four-hour period, and the child when found has suffered
 25 a serious injury.

26 c. An aggravated misdemeanor, if the parent fails to report
 27 the child as missing to a law enforcement agency within the
 28 twenty-four-hour period.

29 3. A parent of a child twelve years of age or younger who
 30 fails to make contact with or verify the whereabouts and safety
 31 of the child within a twenty-four-hour period commits the
 32 following:

33 a. A class "C" felony, if the parent fails to report
 34 the child as missing to a law enforcement agency within the
 35 twenty-four-hour period, and the child is found dead or dies

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1 shortly after being found from injuries sustained while the
2 child was missing.

3 *b.* A class "D" felony, if the parent fails to report
4 the child as missing to a law enforcement agency within the
5 twenty-four-hour period, and the child when found has suffered
6 a serious injury.

7 *c.* A serious misdemeanor, if the parent fails to report
8 the child as missing to a law enforcement agency within the
9 twenty-four-hour period.

10 4. A supervisory person of a child twelve years of age
11 or younger who fails to make contact with or verify the
12 whereabouts and safety of the child within a twenty-four-hour
13 period commits a serious misdemeanor if the supervisory person
14 fails to report the child as missing to a law enforcement
15 agency within the twenty-four-hour period.

EXPLANATION

17 This bill relates to reporting a missing child to a law
18 enforcement agency.

19 The bill creates a new criminal offense for failing to report
20 a missing child to a law enforcement agency.

21 Under the bill, a parent of a child 12 years of age or
22 younger who recklessly fails to make contact with or verify the
23 whereabouts and safety of the child within a 24-hour period
24 commits a class "B" felony, if the parent fails to report the
25 child as missing to a law enforcement agency within the 24-hour
26 period, and the child is found dead or dies shortly after being
27 found from injuries sustained while the child was missing. If
28 the child suffers a serious injury as defined in Code section
29 702.18, the parent commits a class "C" felony, or if the child
30 has no injury, the parent commits an aggravated misdemeanor.

31 Under the bill, a parent of a child 12 years of age
32 or younger who fails to make contact with or verify the
33 whereabouts and safety of the child within a 24-hour period
34 commits a class "C" felony, if the parent fails to report the
35 child as missing to a law enforcement agency within the 24-hour

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1 period, and the child is found dead or dies shortly after being
2 found from injuries sustained while the child was missing. If
3 the child suffers a serious injury as defined in Code section
4 702.18, the parent commits a class "D" felony, or if the child
5 has no injury, the parent commits a serious misdemeanor.

6 A supervisory person of a child 12 years of age or younger
7 who fails to make contact with or verify the whereabouts and
8 safety of the child commits a serious misdemeanor if the
9 supervisory person fails to report the child as missing to a
10 law enforcement agency within the 24-hour period.

11 The bill defines "parent" to mean a parent, guardian,
12 or other adult, who is a member of a child's household and
13 responsible for the child's welfare.

14 The bill defines "supervisory person" to mean a person
15 who has accepted, undertaken, or assumed supervision of a
16 child from a parent, or a person who has undertaken or assumed
17 temporary supervision of a child without explicit consent from
18 the parent.

19 A person convicted under this bill, in accordance with Code
20 section 726.10, may be required to register as a sex offender,
21 if the offense was committed against the minor and the fact
22 finder makes a determination that the offense was sexually
23 motivated.

24 A serious misdemeanor is punishable by confinement for no
25 more than one year and a fine of at least \$315 but not more than
26 \$1,875. An aggravated misdemeanor is punishable by confinement
27 for no more than two years and a fine of at least \$625 but
28 not more than \$6,250. A class "D" felony is punishable by
29 confinement for no more than five years and a fine of at
30 least \$750 but not more than \$7,500. A class "C" felony is
31 punishable by confinement for no more than 10 years and a fine
32 of at least \$1,000 but not more than \$10,000. A class "B"
33 felony is punishable by confinement for no more than 25 years.

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House File 2254 - Introduced

HOUSE FILE 2254
BY KAUFMANN and R. OLSON

A BILL FOR

- 1 An Act relating to eminent domain authority and procedures
- 2 for governmental entities and including effective date and
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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md/sc



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H.F. 2254

1 Section 1. NEW SECTION. **6A.15 Property on state historic**
2 **registry.**

3 1. Property listed on the state register of historic places
4 maintained by the historical division of the department of
5 cultural affairs shall not be removed from the register solely
6 for the purpose of allowing acquisition of the property by
7 condemnation, unless such condemnation is undertaken by the
8 department of transportation.

9 2. Property listed on the state register of historic places
10 maintained by the historical division of the department of
11 cultural affairs shall not be condemned by the state or a
12 political subdivision unless a joint resolution authorizing
13 commencement of the condemnation proceedings is approved by a
14 vote of at least two-thirds of the members of both chambers of
15 the general assembly and signed by the governor. The approval
16 requirements of this subsection shall not apply to condemnation
17 undertaken by the department of transportation.

18 Sec. 2. Section 6A.19, Code 2011, is amended to read as
19 follows:

20 **6A.19 Interpretative clause.**

21 A grant in this chapter of right to take private property
22 for a public use shall not be construed as limiting a like
23 grant elsewhere in the Code for another and different use.
24 Unless specifically provided by law, this chapter shall not
25 be construed to limit or otherwise affect the application of
26 chapters 478 and 479 to the eminent domain authority of the
27 utilities division of the department of commerce.

28 Sec. 3. Section 6A.22, subsection 2, paragraph c,
29 subparagraph (1), Code 2011, is amended to read as follows:

30 (1) (a) If private property is to be condemned for
31 development or creation of a lake, only that number of acres
32 justified as reasonable and necessary for a surface drinking
33 water source, and not otherwise acquired, may be condemned.
34 In addition, the acquiring agency shall conduct a review of
35 prudent and feasible alternatives to provision of a drinking

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1 water source prior to making a determination that such
 2 lake development or creation is reasonable and necessary.
 3 Development or creation of a lake as a surface drinking water
 4 source includes all of the following:

- 5 (i) Construction of the dam, including sites for suitable
- 6 borrow material and the auxiliary spillway.
- 7 (ii) The water supply pool.
- 8 (iii) The sediment pool.
- 9 (iv) The flood control pool.
- 10 (v) The floodwater retarding pool.
- 11 (vi) The surrounding area upstream of the dam no higher in
- 12 elevation than the top of the dam's elevation.
- 13 (vii) The appropriate setback distance required by state or
- 14 federal laws and regulations to protect drinking water supply.

15 (b) For purposes of this subparagraph (1), *number of acres*
 16 *justified as reasonable and necessary for a surface drinking*
 17 *water source* means according to guidelines of the United
 18 States natural resource conservation service and according to
 19 analyses of ~~surface~~ drinking water capacity needs conducted by
 20 one or more registered professional engineers. The registered
 21 professional engineers may, if appropriate, employ standards
 22 or guidelines other than the guidelines of the United States
 23 natural resource conservation service when determining the
 24 number of acres justified as reasonable and necessary for
 25 a surface drinking water source. The data and information
 26 used by the registered professional engineers shall include
 27 data and information relating to population and commercial
 28 enterprise activity for the area from the two most recent
 29 federal decennial censuses unless the district court of the
 30 county in which the property is situated has determined by
 31 a preponderance of the evidence that such data would not
 32 accurately predict the population and commercial enterprise
 33 activity of the area in the future.

34 (c) A second review or analysis of the drinking water
 35 capacity needs shall be performed upon receipt by the acquiring

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1 agency of a petition signed by not less than twenty-five
 2 percent of the affected property owners. The registered
 3 professional engineer to perform the second review or analysis
 4 shall be selected by a committee appointed by the affected
 5 property owners and whose membership is comprised of at
 6 least fifty percent property owners affected by the proposed
 7 condemnation action. The acquiring agency shall be responsible
 8 for paying the fees and expenses of such an engineer.

9 (d) If private property is to be condemned for development
 10 or creation of a lake, the plans, analyses, applications,
 11 including any application for funding, and other planning
 12 activities of the acquiring agency shall not include or provide
 13 for the use of the lake for recreational purposes.

14 Sec. 4. Section 6B.54, subsection 10, paragraph a, Code
 15 2011, is amended by adding the following new subparagraph:

16 **NEW SUBPARAGRAPH.** (3) Reasonable attorney fees and
 17 reasonable costs not to exceed one hundred thousand dollars,
 18 attributable to a determination that the creation of a lake
 19 through condemnation includes a future recreational use or that
 20 a violation of section 6A.22, subsection 2, paragraph "c",
 21 subparagraph (1), subparagraph division (d), has occurred, if
 22 such fees and costs are not otherwise provided under section
 23 6B.33.

24 Sec. 5. **NEW SECTION. 6B.56B Disposition of condemned**
 25 **property — two-year time period.**

26 1. When two years have elapsed since property was condemned
 27 for the creation of a lake according to the requirements of
 28 section 6A.22, subsection 2, paragraph "c", subparagraph (1),
 29 and the property has not been used for or construction has
 30 not progressed substantially from the date the property was
 31 condemned for the purpose stated in the application filed
 32 pursuant to section 6B.3, and the acquiring agency has not
 33 taken action to dispose of the property pursuant to section
 34 6B.56, the acquiring agency shall, within sixty days, adopt a
 35 resolution offering the property for sale to the prior owner

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1 at a price as provided in section 6B.56. If the resolution
 2 adopted approves an offer of sale to the prior owner, the offer
 3 shall be made in writing and mailed by certified mail to the
 4 prior owner. The prior owner has one hundred eighty days after
 5 the offer is mailed to purchase the property from the acquiring
 6 agency.

7 2. If the acquiring agency has not adopted a resolution
 8 described in subsection 1 within the sixty-day time period, the
 9 prior owner may, in writing, petition the acquiring agency to
 10 offer the property for sale to the prior owner at a price as
 11 provided in section 6B.56. Within sixty days after receipt of
 12 such a petition, the acquiring agency shall adopt a resolution
 13 described in subsection 1. If the acquiring agency does not
 14 adopt such a resolution within sixty days after receipt of the
 15 petition, the acquiring agency is deemed to have offered the
 16 property for sale to the prior owner.

17 3. The acquiring agency shall give written notice to the
 18 owner of the right to purchase the property under this section
 19 at the time damages are paid to the owner.

20 Sec. 6. Section 403.7, subsection 1, unnumbered paragraph
 21 1, Code 2011, is amended to read as follows:

22 A municipality shall have the right to acquire by
 23 condemnation any interest in real property, including a fee
 24 simple title thereto, which it may deem necessary for or in
 25 connection with an urban renewal project under this chapter,
 26 subject to the limitations on eminent domain authority
 27 in ~~chapter~~ chapters 6A and 6B. However, a municipality
 28 shall not condemn agricultural land included within an
 29 economic development area for any use unless the owner of
 30 the agricultural land consents to condemnation or unless the
 31 municipality determines that the land is necessary or useful
 32 for any of the following:

33 Sec. 7. NEW SECTION. 423B.11 Use of revenues — limitation.

34 The revenue raised by a local sales and services tax imposed
 35 under this chapter by a county shall not be expended for any

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1 purpose related to a project that includes the condemnation of
2 private property for the creation of a lake according to the
3 requirements of section 6A.22, subsection 2, paragraph "c",
4 subparagraph (1), if the local sales and services tax has not
5 been approved at election in the area where the property to be
6 condemned is located.

7 Sec. 8. Section 455A.5, Code 2011, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 7. The authority granted to the commission
10 to acquire real property for purposes of carrying out a
11 duty related to development or maintenance of the recreation
12 resources of the state, including planning, acquisition, and
13 development of recreational projects, and areas and facilities
14 related to such projects, shall not include the authority to
15 acquire real property by eminent domain.

16 Sec. 9. Section 456A.24, subsection 2, unnumbered paragraph
17 1, Code 2011, is amended to read as follows:

18 Acquire by purchase, ~~condemnation~~, lease, agreement,
19 gift, and devise lands or waters suitable for the purposes
20 hereinafter enumerated, and rights-of-way thereto, and to
21 maintain the same for the following purposes, ~~to wit~~:

22 Sec. 10. Section 456A.24, Code 2011, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 15. The authority granted the department
25 to acquire real property for any statutory purpose relating to
26 the development or maintenance of the recreation resources of
27 the state, including planning, acquisition, and development
28 of recreational projects, and areas and facilities related to
29 such projects, shall not include the authority to acquire real
30 property by eminent domain.

31 Sec. 11. Section 461A.7, Code 2011, is amended to read as
32 follows:

33 **461A.7 Eminent domain Purchase of lands — public parks.**

34 The commission may purchase ~~or condemn~~ lands from willing
35 sellers for public parks. ~~No~~ A contract for the purchase of



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1 such public parks shall not be made to an amount in excess of
2 funds appropriated therefor by the general assembly.

3 Sec. 12. Section 461A.10, Code 2011, is amended to read as
4 follows:

5 **461A.10 Title to lands.**

6 The title to all lands purchased, ~~condemned,~~ or donated,
7 hereunder, for park ~~or highway~~ purposes and the title to all
8 lands purchased, condemned, or donated hereunder for highway
9 purposes, shall be taken in the name of the state and if
10 thereafter it shall be deemed advisable to sell any portion of
11 the land so purchased or condemned, the proceeds of such sale
12 shall be placed to the credit of the ~~said~~ public state parks
13 fund to be used for such park purposes.

14 Sec. 13. Section 463C.8, subsection 1, paragraph k, Code
15 2011, is amended to read as follows:

16 *k.* The power to acquire, own, hold, administer, and dispose
17 of property, except that such power is not a grant of authority
18 to acquire property by eminent domain.

19 Sec. 14. REPEAL. Sections 461A.9 and 461A.75, Code 2011,
20 are repealed.

21 Sec. 15. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
22 Act, being deemed of immediate importance, takes effect upon
23 enactment and applies to projects or condemnation proceedings
24 pending or commenced on or after that date.

25 EXPLANATION

26 This bill makes changes relating to eminent domain authority
27 and procedures for governmental entities.

28 The bill provides that property listed on the state register
29 of historic places shall not be removed from the register
30 solely for the purpose of allowing the property to be acquired
31 by condemnation unless the condemnation is undertaken by
32 the department of transportation. The bill also provides
33 that property on the state register of historic places may
34 not be condemned unless a joint resolution authorizing the
35 condemnation is approved by a vote of at least two-thirds

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1 of each house of the general assembly and signed by the
2 governor. This approval procedure, however, does not apply to
3 a condemnation undertaken by the department of transportation.

4 The bill specifies that Code chapter 6A, unless specifically
5 provided by law, is not to be construed to limit or otherwise
6 affect the application of Code chapters 478 and 479 to the
7 eminent domain authority of the utilities division of the
8 department of commerce.

9 The bill makes changes relating to eminent domain authority
10 in relation to development or creation of a lake. The bill
11 provides that when determining the number of acres justified as
12 reasonable and necessary for a surface drinking water source,
13 the registered professional engineers may, if appropriate,
14 employ standards or guidelines other than the guidelines of
15 the United States natural resource conservation service. The
16 bill requires the data and information used by the registered
17 professional engineers to include data and information relating
18 to population and commercial enterprise activity for the area
19 from the two most recent federal decennial censuses unless the
20 district court of the county in which the property is situated
21 has determined by a preponderance of the evidence that such
22 data would not accurately predict the population and commercial
23 enterprise activity of the area in the future.

24 The bill also provides that a second review or analysis
25 of the drinking water capacity needs shall be performed upon
26 receipt by the acquiring agency of a petition signed by not
27 less than 25 percent of the affected property owners. The
28 registered professional engineer to perform the second review
29 or analysis shall be selected by a committee appointed by the
30 affected property owners and comprised of at least 50 percent
31 property owners affected by the proposed condemnation action.

32 The bill further provides that the acquiring agency shall
33 pay for the services of such an engineer. The bill provides
34 that if private property is to be condemned for development
35 or creation of a lake, the plans, analyses, applications,

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1 including any application for funding, and other planning
2 activities of the acquiring agency shall not include or provide
3 for the use of the lake for recreational purposes.

4 The bill adds reasonable attorney fees and reasonable costs
5 that are attributable to certain condemnation proceedings
6 relating to the creation of a lake, up to \$100,000, to the list
7 of expenses reimbursable by an acquiring agency to a property
8 owner.

9 The bill provides that when two years have elapsed since
10 property was condemned for the creation of a lake and the
11 property has not been used for or construction has not
12 progressed substantially for the purpose stated in the
13 application, and the acquiring agency has not taken action to
14 dispose of the property pursuant to Code section 6B.56, the
15 acquiring agency shall, within 60 days, adopt a resolution
16 offering the property for sale to the prior owner at a price
17 as provided in Code section 6B.56. If the acquiring agency
18 has not adopted a resolution within the 60-day time period,
19 the prior owner may petition the acquiring agency to offer the
20 property for sale to the prior owner at a price as provided in
21 Code section 6B.56. The bill requires the acquiring agency to
22 give written notice to the owner at the time damages are paid
23 to the owner of the right to purchase the property under such
24 circumstances.

25 The bill provides that the revenue raised by a local sales
26 and services tax imposed under Code chapter 423B by a county
27 shall not be expended for any purpose related to a project
28 that includes the condemnation of private property for the
29 creation of a lake if the local sales and services tax has not
30 been approved at election in the area where the property to be
31 condemned is located.

32 The bill specifies that a municipality exercising eminent
33 domain authority in an urban renewal area is subject to the
34 limitations contained in Code chapter 6B, as well as Code
35 chapter 6A.

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1 The bill provides that the department of natural resources
2 and the natural resource commission shall not exercise eminent
3 domain authority to acquire real property for purposes of
4 carrying out a duty related to development or maintenance of
5 the recreation resources of the state, including planning,
6 acquisition, and development of recreational projects, and
7 areas and facilities related to such projects. The bill
8 retains the department's authority to acquire property through
9 condemnation for highway purposes.

10 The bill takes effect upon enactment and applies to projects
11 or condemnation proceedings pending or commenced on or after
12 that date.



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House File 2255 - Introduced

HOUSE FILE 2255
BY KELLEY

A BILL FOR

- 1 An Act concerning the right of an employee or member to
- 2 continue group accident or health insurance upon termination
- 3 of employment or membership.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 509B.2, subsection 1, Code 2011, is
 2 amended to read as follows:
 3 1. As used in this chapter, "*termination of employment or*
 4 *membership*" includes but is not limited to termination because
 5 of permanent or temporary layoff or approved leave of absence,
 6 including an absence or reduction in hours due to the injury or
 7 illness of the employee or member. A provision in this chapter
 8 which relates to termination of insurance under a group policy
 9 of an employee or member and the employee's or member's covered
 10 dependents includes termination of insurance with respect to
 11 the surviving or former spouse or children of an employee or
 12 member whose insurance would terminate because of dissolution
 13 or annulment of the marriage of the employee or member, or
 14 would terminate because of death of the employee or member.

15 EXPLANATION

16 Code chapter 509B provides that an employee or member has
 17 the right to continue their group accident or health insurance
 18 which would otherwise terminate because of termination of
 19 the employment or membership. The bill specifies that a
 20 "termination of employment or membership" which triggers this
 21 right includes an absence or reduction in hours due to the
 22 injury or illness of the employee or member.



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House File 2256 - Introduced

HOUSE FILE 2256
BY KELLEY

A BILL FOR

1 An Act concerning notice to employees or members of the
2 termination or substantial modification of their group
3 accident or health insurance.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 509B.5, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. If an employer or group policyholder terminates or
4 substantially modifies an agreement to provide accident or
5 health insurance for employees or members or if accident
6 or health insurance for employees or members is terminated
7 for failure to pay premiums or for another reason, the
8 employer or group policyholder shall notify the employees or
9 members, including persons being continued under the policy's
10 continuation provisions, of the termination or substantial
11 modification of their coverage. The notice shall be in writing
12 and delivered in person to the entitled persons or mailed to
13 their last known addresses at least ~~ten~~ thirty days prior to
14 the termination or substantial modification of the accident or
15 health insurance coverage. The employer or group policyholder
16 is solely liable for benefits, including extended benefits,
17 other than extended benefits for which the insurer is liable
18 in accordance with the provisions of the group policy, which
19 would have been payable had the accident or health insurance
20 remained in force or not been terminated or substantially
21 modified during the period of time following the termination or
22 substantial modification until the person entitled to notice is
23 given notice by the employer or group policyholder as required
24 by this subsection.

25 EXPLANATION

26 This bill provides that when an agreement to provide
27 accident or health insurance for employees or members
28 is terminated or substantially modified, the employer or
29 group policyholder must provide written notification of the
30 termination or modification to the employees or members at
31 least 30, instead of 10, days before the change occurs.



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House File 2257 - Introduced

HOUSE FILE 2257

BY R. OLSON and PETTENGILL

A BILL FOR

- 1 An Act relating to the procedures governing boards and
- 2 commissions and the grounds for licensee discipline.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 9A.105, subsection 1, paragraph h, Code
2 2011, is amended to read as follows:

3 *h.* Whether the applicant or any person named pursuant to
4 paragraph “g” has been convicted of a ~~crime~~ felony that, if
5 committed in this state, would be a crime involving moral
6 turpitude ~~or which is a felony~~, and identify the ~~crime~~ felony.

7 Sec. 2. Section 9A.106, subsection 2, paragraph a, Code
8 2011, is amended to read as follows:

9 *a.* Been convicted of a ~~crime~~ felony that, if committed in
10 this state, would be a crime involving moral turpitude ~~or a~~
11 ~~felony~~.

12 Sec. 3. Section 17A.3, subsection 1, paragraph a, Code 2011,
13 is amended to read as follows:

14 *a.* (1) Adopt as a rule a description of the organization of
15 the agency which states the general course and method of its
16 operations, the administrative subdivisions of the agency and
17 the programs implemented by each of them, a statement of the
18 mission of the agency, and the methods by which and location
19 where the public may obtain information or make submissions or
20 requests.

21 (2) Each board, commission, or other multimember agency
22 shall adopt rules of procedure governing the conduct of agency
23 meetings.

24 Sec. 4. NEW SECTION. 17A.18B Licensee discipline.

25 1. An agency may revoke, suspend, or deny issuance or
26 renewal of a license, based on grounds as established in
27 statute.

28 2. Except as otherwise provided in statute, when
29 considering the revocation, suspension, or denial of a license,
30 an agency may consider a conviction for a felony, related to
31 the profession or occupation of the licensee. A copy of the
32 record of conviction, or an adjudication of guilt, shall be
33 conclusive evidence of the conviction.

34 3. An agency shall not consider a deferred judgment or
35 the underlying facts in that case as a ground for revoking,



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1 suspending, or denying issuance or renewal of a license.
 2 4. For the purposes of licensee discipline, the term "*public*
 3 *offense*" does not include chapter 321, traffic, or scheduled
 4 violations.
 5 Sec. 5. Section 80A.4, subsection 1, paragraph g, Code 2011,
 6 is amended to read as follows:
 7 g. Has not been convicted of a ~~crime described in section~~
 8 ~~708.3, 708.4, 708.5, 708.6, 708.8, or 708.9~~ felony.
 9 Sec. 6. Section 99G.24, subsection 7, paragraph a, Code
 10 2011, is amended to read as follows:
 11 a. Has been convicted of a ~~criminal offense~~ felony related
 12 to the security or integrity of the lottery in this or any
 13 other jurisdiction.
 14 Sec. 7. Section 125.14A, Code 2011, is amended to read as
 15 follows:
 16 **125.14A Personnel of a licensed program admitting juveniles.**
 17 1. If a person is being considered for licensure under this
 18 chapter, or for employment involving direct responsibility for
 19 a child or with access to a child when the child is alone, by
 20 a program admitting juveniles subject to licensure under this
 21 chapter, or if a person will reside in a facility utilized by
 22 such a program, and if the person has been convicted of a ~~crime~~
 23 public offense or has a record of founded child abuse, the
 24 department of human services and the program, for an employee
 25 of the program, shall perform an evaluation to determine
 26 whether the ~~crime~~ public offense or founded child abuse
 27 warrants prohibition of licensure, employment, or residence in
 28 the facility. The department of human services shall conduct
 29 criminal and child abuse record checks in this state and may
 30 conduct these checks in other states. The evaluation shall
 31 be performed in accordance with procedures adopted for this
 32 purpose by the department of human services.
 33 2. If the department of human services determines that a
 34 person has committed a ~~crime~~ public offense or has a record
 35 of founded child abuse and is licensed, employed by a program



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1 licensed under this chapter, or resides in a licensed facility
2 the department shall notify the program that an evaluation will
3 be conducted to determine whether prohibition of the person's
4 licensure, employment, or residence is warranted.

5 3. In an evaluation, the department of human services and
6 the program for an employee of the program shall consider the
7 nature and seriousness of the ~~crime~~ public offense or founded
8 child abuse in relation to the position sought or held, the
9 time elapsed since the commission of the ~~crime~~ public offense
10 or founded child abuse, the circumstances under which the
11 ~~crime~~ public offense or founded child abuse was committed,
12 the degree of rehabilitation, the likelihood that the person
13 will commit the ~~crime~~ public offense or founded child abuse
14 again, and the number of ~~crimes~~ public offenses or founded
15 child abuses committed by the person involved. The department
16 of human services may permit a person who is evaluated to
17 be licensed, employed, or to reside, or to continue to be
18 licensed, employed, or to reside in a program, if the person
19 complies with the department's conditions relating to the
20 person's licensure, employment, or residence, which may include
21 completion of additional training. For an employee of a
22 licensee, these conditional requirements shall be developed
23 with the licensee. The department of human services has final
24 authority in determining whether prohibition of the person's
25 licensure, employment, or residence is warranted and in
26 developing any conditional requirements under this subsection.

27 4. If the department of human services determines that the
28 person has committed a ~~crime~~ public offense or has a record of
29 founded child abuse which warrants prohibition of licensure,
30 employment, or residence, the person shall not be licensed
31 under this chapter to operate a program admitting juveniles
32 and shall not be employed by a program or reside in a facility
33 admitting juveniles licensed under this chapter.

34 5. In addition to the record checks required under this
35 section, the department of human services may conduct dependent

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1 adult abuse record checks in this state and may conduct these
2 checks in other states, on a random basis. The provisions
3 of this section, relative to an evaluation following a
4 determination that a person has been convicted of a ~~crime~~
5 public offense or has a record of founded child abuse, shall
6 also apply to a random check conducted under this subsection.

7 6. Beginning July 1, 1994, a program or facility shall
8 inform all new applicants for employment of the possibility
9 of the performance of a record check and shall obtain, from
10 the applicant, a signed acknowledgment of the receipt of the
11 information.

12 7. On or after July 1, 1994, a program or facility shall
13 include the following inquiry in an application for employment:
14 Do you have a record of founded child or dependent adult abuse
15 or have you ever been convicted of a ~~crime~~ public offense, in
16 this state or any other state?

17 Sec. 8. Section 135B.34, Code 2011, is amended to read as
18 follows:

19 **135B.34 Hospital employees — criminal history and abuse**
20 **record checks — penalty.**

21 1. Prior to employment of a person in a hospital, the
22 hospital shall request that the department of public safety
23 perform a criminal history check and the department of human
24 services perform child and dependent adult abuse record checks
25 of the person in this state. A hospital shall inform all
26 persons prior to employment regarding the performance of the
27 record checks and shall obtain, from the persons, a signed
28 acknowledgment of the receipt of the information. A hospital
29 shall include the following inquiry in an application for
30 employment:

31 Do you have a record of founded child or dependent adult abuse
32 or have you ever been convicted of a ~~crime~~ public offense, in
33 this state or any other state?

34 2. a. If it is determined that a person being considered
35 for employment in a hospital has committed a ~~crime~~ public



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1 offense, the department of public safety shall notify the
2 hospital that upon the request of the hospital the department
3 of human services will perform an evaluation to determine
4 whether the ~~crime~~ public offense warrants prohibition of the
5 person's employment in the hospital.

6 *b.* If a department of human services child or dependent
7 adult abuse record check shows that the person has a record of
8 founded child or dependent adult abuse, the department of human
9 services shall notify the hospital that upon the request of
10 the hospital the department of human services will perform an
11 evaluation to determine whether the founded child or dependent
12 adult abuse warrants prohibition of the person's employment in
13 the hospital.

14 *c.* An evaluation performed under this subsection shall
15 be performed in accordance with procedures adopted for this
16 purpose by the department of human services.

17 *d.* (1) If a person owns or operates more than one hospital,
18 and an employee of one of such hospitals is transferred to
19 another such hospital without a lapse in employment, the
20 hospital is not required to request additional criminal and
21 child and dependent adult abuse record checks of that employee.

22 (2) If the ownership of a hospital is transferred, at the
23 time of transfer the record checks required by this section
24 shall be performed for each employee for whom there is no
25 documentation that such record checks have been performed.
26 The hospital may continue to employ such employee pending the
27 performance of the record checks and any related evaluation.

28 3. In an evaluation, the department of human services shall
29 consider the nature and seriousness of the ~~crime~~ public offense
30 or founded child or dependent adult abuse in relation to the
31 position sought or held, the time elapsed since the commission
32 of the ~~crime~~ public offense or founded child or dependent adult
33 abuse, the circumstances under which the ~~crime~~ public offense
34 or founded child or dependent adult abuse was committed, the
35 degree of rehabilitation, the likelihood that the person will

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1 commit the ~~crime~~ public offense or founded child or dependent
2 adult abuse again, and the number of ~~crimes~~ public offenses
3 or founded child or dependent adult abuses committed by the
4 person involved. If the department of human services performs
5 an evaluation for the purposes of this section, the department
6 of human services has final authority in determining whether
7 prohibition of the person's employment is warranted.

8 4. a. Except as provided in paragraph "b" and subsection
9 2, a person who has committed a ~~crime~~ public offense or has
10 a record of founded child or dependent adult abuse shall not
11 be employed in a hospital licensed under this chapter unless
12 an evaluation has been performed by the department of human
13 services.

14 b. A person with a criminal or abuse record who is employed
15 by a hospital licensed under this chapter and is hired by
16 another licensee without a lapse in employment shall be subject
17 to the criminal history and abuse record checks required
18 pursuant to subsection 1. If an evaluation was previously
19 performed by the department of human services concerning
20 the person's criminal or abuse record and it was determined
21 that the record did not warrant prohibition of the person's
22 employment and the latest record checks do not indicate a
23 ~~crime~~ public offense was committed or founded abuse record was
24 entered subsequent to that evaluation, the person may commence
25 employment with the other licensee while the department of
26 human services' evaluation of the latest record checks is
27 pending. Otherwise, the requirements of paragraph "a" remain
28 applicable to the person's employment.

29 5. a. If a person employed by a hospital that is subject
30 to this section is convicted of a ~~crime~~ public offense or has
31 a record of founded child or dependent adult abuse entered in
32 the abuse registry after the person's employment application
33 date, the person shall inform the hospital of such information
34 within forty-eight hours of the criminal conviction or entry
35 of the record of founded child or dependent adult abuse. The



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1 hospital shall act to verify the information within forty-eight
2 hours of notification. If the information is verified, the
3 requirements of subsections 2, 3, and 4 regarding employability
4 and evaluations shall be applied by the hospital to determine
5 whether or not the person's employment is continued. The
6 hospital may continue to employ the person pending the
7 performance of an evaluation by the department of human
8 services to determine whether prohibition of the person's
9 employment is warranted. A person who is required by this
10 subsection to inform the person's employer of a conviction or
11 entry of an abuse record and fails to do so within the required
12 period commits a serious misdemeanor.

13 **b.** If a hospital receives credible information, as
14 determined by the hospital, that a person employed by the
15 hospital has been convicted of a ~~crime~~ public offense or a
16 record of founded child or dependent adult abuse has been
17 entered in the abuse registry after employment from a person
18 other than the employee and the employee has not informed
19 the hospital of such information within the period required
20 under paragraph "a", the hospital shall act to verify the
21 credible information within forty-eight hours of receipt of
22 the credible information. If the information is verified, the
23 requirements of subsections 2, 3, and 4 regarding employability
24 and evaluations shall be applied by the hospital to determine
25 whether or not the person's employment is continued.

26 **c.** The hospital may notify the county attorney for the
27 county where the hospital is located of any violation or
28 failure by an employee to notify the hospital of a criminal
29 conviction or entry of an abuse record within the period
30 required under paragraph "a".

31 **6.** A hospital licensed in this state may access the single
32 contact repository established by the department pursuant to
33 section 135C.33 as necessary for the hospital to perform record
34 checks of persons employed or being considered for employment
35 by the hospital.

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1 Sec. 9. Section 135C.33, Code 2011, is amended to read as
2 follows:

3 **135C.33 Employees and certified nurse aide trainees — child**
4 **or dependent adult abuse information and criminal record checks**
5 **— evaluations — application to other providers — penalty.**

6 1. a. For the purposes of this section, the term ~~"crime"~~
7 "public offense" does not include ~~offenses under chapter 321~~
8 ~~classified as a simple misdemeanor~~ chapter 321, traffic, or
9 scheduled violations or equivalent simple misdemeanor offenses
10 from another jurisdiction.

