Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 13, 2012

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Senate File 2071

H-8013

1 Amend the amendment, H-8009, to Senate File 2071, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 22 through 24.
4 2. By renumbering as necessary.

_____
HEDDENS of Story

House File 2274

H-8014

Amend House File 2274 as follows:

1. By striking everything after the enacting clause and inserting:

<Section 1. Section 331.512, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. Carry out duties relating to the business property tax credit as provided in chapter 426C.

Sec. 2. Section 331.559, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. Carry out duties relating to the business property tax credit as provided in chapter 426C.

Sec. 3. NEW SECTION. **426C.1 Definitions.**

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

1. *"Contiguous parcels"* means any of the following:

a. Parcels that share a common boundary.

b. Parcels within the same building or structure regardless of whether the parcels share a common boundary.

c. Improvements to the land that are situated on one or more parcels of land that are assessed and taxed separately from the improvements if the parcels of land upon which the improvements are situated share a common boundary.

2. *"Department"* means the department of revenue.

3. *"Fund"* means the business property tax credit fund created in section 426C.2.

4. *"Parcel"* means as defined in section 445.1.

5. *"Property unit"* means contiguous parcels all of which are located within the same county, with the same property tax classification, each of which contains permanent improvements, are owned by the same person, and are operated by that person for a common use and purpose.

Sec. 4. NEW SECTION. **426C.2 Business property tax credit fund — appropriation.**

1. A business property tax credit fund is created in the state treasury under the authority of the department. For the fiscal year beginning July 1, 2013, there is appropriated from the general fund of the state to the department to be credited to the fund, the sum of fifty million dollars to be used for business property tax credits authorized in this chapter. For the fiscal year beginning July 1, 2014, and each fiscal year thereafter, there is appropriated from the general fund of the state to the department to be credited to the fund an amount equal to the total amount appropriated by the general assembly to

1 the fund in the previous fiscal year. In addition,
2 the sum of fifty million dollars shall be added to the
3 appropriation in each fiscal year beginning on or after
4 July 1, 2014, if the revenue estimating conference
5 certifies during its final meeting of the calendar year
6 ending prior to the beginning of the fiscal year that
7 the total amount of general fund revenues collected
8 during the fiscal year ending during such calendar year
9 was at least one hundred four percent of the total
10 amount of general fund revenues collected during the
11 previous fiscal year. However, the total appropriation
12 to the fund shall not exceed two hundred million
13 dollars for any one fiscal year.
14 2. Notwithstanding section 12C.7, subsection 2,
15 interest or earnings on moneys deposited in the fund
16 shall be credited to the fund. Moneys in the fund are
17 not subject to the provisions of section 8.33 and shall
18 not be transferred, used, obligated, appropriated,
19 or otherwise encumbered except as provided in this
20 chapter.
21 Sec. 5. NEW SECTION. **426C.3 Claims for credit.**
22 1. Each person who wishes to claim the credit
23 allowed under this chapter shall obtain the appropriate
24 forms from the assessor and file the claim with the
25 assessor. The director of revenue shall prescribe
26 suitable forms and instructions for such claims, and
27 make such forms and instructions available to the
28 assessors.
29 2. *a.* Claims for the business property tax credit
30 shall be filed not later than March 15 preceding the
31 fiscal year during which the taxes for which the credit
32 is claimed are due and payable.
33 *b.* A claim filed after the deadline for filing
34 claims shall be considered as a claim for the following
35 year.
36 3. Upon the filing of a claim and allowance of the
37 credit, the credit shall be allowed on the parcel or
38 property unit for successive years without further
39 filing as long as the parcel or property unit satisfies
40 the requirements for the credit. If the parcel or
41 property unit owner ceases to qualify for the credit
42 under this chapter, the owner shall provide written
43 notice to the assessor by the date for filing claims
44 specified in subsection 2 following the date on which
45 the parcel or property unit ceases to qualify for the
46 credit.
47 4. When all or a portion of a parcel or property
48 unit that is allowed a credit under this chapter is
49 sold, transferred, or ownership otherwise changes, the
50 buyer, transferee, or new owner who wishes to receive

1 the credit shall refile the claim for credit. When a
2 portion of a parcel or property unit that is allowed
3 a credit under this chapter is sold, transferred, or
4 ownership otherwise changes, the owner of the portion
5 of the parcel or property unit for which ownership did
6 not change shall refile the claim for credit.
7 5. The assessor shall remit the claims for
8 credit to the county auditor with the assessor's
9 recommendation for allowance or disallowance. If
10 the assessor recommends disallowance of a claim,
11 the assessor shall submit the reasons for the
12 recommendation, in writing, to the county auditor. The
13 county auditor shall forward the claims to the board
14 of supervisors. The board shall allow or disallow the
15 claims.
16 6. For each claim and allowance of a credit for
17 a property unit, the county auditor shall calculate
18 the average of all consolidated levy rates applicable
19 to the several parcels within the property unit. All
20 claims for credit which have been allowed by the board
21 of supervisors, the actual value of the improvements
22 to such parcels and property units applicable to
23 the fiscal year for which the credit is claimed
24 that are subject to assessment and taxation prior to
25 imposition of any applicable assessment limitation,
26 the consolidated levy rates for such parcels and the
27 average consolidated levy rates for such property units
28 applicable to the fiscal year for which the credit is
29 claimed, and the taxing districts in which the parcel
30 or property unit is located, shall be certified on or
31 before June 30, in each year, by the county auditor to
32 the department.
33 7. The assessor shall maintain a permanent file of
34 current business property tax credits. The assessor
35 shall file a notice of transfer of property for which a
36 credit has been allowed when notice is received from
37 the office of the county recorder, from the person
38 who sold or transferred the property, or from the
39 personal representative of a deceased property owner.
40 The county recorder shall give notice to the assessor
41 of each transfer of title filed in the recorder's
42 office. The notice from the county recorder shall
43 describe the property transferred, the name of the
44 person transferring title to the property, and the name
45 of the person to whom title to the property has been
46 transferred.
47 Sec. 6. NEW SECTION. **426C.4 Eligibility and amount**
48 **of credit.**
49 1. Each parcel classified and taxed as commercial
50 property, industrial property, or railway property

1 under chapter 434, and improved with permanent
2 construction, is eligible for a credit under this
3 chapter. A person may claim and receive one credit
4 under this chapter for each eligible parcel unless
5 the parcel is part of a property unit. A person
6 may only claim and receive one credit under this
7 chapter for each property unit. A credit approved
8 for a property unit shall be allocated to the several
9 parcels within the property unit in the proportion
10 that each parcel's total amount of property taxes due
11 and payable attributable to the improvements bears to
12 the total amount of property taxes due and payable
13 attributable to the improvements for the property unit.
14 Only property units comprised of commercial property,
15 comprised of industrial property, or comprised of
16 railway property under chapter 434 are eligible for a
17 credit under this chapter.
18 2. Using the actual value of the improvements and
19 the consolidated levy rate for each parcel or the
20 average consolidated levy rate for each property unit,
21 as certified by the county auditor to the department
22 under section 426C.3, subsection 6, the department
23 shall calculate, for each fiscal year, an initial
24 amount of actual value of improvements for use in
25 determining the amount of the credit for each such
26 parcel or property unit so as to provide the maximum
27 possible credit according to the credit formula and
28 limitations under subsection 3, and to provide a
29 total dollar amount of credits against the taxes due
30 and payable in the fiscal year equal to ninety-eight
31 percent of the moneys in the fund following the deposit
32 of the total appropriation for the fiscal year.
33 3. *a.* The amount of the credit for each parcel or
34 property unit for which a claim for credit under this
35 chapter has been approved shall be calculated under
36 paragraph "*b*" using the lesser of the initial amount
37 of actual value of the improvements determined by the
38 department under subsection 2, and the actual value
39 of the improvements to the parcel or property unit as
40 certified by the county auditor under section 426C.3,
41 subsection 6.
42 *b.* The amount of the credit for each parcel or
43 property unit for which a claim for credit under
44 this chapter has been approved shall be equal to the
45 amount of actual value determined under paragraph "*a*"
46 multiplied by the difference, stated as a percentage,
47 between the assessment limitation applicable to
48 the parcel or property unit under section 441.21,
49 subsection 5, and the assessment limitation applicable
50 to residential property under section 441.21,

1 subsection 4, divided by one thousand dollars, and then
2 multiplied by the consolidated levy rate or average
3 consolidated levy rate for one thousand dollars of
4 taxable value applicable to the parcel or property unit
5 for the fiscal year for which the credit is claimed as
6 certified by the county auditor under section 426C.3,
7 subsection 6.
8 Sec. 7. NEW SECTION. **426C.5 Payment to counties.**
9 1. Annually the department shall certify to the
10 county auditor of each county the amounts of the
11 business property tax credits allowed in the county.
12 Each county auditor shall then enter the credits
13 against the tax levied on each eligible parcel or
14 property unit in the county, designating on the tax
15 lists the credit as being from the fund. Each taxing
16 district shall receive its share of the business
17 property tax credit allowed on each eligible parcel
18 or property unit in such taxing district, in the
19 proportion that the levy made by such taxing district
20 upon the parcel or property unit bears to the total
21 levy upon the parcel or property unit by all taxing
22 districts imposing a property tax in such taxing
23 district. However, the several taxing districts
24 shall not draw the moneys so credited until after the
25 semiannual allocations have been received by the county
26 treasurer, as provided in this section. Each county
27 treasurer shall show on each tax receipt the amount of
28 credit received from the fund.
29 2. The director of the department of administrative
30 services shall issue warrants on the fund payable to
31 the county treasurers of the several counties of the
32 state under this chapter.
33 3. The amount due each county shall be paid in two
34 payments on November 15 and March 15 of each fiscal
35 year, drawn upon warrants payable to the respective
36 county treasurers. The two payments shall be as nearly
37 equal as possible.
38 Sec. 8. NEW SECTION. **426C.6 Appeals.**
39 1. If the board of supervisors disallows a claim
40 for credit under section 426C.3, subsection 5, the
41 board of supervisors shall send written notice, by
42 mail, to the claimant at the claimant's last known
43 address. The notice shall state the reasons for
44 disallowing the claim for the credit. The board of
45 supervisors is not required to send notice that a claim
46 for credit is disallowed if the claimant voluntarily
47 withdraws the claim. Any person whose claim is denied
48 under the provisions of this chapter may appeal from
49 the action of the board of supervisors to the district
50 court of the county in which the parcel or property