11 b. Prior to employment of a person in a facility, the
12 facility shall request that the department of public safety
13 perform a criminal history check and the department of human
14 services perform child and dependent adult abuse record checks
15 of the person in this state. A facility shall inform all
16 persons prior to employment regarding the performance of the
17 record checks and shall obtain, from the persons, a signed
18 acknowledgment of the receipt of the information. A facility
19 shall include the following inquiry in an application for
20 employment:

21 Do you have a record of founded child or dependent adult
22 abuse or have you ever been convicted of a ~~crime~~ public offense
23 other than a simple misdemeanor offense relating to motor
24 vehicles and laws of the road under chapter 321 or equivalent
25 provisions, in this state or any other state?

26 2. a. If it is determined that a person being considered
27 for employment in a facility has been convicted of a ~~crime~~
28 public offense under a law of any state, the department
29 of public safety shall notify the licensee that upon the
30 request of the licensee the department of human services will
31 perform an evaluation to determine whether the ~~crime~~ public
32 offense warrants prohibition of the person's employment in the
33 facility.

34 b. If a department of human services child or dependent
35 adult abuse record check shows that such person has a record of



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1 founded child or dependent adult abuse, the department of human
2 services shall notify the licensee that upon the request of
3 the licensee the department of human services will perform an
4 evaluation to determine whether the founded child or dependent
5 adult abuse warrants prohibition of employment in the facility.

6 *c.* An evaluation performed under this subsection shall
7 be performed in accordance with procedures adopted for this
8 purpose by the department of human services.

9 *d.* (1) If a person owns or operates more than one facility,
10 and an employee of one of such facilities is transferred to
11 another such facility without a lapse in employment, the
12 facility is not required to request additional criminal and
13 child and dependent adult abuse record checks of that employee.

14 (2) If the ownership of a facility is transferred, at the
15 time of transfer the record checks required by this section
16 shall be performed for each employee for whom there is no
17 documentation that such record checks have been performed.
18 The facility may continue to employ such employee pending the
19 performance of the record checks and any related evaluation.

20 3. In an evaluation, the department of human services shall
21 consider the nature and seriousness of the ~~crime~~ public offense
22 or founded child or dependent adult abuse in relation to the
23 position sought or held, the time elapsed since the commission
24 of the ~~crime~~ public offense or founded child or dependent adult
25 abuse, the circumstances under which the ~~crime~~ public offense
26 or founded child or dependent adult abuse was committed, the
27 degree of rehabilitation, the likelihood that the person will
28 commit the ~~crime~~ public offense or founded child or dependent
29 adult abuse again, and the number of ~~crimes~~ public offenses
30 or founded child or dependent adult abuses committed by the
31 person involved. If the department of human services performs
32 an evaluation for the purposes of this section, the department
33 of human services has final authority in determining whether
34 prohibition of the person's employment is warranted.

35 4. *a.* Except as provided in paragraph "`b`" and subsection



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1 2, a person who has committed a ~~crime~~ public offense or has
 2 a record of founded child or dependent adult abuse shall not
 3 be employed in a facility licensed under this chapter unless
 4 an evaluation has been performed by the department of human
 5 services.

6 *b.* A person with a criminal or abuse record who is employed
 7 by a facility licensed under this chapter and is hired by
 8 another licensee without a lapse in employment shall be subject
 9 to the criminal history and abuse record checks required
 10 pursuant to subsection 1. If an evaluation was previously
 11 performed by the department of human services concerning
 12 the person's criminal or abuse record and it was determined
 13 that the record did not warrant prohibition of the person's
 14 employment and the latest record checks do not indicate a
 15 ~~crime~~ public offense was committed or founded abuse record was
 16 entered subsequent to that evaluation, the person may commence
 17 employment with the other licensee while the department of
 18 human services' evaluation of the latest record checks is
 19 pending. Otherwise, the requirements of paragraph "a" remain
 20 applicable to the person's employment.

21 5. *a.* This section shall also apply to prospective
 22 employees of all of the following, if the provider is regulated
 23 by the state or receives any state or federal funding:

24 (1) An employee of a homemaker-home health aide, home care
 25 aide, adult day services, or other provider of in-home services
 26 if the employee provides direct services to consumers.

27 (2) An employee of a hospice, if the employee provides
 28 direct services to consumers.

29 (3) An employee who provides direct services to consumers
 30 under a federal home and community-based services waiver.

31 (4) An employee of an elder group home certified under
 32 chapter 231B, if the employee provides direct services to
 33 consumers.

34 (5) An employee of an assisted living program certified
 35 under chapter 231C, if the employee provides direct services

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1 to consumers.

2 **b.** In substantial conformance with the provisions of
3 this section, prior to the employment of such an employee,
4 the provider shall request the performance of the criminal
5 and child and dependent adult abuse record checks. The
6 provider shall inform the prospective employee and obtain the
7 prospective employee's signed acknowledgment. The department
8 of human services shall perform the evaluation of any criminal
9 record or founded child or dependent adult abuse record and
10 shall make the determination of whether a prospective employee
11 of a provider shall not be employed by the provider.

12 **6. a.** The department of inspections and appeals, in
13 conjunction with other departments and agencies of state
14 government involved with criminal history and abuse registry
15 information, shall establish a single contact repository for
16 facilities and other providers to have electronic access to
17 data to perform background checks for purposes of employment,
18 as required of the facilities and other providers under this
19 section.

20 **b.** The department may access the single contact repository
21 for any of the following purposes:

22 (1) To verify data transferred from the department's nurse
23 aide registry to the repository.

24 (2) To conduct record checks of applicants for employment
25 with the department.

26 **7. a.** If a person employed by a facility, service, or
27 program employer that is subject to this section is convicted
28 of a ~~crime~~ public offense or has a record of founded child or
29 dependent adult abuse entered in the abuse registry after the
30 person's employment application date, the person shall inform
31 the employer of such information within forty-eight hours of
32 the criminal conviction or entry of the record of founded child
33 or dependent adult abuse. The employer shall act to verify the
34 information within forty-eight hours of notification. If the
35 information is verified, the requirements of subsections 2, 3,

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1 and 4 regarding employability and evaluations shall be applied
2 by the employer to determine whether or not the person's
3 employment is continued. The employer may continue to employ
4 the person pending the performance of an evaluation by the
5 department of human services to determine whether prohibition
6 of the person's employment is warranted. A person who is
7 required by this subsection to inform the person's employer of
8 a conviction or entry of an abuse record and fails to do so
9 within the required period commits a serious misdemeanor.

10 **b.** If a facility, service, or program employer receives
11 credible information, as determined by the employer, that a
12 person employed by the employer has been convicted of a ~~crime~~
13 public offense or a record of founded child or dependent adult
14 abuse has been entered in the abuse registry after employment
15 from a person other than the employee and the employee has not
16 informed the employer of such information within the period
17 required under paragraph "a", the employer shall act to verify
18 the credible information within forty-eight hours of receipt of
19 the credible information. If the information is verified, the
20 requirements of subsections 2, 3, and 4 regarding employability
21 and evaluations shall be applied to determine whether or not
22 the person's employment is continued.

23 **c.** The employer may notify the county attorney for the
24 county where the employer is located of any violation or
25 failure by an employee to notify the employer of a criminal
26 conviction or entry of an abuse record within the period
27 required under paragraph "a".

28 **8. a.** For the purposes of this subsection, unless the
29 context otherwise requires:

30 (1) "*Certified nurse aide training program*" means a program
31 approved in accordance with the rules for such programs adopted
32 by the department of human services for the training of persons
33 seeking to be a certified nurse aide for employment in any of
34 the facilities or programs this section applies to or in a
35 hospital, as defined in section 135B.1.



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1 (2) *Student* means a person applying for, enrolled in, or
2 returning to a certified nurse aide training program.

3 *b.* Prior to a student beginning or returning to a certified
4 nurse aide training program, the program shall request that
5 the department of public safety perform a criminal history
6 check and the department of human services perform child and
7 dependent adult abuse record checks, in this state, of the
8 student. The program may access the single contact repository
9 established pursuant to this section as necessary for the
10 program to initiate the record checks.

11 *c.* If a student has a criminal record or a record of
12 founded child or dependent adult abuse, the student shall
13 not be involved in a clinical education component of the
14 certified nurse aide training program involving children or
15 dependent adults unless an evaluation has been performed by the
16 department of human services. Upon request of the certified
17 nurse aide training program, the department of human services
18 shall perform an evaluation to determine whether the record
19 warrants prohibition of the student's involvement in a clinical
20 education component of the certified nurse aide training
21 program involving children or dependent adults. The evaluation
22 shall be performed in accordance with the criteria specified in
23 subsection 3, and the department of human services shall report
24 the results of the evaluation to the certified nurse aide
25 training program. The department of human services has final
26 authority in determining whether prohibition of the student's
27 involvement in the clinical education component is warranted.

28 *d.* (1) If a student is convicted of a ~~crime~~ public offense
29 or has a record of founded child or dependent adult abuse
30 entered in the abuse registry after the record checks and any
31 evaluation have been performed, the student shall inform the
32 certified nurse aide training program of such information
33 within forty-eight hours of the criminal conviction or entry
34 of the record of founded child or dependent adult abuse. The
35 program shall act to verify the information within forty-eight

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1 hours of notification. If the information is verified, the
2 requirements of paragraph "c" shall be applied by the program
3 to determine whether or not the student's involvement in
4 a clinical education component may continue. The program
5 may allow the student involvement to continue pending the
6 performance of an evaluation by the department of human
7 services. A student who is required by this subparagraph to
8 inform the program of a conviction or entry of an abuse record
9 and fails to do so within the required period commits a serious
10 misdemeanor.

11 (2) If a program receives credible information, as
12 determined by the program, that a student has been convicted
13 of a ~~crime~~ public offense or a record of founded child or
14 dependent adult abuse has been entered in the abuse registry
15 after the record checks and any evaluation have been performed,
16 from a person other than the student and the student has not
17 informed the program of such information within the period
18 required under subparagraph (1), the program shall act to
19 verify the credible information within forty-eight hours of
20 receipt of the credible information. If the information is
21 verified, the requirements of paragraph "c" shall be applied
22 to determine whether or not the student's involvement in a
23 clinical education component may continue.

24 (3) The program may notify the county attorney for the
25 county where the program is located of any violation or failure
26 by a student to notify the program of a criminal conviction
27 or entry of an abuse record within the period required under
28 subparagraph (1).

29 e. If a certified nurse aide training program is conducted
30 by a health care facility and a student of that program
31 subsequently accepts and begins employment with the facility
32 within thirty days of completing the program, the criminal
33 history and abuse registry checks of the student performed
34 pursuant to this subsection shall be deemed to fulfill the
35 requirements for such checks prior to employment pursuant to



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1 subsection 1.

2 Sec. 10. Section 135H.7, Code 2011, is amended to read as
3 follows:

4 **135H.7 Personnel.**

5 1. A person shall not be allowed to provide services in a
6 psychiatric institution if the person has a disease which is
7 transmissible to other persons through required contact in the
8 workplace, which presents a significant risk of infecting other
9 persons, which presents a substantial possibility of harming
10 other persons, or for which no reasonable accommodation can
11 eliminate the risk of infecting other persons.

12 2. a. If a person is being considered for licensure under
13 this chapter, or for employment involving direct responsibility
14 for a child or with access to a child when the child is alone,
15 by a licensed psychiatric institution, or if a person will
16 reside in a facility utilized by a licensee, and if the person
17 has been convicted of a ~~crime~~ public offense or has a record
18 of founded child abuse, the department of human services and
19 the licensee, for an employee of the licensee, shall perform
20 an evaluation to determine whether the ~~crime~~ public offense
21 or founded child abuse warrants prohibition of licensure,
22 employment, or residence in the facility. The department of
23 human services shall conduct criminal and child abuse record
24 checks in this state and may conduct these checks in other
25 states. The evaluation shall be performed in accordance with
26 procedures adopted for this purpose by the department of human
27 services.

28 b. If the department of human services determines that a
29 person has committed a ~~crime~~ public offense or has a record of
30 founded child abuse and is licensed, employed by a psychiatric
31 institution licensed under this chapter, or resides in a
32 licensed facility the department shall notify the program
33 that an evaluation will be conducted to determine whether
34 prohibition of the person's licensure, employment, or residence
35 is warranted.

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1 c. In an evaluation, the department of human services and
2 the licensee for an employee of the licensee shall consider the
3 nature and seriousness of the ~~crime~~ public offense or founded
4 child abuse in relation to the position sought or held, the
5 time elapsed since the commission of the ~~crime~~ public offense
6 or founded child abuse, the circumstances under which the ~~crime~~
7 public offense or founded child abuse was committed, the degree
8 of rehabilitation, the likelihood that the person will commit
9 the ~~crime~~ public offense or founded child abuse again, and
10 the number of ~~crimes~~ public offenses or founded child abuses
11 committed by the person involved. The department may permit a
12 person who is evaluated to be licensed, employed, or to reside,
13 or to continue to be licensed, employed, or to reside in a
14 licensed facility, if the person complies with the department's
15 conditions relating to the person's licensure, employment, or
16 residence, which may include completion of additional training.
17 For an employee of a licensee, these conditional requirements
18 shall be developed with the licensee. The department of
19 human services has final authority in determining whether
20 prohibition of the person's licensure, employment, or residence
21 is warranted and in developing any conditional requirements
22 under this paragraph.

23 3. If the department of human services determines that the
24 person has committed a ~~crime~~ public offense or has a record of
25 founded child abuse which warrants prohibition of licensure,
26 employment, or residence, the person shall not be licensed
27 under this chapter to operate a psychiatric institution and
28 shall not be employed by a psychiatric institution or reside in
29 a facility licensed under this chapter.

30 4. In addition to the record checks required under
31 subsection 2, the department of human services may conduct
32 dependent adult abuse record checks in this state and may
33 conduct these checks in other states, on a random basis. The
34 provisions of subsections 2 and 3, relative to an evaluation
35 following a determination that a person has been convicted of a

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1 ~~crime~~ public offense or has a record of founded child abuse,
2 shall also apply to a random dependent adult abuse record check
3 conducted under this subsection.

4 5. Beginning July 1, 1994, a licensee shall inform all new
5 applicants for employment of the possibility of the performance
6 of a record check and shall obtain, from the applicant, a
7 signed acknowledgment of the receipt of the information.

8 6. On or after July 1, 1994, a licensee shall include the
9 following inquiry in an application for employment:

10 Do you have a record of founded child or dependent adult abuse
11 or have you ever been convicted of a ~~crime~~ public offense, in
12 this state or any other state?

13 Sec. 11. Section 147.55, subsection 5, Code 2011, is amended
14 to read as follows:

15 5. Conviction of a ~~crime~~ felony related to the profession
16 or occupation of the licensee or the conviction of any ~~crime~~
17 felony that would affect the licensee's ability to practice
18 within a profession. A copy of the record of conviction or
19 plea of guilty shall be conclusive evidence.

20 Sec. 12. Section 148.6, subsection 2, paragraph b, Code
21 2011, is amended to read as follows:

22 b. Being convicted of a felony in the courts of this state
23 or another state, territory, or country. Conviction as used in
24 this paragraph shall include a conviction of an offense which
25 if committed in this state would be deemed a felony without
26 regard to its designation elsewhere, ~~or a criminal proceeding~~
27 ~~in which a finding or verdict of guilt is made or returned, but~~
28 ~~the adjudication of guilt is either withheld or not entered.~~

29 A certified copy of the final order or judgment of conviction
30 or plea of guilty in this state or in another state shall be
31 conclusive evidence.

32 Sec. 13. Section 153.34, subsection 9, Code 2011, is amended
33 to read as follows:

34 9. For the conviction of a felony in the courts of this
35 state or another state, territory, or country. Conviction as



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1 used in this subsection includes a conviction of an offense
2 which if committed in this state would be a felony without
3 regard to its designation elsewhere, ~~and includes a finding or~~
4 ~~verdict of guilt made or returned in a criminal proceeding even~~
5 ~~if the adjudication of guilt is withheld or not entered.~~ A
6 certified copy of the final order or judgment of conviction or
7 plea of guilty in this state or in another state constitutes
8 conclusive evidence of the conviction.

9 Sec. 14. Section 156.9, subsection 2, paragraph e, Code
10 2011, is amended to read as follows:

11 e. Conviction of any ~~crime~~ felony related to the practice
12 of mortuary science or implicating the licensee's competence
13 to safely perform mortuary science services, including but
14 not limited to a ~~crime~~ felony involving moral character,
15 dishonesty, fraud, theft, embezzlement, extortion, or
16 controlled substances, in a court of competent jurisdiction in
17 this state, or in another state, territory, or district of the
18 United States, or in a foreign jurisdiction. ~~For purposes of~~
19 ~~this paragraph, "conviction" includes a guilty plea, deferred~~
20 ~~judgment, or other finding of guilt.~~ A certified copy of the
21 judgment is prima facie evidence of the conviction.

22 Sec. 15. Section 156.15, subsection 2, paragraph a, Code
23 2011, is amended to read as follows:

24 a. Been convicted of a felony ~~or any crime~~ related to the
25 practice of mortuary science or implicating the establishment's
26 ability to safely perform mortuary science services, or if the
27 applicant is an association, joint stock company, partnership,
28 or corporation, that a managing officer or owner has been
29 convicted of such a ~~crime~~ felony, under the laws of this state,
30 another state, or the United States.

31 Sec. 16. Section 169.13, subsection 1, paragraph b, Code
32 2011, is amended to read as follows:

33 b. Being convicted of a felony in the courts of this state
34 or another state, territory, or country. Conviction as used
35 in this paragraph includes a conviction of an offense which



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1 if committed in this state would be deemed a felony without
 2 regard to its designation elsewhere, ~~or a criminal proceeding~~
 3 ~~in which a finding or verdict of guilt is made or returned, but~~
 4 ~~the adjudication or guilt is either withheld or not entered. A~~
 5 ~~certified copy of the final order or judgment of conviction or~~
 6 ~~plea of guilty in this state or in another state is conclusive~~
 7 ~~evidence.~~

8 Sec. 17. Section 237.8, Code 2011, is amended to read as
 9 follows:

10 **237.8 Personnel.**

11 1. A person shall not be allowed to provide services in a
 12 facility if the person has a disease which is transmissible to
 13 other persons through required contact in the workplace, which
 14 presents a significant risk of infecting other persons, which
 15 presents a substantial possibility of harming other persons, or
 16 for which no reasonable accommodation can eliminate the risk of
 17 infecting other persons.

18 2. a. (1) If a person is being considered for licensure
 19 under this chapter, or for employment involving direct
 20 responsibility for a child or with access to a child when the
 21 child is alone, by a licensee under this chapter, or if a
 22 person will reside in a facility utilized by a licensee, and
 23 if the person has been convicted of a ~~crime~~ public offense
 24 or has a record of founded child abuse, the department and
 25 the licensee for an employee of the licensee shall perform
 26 an evaluation to determine whether the ~~crime~~ public offense
 27 or founded child abuse warrants prohibition of licensure,
 28 employment, or residence in the facility. The department shall
 29 conduct criminal and child abuse record checks in this state
 30 and may conduct these checks in other states. The evaluation
 31 shall be performed in accordance with procedures adopted for
 32 this purpose by the department.

33 (2) For an individual subject to licensure under this
 34 chapter as a foster parent, in addition to the record checks
 35 conducted under subparagraph (1), the individual's fingerprints



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1 shall be provided to the department of public safety for
 2 submission through the state criminal history repository to
 3 the United States department of justice, federal bureau of
 4 investigation for a national criminal history check. The cost
 5 of the criminal history check conducted under this subparagraph
 6 is the responsibility of the department of human services.

7 (3) If the criminal and child abuse record checks conducted
 8 in this state under subparagraph (1) for an individual
 9 being considered for licensure as a foster parent have been
 10 completed and the individual either does not have a record of
 11 ~~crime~~ a public offense or founded abuse or the department's
 12 evaluation of the record has determined that prohibition of the
 13 individual's licensure is not warranted, the individual may be
 14 provisionally approved for licensure pending the outcome of the
 15 fingerprint-based criminal history check conducted pursuant to
 16 subparagraph (2).

17 (4) An individual applying to be a foster parent licensee
 18 shall not be granted a license and an evaluation shall not be
 19 performed under this subsection if the individual has been
 20 convicted of any of the following felony offenses:

21 (a) Within the five-year period preceding the application
 22 date, a drug-related offense.

23 (b) Child endangerment or neglect or abandonment of a
 24 dependent person.

25 (c) Domestic abuse.

26 (d) A ~~crime~~ public offense against a child, including but
 27 not limited to sexual exploitation of a minor.

28 (e) A forcible felony.

29 *b.* Except as otherwise provided in paragraph "a", if the
 30 department determines that a person has committed a ~~crime~~
 31 public offense or has a record of founded child abuse and is
 32 licensed, employed by a licensee, or resides in a licensed
 33 facility the department shall notify the licensee that an
 34 evaluation will be conducted to determine whether prohibition
 35 of the person's licensure, employment, or residence is



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1 warranted.

2 *c.* In an evaluation, the department and the licensee for
3 an employee of the licensee shall consider the nature and
4 seriousness of the ~~crime~~ public offense or founded child abuse
5 in relation to the position sought or held, the time elapsed
6 since the commission of the ~~crime~~ public offense or founded
7 child abuse, the circumstances under which the ~~crime~~ public
8 offense or founded child abuse was committed, the degree of
9 rehabilitation, the likelihood that the person will commit
10 the ~~crime~~ public offense or founded child abuse again, and
11 the number of ~~crimes~~ public offenses or founded child abuses
12 committed by the person involved. The department may permit a
13 person who is evaluated to be licensed, employed, or to reside,
14 or to continue to be licensed, employed, or to reside in a
15 licensed facility, if the person complies with the department's
16 conditions relating to the person's licensure, employment, or
17 residence, which may include completion of additional training.
18 For an employee of a licensee, these conditional requirements
19 shall be developed with the licensee. The department has final
20 authority in determining whether prohibition of the person's
21 licensure, employment, or residence is warranted and in
22 developing any conditional requirements under this paragraph.

23 *d.* If the department determines that the person has
24 committed a ~~crime~~ public offense or has a record of founded
25 child abuse which warrants prohibition of licensure,
26 employment, or residence, the person shall not be licensed
27 under this chapter and shall not be employed by a licensee or
28 reside in a licensed facility.

29 3. In addition to the record checks required under
30 subsection 2, the department of human services may conduct
31 dependent adult abuse record checks in this state and may
32 conduct these checks in other states, on a random basis. The
33 provisions of subsection 2, relative to an evaluation following
34 a determination that a person has been convicted of a ~~crime~~
35 public offense or has a record of founded child abuse, shall

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1 also apply to a random check conducted under this subsection.

2 4. On or after July 1, 1994, a licensee shall inform all new
3 applicants for employment of the possibility of the performance
4 of a record check and shall obtain, from the applicant, a
5 signed acknowledgment of the receipt of the information.

6 5. On or after July 1, 1994, a licensee shall include the
7 following inquiry in an application for employment:

8 Do you have a record of founded child or dependent adult abuse
9 or have you ever been convicted of a ~~crime~~ public offense, in
10 this state or any other state?

11 Sec. 18. Section 237A.5, subsection 2, paragraph a,
12 subparagraph (3), subparagraph division (a), Code 2011, is
13 amended to read as follows:

14 (a) Conviction of a ~~crime~~ public offense.

15 Sec. 19. Section 237A.20, Code 2011, is amended to read as
16 follows:

17 **237A.20 Injunction.**

18 A person who establishes, conducts, manages, or operates a
19 center without a license or a child development home without a
20 certificate of registration, if registration is required under
21 section 237A.3A, may be restrained by temporary or permanent
22 injunction. A person who has been convicted of a ~~crime~~ felony
23 against a person, a person with a record of founded child
24 abuse, or a person who has been prohibited by the department
25 from involvement with child care may be restrained by
26 temporary or permanent injunction from providing unregistered,
27 registered, or licensed child care or from other involvement
28 with child care. The action may be instituted by the state,
29 the county attorney, a political subdivision of the state, or
30 an interested person.

31 Sec. 20. Section 523A.503, subsection 1, paragraph f, Code
32 2011, is amended to read as follows:

33 *f.* Conviction of a ~~criminal~~ public offense involving
34 dishonesty or a false statement including but not limited
35 to fraud, theft, misappropriation of funds, falsification



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1 of documents, deceptive acts or practices, or other related
2 offenses.

3 Sec. 21. Section 543B.15, subsection 3, paragraph c, Code
4 2011, is amended by striking the paragraph.

5 Sec. 22. Section 543B.29, subsection 1, paragraph f,
6 unnumbered paragraph 1, Code Supplement 2011, is amended to
7 read as follows:

8 Conviction of ~~an offense~~ a felony included in section
9 543B.15, subsection 3. ~~For purposes of this section,~~
10 ~~"conviction" means a conviction for an indictable offense and~~
11 ~~includes the court's acceptance of a guilty plea, a deferred~~
12 ~~judgment from the time of entry of the deferred judgment until~~
13 ~~the time the defendant is discharged by the court without entry~~
14 ~~of judgment, or other finding of guilt by a court of competent~~
15 ~~jurisdiction. A copy of the record of conviction, guilty plea,~~
16 ~~deferred judgment, or other finding of guilt is conclusive~~
17 evidence.

18 EXPLANATION

19 This bill relates to the grounds that an agency may use
20 to deny, revoke, or suspend a professional or occupational
21 license. Currently, many licensing statutes cite as
22 disciplinary grounds conviction of a "crime" related to the
23 profession or occupation. The bill substitutes "felony" for
24 "crime", except for those occupations relating to the care
25 of the ill, the elderly or infirm, or the care of children
26 in which case "public offense" is substituted. The term
27 "public offense" is defined in Code section 701.2 as "that
28 which is prohibited by statute and is punishable by fine or
29 imprisonment".

30 The bill requires that each board or commission adopt rules
31 of procedure for the conduct of agency meetings.



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House File 2258 - Introduced

HOUSE FILE 2258

BY HANSON, STECKMAN, GASKILL,
MASCHER, KEARNS, SWAIM,
ABDUL-SAMAD, H. MILLER,
KELLEY, RAYHONS, and HAGER

A BILL FOR

- 1 An Act establishing a forest and fruit tree reservation
- 2 property tax exemption advisory committee.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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md/sc



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1 Section 1. FOREST AND FRUIT TREE RESERVATION PROPERTY TAX
2 EXEMPTION ADVISORY COMMITTEE.

3 1. The department of natural resources shall establish
4 a forest and fruit tree reservation property tax exemption
5 advisory committee as part of the department. The advisory
6 committee shall study Iowa's forest and fruit tree reservation
7 law, chapter 427C and section 441.22, focusing on those
8 provisions of law that provide a property tax exemption to
9 landowners.

10 2. The advisory committee shall be composed of the following
11 voting members:

12 a. The director of the department of natural resources, or
13 the director's designee.

14 b. The director of the economic development authority, or
15 the director's designee.

16 c. One representative from each of the following
17 organizations or entities, appointed by the governor:

18 (1) The Iowa state association of county supervisors.

19 (2) The Iowa state association of assessors.

20 (3) The Iowa league of cities.

21 (4) The Iowa association of realtors.

22 (5) The Iowa woodland owners association.

23 (6) The Iowa environmental council.

24 (7) The Iowa farm bureau federation.

25 (8) The Iowa farmers union.

26 (9) The Iowa conservation alliance.

27 d. One individual taxpayer currently receiving a property
28 tax exemption under chapter 427C, appointed by the governor.

29 3. In addition to the voting members, the advisory committee
30 shall include four members of the general assembly with not
31 more than one member from each chamber being from the same
32 political party. The two senators shall be appointed one each
33 by the majority leader of the senate and by the minority leader
34 of the senate. The two representatives shall be appointed one
35 each by the speaker of the house of representatives and by the

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1 minority leader of the house of representatives. Legislative
2 members shall serve in an ex officio, nonvoting capacity. A
3 legislative member is eligible for per diem and expenses as
4 provided in section 2.10.

5 4. The director of the department of natural resources or
6 the director's designee shall serve as the chairperson of the
7 advisory committee.

8 5. In fulfilling its duties, the advisory committee shall
9 do all of the following:

10 a. Review and analyze issues relating to the property tax
11 exemption program under chapter 427C.

12 b. Examine the current status of the property tax exemption
13 program under chapter 427C including but not limited to the
14 number of acres that are currently receiving the exemption on
15 both a statewide and per county basis, and information relating
16 to the types of taxpayers currently utilizing the exemption.

17 c. Examine the economic impact and value of the tax
18 exemption program under chapter 427C, including an assessment
19 of public opinion of the program.

20 d. Study new and innovative ways to protect erodible soils
21 and to provide watershed protection.

22 e. Review similar forest and fruit tree reservation
23 programs in other midwestern states, including a determination
24 of whether such programs require forest or fruit tree
25 management plans and the costs of implementing and monitoring
26 such plans. The committee shall also determine an estimated
27 cost for implementing a management plan system as part of the
28 property tax exemption program under chapter 427C.

29 f. Estimate the economic impact to local government and
30 school district budgets from the property tax exemption under
31 chapter 427C.

32 g. Examine the current or potential abuses of the property
33 tax exemption under chapter 427C by property owners and
34 make recommendations to correct these abuses. Such abuses
35 may include but are not limited to forest and fruit tree

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1 reservation landowners receiving economic benefits through
2 providing hunting privileges or by other means.

3 h. Review current enforcement provisions within the
4 chapter 427C program and make recommendations for improving
5 enforcement, including but not limited to identifying the
6 appropriate state or local officials authorized to enforce
7 the law, the costs of enforcement, and whether signage of
8 forest and fruit tree reservations would benefit those persons
9 required to enforce the law.

10 i. Review the appropriateness of the current level of
11 exemption under chapter 427C.

12 j. Consider the appropriateness of a cap on the number of
13 acres per county which may receive an exemption under chapter
14 427C in order to reduce property tax revenue loss.

15 k. Examine other means for local governments to replace the
16 lost property tax revenue due to the property tax exemption
17 under chapter 427C including but not limited to a requirement
18 that forest and fruit tree reservations be required to pay all
19 or a portion of specified property tax levies or the imposition
20 of a property tax levy on forest and fruit tree reservations.

21 6. The advisory committee shall approve recommendations
22 on all relevant items specified in subsection 4, paragraphs
23 "a" through "k". The advisory committee shall prepare a
24 report that summarizes the advisory committee's activities,
25 analyzes the issues studied by the advisory committee, includes
26 the recommendations approved by the advisory committee, and
27 includes any other information that the advisory committee
28 deems relevant.

29 7. The advisory committee shall submit the report prepared
30 under subsection 6 to the governor and the general assembly not
31 later than January 14, 2013.

32 EXPLANATION

33 This bill directs the department of natural resources to
34 establish a forest and fruit tree reservation property tax
35 exemption advisory committee as part of the department. The

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1 advisory committee is required to study Iowa's forest and
2 fruit tree reservation law (Code chapter 427C and Code section
3 441.22), focusing on those provisions of law that provide a
4 property tax exemption to landowners.

5 The advisory committee is composed of the following voting
6 members: the director of the department of natural resources,
7 or the director's designee, who serves as the chairperson;
8 the director of the economic development authority, or the
9 director's designee; one representative from each of nine
10 specified organizations or entities, appointed by the governor;
11 and one individual taxpayer currently receiving a property tax
12 exemption under the program, appointed by the governor.

13 In addition to the voting members, the advisory committee
14 includes four members of the general assembly with not more
15 than one member from each chamber being from the same political
16 party. The two senators shall be appointed one each by the
17 majority leader of the senate and by the minority leader of the
18 senate. The two representatives shall be appointed one each by
19 the speaker of the house of representatives and by the minority
20 leader of the house of representatives. Legislative members
21 shall serve in an ex officio, nonvoting capacity.

22 The bill specifies the issues under the forest and fruit tree
23 property tax exemption program to be reviewed by the advisory
24 committee, directs the advisory committee to review similar
25 laws from other states, and requires the advisory committee to
26 formulate recommendations.

27 The bill requires the advisory committee to prepare a report
28 that summarizes the advisory committee's activities, analyzes
29 the issues studied, includes the recommendations approved by
30 the advisory committee, and includes any other information
31 that the advisory committee deems relevant and necessary.
32 The report must be submitted to the governor and the general
33 assembly not later than January 14, 2013.