1 unit is located by giving written notice of such appeal
2 to the county auditor within twenty days from the date
3 of mailing of notice of such action by the board of
4 supervisors.
5 2. If any claim for credit has been denied by the
6 board of supervisors, and such action is subsequently
7 reversed on appeal, the credit shall be allowed on the
8 applicable parcel or property unit, and the director of
9 revenue, the county auditor, and the county treasurer
10 shall provide the credit and change their books and
11 records accordingly. In the event the appealing
12 taxpayer has paid one or both of the installments of
13 the tax payable in the year or years in question,
14 remittance shall be made to such taxpayer of the amount
15 of such credit. The amount of such credit awarded on
16 appeal shall be allocated and paid from the balance
17 remaining in the fund.
18 Sec. 9. NEW SECTION. **426C.7 Audit — denial.**
19 1. If on the audit of a credit provided under this
20 chapter, the director of revenue determines the amount
21 of the credit to have been incorrectly calculated or
22 that the credit is not allowable, the director shall
23 recalculate the credit and notify the taxpayer and the
24 county auditor of the recalculation or denial and the
25 reasons for it. The director shall not adjust a credit
26 after three years from October 31 of the year in which
27 the claim for the credit was filed. If the credit has
28 been paid, the director shall give notification to the
29 taxpayer, the county treasurer, and the applicable
30 assessor of the recalculation or denial of the credit
31 and the county treasurer shall proceed to collect the
32 tax owed in the same manner as other property taxes due
33 and payable are collected, if the parcel or property
34 unit for which the credit was allowed is still owned
35 by the taxpayer. If the parcel or property unit
36 for which the credit was allowed is not owned by the
37 taxpayer, the amount may be recovered from the taxpayer
38 by assessment in the same manner that income taxes are
39 assessed under sections 422.26 and 422.30. The amount
40 of such erroneous credit, when collected, shall be
41 deposited in the fund.
42 2. The taxpayer or board of supervisors may
43 appeal any decision of the director of revenue to the
44 state board of tax review pursuant to section 421.1,
45 subsection 5. The taxpayer, the board of supervisors,
46 or the director of revenue may seek judicial review
47 of the action of the state board of tax review in
48 accordance with chapter 17A.
49 Sec. 10. NEW SECTION. **426C.8 False claim —**
50 **penalty.**

1 A person who makes a false claim for the purpose of
2 obtaining a credit provided for in this chapter or who
3 knowingly receives the credit without being legally
4 entitled to it is guilty of a fraudulent practice. The
5 claim for a credit of such a person shall be disallowed
6 and if the credit has been paid the amount shall be
7 recovered in the manner provided in section 426C.7. In
8 such cases, the director of revenue shall send a notice
9 of disallowance of the credit.
10 Sec. 11. NEW SECTION. **426C.9 Rules.**
11 The director of revenue shall prescribe forms,
12 instructions, and rules pursuant to chapter 17A, as
13 necessary, to carry out the purposes of this chapter.
14 Sec. 12. IMPLEMENTATION. Notwithstanding the
15 deadline for filing claims established in section
16 426C.3, for a credit against property taxes due and
17 payable during the fiscal year beginning July 1, 2013,
18 the claim for the credit shall be filed not later than
19 January 15, 2013.
20 Sec. 13. APPLICABILITY. This Act applies to
21 property taxes due and payable in fiscal years
22 beginning on or after July 1, 2013.>
23 2. Title page, by striking lines 1 through 11
24 and inserting <An Act establishing a property tax
25 credit for certain commercial, industrial, and railway
26 property, making an appropriation, providing penalties,
27 and including applicability provisions.>
28 3. By renumbering as necessary.

JACOBY of Johnson

House File 2274

H-8015

1 Amend House File 2274 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 257.1, subsection 2, paragraph
5 b, Code 2011, is amended by striking the paragraph and
6 inserting in lieu thereof the following:
7 *b.* (1) The regular program foundation base per
8 pupil is the following:
9 (a) For the budget year commencing July 1,
10 2012, and the budget year commencing July 1, 2013,
11 the regular program foundation base per pupil is
12 eighty-seven and five-tenths percent of the regular
13 program state cost per pupil.
14 (b) For the budget year commencing July 1, 2014,
15 the regular program foundation base per pupil is
16 eighty-nine and six hundredths percent of the regular
17 program state cost per pupil.
18 (c) For the budget year commencing July 1, 2015,
19 the regular program foundation base per pupil is ninety
20 and sixty-three hundredths percent of the regular
21 program state cost per pupil.
22 (d) For the budget year commencing July 1, 2016,
23 the regular program foundation base per pupil is
24 ninety-two and nineteen hundredths percent of the
25 regular program state cost per pupil.
26 (e) For the budget year commencing July 1, 2017,
27 the regular program foundation base per pupil is
28 ninety-three and seventy-five hundredths percent of the
29 regular program state cost per pupil.
30 (f) For the budget year commencing July 1, 2018,
31 the regular program foundation base per pupil is
32 ninety-five and thirty-one hundredths percent of the
33 regular program state cost per pupil.
34 (g) For the budget year commencing July 1, 2019,
35 the regular program foundation base per pupil is
36 ninety-six and eighty-eight hundredths percent of the
37 regular program state cost per pupil.
38 (h) For the budget year commencing July 1, 2020,
39 the regular program foundation base per pupil is
40 ninety-eight and forty-four hundredths percent of the
41 regular program state cost per pupil.
42 (i) For the budget year commencing July 1, 2021,
43 and succeeding budget years, the regular program
44 foundation base per pupil is one hundred percent of the
45 regular program state cost per pupil.
46 (2) For each budget year, the special education
47 support services foundation base is seventy-nine
48 percent of the special education support services state
49 cost per pupil. The combined foundation base is the
50 sum of the regular program foundation base, the special

education support services foundation base, the total teacher salary supplement district cost, the total professional development supplement district cost, the total early intervention supplement district cost, the total area education agency teacher salary supplement district cost, and the total area education agency professional development supplement district cost.

Sec. 2. Section 257.4, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. For the budget year beginning July 1, 2008, and succeeding budget years beginning before July 1, 2021, the department of management shall annually determine an adjusted additional property tax levy and a statewide maximum adjusted additional property tax levy rate, not to exceed the statewide average additional property tax levy rate, calculated by dividing the total adjusted additional property tax levy dollars statewide by the statewide total net taxable valuation. For purposes of this paragraph, the adjusted additional property tax levy shall be that portion of the additional property tax levy corresponding to the state cost per pupil multiplied by a school district's weighted enrollment, and then multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1. ~~The~~ For budget years beginning before July 1, 2021, the district shall receive adjusted additional property tax levy aid in an amount equal to the difference between the adjusted additional property tax levy rate and the statewide maximum adjusted additional property tax levy rate, as applied per thousand dollars of assessed valuation on all taxable property in the district. ~~The statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4. The~~ For budget years beginning before July 1, 2021, the statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4, and the balance of the property tax equity and relief fund created in section 257.16A at the end of the calendar year.

Sec. 3. Section 257.15, subsection 4, Code 2011, is amended to read as follows:

4. *a. Allocations for maximum adjusted additional property tax levy rate calculation and adjusted additional property tax levy aid.* ~~The~~ For fiscal years beginning before July 1, 2021, the department of management shall allocate from amounts appropriated

pursuant to section 257.16, subsection 1, and from funds appropriated from the property tax equity and relief fund created in section 257.16A for the purpose of calculating the statewide maximum adjusted additional property tax levy rate and providing adjusted additional property tax levy aid as provided in section 257.4, subsection 1, paragraph *"b"*, an amount equal to the sum of subparagraphs (1) and (2) as follows:

(1) From the amount appropriated from the general fund of the state pursuant to section 257.16, subsection 1, equal to the following:

(a) For the budget year beginning July 1, 2006, six million dollars.

(b) For the budget year beginning July 1, 2007, twelve million dollars.

(c) For the budget year beginning July 1, 2008, eighteen million dollars.

(d) For the budget year beginning July 1, 2009, and succeeding budget years beginning before July 1, 2021, twenty-four million dollars.

(2) From the amount appropriated from the property tax equity and relief fund created in section 257.16A.

b. After lowering all school district additional property tax levy rates to the statewide maximum adjusted additional property tax levy rate under paragraph *"a"*, the department of management shall use any remaining funds at the end of the calendar year to further lower additional property taxes by increasing for the budget year beginning the following July 1, the state foundation base percentage. If, however, the state foundation base percentage is one hundred percent, the department of management shall deposit those remaining funds in the taxpayers trust fund created in section 8.57E. Moneys used pursuant to this paragraph shall supplant an equal amount of the appropriation made from the general fund of the state pursuant to section 257.16 that represents the increase in state foundation aid.

Sec. 4. Section 257.16A, subsections 2 and 3, Code 2011, are amended to read as follows:

2. ~~There~~ For fiscal years beginning before July 1, 2021, there is appropriated annually all moneys in the fund to the department of management for purposes of section 257.15, subsection 4.

3. ~~Notwithstanding~~ Except as provided in subsection 4, and notwithstanding section 8.33, any moneys remaining in the property tax equity and relief fund at the end of a fiscal year shall not revert to any other fund but shall remain in the property tax equity and

1 relief fund for use as provided in this section for the
2 following fiscal year.
3 Sec. 5. Section 257.16A, Code 2011, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 4. Any moneys in the property
6 tax equity and relief fund on June 30, 2021, shall
7 be deposited by the department of management in the
8 taxpayers trust fund created in section 8.57E.
9 Sec. 6. Section 423F.2, subsection 3, Code 2011, is
10 amended to read as follows:
11 3. The moneys available in a fiscal year in the
12 secure an advanced vision for education fund shall be
13 distributed by the department of revenue to each school
14 district in an amount equal to the amount the school
15 district would have received pursuant to the formula
16 in section 423E.4 as if the local sales and services
17 tax for school infrastructure purposes was imposed.
18 Moneys collected in a fiscal year beginning before July
19 1, 2019, that are in excess of that needed to provide
20 each school district with its formula amount shall be
21 distributed and credited to the property tax equity
22 and relief fund created in section 257.16A. Moneys
23 collected in a fiscal year beginning on or after July
24 1, 2019, that are in excess of that amount needed to
25 provide each school district with its formula amount
26 shall be deposited in the taxpayers trust fund created
27 in section 8.57E.>
28 2. Title page, by striking lines 1 through 11
29 and inserting <An Act relating to school finance
30 by increasing the regular program foundation base
31 percentage.>
32 3. By renumbering as necessary.

HALL of Woodbury

House File 2274

H-8016

Amend House File 2274 as follows:

1. By striking everything after the enacting clause and inserting:

<Section 1. Section 427A.1, subsection 1, paragraph h, Code 2011, is amended to read as follows:

h. Property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters ~~433,~~ 434, 437, 437A, and 438.

Sec. 2. Section 433.4, Code 2011, is amended to read as follows:

433.4 Assessment.

1. The director of revenue shall on or before October 31 each year, proceed to find the actual value of the property of these companies in this state used by the companies in the transaction of telegraph and telephone business, taking into consideration the information obtained from the statements required, and any further information the director can obtain, using the same as a means for determining the actual ~~cash~~ value of the property of these companies within this state. ~~The director shall also take into consideration the valuation of all property of these companies, including franchises and the use of the property in connection with lines outside the state, and making these deductions as may be necessary on account of extra value of property outside the state as compared with the value of property in the state, in order that the actual cash value of the property of the company within this state may be ascertained. The assessment shall include all property of every kind and character whatsoever, real, personal, or mixed, used by the companies in the transaction of telegraph and telephone business; and the~~ The property so included in the assessment shall not be taxed in any other manner than as provided in this chapter.

2. *a.* Except as provided in paragraph *"c"*, for assessment years beginning on or after January 1, 2013, a company's property, excluding the property identified in paragraph *"b"* as exempt from taxation, shall be subject to assessment and taxation under this chapter by the director of revenue in the same manner as property assessed and taxed as commercial property under chapters 427, 427A, 427B, 428, and 441.

b. All of the following is exempt from taxation and shall not be assessed for taxation under this chapter:

(1) Central office equipment.

(2) Transmission equipment.

(3) Qualified telephone company property. However, qualified telephone company property shall be valued and included in the company's assessment for the

1 assessment years, and to the extent specified, in
2 paragraph *"c"*.
3 *c.* For assessment years beginning on or after
4 January 1, 2013, but before January 1, 2020, the
5 director of revenue shall include as part of the actual
6 value determined under paragraph *"a"* for the applicable
7 assessment year, the following:
8 (1) For the assessment year beginning January
9 1, 2013, an amount equal to the actual value of the
10 company's qualified telephone company property that
11 exceeds five million dollars.
12 (2) For the assessment year beginning January
13 1, 2014, an amount equal to the actual value of the
14 company's qualified telephone company property that
15 exceeds twenty-five million dollars.
16 (3) For the assessment year beginning January
17 1, 2015, an amount equal to the actual value of the
18 company's qualified telephone company property that
19 exceeds fifty million dollars.
20 (4) For the assessment year beginning January
21 1, 2016, an amount equal to the actual value of the
22 company's qualified telephone company property that
23 exceeds seventy-five million dollars.
24 (5) For the assessment year beginning January
25 1, 2017, an amount equal to the actual value of the
26 company's qualified telephone company property that
27 exceeds one hundred million dollars.
28 (6) For the assessment year beginning January
29 1, 2018, an amount equal to the actual value of the
30 company's qualified telephone company property that
31 exceeds one hundred twenty-five million dollars.
32 (7) For the assessment year beginning January
33 1, 2019, an amount equal to the actual value of the
34 company's qualified telephone company property that
35 exceeds one hundred fifty million dollars.
36 Sec. 3. Section 433.12, Code 2011, is amended by
37 adding the following new subsections:
38 NEW SUBSECTION. 1A. As used in this chapter,
39 *"central office equipment"* means equipment owned or
40 leased by a company and used in initiating, amplifying,
41 switching, or monitoring telecommunications services,
42 including such ancillary equipment necessary for the
43 support, regulation, control, repair, or testing of
44 such equipment.
45 NEW SUBSECTION. 3. As used in this chapter,
46 *"qualified telephone company property"* means telephone
47 wire, telephone cable, fiber optic cable, conduit
48 systems, poles, or other equipment owned or leased by
49 a company and used by the company to transmit sound or
50 data.

1 NEW SUBSECTION. 4. As used in this chapter,
2 "*transmission equipment*" means equipment owned or
3 leased by a company and used in the process of sending
4 information from one location to another location,
5 including such ancillary equipment necessary for the
6 support, regulation, control, repair, or testing of
7 such equipment.
8 Sec. 4. Section 476.1D, subsection 10, Code
9 Supplement 2011, is amended by striking the subsection.
10 Sec. 5. EFFECTIVE DATE.
11 1. Except as provided in subsection 2, this Act
12 takes effect July 1, 2012.
13 2. The section of this Act amending section 476.1D
14 takes effect July 1, 2019.
15 Sec. 6. APPLICABILITY.
16 1. Except as provided in subsection 2, this Act
17 applies to assessment years beginning on or after
18 January 1, 2013.
19 2. The section of this Act amending section 476.1D
20 applies to assessment years beginning on or after
21 January 1, 2020.>
22 2. Title page, by striking lines 1 through 11 and
23 inserting <An Act relating to assessment and taxation
24 of telecommunications company property and including
25 effective date and applicability provisions.>
26 3. By renumbering as necessary.

THOMAS of Clayton

House File 2274

H-8017

1 Amend House File 2274 as follows:
2 1. Page 19, after line 1 by inserting:
3 <(4) Intangible property.>
4 2. Page 20, after line 4 by inserting:
5 <NEW SUBSECTION. 2A. As used in this chapter,
6 *"intangible property"* includes but is not limited to
7 goodwill associated with a company.>
8 3. Page 31, after line 16 by inserting:
9 <Sec. ___. Section 364.25, Code 2011, is amended to
10 read as follows:
11 **364.25 Retiree health care.**
12 A city may provide health or medical insurance
13 coverage or supplemental health or medical insurance
14 coverage to retired employees of the city. A city
15 providing health or medical insurance coverage pursuant
16 to this section may establish such requirements or
17 restrictions concerning the coverage provided as the
18 city may adopt. If coverage is provided, the cost
19 of the health or medical insurance coverage ~~may~~ shall
20 be paid ~~from moneys held in a trust and agency fund~~
21 ~~established pursuant to section 384.6, or~~ out of an
22 appropriation from the city general fund for this
23 purpose.>
24 4. Page 33, by striking lines 27 through 29 and
25 inserting <*"tax dollars"* shall mean the sum of the
26 total amount of property tax dollars certified for the
27 city's general fund for the fiscal year beginning July
28 1, 2012, and the total amount of property tax dollars
29 certified for the city's trust and agency fund under
30 section 384.6, subsection 1, Code 2011, for the fiscal
31 year beginning July 1, 2012.>
32 5. Page 33, by striking lines 31 and 32 and
33 inserting <fund in section 384.4, capital improvements
34 reserve fund in section 384.7,>
35 6. Page 35, after line 28 by inserting:
36 <Sec. ___. NEW SECTION. **384.3B Employee benefits**
37 **and retirement contributions — city general fund.**
38 A city may include within the city's basic levy for
39 city government purposes, an amount necessary, subject
40 to the limitation on property tax dollars in section
41 384.1, property taxes for the following purposes,
42 with such taxes accounted for as provided by the city
43 finance committee:
44 1. Pension and related benefits of the city's
45 employees.
46 2. A city may make contributions to a retirement
47 system other than the Iowa public employees' retirement
48 system for its city manager, or city administrator
49 performing the duties of city manager, in an annual
50 amount not to exceed the amount that would have been

contributed by the employer under section 97B.11.

3. If a police chief or fire chief has submitted a written request to the board of trustees to be exempt from chapter 411, authorized in section 411.3, subsection 1, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section 411.8, subsection 1, paragraph *"a"*, to the international city management association/retirement corporation.

4. A city which has contracted with another city or governmental entity for the provision of public safety services, including but not limited to police protection, fire protection, ambulance, or hazardous materials response, may, pursuant to contract, make contributions for pension and related employee benefits for personnel of the other city or governmental entity providing such services to the city. The city may make such contributions in an annual amount not to exceed the amount of contributions for pension and related employee benefits that would otherwise be paid by the other city or governmental entity for such personnel.

Sec. ___. Section 384.6, Code 2011, is amended to read as follows:

384.6 Trust and agency funds.

A city may establish trust and agency funds for the following purposes:

~~1. Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.~~

~~*a.* A city may make contributions to a retirement system other than the Iowa public employees' retirement system for its city manager, or city administrator performing the duties of city manager, in an annual amount not to exceed the amount that would have been contributed by the employer under section 97B.11.~~

~~*b.* If a police chief or fire chief has submitted a written request to the board of trustees to be exempt from chapter 411, authorized in section 411.3, subsection 1, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section 411.8, subsection 1, paragraph *"a"*, to the international city management association/retirement corporation.~~

~~*c.* A city which has contracted with another city or governmental entity for the provision of public safety services, including but not limited to police protection, fire protection, ambulance, or hazardous materials response, may, pursuant to contract, make~~

~~contributions for pension and related employee benefits for personnel of the other city or governmental entity providing such services to the city. The city may make such contributions in an annual amount not to exceed the amount of contributions for pension and related employee benefits that would otherwise be paid by the other city or governmental entity for such personnel.~~

~~2.~~ 1. Accounting for gifts received by the city for a particular purpose.

~~3.~~ 2. Accounting for money and property received and handled by the city as trustee or custodian or in the capacity of an agent.>

7. Page 36, after line 30 by inserting:

<Sec. ___. Section 384.15, subsection 1, Code 2011, is amended to read as follows:

1. Promulgate rules relating to budget amendments and the procedures for transferring moneys between funds, and other rules necessary or desirable in order to exercise its powers and perform its duties, including rules necessary to implement section ~~384.6, subsection 1~~ 384.3B. The committee's rules are subject to chapter 17A as applicable.>

8. Page 39, after line 5 by inserting:

<Sec. ___. Section 400.8, subsection 1, Code 2011, is amended to read as follows:

1. The commission, when necessary under the rules, including minimum and maximum age limits, which shall be prescribed and published in advance by the commission and posted in the city hall, shall hold examinations for the purpose of determining the qualifications of applicants for positions under civil service, other than promotions, which examinations shall be practical in character and shall relate to matters which will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. The physical examination of applicants for appointment to the positions of police officer, police matron, or fire fighter shall be held in accordance with medical protocols established by the board of trustees of the fire and police retirement system established by section 411.5 and shall be conducted in accordance with the directives of the board of trustees. However, the prohibitions of section 216.6, subsection 1, paragraph "d", regarding tests for the presence of the antibody to the human immunodeficiency virus shall not apply to such examinations. The board of trustees may change the medical protocols at any time the board so determines. The physical examination of an applicant for the position of police officer, police

1 matron, or fire fighter shall be conducted after a
2 conditional offer of employment has been made to the
3 applicant. An applicant shall not be discriminated
4 against on the basis of height, weight, sex, or race
5 in determining physical or mental ability of the
6 applicant. Reasonable rules relating to strength,
7 agility, and general health of applicants shall be
8 prescribed. The costs of the physical examination
9 required under this subsection shall be paid from the
10 ~~trust and agency~~ general fund of the city.
11 Sec. ___. Section 411.6, subsection 5, paragraph b,
12 Code 2011, is amended to read as follows:
13 *b.* If a member in service or the chief of the
14 police or fire departments becomes incapacitated for
15 duty as a natural or proximate result of an injury
16 or disease incurred in or aggravated by the actual
17 performance of duty at some definite time or place or
18 while acting, pursuant to order, outside the city by
19 which the member is regularly employed, the member,
20 upon being found to be temporarily incapacitated
21 following a medical examination as directed by the
22 city, is entitled to receive the member's full pay
23 and allowances from the city's general fund ~~or trust~~
24 ~~and agency fund~~ until reexamined as directed by the
25 city and found to be fully recovered or until the city
26 determines that the member is likely to be permanently
27 disabled. If the temporary incapacity of a member
28 continues more than sixty days, or if the city expects
29 the incapacity to continue more than sixty days,
30 the city shall notify the system of the temporary
31 incapacity. Upon notification by a city, the system
32 may refer the matter to the medical board for review
33 and consultation with the member's treating physician
34 during the temporary incapacity. Except as provided by
35 this paragraph, the board of trustees of the statewide
36 system has no jurisdiction over these matters until
37 the city determines that the disability is likely to
38 be permanent.
39 Sec. ___. Section 411.15, Code 2011, is amended to
40 read as follows:
41 **411.15 Hospitalization and medical attention.**
42 Cities shall provide hospital, nursing, and medical
43 attention for the members of the police and fire
44 departments of the cities, when injured while in
45 the performance of their duties as members of such
46 department, and shall continue to provide hospital,
47 nursing, and medical attention for injuries or diseases
48 incurred while in the performance of their duties for
49 members receiving a retirement allowance under section
50 411.6, subsection 6. Cities may fund the cost of the

1 hospital, nursing, and medical attention required by
2 this section through the purchase of insurance, by
3 self-insuring the obligation, or through payment of
4 moneys into a local government risk pool established
5 for the purpose of covering the costs associated
6 with the requirements of this section. However, the
7 cost of the hospital, nursing, and medical attention
8 required by this section shall not be funded through an
9 employee-paid health insurance policy. The cost of the
10 hospital, nursing, and medical attention required by
11 this section shall be paid from ~~moneys held in a trust~~
12 ~~and agency fund established pursuant to section 384.6,~~
13 the city's general fund or out of the appropriation for
14 the department to which the injured person belongs or
15 belonged; provided that any amounts received by the
16 injured person from any other source for such specific
17 purposes, shall be deducted from the amount paid by the
18 city under the provisions of this section.>
19 9. By renumbering as necessary.