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House Joint Resolution 2007 - Introduced

HOUSE JOINT RESOLUTION 2007
BY WILLEMS

HOUSE JOINT RESOLUTION

1 A Joint Resolution to designate the "Iowa Waltz" as the state
2 song of Iowa.
3 WHEREAS, Iowa-born folk musician Greg Brown has made music a
4 way of life for over 40 years; and
5 WHEREAS, in 1981 Mr. Brown composed the "Iowa Waltz" as a
6 tribute to his home state; and
7 WHEREAS, the "Iowa Waltz" is a gentle, melodious song that
8 celebrates Iowa's rural roots and farming traditions; NOW
9 THEREFORE,
10 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.J.R. 2007

1 That the General Assembly officially designates the song
2 "Iowa Waltz" by Greg Brown as the state song of Iowa.

3 EXPLANATION

4 This joint resolution designates the song "Iowa Waltz" by
5 Greg Brown as the state song of Iowa.



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House Study Bill 621 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to various matters under the purview of the
2 insurance division of the department of commerce, providing
3 penalties, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5183YC (1) 84
av/nh



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1 Section 1. Section 135.22A, subsection 2, paragraph g, Code
2 2011, is amended by striking the paragraph.

3 Sec. 2. Section 502.412, subsection 3, Code 2011, is amended
4 to read as follows:

5 3. *Disciplinary penalties — registrants.* If the
6 administrator finds that the order is in the public interest
7 and subsection 4, paragraphs "a" through "f", "h", "i", "j",
8 "l", or "m", authorizes the action, an order under this chapter
9 may censure, impose a bar, or impose a civil penalty in an
10 amount not to exceed a maximum of ~~five ten~~ thousand dollars
11 for a single violation or ~~five hundred thousand~~ one million
12 dollars for more than one violation, or in an amount as agreed
13 to by the parties, on a registrant, and, if the registrant is
14 a broker-dealer or investment adviser, a partner, officer,
15 director, or person having a similar status or performing
16 similar functions, or a person directly or indirectly in
17 control, of the broker-dealer or investment adviser.

18 Sec. 3. Section 502.604, subsection 4, Code Supplement
19 2011, is amended to read as follows:

20 4. *Civil penalty — restitution — corrective action.* In a
21 final order under subsection 3, the administrator may impose a
22 civil penalty up to an amount not to exceed a maximum of ~~five~~
23 ten thousand dollars for a single violation or ~~five hundred~~
24 thousand one million dollars for more than one violation, or
25 in an amount as agreed to by the parties, order restitution,
26 or take other corrective action as the administrator deems
27 necessary and appropriate to accomplish compliance with
28 the laws of the state relating to all securities business
29 transacted in the state.

30 Sec. 4. Section 502.604, Code Supplement 2011, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 5A. *Failure to obey cease and desist*
33 *order.* A person who fails to obey a valid cease and desist
34 order issued by the administrator under this section may, after
35 notice and opportunity for a hearing, be subject to a civil



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1 penalty in an amount of not less than one thousand dollars and
2 not to exceed ten thousand dollars for violating the order.
3 Each day the failure to obey the cease and desist order occurs
4 or continues constitutes a separate violation of the order.
5 The penalties provided in this subsection are in addition to,
6 and not exclusive of, other remedies that may be available.

7 Sec. 5. Section 505.8, subsection 10, Code Supplement 2011,
8 is amended to read as follows:

9 10. The commissioner may, after a hearing conducted
10 pursuant to chapter 17A, assess fines or penalties; assess
11 costs of an examination, investigation, or proceeding;
12 order restitution; or take other corrective action as the
13 commissioner deems necessary and appropriate to accomplish
14 compliance with the laws of the state relating to all insurance
15 business transacted in the state.

16 Sec. 6. NEW SECTION. 506.14 **Voluntary dissolution of**
17 **domestic mutual insurance companies.**

18 1. Any plan for voluntary dissolution of a domestic
19 mutual insurance company licensed to transact the business
20 of insurance under chapter 508, 515, 518, or 518A shall be
21 presented for approval by the commissioner not less than ninety
22 days in advance of notice of the plan to policyholders.

23 2. The commissioner shall approve the plan if the
24 commissioner finds that the plan complies with all applicable
25 provisions of law and is fair and equitable to the domestic
26 mutual insurance company and its policyholders.

27 Sec. 7. Section 507.10, subsection 4, paragraph a, Code
28 2011, is amended to read as follows:

29 a. All orders entered pursuant to subsection 3, paragraph
30 "a", shall be accompanied by findings and conclusions resulting
31 from the commissioner's consideration and review of the
32 examination report, relevant examiner work papers, and any
33 written submissions or rebuttals. Any such order is a final
34 administrative decision and may be appealed pursuant to chapter
35 17A, and shall be served upon the company by certified mail,



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1 together with a copy of the adopted examination report. ~~Within~~
 2 ~~thirty days of the issuance of the adopted report, the company~~
 3 ~~shall file affidavits executed by each of its directors stating~~
 4 ~~under oath that they have received a copy of the adopted report~~
 5 ~~and related orders. The board of directors of the company~~
 6 ~~shall timely review the adopted report. The minutes of the~~
 7 ~~meeting of the board at which the adopted report is considered~~
 8 ~~shall reflect that each member of the board has reviewed the~~
 9 ~~adopted report.~~

10 Sec. 8. Section 507.14, subsection 4, Code 2011, is amended
 11 to read as follows:

12 4. Confidential documents, materials, information,
 13 administrative or judicial orders, or other actions may be
 14 disclosed to a regulatory official of any state, federal
 15 agency, or foreign country provided that the recipients are
 16 required, under their law, to maintain their confidentiality.
 17 Confidential records may be disclosed to the national
 18 association of insurance commissioners, the international
 19 association of insurance supervisors, and the bank for
 20 international settlements, provided that the association
 21 certifies associations and the bank certify by written
 22 statement that the confidentiality of the records will be
 23 maintained.

24 Sec. 9. Section 507B.4, Code 2011, is amended by adding the
 25 following new subsection:

26 NEW SUBSECTION. 20. *Refund of premium for duplication of*
 27 *insurance.* Failing to refund premiums paid for a Medicare
 28 supplement policy after the effective date of a subsequently
 29 purchased Medicare advantage plan, where there have been no
 30 claims made on the Medicare supplement policy, and it can be
 31 established that the carrier of the Medicare supplement policy
 32 has no exposure to pay benefits if a claim is submitted to it
 33 during the time that both the Medicare supplement policy and
 34 the Medicare advantage plan are in effect. For the purposes
 35 of this subsection, "Medicare supplement policy" and "Medicare



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1 twenty-four hours after the filing of such a petition pursuant
2 to this section.

3 4. If the district court does not make a determination on a
4 petition for an order of rehabilitation or liquidation filed by
5 the commissioner pursuant to this section within twenty-four
6 hours after the filing of the petition, the order shall be
7 deemed granted by operation of law upon the expiration of the
8 twenty-four-hour period.

9 a. At the time that an order is deemed granted under this
10 subsection, the provisions of this chapter shall be deemed
11 to be in effect, and the commissioner shall be deemed to be
12 affirmed as receiver and to have all of the applicable powers
13 provided by this chapter, regardless of whether an order has
14 been entered by the district court.

15 b. If an order is deemed granted by operation of law under
16 this subsection, the district court shall expeditiously enter
17 an order of rehabilitation or liquidation that does all of the
18 following:

19 (1) Is effective as of the date that the order is deemed
20 granted by operation of law.

21 (2) Conforms to the provisions for rehabilitation or
22 liquidation of an insurer contained in this chapter, as
23 applicable.

24 5. An order of rehabilitation or liquidation made pursuant
25 to this section shall not be subject to a stay or injunction
26 pending appeal.

27 6. Nothing in this section shall be construed to supersede
28 or impair any other power or authority of the commissioner or
29 the district court under this chapter.

30 Sec. 11. Section 507E.5, subsection 2, Code 2011, is amended
31 to read as follows:

32 2. The commissioner may share documents, materials, or
33 other information, including confidential and privileged
34 documents, materials, or other information, with other
35 state, federal, and international regulatory agencies, with



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1 the national association of insurance commissioners and its
2 affiliates or subsidiaries, and with local, state, federal, and
3 international law enforcement authorities, provided that the
4 recipient agrees to maintain the confidential and privileged
5 status of the document, material, or other information,
6 pursuant to Iowa law.

7 Sec. 12. Section 511.8, subsection 14, Code Supplement
8 2011, is amended to read as follows:

9 14. *Urban real estate and personal property.*

10 a. Personal or real property or both located within the
11 United States or the Dominion of Canada, other than real
12 property used or to be used primarily for agricultural,
13 horticultural, ranching or mining purposes, which produces
14 income or which by suitable improvement will produce income.
15 However, personal property acquired under this subsection shall
16 be acquired for the purpose of entering into a contract for
17 the sale or for a use under which the contractual payments
18 may reasonably be expected to result in the recovery of the
19 investment and an investment return within the anticipated
20 useful life of the property. Legal title to the real property
21 may be acquired subject to a contract of sale.

22 b. "Real property" as used in this subsection includes a all
23 of the following:

- 24 (1) A leasehold of real estate, ~~an.~~
- 25 (2) An undivided interest in a leasehold of real estate, ~~and~~
26 ~~an.~~
- 27 (3) An undivided interest in the fee title of real estate.
- 28 (4) A controlling membership, partnership, shareholder, or
29 trust interest in any entity created solely for the purpose
30 of owning and operating any of the interests described in
31 subparagraph (1), (2), or (3), if the entity is expressly
32 limited to that purpose within its organizational documents.

33 c. Investments under this subsection are not eligible in
34 excess of ten percent of the legal reserve.

35 Sec. 13. Section 511.8, subsection 19, Code Supplement



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1 2011, is amended to read as follows:
 2 19. *Other foreign government or corporate obligations.*
 3 a. Bonds or other evidences of indebtedness, not to
 4 include currency, issued, assumed, or guaranteed by a foreign
 5 government other than Canada, or by a corporation incorporated
 6 under the laws of a foreign government other than Canada. Such
 7 governmental obligations must be valid, legally authorized
 8 and issued, and on the date of acquisition have predominantly
 9 investment qualities and characteristics as provided by
 10 rule. Such corporate obligations must meet the qualifications
 11 established in subsection 5 for bonds and other evidences of
 12 indebtedness issued, assumed, or guaranteed by a corporation
 13 incorporated under the laws of the United States or Canada.
 14 Foreign investments authorized by this subsection are not
 15 eligible in excess of ~~twenty~~ twenty-five percent of the
 16 legal reserve of the life insurance company or association.
 17 Investments in obligations of a foreign government, other
 18 than Canada ~~and~~, the United Kingdom, and foreign governments
 19 rated AAA by Standard and Poor's division of McGraw-Hill
 20 companies, inc., or Aaa by Moody's investors services, inc.,
 21 are not eligible in excess of two percent of the legal reserve
 22 in the securities of foreign governments of any one foreign
 23 nation. Investments in obligations of the United Kingdom are
 24 not eligible in excess of four percent of the legal reserve.
 25 Investments in obligations of foreign governments rated either
 26 AAA by Standard and Poor's division of McGraw-Hill companies,
 27 inc., or Aaa by Moody's investors services, inc., are not
 28 eligible in excess of five percent of the legal reserve.
 29 Investments in a corporation incorporated under the laws of a
 30 foreign government other than Canada are not eligible in excess
 31 of two percent of the legal reserve in the securities of any
 32 one foreign corporation.
 33 b. Eligible investments in foreign obligations under this
 34 subsection are limited to the types of obligations specifically
 35 referred to in this subsection. This subsection in no way

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1 limits or restricts investments in Canadian obligations and
2 securities specifically authorized in other subsections of this
3 section.

4 c. This subsection shall not authorize investment in
5 evidences of indebtedness issued, assumed, or guaranteed by a
6 foreign government which engages in a consistent pattern of
7 gross violations of human rights.

8 Sec. 14. Section 511.8, subsection 23, Code Supplement
9 2011, is amended by adding the following new paragraph:

10 NEW PARAGRAPH. *g.* For securities loaned pursuant to this
11 subsection that are included in the legal reserve of the life
12 insurance company or association, the collateral received for
13 the loaned securities shall not be eligible for inclusion in
14 the legal reserve.

15 Sec. 15. Section 511.40, Code 2011, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 5. *a.* The gross amount of premiums
18 received by a life insurance company or association for an
19 employer-owned life insurance contract which has not been
20 allocated to another state shall be allocated to this state
21 for purposes of section 432.1, subsection 1, if either of the
22 following is applicable:

- 23 (1) The contract is issued or delivered in this state.
 - 24 (2) The company or association is domiciled in this state.
- 25 *b.* To the extent that premiums are allocated to this state
26 pursuant to paragraph "a", the provisions of section 505.14 are
27 not applicable to those premiums.

28 *c.* As used in this subsection, "*employer-owned life*
29 *insurance contract*" means a policy which provides coverage on
30 a life for which the employer has an insurable interest under
31 this section or a similar provision of the laws of another
32 state and the policy is owned by either the employer or a trust
33 established by the employer for the benefit of the employer or
34 the employer's active or retired employees.

35 Sec. 16. Section 514.4, Code 2011, is amended to read as



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1 follows:

2 **514.4 Directors.**

3 1. At least two-thirds of the directors of a hospital
4 service corporation, medical service corporation, dental
5 service corporation, or pharmaceutical or optometric service
6 corporation subject to this chapter shall be at all times
7 subscribers and not more than one-third of the directors
8 shall be providers as provided in this section. The board of
9 directors of each corporation shall consist of at least nine
10 members.

11 2. A subscriber director is a director of the board of
12 a corporation who is a subscriber and who is not a provider
13 of health care pursuant to section 514B.1, subsection 7, a
14 person who has material financial or fiduciary interest in the
15 delivery of health care services or a related industry, an
16 employee of an institution which provides health care services,
17 or a spouse or a member of the immediate family of such a
18 person. However, a subscriber director of a dental service
19 corporation may be an employee, officer, director, or trustee
20 of a hospital or other entity that does not have a provider
21 contract with the dental service corporation. A subscriber
22 director of a hospital or medical service corporation shall be
23 a subscriber of the services of that corporation.

24 3. A provider director of a corporation subject to this
25 chapter shall be at all times a person who has a material
26 financial interest in or is a fiduciary to or an employee
27 of or is a spouse or member of the immediate family of a
28 provider having a contract with such corporation to render to
29 its subscribers the services of such corporation or who is a
30 hospital trustee.

31 4. A director may serve on a board of only one corporation
32 at a time subject to this chapter.

33 5. The commissioner of insurance shall adopt rules pursuant
34 to chapter 17A to implement the process of the election of
35 subscriber directors of the board of directors of a corporation



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1 residents of Iowa and elected as board members from Iowa.

2 Sec. 17. Section 515.69, subsection 1, Code 2011, is amended
3 to read as follows:

4 1. A stock insurance company organized under or by the
5 laws of any other state or foreign government for the purpose
6 specified in this chapter, shall not, directly or indirectly,
7 take risks or transact business of insurance in this state
8 unless the company ~~has two and one-half million dollars of~~
9 ~~actual paid-up capital, and a surplus in cash or invested in~~
10 ~~securities authorized by law of not less than two and one-half~~
11 ~~million dollars,~~ possesses the actual amount of capital and
12 surplus required of any company organized pursuant to this
13 chapter, or if the company is a mutual insurance company, the
14 actual amount of surplus required of any mutual insurance
15 company organized pursuant to this chapter, exclusive of assets
16 deposited in a state, territory, district, or country for the
17 special benefit or security of those insured in that state,
18 territory, district, or country.

19 Sec. 18. Section 515.120, Code 2011, is amended to read as
20 follows:

21 **515.120 Business with nonadmitted insurers.**

22 1. This chapter does not prevent a licensed resident or
23 nonresident producer of this state, qualified to write excess
24 and surplus lines insurance, from procuring insurance in
25 certain nonadmitted insurers if such insurance is restricted
26 to the type and kind of insurance authorized by this chapter,
27 excluding insurance authorized under section 515.48,
28 subsection 5, paragraph "a", and the producer makes oath to
29 the commissioner of insurance in the form prescribed by the
30 commissioner that the producer has made diligent effort to
31 place the insurance in authorized insurers and has either
32 exhausted the capacity of all authorized insurers or has been
33 unable to obtain the desired insurance in insurers licensed to
34 transact business in this state.

35 2. The procuring of a contract of insurance in a nonadmitted



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1 insurer makes the insurer liable for, and the producer shall
2 pay, the taxes on the premiums as if the insurer were duly
3 authorized to transact business in the state.

4 3. A sworn report of all business transacted by producers
5 of this state in nonadmitted insurers shall be made to the
6 commissioner of insurance on or before March 1 of each year
7 for the preceding calendar year, on the form required by the
8 commissioner of insurance. The report shall be accompanied by
9 a remittance to cover the taxes on the premiums. A producer
10 who makes the oath, pays the taxes on the premiums, and
11 files the report has not written such contracts of insurance
12 unlawfully, and is not personally liable for the contracts.

13 4. Notwithstanding subsection 1, for purposes of this
14 section and sections 515.121 and 515.122, excess and surplus
15 lines insurance includes disability insurance that is in excess
16 of policy limits available in admitted insurers.

17 Sec. 19. Section 515.136, Code 2011, is amended to read as
18 follows:

19 **515.136 Value of building — liability.**

20 ~~The insurance company or association issuing such policy may~~
21 ~~show the actual value of said property at date of policy, and~~
22 ~~any depreciation in the value thereof before the loss occurred,~~
23 ~~but the said An~~ insurance company or association shall be
24 liable for the actual value of the property insured at the date
25 of the loss, unless such value exceeds the amount stated in the
26 policy.

27 Sec. 20. Section 515A.7, subsection 1, paragraph b,
28 subparagraph (5), Code 2011, is amended to read as follows:

29 (5) An insurer may adopt a ~~scheduled or~~ schedule rating plan
30 providing for credits or debits in an amount not exceeding the
31 maximum modification allowed as set forth by the commissioner
32 by rule. This amount shall be in addition to the permitted
33 deviations set forth in subparagraphs (1) through (4).

34 Sec. 21. Section 518.14, subsection 4, paragraph f,
35 unnumbered paragraph 1, Code 2011, is amended to read as



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1 follows:

2 Common stocks, common stock equivalents, mutual fund shares,
3 securities convertible into common stocks or common stock
4 equivalents, or preferred stocks issued or guaranteed by a
5 corporation incorporated under the laws of the United States
6 or a state, or the laws of Canada or a province of Canada,
7 or by limited partnerships publicly traded on a nationally
8 established stock exchange in the United States. Aggregate
9 investments in nondividend paying stocks shall not exceed five
10 percent of surplus.

11 Sec. 22. Section 518A.12, subsection 4, paragraph f,
12 unnumbered paragraph 1, Code 2011, is amended to read as
13 follows:

14 Common stocks, common stock equivalents, mutual fund shares,
15 securities convertible into common stocks or common stock
16 equivalents, or preferred stocks issued or guaranteed by a
17 corporation incorporated under the laws of the United States
18 or a state, or the laws of Canada or a province of Canada,
19 or by limited partnerships publicly traded on a nationally
20 established stock exchange in the United States. Aggregate
21 investments in nondividend paying stocks shall not exceed five
22 percent of surplus.

23 Sec. 23. Section 521E.1, subsection 4, unnumbered paragraph
24 1, Code 2011, is amended to read as follows:

25 "*Domestic insurer*" means an insurance company domiciled in
26 this state and licensed to transact the business of insurance
27 under chapter 508, 512B, 515, or 520, except that it shall not
28 include any of the following:

29 Sec. 24. Section 521E.1, subsection 4, paragraph b, Code
30 2011, is amended by striking the paragraph.

31 Sec. 25. Section 521E.1, subsections 6 and 7, Code 2011, are
32 amended to read as follows:

33 6. "*Foreign insurer*" means an insurance company not
34 domiciled in this state which is licensed to transact the
35 business of insurance in this state under chapter 508, 512B,



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1 515, or 520.

2 7. *"Life and health insurer"* means an insurance company
 3 licensed under chapter 508, a fraternal benefit society
 4 organized under chapter 512B, or a licensed property and
 5 casualty insurer writing only accident and health insurance
 6 under chapter 515.

7 Sec. 26. Section 521E.3, subsection 1, paragraph a,
 8 subparagraph (2), Code Supplement 2011, is amended to read as
 9 follows:

10 (2) For a life and health insurer, the insurer's
 11 total adjusted capital is greater than or equal to its
 12 company-action-level risk-based capital but less than the
 13 product of its authorized-control-level risk-based capital and
 14 ~~two and one-half~~ three, and has a negative trend.

15 Sec. 27. Section 522C.6, Code 2011, is amended by adding the
 16 following new subsection:

17 NEW SUBSECTION. 3. a. A licensed public adjuster who,
 18 after hearing, is found to have violated this chapter or any
 19 rule adopted or order issued pursuant to this chapter, may
 20 be ordered to cease and desist from engaging in the conduct
 21 resulting in the violation and may be assessed a civil penalty
 22 as provided in section 505.7A.

23 b. A person who, after hearing, is found to have violated
 24 this chapter by acting as a public adjuster without proper
 25 licensure may be ordered to cease and desist from engaging in
 26 the conduct resulting in the violation and may be assessed a
 27 civil penalty according to the provisions of chapter 507A.

28 c. If a person has engaged, is engaging, or is about to
 29 engage in any act or practice constituting a violation of
 30 this chapter or any rule adopted or order issued pursuant to
 31 this chapter, the commissioner may issue a summary order that
 32 includes a brief statement of findings of fact, conclusions of
 33 law, and policy reasons for the order, and that directs the
 34 person to cease and desist from engaging in the act or practice
 35 constituting the violation and that may assess a civil penalty



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1 or take other affirmative action as in the judgment of the
 2 commissioner is necessary to assure that the person complies
 3 with the requirements of this chapter as provided in chapter
 4 507A.

5 *d.* If a person does not comply with an order issued pursuant
 6 to this subsection, the commissioner may petition a court of
 7 competent jurisdiction to enforce the order. The court shall
 8 not require the commissioner to post a bond in an action or
 9 proceeding under this subsection. If the court finds, after
 10 notice and opportunity for hearing, that the person is not in
 11 compliance with an order, the court may adjudge the person to
 12 be in civil contempt of the order. The court may impose a civil
 13 penalty against the person for contempt in an amount not less
 14 than three thousand dollars but not greater than ten thousand
 15 dollars for each violation and may grant any other relief that
 16 the court determines is just and proper in the circumstances.

17 Sec. 28. Section 598.20A, Code 2011, is amended to read as
 18 follows:

19 **598.20A Beneficiary revocation — life insurance.**

20 1. Except as preempted by federal law, if a decree of
 21 dissolution, annulment, or separate maintenance is issued after
 22 ~~an insured~~ the policy owner of an insurance contract insuring
 23 the policy owner's own life has designated the ~~insured's~~ policy
 24 owner's spouse or one or more relatives of the ~~insured's~~ policy
 25 owner's spouse as a beneficiary under a life insurance policy
 26 in effect on the date of the decree, a provision in the life
 27 insurance policy making such a designation is voided by the
 28 issuance of the decree unless any of the following apply:

29 *a.* The decree designates the ~~insured's~~ policy owner's former
 30 spouse or one or more relatives of the ~~insured's~~ policy owner's
 31 spouse as beneficiary.

32 *b.* After issuance of the decree, the ~~insured~~ policy owner
 33 executes a designation of beneficiary form provided by the
 34 insurance company naming the ~~insured's~~ policy owner's former
 35 spouse or one or more relatives of the ~~insured's~~ policy owner's



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1 former spouse as beneficiary.

2 *c.* The insured policy owner and the insured's policy owner's
3 former spouse remarry.

4 2. If a beneficiary designation is not effective pursuant to
5 subsection 1, the benefits or proceeds of the life insurance
6 policy are payable to an alternate beneficiary, or if there is
7 no alternate beneficiary, to the estate of the insured policy
8 owner.

9 3. An insurer who pays benefits or proceeds of a life
10 insurance policy to a beneficiary under a designation that is
11 void pursuant to subsection 1 is not liable for payment to an
12 alternative beneficiary as provided under subsection 2 unless
13 both of the following apply:

14 *a.* At least ten days prior to payment of the benefits
15 or proceeds of the life insurance policy to the designated
16 beneficiary, the insurer receives written notice at the home
17 office of the insurer that the designation of the beneficiary
18 is not effective pursuant to subsection 1.

19 *b.* The insurer has failed to interplead the benefits or
20 proceeds of the life insurance policy in a court of competent
21 jurisdiction in accordance with the rules of civil procedure.

22 4. This section does not limit the right of a beneficiary
23 to seek recovery from any person or entity that erroneously
24 receives or collects the benefits or proceeds from a life
25 insurance policy.

26 5. This section does not affect the right of ~~an insured's~~
27 ~~former~~ a policy owner's spouse to assert an ownership interest
28 in a life insurance policy insuring the life of the policy
29 owner that is not disclosed to the insured's policy owner's
30 spouse prior to the decree of dissolution, annulment, or
31 separate maintenance and that is not addressed by the decree.

32 6. For purposes of this section, "*relative of the insured's*
33 *policy owner's spouse*" means a person who is related to the
34 insured's policy owner's former spouse by blood, adoption,
35 or affinity, and who, subsequent to a decree of dissolution,



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1 INSURANCE DIVISION. Code section 505.8(10) is amended to
2 allow the commissioner to assess the costs of the examination
3 of a regulated entity necessary to accomplish compliance with
4 the insurance laws of this state.

5 DOMESTIC INSURANCE COMPANIES. New Code section 506.14
6 provides that any plan for the voluntary dissolution of a
7 domestic mutual insurance company licensed in this state shall
8 be presented for approval by the commissioner not less than 90
9 days prior to notice of the plan to the policyholders. The
10 commissioner must approve the plan if it complies with all
11 applicable laws and is fair and equitable to the company and to
12 its policyholders.

13 EXAMINATION OF INSURANCE COMPANIES. Code section
14 507.10(4)(a) is amended to allow the board of directors of
15 an insurance company to signal that each member has reviewed
16 an examination report with a notation in the board's meeting
17 minutes instead of by filing affidavits indicating that each
18 member has received a copy of the report.

19 Code section 507.14 is amended to allow the commissioner
20 to release confidential documents and other materials to the
21 international association of insurance supervisors and the bank
22 for international settlements provided that those entities
23 give written certification that the records will be kept
24 confidential.

25 INSURANCE TRADE PRACTICES. New Code section 507B.4(20)
26 makes it an unfair or deceptive act or practice in the business
27 of insurance to fail to refund premiums paid for a Medicare
28 supplement policy after the effective date of a subsequently
29 purchased Medicare advantage plan if the insurer has no
30 exposure to pay benefits under the Medicare supplement policy
31 during the time that both the supplement policy and the
32 advantage plan are in effect.

33 INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION.
34 New Code section 507C.17A contains provisions that apply in
35 accordance with the federal Dodd-Frank Wall Street Reform and

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1 can include in its legal reserve as real property a controlling
2 membership, partnership, shareholder, or trust interest in any
3 entity created solely for the purpose of owning and operating a
4 leasehold of real estate, an undivided interest in a leasehold
5 of real estate, or an undivided interest in the fee title of
6 real estate. The entity must be expressly limited to that
7 purpose by its organizational documents.

8 Code section 511.8(19) is amended to provide that a life
9 insurance company can include in its legal reserve certain
10 foreign investments not in excess of 25, instead of 20,
11 percent of its legal reserve. Investments in obligations of a
12 foreign government rated AAA by Standard and Poor's division
13 of McGraw-Hill companies, inc., or Aaa by Moody's investors
14 services, inc., are eligible for inclusion in the legal reserve
15 up to 5, instead of 2, percent of the legal reserve.

16 Code section 511.8(23) is amended to provide that if
17 securities held in a life insurance company's legal reserve are
18 loaned, the collateral received for the loaned securities is
19 not eligible for inclusion in the legal reserve.

20 New Code section 511.40(5) provides that the gross amount of
21 premiums received by a life insurance company or association
22 for an employer-owned life insurance contract shall be
23 allocated to this state for purposes of calculating the state
24 premium tax if the contract is issued or delivered in this
25 state or the company or association is domiciled in this state.
26 For purposes of the subsection, "employer-owned life insurance
27 contract" means a policy which provides coverage on a life for
28 which the employer has an insurable interest under this Code
29 section or the laws of another state and the policy is owned by
30 either the employer or a trust established by the employer for
31 the benefit of the employer or the employer's active or retired
32 employees.

33 **NONPROFIT HEALTH SERVICE CORPORATIONS.** Code section 514.4
34 is amended to provide that a person who is affiliated with a
35 hospital or other entity that does not have a provider contract

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1 with a dental service corporation can serve as a subscriber
2 director of that corporation.

3 INSURANCE OTHER THAN LIFE. Code section 515.69(1) is
4 amended to require that a foreign stock insurance company must
5 possess the actual amount of capital and surplus required of
6 any company organized pursuant to Code chapter 515, or if the
7 insurer is a mutual company, the actual amount of surplus
8 required of any mutual company organized pursuant to Code
9 chapter 515. Currently, a foreign stock insurance company is
10 required to have \$2.5 million of actual paid-up capital, and a
11 surplus in cash or invested in securities authorized by law of
12 not less than \$2.5 million.

13 Code section 515.120 is amended to provide that excess and
14 surplus lines insurance that can be purchased from nonadmitted
15 insurers includes disability insurance that is in excess of
16 policy limits available in admitted insurers.

17 Code section 515.136 is amended to provide that an insurance
18 company or association is liable for the actual value of the
19 property insured at a date of a loss, unless that value exceeds
20 the amount stated in the policy. Currently, the insurer
21 issuing such a policy may show the actual value of the property
22 at the date of issuance of the policy and any depreciation in
23 the value of the property after a loss occurred but is still
24 liable for the actual value of the property insured on the date
25 of loss or the policy amount, whichever is less.

26 WORKERS' COMPENSATION LIABILITY INSURANCE. Code section
27 515A.7(1)(b)(5) is amended to remove a reference to a
28 "scheduled rating plan", a term that is not defined in the Code
29 chapter.

30 COUNTY MUTUAL INSURANCE ASSOCIATIONS. Code section
31 518.14(4)(f) is amended to allow county mutual insurance
32 associations to invest in stocks that are issued or guaranteed
33 by limited partnerships publicly traded on a nationally
34 established stock exchange in the United States.

35 STATE MUTUAL INSURANCE ASSOCIATIONS. Code section

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1 518A.12(4)(f) is amended to allow state mutual insurance
2 associations to invest in stocks that are issued or guaranteed
3 by limited partnerships publicly traded on a nationally
4 established stock exchange in the United States.

5 RISK-BASED CAPITAL REQUIREMENTS FOR INSURERS. Code section
6 521E.1(4) is amended to provide that for purposes of the Code
7 chapter, a fraternal benefit society organized under Code
8 chapter 512B is a domestic insurer. Code section 521E.1(4)(b),
9 which excepted a fraternal benefit society from inclusion as
10 a domestic insurer, is stricken. Corresponding changes to
11 include such a society are made in Code section 521E.1(6) and
12 (7).

13 Code section 521E.3(1)(a)(2) is amended to provide that for
14 a life and health insurer, a company-action-level event means
15 the insurer's total adjusted capital is greater than or equal
16 to its company-action-level risk-based capital but less than
17 the product of its authorized-control-level risk-based capital
18 and three, instead of two and one-half, and has a negative
19 trend.

20 LICENSING OF PUBLIC ADJUSTERS. Code section 522C.6 is
21 amended to add provisions allowing the commissioner of
22 insurance to hold hearings, issue cease and desist orders,
23 assess civil penalties, and petition for enforcement of those
24 orders by the district court against persons who violate
25 the provisions of Code chapter 522C. The district court is
26 authorized to adjudge a violator in civil contempt of an order
27 and to impose a civil penalty for contempt of not less than
28 \$3,000 but not more than \$10,000 for each violation and grant
29 any other relief the court determines is just and proper under
30 the circumstances.

31 DISSOLUTION OF MARRIAGE AND DOMESTIC RELATIONS. Code
32 section 598.20A is amended to provide that it is the policy
33 owner of an insurance contract insuring the policy owner's own
34 life, not the insured, who designates the beneficiary of the
35 policy and is authorized to make changes in that designation



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1 after a decree of dissolution of marriage, annulment, or
2 separate maintenance.



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House Study Bill 622 - Introduced

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

A BILL FOR

- 1 An Act relating to department of public health programs and
- 2 activities, and including effective and applicability date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 amended to read as follows:

2 2. The applicant has ~~satisfactorily completed a course of~~
3 ~~instruction and training prescribed by the board, which course~~
4 ~~shall be so designed as to content and so administered as to~~
5 ~~present sufficient knowledge of the needs properly to be served~~
6 ~~by nursing homes; knowledge of the laws governing the operation~~
7 ~~of nursing homes and the protection of the interests of~~
8 ~~patients therein; and knowledge of the elements of good nursing~~
9 ~~home administration; or has presented evidence satisfactory to~~
10 the board of sufficient education, training, or experience ~~in~~
11 ~~the foregoing fields~~ to administer, supervise, and manage a
12 nursing home.