SANDS of Louisa

House File 2274

H-8018

1 Amend House File 2274 as follows:
2 1. Page 39, after line 9 by inserting:
3 <DIVISION V
4 EARNED INCOME TAX CREDIT
5 Sec. ___. Section 422.12B, subsection 1, Code 2011,
6 is amended to read as follows:
7 1. The taxes imposed under this division less the
8 credits allowed under section 422.12 shall be reduced
9 by an earned income credit equal to ~~seven~~ thirteen
10 percent of the federal earned income credit provided in
11 section 32 of the Internal Revenue Code. Any credit in
12 excess of the tax liability is refundable.
13 Sec. ___. RETROACTIVE APPLICABILITY. This division
14 of this Act applies retroactively to January 1, 2012,
15 for tax years beginning on or after that date.>
16 2. Title page, line 1, by striking <property>
17 3. Title page, by striking line 10 and inserting
18 <making appropriations, modifying provisions relating
19 to the earned income tax credit, and including
20 effective date and retroactive applicability and other>
21 4. By renumbering as necessary.

PETERSEN of Polk

House File 2277 - Introduced

HOUSE FILE 2277
BY WINDSCHITL

A BILL FOR

1 An Act relating to the accrual of earned time credits for
2 inmates committed to the custody of the director of the
3 department of corrections.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5538YH (3) 84
jm/rj

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Section 1. Section 124.401E, subsection 3, Code Supplement 2011, is amended to read as follows:

3. If a court sentences a person for the person's second or subsequent conviction for delivery or possession with intent to deliver a controlled substance under section 124.401, subsection 1, and the controlled substance is amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers, the court, in addition to any other authorized penalties, shall sentence the person to imprisonment in accordance with section 124.401, subsection 1~~, and the person shall serve the minimum period of confinement as required by section 124.413~~.

Sec. 2. Section 124.406, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Unlawfully distributes or possesses with intent to distribute a substance listed in schedule I or II to a person under eighteen years of age commits a class "B" felony ~~and shall serve a minimum term of confinement of five years~~. ~~However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.~~

Sec. 3. Section 124.406, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. Unlawfully distributes or possesses with the intent to distribute a counterfeit substance listed in schedule I or II, or a simulated controlled substance represented to be a substance classified in schedule I or II, to a person under eighteen years of age commits a class "B" felony. ~~However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, the~~

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~~person shall serve a minimum term of confinement of ten years.~~

Sec. 4. Section 232.45, subsection 14, paragraph a, Code 2011, is amended to read as follows:

a. If a child who is alleged to have delivered, manufactured, or possessed with intent to deliver or manufacture, a controlled substance except marijuana, as defined in chapter 124, is waived to district court for prosecution, ~~the mandatory minimum sentence provided in section 124.413 shall not be imposed if a conviction is had; however,~~ each child convicted of such an offense shall be confined for not less than thirty days in a secure facility.

Sec. 5. Section 901.5, subsection 2, Code Supplement 2011, is amended to read as follows:

2. ~~If the defendant is not an habitual offender as defined by section 902.8, the~~ The court may pronounce judgment and impose a fine.

Sec. 6. NEW SECTION. **901.11 Criminal provisions — application to 2011 Code and Code Supplement.**

The portions of sections 124.401E, 124.406, 232.45, 901.5, 903A.2, 903A.5, 903A.7, 905.6, 906.4, and 906.15, as amended by this Act, and sections 124.413, 821.4, 901.10, 902.7, 902.8, 902.8A, 902.11, 902.12, and 905.11, as repealed by this Act, as the portions of those sections and those sections appear in the 2011 Code and Code Supplement, remain effective for inmates sentenced for offenses committed prior to July 1, 2012.

Sec. 7. Section 903A.2, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

Category "A" sentences are those sentences for offenses that occurred prior to July 1, 2012, which are not subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12, Code 2011. To the extent provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of

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1 corrections who is serving a category "A" sentence is eligible
2 for a reduction of sentence equal to one and two-tenths
3 days for each day the inmate demonstrates good conduct and
4 satisfactorily participates in any program or placement status
5 identified by the director to earn the reduction. The programs
6 include but are not limited to the following:
7 Sec. 8. Section 903A.2, subsection 1, paragraph b, Code
8 Supplement 2011, is amended to read as follows:
9 *b.* Category "B" sentences are those sentences for offenses
10 that occurred prior to July 1, 2012, which are subject to
11 a maximum accumulation of earned time of fifteen percent
12 of the total sentence of confinement under section 902.12,
13 Code 2011. An inmate of an institution under the control of
14 the department of corrections who is serving a category "B"
15 sentence is eligible for a reduction of sentence equal to
16 fifteen eighty-fifths of a day for each day of good conduct by
17 the inmate.
18 Sec. 9. Section 903A.2, subsection 1, Code Supplement 2011,
19 is amended by adding the following new paragraph:
20 NEW PARAGRAPH. *c.* Notwithstanding any other provision
21 of law to the contrary, category "C" sentences include all
22 criminal offenses that occur on or after July 1, 2012. A
23 category "C" sentence is subject to a maximum accumulation
24 of earned time of ten percent of the total sentence of
25 confinement. To the extent provided in subsection 5, category
26 "C" sentences also include life sentences imposed under section
27 902.1. An inmate of an institution under the control of
28 the department of corrections who is serving a category "C"
29 sentence is eligible for a reduction of sentence equal to
30 one-fifteenth of a day for each day of good conduct by the
31 inmate.
32 Sec. 10. Section 903A.5, subsection 1, Code Supplement
33 2011, is amended to read as follows:
34 1. An inmate shall not be discharged from the custody
35 of the director of the Iowa department of corrections until

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1 the inmate has served the full term for which the inmate was
2 sentenced, less earned time and other credits earned and not
3 forfeited, unless the inmate is pardoned or otherwise legally
4 released. ~~Earned time accrued and not forfeited shall apply~~
5 ~~to reduce a mandatory minimum sentence being served pursuant~~
6 ~~to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11.~~
7 An inmate shall be deemed to be serving the sentence from the
8 day on which the inmate is received into the institution. If
9 an inmate was confined to a county jail, municipal holding
10 facility, or other correctional or mental facility at any time
11 prior to sentencing, or after sentencing but prior to the case
12 having been decided on appeal, because of failure to furnish
13 bail or because of being charged with a nonbailable offense,
14 the inmate shall be given credit for the days already served
15 upon the term of the sentence. However, if a person commits
16 any offense while confined in a county jail, municipal holding
17 facility, or other correctional or mental health facility,
18 the person shall not be granted credit for that offense.
19 Unless the inmate was confined in a correctional facility, the
20 sheriff of the county in which the inmate was confined or the
21 officer in charge of the municipal holding facility in which
22 the inmate was confined shall certify to the clerk of the
23 district court from which the inmate was sentenced and to the
24 department of corrections' records administrator at the Iowa
25 medical and classification center the number of days so served.
26 The department of corrections' records administrator, or the
27 administrator's designee, shall apply credit as ordered by the
28 court of proper jurisdiction or as authorized by this section
29 and section 907.3, subsection 3.
30 Sec. 11. Section 903A.7, Code 2011, is amended to read as
31 follows:
32 **903A.7 Separate sentences.**
33 1. Consecutive multiple sentences that are within the
34 same category under section 903A.2 shall be construed as one
35 continuous sentence for purposes of calculating reductions

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of sentence for earned time. If a person is sentenced to serve sentences of both categories, category "B" sentences shall be served before category "A" sentences are served, and earned time accrued against the category "B" sentences shall not be used to reduce the category "A" sentences. If an inmate serving a category "A" sentence is sentenced to serve a category "B" sentence, the category "A" sentence shall be interrupted, and no further earned time shall accrue against that sentence until the category "B" sentence is completed.

2. If an inmate is sentenced to serve a category "C" sentence while also serving a category "A" or category "B" sentence, the category "A" or category "B" sentence shall be interrupted, and no further earned time shall accrue against that sentence until the category "C" sentence is completed. Earned time accrued against a category "C" sentence shall not be used to reduce a category "A" or category "B" sentence.

Sec. 12. Section 905.6, subsection 9, Code 2011, is amended by striking the subsection.

Sec. 13. Section 906.4, subsection 2, paragraph a, Code 2011, is amended by striking the paragraph.

Sec. 14. Section 906.15, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Unless sooner discharged, a person released on parole shall be discharged when the person's term of parole equals the period of imprisonment specified in the person's sentence, less all time served in confinement. Discharge from parole may be granted prior to such time, when an early discharge is appropriate. The board shall periodically review all paroles, and when the board determines that any person on parole is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, the board shall discharge the person from parole. A parole officer shall periodically review all paroles assigned to the parole officer, and when the parole officer determines that any person assigned to the officer is able and willing to fulfill the obligations of a law-abiding

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1 citizen without further supervision, the officer may discharge
2 the person from parole after notification and approval of the
3 district director and notification of the board of parole. In
4 any event, discharge from parole shall terminate the person's
5 sentence. If a person has been sentenced to a special sentence
6 under section 903B.1 or 903B.2, the person may be discharged
7 early from the sentence in the same manner as any other person
8 on parole. However, a person convicted of a violation of
9 section 709.3, 709.4, or 709.8 committed on or with a child, ~~or~~
10 ~~a person serving a sentence under section 902.12,~~ shall not be
11 discharged from parole until the person's term of parole equals
12 the period of imprisonment specified in the person's sentence,
13 less all time served in confinement.
14 Sec. 15. REPEAL. Sections 124.413, 821.4, 901.10, 902.7,
15 902.8, 902.8A, 902.11, 902.12, and 905.11, Code 2011, are
16 repealed.
17 EXPLANATION
18 This bill relates to the accrual of earned time credits
19 for inmates committed to the custody of the director of the
20 department of corrections.
21 The bill creates a new sentence category for the purpose
22 of calculating earned time and restricts the current sentence
23 categories (category "A" and category "B" sentences) to those
24 offenses occurring prior to July 1, 2012. The bill requires
25 that all criminal offenses committed on or after July 1, 2012
26 (category "C" sentence), be subject to the maximum accumulation
27 of earned time credits of 10 percent of the total sentence of
28 confinement.
29 An inmate of an institution who is serving a category "C"
30 sentence is eligible for a reduction of the sentence equal to
31 one-fifteenth of a day for each day of good conduct by the
32 inmate. Under current law, a person serving a category "A"
33 sentence is eligible to receive one and two-tenths days for
34 every day of good conduct, and a person serving a category "B"
35 sentence is eligible to receive fifteen eighty-fifths of a day