13 3. The applicant has passed an examination ~~administered~~
14 prescribed by the board ~~and designed to test for competence in~~
15 ~~the subject matter referred to in subsection 2 of this section~~
16 pursuant to section 147.34.

17 Sec. 4. Section 155.4, Code 2011, is amended to read as
18 follows:

19 **155.4 Licensing function.**

20 The board shall license nursing home administrators in
21 accordance with this chapter, chapter 147, and rules issued,
22 ~~and from time to time revised, by it~~ by the board. A nursing
23 home administrator's license shall not be transferable and,
24 if not inactive, shall be valid until revoked pursuant to
25 section 147.55 or voluntarily surrendered for cancellation
26 ~~or suspended or revoked for violation of this chapter or any~~
27 ~~other laws or regulations relating to the proper administration~~
28 ~~and management of a nursing home. Any denial of issuance or~~
29 ~~renewal, suspension, or revocation under any section of this~~
30 ~~chapter shall be subject to judicial review in accordance with~~
31 ~~the terms of the Iowa administrative procedure Act, chapter~~
32 ~~17A.~~

33 Sec. 5. Section 155.5, Code 2011, is amended to read as
34 follows:

35 **155.5 License fees.**



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1 Each person licensed as a nursing home administrator shall
2 be required to pay a license fee in an amount to be fixed by
3 the board. The license shall expire in multiyear intervals
4 determined by the board and be renewable ~~and~~ upon payment of
5 ~~the license~~ a renewal fee. A person who fails to renew a
6 license by the expiration date shall be allowed to do so within
7 thirty days following its expiration, but the board may assess
8 a reasonable penalty.

9 Sec. 6. Section 155.9, Code 2011, is amended to read as
10 follows:

11 **155.9 Duties of the board.**

12 ~~The~~ In addition to the duties and responsibilities provided
13 in chapters 147 and 272C, the board shall have the duty and
14 responsibility to:

15 ~~1. Develop, impose, and enforce standards which must be~~
16 ~~met by individuals in order to receive a license as a nursing~~
17 ~~home administrator, which standards shall be designed to~~
18 ~~insure that nursing home administrators will be individuals~~
19 ~~who, by training or experience in the field of institutional~~
20 ~~administration, are qualified to serve as nursing home~~
21 ~~administrators.~~

22 ~~2. Develop and apply appropriate techniques, including~~
23 ~~examination and investigations, for determining whether an~~
24 ~~individual meets such standards. The board may administer~~
25 ~~as many examinations per year as are necessary, but shall~~
26 ~~administer at least one examination per year. Any written~~
27 ~~examination may be given by representatives of the board.~~
28 ~~Applicants who fail the examination once shall be allowed to~~
29 ~~take the examination at the next scheduled time. Thereafter,~~
30 ~~the applicant shall be allowed to take the examination at the~~
31 ~~discretion of the board. An applicant who has failed the~~
32 ~~examination may request in writing information from the board~~
33 ~~concerning the applicant's examination grade and subject areas~~
34 ~~or questions which the applicant failed to answer correctly,~~
35 ~~except that if the board administers a uniform, standardized~~



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1 ~~examination, the board shall only be required to provide the~~
 2 ~~examination grade and such other information concerning the~~
 3 ~~applicant's examination results which are available to the~~
 4 ~~board.~~

5 ~~3. Issue licenses to individuals who, after application~~
 6 ~~of such techniques, are found to have met such standards, and~~
 7 ~~for cause and after due notice and hearing, revoke or suspend~~
 8 ~~licenses previously issued by such board in any case where~~
 9 ~~the individual holding such license is found to have failed~~
 10 ~~substantially to conform to the requirements of such standards.~~

11 ~~The board may also accept the voluntary surrender of such~~
 12 ~~license without necessity of a hearing. In adopt rules for~~
 13 granting a provisional license to an administrator appointed
 14 on a temporary basis by a nursing home's owner or owners in the
 15 event of the inability of the regular administrator of a the
 16 nursing home is unable to perform the administrator's duties
 17 or through death or other cause the nursing home is without
 18 a licensed administrator, a provisional administrator may be
 19 appointed on a temporary basis by the nursing home owner or
 20 owners to perform such duties for a period not to exceed one
 21 year because of death or other cause. Such provisional license
 22 shall allow the provisional licensee to perform the duties of
 23 a nursing home administrator. An individual shall not hold a
 24 provisional license for more than twelve total combined months,
 25 and the board may revoke or otherwise discipline a provisional
 26 licensee for cause after due notice and a hearing on a charge
 27 or complaint filed with the board.

28 ~~4. Establish and carry out procedures designed to insure~~
 29 ~~that individuals licensed as nursing home administrators will,~~
 30 ~~during any period that they serve as such, comply with the~~
 31 ~~requirements of such standards.~~

32 ~~5. Receive, investigate, and take appropriate action with~~
 33 ~~respect to any charge or complaint filed with the board to~~
 34 ~~the effect that any individual licensed as a nursing home~~
 35 ~~administrator has failed to comply with the requirements~~

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~~1 of such standards. Such appropriate action may include
2 revocation of a license, if necessary, or placing the licensee
3 on probation for a period not exceeding six months, and shall
4 be taken only for cause after due notice and a hearing on the
5 charge or complaint.~~

~~6 6. Conduct a continuing study and investigation of nursing
7 homes, and administrators of nursing homes, in this state
8 with a view to the improvement of the standards imposed for
9 the licensing of such administrators and of procedures and
10 methods for the enforcement of such standards with respect to
11 administrators of nursing homes who have been licensed as such.~~

~~12 7. Conduct, or cause to be conducted, one or more courses of
13 instruction and training sufficient to meet the requirements
14 of this chapter, and make provisions for such courses and
15 their accessibility to residents of this state unless it finds
16 that there are, and approves, a sufficient number of courses,
17 which courses are conducted by others within this state. In
18 lieu thereof the board may approve courses conducted within
19 and without this state as sufficient to meet the education and
20 training requirements of this chapter.~~

21 Sec. 7. Section 155.10, Code 2011, is amended by striking
22 the section and inserting in lieu thereof the following:

23 **155.10 Continuing education.**

24 Each person licensed as a nursing home administrator shall
25 be required to complete continuing education as a condition of
26 license renewal. Such continuing education requirements shall
27 be determined by the board.

28 Sec. 8. Section 155.14, Code 2011, is amended to read as
29 follows:

30 **155.14 Applications.**

31 Applications for licensure and for license renewal shall be
32 on forms in the format prescribed and furnished by the board
33 and shall not contain a recent photograph of the applicant. An
34 applicant shall not be ineligible for licensure because of age,
35 citizenship, sex, race, religion, marital status or national



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1 ~~origin although the application may require citizenship~~
 2 ~~information. The board may consider the past felony record of~~
 3 ~~an applicant only if the felony conviction relates directly~~
 4 ~~to the practice of nursing home administration. Character~~
 5 ~~references may be required, but shall not be obtained from~~
 6 ~~licensed nursing home administrators.~~

7 Sec. 9. NEW SECTION. 155.19 **Voluntary surrender.**
 8 The board may accept the voluntary surrender of a license if
 9 accompanied by a written statement of intention. The voluntary
 10 surrender, when accepted, shall have the same force and effect
 11 as an order of revocation.

12 Sec. 10. REPEAL. Sections 155.2, 155.15, and 155.16, Code
 13 2011, are repealed.

DIVISION III

HEARING AID DISPENSERS

14 Sec. 11. Section 154A.7, Code 2011, is amended to read as
 15 follows:

16 ~~154A.7 Meetings and expenses~~ **Board meetings.**

17 ~~The members of the board shall receive actual expenses~~
 18 ~~incurred in the discharge of their duties within the limits of~~
 19 ~~funds appropriated to the board. Each member of the board may~~
 20 ~~also be eligible to receive compensation as provided in section~~
 21 ~~7E.6. The board shall meet at least one time per year at the~~
 22 ~~seat of government and may hold additional meetings as deemed~~
 23 ~~necessary. Additional meetings shall be held at the call of~~
 24 ~~the chairperson or a majority of the members of the board.~~
 25 ~~At any meeting of the board, a majority of the members shall~~
 26 ~~constitute a quorum.~~

27 Sec. 12. Section 154A.10, Code 2011, is amended to read as
 28 follows:

29 **154A.10 Issuance of licenses.**

30 ~~After January 1, 1975, an An~~ applicant may obtain a license,
 31 if the applicant:

- 32 1. Successfully passes the qualifying examination
- 33 prescribed in section 154A.12.



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1 2. Is free of contagious or infectious disease.

2 3. Pays the necessary fees set by the board pursuant to
3 ~~section 154A.17.~~

4 Sec. 13. Section 154A.12, subsection 1, paragraph a, Code
5 2011, is amended to read as follows:

6 a. ~~Written tests~~ Evidence of knowledge in areas such as
7 physics of sound, anatomy and physiology of hearing, and the
8 function of hearing aids, as these areas pertain to the fitting
9 or selection and sale of hearing aids.

10 Sec. 14. Section 154A.13, Code 2011, is amended to read as
11 follows:

12 **154A.13 Temporary permit.**

13 A person who has not been ~~employed~~ licensed as a hearing
14 aid dispenser ~~prior to January 1, 1975,~~ may obtain a temporary
15 permit from the department upon completion of the application
16 accompanied by the written verification of employment from a
17 licensed hearing aid dispenser. The department shall issue a
18 temporary permit for one year which shall not be renewed or
19 reissued. The fee for issuance of the temporary permit shall
20 be set by the board ~~pursuant to section 154A.17~~ in accordance
21 with the provisions for establishment of fees in section
22 147.80. The temporary permit entitles an applicant to engage
23 in the fitting or selection and sale of hearing aids under the
24 supervision of a person holding a valid license.

25 Sec. 15. Section 154A.23, Code 2011, is amended to read as
26 follows:

27 **154A.23 ~~Complaints~~ Disciplinary orders — attorney general.**

28 ~~Any person wishing to make a complaint against a licensee~~
29 ~~or holder of a temporary permit shall file a written statement~~
30 ~~with the board within twelve months from the date of the action~~
31 ~~upon which the complaint is based. If the board determines~~
32 ~~that the complaint alleges facts which, if proven, would be~~
33 ~~cause for the suspension or revocation of the license of the~~
34 ~~licensee or the permit of the holder of a temporary permit,~~
35 ~~it shall make an order fixing a time and place for a hearing~~

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1 ~~and requiring the licensee or holder of a temporary permit~~
 2 ~~complained against to appear and defend. The order shall~~
 3 ~~contain a copy of the complaint, and the order and copy of~~
 4 ~~the complaint shall be served upon the licensee or holder~~
 5 ~~of a temporary permit at least twenty days before the date~~
 6 ~~set for hearing, either personally or as provided in section~~
 7 ~~154A.21. Continuance or adjournment of a hearing date may be~~
 8 ~~made for good cause. At the hearing the licensee or holder~~
 9 ~~of a temporary permit may be represented by counsel. The~~
 10 ~~licensee or holder of a temporary permit and the board may take~~
 11 ~~depositions in advance of hearing and after service of the~~
 12 ~~complaint, and either may compel the attendance of witnesses~~
 13 ~~by subpoenas issued by the board. The board shall issue such~~
 14 ~~subpoenas at the request of a licensee or holder of a temporary~~
 15 ~~permit. Either party taking depositions shall give at least~~
 16 ~~five days' written notice to the other party of the time and~~
 17 ~~place of such depositions, and the other party may attend, with~~
 18 ~~counsel, if desired, and cross-examine.~~

19 ~~If the board determines from the evidence and proofs~~
 20 ~~submitted that the licensee or holder of a temporary permit is~~
 21 ~~guilty of violating any of the provisions of this chapter, or~~
 22 ~~any of the regulations promulgated by the board pursuant to~~
 23 ~~this chapter, the department shall, within thirty days after~~
 24 ~~the hearing, issue an order refusing to issue or renew, or~~
 25 ~~revoking or suspending, as the case may be, the hearing aid~~
 26 ~~dispenser's license or temporary permit. The order shall~~
 27 ~~include the findings of fact and the conclusions of law made by~~
 28 ~~the board and counsel. A copy of the order shall be sent to the~~
 29 ~~licensee or holder of a temporary permit by registered mail.~~
 30 ~~The records of the department shall reflect the action taken~~
 31 ~~by the board on the charges, and the department shall preserve~~
 32 ~~a record of the proceedings in a manner similar to that used by~~
 33 ~~courts of record in this state.~~

34 ~~The final order of the board in the proceedings may be~~
 35 ~~appealed to the district court of the county where the licensee~~

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1 ~~or holder of a temporary permit resides, or in which the~~
2 ~~licensed hearing aid dispenser's principal place of business~~
3 ~~is located.~~

4 ~~The department shall send a copy of the complaint and~~
5 ~~a copy of the board's final order to the attorney general~~
6 ~~for purposes of information in the event the licensee or~~
7 ~~holder of a temporary permit pursues a court appeal and for~~
8 ~~consideration as to whether the violations are flagrant enough~~
9 ~~to justify prosecution. The board shall forward a copy of~~
10 ~~all final disciplinary orders, with associated complaints,~~
11 ~~to the attorney general for consideration for prosecution or~~
12 ~~enforcement when warranted. The attorney general and all~~
13 ~~county attorneys shall assist the board and the department in~~
14 ~~the enforcement of the provisions of this chapter.~~

15 Sec. 16. REPEAL. Sections 154A.2, 154A.3, 154A.4, 154A.5,
16 154A.6, 154A.8, 154A.9, 154A.11, 154A.14, 154A.15, 154A.17, and
17 154A.18, Code 2011, are repealed.

DIVISION IV

LOCAL BOARDS OF HEALTH

20 Sec. 17. Section 135.1, subsection 6, Code 2011, is amended
21 by striking the subsection.

22 Sec. 18. Section 137.112, Code 2011, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 4. This section does not apply to any
25 district board of health or district health department in
26 existence prior to July 1, 2010.

27 Sec. 19. Section 331.502, subsection 8, Code 2011, is
28 amended by striking the subsection.

29 Sec. 20. REPEAL. Section 135.32, Code 2011, is repealed.

30 Sec. 21. EFFECTIVE UPON ENACTMENT. The following provision
31 or provisions of this division of this Act, being deemed of
32 immediate importance, take effect upon enactment:

33 1. The section of this Act amending section 137.112.

34 Sec. 22. RETROACTIVE APPLICABILITY. The following
35 provision or provisions of this division of this Act apply



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1 retroactively to July 1, 2010:

2 1. The section of this Act amending section 137.112.

3

DIVISION V

4

FEDERAL GRANTS REPORTING

5 Sec. 23. Section 135.11, Code Supplement 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 31. Report to the chairpersons and ranking
8 members of the joint appropriations subcommittee on health
9 and human services, the legislative services agency, the
10 legislative caucus staffs, and the department of management
11 within sixty calendar days of applying for or renewing a
12 federal grant with a value over one thousand dollars. The
13 report shall list the federal funding source and address the
14 potential need for the commitment of state funding in order to
15 match or continue the funding provided by the federal grant in
16 the present or future.

17

DIVISION VI

18

HIV CONFIDENTIALITY

19 Sec. 24. Section 141A.9, Code Supplement 2011, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 8. Medical information secured pursuant
22 to subsection 1 may be shared with other state or federal
23 agencies, with employees or agents of the department, or with
24 local units of government that have a need for the information
25 in the performance of their duties related to HIV prevention,
26 disease surveillance, or care of persons with HIV, only as
27 necessary to administer the program for which the information
28 is collected or to administer a program within the other
29 agency. Confidential information transferred to other persons
30 or entities under this subsection shall continue to maintain
31 its confidential status and shall not be rereleased by the
32 receiving person or entity.

33

DIVISION VII

34

REPEAL OF REPORTING REQUIREMENTS

35 Sec. 25. REPEAL. Section 135.165, Code 2011, is repealed.

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1 regarding the terminology of a licensee's voluntary or
 2 involuntary loss of license and refers to Code section 147.55
 3 for revocation of a nursing home administrator's license while
 4 eliminating language in Code section 155.4 subjecting any
 5 denial of issuance or renewal, suspension, or revocation under
 6 Code chapter 155 to the judicial review procedure under Code
 7 chapter 17A.

8 The bill makes technical changes to the licensing fees
 9 provision. The bill allows the board to determine the
 10 multiyear interval in which a license shall expire and allows
 11 for the license to be renewed upon payment of a renewal fee
 12 rather than a license fee.

13 The bill provides that the board has the general duties
 14 and responsibilities for health-related boards listed in Code
 15 chapters 147 and 272C and strikes the board's specific duties
 16 relating to standards to be met by individuals in order to
 17 receive licenses as nursing home administrators; techniques for
 18 determining whether an individual meets the required standards;
 19 the issuance of and disciplinary actions relating to licenses;
 20 and complaints against nursing home administrators. The bill
 21 removes language allowing the board to conduct a continuing
 22 study and investigation of nursing homes and administrators in
 23 the state to improve the standards. The bill strikes language
 24 allowing the board to conduct or cause to be conducted courses
 25 of instruction and training sufficient to meet the requirements
 26 of Code chapter 155.

27 The bill retains language in Code section 155.9 that allows
 28 the board to establish rules to grant a provisional license to
 29 an administrator, but makes technical changes. The bill allows
 30 the board to grant a provisional license to an administrator
 31 appointed on a temporary basis by a nursing home's owner
 32 if the regular administrator is unable to perform the
 33 administrator's duties or the nursing home is otherwise without
 34 an administrator for some other reason. The bill strikes a
 35 provision which states that an administrator appointed on a

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1 Division III relates to hearing aid dispensers. The bill
2 eliminates certain provisions within Code chapter 154A as Code
3 chapter 147 regarding health-related professions now governs
4 the board of hearing aid dispensers in its provisions.

5 The bill eliminates language in Code section 154A.7
6 regarding board members' expenses for discharging duties and
7 members' eligibility to receive compensation provided in Code
8 section 7E.6. The bill also eliminates language in Code
9 section 154A.7 regarding a quorum. The language on board
10 members' expenses and compensation is provided in Code section
11 147.24 and the language on a board quorum is provided by Code
12 section 147.14(2).

13 The bill eliminates language regarding the date on which an
14 applicant may obtain a license and deletes the reference to the
15 fee provision in Code section 154A.17.

16 The bill amends Code section 154A.12 regarding the scope of
17 examination to require evidence, rather than a written test, of
18 the applicant's knowledge in areas such as physics of sound,
19 anatomy and physiology of hearing, and function of hearing
20 aids.

21 The bill amends Code section 154A.13 regarding temporary
22 permits and states that only an individual who has not been
23 licensed as a hearing aid dispenser, rather than a person who
24 has not been employed as a hearing aid dispenser, may obtain
25 a temporary permit. The bill also states that a fee for a
26 temporary permit will be set by the board pursuant to Code
27 section 147.80 rather than Code section 154A.17, which is
28 repealed under the bill.

29 The bill removes language from Code chapter 154A regarding
30 the process for filing a complaint against a licensee or holder
31 of a temporary permit, the hearing process, the required
32 elements of a board's order, the notice of the order, and the
33 right to appeal the board's final order. Under the bill,
34 complaints would be governed by Code chapters 17A, 147, and
35 272C. The bill amends Code section 154A.23 to allow the board

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1 to forward a copy of final disciplinary orders along with
2 the complaint to the attorney general for consideration for
3 prosecution or enforcement when warranted.

4 The bill repeals Code section 154A.2 regarding the
5 establishment of the board; Code section 154A.3 regarding
6 terms of board members; Code section 154A.4 regarding duties
7 of the board; Code section 154A.5 regarding public members
8 of the board; Code section 154A.6, regarding disclosure of
9 confidential information (the governing provision in Code
10 section 147.21(2) does not contain a provision which prohibits
11 the disclosure of an applicant's criminal history); Code
12 section 154A.8 regarding duties of the board; Code section
13 154A.9 regarding applications for licensure; Code section
14 154A.11 regarding examinations (however, the governing
15 provision in Code section 147.34 does not require examinations
16 to occur at least once a year and does not require the identity
17 of the applicant to be concealed until after the grading
18 of the exam); Code section 154A.14 concerning reciprocity;
19 Code section 154A.15 concerning license renewal (however,
20 Code section 147.10 does not require the department to mail
21 notice of the expiration date of a license at least a month
22 in advance); and Code section 154A.17 regarding fees. Code
23 section 154A.18, regarding the display of the license is
24 also repealed, however, Code sections 147.6 and 147.7 do not
25 prohibit a person from engaging in business as a hearing aid
26 dispenser or displaying a sign or advertising to be a hearing
27 aid dispenser without a valid license nor do the Code sections
28 require the license to be conspicuously posted in the person's
29 primary location of practice. The Code sections instead state
30 that a license is presumptive evidence of the right to practice
31 and a board may require every person licensed by the board to
32 publicly display the license and evidence of current renewal.

33 Division IV relates to local boards of health. The bill
34 strikes the definition of "sanitation officer". The bill
35 states that the district public health fund budget provisions

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1 organization or entity to annually submit a copy of the
2 internal revenue service form 990 to the department of public
3 health and the legislative services agency.



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Senate File 2127

S-5009

- 1 Amend Senate File 2127 as follows:
- 2 1. Page 9, line 22, before <professional> by
- 3 inserting <licensed>

STEVE KETTERING



Iowa General Assembly
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House File 524

S-5010

1 Amend House File 524, as passed by the House, as
 2 follows:

3 1. By striking page 1, line 22, through page 4,
 4 line 1, and inserting:

5 <Sec. _____. Section 441.16, Code Supplement 2011, is
 6 amended to read as follows:

7 **441.16 Budget.**

8 1. All expenditures under this chapter shall be
 9 paid as ~~hereinafter~~ provided in this section.

10 2. ~~a.~~ Not later than January 1 of each year the
 11 assessor, the examining board, and the board of review
 12 shall each prepare a proposed budget of all expenses
 13 for the ensuing fiscal year. The assessor shall
 14 include in the proposed budget the probable expenses
 15 for defending assessment appeals. Said budgets shall
 16 be combined by the assessor and copies thereof of the
 17 budgets forthwith filed by the assessor in triplicate
 18 with the chairperson of the conference board.

19 ~~3. b.~~ The combined budgets shall contain an
 20 itemized list of the proposed salaries of the assessor
 21 and each deputy, the amount required for field
 22 personnel and other personnel, their number and their
 23 compensation; the estimated amount needed for expenses,
 24 printing, mileage, and other expenses necessary to
 25 operate the assessor's office, the estimated expenses
 26 of the examining board, and the salaries and expenses
 27 of the local board of review.

28 ~~4. 3. a.~~ Each fiscal year the chairperson of
 29 the conference board shall, by written notice, call
 30 a meeting of the conference board to consider the
 31 proposed budget and to comply with section 24.9.

32 ~~5. b.~~ At such meeting the conference board shall
 33 authorize:

34 ~~a.~~ (1) The number of deputies, field personnel,
 35 and other personnel of the assessor's office.

36 ~~b.~~ (2) The salaries and compensation of members of
 37 the board of review, the assessor, chief deputy, other
 38 deputies, field personnel, and other personnel, and
 39 determine the time and manner of payment.

40 ~~c.~~ (3) The miscellaneous expenses of the
 41 assessor's office, the board of review, and the
 42 examining board, including office equipment, records,
 43 supplies, and other required items.

44 ~~d.~~ (4) The estimated expense of assessment
 45 appeals. All such expense items shall be included in
 46 the budget adopted for the ensuing year.

47 ~~6. 4.~~ All tax levies and expenditures provided for
 48 herein shall be subject to the provisions of chapter
 49 24 and the conference board is hereby declared to be
 50 the certifying board.

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1 ~~7.~~ 5. a. Any tax for the maintenance of the
 2 office of assessor and other assessment procedure
 3 shall be levied only upon the property in the area
 4 assessed by said the assessor, and such tax levy
 5 shall not exceed ~~forty and one-half~~ sixty-seven
 6 and one-half cents per thousand dollars of assessed
 7 value in the assessing areas ~~where the valuation upon~~
 8 ~~which the tax is levied does not exceed ninety-two~~
 9 ~~million, six hundred thousand dollars, thirty-three and~~
 10 ~~three-fourths cents per thousand dollars of assessed~~
 11 ~~value in assessing areas where the valuation upon~~
 12 ~~which the tax is levied exceeds ninety-two million,~~
 13 ~~six hundred thousand dollars and does not exceed one~~
 14 ~~hundred eleven million, one hundred twenty thousand~~
 15 ~~dollars, twenty-seven cents per thousand dollars of~~
 16 ~~assessed value in assessing areas where the valuation~~
 17 ~~upon which the tax is levied exceeds one hundred eleven~~
 18 ~~million, one hundred twenty thousand dollars area.~~
 19 The county treasurer shall credit the sums received
 20 from such levy to a separate fund to be known as the
 21 ~~"assessment expense fund"~~ assessment expense fund
 22 and from which fund all expenses incurred under this
 23 chapter shall be paid. In the case of a county where
 24 there is more than one assessor the treasurer shall
 25 maintain separate assessment expense funds for each
 26 assessor.

27 ~~8.~~ b. The county auditor shall keep a complete
 28 record of said funds and shall issue warrants thereon
 29 only on requisition of the assessor.

30 ~~9.~~ 6. The assessor shall not issue requisitions
 31 so as to increase the total expenditures budgeted for
 32 the operation of the assessor's office. However,
 33 for purposes of promoting operational efficiency,
 34 the assessor shall have authority to transfer funds
 35 budgeted for specific items for the operation of
 36 the assessor's office from one unexpended balance
 37 to another; such transfer shall not be made so as to
 38 increase the total amount budgeted for the operation of
 39 the office of assessor, and no funds shall be used to
 40 increase the salary of the assessor or the salaries of
 41 permanent deputy assessors. The assessor shall issue
 42 requisitions for the examining board and for the board
 43 of review on order of the chairperson of each board and
 44 for costs and expenses incident to assessment appeals,
 45 only on order of the city legal department, in the case
 46 of cities and of the county attorney in the case of
 47 counties.

48 ~~10.~~ 7. Unexpended funds remaining in the
 49 assessment expense fund at the end of a year shall be
 50 carried forward into the next year.>

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- 1 2. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
MARY JO WILHELM, CHAIRPERSON



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Senate File 2120

S-5011

1 Amend Senate File 2120 as follows:
 2 1. Page 2, by striking lines 28 through 35 and
 3 inserting <course of therapy. A licensed optometrist
 4 may perform minor surgical procedures and use
 5 medications for the diagnosis and treatment of
 6 diseases, disorders, and conditions of the eye and
 7 adnexa. A license to practice optometry under this
 8 chapter does not authorize the performance of surgical
 9 procedures which require the use of injectable or
 10 general anesthesia, moderate sedation, penetration
 11 of the globe, or the use of ophthalmic lasers for
 12 the purpose of ophthalmic surgery within or upon the
 13 globe. The removal of pterygia and Salzmann's nodules,
 14 incisional corneal refractive surgery, and strabismus
 15 surgery are prohibited.>

JEFF DANIELSON



Iowa General Assembly
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Senate File 2142 - Introduced

SENATE FILE 2142
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 3068)

A BILL FOR

1 An Act creating the hire a hero tax credit and including
2 retroactive applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5397SV (2) 84
aw/sc



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S.F. 2142

1 Section 1. NEW SECTION. **422.11I Hire a hero tax credit.**
2 1. The taxes imposed under this division, less the credits
3 allowed under section 422.12, shall be reduced by a hire a hero
4 tax credit. An employer who hires and employs an eligible
5 employee is eligible to claim the tax credit.
6 2. As used in this section:
7 *a. "Eligible employee"* means a person who is a resident
8 of this state and a member of the national guard, reserve, or
9 regular component of the armed forces of the United States
10 employed on a permanent full-time or a permanent part-time
11 basis of at least thirty hours per week each week. A person
12 shall not be an eligible employee if the person was hired to
13 replace a different eligible employee whose employment was
14 terminated within the twelve-month period preceding the date of
15 first employment, unless the eligible employee being replaced
16 left employment voluntarily without good cause attributable to
17 the employer or was discharged for misconduct in connection
18 with the eligible employee's employment.
19 *b. "Employer"* includes a self-employed person who meets the
20 definition of eligible employee.
21 *c. "Military service"* means federal service, state active
22 duty, or state military service as defined in section 29A.1.
23 3. The allowable credit shall be an amount equal to the sum
24 of the following:
25 *a. (1)* One thousand dollars for each eligible employee
26 hired for employment in this state during the tax year.
27 *(2)* If the eligible employee was not employed by the
28 employer for the entire tax year, the amount of the credit in
29 subparagraph (1) shall be prorated and the amount of the credit
30 for the taxpayer shall equal the maximum amount of credit for
31 the tax year, divided by twelve, multiplied by the number of
32 months in the tax year that the eligible employee was employed
33 by the employer. The credit shall be rounded to the nearest
34 dollar. If the employee was employed by the employer during
35 any part of a month, the eligible employee shall be considered

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1 to be employed for the entire month.

2 *b.* (1) Five hundred dollars for each eligible employee
3 employed in this state during a tax year subsequent to the tax
4 year that the employee was hired for employment in this state.

5 (2) If the eligible employee was not employed by the
6 employer for the entire tax year, the amount of the credit in
7 subparagraph (1) shall be prorated and the amount of the credit
8 for the taxpayer shall equal the maximum amount of credit for
9 the tax year, divided by twelve, multiplied by the number of
10 months in the tax year that the eligible employee was employed
11 by the employer. The credit shall be rounded to the nearest
12 dollar. If the employee was employed by the employer during
13 any part of a month, the eligible employee shall be considered
14 to be employed for the entire month.

15 *c.* In addition to the credit amount in paragraph "a" or "b",
16 five hundred dollars for each eligible employee who performs at
17 least thirty days of military service during the tax year while
18 employed by the employer.

19 4. Any credit in excess of the tax liability shall be
20 refunded. In lieu of claiming a refund, a taxpayer may
21 elect to have the overpayment shown on the taxpayer's final,
22 completed return credited to the tax liability for the
23 following tax year.

24 5. An individual may claim the tax credit allowed a
25 partnership, limited liability company, S corporation, estate,
26 or trust electing to have the income taxed directly to the
27 individual. The amount claimed by the individual shall be
28 based upon the pro rata share of the individual's earnings of a
29 partnership, limited liability company, S corporation, estate,
30 or trust.

31 Sec. 2. Section 422.33, Code Supplement 2011, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 11. The taxes imposed under this division
34 shall be reduced by a hire a hero tax credit. The taxpayer
35 shall claim the tax credit according to the same requirements

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1 and calculated in the same manner as provided in section
2 422.11I.

3 Sec. 3. Section 422.60, Code Supplement 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 14. The taxes imposed under this division
6 shall be reduced by a hire a hero tax credit. The taxpayer
7 shall claim the tax credit according to the same requirements
8 and calculated in the same manner as provided in section
9 422.11I.

10 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
11 retroactively to January 1, 2012, for eligible employees hired
12 or employed on or after that date.

13 EXPLANATION

14 This bill creates the hire a hero tax credit for purposes
15 of the state individual and corporate income taxes and the
16 franchise tax. The tax credit is available for employers in
17 the amount of \$1,000 per eligible employee for the year in
18 which the eligible employee is hired, \$500 for each year of
19 employment subsequent to the year of hiring, and \$500 for each
20 year an eligible employee is called to at least 30 days of
21 military service. The annual credits for initial and continued
22 employment shall be prorated if such employment does not
23 extend through an entire tax year. Eligible employees must
24 be a resident of this state and be a member of the national
25 guard or a reserve or regular component of the armed forces
26 of the United States employed on a permanent full-time or
27 permanent part-time basis of at least 30 hours per week. The
28 bill provides that an otherwise eligible employee shall not be
29 considered an eligible employee if the eligible employee was
30 hired to replace another eligible employee whose employment
31 was terminated in the previous 12 months unless the eligible
32 employee being replaced left voluntarily or was discharged for
33 misconduct. The bill applies retroactively to January 1, 2012,
34 for eligible employees hired or employed on or after that date.

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Senate File 2143 - Introduced

SENATE FILE 2143
BY CHELGREN

A BILL FOR

1 An Act relating to the liquidation of the Iowa fund of funds
2 and creating an exemption from the computation of the state
3 individual income tax of income from an equity investment in
4 a qualified Iowa business and including effective date and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5425XS (2) 84
mm/sc



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1 adding the following new subsection:

2 NEW SUBSECTION. 57. *a.* Subtract, to the extent included,
3 income from, or net capital gain from the sale of, an equity
4 investment in a qualified Iowa business.

5 *b.* In order to be eligible for the deduction in paragraph
6 "a", the taxpayer must be a resident of this state and must not
7 claim a tax credit pursuant to section 422.11Q in the same tax
8 year as this deduction.

9 *c.* For purposes of this subsection:

10 (1) "Equity investment" means an equity interest in a
11 business, which equity interest was received in exchange for
12 a capital contribution or payment in the form of cash, real
13 property, or tangible personal property.