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1 for each day of good conduct.
2 The bill requires a person who commits a criminal offense
3 on or after July 1, 2012, and is sentenced to a term of
4 confinement to serve at least 90 percent of the term of
5 confinement in prison prior to being eligible for parole. The
6 earned time accrued under a category "C" sentence, like all
7 earned time, reduces the overall length of the sentence before
8 the person is required to be discharged from the sentence;
9 however, the bill limits the maximum accumulation of earned
10 time for a category "C" sentence to 10 percent of the total
11 sentence of confinement.
12 The bill specifies that earned time credits accrued by an
13 inmate serving a category "C" life sentence shall not reduce
14 a life sentence but shall be credited against the inmate's
15 sentence if the life sentence is commuted to a term of years
16 under Code section 902.2.
17 Under the bill, if an inmate is sentenced to serve a category
18 "C" sentence while also serving a sentence for an offense
19 committed prior to July 1, 2012, the sentence for the prior
20 offense shall be interrupted, and no further earned time shall
21 accrue against that sentence until the category "C" sentence is
22 completed. The bill specifies that earned time accrued against
23 a category "C" sentence shall not be used to reduce a sentence
24 for an offense committed prior to July 1, 2012.
25 The bill strikes numerous mandatory minimum sentences from
26 the Code because the current mandatory minimum sentence would
27 be less than the mandatory length of the sentence prescribed
28 in the bill.
29 The mandatory minimum sentences in Code section 124.406,
30 relating to distribution of controlled substances to minors,
31 are stricken by the bill.
32 The following mandatory minimum sentences and related
33 provisions are also repealed by the bill: Code sections
34 124.413 (controlled substance offenses), 901.10 (reduction
35 of sentences), 902.7 (minimum sentence use of a dangerous

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1 weapon), 902.8 (minimum sentence — habitual offender), 902.8A
2 (minimum sentence for methamphetamines or amphetamines), 902.11
3 (minimum sentence — prior forcible felony), 902.12 (70 percent
4 sentences), and 905.11 (residential facility requirement for
5 70 percent offenders).
6 The bill does not modify any class "A" felony sentence
7 other than for a person convicted of a class "A" felony for
8 an offense committed on or after July 1, 2012, will accrue
9 less earned time than previous class "A" felons. Earned time
10 accrued by a class "A" felon only reduces the sentence if the
11 governor commutes the sentence to a term of years in Code
12 section 902.2.

House File 2278 - Introduced

HOUSE FILE 2278
BY HUNTER

A BILL FOR

1 An Act relating to health insurance participation requirements.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5605YH (3) 84
av/nh

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1 Section 1. NEW SECTION. **509.20 Health insurance**
2 **participation requirements.**
3 1. An employer shall not require an employee to accept
4 group health insurance coverage pursuant to a group health
5 insurance policy offered by the employer or as a condition of
6 employment if the employee provides proof that the employee
7 has creditable coverage as defined in section 513B.2. If the
8 employee ceases to have creditable coverage, the employee
9 shall have sixty days from the date that the creditable
10 coverage ceases to provide proof that the employee has obtained
11 creditable coverage before being required to accept group
12 health insurance coverage offered by the employer.
13 2. In applying minimum participation requirements as a
14 condition of providing group health insurance coverage to an
15 employer, a carrier, as defined in section 513B.2, shall not
16 consider an employee or dependents of an employee who have
17 other creditable coverage in determining whether the applicable
18 percentage of participation is met.
19 EXPLANATION
20 This bill provides that an employee cannot be required
21 to accept group health insurance coverage pursuant to a
22 group health insurance policy offered by an employer or as
23 a condition of employment if the employee provides proof of
24 having creditable coverage. If the employee ceases to have
25 creditable coverage, the employee has 60 days from the date
26 that creditable coverage ceases to obtain creditable coverage
27 before being required to accept group health insurance coverage
28 offered by an employer. For purposes of the bill, "creditable
29 coverage" means the same as defined in Code section 513B.2.
30 The bill also provides that in applying minimum
31 participation requirements as a condition of providing health
32 insurance coverage to an employer, a carrier shall not consider
33 an employee or dependents of an employee who have other
34 creditable coverage in determining whether the applicable
35 percentage of participation is met. For purposes of the bill,

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1 "carrier" means the same as defined in Code section 513B.2.

House File 2279 - Introduced

HOUSE FILE 2279
BY H. MILLER, SWAIM, HANSON, GASKILL, WITTNEBEN, BYRNES, and BERRY

A BILL FOR

1 An Act adding the subject of Iowa agriculture education to
2 the educational program standards established for school
3 districts and accredited nonpublic schools and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5982HH (5) 84
je/sc

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1 Section 1. Section 256.11, subsections 3 and 4, Code 2011,
2 are amended to read as follows:
3 3. The following areas shall be taught in grades one through
4 six: English-language arts, social studies, mathematics,
5 science, health, age-appropriate and research-based human
6 growth and development, physical education, traffic safety,
7 music, and visual art. The health curriculum shall include the
8 characteristics of communicable diseases including acquired
9 immune deficiency syndrome. Unless offered in grades seven
10 and eight, the social studies curriculum shall include the
11 history of agriculture in Iowa and awareness of the global
12 and technological importance of agriculture and conservation.
13 Unless offered in grades seven and eight, the science
14 curriculum shall include environment and natural resources,
15 land stewardship, and biofuels and renewable energy. The state
16 board as part of accreditation standards shall adopt curriculum
17 definitions for implementing the elementary program.
18 4. The following shall be taught in grades seven and
19 eight: English-language arts; social studies; mathematics;
20 science; health; age-appropriate and research-based human
21 growth and development; family, consumer, career, and
22 technology education; physical education; music; and visual
23 art. The health curriculum shall include age-appropriate
24 and research-based information regarding the characteristics
25 of sexually transmitted diseases, including HPV and the
26 availability of a vaccine to prevent HPV, and acquired immune
27 deficiency syndrome. Unless offered in grades one through
28 six, the social studies curriculum shall include the history
29 of agriculture in Iowa and awareness of the global and
30 technological importance of agriculture and conservation.
31 Unless offered in grades one through six, the science
32 curriculum shall include environment and natural resources,
33 land stewardship, and biofuels and renewable energy. The
34 state board as part of accreditation standards shall adopt
35 curriculum definitions for implementing the program in grades

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1 seven and eight. However, this subsection shall not apply
2 to the teaching of family, consumer, career, and technology
3 education in nonpublic schools. For purposes of this section,
4 *"age-appropriate"*, *"HPV"*, and *"research-based"* mean the same as
5 defined in section 279.50.
6 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
7 with section 25B.2, subsection 3, the state cost of requiring
8 compliance with any state mandate included in this Act shall
9 be paid by a school district from state school foundation aid
10 received by the school district under section 257.16. This
11 specification of the payment of the state cost shall be deemed
12 to meet all of the state funding-related requirements of
13 section 25B.2, subsection 3, and no additional state funding
14 shall be necessary for the full implementation of this Act
15 by and enforcement of this Act against all affected school
16 districts.
17 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2013.
18 EXPLANATION
19 This bill provides that under the educational program each
20 school district and accredited nonpublic school is required
21 to offer in grades one through eight, the social studies
22 curriculum shall include the history of agriculture in Iowa
23 and awareness of the global and technological importance of
24 agriculture and conservation and the science curriculum shall
25 include environment and natural resources, land stewardship,
26 and biofuels and renewable energy.
27 The bill may include a state mandate as defined in Code
28 section 25B.3. The bill requires that the state cost of
29 any state mandate included in the bill be paid by a school
30 district from state school foundation aid received by the
31 school district under Code section 257.16. The specification
32 is deemed to constitute state compliance with any state mandate
33 funding-related requirements of Code section 25B.2. The
34 inclusion of this specification is intended to reinstate the
35 requirement of political subdivisions to comply with any state

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1 mandates included in the bill.
2 The bill takes effect July 1, 2013.

House File 2280 - Introduced

HOUSE FILE 2280
BY WINDSCHITL

A BILL FOR

1 An Act relating to child support obligations and neglect or
2 abandonment of a child based on nonsupport, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5506YH (7) 84
pf/rj

H.F. 2280

1 Section 1. Section 598.21B, subsection 2, paragraph b, Code
2 2011, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (4) For the purposes of calculating
4 a support obligation under this section, unless otherwise
5 provided in this section, the minimum monthly child support
6 payment established shall be one hundred dollars.
7 Sec. 2. Section 726.3, Code 2011, is amended to read as
8 follows:
9 **726.3 Neglect or abandonment of a dependent person.**
10 1. A person who is the father, mother, or some other person
11 having custody of a child, or of any other person who by
12 reason of mental or physical disability is not able to care
13 for the person's self, who knowingly or recklessly exposes
14 such person to a hazard or danger against which such person
15 cannot reasonably be expected to protect such person's self or
16 who deserts or abandons such person, knowing or having reason
17 to believe that the person will be exposed to such hazard or
18 danger, commits a class "C" felony. However, a parent or
19 person authorized by the parent shall not be prosecuted for a
20 violation of this section involving abandonment of a newborn
21 infant, if the parent or the person authorized by the parent
22 has voluntarily released custody of the newborn infant in
23 accordance with section 233.2.
24 2. Notwithstanding the amount specified in section 726.5, a
25 person who commits nonsupport pursuant to section 726.5 in an
26 amount greater than two thousand dollars commits abandonment.
27 A person who commits abandonment under this subsection is
28 guilty of a class "C" felony.
29 3. Notwithstanding the amount specified in section 726.5, a
30 person who commits nonsupport pursuant to section 726.5 in an
31 amount greater than ten thousand dollars commits neglect. A
32 person who commits neglect under this subsection is guilty of a
33 class "C" felony.
34 EXPLANATION
35 This bill relates to child support obligations.

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1 The bill provides that for the purposes of calculating a
2 support obligation, unless otherwise provided, the minimum
3 monthly child support payment established is required to be
4 $100.
5 The bill also provides that a person who commits nonsupport
6 of a child or a ward in an amount greater than $2,000 commits
7 abandonment. A person who commits abandonment as specified
8 under the bill is guilty of a class "C" felony.
9 The bill also provides that a person who commits nonsupport
10 of a child or ward in an amount greater than $10,000 commits
11 neglect. A person who commits neglect as specified under the
12 bill is guilty of a class "C" felony.
13 A class "C" felony is punishable by confinement for no more
14 than 10 years and a fine of at least $1,000 but not more than
15 $10,000.

House File 2281 - Introduced

HOUSE FILE 2281
BY KELLEY

A BILL FOR

1 An Act prohibiting employment discrimination based on a
2 person's credit score or home ownership status and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5753YH (3) 84
je/sc

H.F. 2281

1 Section 1. Section 19B.2, unnumbered paragraph 1, Code
2 2011, is amended to read as follows:
3 It is the policy of this state to provide equal opportunity
4 in state employment to all persons. An individual shall not be
5 denied equal access to state employment opportunities because
6 of race, creed, color, religion, national origin, sex, age,
7 credit score, home ownership status, or physical or mental
8 disability. It also is the policy of this state to apply
9 affirmative action measures to correct deficiencies in the
10 state employment system where those remedies are appropriate.
11 This policy shall be construed broadly to effectuate its
12 purposes.
13 Sec. 2. Section 19B.11, subsection 1, Code 2011, is amended
14 to read as follows:
15 1. It is the policy of this state to provide equal
16 opportunity in school district, area education agency, and
17 community college employment to all persons. An individual
18 shall not be denied equal access to school district, area
19 education agency, or community college employment opportunities
20 because of race, creed, color, religion, national origin,
21 sex, age, credit score, home ownership status, or physical or
22 mental disability. It also is the policy of this state to
23 apply affirmative action measures to correct deficiencies in
24 school district, area education agency, and community college
25 employment systems where those remedies are appropriate. This
26 policy shall be construed broadly to effectuate its purposes.
27 Sec. 3. Section 216.2, Code 2011, is amended by adding the
28 following new subsections:
29 NEW SUBSECTION. 2A. *"Consumer reporting agency"* means
30 any person that for monetary fees, dues, or on a cooperative
31 nonprofit basis regularly engages in whole or in part in
32 the practice of assembling or evaluating consumer credit
33 information or other information on consumers for the purpose
34 of furnishing consumer reports to third parties.
35 NEW SUBSECTION. 4A. *"Credit report"* means any written,

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1 oral, or other communication of information by a consumer
2 reporting agency that relates to a consumer's creditworthiness,
3 credit standing, or credit capacity.
4 NEW SUBSECTION. 4B. *"Credit score"* means a number or
5 rating that is derived from an algorithm, computer application,
6 model, or other process that is based in whole or in part on
7 information from a person's credit report.
8 NEW SUBSECTION. 10A. *"Home ownership status"* means whether
9 or not an individual owns real estate classified as residential
10 property for property taxation purposes.
11 Sec. 4. Section 216.5, subsections 6 and 8, Code 2011, are
12 amended to read as follows:
13 6. To issue such publications and reports of investigations
14 and research as in the judgment of the commission shall tend
15 to promote goodwill among the various racial, religious, and
16 ethnic groups of the state and which shall tend to minimize or
17 eliminate discrimination in public accommodations, employment,
18 apprenticeship and on-the-job training programs, vocational
19 schools, or housing because of race, creed, color, sex, sexual
20 orientation, gender identity, national origin, religion,
21 ancestry, credit score, home ownership status, or disability.
22 8. To make recommendations to the general assembly for
23 such further legislation concerning discrimination because of
24 race, creed, color, sex, sexual orientation, gender identity,
25 national origin, religion, ancestry, credit score, home
26 ownership status, or disability as it may deem necessary and
27 desirable.
28 Sec. 5. Section 216.6, subsection 1, paragraphs a through c,
29 Code 2011, are amended to read as follows:
30 *a.* Person to refuse to hire, accept, register, classify,
31 or refer for employment, to discharge any employee, or to
32 otherwise discriminate in employment against any applicant for
33 employment or any employee because of the age, race, creed,
34 color, sex, sexual orientation, gender identity, national
35 origin, religion, credit score, home ownership status, or

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1 disability of such applicant or employee, unless based upon
2 the nature of the occupation. If a person with a disability
3 is qualified to perform a particular occupation, by reason of
4 training or experience, the nature of that occupation shall
5 not be the basis for exception to the unfair or discriminating
6 practices prohibited by this subsection.
7 *b.* Labor organization or the employees, agents, or members
8 thereof to refuse to admit to membership any applicant, to
9 expel any member, or to otherwise discriminate against any
10 applicant for membership or any member in the privileges,
11 rights, or benefits of such membership because of the age,
12 race, creed, color, sex, sexual orientation, gender identity,
13 national origin, religion, credit score, home ownership status,
14 or disability of such applicant or member.
15 *c.* Employer, employment agency, labor organization, or the
16 employees, agents, or members thereof to directly or indirectly
17 advertise or in any other manner indicate or publicize that
18 individuals of any particular age, race, creed, color,
19 sex, sexual orientation, gender identity, national origin,
20 religion, credit score, home ownership status, or disability
21 are unwelcome, objectionable, not acceptable, or not solicited
22 for employment or membership unless based on the nature of the
23 occupation.
24 (1) If a person with a disability is qualified to perform a
25 particular occupation by reason of training or experience, the
26 nature of that occupation shall not be the basis for exception
27 to the unfair or discriminating practices prohibited by this
28 subsection.
29 (2) An employer, employment agency, or their employees,
30 servants, or agents may offer employment or advertise for
31 employment to only persons with disabilities, when other
32 applicants have available to them other employment compatible
33 with their ability which would not be available to persons
34 with disabilities because of their disabilities. Any such
35 employment or offer of employment shall not discriminate among

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1 persons with disabilities on the basis of race, color, creed,
2 sex, sexual orientation, gender identity, credit score, home
3 ownership status, or national origin.
4 EXPLANATION
5 This bill prohibits discriminatory employment practices
6 based upon a person's credit score or homeowner status. The
7 bill defines "consumer reporting agency", "credit report",
8 "credit score", and "homeowner status". Penalty provisions
9 for discriminatory employment practices are made applicable to
10 discrimination based on a person's credit score or homeowner
11 status.

House File 2282 - Introduced

HOUSE FILE 2282
BY WORTHAN

A BILL FOR

1 An Act relating to escort and permit requirements for the
2 movement of certain vehicles and combinations of vehicles of
3 excessive size.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5737YH (8) 84
dea/nh

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Section 1. Section 321E.1, subsection 1, Code 2011, is amended to read as follows:

1. The department and local authorities may in their discretion and upon application and with good cause being shown issue permits for the movement of construction machinery or asphalt repavers being temporarily moved on streets, roads, or highways and for vehicles with indivisible loads which exceed the maximum dimensions and weights specified in sections 321.452 through 321.466, but not to exceed the limitations imposed in this section and sections 321E.2 through 321E.15 except as provided in ~~section~~ sections 321E.8B and 321E.29.

Sec. 2. Section 321E.2, subsection 1, Code 2011, is amended to read as follows:

1. Annual, multi-trip, and single-trip permits shall be issued by the authority responsible for the maintenance of the system of highways or streets. However, the department may issue permits on primary road extensions in cities in conjunction with movements on the rural primary road system. The department may issue an all-system permit under section 321E.8 which is valid for movements on all highways or streets under the jurisdiction of either the state or those local authorities which have indicated in writing to the department those streets or highways for which an all-system permit is not valid. The department may issue annual permits pursuant to section 321E.8A valid only for operation on noninterstate highways in counties stipulated in the permit. The department may issue an annual permit under section 321E.8B which is valid for movements on highways or streets that are not part of the national network of highways identified pursuant to 23 C.F.R. pt. 658 and are under the jurisdiction of either the state or those local authorities that have indicated in writing to the department those streets or highways for which an all-system permit is not valid.

Sec. 3. NEW SECTION. **321E.8B Vehicle combinations with divisible loads — annual permit.**

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1 The department may issue an annual permit for a truck
2 tractor-semitrailer-semitrailer combination or a truck
3 tractor-semitrailer-trailer combination carrying a divisible
4 load and having an overall length not to exceed one hundred ten
5 feet and with each trailer in the combination having an overall
6 length not to exceed forty-five feet; an overall width not to
7 exceed sixteen feet; an overall height not to exceed seventeen
8 feet four inches; and a total gross weight not to exceed eighty
9 thousand pounds; provided that the gross weight on any one
10 axle does not exceed the maximum prescribed in section 321.463
11 and the load carried on each semitrailer or trailer is an
12 indivisible load. A permit issued under this section shall
13 allow travel only on highways that are not part of the national
14 network of highways identified pursuant to 23 C.F.R. pt. 658.
15 The length limitations specified for a permit issued under this
16 section apply for the purpose of picking up a divisible load
17 and returning from delivery of the divisible load.
18 Sec. 4. Section 321E.14, subsection 1, Code 2011, is amended
19 to read as follows:
20 1. The department or local authorities issuing permits
21 shall charge a fee of twenty-five dollars for an annual permit
22 issued under section 321E.8, subsection 1, a fee of three
23 hundred dollars for an annual permit issued under section
24 321E.8, subsection 2, a fee of two hundred dollars for a
25 multi-trip permit issued under section 321E.9A, a fee of six
26 hundred dollars for a special alternative energy multi-trip
27 permit issued under section 321E.9B, and a fee of ten dollars
28 for a single-trip permit, and shall determine charges for
29 permits issued pursuant to section 321E.8B and special permits
30 issued pursuant to section 321E.29 by rules adopted pursuant
31 to chapter 17A. Fees for the movement of buildings, parts of
32 buildings, or unusual vehicles or loads may be increased to
33 cover the costs of inspections by the issuing authority. A fee
34 not to exceed two hundred fifty dollars per day or a prorated
35 fraction of that fee per person and car for escort service may

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be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 75, operated pursuant to section 321E.7, subsection 3, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.

Sec. 5. Section 321E.34, subsection 2, Code 2011, is amended to read as follows:

2. *a.* Vehicles under permit, the width of which, including any load, exceeds that prescribed in section 321.454 but does not exceed fourteen feet six inches including appurtenances, may be moved on two-lane highways of this state without an escort if the highway being traversed has a minimum lane width of twelve feet and a sufficient shoulder width and if an amber revolving light or strobe light is displayed on the power unit and on the rear extremity of the vehicle or load. ~~In addition, vehicles~~

b. Vehicles moving under permit, including any load, with an overall width not exceeding sixteen feet six inches may be moved on an interstate or four-lane highway of this state without an escort if an amber revolving light or strobe light is displayed on the power unit and on the rear extremity of the vehicle or load.

c. The department may in its discretion allow a vehicle moving under permit with a width not exceeding sixteen feet

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1 zero inches, including any load, to be moved on a two-lane
2 highway without an escort if the highway being traversed has
3 a minimum lane width of twelve feet and a sufficient shoulder
4 width and if an amber revolving light or strobe light is
5 displayed on the power unit and on the rear extremity of the
6 vehicle or load.
7 EXPLANATION
8 This bill provides for the issuance of an annual oversize
9 vehicle permit for the movement of certain combinations of
10 vehicles carrying a divisible load. Currently, oversize
11 vehicle permits are only issued for vehicles carrying
12 indivisible loads, except under special or emergency
13 circumstances.
14 The bill authorizes the department of transportation
15 to issue an annual all-system permit for a truck
16 tractor-semitrailer-semitrailer or a truck
17 tractor-semitrailer-trailer combination of vehicles carrying
18 a divisible load to travel on certain roads which are not part
19 of the national network. The combination of vehicles cannot
20 exceed 110 feet in overall length, 16 feet in overall width, 17
21 feet 4 inches in overall height, and 80,000 pounds in gross
22 weight and must comply with statutory axle weight limits. Each
23 semitrailer or trailer in the combination of vehicles may be up
24 to 45 feet in length, and the load on each individual trailer
25 must be indivisible. The permit allows the combination of
26 vehicles to make a return trip unladen. The bill specifies
27 that the fee for the annual permit shall be established by the
28 department by rule.
29 Under current Iowa law, vehicle size limits are established
30 in compliance with limits established by the federal highway
31 administration for vehicles traveling on the national network
32 of highways. The national network is made up of interstate
33 highways and designated portions of the federal-aid primary
34 system. The length limit for a semitrailer or trailer in a
35 truck tractor-semitrailer-semitrailer combination or a truck

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tractor-semitrailer-trailer combination is 28 feet 6 inches. In order to comply with the federal limit on trailer length, a permit issued under the bill allows travel only on highways that are not part of the national network. State permits for loads exceeding the established federal width limit of 102 inches are permissible under federal law.

Current law requires the use of escort vehicles to accompany certain vehicles of excessive size and weight. A vehicle with a width in excess of 14 feet 6 inches, including any load or appurtenances, is required to have an escort when moved on a two-lane highway. An escort is not required for movement of a vehicle with a width not exceeding 16 feet 6 inches on a four-lane highway or an interstate, provided that an amber revolving light or strobe light is displayed on the power unit and on the rear extremity of the vehicle or load. This bill allows the department to waive the escort requirement for a vehicle with a width not exceeding 16 feet to be moved on a two-lane highway that has a minimum lane width of 12 feet and a sufficient shoulder width. The vehicle must have an amber revolving light or strobe light displayed on the power unit and on the rear extremity of the vehicle or load.