14 (2) "Qualified Iowa business" means a business whose
15 commercial domicile, as defined in section 422.32, is
16 in this state, and includes a sole proprietorship, joint
17 venture, partnership, limited liability company, corporation,
18 association, or any other business entity operated for profit.

19 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this
20 Act, being deemed of immediate importance, takes effect upon
21 enactment.

22 Sec. 6. RETROACTIVE APPLICABILITY. This division of this
23 Act applies retroactively to January 1, 2012, for tax years
24 beginning on or after that date.

25 EXPLANATION

26 This bill relates to the liquidation of the Iowa fund of
27 funds and the creation of an individual income tax exemption.

28 Division I relates to the liquidation of the Iowa fund of
29 funds.

30 The division amends Code section 15E.65 to provide that
31 the Iowa capital investment corporation shall stop accepting
32 new designated investors in the Iowa fund of funds after the
33 effective date of the bill and shall cause the Iowa fund of
34 funds to be liquidated. The liquidation is to be completed as
35 soon as legally and economically feasible, but done in such a



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1 manner as to minimize the administrative expenses, penalties,
2 and investment losses which may result from liquidation.

3 The division also amends Code section 15E.65 to provide that
4 no new tax credit certificates related to the Iowa fund of
5 funds shall be issued after the effective date of the bill.

6 Division I takes effect upon enactment.

7 Division II relates to the creation of an individual income
8 tax exemption.

9 The division exempts from the computation of net income
10 for the individual income tax all income from, or net capital
11 gain from the sale of, an equity investment in a qualified
12 Iowa business. "Equity investment" is defined as an equity
13 interest in a business that was received in exchange for a
14 capital contribution or payment in the form of cash, real
15 property, or tangible personal property. "Qualified Iowa
16 business" is defined as any business operated for profit whose
17 commercial domicile is in Iowa. In order to be eligible for
18 this exemption, a taxpayer must be a resident of Iowa and must
19 not claim the Iowa fund of funds tax credit provided in Code
20 section 422.11Q. The division takes effect upon enactment
21 and applies retroactively to January 1, 2012, for tax years
22 beginning on or after that date.



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Senate File 2144 - Introduced

SENATE FILE 2144
BY CHELGREN

A BILL FOR

1 An Act prohibiting labor unions from knowingly collecting dues
2 from persons not lawfully present in the United States and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5909XS (1) 84
je/rj



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S.F. 2144

1 Section 1. **NEW SECTION. 731A.1 Union dues from persons not**
2 **lawfully present in United States prohibited.**

3 1. It shall be unlawful for a labor union, association,
4 or organization, or an officer, representative, agent, or
5 member thereof, to knowingly accept dues, charges, fees,
6 contributions, fines, or assessments from a person who is not
7 lawfully present in the United States.

8 2. *a.* If a labor union, association, or organization, or
9 an officer, representative, agent, or member thereof, violates
10 this section, the labor union, association, or organization
11 shall pay the following civil penalty:

12 (1) For a first violation, not less than two hundred fifty
13 dollars and not more than two thousand dollars for each person
14 who is not lawfully present in the United States from whom
15 dues, charges, fees, contributions, fines, or assessments are
16 accepted.

17 (2) For a second violation, not less than two thousand
18 dollars and not more than five thousand dollars for each person
19 who is not lawfully present in the United States from whom
20 dues, charges, fees, contributions, fines, or assessments are
21 accepted.

22 (3) For a third or subsequent violation, not less than
23 three thousand dollars and not more than ten thousand dollars
24 for each person who is not lawfully present in the United
25 States from whom dues, charges, fees, contributions, fines, or
26 assessments are accepted.

27 *b.* In addition, if a labor union, association, or
28 organization, or an officer, representative, agent, or member
29 thereof, is found to have violated this section, the labor
30 union, association, or organization shall be assessed the costs
31 of the action to enforce the civil penalty, including the
32 reasonable costs of investigation and attorney fees.

33 3. A civil action to enforce this provision shall be by
34 equitable proceedings instituted by the attorney general or
35 county attorney.

LSB 5909XS (1) 84

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je/rj

1/2



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S.F. 2144

1 4. Penalties collected pursuant to this section shall be
2 paid to the treasurer of state for deposit in the general fund
3 of the state.

4 EXPLANATION

5 This bill prohibits any labor union, association, or
6 organization, or the officers, representatives, agents or
7 members thereof, from knowingly accepting dues, charges, fees,
8 contributions, fines, or assessments from a person who is not
9 lawfully present in the United States.

10 The bill provides that if a labor union, association,
11 or organization, or the officers, representatives, agents,
12 or members thereof, violate the bill, the labor union,
13 association, or organization shall pay a civil penalty in
14 the amount of at least \$250 and not more than \$2,000 for a
15 first violation, at least \$2,000 and not more than \$5,000 for
16 a second violation, and at least \$3,000 and not more than
17 \$10,000 for a third or subsequent violation. The labor union,
18 association, or organization shall also be assessed the costs
19 of the action to enforce the civil penalty, including the
20 reasonable costs of investigation and attorney fees. The bill
21 provides that a civil action to enforce the bill shall be by
22 equitable proceedings instituted by the attorney general or
23 county attorney. The bill provides that penalties collected
24 pursuant to the bill shall be paid to the treasurer of state
25 for deposit in the state general fund.



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Senate File 2145 - Introduced

SENATE FILE 2145
BY WHITVER

A BILL FOR

1 An Act creating a reduction in the individual income tax rates
2 and including effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5916XS (2) 84
mm/sc



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S.F. 2145

1 Section 1. Section 422.5, subsection 1, paragraphs a
2 through i, Code Supplement 2011, are amended to read as
3 follows:

4 a. On all taxable income from zero through one thousand
5 dollars, ~~thirty-six~~ thirty-two hundredths of one percent.

6 b. On all taxable income exceeding one thousand dollars
7 but not exceeding two thousand dollars, ~~seventy-two~~ sixty-five
8 hundredths of one percent.

9 c. On all taxable income exceeding two thousand dollars
10 but not exceeding four thousand dollars, two and ~~forty-three~~
11 nineteen hundredths percent.

12 d. On all taxable income exceeding four thousand dollars
13 but not exceeding nine thousand dollars, four and ~~one-half~~ five
14 hundredths percent.

15 e. On all taxable income exceeding nine thousand dollars
16 but not exceeding fifteen thousand dollars, ~~six~~ five and ~~twelve~~
17 fifty-one hundredths percent.

18 f. On all taxable income exceeding fifteen thousand dollars
19 but not exceeding twenty thousand dollars, six and ~~forty-eight~~
20 eighty-three hundredths percent.

21 g. On all taxable income exceeding twenty thousand dollars
22 but not exceeding thirty thousand dollars, six and ~~eight-tenths~~
23 twelve hundredths percent.

24 h. On all taxable income exceeding thirty thousand dollars
25 but not exceeding forty-five thousand dollars, seven and
26 ~~ninety-two~~ thirteen hundredths percent.

27 i. On all taxable income exceeding forty-five thousand
28 dollars, eight and ~~ninety-eight~~ eight hundredths percent.

29 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
30 2013.

31 Sec. 3. APPLICABILITY. This Act applies to tax years
32 beginning on or after January 1, 2013.

33 EXPLANATION

34 This bill reduces by approximately 10 percent the tax rate
35 for each of the nine tax brackets of the individual income tax.

LSB 5916XS (2) 84

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mm/sc

1/2



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S.F. 2145

1 The current individual income tax rates range from a low of
2 .36 percent to a high of 8.98 percent. The bill changes these
3 rates to a low of .32 percent to a high of 8.08 percent.
4 The bill takes effect January 1, 2013, and applies to tax
5 years beginning on or after that date.



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Senate File 2146 - Introduced

SENATE FILE 2146
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3070)

A BILL FOR

1 An Act relating to meeting requirements for rural water
2 districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5600SV (1) 84
aw/nh



Iowa General Assembly
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S.F. 2146

1 Section 1. Section 357A.8, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. For an annual meeting of participating members ~~between~~
4 ~~January 1 and May 1~~ by July 31 of each year following the
5 year of incorporation of the district, and for the mailing of
6 written notice of the time and place of each annual meeting to
7 each participating member and publication of the notice in a
8 newspaper of general circulation in the district not less than
9 ten nor more than thirty days prior to each meeting.

10 EXPLANATION

11 This bill relates to meeting requirements for rural water
12 districts. The bill provides that the bylaws of each rural
13 water district are required to include provisions for an
14 annual meeting of participating members by July 31 of each
15 year following the incorporation of the district. Current law
16 requires that the annual meeting occur between January 1 and
17 May 1 of each year.



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Senate File 2147 - Introduced

SENATE FILE 2147
BY HOGG

A BILL FOR

1 An Act relating to eligibility for the medical assistance for
2 employed people with disabilities program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5963XS (2) 84
pf/nh



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S.F. 2147

1 2. To provide for continuation of transitional Medicaid
2 coverage for a period of 12 months for an individual whose
3 coverage would otherwise be terminated based on a reported
4 increase in earned income from employment for the individual
5 or member of the individual's family whose earned income is
6 included in the calculation of gross income eligibility. The
7 12 months of transitional coverage begin the day following the
8 day coverage would otherwise have been terminated.
9 The bill also directs DHS to amend the Medicaid state plan as
10 necessary to implement the bill.



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Senate File 2148 - Introduced

SENATE FILE 2148
BY SODDERS

A BILL FOR

- 1 An Act creating the manufactured housing program fund.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5786SS (3) 84
av/sc



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S.F. 2148

1 Section 1. NEW SECTION. 16.100B **Manufactured housing**
2 **program fund.**

3 1. A manufactured housing program fund is created within the
4 authority to further the goal of providing affordable housing
5 to Iowans. The moneys in the fund are annually appropriated to
6 the authority for the purpose of providing funding to financing
7 agents or financial institutions to finance the purchase by
8 an individual of a manufactured home that is in compliance
9 with all laws, rules, and standards that are applicable to
10 manufactured homes and manufactured housing.

11 2. Moneys received by the authority for the manufactured
12 housing program fund, transferred by the authority for deposit
13 in the fund, appropriated to the fund, and any other moneys
14 available to and obtained or accepted by the authority for
15 placement in the fund shall be deposited in the fund and
16 are appropriated to the authority to be used as set forth
17 in this section. Additionally, recapture of awards and
18 other repayments to the fund shall be deposited in and are
19 appropriated to the fund. Notwithstanding section 8.33,
20 unencumbered or unobligated moneys remaining in the fund on
21 June 30 of any fiscal year shall not revert to any other fund
22 but shall be available for expenditure in subsequent years.
23 Notwithstanding section 12C.7, interest or earnings on moneys
24 in the fund or appropriated to the fund shall be credited to
25 the fund.

26 3. The authority shall allocate moneys available in the
27 manufactured housing program fund to financing agents or
28 financial institutions to be used as set forth in subsection
29 1. The authority may provide funding to a financing agent or
30 financial institution in the form of loans, linked deposits,
31 guarantees, reserve funds, or any other prudent financial
32 instruments.

33 4. The authority shall adopt rules pursuant to chapter
34 17A including but not limited to eligibility requirements for
35 financing agents or financial institutions to receive funding

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av/sc



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1 through the manufactured housing program fund and any other
2 rules necessary to implement and administer this section.

3 5. For purposes of this section, "*manufactured home*" or
4 "*manufactured housing*" means the same as defined in section
5 435.1.

6 EXPLANATION

7 This bill creates the manufactured housing program fund
8 within the Iowa finance authority to further the goal of
9 providing affordable housing to Iowans. The moneys in the fund
10 are annually appropriated to the authority for the purpose of
11 providing funding to financing agents or financial institutions
12 to finance the purchase by an individual of a manufactured
13 home that is in compliance with all applicable laws, rules,
14 and standards that are applicable to manufactured homes and
15 manufactured housing.

16 The authority is required to allocate the moneys in the fund
17 to financing agents and financial institutions to meet the
18 purposes set forth in the bill and may provide funding in the
19 form of loans, linked deposits, guarantees, reserve funds, or
20 any other prudent financial instruments.

21 The authority is required to adopt rules that include but
22 are not limited to eligibility requirements for financing
23 agents and financial institutions to receive funding, and any
24 other rules that are necessary to implement and administer the
25 provisions of the bill.

26 For purposes of the bill, "*manufactured home*" or
27 "*manufactured housing*" means a factory-built structure
28 constructed under authority of 42 U.S.C. § 5403, that is
29 required by federal law to display a seal from the United
30 States department of housing and urban development, and was
31 constructed on or after June 15, 1976.



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Senate File 2149 - Introduced

SENATE FILE 2149
BY McCOY

A BILL FOR

- 1 An Act relating to the criminal transmission of the human
- 2 immunodeficiency virus and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5970SS (2) 84
jm/nh



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S.F. 2149

1 Section 1. Section 692A.101, subsection 1, paragraph
2 a, subparagraph (9), Code 2011, is amended by striking the
3 subparagraph.

4 Sec. 2. Section 692A.102, subsection 1, paragraph c,
5 subparagraph (23), Code Supplement 2011, is amended by striking
6 the subparagraph.

7 Sec. 3. Section 709C.1, subsection 1, unnumbered paragraph
8 1, Code 2011, is amended to read as follows:

9 A person commits criminal transmission of the human
10 immunodeficiency virus or attempted criminal transmission of
11 the human immunodeficiency virus if the person, knowing that
12 the person's human immunodeficiency virus status is positive,
13 does any of the following:

14 Sec. 4. Section 709C.1, subsection 3, Code 2011, is amended
15 to read as follows:

16 3. a. Criminal transmission of the human immunodeficiency
17 virus is a class "B" felony if infection with the human
18 immunodeficiency virus occurred.

19 b. Attempted criminal transmission of the human
20 immunodeficiency virus is an aggravated misdemeanor if no
21 infection with the human immunodeficiency virus occurred.

22 Sec. 5. Section 709C.1, subsection 4, Code 2011, is amended
23 by striking the subsection.

24 EXPLANATION

25 This bill relates to the criminal transmission of the human
26 immunodeficiency virus.

27 The bill provides a different criminal penalty for criminal
28 transmission of the human immunodeficiency virus and for
29 attempted criminal transmission of the human immunodeficiency
30 virus. Under the bill, the criminal penalty for criminal
31 transmission of the human immunodeficiency virus remains a
32 class "B" felony if a human immunodeficiency virus infection
33 occurred. If no human immunodeficiency virus infection occurs,
34 the offense is classified as attempted criminal transmission
35 of the human immunodeficiency virus, and this offense is

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jm/nh

1/2



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S.F. 2149

1 classified as an aggravated misdemeanor.

2 Current law classifies criminal transmission of the human
3 immunodeficiency virus as a class "B" felony and specifies
4 that it is not necessary for an infection with the human
5 immunodeficiency virus to occur in order to be convicted of
6 criminal transmission of the human immunodeficiency virus.

7 The bill strikes a provision requiring a person convicted
8 of criminal transmission of the human immunodeficiency virus
9 to register as a tier III sex offender. The bill also strikes
10 the offense from the definition of "aggravated offense" under
11 Code chapter 692A which requires lifetime registration as a sex
12 offender under Code section 692A.106(5).

13 A class "B" felony is punishable by confinement for no more
14 than 25 years. An aggravated misdemeanor is punishable by
15 confinement for no more than two years and a fine of at least
16 \$625 but not more than \$6,250.



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Senate File 2150 - Introduced

SENATE FILE 2150
BY ANDERSON

A BILL FOR

- 1 An Act relating to the repeal of the state inheritance tax and
- 2 the state qualified use inheritance tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5646XS (1) 84
mm/sc



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Senate File 2151 - Introduced

SENATE FILE 2151
BY ANDERSON

A BILL FOR

1 An Act relating to rental of land within the right-of-way of a
2 primary highway for farming purposes and providing for the
3 allocation of resulting revenue to the primary road fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5893XS (2) 84
dea/nh



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S.F. 2151

1 Section 1. NEW SECTION. 313.70 **Farming activity within**
2 **highway right-of-way — rental agreements.**

3 The department may permit vegetation to be baled or crops to
4 be grown on land that is within the right-of-way of a primary
5 highway if the department determines that the farming activity
6 or the type of crop to be grown in proximity to the highway
7 would not create a safety hazard for motorists or for persons
8 involved in the farming activity and that the activity would be
9 conducted in compliance with section 314.17. The department
10 may enter into a rental agreement with a private party for the
11 use of the land. Moneys collected by the department from the
12 rental of land pursuant to this section shall be deposited in
13 the primary road fund.

14 EXPLANATION

15 This bill allows the department of transportation to
16 allow vegetation to be baled or crops to be grown within the
17 right-of-way of a primary highway if the department determines
18 that the farming activity or the type of crop to be planted
19 in proximity to the highway would not present a safety hazard
20 and that the activity would be conducted in compliance with
21 current restrictions on the mowing of roadside vegetation. The
22 department is authorized to collect rent for the use of the
23 land within the right-of-way. Proceeds from the rental of land
24 for farming shall be deposited in the primary road fund.



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Senate Study Bill 3142 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BUDGET
BILL)

A BILL FOR

1 An Act relating to appropriations involving state government
2 entities involved with agriculture, natural resources, and
3 environmental protection.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5104XG (14) 84
da/tm



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S.F. _____ H.F. _____

1 SEC. 47. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
2 HORSE AND DOG RACING. There is appropriated from the moneys
3 available under section 99D.13 to the department of agriculture
4 and land stewardship for the fiscal year beginning July 1,
5 2012, and ending June 30, 2013, the following amount, or so
6 much thereof as is necessary, to be used for the purposes
7 designated:

8 For purposes of supporting the department's administration
9 and enforcement of horse and dog racing law pursuant to section
10 99D.22, including for salaries, support, maintenance, and
11 miscellaneous purposes:

| | | |
|----------|----|----------------|
| 12 | \$ | 152,758 |
| 13 | | <u>305,516</u> |

14 DESIGNATED APPROPRIATIONS — MOTOR FUEL

15 Sec. 3. 2011 Iowa Acts, chapter 128, section 48, is amended
16 to read as follows:

17 SEC. 48. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL
18 INSPECTION. There is appropriated from the renewable fuel
19 infrastructure fund created in section ~~15G.205~~ 159A.16 to the
20 department of agriculture and land stewardship for the fiscal
21 year beginning July 1, 2012, and ending June 30, 2013, the
22 following amount, or so much thereof as is necessary, to be
23 used for the purposes designated:

24 For purposes of the inspection of motor fuel, including
25 salaries, support, maintenance, and miscellaneous purposes:

| | | |
|----------|----|----------------|
| 26 | \$ | 250,000 |
| 27 | | <u>500,000</u> |

28 The department shall establish and administer programs
29 for the auditing of motor fuel including biofuel processing
30 and production plants, for screening and testing motor fuel,
31 including renewable fuel, and for the inspection of motor fuel
32 sold by dealers including retail dealers who sell and dispense
33 motor fuel from motor fuel pumps.

34 DIVISION II
35 DEPARTMENT OF NATURAL RESOURCES

LSB 5104XG (14) 84
da/tm



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1 GENERAL APPROPRIATIONS FOR FY 2012-2013
2 Sec. 4. 2011 Iowa Acts, chapter 128, section 49, is amended
3 to read as follows:

4 SEC. 49. GENERAL FUND — DEPARTMENT.

5 1. There is appropriated from the general fund of the state
6 to the department of natural resources for the fiscal year
7 beginning July 1, 2012, and ending June 30, 2013, the following
8 amount, or so much thereof as is necessary, to be used for the
9 purposes designated:

| | | |
|----|---|-------------------|
| 10 | For purposes of supporting the department, including its | |
| 11 | divisions, for administration, regulation, and programs; for | |
| 12 | salaries, support, maintenance, and miscellaneous purposes; and | |
| 13 | for not more than the following full-time equivalent positions: | |
| 14 | ..... | \$ 6,133,344 |
| 15 | | <u>12,466,688</u> |
| 16 | FTEs | <u>1,145.95</u> |
| 17 | | <u>1,112.95</u> |

18 ~~2. Of the number of full-time equivalent positions~~
19 ~~authorized to the department pursuant to subsection 1, 50.00~~
20 ~~full-time equivalent positions shall be allocated by the~~
21 ~~department for seasonal employees for purposes of providing~~
22 ~~maintenance, upkeep, and sanitary services at state parks.~~
23 ~~This subsection shall not impact park ranger positions within~~
24 ~~the department.~~

25 3. The department shall submit a report each quarter of the
26 fiscal year to the legislative services agency, the department
27 of management, the members of the joint appropriations
28 subcommittee on agriculture and natural resources, and the
29 chairpersons and ranking members of the senate and house
30 committees on appropriations. The report shall describe in
31 detail the expenditure of moneys appropriated under this
32 section to support the department's administration, regulation,
33 and programs.

34 Sec. 5. 2011 Iowa Acts, chapter 128, section 50, is amended
35 to read as follows:



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1 SEC. 50. STATE FISH AND GAME PROTECTION FUND — DIVISION OF
2 FISH AND WILDLIFE.

3 1. There is appropriated from the state fish and game
4 protection fund to the department of natural resources for the
5 fiscal year beginning July 1, 2012, and ending June 30, 2013,
6 the following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For purposes of supporting the division of fish and
9 wildlife, including for administration, regulation, and
10 programs; and for salaries, support, maintenance, equipment,
11 and miscellaneous purposes:
12 \$ 19,396,577
13 39,951,171

14 2. Notwithstanding section 455A.10, the department may use
15 the unappropriated balance remaining in the state fish and game
16 protection fund to provide for the funding of health and life
17 insurance premium payments from unused sick leave balances of
18 conservation peace officers employed in a protection occupation
19 who retire, pursuant to section 97B.49B.

20 ~~3. Notwithstanding section 455A.10, the department of~~
21 ~~natural resources may use the unappropriated balance remaining~~
22 ~~in the state fish and game protection fund for the fiscal~~
23 ~~year beginning July 1, 2012, and ending June 30, 2013, as is~~
24 ~~necessary to fund salary adjustments for departmental employees~~
25 ~~which the general assembly has made an operating budget~~
26 ~~appropriation for in subsection 1.~~

27 Sec. 6. 2011 Iowa Acts, chapter 128, section 51, is amended
28 to read as follows:

29 SEC. 51. GROUNDWATER PROTECTION FUND — WATER
30 QUALITY. There is appropriated from the groundwater protection
31 fund created in section 455E.11 to the department of natural
32 resources for the fiscal year beginning July 1, 2012,
33 and ending June 30, 2013, from those moneys which are not
34 allocated pursuant to that section, the following amount, or
35 so much thereof as is necessary, to be used for the purposes



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1 the following new section:

2 NEW SECTION. 54A. GENERAL FUND — FLOODPLAIN MANAGEMENT AND
3 DAM SAFETY.

4 1. There is appropriated from the general fund of the state
5 to the department of natural resources for the fiscal year
6 beginning July 1, 2012, and ending June 30, 2013, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purpose designated:

9 For purposes of supporting floodplain management and dam
10 safety:

11 \$ 2,000,000

12 2. Of the amount appropriated in subsection 1, up to
13 \$400,000 may be used by the department to acquire or install
14 stream gages for purposes of tracking and predicting flood
15 events and for compiling necessary data to improve flood
16 frequency analysis.

17 3. Notwithstanding section 8.33, moneys appropriated in
18 subsection 1 that remain unencumbered or unobligated at the
19 close of the fiscal year shall not revert but shall remain
20 available for expenditure for the purposes designated until
21 the close of the fiscal year beginning July 1, 2013, or until
22 the project for which the appropriation was made is completed,
23 whichever is earlier.

24 DIVISION III

25 IOWA STATE UNIVERSITY

26 APPROPRIATION FOR FY 2012-2013

27 Sec. 10. 2011 Iowa Acts, chapter 128, section 55, is amended
28 to read as follows:

29 SEC. 55. GENERAL FUND — VETERINARY DIAGNOSTIC LABORATORY.

30 1. There is appropriated from the general fund of the state
31 to Iowa state university of science and technology for the
32 fiscal year beginning July 1, 2012, and ending June 30, 2013,
33 the following amount, or so much thereof as is necessary, to be
34 used for the purposes designated:

35 For purposes of supporting the college of veterinary



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1 medicine for the operation of the veterinary diagnostic
2 laboratory and for not more than the following full-time
3 equivalent positions:
4 \$ ~~1,618,818~~
5 3,237,636
6 FTEs 50.00

7 2. a. Iowa state university of science and technology
8 shall not reduce the amount that it allocates to support the
9 college of veterinary medicine from any other source due to the
10 appropriation made in this section.

11 b. Paragraph "a" does not apply to a reduction made to
12 support the college of veterinary medicine, if the same
13 percentage of reduction imposed on the college of veterinary
14 medicine is also imposed on all of Iowa state university's
15 budget units.

16 3. If by June 30, 2013, Iowa state university of science and
17 technology fails to allocate the moneys appropriated in this
18 section to the college of veterinary medicine in accordance
19 with this section, the moneys appropriated in this section for
20 that fiscal year shall revert to the general fund of the state.

21 Sec. 11. REPEAL. 2011 Iowa Acts, chapter 128, section 56,
22 is repealed.

DIVISION IV

ENVIRONMENT FIRST FUND

GENERAL APPROPRIATIONS FOR FY 2012-2013

26 Sec. 12. 2011 Iowa Acts, chapter 128, section 57, is amended
27 to read as follows:

SEC. 57. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

29 There is appropriated from the environment first fund created
30 in section 8.57A to the department of agriculture and land
31 stewardship for the fiscal year beginning July 1, 2012, and
32 ending June 30, 2013, the following amounts, or so much thereof
33 as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to



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1 restore and construct wetlands for the purposes of intercepting
2 tile line runoff, reducing nutrient loss, improving water
3 quality, and enhancing agricultural production practices:

4 \$ 500,000
5 1,000,000

6 b. Not more than 10 percent of the moneys appropriated
7 in paragraph "a" may be used for costs of administration and
8 implementation of soil and water conservation practices.

9 c. Notwithstanding any other provision in law, the
10 department may provide state resources from this appropriation,
11 in combination with other appropriate environment first
12 fund appropriations, for cost sharing to match United States
13 department of agriculture, natural resources conservation
14 service, wetlands reserve enhancement program (WREP) funding
15 available to Iowa.

16 2. WATERSHED PROTECTION

17 a. For continuation of a program that provides
18 multiobjective resource protections for flood control, water
19 quality, erosion control, and natural resource conservation:

20 \$ 450,000
21 900,000

22 b. Not more than 10 percent of the moneys appropriated
23 in paragraph "a" may be used for costs of administration and
24 implementation of soil and water conservation practices.

25 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

26 a. For continuation of a statewide voluntary farm
27 management demonstration program to demonstrate the
28 effectiveness and adaptability of emerging practices in
29 agronomy that protect water resources and provide other
30 environmental benefits:

31 \$ ~~312,500~~
32 625,000

33 b. Not more than 10 percent of the moneys appropriated
34 in paragraph "a" may be used for costs of administration and
35 implementation of soil and water conservation practices.



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1 d. Not more than 30 percent of a soil and water conservation
 2 district's allocation of moneys as financial incentives may be
 3 provided for the purpose of establishing management practices
 4 to control soil erosion on land that is row cropped, including
 5 but not limited to no-till planting, ridge-till planting,
 6 contouring, and contour strip-cropping as provided in section
 7 161A.73.

8 e. The state soil conservation committee established by
 9 section 161A.4 may allocate moneys appropriated in paragraph
 10 "a" to conduct research and demonstration projects to promote
 11 conservation tillage and nonpoint source pollution control
 12 practices.

13 f. The allocation of moneys as financial incentives as
 14 provided in section 161A.73 may be used in combination with
 15 moneys allocated by the department of natural resources.

16 g. Not more than 15 percent of the moneys appropriated
 17 in paragraph "a" may be used for costs of administration and
 18 implementation of soil and water conservation practices.

19 h. In lieu of moneys appropriated in section 466A.5, not
 20 more than \$50,000 of the moneys appropriated in paragraph
 21 "a" shall be used by the soil conservation division of the
 22 department of agriculture and land stewardship to provide
 23 administrative support to the watershed improvement review
 24 board established in section 466A.3.

25 7. LOCAL FOOD AND FARM PROGRAM COORDINATOR

26 a. For purposes of supporting a local food and farm program
 27 coordinator as established pursuant to new Code chapter 267A as
 28 enacted in this Act, for salaries, support, maintenance, and
 29 miscellaneous purposes:

| | | |
|----------|----|---------------|
| 30 | \$ | 37,500 |
| 31 | | <u>75,000</u> |

32 b. The department shall enter into a cost-sharing agreement
 33 with Iowa state university to support the local food and farm
 34 program coordinator position as part of the university's
 35 cooperative extension service in agriculture and home economics



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| | | | |
|----|--|----|----------------------|
| 1 | | \$ | 50,000 |
| 2 | | | <u>100,000</u> |
| 3 | 2. STATE PARKS MAINTENANCE AND OPERATIONS | | |
| 4 | For regular maintenance of state parks and staff time | | |
| 5 | associated with these activities: | | |
| 6 | ..... | \$ | 1,605,000 |
| 7 | | | <u>3,210,000</u> |
| 8 | 3. FORESTRY HEALTH MANAGEMENT | | |
| 9 | To provide for forestry health management programs: | | |
| 10 | ..... | \$ | 50,000 |
| 11 | | | <u>100,000</u> |
| 12 | 4. GEOGRAPHIC INFORMATION SYSTEM (GIS) | | |
| 13 | To provide local watershed managers with geographic | | |
| 14 | information system data for their use in developing, | | |
| 15 | monitoring, and displaying results of their watershed work: | | |
| 16 | ..... | \$ | 97,500 |
| 17 | | | <u>195,000</u> |
| 18 | 5. WATER QUALITY MONITORING | | |
| 19 | For continuing the establishment and operation of water | | |
| 20 | quality monitoring stations: | | |
| 21 | ..... | \$ | 1,477,500 |
| 22 | | | <u>2,955,000</u> |
| 23 | 6. PUBLIC WATER SUPPLY SYSTEM ACCOUNT | | |
| 24 | For deposit in the public water supply system account of the | | |
| 25 | water quality protection fund created in section 455B.183A: | | |
| 26 | ..... | \$ | 250,000 |
| 27 | | | <u>500,000</u> |
| 28 | 7. REGULATION OF ANIMAL FEEDING OPERATIONS | | |
| 29 | For the regulation of animal feeding operations, including | | |
| 30 | as provided for in chapters 459 through 459B: | | |
| 31 | ..... | \$ | 210,000 |
| 32 | | | <u>420,000</u> |
| 33 | 8. AMBIENT AIR QUALITY | | |
| 34 | For the abatement, control, and prevention of ambient | | |
| 35 | air pollution in this state, including measures as necessary | | |

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1 to assure attainment and maintenance of ambient air quality
 2 standards from particulate matter:
 3 \$ 212,500
 4 425,000

5 9. WATER QUANTITY REGULATION

6 For regulating water quantity from surface and subsurface
 7 sources by providing for the allocation and use of water
 8 resources, the protection and management of water resources,
 9 and the preclusion of conflicts among users of water resources,
 10 including as provided in chapter 455B, division III, part 4:
 11 \$ 247,500
 12 495,000

13 10. GEOLOGICAL AND WATER SURVEY

14 For continuing the operations of the department's geological
 15 and water survey including but not limited to providing
 16 analysis, data collection, investigative programs, and
 17 information for water supply development and protection:
 18 \$ 100,000
 19 200,000

20 DIVISION V
 21 RESOURCES ENHANCEMENT AND PROTECTION
 22 (REAP) FUND FOR FY 2012-2013
 23 GENERAL APPROPRIATIONS

24 Sec. 14. ENVIRONMENT FIRST FUND. Notwithstanding the
 25 amount of the standing appropriation from the general fund of
 26 the state to the Iowa resources enhancement and protection
 27 fund as provided in section 455A.18, there is appropriated
 28 from the environment first fund created in section 8.57A to
 29 the Iowa resources enhancement and protection fund, in lieu of
 30 the appropriation made in section 455A.18, for the fiscal year
 31 beginning July 1, 2012, and ending June 30, 2013, the following
 32 amount, to be allocated as provided in section 455A.19:
 33 \$ 12,000,000

34 EXPLANATION

35 GENERAL. This bill relates to appropriations made in 2011

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1 Iowa Acts, chapter 128 (SF 509), for agriculture and natural
2 resources for the 2012-2013 fiscal year to support related
3 entities, including the department of agriculture and land
4 stewardship, the department of natural resources, and Iowa
5 state university.

6 The bill relates to moneys appropriated to the department of
7 agriculture and land stewardship and the department of natural
8 resources. The appropriations support those departments for
9 administration, regulation, and programs. The bill requires
10 the departments to submit quarterly reports to the general
11 assembly and department of management regarding the expenditure
12 of appropriated moneys. The bill also provides moneys to
13 support specific programs or projects administered by those
14 departments. The bill relates to moneys appropriated from a
15 number of sources, including the general fund of the state, the
16 state fish and game protection fund, the groundwater protection
17 fund, and the environment first fund. The bill is organized
18 into divisions.

19 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For the
20 department of agriculture and land stewardship, moneys are
21 appropriated in order to support its divisions.

22 The bill relates to moneys appropriated from the general
23 fund of the state to support designated programs, including
24 horse and dog racing and motor fuel inspection.

25 DEPARTMENT OF NATURAL RESOURCES. For the department of
26 natural resources, moneys are appropriated from the general
27 fund in order to support its divisions.

28 The bill relates to moneys appropriated from other funds.
29 The bill relates to moneys appropriated to the department of
30 natural resources from the state fish and game protection fund
31 to support programs related to fish and wildlife. The bill
32 relates to moneys appropriated from the groundwater protection
33 fund to support groundwater quality. The bill relates to
34 moneys appropriated from the snowmobile fund to the department
35 for snowmobile programs.



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1 The bill includes miscellaneous provisions. The bill
2 relates to an appropriation made from the unassigned revenue
3 fund administered by the Iowa comprehensive underground storage
4 tank fund board to the department of natural resources for
5 administration and expenses of the underground storage tank
6 section.

7 The bill includes a new appropriation to support floodplain
8 management and dam safety.

9 IOWA STATE UNIVERSITY. The bill relates to moneys
10 appropriated from the general fund of the state for the
11 operation of the Iowa state university's veterinary diagnostic
12 laboratory.

13 The bill repeals a contingent appropriation made to support
14 the veterinary diagnostic laboratory for future years.

15 IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND. The bill
16 relates to moneys appropriated from the environment first fund
17 to support a number of programs administered by the department
18 of agriculture and land stewardship and the department of
19 natural resources.

20 The bill includes a new appropriation of moneys from the
21 environment first fund to the Iowa resources enhancement and
22 protection fund in lieu of the \$20 million appropriated by Code
23 section 455A.18 from the general fund of the state.



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Senate Study Bill 3143 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BUDGET
BILL)

A BILL FOR

- 1 An Act relating to appropriations to the justice system.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. 2011 Iowa Acts, chapter 134, section 30, is
2 amended to read as follows:

3 SEC. 30. DEPARTMENT OF JUSTICE.

4 1. There is appropriated from the general fund of the state
5 to the department of justice for the fiscal year beginning July
6 1, 2012, and ending June 30, 2013, the following amounts, or
7 so much thereof as is necessary, to be used for the purposes
8 designated:

9 a. For the general office of attorney general for salaries,
10 support, maintenance, and miscellaneous purposes, including
11 the prosecuting attorneys training program, matching funds
12 for federal violence against women grant programs, victim
13 assistance grants, office of drug control policy prosecuting
14 attorney program, and odometer fraud enforcement, and for not
15 more than the following full-time equivalent positions:

| | | |
|----------|------|------------------|
| 16 | \$ | 3,896,465 |
| 17 | | <u>7,792,930</u> |
| 18 | FTEs | 212.00 |

19 It is the intent of the general assembly that as a condition
20 of receiving the appropriation provided in this lettered
21 paragraph, the department of justice shall maintain a record
22 of the estimated time incurred representing each agency or
23 department.

24 b. For victim assistance grants:

| | | |
|----------|----|------------------|
| 25 | \$ | 1,438,200 |
| 26 | | <u>2,876,400</u> |

27 The funds appropriated in this lettered paragraph shall be
28 used to provide grants to care providers providing services to
29 crime victims of domestic abuse or to crime victims of rape and
30 sexual assault.

31 The balance of the victim compensation fund established in
32 section 915.94 may be used to provide salary and support of not
33 more than 24 FTEs and to provide maintenance for the victim
34 compensation functions of the department of justice.

35 The department of justice shall transfer at least \$150,000



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1 from the victim compensation fund established in section 915.94
2 to the victim assistance grant program.

3 c. For legal services for persons in poverty grants as
4 provided in section 13.34:
5 \$ 907,416
6 1,814,831

7 2. a. The department of justice, in submitting budget
8 estimates for the fiscal year commencing July 1, 2013, pursuant
9 to section 8.23, shall include a report of funding from sources
10 other than amounts appropriated directly from the general fund
11 of the state to the department of justice or to the office of
12 consumer advocate. These funding sources shall include but
13 are not limited to reimbursements from other state agencies,
14 commissions, boards, or similar entities, and reimbursements
15 from special funds or internal accounts within the department
16 of justice. The department of justice shall also report actual
17 reimbursements for the fiscal year commencing July 1, 2011,
18 and actual and expected reimbursements for the fiscal year
19 commencing July 1, 2012.

20 b. The department of justice shall include the report
21 required under paragraph "a", as well as information regarding
22 any revisions occurring as a result of reimbursements actually
23 received or expected at a later date, in a report to the
24 co-chairpersons and ranking members of the joint appropriations
25 subcommittee on the justice system and the legislative services
26 agency. The department of justice shall submit the report on
27 or before January 15, 2013.

28 Sec. 2. 2011 Iowa Acts, chapter 134, section 31, is amended
29 to read as follows:

30 SEC. 31. OFFICE OF CONSUMER ADVOCATE. There is appropriated
31 from the department of commerce revolving fund created in
32 section 546.12 to the office of consumer advocate of the
33 department of justice for the fiscal year beginning July 1,
34 2012, and ending June 30, 2013, the following amount, or so
35 much thereof as is necessary, to be used for the purposes



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1 designated:

2 For salaries, support, maintenance, miscellaneous purposes,
3 and for not more than the following full-time equivalent
4 positions:

| | | |
|---------|------|------------------|
| 5 | \$ | 1,568,082 |
| 6 | | <u>3,136,163</u> |
| 7 | FTEs | 22.00 |

8 Sec. 3. 2011 Iowa Acts, chapter 134, section 32, is amended
9 to read as follows:

10 SEC. 32. DEPARTMENT OF CORRECTIONS — FACILITIES.

11 1. There is appropriated from the general fund of the
12 state to the department of corrections for the fiscal year
13 beginning July 1, 2012, and ending June 30, 2013, the following
14 amounts, or so much thereof as is necessary, to be used for the
15 operation of adult correctional institutions, reimbursement
16 of counties for certain confinement costs, and federal prison
17 reimbursement, to be allocated as follows:

18 a. For the operation of the Fort Madison correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:

| | | |
|----------|----|-------------------|
| 21 | \$ | 20,515,641 |
| 22 | | <u>42,686,899</u> |

23 b. For the operation of the Anamosa correctional facility,
24 including salaries, support, maintenance, and miscellaneous
25 purposes:

| | | |
|----------|----|-------------------|
| 26 | \$ | 15,992,987 |
| 27 | | <u>32,760,186</u> |

28 c. For the operation of the Oakdale correctional facility,
29 including salaries, support, maintenance, and miscellaneous
30 purposes:

| | | |
|----------|----|-------------------|
| 31 | \$ | 27,797,213 |
| 32 | | <u>57,950,613</u> |

33 d. For the operation of the Newton correctional facility,
34 including salaries, support, maintenance, and miscellaneous
35 purposes:



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1 to section 904.513:
2 \$ 387,546
3 1,075,092
4 k. For federal prison reimbursement, reimbursements for
5 out-of-state placements, and miscellaneous contracts:
6 \$ 119,706
7 484,411
8 ~~1. For three correctional officer full-time equivalent~~
9 ~~positions that are to be assigned to a correctional institution~~
10 ~~by the director of the department of corrections:~~
11 ~~..... \$ 78,581~~
12 2. The department of corrections shall use moneys
13 appropriated in subsection 1 to continue to contract for the
14 services of a Muslim imam and a Native American spiritual
15 leader.
16 Sec. 4. 2011 Iowa Acts, chapter 134, section 33, subsection
17 1, unnumbered paragraph 1, is amended to read as follows:
18 For general administration, including salaries, support,
19 maintenance, employment of an education director to administer
20 a centralized education program for the correctional system,
21 and miscellaneous purposes:
22 \$ ~~2,417,771~~
23 5,327,854
24 Sec. 5. 2011 Iowa Acts, chapter 134, section 33, subsection
25 2, unnumbered paragraph 1, is amended to read as follows:
26 For educational programs for inmates at state penal
27 institutions:
28 \$ ~~1,154,055~~
29 2,308,109
30 Sec. 6. 2011 Iowa Acts, chapter 134, section 33, subsections
31 3 through 7, are amended to read as follows:
32 3. For the development of the Iowa corrections offender
33 network (ICON) data system:
34 \$ ~~212,182~~
35 424,364

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1 4. For offender mental health and substance abuse
2 treatment:
3 \$ 11,160
4 22,319
5 5. For viral hepatitis prevention and treatment:
6 \$ 83,941
7 167,881

8 6. It is the intent of the general assembly that for
9 the fiscal year addressed by this section the department of
10 corrections shall continue to operate the correctional farms
11 under the control of the department at the same or greater
12 level of participation and involvement as existed as of January
13 1, 2011; shall not enter into any rental agreement or contract
14 concerning any farmland under the control of the department
15 that is not subject to a rental agreement or contract as of
16 January 1, 2011, without prior legislative approval; and
17 shall further attempt to provide job opportunities at the
18 farms for inmates. The department shall attempt to provide
19 job opportunities at the farms for inmates by encouraging
20 labor-intensive farming or gardening where appropriate; using
21 inmates to grow produce and meat for institutional consumption;
22 researching the possibility of instituting food canning
23 and cook-and-chill operations; and exploring opportunities
24 for organic farming and gardening, livestock ventures,
25 horticulture, and specialized crops.

26 ~~7. The department of corrections shall solicit requests for~~
27 ~~information to improve efficiencies at the pharmacy under the~~
28 ~~control of the department.~~

29 Sec. 7. 2011 Iowa Acts, chapter 134, section 34, subsections
30 1 through 5, are amended to read as follows:

31 1. There is appropriated from the general fund of the state
32 to the department of corrections for the fiscal year beginning
33 July 1, 2012, and ending June 30, 2013, for salaries, support,
34 maintenance, and miscellaneous purposes, the following amounts,
35 or so much thereof as is necessary, to be allocated as follows:

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1 a. For the first judicial district department of
2 correctional services:
3 \$ 6,102,474
4 12,958,763

5 b. For the second judicial district department of
6 correctional services:
7 \$ 5,168,474
8 10,739,572

9 c. For the third judicial district department of
10 correctional services:
11 \$ 2,799,883
12 6,238,455

13 d. For the fourth judicial district department of
14 correctional services:
15 \$ 2,695,678
16 5,469,811

17 e. For the fifth judicial district department of
18 correctional services, including funding for electronic
19 monitoring devices for use on a statewide basis:
20 \$ 9,371,065
21 19,220,091

22 f. For the sixth judicial district department of
23 correctional services:
24 \$ 6,556,282
25 14,095,408

26 g. For the seventh judicial district department of
27 correctional services:
28 \$ 3,246,407
29 6,895,634

30 h. For the eighth judicial district department of
31 correctional services:
32 \$ 3,439,858
33 7,518,935

34 2. Each judicial district department of correctional
35 services, within the funding available, shall continue programs

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1 and plans established within that district to provide for
 2 intensive supervision, sex offender treatment, diversion of
 3 low-risk offenders to the least restrictive sanction available,
 4 job development, and expanded use of intermediate criminal
 5 sanctions.

6 3. Each judicial district department of correctional
 7 services shall provide alternatives to prison consistent with
 8 chapter 901B. The alternatives to prison shall ensure public
 9 safety while providing maximum rehabilitation to the offender.
 10 A judicial district department of correctional services may
 11 also establish a day program.

12 4. The governor's office of drug control policy or any
 13 succeeding entity of the governor's office of drug control
 14 policy shall consider federal grants made to the department
 15 of corrections for the benefit of each of the eight judicial
 16 district departments of correctional services as local
 17 government grants, as defined pursuant to federal regulations.

18 5. The department of corrections shall continue to contract
 19 with a judicial district department of correctional services to
 20 provide for the rental of electronic monitoring equipment which
 21 shall be available statewide.

22 Sec. 8. 2011 Iowa Acts, chapter 134, section 39, is amended
 23 to read as follows:

24 SEC. 39. IOWA LAW ENFORCEMENT ACADEMY.

25 1. There is appropriated from the general fund of the
 26 state to the Iowa law enforcement academy for the fiscal year
 27 beginning July 1, 2012, and ending June 30, 2013, the following
 28 amount, or so much thereof as is necessary, to be used for the
 29 purposes designated:

30 For salaries, support, maintenance, miscellaneous purposes,
 31 including jailer training and technical assistance, and for not
 32 more than the following full-time equivalent positions:

| | | |
|----------|------|----------------|
| 33 | \$ | 434,349 |
| 34 | | <u>968,698</u> |
| 35 | FTEs | 24.55 |

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1 \$ ~~12,541,591~~
2 25,862,182
3 FTEs 219.00
4 2. For the fees of court-appointed attorneys for indigent
5 adults and juveniles, in accordance with section 232.141 and
6 chapter 815:
7 \$ ~~15,340,464~~
8 29,901,929
9 Sec. 10. 2011 Iowa Acts, chapter 134, section 41, is amended
10 to read as follows:
11 SEC. 41. BOARD OF PAROLE. There is appropriated from the
12 general fund of the state to the board of parole for the fiscal
13 year beginning July 1, 2012, and ending June 30, 2013, the
14 following amount, or so much thereof as is necessary, to be
15 used for the purposes designated:
16 For salaries, support, maintenance, miscellaneous purposes,
17 and for not more than the following full-time equivalent
18 positions:
19 \$ ~~526,918~~
20 1,203,835
21 FTEs ~~12.50~~
22 12.00
23 Sec. 11. 2011 Iowa Acts, chapter 134, section 42, is amended
24 to read as follows:
25 SEC. 42. DEPARTMENT OF PUBLIC DEFENSE. There is
26 appropriated from the general fund of the state to the
27 department of public defense for the fiscal year beginning July
28 1, 2012, and ending June 30, 2013, the following amounts, or
29 so much thereof as is necessary, to be used for the purposes
30 designated:
31 1. MILITARY DIVISION
32 For salaries, support, maintenance, miscellaneous purposes,
33 and for not more than the following full-time equivalent
34 positions:
35 \$ ~~2,763,521~~

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1 5,675,042
2 FTEs 313.00

3 The military division may temporarily exceed and draw more
4 than the amount appropriated in this subsection and incur a
5 negative cash balance as long as there are receivables of
6 federal funds equal to or greater than the negative balance and
7 the amount appropriated in this subsection is not exceeded at
8 the close of the fiscal year.

9 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

10 For salaries, support, maintenance, miscellaneous purposes,
11 and for not more than the following full-time equivalent
12 positions:

13 \$ ~~918,439~~
14 1,836,877
15 FTEs 40.00

16 a. The homeland security and emergency management
17 division may temporarily exceed and draw more than the amount
18 appropriated in this subsection and incur a negative cash
19 balance as long as there are receivables of federal funds
20 equal to or greater than the negative balance and the amount
21 appropriated in this subsection is not exceeded at the close
22 of the fiscal year.

23 b. It is the intent of the general assembly that the
24 homeland security and emergency management division work in
25 conjunction with the department of public safety, to the extent
26 possible, when gathering and analyzing information related
27 to potential domestic or foreign security threats, and when
28 monitoring such threats.

29 Sec. 12. 2011 Iowa Acts, chapter 134, section 43, is amended
30 to read as follows:

31 SEC. 43. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
32 from the general fund of the state to the department of public
33 safety for the fiscal year beginning July 1, 2012, and ending
34 June 30, 2013, the following amounts, or so much thereof as is
35 necessary, to be used for the purposes designated:



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1 the state's contribution to the peace officers' retirement,
2 accident, and disability system provided in chapter 97A in the
3 amount of the state's normal contribution rate, as defined in
4 section 97A.8, multiplied by the salaries for which the funds
5 are appropriated, to meet federal fund matching requirements,
6 and for not more than the following full-time equivalent
7 positions:

| | | |
|----------|------|------------------|
| 8 | \$ | 3,214,942 |
| 9 | | <u>6,429,884</u> |
| 10 | FTEs | 74.00 |
| 11 | | <u>68.00</u> |

12 b. For the division of narcotics enforcement for undercover
13 purchases:

| | | |
|----------|----|----------------|
| 14 | \$ | 54,521 |
| 15 | | <u>109,042</u> |

16 5. For the division of state fire marshal, for fire
17 protection services as provided through the state fire service
18 and emergency response council as created in the department,
19 and for the state's contribution to the peace officers'
20 retirement, accident, and disability system provided in chapter
21 97A in the amount of the state's normal contribution rate, as
22 defined in section 97A.8, multiplied by the salaries for which
23 the funds are appropriated, and for not more than the following
24 full-time equivalent positions:

| | | |
|----------|------|------------------|
| 25 | \$ | 2,149,354 |
| 26 | | <u>4,298,707</u> |
| 27 | FTEs | 55.00 |
| 28 | | <u>54.00</u> |

29 6. For the division of state patrol, for salaries, support,
30 maintenance, workers' compensation costs, and miscellaneous
31 purposes, including the state's contribution to the peace
32 officers' retirement, accident, and disability system provided
33 in chapter 97A in the amount of the state's normal contribution
34 rate, as defined in section 97A.8, multiplied by the salaries
35 for which the funds are appropriated, and for not more than the



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1 following full-time equivalent positions:
 2 \$ ~~25,951,617~~
 3 51,903,233
 4 FTEs ~~513.00~~
 5 498.00

6 It is the intent of the general assembly that members of the
 7 state patrol be assigned to patrol the highways and roads in
 8 lieu of assignments for inspecting school buses for the school
 9 districts.

10 7. For deposit in the sick leave benefits fund established
 11 under section 80.42 for all departmental employees eligible to
 12 receive benefits for accrued sick leave under the collective
 13 bargaining agreement:

14 \$ ~~139,759~~
 15 279,517

16 8. For costs associated with the training and equipment
 17 needs of volunteer fire fighters:

18 \$ ~~362,760~~
 19 725,520

20 a. Notwithstanding section 8.33, moneys appropriated in
 21 this subsection that remain unencumbered or unobligated at the
 22 close of the fiscal year shall not revert but shall remain
 23 available for expenditure only for the purpose designated in
 24 this subsection until the close of the succeeding fiscal year.

25 b. Notwithstanding section 8.39, within the moneys
 26 appropriated in this section, the department of public safety
 27 may reallocate moneys as necessary to best fulfill the needs
 28 provided for in the appropriation. However, the department
 29 shall not reallocate an appropriation made to the department
 30 in this section unless notice of the reallocation is given
 31 to the legislative services agency and the department of
 32 management prior to the effective date of the reallocation.
 33 The notice shall include information regarding the rationale
 34 for reallocating the appropriation. The department shall
 35 not reallocate an appropriation made in this section for the



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1 purpose of eliminating any program.

2 Sec. 13. 2011 Iowa Acts, chapter 134, section 44, is amended
3 to read as follows:

4 SEC. 44. GAMING ENFORCEMENT.

5 1. There is appropriated from the gaming enforcement
6 revolving fund created in section 80.43 to the department of
7 public safety for the fiscal year beginning July 1, 2012, and
8 ending June 30, 2013, the following amount, or so much thereof
9 as is necessary, to be used for the purposes designated:

| | |
|--|-------------------|
| 10 For any direct and indirect support costs for agents | |
| 11 and officers of the division of criminal investigation's | |
| 12 excursion gambling boat, gambling structure, and racetrack | |
| 13 enclosure enforcement activities, including salaries, support, | |
| 14 maintenance, miscellaneous purposes, and for not more than the | |
| 15 following full-time equivalent positions: | |
| 16 | \$ 4,918,153 |
| 17 | <u>10,335,709</u> |
| 18 | FTEs 120.00 |
| 19 | <u>115.00</u> |

20 2. For each additional license to conduct gambling games on
21 an excursion gambling boat, gambling structure, or racetrack
22 enclosure issued during the fiscal year beginning July 1, 2012,
23 there is appropriated from the gaming enforcement fund to the
24 department of public safety for the fiscal year beginning July
25 1, 2012, and ending June 30, 2013, an additional amount of not
26 more than \$521,000 to be used for not more than 6.00 additional
27 full-time equivalent positions.

28 3. The department of public safety, with the approval
29 of the department of management, may employ no more than two
30 special agents and four gaming enforcement officers for each
31 additional riverboat or gambling structure regulated after July
32 1, 2012, and one special agent for each racing facility which
33 becomes operational during the fiscal year which begins July 1,
34 2012. One additional gaming enforcement officer, up to a total
35 of four per riverboat or gambling structure, may be employed



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1 for each riverboat or gambling structure that has extended
2 operations to 24 hours and has not previously operated with a
3 24-hour schedule. Positions authorized in this subsection are
4 in addition to the full-time equivalent positions otherwise
5 authorized in this section.

6 Sec. 14. 2011 Iowa Acts, chapter 134, section 45, is amended
7 to read as follows:

8 SEC. 45. CIVIL RIGHTS COMMISSION. There is appropriated
9 from the general fund of the state to the Iowa state civil
10 rights commission for the fiscal year beginning July 1,
11 2012, and ending June 30, 2013, the following amount, or so
12 much thereof as is necessary, to be used for the purposes
13 designated:

14 For salaries, support, maintenance, miscellaneous purposes,
15 and for not more than the following full-time equivalent
16 positions:

| | | |
|----------|------|------------------|
| 17 | \$ | 648,535 |
| 18 | | <u>1,297,069</u> |
| 19 | FTEs | 28.00 |

20 The Iowa state civil rights commission may enter into
21 a contract with a nonprofit organization to provide legal
22 assistance to resolve civil rights complaints.

23 Sec. 15. 2011 Iowa Acts, chapter 134, section 46, is amended
24 to read as follows:

25 SEC. 46. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
26 DIVISION. There is appropriated from the wireless E911
27 emergency communications fund created in section 34A.7A to
28 the administrator of the homeland security and emergency
29 management division of the department of public defense for
30 the fiscal year beginning July 1, 2012, and ending June 30,
31 2013, an amount not exceeding ~~\$200,000~~ \$250,000 to be used for
32 implementation, support, and maintenance of the functions of
33 the administrator and program manager under chapter 34A and to
34 employ the auditor of the state to perform an annual audit of
35 the wireless E911 emergency communications fund.



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1 Sec. 16. Section 80.43, subsection 1, Code 2011, is amended
2 to read as follows:

3 1. A gaming enforcement revolving fund is created in the
4 state treasury under the control of the department. The fund
5 shall consist of fees collected and deposited into the fund
6 paid by licensees pursuant to section 99D.14, subsection 2,
7 paragraph "b", and fees paid by licensees pursuant to section
8 99F.10, subsection 4, paragraph "b". All costs for agents and
9 officers plus any direct ~~and indirect~~ support costs for such
10 agents and officers of the division of criminal investigation's
11 racetrack, excursion boat, or gambling structure enforcement
12 activities shall be paid from the fund as provided in
13 appropriations made for this purpose by the general assembly.

14 Sec. 17. Section 99D.14, subsection 2, paragraph b, Code
15 Supplement 2011, is amended to read as follows:

16 b. Notwithstanding sections 8.60 and 99D.17, the portion of
17 the fee paid pursuant to paragraph "a" relating to the costs
18 of special agents plus any direct and indirect support costs
19 for the agents, for the division of criminal investigation's
20 racetrack activities, ~~shall not be deposited in the general~~
21 ~~fund of the state but instead~~ shall be deposited into the
22 gaming enforcement revolving fund established in section 80.43.
23 However, the department of public safety shall transfer, on an
24 annual basis, the portion of the regulatory fee attributable to
25 the indirect support costs of the special agents to the general
26 fund of the state.

27 Sec. 18. Section 99F.10, subsection 4, paragraph b, Code
28 Supplement 2011, is amended to read as follows:

29 b. Notwithstanding sections 8.60 and 99F.4, the portion of
30 the fee paid pursuant to paragraph "a" relating to the costs
31 of special agents and officers plus any direct and indirect
32 support costs for the agents and officers, for the division of
33 criminal investigation's excursion gambling boat or gambling
34 structure activities, ~~shall not be deposited in the general~~
35 ~~fund of the state but instead~~ shall be deposited into the



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1 gaming enforcement revolving fund established in section 80.43.
2 However, the department of public safety shall transfer, on an
3 annual basis, the portion of the regulatory fee attributable
4 to the indirect support costs of the special agents and gaming
5 enforcement officers to the general fund of the state.

6 EXPLANATION

7 This bill relates to appropriations to the justice system.

8 The bill relates to appropriations from the general fund
9 of the state for fiscal year 2012-2013 to the departments
10 of justice, corrections, public defense, and public safety,
11 and the Iowa law enforcement academy, office of the state
12 public defender, board of parole, and Iowa state civil rights
13 commission.

14 The bill relates to appropriations from the department of
15 commerce revolving fund to the office of consumer advocate of
16 the department of justice.

17 The bill relates to appropriations from the gaming
18 enforcement revolving fund to the department of public safety.
19 The division also authorizes FTEs related to gaming enforcement
20 in the fund.

21 The amendment to Code section 80.43(1) strikes a provision
22 requiring indirect support costs for special agents and gaming
23 enforcement officers be paid from the gaming enforcement fund
24 established in Code section 80.43.

25 The amendments to Code sections 99D.14 and 99F.10 specify
26 that the regulatory fee paid by the gaming industry for
27 the indirect support costs for special agents and gaming
28 enforcement officers shall first be deposited into the gaming
29 enforcement revolving fund established in Code section 80.43
30 and then transferred by the department of public safety, on
31 an annual basis, from the gaming enforcement revolving fund
32 to the general fund of the state. Current law specifies that
33 the portion of the regulatory fee paid by the gaming industry
34 relating to the indirect support costs of special agents and
35 gaming enforcement officers be deposited into the gaming



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1 enforcement revolving fund but does not require the transfer to
2 the general fund of the state.

3 Under current law and the bill, the remaining portion of
4 the regulatory fee related to the costs of special agents and
5 officers plus any direct support costs are deposited into the
6 gaming enforcement revolving fund.



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Senate Study Bill 3144 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BUDGET
BILL)

A BILL FOR

1 An Act relating to transportation and other
2 infrastructure-related appropriations to the department of
3 transportation, including allocation and use of moneys from
4 the road use tax fund and the primary road fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5110XG (8) 84
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1 Section 1. 2011 Iowa Acts, chapter 125, section 3, is
 2 amended to read as follows:

3 SEC. 3. ROAD USE TAX FUND. There is appropriated from the
 4 road use tax fund created in section 312.1 to the department of
 5 transportation for the fiscal year beginning July 1, 2012, and
 6 ending June 30, 2013, the following amounts, or so much thereof
 7 as is necessary, to be used for the purposes designated:

8 1. For the payment of costs associated with the production
 9 of driver's licenses, as defined in section 321.1, subsection
 10 20A:

11 \$ 3,876,000

12 Notwithstanding section 8.33, moneys appropriated in this
 13 subsection that remain unencumbered or unobligated at the close
 14 of the fiscal year shall not revert but shall remain available
 15 for expenditure for the purposes specified in this subsection
 16 until the close of the succeeding fiscal year.

17 2. For salaries, support, maintenance, and miscellaneous
 18 purposes:

19 a. Operations:

20 \$ 3,285,000
 21 6,570,000

22 b. Planning:

23 \$ 229,000
 24 458,000

25 c. Motor vehicles:

26 \$ 16,960,500
 27 33,921,000

28 3. For payments to the department of administrative
 29 services for utility services:

30 \$ 112,500
 31 228,000

32 4. Unemployment compensation:

33 \$ 3,500
 34 7,000

35 5. For payments to the department of administrative

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1 services for paying workers' compensation claims under chapter
2 85 on behalf of employees of the department of transportation:
3 \$ 59,500
4 121,000
5 6. For payment to the general fund of the state for indirect
6 cost recoveries:
7 \$ 39,000
8 78,000
9 7. For reimbursement to the auditor of state for audit
10 expenses as provided in section 11.5B:
11 \$ 33,660
12 67,319
13 8. For automation, telecommunications, and related costs
14 associated with the county issuance of driver's licenses and
15 vehicle registrations and titles:
16 \$ 703,000
17 1,406,000
18 9. For transfer to the department of public safety for
19 operating a system providing toll-free telephone road and
20 weather conditions information:
21 \$ 50,000
22 100,000
23 10. For costs associated with the participation in the
24 Mississippi river parkway commission:
25 \$ 20,000
26 40,000
27 11. For motor vehicle division field facility maintenance
28 projects at various locations:
29 \$ 200,000
30 12. For scale replacement projects at various locations:
31 \$ 550,000
32 For purposes of section 8.33, unless specifically provided
33 otherwise, moneys appropriated in subsections 11 and 12 that
34 remain unencumbered or unobligated shall not revert but shall
35 remain available for expenditure for the purposes designated

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1 until the close of the fiscal year that ends three years after
 2 the end of the fiscal year for which the appropriation was
 3 made. However, if the projects for which the appropriation
 4 was made are completed in an earlier fiscal year, unencumbered
 5 or unobligated moneys shall revert at the close of that same
 6 fiscal year.

7 Sec. 2. 2011 Iowa Acts, chapter 125, section 4, is amended
 8 to read as follows:

9 SEC. 4. PRIMARY ROAD FUND. There is appropriated from the
 10 primary road fund created in section 313.3 to the department of
 11 transportation for the fiscal year beginning July 1, 2012, and
 12 ending June 30, 2013, the following amounts, or so much thereof
 13 as is necessary, to be used for the purposes designated:

14 1. For salaries, support, maintenance, miscellaneous
 15 purposes, and for not more than the following full-time
 16 equivalent positions:

17 a. Operations:

| | | |
|-------|------|-------------------|
| ..... | \$ | 20,178,265 |
| | | <u>40,607,023</u> |
| ..... | FTEs | 296.00 |
| | | <u>282.00</u> |

22 b. Planning:

| | | |
|-------|------|------------------|
| ..... | \$ | 4,348,548 |
| | | <u>8,697,095</u> |
| ..... | FTEs | 121.00 |
| | | <u>113.00</u> |

27 c. Highways:

| | | |
|-------|------|--------------------|
| ..... | \$ | 115,456,996 |
| | | <u>232,672,498</u> |
| | FTEs | 2,247.00 |
| | | <u>2,065.00</u> |

32 d. Motor vehicles:

| | | |
|-------|------|------------------|
| | \$ | 706,770 |
| | | <u>1,413,540</u> |
| | FTEs | 445.00 |

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| | | |
|----|--|----------------------|
| 1 | | <u>410.00</u> |
| 2 | 2. For payments to the department of administrative | |
| 3 | services for utility services: | |
| 4 | \$ | 694,000 |
| 5 | | <u>1,404,000</u> |
| 6 | 3. Unemployment compensation: | |
| 7 | \$ | 69,000 |
| 8 | | <u>138,000</u> |
| 9 | 4. For payments to the department of administrative | |
| 10 | services for paying workers' compensation claims under | |
| 11 | chapter 85 on behalf of the employees of the department of | |
| 12 | transportation: | |
| 13 | \$ | 1,423,000 |
| 14 | | <u>2,889,000</u> |
| 15 | 5. For disposal of hazardous wastes from field locations and | |
| 16 | the central complex: | |
| 17 | \$ | 400,000 |
| 18 | | <u>800,000</u> |
| 19 | 6. For payment to the general fund of the state for indirect | |
| 20 | cost recoveries: | |
| 21 | \$ | 286,000 |
| 22 | | <u>572,000</u> |
| 23 | 7. For reimbursement to the auditor of state for audit | |
| 24 | expenses as provided in section 11.5B: | |
| 25 | \$ | 207,591 |
| 26 | | <u>415,181</u> |
| 27 | 8. For costs associated with producing transportation maps: | |
| 28 | \$ | 121,000 |
| 29 | | <u>242,000</u> |
| 30 | 9. For inventory and equipment replacement: | |
| 31 | \$ | 2,683,000 |
| 32 | | <u>5,366,000</u> |
| 33 | 10. For utility improvements at various locations: | |
| 34 | \$ | 400,000 |
| 35 | 11. For roofing projects at various locations: | |

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1 \$ 200,000
 2 12. For heating, cooling, and exhaust system improvements
 3 at various locations:
 4 \$ 200,000
 5 13. For deferred maintenance projects at field facilities
 6 throughout the state:
 7 \$ 1,000,000
 8 14. For wastewater treatment improvements at various
 9 locations:
 10 \$ 1,000,000
 11 15. For replacement of the New Hampton combined facility:
 12 \$ 5,200,000
 13 For purposes of section 8.33, unless specifically provided
 14 otherwise, moneys appropriated in subsections 10 through 15
 15 that remain unencumbered or unobligated shall not revert
 16 but shall remain available for expenditure for the purposes
 17 designated until the close of the fiscal year that ends
 18 three years after the end of the fiscal year for which the
 19 appropriation was made. However, if the project or projects
 20 for which such appropriation was made are completed in an
 21 earlier fiscal year, unencumbered or unobligated moneys shall
 22 revert at the close of that same fiscal year.