House File 2283 - Introduced

HOUSE FILE 2283
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 561)

A BILL FOR

1 An Act relating to the Iowa health information network,
2 providing for fees, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5257HV (3) 84
pf/nh

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1 Section 1. Section 135.154, Code 2011, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 01. *"Advisory council"* means the electronic
4 health information advisory council created in section 135.156.
5 NEW SUBSECTION. 001. *"Authorized"* means having met the
6 requirements as a participant for access to and use of the Iowa
7 health information network.
8 NEW SUBSECTION. 2A. *"Exchange"* means the authorized
9 electronic sharing of health information between health care
10 professionals, payors, consumers, public health agencies, the
11 department, and other authorized participants utilizing the
12 Iowa health information network and Iowa health information
13 network services.
14 NEW SUBSECTION. 2B. *"Executive committee"* means the
15 executive committee of the electronic health information
16 advisory council created in section 135.156.
17 NEW SUBSECTION. 3A. *"Health information"* means any
18 information, in any form or medium, that is created,
19 transmitted, or received by a health care professional, payor,
20 consumer, public health agency, the department, or other
21 authorized participant, which relates to the past, present, or
22 future physical or mental health or condition of an individual;
23 the provision of health care to an individual; or the past,
24 present, or future payment for the provision of health care to
25 an individual.
26 NEW SUBSECTION. 4A. *"Health Insurance Portability and*
27 *Accountability Act"* means the federal Health Insurance
28 Portability and Accountability Act of 1996, Pub. L. No.
29 104-191, including amendments thereto and regulations
30 promulgated thereunder.
31 NEW SUBSECTION. 5A. *"Iowa health information network"* or
32 *"network"* means the statewide health information technology
33 network created in this division.
34 NEW SUBSECTION. 5B. *"Iowa Medicaid enterprise"* means the
35 Iowa Medicaid enterprise as defined in section 249J.3.

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1 NEW SUBSECTION. 5C. *"Participant"* means an authorized
2 health care professional, payor, patient, health care
3 organization, public health agency, or the department that
4 has agreed to authorize, submit, access, or disclose health
5 information through the Iowa health information network in
6 accordance with this chapter and all applicable laws, rules,
7 agreements, policies, and standards.
8 NEW SUBSECTION. 5D. *"Patient"* means a person who has
9 received or is receiving health services from a health care
10 professional.
11 NEW SUBSECTION. 5E. *"Payor"* means a person who makes
12 payments for health services, including but not limited to an
13 insurance company, self-insured employer, government program,
14 individual, or other purchaser that makes such payments.
15 NEW SUBSECTION. 5F. *"Protected health information"* means
16 individually identifiable health information which is created,
17 transmitted, or received by a participant. *"Protected health*
18 *information"* does not include education or other records that
19 are covered under the federal Family Educational Rights and
20 Privacy Act of 1974, as codified at 20 U.S.C. § 1232g, as
21 amended; or any employment records maintained by a covered
22 entity, as defined under the Health Insurance Portability and
23 Accountability Act, in its role as an employer.
24 NEW SUBSECTION. 5G. *"Public health agency"* means an
25 entity that is governed by or contractually responsible to a
26 local board of health or the department to provide services
27 focused on the health status of population groups and their
28 environments.
29 NEW SUBSECTION. 5H. *"Purchaser"* means any individual,
30 employer, or organization that purchases health insurance or
31 services and includes intermediaries.
32 Sec. 2. Section 135.155, subsection 2, unnumbered paragraph
33 1, Code 2011, is amended to read as follows:
34 To be effective, the Iowa health information ~~technology~~
35 ~~system~~ network shall comply with all of the following

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1 principles:
2 Sec. 3. Section 135.155, subsection 3, Code 2011, is amended
3 to read as follows:
4 3. Widespread adoption of health information technology is
5 critical to a successful Iowa health information ~~technology~~
6 ~~system~~ network and is best achieved when all of the following
7 occur:
8 *a.* The market provides a variety of certified products from
9 which to choose in order to best fit the needs of the user.
10 *b.* The ~~system~~ network provides incentives for health care
11 professionals to utilize the health information technology and
12 provides rewards for any improvement in quality and efficiency
13 resulting from such utilization.
14 *c.* The ~~system~~ network provides protocols to address critical
15 problems.
16 *d.* The ~~system~~ network is financed by all who benefit from
17 the improved quality, efficiency, savings, and other benefits
18 that result from use of health information technology.
19 Sec. 4. NEW SECTION. **135.155A Findings and intent — Iowa**
20 **health information network.**
21 1. The general assembly finds all of the following:
22 *a.* Technology used to support health care-related functions
23 is known as health information technology. Health information
24 technology provides a mechanism to transform the delivery of
25 health and medical care in Iowa and across the nation.
26 *b.* A health information network involves the secure
27 electronic sharing of health information across the boundaries
28 of individual practice and institutional health settings and
29 with consumers. Broad use of health information technology and
30 a health information network should improve health care quality
31 and the overall health of the population, increase efficiencies
32 in administrative health care, reduce unnecessary health care
33 costs, and help prevent medical errors.
34 2. It is the intent of the general assembly that Iowa
35 establish a statewide health information technology network.

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1 The Iowa health information network shall not constitute a
2 health benefit network or a health insurance network. Nothing
3 in this division shall be interpreted to impede or preclude the
4 formation and operation of regional, population-specific, or
5 local health information networks or their participation in the
6 Iowa health information network.
7 Sec. 5. Section 135.156, subsection 1, paragraphs a and b,
8 Code Supplement 2011, are amended to read as follows:
9 *a.* The department shall direct a public and private
10 collaborative effort to promote the adoption and use of health
11 information technology in this state in order to improve
12 health care quality, increase patient safety, reduce health
13 care costs, enhance public health, and empower individuals
14 and health care professionals with comprehensive, real-time
15 medical information to provide continuity of care and make
16 the best health care decisions. The department shall provide
17 coordination for the development and implementation of an
18 interoperable electronic health records system, telehealth
19 expansion efforts, the health information technology
20 infrastructure, the Iowa health information network, and other
21 health information technology initiatives in this state.
22 The department shall be guided by the principles and goals
23 specified in section 135.155 and the findings and intent
24 specified for an Iowa health information network in section
25 135.155A.
26 *b.* All health information technology efforts shall endeavor
27 to represent the interests and meet the needs of consumers and
28 the health care sector, protect the privacy of individuals
29 and the confidentiality of individuals' information, promote
30 physician best practices, and make information easily
31 accessible to the appropriate parties. The ~~system~~ network
32 developed shall be consumer-driven, flexible, and expandable.
33 Sec. 6. Section 135.156, subsection 2, paragraph a, Code
34 Supplement 2011, is amended to read as follows:
35 *a.* An electronic health information advisory council is

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established which shall consist of the representatives of entities involved in the electronic health records system task force established pursuant to section 217.41A, Code 2007, a pharmacist, a licensed practicing physician, a consumer who is a member of the state board of health, a representative of the state's Medicare quality improvement organization, the executive director of the Iowa communications network, a representative of the private telecommunications industry, a representative of the Iowa collaborative safety net provider network created in section 135.153, a nurse informaticist from the university of Iowa, and any other members the department or executive committee of the advisory council determines necessary and appoints to assist the department or executive committee at various stages of development of the ~~electronic~~ Iowa health information ~~system~~ network. Executive branch agencies shall also be included as necessary to assist in the duties of the department and the executive committee. Public members of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent. Any legislative members shall be paid the per diem and expenses specified in section 2.10.

Sec. 7. Section 135.156, subsection 3, paragraph a, subparagraphs (6) and (10), Code Supplement 2011, are amended to read as follows:

(6) Policies relating to governance of the various facets of the Iowa health information ~~technology system~~ network.

(10) Economic incentives and support to facilitate participation in an interoperable ~~system~~ network by health care professionals.

Sec. 8. Section 135.156, subsection 3, paragraph c, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

Coordinate public and private efforts to provide the

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1 network backbone infrastructure for the Iowa health information
2 ~~technology system~~ network. In coordinating these efforts, the
3 executive committee shall do all of the following:
4 Sec. 9. Section 135.156, subsection 3, paragraphs h and i,
5 Code Supplement 2011, are amended to read as follows:
6 *h.* Seek and apply for any federal or private funding to
7 assist in the implementation and support of the Iowa health
8 information ~~technology system~~ network and make recommendations
9 for funding mechanisms for the ongoing development and
10 maintenance costs of the Iowa health information ~~technology~~
11 ~~system~~ network.
12 *i.* Identify state laws and rules that present barriers
13 to the development of the Iowa health information ~~technology~~
14 ~~system~~ network and recommend any changes to the governor and
15 the general assembly.
16 Sec. 10. NEW SECTION. **135.156A Iowa health information**
17 **network — business and financial sustainability plan and**
18 **participant fees.**
19 1. The board, with the support of the department and
20 the advice of the executive committee and advisory council,
21 shall establish and annually review and update a business and
22 financial sustainability plan for the Iowa health information
23 network. The plan shall include fees to be paid to the
24 department by participants who choose to access and use the
25 Iowa health information network. The participant fee schedule
26 shall be structured using fair share, value-based principles.
27 2. The department shall update and submit a financial model,
28 including fee schedule, revenue and expense projections, and a
29 budget, to the executive committee and the board for approval
30 on an annual basis.
31 Sec. 11. NEW SECTION. **135.156B Iowa health information**
32 **network — duties of the department.**
33 The department shall do all of the following:
34 1. Develop, implement, and enforce the following, as
35 approved by the board:

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1 *a.* Strategic, operational, and business and financial
2 sustainability plans for the Iowa health information network.
3 *b.* Standards, requirements, policies, and procedures for
4 access to and use, secondary use, and privacy and security
5 of health information exchanged through the Iowa health
6 information network, consistent with applicable federal and
7 state standards and laws.
8 *c.* Rules, policies, and procedures for monitoring
9 participant usage of the Iowa health information network and
10 enforcing compliance with applicable standards, requirements,
11 policies, rules, and procedures.
12 *d.* Policies and procedures for administering the
13 infrastructure, technology, and associated professional
14 services required for operation of the Iowa health information
15 network and the provision of services through the Iowa health
16 information network.
17 *e.* An annual budget and fiscal report for the business and
18 technical operations of the Iowa health information network
19 and an annual report for the Iowa health information network
20 and the services provided through the Iowa health information
21 network.
22 2. Provide human resources, budgeting, project and activity
23 coordination, and related management functions to the Iowa
24 health information network and the services provided through
25 the Iowa health information network.
26 3. Enter into participation agreements with participants in
27 the Iowa health information network.
28 4. Collect participant fees, record receipts and approvals
29 of payments, and file required financial reports.
30 5. Apply for, acquire by gift or purchase, and hold,
31 dispense, or dispose of funds and real or personal property
32 from any person, governmental entity, or organization in
33 the exercise of its powers or performance of its duties in
34 accordance with this division.
35 6. Select and contract with vendors of goods and services in

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1 compliance with all applicable state and federal procurement
2 laws and regulations.
3 7. Work to align interstate and intrastate interoperability
4 standards in accordance with national health information
5 exchange standards.
6 8. Execute all instruments necessary or incidental to the
7 performance of its duties and the execution of its powers under
8 this division.
9 Sec. 12. NEW SECTION. **135.156C Iowa health information**
10 **network fund.**
11 1. The Iowa health information network fund is created as a
12 separate fund within the state treasury under the control of
13 the board. Revenues, donations, gifts, interest, participant
14 fees, and other moneys received or generated relative to the
15 operation and administration of the Iowa health information
16 network shall be deposited in the fund.
17 2. Moneys in the fund are appropriated to and shall be
18 expended by the department only for activities and operations
19 suitable to the performance of the department's duties,
20 subject to executive committee review and board approval.
21 Disbursements may be made from the fund for purposes related
22 to the administration, management, operations, functions,
23 activities, or sustainability of the Iowa health information
24 network.
25 3. Notwithstanding section 12C.7, subsection 2, earnings
26 or interest on moneys deposited in the fund shall be credited
27 to the fund. Moneys in the fund at the end of each fiscal year
28 shall not revert to another fund but shall remain in the fund
29 for expenditure in subsequent fiscal years.
30 4. The moneys in the fund shall be subject to financial and
31 compliance audits by the auditor of state.
32 Sec. 13. NEW SECTION. **135.156D Technical infrastructure.**
33 1. The Iowa health information network shall provide a
34 mechanism to facilitate and support the secure electronic
35 exchange of health information between participants.