23 EXPLANATION

24 This bill relates to appropriations for FY 2012-2013
 25 from the road use tax fund and the primary road fund to the
 26 department of transportation.
 27 The bill increases certain appropriations from the road use
 28 tax fund to the department for FY 2012-2013 which were enacted
 29 in 2011 Iowa Acts, chapter 125. The affected appropriations
 30 are for operations, planning, and motor vehicles; utility
 31 services provided by the department of administrative
 32 services; unemployment and workers' compensation; indirect cost
 33 recoveries; audits; county issuance of driver's licenses and
 34 motor vehicle registration and titling; a system providing
 35 toll-free telephone and weather reports; and participation in

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1 the Mississippi river parkway commission.
2 The bill increases certain appropriations from the primary
3 road fund to the department for FY 2012-2013 which were enacted
4 in 2011 Iowa Acts, chapter 125. The affected appropriations
5 are for operations, planning, highways, and motor vehicles;
6 utility services provided by the department of administrative
7 services; unemployment and workers' compensation; hazardous
8 waste disposal; indirect cost recoveries; audits; production of
9 transportation maps; and inventory and equipment replacement.



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Senate Study Bill 3145 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BUDGET
BILL)

A BILL FOR

1 An Act relating to the funding of, the operation of, and
2 appropriation of moneys to the college student aid
3 commission, the department for the blind, the department of
4 education, and the state board of regents.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5106XG (15) 84
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1 2. For costs associated with universal access to audio
2 information over the phone on demand for blind and print
3 handicapped Iowans:
4 \$ 25,000
5 50,000

6 COLLEGE STUDENT AID COMMISSION

7 Sec. 3. 2011 Iowa Acts, chapter 132, section 98, is amended
8 to read as follows:

9 SEC. 98. There is appropriated from the general fund of the
10 state to the college student aid commission for the fiscal year
11 beginning July 1, 2012, and ending June 30, 2013, the following
12 amounts, or so much thereof as is necessary, to be used for the
13 purposes designated:

14 1. GENERAL ADMINISTRATION

15 For salaries, support, maintenance, miscellaneous purposes,
16 and for not more than the following full-time equivalent
17 positions:
18 \$ 116,472
19 232,943
20 FTEs 3.95

21 2. STUDENT AID PROGRAMS

22 For payments to students for the Iowa grant program
23 established in section 261.93:
24 \$ 395,589
25 791,177

26 3. ~~DES MOINES UNIVERSITY~~ — HEALTH CARE PROFESSIONAL
27 RECRUITMENT PROGRAM

28 For ~~forgivable loans to Iowa students attending Des~~
29 ~~Moines university — osteopathic medical center under the~~
30 forgivable loan repayment program for health care professionals
31 established pursuant to section 261.19:
32 \$ 162,987
33 325,973

34 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

35 For purposes of providing national guard educational



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1 program and the federal supplemental leveraging educational
2 assistance program established under the Higher Education Act
3 of 1965, as amended.

4 **9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT**
5 **PROGRAM**

6 For purposes of the barber and cosmetology arts and sciences
7 tuition grant program established pursuant to section 261.18:

| | | |
|---------|----|---------------|
| 8 | \$ | 18,469 |
| 9 | | <u>36,938</u> |

10 DEPARTMENT OF EDUCATION

11 Sec. 4. 2011 Iowa Acts, chapter 132, section 102, is amended
12 to read as follows:

13 SEC. 102. There is appropriated from the general fund of
14 the state to the department of education for the fiscal year
15 beginning July 1, 2012, and ending June 30, 2013, the following
16 amounts, or so much thereof as is necessary, to be used for the
17 purposes designated:

18 1. GENERAL ADMINISTRATION

19 For salaries, support, maintenance, miscellaneous purposes,
20 and for not more than the following full-time equivalent
21 positions:

| | | |
|----------|------|------------------|
| 22 | \$ | 2,956,906 |
| 23 | | <u>5,913,812</u> |
| 24 | FTEs | 81.67 |

25 2. VOCATIONAL EDUCATION ADMINISTRATION

26 For salaries, support, maintenance, miscellaneous purposes,
27 and for not more than the following full-time equivalent
28 positions:

| | | |
|----------|------|----------------|
| 29 | \$ | 224,638 |
| 30 | | <u>547,840</u> |
| 31 | FTEs | 11.50 |

32 3. VOCATIONAL REHABILITATION SERVICES DIVISION

33 a. For salaries, support, maintenance, miscellaneous
34 purposes, and for not more than the following full-time
35 equivalent positions:



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| | | | |
|----|---|------|------------------|
| 1 | | \$ | 2,481,584 |
| 2 | | | <u>4,963,168</u> |
| 3 | | FTEs | 255.00 |
| 4 | b. For matching funds for programs to enable persons | | |
| 5 | with severe physical or mental disabilities to function more | | |
| 6 | independently, including salaries and support, and for not more | | |
| 7 | than the following full-time equivalent position: | | |
| 8 | ..... | \$ | 19,564 |
| 9 | | | <u>39,128</u> |
| 10 | ..... | FTEs | 1.00 |
| 11 | c. For the entrepreneurs with disabilities program | | |
| 12 | established pursuant to section 259.4, subsection 9: | | |
| 13 | ..... | \$ | 72,768 |
| 14 | | | <u>145,535</u> |
| 15 | d. For costs associated with centers for independent | | |
| 16 | living: | | |
| 17 | ..... | \$ | 20,147 |
| 18 | | | <u>40,294</u> |
| 19 | 4. STATE LIBRARY | | |
| 20 | a. For salaries, support, maintenance, miscellaneous | | |
| 21 | purposes, and for not more than the following full-time | | |
| 22 | equivalent positions: | | |
| 23 | ..... | \$ | 604,810 |
| 24 | | | <u>1,209,619</u> |
| 25 | ..... | FTEs | 17.00 |
| 26 | b. For the enrich Iowa program established under section | | |
| 27 | 256.57: | | |
| 28 | ..... | \$ | 837,114 |
| 29 | | | <u>1,674,228</u> |
| 30 | 5. LIBRARY SERVICE AREA SYSTEM | | |
| 31 | For state aid: | | |
| 32 | ..... | \$ | 502,722 |
| 33 | | | <u>1,005,444</u> |
| 34 | 6. PUBLIC BROADCASTING DIVISION | | |
| 35 | For salaries, support, maintenance, capital expenditures, | | |



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1 5,386,113
2 a. From the moneys deposited in the school ready children
3 grants account for the fiscal year beginning July 1, 2012, and
4 ending June 30, 2013, not more than \$265,950 is allocated for
5 the early childhood Iowa office and other technical assistance
6 activities. The early childhood Iowa state board shall direct
7 staff to work with the early childhood stakeholders alliance
8 created in section 256I.12 to inventory technical assistance
9 needs. Moneys allocated under this lettered paragraph may be
10 used by the early childhood Iowa state board for the purpose of
11 skills development and support for ongoing training of staff.
12 However, except as otherwise provided in this subsection,
13 moneys shall not be used for additional staff or for the
14 reimbursement of staff.
15 b. As a condition of receiving moneys appropriated in
16 this subsection, each early childhood Iowa area board shall
17 report to the early childhood Iowa state board progress on
18 each of the local indicators approved by the area board. Each
19 early childhood Iowa area board must also submit an annual
20 budget for the area's comprehensive school ready children
21 grant developed for providing services for children from birth
22 through five years of age, and provide other information
23 specified by the early childhood Iowa state board, including
24 budget amendments as needed. The early childhood Iowa state
25 board shall establish a submission deadline for the annual
26 budget and any budget amendments that allow a reasonable period
27 of time for preparation by the early childhood Iowa area boards
28 and for review and approval or request for modification of
29 the materials by the early childhood Iowa state board. In
30 addition, each early childhood Iowa area board must continue to
31 comply with reporting provisions and other requirements adopted
32 by the early childhood Iowa state board in implementing section
33 256I.9.
34 c. Of the amount appropriated in this subsection for
35 deposit in the school ready children grants account of the



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1 Assembly, 2012 Regular Session:
2 \$ 17,000,000
3 19. COMMUNITY COLLEGES
4 a. For general state financial aid to merged areas as
5 defined in section 260C.2 in accordance with chapters 258 and
6 260C:
7 \$ ~~81,887,324~~
8 167,774,647
9 The funds appropriated in this subsection shall be allocated
10 pursuant to the formula established in section 206C.18C.
11 b. For distribution to community colleges to supplement
12 faculty salaries:
13 \$ ~~250,000~~
14 500,000
15 c. For deposit in the workforce training and economic
16 development funds created pursuant to section 260C.18A:
17 \$ ~~2,500,000~~
18 3,000,000
19 STATE BOARD OF REGENTS
20 Sec. 5. 2011 Iowa Acts, chapter 132, section 103, is amended
21 to read as follows:
22 SEC. 103. There is appropriated from the general fund of
23 the state to the state board of regents for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013, the following
25 amounts, or so much thereof as is necessary, to be used for the
26 purposes designated:
27 1. OFFICE OF STATE BOARD OF REGENTS
28 a. For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:
31 \$ ~~532,503~~
32 1,065,005
33 FTEs 15.00
34 The state board of regents shall submit a monthly financial
35 report in a format agreed upon by the state board of regents



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1 substance abuse research and evaluation, and for not more than
2 the following full-time equivalent position:

| | | |
|---------|------|---------------|
| 3 | \$ | 27,765 |
| 4 | | <u>55,529</u> |
| 5 | FTEs | 1.00 |

6 h. Center for biocatalysis
7 For the center for biocatalysis, and for not more than the
8 following full-time equivalent positions:

| | | |
|----------|------|----------------|
| 9 | \$ | 361,864 |
| 10 | | <u>723,727</u> |
| 11 | FTEs | 6.28 |

12 i. Primary health care initiative
13 For the primary health care initiative in the college
14 of medicine, and for not more than the following full-time
15 equivalent positions:

| | | |
|----------|------|----------------|
| 16 | \$ | 324,465 |
| 17 | | <u>648,930</u> |
| 18 | FTEs | 5.89 |

19 From the moneys appropriated in this lettered paragraph,
20 \$254,889 shall be allocated to the department of family
21 practice at the state university of Iowa college of medicine
22 for family practice faculty and support staff.

23 j. Birth defects registry
24 For the birth defects registry, and for not more than the
25 following full-time equivalent position:

| | | |
|----------|------|-------------------|
| 26 | \$ | 19,144 |
| 27 | | <u>38,288</u> |
| 28 | FTEs | 1.00 |

29 k. Larned A. Waterman Iowa nonprofit resource center
30 For the Larned A. Waterman Iowa nonprofit resource center,
31 and for not more than the following full-time equivalent
32 positions:

| | | |
|----------|------|-------------------|
| 33 | \$ | 81,270 |
| 34 | | <u>162,539</u> |
| 35 | FTEs | 2.75 |



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1 1. Iowa online advanced placement academy science,
2 technology, engineering, and mathematics initiative
3 For the establishment of the Iowa online advanced placement
4 academy science, technology, engineering, and mathematics
5 initiative:
6 \$ 240,925
7 481,849

8 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
9 a. General university
10 For salaries, support, maintenance, equipment, miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:
13 \$ ~~82,172,599~~
14 164,345,198
15 FTEs 3,647.42

16 b. Agricultural experiment station
17 For the agricultural experiment station salaries, support,
18 maintenance, miscellaneous purposes, and for not more than the
19 following full-time equivalent positions:
20 \$ ~~14,055,939~~
21 28,111,877
22 FTEs 546.98

23 c. Cooperative extension service in agriculture and home
24 economics
25 For the cooperative extension service in agriculture and
26 home economics salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:
29 \$ ~~8,968,361~~
30 17,936,722
31 FTEs 383.34

32 d. Leopold center
33 For agricultural research grants at Iowa state university of
34 science and technology under section 266.39B, and for not more
35 than the following full-time equivalent positions:



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1 of science and technology; the university of northern Iowa;
2 and for the Iowa school for the deaf and the Iowa braille and
3 sight saving school, including tuition and transportation costs
4 for students residing in the schools and licensed classroom
5 teachers. The bill adds a new line item for purposes of
6 priorities identified by the board.

7 The bill increases the standing appropriation for Iowa
8 tuition grants for students attending nonprofit accredited
9 postsecondary institutions.



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Senate Study Bill 3146 - Introduced

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

A BILL FOR

1 An Act relating to the offense of livestock abuse, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6043XC (4) 84
da/rj



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1 Section 1. Section 717.1A, unnumbered paragraph 1, Code
2 2011, is amended to read as follows:
3 A person is guilty of livestock abuse if the person
4 intentionally injures or destroys livestock owned by another
5 person, in any manner, including, but not limited to,
6 intentionally doing any of the following: administering drugs
7 or poisons to the livestock, or disabling the livestock by
8 using a firearm or trap. A person guilty of livestock abuse
9 commits an aggravated misdemeanor. However, a person who is
10 guilty of livestock abuse and who also produces a recording of
11 the livestock abuse commits a class "D" felony. This section
12 shall not apply to any of the following:

13 EXPLANATION

14 Code section 717.1A provides that a person commits livestock
15 abuse by intentionally injuring or destroying livestock owned
16 by another person. A person who commits the offense is guilty
17 of an aggravated misdemeanor.

18 This bill provides that a person who commits livestock
19 abuse and who also produces a recording of the livestock abuse
20 commits a class "D" felony.

21 Livestock is defined to include cattle, goats, horses,
22 sheep, or swine, or related species; ostriches, rheas, or
23 emus; farm deer; or poultry. The Code section includes a
24 number of exceptions, including when acting with the consent
25 of the livestock owner, acting under court order, practicing
26 veterinary medicine, acting to carry out a provision of law, or
27 acting to protect life or property.

28 An aggravated misdemeanor is punishable by confinement for
29 no more than two years and a fine of at least \$625 but not more
30 than \$6,250. A class "D" felony is punishable by confinement
31 for no more than five years and a fine of at least \$750 but not
32 more than \$7,500.



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Senate Study Bill 3147 - Introduced

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

A BILL FOR

1 An Act amending provisions in the uniform commercial code
2 relating to secured transactions, and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5461SC (5) 84
da/rj



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1 Section 1. Section 554.9102, subsection 1, paragraph g,
2 subparagraph (2), Code 2011, is amended to read as follows:
3 ~~(2) to execute or otherwise adopt a symbol, or encrypt~~
4 ~~or similarly process a record in whole or in part, with the~~
5 ~~present intent of the authenticating person to identify the~~
6 ~~person and adopt or accept a record to adopt or accept a~~
7 record, to attach to or logically associate with the record an
8 electronic sound, symbol, or process.

9 Sec. 2. Section 554.9102, subsection 1, paragraphs j, ax,
10 and br, Code 2011, are amended to read as follows:

11 *j.* *"Certificate of title"* means a certificate of title
12 with respect to which a statute provides for the security
13 interest in question to be indicated on the certificate as
14 a condition or result of the security interest's obtaining
15 priority over the rights of a lien creditor with respect to the
16 collateral. The term includes another record maintained as
17 an alternative to a certificate of title by the governmental
18 unit that issues certificates of title if a statute permits the
19 security interest in question to be indicated on the record
20 as a condition or result of the security interest's obtaining
21 priority over the rights of a lien creditor with respect to the
22 collateral.

23 *ax.* *"Jurisdiction of organization"*, with respect to a
24 registered organization, means the jurisdiction under whose law
25 the organization is formed or organized.

26 *br.* *"Registered organization"* means an organization formed
27 or organized solely under the law of a single state or the
28 United States and as to which the state or the United States
29 must maintain a public record showing the organization to have
30 been organized by the filing of a public organic record with,
31 the issuance of a public organic record by, or the enactment
32 of legislation by the state or the United States. The term
33 includes a business trust that is formed under the law of a
34 single state if a statute of the state governing business
35 trusts requires that the business trust's organic record be



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1 filed with the state.

2 Sec. 3. Section 554.9102, subsection 1, Code 2011, is
 3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. *Obp.* "Public organic record" means a record
 5 that is available to the public for inspection and is:

6 (1) a record consisting of the record initially filed with
 7 or issued by a state or the United States to form or organize
 8 an organization and any record filed with or issued by the
 9 state or the United States which amends or restates the initial
 10 record;

11 (2) an organic record of a business trust consisting of
 12 the record initially filed with a state and any record filed
 13 with the state which amends or restates the initial record, if
 14 a statute of the state governing business trusts requires that
 15 the record be filed with the state; or

16 (3) a record consisting of legislation enacted by the
 17 legislature of a state or the Congress of the United States
 18 which forms or organizes an organization, any record amending
 19 the legislation, and any record filed with or issued by the
 20 state or the United States which amends or restates the name of
 21 the organization.

22 Sec. 4. Section 554.9105, Code 2011, is amended to read as
 23 follows:

24 **554.9105 Control of electronic chattel paper.**

25 1. General rule: control of electronic chattel paper. A
 26 secured party has control of electronic chattel paper if a
 27 system employed for evidencing the transfer of interests in the
 28 chattel paper reliably establishes the secured party as the
 29 person to which the chattel paper was assigned.

30 2. Specific facts giving control. A system satisfies
 31 subsection 1 if the record or records comprising the chattel
 32 paper are created, stored, and assigned in such a manner that:

33 ~~1.~~ a. a single authoritative copy of the record or records
 34 exists which is unique, identifiable and, except as otherwise
 35 provided in ~~subsections 4, 5, and 6~~ paragraphs "d", "e", and



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1 “f”, unalterable;

2 ~~2.~~ b. the authoritative copy identifies the secured party

3 as the assignee of the record or records;

4 ~~3.~~ c. the authoritative copy is communicated to and

5 maintained by the secured party or its designated custodian;

6 ~~4.~~ d. copies or ~~revisions~~ amendments that add or change an

7 identified assignee of the authoritative copy can be made only

8 with the ~~participation~~ consent of the secured party;

9 ~~5.~~ e. each copy of the authoritative copy and any copy

10 of a copy is readily identifiable as a copy that is not the

11 authoritative copy; and

12 ~~6.~~ f. any ~~revision~~ amendment of the authoritative copy is

13 readily identifiable as an authorized or unauthorized revision.

14 Sec. 5. Section 554.9307, subsection 6, paragraph b, Code

15 2011, is amended to read as follows:

16 b. in the state that the registered organization, branch, or

17 agency designates, if the law of the United States authorizes

18 the registered organization, branch, or agency to designate its

19 state of location, including by designating its main office,

20 home office, or other comparable office; or

21 Sec. 6. Section 554.9311, subsection 1, paragraphs b and c,

22 Code 2011, are amended to read as follows:

23 b. any certificate-of-title statute, including as provided

24 in chapter 321, covering automobiles, trailers, mobile homes,

25 boats, farm tractors, or the like, which provides for a

26 security interest to be indicated on ~~the~~ a certificate of title

27 as a condition or result of perfection; or

28 c. a ~~certificate-of-title~~ statute of another jurisdiction

29 which provides for a security interest to be indicated on

30 ~~the~~ a certificate of title as a condition or result of the

31 security interest’s obtaining priority over the rights of a

32 lien creditor with respect to the property.

33 Sec. 7. Section 554.9316, Code 2011, is amended by adding

34 the following new subsections:

35 NEW SUBSECTION. 8. Effect on filed financing statement



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1 *of change in governing law.* The following rules apply to
2 collateral to which a security interest attaches within
3 four months after the debtor changes its location to another
4 jurisdiction:

5 *a.* A financing statement filed before the change pursuant
6 to the law of the jurisdiction designated in section 554.9301,
7 subsection 1, or section 554.9305, subsection 3, is effective
8 to perfect a security interest in the collateral if the
9 financing statement would have been effective to perfect a
10 security interest in the collateral had the debtor not changed
11 its location.

12 *b.* If a security interest perfected by a financing statement
13 that is effective under paragraph “a” becomes perfected under
14 the law of the other jurisdiction before the earlier of the
15 time the financing statement would have become ineffective
16 under the law of the jurisdiction designated in section
17 554.9301, subsection 1, or section 554.9305, subsection 3, or
18 the expiration of the four-month period, it remains perfected
19 thereafter. If the security interest does not become perfected
20 under the law of the other jurisdiction before the earlier time
21 or event, it becomes unperfected and is deemed never to have
22 been perfected as against a purchaser of the collateral for
23 value.

24 NEW SUBSECTION. 9. *Effect of change in governing law*
25 *on financing statement filed against original debtor.* If a
26 financing statement naming an original debtor is filed pursuant
27 to the law of the jurisdiction designated in section 554.9301,
28 subsection 1, or section 554.9305, subsection 3, and the new
29 debtor is located in another jurisdiction, the following rules
30 apply:

31 *a.* The financing statement is effective to perfect a
32 security interest in collateral acquired by the new debtor
33 before, and within four months after, the new debtor becomes
34 bound under section 554.9203, subsection 4, if the financing
35 statement would have been effective to perfect a security



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1 interest in the collateral had the collateral been acquired by
2 the original debtor.

3 *b.* A security interest perfected by the financing statement
4 and which becomes perfected under the law of the other
5 jurisdiction before the earlier of the time the financing
6 statement would have become ineffective under the law of
7 the jurisdiction designated in section 554.9301, subsection
8 1, or section 554.9305, subsection 3, or the expiration
9 of the four-month period remains perfected thereafter. A
10 security interest that is perfected by the financing statement
11 but which does not become perfected under the law of the
12 other jurisdiction before the earlier time or event becomes
13 unperfected and is deemed never to have been perfected as
14 against a purchaser of the collateral for value.

15 Sec. 8. Section 554.9317, subsections 2 and 4, Code 2011,
16 are amended to read as follows:

17 2. *Buyers that receive delivery.* Except as otherwise
18 provided in subsection 5, a buyer, other than a secured
19 party, of tangible chattel paper, tangible documents, goods,
20 instruments, or a ~~security certificate~~ certificated security
21 takes free of a security interest or agricultural lien if the
22 buyer gives value and receives delivery of the collateral
23 without knowledge of the security interest or agricultural lien
24 and before it is perfected.

25 4. *Licensees and buyers of certain collateral.* A licensee of
26 a general intangible or a buyer, other than a secured party,
27 of ~~accounts, electronic chattel paper, electronic documents,~~
28 ~~general intangibles, or investment property collateral~~ other
29 than tangible chattel paper, tangible documents, goods,
30 instruments, or a certificated security takes free of a
31 security interest if the licensee or buyer gives value without
32 knowledge of the security interest and before it is perfected.

33 Sec. 9. Section 554.9326, Code 2011, is amended to read as
34 follows:

35 **554.9326 Priority of security interests created by new**



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1 debtor.

2 1. *Subordination of security interest created by new*
3 *debtor.* Subject to subsection 2, a security interest that
4 is created by a new debtor which is in collateral in which
5 the new debtor has or acquires rights and is perfected solely
6 by a filed financing statement that is effective solely
7 under section 554.9508 in collateral in which a new debtor
8 has or acquires rights would be ineffective to perfect the
9 security interest but for the application of section 554.9316,
10 subsection 9, paragraph "a", or section 554.9508 is subordinate
11 to a security interest in the same collateral which is
12 perfected other than by such a filed financing statement ~~that~~
13 ~~is effective solely under section 554.9508.~~

14 2. *Priority under other provisions — multiple original*
15 *debtors.* The other provisions of this part determine the
16 priority among conflicting security interests in the same
17 collateral perfected by filed financing statements ~~that are~~
18 ~~effective solely under section 554.9508~~ described in subsection
19 1. However, if the security agreements to which a new debtor
20 became bound as debtor were not entered into by the same
21 original debtor, the conflicting security interests rank
22 according to priority in time of the new debtor's having become
23 bound.

24 Sec. 10. Section 554.9406, subsection 5, Code 2011, is
25 amended to read as follows:

26 5. *Inapplicability of subsection 4 to certain sales.*
27 Subsection 4 does not apply to the sale of a payment intangible
28 or promissory note, other than a sale pursuant to a disposition
29 under section 554.9610 or an acceptance of collateral under
30 section 554.9620.

31 Sec. 11. Section 554.9408, subsection 2, Code 2011, is
32 amended to read as follows:

33 2. *Applicability of subsection 1 to sales of certain rights*
34 *to payment.* Subsection 1 applies to a security interest in
35 a payment intangible or promissory note only if the security



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1 interest arises out of a sale of the payment intangible or
2 promissory note, other than a sale pursuant to a disposition
3 under section 554.9610 or an acceptance of collateral under
4 section 554.9620.

5 Sec. 12. Section 554.9502, subsection 3, paragraph c, Code
6 2011, is amended to read as follows:

7 c. the record satisfies the requirements for a financing
8 statement in this section, other than an indication but:

9 (1) the record need not indicate that it is to be filed in
10 the real property records; and

11 (2) the record sufficiently provides the name of a debtor
12 who is an individual if it provides the individual name of the
13 debtor or the surname and first personal name of the debtor,
14 even if the debtor is an individual to whom section 554.9503,
15 subsection 1, paragraph `d` applies; and

16 Sec. 13. Section 554.9503, subsection 1, paragraphs a
17 through d, Code 2011, are amended to read as follows:

18 a. except as otherwise provided in paragraph `c`, if the
19 debtor is a registered organization or if the collateral is
20 held in a trust that is a registered organization, only if the
21 financing statement provides the name of the debtor indicated
22 that is stated to be the registered organization's name on
23 the public organic record of most recently filed with or
24 issued or enacted by the debtor's registered organization's
25 jurisdiction of organization which shows the debtor to have
26 been organized purports to state, amend, or restate the
27 registered organization's name;

28 b. subject to subsection 6, if the debtor is a decedent's
29 estate collateral is being administered by the personal
30 representative of a decedent, only if the financing statement
31 provides, as the name of the debtor, the name of the decedent
32 and, in a separate part of the financing statement, indicates
33 that the debtor is an estate collateral is being administered
34 by a personal representative;

35 c. if the debtor is a trust or a trustee acting with respect



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1 ~~to property held in trust, only if the financing statement~~
 2 ~~collateral is held in a trust that is not a registered~~
 3 ~~organization, only if the financing statement:~~
 4 (1) ~~provides as the name specified for the trust in its~~
 5 ~~organic documents or, if no name is specified, provides the~~
 6 ~~name of the settlor and additional information sufficient to~~
 7 ~~distinguish the debtor from other trusts having one or more of~~
 8 ~~the same settlors, and of the debtor:~~
 9 (a) ~~if the organic record of the trust specifies a name for~~
 10 ~~the trust, the name specified; or~~
 11 (b) ~~if the organic record of the trust does not specify a~~
 12 ~~name for the trust, the name of the settlor or testator; and~~
 13 (2) ~~indicates, in the debtor's name or otherwise, that~~
 14 ~~the debtor is a trust or is a trustee acting with respect to~~
 15 ~~property held in trust; and in a separate part of the financing~~
 16 ~~statement:~~
 17 (a) ~~if the name is provided in accordance with subparagraph~~
 18 ~~(1), subparagraph division (a), indicates that the collateral~~
 19 ~~is held in a trust; or~~
 20 (b) ~~if the name is provided in accordance with subparagraph~~
 21 ~~(1), subparagraph division (b), provides additional information~~
 22 ~~sufficient to distinguish the trust from other trusts having~~
 23 ~~one or more of the same settlors or the same testator and~~
 24 ~~indicates that the collateral is held in a trust, unless the~~
 25 ~~additional information so indicates;~~
 26 d. ~~subject to subsection 7, if the debtor is an individual~~
 27 ~~to whom this state has issued a driver's license under chapter~~
 28 ~~321 that has not expired, only if the financing statement~~
 29 ~~provides the name of the individual which is indicated on the~~
 30 ~~driver's license;~~
 31 e. ~~if the debtor is an individual to whom paragraph "d"~~
 32 ~~does not apply, only if the financing statement provides the~~
 33 ~~individual name of the debtor or the surname and first personal~~
 34 ~~name of the debtor; and~~
 35 f. ~~in other cases:~~



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1 (1) if the debtor has a name, only if it the financing
 2 statement provides the individual or organizational name of the
 3 debtor; and

4 (2) if the debtor does not have a name, only if it provides
 5 the names of the partners, members, associates, or other
 6 persons comprising the debtor, in a manner that each name
 7 provided would be sufficient if the person named were the
 8 debtor.

9 Sec. 14. Section 554.9503, subsection 2, paragraph b, Code
 10 2011, is amended to read as follows:

11 *b.* unless required under subsection 1, paragraph *"d"* *"f"*,
 12 subparagraph (2), names of partners, members, associates, or
 13 other persons comprising the debtor.

14 Sec. 15. Section 554.9503, Code 2011, is amended by adding
 15 the following new subsections:

16 NEW SUBSECTION. 6. *Name of decedent.* The name of the
 17 decedent indicated on the order appointing the personal
 18 representative of the decedent issued by the court having
 19 jurisdiction over the collateral is sufficient as the "name of
 20 the decedent" under subsection 1, paragraph *"b"*.

21 NEW SUBSECTION. 7. *Multiple driver's licenses.* If this
 22 state has issued to an individual more than one driver's
 23 license under chapter 321 of a kind described in subsection 1,
 24 paragraph *"d"*, the one that was issued most recently is the one
 25 to which subsection 1, paragraph *"d"* refers.

26 NEW SUBSECTION. 8. *Definition.* In this section, the "name
 27 of the settlor or testator" means:

28 *a.* if the settlor is a registered organization, the name
 29 that is stated to be the settlor's name on the public organic
 30 record most recently filed with or issued or enacted by the
 31 settlor's jurisdiction of organization which purports to state,
 32 amend, or restate the settlor's name; or

33 *b.* in other cases, the name of the settlor or testator
 34 indicated in the trust's organic record.

35 Sec. 16. Section 554.9507, subsection 3, Code 2011, is



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1 amended to read as follows:

2 3. *Change in debtor's name.* If a ~~debtor so changes its the~~
3 name that a filed financing statement provides for a debtor
4 becomes insufficient as the name of the debtor under section
5 554.9503, subsection 1, so that the financing statement becomes
6 seriously misleading under section 554.9506:

7 a. the financing statement is effective to perfect a
8 security interest in collateral acquired by the debtor before,
9 or within four months after, the ~~change~~ filed financing
10 statement becomes seriously misleading; and

11 b. the financing statement is not effective to perfect a
12 security interest in collateral acquired by the debtor more
13 than four months after the ~~change~~ filed financing statement
14 becomes seriously misleading, unless an amendment to the
15 financing statement which renders the financing statement not
16 seriously misleading is filed within four months after ~~the~~
17 ~~change~~ the financing statement became seriously misleading.

18 Sec. 17. Section 554.9515, subsection 6, Code 2011, is
19 amended to read as follows:

20 6. *Transmitting utility financing statement.* If a debtor is
21 a transmitting utility and a filed initial financing statement
22 so indicates, the financing statement is effective until a
23 termination statement is filed.

24 Sec. 18. Section 554.9516, subsection 2, paragraph c,
25 subparagraph (2), unnumbered paragraph 1, Code 2011, is amended
26 to read as follows:

27 in the case of an amendment or ~~correction~~ information
28 statement, the record:

29 Sec. 19. Section 554.9516, subsection 2, paragraph c,
30 subparagraph (3), Code 2011, is amended to read as follows:

31 (3) in the case of an initial financing statement that
32 provides the name of a debtor identified as an individual or
33 an amendment that provides a name of a debtor identified as an
34 individual which was not previously provided in the financing
35 statement to which the record relates, the record does not



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1 identify the debtor's ~~last name~~ surname; or
2 Sec. 20. Section 554.9516, subsection 2, paragraph e, Code
3 2011, is amended to read as follows:

4 e. in the case of an initial financing statement or an
5 amendment that provides a name of a debtor which was not
6 previously provided in the financing statement to which the
7 amendment relates, the record does not:

- 8 (1) provide a mailing address for the debtor; or
- 9 (2) indicate whether the name provided as the name of the
10 debtor is the name of an individual or an organization; ~~or~~
- 11 ~~(3) if the financing statement indicates that the debtor is~~
12 ~~an organization, provide:~~

- 13 ~~(a) a type of organization for the debtor;~~
- 14 ~~(b) a jurisdiction of organization for the debtor; or~~
- 15 ~~(c) an organizational identification number for the debtor~~
16 ~~or indicate that the debtor has none;~~

17 Sec. 21. Section 554.9518, Code 2011, is amended to read as
18 follows:

19 **554.9518 Claim concerning inaccurate or wrongfully filed**
20 **record.**

21 1. ~~Correction statement~~ Statement with respect to record
22 indexed under person's name. A person may file in the filing
23 office ~~a correction~~ an information statement with respect to
24 a record indexed there under the person's name if the person
25 believes that the record is inaccurate or was wrongfully filed.

26 2. ~~Sufficiency Contents of correction statement~~ under
27 subsection 1. ~~A correction~~ An information statement under
28 subsection 1 must:

- 29 a. identify the record to which it relates ~~by:~~
- 30 ~~(1)~~ by the file number assigned to the initial financing
31 statement to which the record relates; ~~and~~
- 32 ~~(2) if the correction statement relates to a record filed~~
33 ~~or recorded in a filing office described in section 554.9501,~~
34 ~~subsection 1, paragraph "a", the date and time that the initial~~
35 ~~financing statement was filed or recorded and the information~~



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1 ~~specified in section 554.9502, subsection 2;~~

2 *b.* indicate that it is a ~~correction~~ an information
 3 statement; and

4 *c.* provide the basis for the person's belief that the record
 5 is inaccurate and indicate the manner in which the person
 6 believes the record should be amended to cure any inaccuracy or
 7 provide the basis for the person's belief that the record was
 8 wrongfully filed.

9 3. Statement by secured party of record. A person may file
 10 in the filing office an information statement with respect to a
 11 record filed there if the person is a secured party of record
 12 with respect to the financing statement to which the record
 13 relates and believes that the person that filed the record was
 14 not entitled to do so under section 554.9509, subsection 4.

15 4. Contents of statement under subsection 3. An information
 16 statement under subsection 3 must:

17 *a.* identify the record to which it relates by the file
 18 number assigned to the initial financing statement to which the
 19 record relates;

20 *b.* indicate that it is an information statement; and

21 *c.* provide the basis for the person's belief that the person
 22 that filed the record was not entitled to do so under section
 23 554.9509, subsection 4.

24 ~~3-~~ 5. Record not affected by ~~correction~~ information
 25 statement. The filing of a ~~correction~~ an information statement
 26 does not affect the effectiveness of an initial financing
 27 statement or other filed record.

28 Sec. 22. Section 554.9607, subsection 2, paragraph b,
 29 subparagraph (1), Code 2011, is amended to read as follows:

30 (1) a default has occurred with respect to the obligation
 31 secured by the mortgage; and

32 Sec. 23. Section 554.9625, subsection 3, Code 2011, is
 33 amended to read as follows:

34 3. Persons entitled to recover damages — statutory
 35 damages in consumer-goods transaction if collateral is consumer



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1 goods. Except as otherwise provided in section 554.9628:
 2 *a.* a person that, at the time of the failure, was a debtor,
 3 was an obligor, or held a security interest in or other lien
 4 on the collateral may recover damages under subsection 2 for
 5 its loss; and
 6 *b.* if the collateral is consumer goods, a person that was
 7 a debtor or a secondary obligor at the time a secured party
 8 failed to comply with this part may recover for that failure
 9 in any event an amount not less than the credit service charge
 10 plus ten percent of the principal amount of the obligation or
 11 the time-price differential plus ten percent of the cash price.

12 Sec. 24. NEW SECTION. **554.9801 Effective date.** The
 13 amendments to this Article, as enacted in this Act, take effect
 14 on July 1, 2013.

15 Sec. 25. NEW SECTION. **554.9802 Savings clause.**

16 1. *Pre-effective-date transactions or liens.* Except
 17 as otherwise provided in this part, this Act applies to a
 18 transaction or lien within its scope, even if the transaction
 19 or lien was entered into or created before July 1, 2013.

20 2. *Pre-effective date proceedings.* This Act does not affect
 21 an action, case, or proceeding commenced before July 1, 2013.

22 Sec. 26. NEW SECTION. **554.9803 Security interest perfected
 23 before effective date.**

24 1. *Continuing perfection: perfection requirements*
 25 *satisfied.* A security interest that is a perfected security
 26 interest immediately before July 1, 2013, is a perfected
 27 security interest under this Article, as amended by this Act,
 28 if on July 1, 2013, the applicable requirements for attachment
 29 and perfection under this Article, as amended by this Act, are
 30 satisfied without further action.

31 2. *Continuing perfection: perfection requirements not*
 32 *satisfied.* Except as otherwise provided in section 554.9805,
 33 if immediately before July 1, 2013, a security interest is a
 34 perfected security interest, but the applicable requirements
 35 for perfection under this Article, as amended by this Act, are



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1 not satisfied on July 1, 2013, the security interest remains
2 perfected thereafter only if the applicable requirements for
3 perfection under this Article, as amended by this Act, are
4 satisfied within one year after July 1, 2013.

5 **Sec. 27. NEW SECTION. 554.9804 Security interest**
6 **unperfected before effective date.**

7 A security interest that is an unperfected security interest
8 immediately before July 1, 2013, becomes a perfected security
9 interest:

10 1. without further action, on July 1, 2013, if the
11 applicable requirements for perfection under this Article, as
12 amended by this Act, are satisfied before or on July 1, 2013;
13 or

14 2. when the applicable requirements for perfection are
15 satisfied if the requirements are satisfied after July 1, 2013.

16 **Sec. 28. NEW SECTION. 554.9805 Effectiveness of action**
17 **taken before effective date.**

18 1. *Pre-effective-date filing effective.* The filing of
19 a financing statement before July 1, 2013, is effective to
20 perfect a security interest to the extent the filing would
21 satisfy the applicable requirements for perfection under this
22 Article, as amended by this Act.

23 2. *When pre-effective-date filing becomes ineffective.* This
24 Act does not render ineffective an effective financing
25 statement that, before July 1, 2013, is filed and satisfies
26 the applicable requirements for perfection under the law of
27 the jurisdiction governing perfection as provided in this
28 Article, as it existed before July 1, 2013. However, except as
29 otherwise provided in subsections 3 and 4 and section 554.9806,
30 the financing statement ceases to be effective:

31 *a.* if the financing statement is filed in this state, at the
32 time the financing statement would have ceased to be effective
33 had this Act not taken effect; or

34 *b.* if the financing statement is filed in another
35 jurisdiction, at the earlier of:



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1 (1) the time the financing statement would have ceased to be
2 effective under the law of that jurisdiction; or

3 (2) June 30, 2018.

4 3. *Continuation statement.* The filing of a continuation
5 statement on or after July 1, 2013, does not continue the
6 effectiveness of a financing statement filed before July 1,
7 2013. However, upon the timely filing of a continuation
8 statement on or after July 1, 2013, and in accordance with
9 the law of the jurisdiction governing perfection as provided
10 in this Article, as amended by this Act, the effectiveness
11 of a financing statement filed in the same office in that
12 jurisdiction before July 1, 2013, continues for the period
13 provided by the law of that jurisdiction.

14 4. *Application of subsection 2, paragraph "b", subparagraph*
15 *(2) to transmitting utility financing statement.* Subsection
16 2, paragraph "b", subparagraph (2) applies to a financing
17 statement that, before July 1, 2013, is filed against a
18 transmitting utility and satisfies the applicable requirements
19 for perfection under the law of the jurisdiction governing
20 perfection as provided in this Article, as it existed before
21 July 1, 2013, only to the extent that this Article, as amended
22 by this Act, provides that the law of a jurisdiction other than
23 the jurisdiction in which the financing statement is filed
24 governs perfection of a security interest in collateral covered
25 by the financing statement.

26 5. *Application of Part 5.* A financing statement that
27 includes a financing statement filed before July 1, 2013,
28 and a continuation statement filed on or after July 1,
29 2013, is effective only to the extent that the financing
30 statement satisfies the requirements of Part 5, as amended by
31 this Act, for an initial financing statement. A financing
32 statement that indicates that the debtor is a decedent's
33 estate indicates that the collateral is being administered
34 by a personal representative within the meaning of section
35 554.9503, subsection 1, paragraph "b", as amended by this Act.

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1 A financing statement that indicates that the debtor is a trust
2 or is a trustee acting with respect to property held in trust
3 indicates that the collateral is held in a trust within the
4 meaning of section 554.9503, subsection 1, paragraph "c", as
5 amended by this Act.

6 Sec. 29. NEW SECTION. 554.9806 When initial financing
7 statement suffices to continue effectiveness of financing
8 statement.

9 1. *Initial financing statement in lieu of continuation*
10 *statement.* The filing of an initial financing statement
11 in the office specified in section 554.9501 continues the
12 effectiveness of a financing statement filed before July 1,
13 2013, if:

14 a. the filing of an initial financing statement in that
15 office would be effective to perfect a security interest under
16 this Article, as amended by this Act;

17 b. the pre-effective-date financing statement was filed in
18 an office in another state; and

19 c. the initial financing statement satisfies subsection 3.

20 2. *Period of continued effectiveness.* The filing of an
21 initial financing statement under subsection 1 continues the
22 effectiveness of the pre-effective-date financing statement:

23 a. if the initial financing statement is filed before
24 July 1, 2013, for the period provided in section 554.9515, as
25 it existed before July 1, 2013, with respect to an initial
26 financing statement; and

27 b. if the initial financing statement is filed on or after
28 July 1, 2013, for the period provided in section 554.9515,
29 as amended by this Act, with respect to an initial financing
30 statement.

31 3. *Requirements for initial financing statement under*
32 *subsection 1.* To be effective for purposes of subsection 1, an
33 initial financing statement must:

34 a. satisfy the requirements of Part 5, as amended by this
35 Act, for an initial financing statement;



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1 *b.* identify the pre-effective-date financing statement by
2 indicating the office in which the financing statement was
3 filed and providing the dates of filing and file numbers,
4 if any, of the financing statement and of the most recent
5 continuation statement filed with respect to the financing
6 statement; and

7 *c.* indicate that the pre-effective-date financing statement
8 remains effective.

9 Sec. 30. NEW SECTION. 554.9807 **Amendment of**
10 **pre-effective-date financing statement.**

11 1. *“Pre-effective-date financing statement”.* In this
12 section, *“pre-effective-date financing statement”* means a
13 financing statement filed before July 1, 2013.

14 2. *Applicable law.* On or after July 1, 2013, a person may
15 add or delete collateral covered by, continue or terminate the
16 effectiveness of, or otherwise amend the information provided
17 in, a pre-effective-date financing statement only in accordance
18 with the law of the jurisdiction governing perfection as
19 provided in this Article, as amended by this Act. However,
20 the effectiveness of a pre-effective-date financing statement
21 also may be terminated in accordance with the law of the
22 jurisdiction in which the financing statement is filed.

23 3. *Method of amending: general rule.* Except as otherwise
24 provided in subsection 4, if the law of this state governs
25 perfection of a security interest, the information in a
26 pre-effective-date financing statement may be amended on or
27 after July 1, 2013, only if:

28 *a.* the pre-effective-date financing statement and an
29 amendment are filed in the office specified in section
30 554.9501;

31 *b.* an amendment is filed in the office specified in section
32 554.9501 concurrently with, or after the filing in that office
33 of, an initial financing statement that satisfies section
34 554.9806, subsection 3; or

35 *c.* an initial financing statement that provides the



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1 information as amended and satisfies section 554.9806,
2 subsection 3, is filed in the office specified in section
3 554.9501.

4 4. *Method of amending: continuation.* If the law of
5 this state governs perfection of a security interest, the
6 effectiveness of a pre-effective-date financing statement may
7 be continued only under section 554.9805, subsections 3 and 5,
8 or section 554.9806.

9 5. *Method of amending: additional termination rule.* Whether
10 or not the law of this state governs perfection of a security
11 interest, the effectiveness of a pre-effective-date financing
12 statement filed in this state may be terminated on or after
13 July 1, 2013, by filing a termination statement in the office
14 in which the pre-effective-date financing statement is filed,
15 unless an initial financing statement that satisfies section
16 554.9806, subsection 3, has been filed in the office specified
17 by the law of the jurisdiction governing perfection as provided
18 in this Article, as amended by this Act, as the office in which
19 to file a financing statement.

20 Sec. 31. NEW SECTION. **554.9808 Person entitled to file**
21 **initial financing statement or continuation statement.**

22 A person may file an initial financing statement or a
23 continuation statement under this part if:

- 24 1. the secured party of record authorizes the filing; and
- 25 2. the filing is necessary under this part:
 - 26 a. to continue the effectiveness of a financing statement
 - 27 filed before July 1, 2013; or
 - 28 b. to perfect or continue the perfection of a security
 - 29 interest.

30 Sec. 32. NEW SECTION. **554.9809 Priority.**

31 This Act determines the priority of conflicting claims to
32 collateral. However, if the relative priorities of the claims
33 were established before July 1, 2013, this Article, as it
34 existed before July 1, 2013, determines priority.

35 Sec. 33. CODE EDITOR DIRECTIVE. Section 554.9316, Code



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1 2011, is amended by striking from the headnote the words
2 "Continued perfection of security interest following change in
3 governing law." and inserting in lieu thereof the words "Effect
4 of change in governing law."

5 Sec. 34. REPEAL. Sections 554.9701 through 554.9710, Code
6 2011, are repealed effective July 1, 2017.

7 Sec. 35. REPEAL. Sections 554.9801 through 554.9809 are
8 repealed effective July 1, 2017.

9 Sec. 36. GENERAL SAVINGS PROVISION. The repeals of sections
10 554.9701 through 554.9710, and sections 554.9801 through
11 554.9809 in this Act are subject to the application of section
12 4.13, relating to general savings provisions.

13 Sec. 37. EFFECTIVE DATE. This Act takes effect July 1,
14 2013.

15 **EXPLANATION**

16 **BACKGROUND.** This bill makes changes in Article 9 of
17 the Uniform Commercial Code (UCC). Generally, Article 9
18 regulates transactions involving the collateralization of
19 debt in personal property and provides rights to competing
20 creditors. It allows a creditor to take a lien (a security
21 interest) in the collateral with the possibility of enforcing
22 the lien if the debtor defaults upon a contractual obligation.
23 The Article includes detailed requirements relating to the
24 creation and perfection of the creditor's security interest in
25 the collateral, and the right to acquire priority over other
26 creditors (e.g., by filing a financing statement with the
27 secretary of state, possessing or controlling the property, or
28 acquiring some form of automatic attachment), and for taking
29 legal action to satisfy the debt by acquiring the collateral or
30 rights to property associated with the contract.

31 **BACKGROUND — MODEL ACT.** Iowa's version of the UCC is
32 codified in Code chapter 554 based on a model Act drafted and
33 recommended, in association with the American law institute, by
34 the national conference of commissioners on uniform state laws
35 (NCCUSL), also known as the uniform law commission (ULC), which



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1 includes Iowa members appointed by the governor (Code chapter
2 5). In 2000, the general assembly substantially amended
3 Article 9 in conformance with the NCCUSL's 1998 recommended
4 revisions (2000 Iowa Acts, ch. 1149). This bill provides for
5 further revisions to the revised Article 9 again as recommended
6 by the NCCUSL.

7 GENERAL PROVISIONS — DEFINITIONS (CODE SECTION 554.9102).
8 The bill changes definitional provisions, including terms
9 related to records produced or stored in an electronic format
10 including the authentication of records and certificates of
11 title.

12 DEFINITIONS — AUTHENTICATION. The bill amends the
13 definition of "authenticate" to include attaching or logically
14 associating an electronic sound, symbol, or process with a
15 record.

16 DEFINITIONS — CERTIFICATE OF TITLE. The law defines
17 "record" as information inscribed on a tangible medium or
18 stored in an electronic or other medium that can be retrieved
19 in a perceivable form. The bill amends the definition of
20 "certificate of title" to include a record maintained as an
21 alternative to a certificate of title by the issuing government
22 unit.

23 DEFINITIONS — PUBLIC ORGANIC RECORD. The bill creates a
24 new definition for a "public organic record" to mean one of
25 three items: (1) a record available for public inspection that
26 is initially filed with or issued by a state or the federal
27 government to form an organization; (2) an organic record of
28 a business trust initially filed with a state or which amends
29 that record; or (3) a record consisting of federal or state
30 legislation that forms an organization.

31 DEFINITIONS — REGISTERED ORGANIZATION. Under current law,
32 a "registered organization" is formed solely under state or
33 federal law for which the state or federal government must
34 maintain a public record. The bill provides that a registered
35 organization is formed in one of three ways: (1) by filing

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1 a public organic record under state or federal law, (2) the
2 issuance of a public organic record by a state or the federal
3 government, or (3) pursuant to state or federal legislation.
4 The bill specifies that this expressly includes a business
5 trust (e.g., a so-called Massachusetts business trust) formed
6 under a state law that requires public organic records to be
7 filed with the state (e.g., secretary of state).

8 ELECTRONIC CHATTEL PAPER (CODE SECTION 554.9105). A
9 chattel paper transaction involves a written agreement in
10 which a seller or lessor transfers possession and control of
11 property to another while retaining a security interest or
12 lease interest in the property. The writing evidencing the
13 debt constitutes chattel paper. Under current law, a security
14 interest is perfected by control of the paper, and the UCC
15 sets forth a six-factor test to determine if a secured party
16 has control of electronic chattel paper. The bill retains the
17 six-factor test but allows a secured party to establish control
18 by using a system that reliably establishes the secured party
19 as the person to whom the chattel paper was assigned.

20 PERFECTION AND PRIORITY — LOCATION OF A DEBTOR (CODE
21 SECTION 554.9307). This provision applies to either a
22 registered organization formed under the laws of the United
23 States or a branch or agency of a bank that is not organized
24 under the law of the United States or a state. A registered
25 organization can designate its state of location in a manner
26 described in federal law. The bill provides that when
27 referenced in federal law, a registered organization's "main
28 office" or "home office" means the organization's location (for
29 purposes of filing a financing statement).

30 PERFECTION AND PRIORITY — PERFECTION OF SECURITY INTEREST
31 IN PROPERTY (CODE SECTION 554.9311). The bill makes changes to
32 conform with the bill's revised definition of "certificate of
33 title" (See Code section 554.9101 as amended in the bill).

34 PERFECTION AND PRIORITY — EFFECT OF CHANGE IN GOVERNING
35 LAW (CODE SECTION 554.9316). The bill provides protection

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1 for a secured party whose security interest in after-acquired
2 property would become unperfected if the debtor relocated to
3 another jurisdiction (e.g., state). Under current law, by
4 comparison, a security interest that attached to collateral
5 prior to a debtor's move to another jurisdiction remains
6 perfected for four months after the move. The four-month
7 grace period is limited to collateral in which the security
8 party's interest was perfected at the time that the debtor's
9 location changed. The bill adds the same grace period for
10 the after-acquired property. It provides that the security
11 interest attaches within the four-month period if the secured
12 party does whatever would have been necessary to perfect the
13 security interest in the original jurisdiction. The collateral
14 remains perfected for the four-month period. The secured party
15 may continue perfection beyond the four-month period by filing
16 a financing statement or otherwise perfecting under the law
17 of the new jurisdiction. Similarly, the rule applies to a
18 security interest in after-acquired property if a new debtor
19 becomes bound by the original debtor's security agreement and
20 the new debtor is located in a different jurisdiction from the
21 jurisdiction in which the original debtor was located.

22 **PERFECTION AND PRIORITY — INTERESTS THAT TAKE PRIORITY OVER**
23 **OR TAKE FREE OF SECURITY INTERESTS (CODE SECTION 554.9317).**

24 Currently, a licensee of general intangible property or a buyer
25 (other than a secured party) takes free of a security interest
26 if the licensee or buyer gives value without knowledge of a
27 security interest before the security interest is perfected.
28 The bill strikes the list of types of property subject to this
29 exclusion (accounts, electronic chattel paper, electronic
30 documents, general intangibles, or investment property other
31 than a certificated security) and provides that the licensee
32 or buyer takes free of an unperfected security in collateral
33 other than tangible chattel paper, tangible documents, goods,
34 instruments, or a certificated security.

35 **PERFECTION AND PRIORITY — PRIORITY OF SECURITY INTERESTS**

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1 CREATED BY A NEW DEBTOR (CODE SECTION 554.9326). The current
2 law provides for contests involving priority that may arise
3 when a new debtor becomes bound by a security agreement of an
4 original debtor and each debtor has a secured creditor. The
5 bill makes changes to correspond to a change made in the bill
6 to Code section 554.9316. It provides for the subordinate
7 position of a secured party who has a security interest in the
8 original debtor's collateral and who has filed a financing
9 statement against the new debtor in a different jurisdiction,
10 but the financing statement would not otherwise be sufficient
11 to obtain priority.

12 RIGHTS OF THIRD PARTIES — PAYMENT INTANGIBLES AND
13 PROMISSORY NOTES (CODE SECTIONS 554.9406 AND 554.9408). Two
14 similar provisions are affected. Both relate to a term
15 restricting an assignment in an agreement between an account
16 debtor and an assignor or in a promissory note.

17 RIGHTS OF THIRD PARTIES — GENERAL PROVISION (CODE
18 SECTION 554.9406). The first section applies generally to
19 accounts, chattel paper, payment intangibles, and promissory
20 notes, by making such a term ineffective (Code section
21 554.9406). However, an exception applies to the sale of a
22 payment intangible or promissory note. Under the bill, this
23 exception does not apply when the sale is under a disposition
24 of collateral after default (Code section 554.9610) or on
25 acceptance of collateral in full or partial satisfaction of
26 obligation (Code section 554.9620).

27 RIGHTS OF THIRD PARTIES — SPECIFIC PROVISION (CODE SECTION
28 554.9408). The second section applies to restrict but not
29 prohibit the assignment of a general intangible, health care
30 insurance receivable, or promissory note. Under current law,
31 a qualifying restriction applies to a security interest in a
32 payment intangible or promissory note only if the security
33 interest arises out of a sale of the payment intangible or
34 promissory note. The bill amends this qualification, again
35 to provide that it does not apply to a security interest that

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1 arises out of a sale under a disposition of collateral after
2 default or on acceptance of collateral in full or partial
3 satisfaction of obligation.

4 FILING — NAME OF DEBTOR AND SECURED PARTY (CODE SECTIONS
5 554.9502, 554.9503, AND 554.9507). The current law provides
6 when a financing statement sufficiently provides the correct
7 name of a debtor. The bill provides that for a registered
8 organization, the name of the debtor is sufficient if it
9 matches the name on the public organic record most recently
10 filed in the jurisdiction of organization. In addition,
11 the bill adopts the so-called model Act's "Alternative A",
12 sometimes known as the "only-if" rule which requires the
13 financing statement to include the name of the debtor as it
14 appears on the debtor's unexpired driver's license. In lieu of
15 the driver's license information, a variation of the current
16 rule applies. Specifically, the financing statement must use
17 the debtor's legal name or debtor's surname and first personal
18 name.

19 FILING — DURATION AND EFFECTIVENESS OF A FINANCING
20 STATEMENT FOR TRANSMITTING UTILITIES (CODE SECTION 554.9515).
21 Under current law, a financing statement listing a transmitting
22 utility as a debtor does not lapse but continues until the
23 secured party files a termination statement. The bill requires
24 that the designation of a debtor as a transmitting utility must
25 be made on the initial financing statement.

26 FILING — WHAT CONSTITUTES FILING — EFFECTIVENESS OF FILING
27 (CODE SECTION 554.9516). The bill eliminates a requirement
28 that certain information about a debtor that is an organization
29 must be stated on a financing statement. The secretary
30 of state is not required to reject a financing statement
31 because it fails to list type of organization, jurisdiction of
32 organization, and organizational identification number.

33 FILING — CLAIM CONCERNING INACCURATE OR WRONGFULLY FILED
34 RECORD (CODE SECTION 554.9518). Currently, a person may file
35 a statement correcting an incorrect statement on record (a



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1 so-called UCC-5 Correction Statement) without legal effect.
 2 The bill renames this document as an "information statement"
 3 and provides that a secured party may also file such statement.
 4 It adopts the model Act's 1998 Alternative A version, by
 5 eliminating a provision in current law that requires the
 6 statement to include the date and time that the initial
 7 financing statement was filed or recorded.

8 **FILING — COLLECTION AND ENFORCEMENT OF A MORTGAGE INTEREST**
 9 **OUTSIDE FORECLOSURE (CODE SECTION 554.9607).** Under current
 10 law, a secured party may enforce a mortgage (e.g., securing
 11 a promissory note) pursuant to a nonjudicial proceeding
 12 (foreclosure sale) in part by recording the security agreement
 13 and affidavit in the place where the mortgage is recorded. The
 14 affidavit must include a provision verifying that a default
 15 has occurred. The bill provides that the affidavit must
 16 verify that the default involved an obligation secured by the
 17 mortgage.

18 **TRANSITION PROVISIONS — GENERAL.** The bill provides for the
 19 scope and application of its provisions, including by referring
 20 to its effective date (Code section 554.9801) and including a
 21 general savings clause (Code section 554.9802). Generally,
 22 the transition provisions detail the requirements of secured
 23 parties that acquired or perfected a security interest prior
 24 to the bill's effective date (pre-effective-date) including by
 25 filing a pre-effective-date financing statement in this state
 26 or another jurisdiction (state) and specifying the necessary
 27 requirements to comply with the bill's provisions on and after
 28 its effective date.

29 **TRANSITION PROVISIONS — SECURITY INTERESTS.** The bill
 30 provides that a pre-effective-date security interest remains
 31 effective on and after the bill's effective date, unless it
 32 fails to satisfy the bill's requirements with a one-year grace
 33 period provided (Code section 554.9803). A pre-effective-date
 34 unperfected security interest will become perfected upon
 35 the effective date if it satisfies the bill's perfection



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1 requirements. Otherwise, it will remain unperfected until the
2 bill's perfection requirements are satisfied (Code section
3 554.9804).

4 TRANSITION PROVISION — EFFECTIVENESS OF FINANCING
5 AND CONTINUATION STATEMENTS. The bill provides that a
6 pre-effective-date financing statement continues in effect
7 as long as it satisfies the bill's requirements and other
8 provisions applicable to such financing statements. It
9 also provides that a financing statement filed in another
10 jurisdiction may remain effective for as long as it would
11 remain effective in the other jurisdiction or June 30, 2018
12 whichever is earlier (Code section 554.9805). The bill
13 provides that the filing of an initial financing statement may
14 continue the effectiveness of a pre-effective-date financing
15 statement rather than a continuation statement that would
16 otherwise be filed (Code section 554.9806). Generally, a
17 financing statement is effective for five years or until it
18 lapses (Code section 554.9515). The bill provides for the
19 amendment or termination of a pre-effective-date financing
20 statement (Code section 554.9807). A person may file an
21 initial financing statement or a continuation statement to
22 the extent authorized by the secured party and the filing is
23 necessary to comply with the bill's transition provisions
24 (Code section 554.9808). The bill expressly states that its
25 provisions govern relative priorities of conflicting claims,
26 except to the extent that the priorities were established
27 before the bill's effective date.

28 HEADNOTE CHANGE. The bill expressly amends a section's
29 headnote to comply with codification requirements provided in
30 Code section 3.3.

31 REPEAL OF TRANSITION PROVISION. The bill repeals existing
32 transition provisions enacted in 2000 Iowa Acts, chapter 1149,
33 and transition provisions included in the bill. The repeals
34 take effect July 1, 2017, when such provisions will be out of
35 date. The bill includes a general savings clause.

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1 EFFECTIVE DATE. The bill takes effect July 1, 2013, in the
2 same manner as other states which have adopted the model act.



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Senate Study Bill 3148 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP/BOARD OF
VETERINARY MEDICINE BILL)

A BILL FOR

- 1 An Act providing for persons associated with licensed
- 2 veterinarians, and providing for fees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 169.3, Code 2011, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 4A. "*Certified veterinary assistant*" means
4 a person who meets all of the following requirements:

5 a. Has successfully completed a veterinary assistant program
6 approved by the board or has received on-the-job training under
7 the direction of a licensed veterinarian as prescribed by the
8 board.

9 b. Has successfully passed one or more examinations as
10 prescribed by the board.

11 c. Performs duties associated with the practice of
12 veterinary medicine as provided in section 169.20 and
13 prescribed by rule by the board.

14 NEW SUBSECTION. 4B. "*Certified veterinary technician*" means
15 a person who meets all of the following requirements:

16 a. Is a graduate of an accredited program of veterinary
17 technology approved by the board or is currently registered in
18 this state as a veterinary technician.

19 b. Has successfully passed one or more examinations as
20 prescribed by the board.

21 c. Performs duties associated with the practice of
22 veterinary medicine as provided in section 169.20 and
23 prescribed by rule by the board.

24 NEW SUBSECTION. 7A. "*Noncredentialed veterinary assistant*"
25 means a person employed by a licensed veterinarian who is not
26 a certified veterinary technician or certified veterinary
27 assistant, and who performs duties associated with the practice
28 of veterinary medicine as provided in section 169.20 and
29 prescribed by rule by the board.

30 Sec. 2. Section 169.3, subsection 12, Code 2011, is amended
31 by striking the subsection.

32 Sec. 3. Section 169.4, subsection 9, Code 2011, is amended
33 by striking the subsection and inserting in lieu thereof the
34 following:

35 9. Any certified veterinary technician, certified



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1 veterinary assistant, or noncredentialed veterinary assistant
2 employed by a licensed veterinarian from performing duties as
3 provided in section 169.20 and prescribed by rule by the board.

4 Sec. 4. Section 169.5, subsection 7, paragraph i, Code 2011,
5 is amended by striking the paragraph and inserting in lieu
6 thereof the following:

7 *i.* Adopt, amend, or repeal rules relating to certified
8 veterinary technicians, certified veterinary assistants, and
9 noncredentialed veterinary assistants, as provided in section
10 169.20. However, a veterinary technician certificate or
11 veterinary assistant certificate shall not be suspended or
12 revoked by less than a two-thirds vote of the entire board in a
13 proceeding conducted in compliance with section 17A.12.

14 Sec. 5. Section 169.20, Code 2011, is amended by striking
15 the section and inserting in lieu thereof the following:

16 **169.20 Certified veterinary technicians, certified veterinary**
17 **assistants, and noncredentialed veterinary assistants.**

18 1. A licensed veterinarian may employ one or more certified
19 veterinary technicians, certified veterinary assistants,
20 or noncredentialed veterinary assistants to perform duties
21 associated with the practice of veterinary medicine as
22 provided in this section and prescribed by rules adopted by the
23 board. The rules shall provide, at a minimum, for all of the
24 following:

25 *a.* The qualifications and standards of conduct of a
26 certified veterinary technician, certified veterinary
27 assistant, or noncredentialed veterinary assistant.

28 *b.* The type or scope of duties that may be performed
29 by a certified veterinary technician, certified veterinary
30 assistant, or noncredentialed veterinary assistant.

31 *c.* The level of supervision required to be performed
32 by a licensed veterinarian when employing a certified
33 veterinary technician, certified veterinary assistant, or a
34 noncredentialed veterinary assistant.

35 2. The board shall provide for the issuance of a certificate



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1 to a certified veterinary technician or certified veterinary
2 assistant based on education, experience, training, or other
3 criteria established by rules adopted by the board.

4 3. The board shall regulate certified veterinary
5 technicians, certified veterinary assistants, and
6 noncredentialed veterinary assistants as provided by rules
7 adopted by the board, including but not limited to any of the
8 following:

9 a. Investigations.

10 b. Disciplinary action, including the suspension or
11 revocation of a certificate issued by the board. Any
12 disciplinary action shall be taken in the same manner as
13 provided in section 169.14. The board shall suspend or
14 revoke a certificate issued by the board under this section in
15 compliance with section 17A.12.

16 EXPLANATION

17 BACKGROUND — VETERINARY ASSISTANTS. This bill amends
18 provisions relating to the employment of a veterinary assistant
19 by a licensed veterinarian (Code section 169.20). Currently,
20 a veterinary assistant certified by the board may perform
21 services associated with the practice of veterinary medicine
22 other than diagnosis, prescription, or surgery, if acting under
23 the direct supervision of such veterinarian and in compliance
24 with rules adopted by the board of veterinary medicine (board).

25 BILL — AUTHORIZED PERSONS DESIGNATED. The bill renames the
26 term "veterinary assistant" as "certified veterinary assistant"
27 and establishes what other classes of persons may be employed
28 by a licensed veterinarian: a certified veterinary technician
29 and a noncredentialed veterinary assistant. Under the bill,
30 a certified veterinary technician must have graduated from an
31 accredited program of technology as approved by the board and
32 have passed one or more examinations prescribed by the board.
33 A certified veterinary assistant must have completed a program
34 approved by the board or have on-the-job experience and pass an
35 examination prescribed by the board. The bill also provides

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1 for a noncredentialed veterinary assistant who is someone other
2 than a certified veterinary assistant or certified veterinary
3 technician. The bill authorizes each class of person to
4 perform duties associated with the practice of veterinary
5 medicine, but allows the board to distinguish further their
6 respective scopes of authority. The board may provide for
7 certification fees in the same manner as is currently provided
8 for veterinary assistants (Code section 169.5(9)).

9 BILL — AUTHORIZED PERSONS REGULATED. The bill authorizes
10 the board to regulate certified veterinary assistants,
11 certified veterinary technicians, and noncredentialed
12 veterinary assistants, including by conducting investigations
13 and instituting disciplinary action, including the suspension
14 or revocation of a certificate in the same manner as currently
15 applies to veterinary assistants (Code section 169.5(7)(i)).