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1 2. The Iowa health information network shall not function as
2 a central repository of all health information.
3 3. The Iowa health information network shall provide a
4 mechanism for participants without an electronic health records
5 system to access health information from the Iowa health
6 information network.
7 Sec. 14. NEW SECTION. **135.156E Legal and policy.**
8 1. Upon approval from the board, the department shall
9 implement appropriate security standards, policies, and
10 procedures to protect the transmission and receipt of
11 protected health information exchanged through the Iowa health
12 information network, which shall, at a minimum, comply with the
13 Health Insurance Portability and Accountability Act security
14 rule pursuant to 45 C.F.R. pt. 164, subpt. C, and shall reflect
15 all of the following:
16 *a.* Include authorization controls, including the
17 responsibility to authorize, maintain, and terminate a
18 participant's use of the Iowa health information network.
19 *b.* Require authentication controls to verify the identify
20 and role of the participant using the Iowa health information
21 network.
22 *c.* Include role-based access controls to restrict
23 functionality and information available through the Iowa health
24 information network.
25 *d.* Include a secure and traceable electronic audit system
26 to document and monitor the sender and the recipient of health
27 information exchanged through the Iowa health information
28 network.
29 *e.* Require standard participation agreements which
30 define the minimum privacy and security obligations of all
31 participants using the Iowa health information network and
32 services available through the Iowa health information network.
33 *f.* Include controls over access to and the collection,
34 organization, and maintenance of records and data for
35 purposes of research or population health that protect the

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1 confidentiality of consumers who are the subject of the health
2 information.
3 2. A patient shall have the opportunity to decline exchange
4 of the patient's health information through the Iowa health
5 information network. A patient shall not be denied care or
6 treatment for declining to exchange the patient's health
7 information, in whole or in part, through the Iowa health
8 information network. The board shall provide by rule the means
9 and process by which patients may decline participation. The
10 means and process utilized under the rules shall minimize the
11 burden on patients and health care professionals.
12 3. Unless otherwise authorized by law or rule, a patient's
13 decision to decline participation means that none of the
14 patient's health information shall be accessible through the
15 record locator service function of the Iowa health information
16 network. A patient's decision to decline having health
17 information shared through the record locator service function
18 shall not limit a health care professional with whom the
19 patient has or is considering a treatment relationship from
20 sharing health information concerning the patient through
21 the secure messaging function of the Iowa health information
22 network.
23 4. A patient who declines participation in the Iowa health
24 information network may later decide to have health information
25 shared through the Iowa health information network. A patient
26 who is participating in the Iowa health information network may
27 later decline participation in the network.
28 5. A participant shall not release or use protected health
29 information exchanged through the Iowa health information
30 network for purposes unrelated to prevention, treatment,
31 payment, or health care operations unless otherwise authorized
32 or required by state or federal law. Participants shall
33 limit the use and disclosure of protected health information
34 for payment or health care operations to the minimum amount
35 required to accomplish the intended purpose of the use or

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1 request, in compliance with the Health Insurance Portability
2 and Accountability Act and other applicable state or federal
3 law. Use or distribution of the information for a marketing
4 purpose, as defined by the Health Insurance Portability and
5 Accountability Act, is strictly prohibited.
6 6. The department and all persons using the Iowa health
7 information network are individually responsible for following
8 breach notification policies as provided by the Health
9 Insurance Portability and Accountability Act.
10 7. A participant shall not be compelled by subpoena, court
11 order, or other process of law to access health information
12 through the Iowa health information network in order to gather
13 records or information not created by the participant.
14 8. All participants exchanging health information and data
15 through the Iowa health information network shall grant to
16 other participants of the network a nonexclusive license to
17 retrieve and use that information in accordance with applicable
18 state and federal laws, and the policies, standards, and rules
19 established by the board.
20 9. The board shall establish by rule the procedures for a
21 patient who is the subject of health information to do all of
22 the following:
23 *a.* Receive notice of a violation of the confidentiality
24 provisions required under this division.
25 *b.* Upon request to the department, view an audit report
26 created under this division for the purpose of monitoring
27 access to the patient's health care information.
28 10. A health care professional who relies reasonably and
29 in good faith upon any health information provided through
30 the Iowa health information network in treatment of a patient
31 who is the subject of the health information shall be immune
32 from criminal or civil liability arising from any damages
33 caused by such reasonable, good-faith reliance. Such immunity
34 shall not apply to acts or omissions constituting negligence,
35 recklessness, or intentional misconduct.

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1 11. A participant that has disclosed health information
2 through the Iowa health information network in compliance with
3 applicable law and the standards, requirements, policies,
4 procedures, and agreements of the network shall not be subject
5 to criminal or civil liability for the use or disclosure of the
6 health information by another participant.
7 12. Notwithstanding chapter 22, the following records shall
8 be kept confidential, unless otherwise ordered by a court or
9 consented to by the patient or by a person duly authorized to
10 release such information:
11 *a.* The protected health information contained in, stored in,
12 submitted to, transferred or exchanged by, or released from the
13 Iowa health information network.
14 *b.* Any protected health information in the possession of
15 the department due to its administration of the Iowa health
16 information network.
17 13. Unless otherwise provided in this division, when using
18 the Iowa health information network for the purpose of patient
19 treatment, a health care professional is exempt from any other
20 state law that is more restrictive than the Health Insurance
21 Portability and Accountability Act that would otherwise prevent
22 or hinder the exchange of patient information by the patient's
23 health care professionals.
24 Sec. 15. NEW SECTION. **135.156F Governance review.**
25 1. The governance structure as provided in this division
26 consisting of the department acting on behalf of the board
27 subject to executive committee review and board approval shall
28 continue during the term of the state health information
29 exchange cooperative agreement between the department and the
30 office of the national coordinator for health information
31 technology to address the development of standards, policies,
32 and procedures; dissemination of interoperability standards;
33 the installation, testing, and operation of the Iowa health
34 information network infrastructure; and the evolution of Iowa
35 health information network services to improve patient care for

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1 the population.
2 2. During the final year of the term of the cooperative
3 agreement, the executive committee and the department shall
4 review the governance structure, operations of the Iowa
5 health information network, and the business and financial
6 sustainability plan and make recommendations to the board
7 regarding the future governance of the Iowa health information
8 network.
9 Sec. 16. ADOPTION OF RULES. The state board of health shall
10 adopt rules within twelve months of the effective date of this
11 Act, pursuant to the directive in section 135.156E, as enacted
12 in this Act, to provide the means and process by which patients
13 may decline participation in the Iowa health information
14 network.
15 Sec. 17. EFFECTIVE UPON ENACTMENT. This Act, being deemed
16 of immediate importance, takes effect upon enactment.
17 EXPLANATION
18 This bill provides for the creation of a statewide Iowa
19 health information network (network). The bill provides
20 definitions used in the bill. The bill provides findings and
21 intent for the network, describing the importance of health
22 information technology in transforming the delivery of health
23 and medical care in the state and across the nation and in
24 improving health care quality and the overall health of the
25 population, increasing efficiencies in administrative health
26 care, reducing unnecessary health care costs, and preventing
27 medical errors. The network is to provide for the secure
28 electronic sharing of health information. The bill provides
29 that it is the intent of the general assembly to establish
30 a statewide Iowa health information network, which is not
31 to constitute a health benefit network or health insurance
32 network; and is not to preclude the formation and operation
33 of regional, population-specific, or local health information
34 networks or their participation in the statewide network.
35 The bill provides that the state board of health (board),

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1 with the support of the department of public health and the
2 advice of the existing electronic health information executive
3 committee and advisory council, is to establish and annually
4 review and update a business and financial sustainability
5 plan for the network. The plan shall include fees to be paid
6 by participants who access and use the network. The fee
7 schedule is to be structured using fair share and value-based
8 principles. The department is directed to update and submit
9 a financial model to the executive committee and the board
10 annually.
11 The bill specifies the duties of the department in the
12 day-to-day operations of the Iowa health information network.
13 The bill provides for the creation of a separate Iowa
14 health information network fund within the state treasury
15 under the control of the board. All revenues, donations,
16 gifts, interest, participant fees, and other moneys received or
17 generated relative to the network are to be deposited in the
18 fund. Moneys in the fund are appropriated to and are only to
19 be expended by the department on activities and operations of
20 the Iowa health information network, subject to board approval.
21 Moneys in the fund at the end of each fiscal year remain in the
22 fund. The fund is subject to financial and compliance audits
23 by the auditor of state.
24 The bill provides for the technical infrastructure of
25 the network. The network is to provide a mechanism to
26 facilitate and support the secure exchange of electronic health
27 information. The network is not to function as a central
28 repository of all health information, and is to provide a means
29 for participants without an electronic health record system to
30 access health information through the network.
31 The bill includes provisions relating to the legal and
32 policy aspects of the network. The bill authorizes the
33 department, with approval from the board, to develop security
34 standards, policies, and procedures to protect the transmission
35 and receipt of individually identifiable health information

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1 shared through the network. These include: authorization
2 and authentication controls, role-based access, a secure and
3 traceable electronic audit system, use of participant and
4 data-sharing agreements, and controls over access, collection,
5 and maintenance of health information. These provisions
6 specify a patient's choice of participation in the Iowa
7 health information network, and the requirements for sharing
8 information in accordance with all other state and federal
9 laws, including the federal Health Insurance Portability and
10 Accountability Act.
11 The bill provides that the governance structure as provided
12 in the bill consisting of the department acting on behalf
13 of the board, subject to executive committee review and
14 board approval, is to continue during the term of the state
15 health information exchange cooperative agreement between
16 the department and the office of the national coordinator
17 for health information technology to address the development
18 of standards, policies, and procedures; dissemination of
19 interoperability standards; the installation, testing, and
20 operation of the network infrastructure; and the evolution of
21 health information network services to improve patient care
22 for the population. During the final year of the term of the
23 cooperative agreement (March 2014), the executive committee and
24 the department are directed to review the governance structure,
25 operations of the network, and the business and financial
26 sustainability plan, and make recommendations to the board
27 regarding the future governance of the network.
28 The bill directs the state board of health to adopt rules
29 within 12 months of the effective date of the bill to provide a
30 means and process by which patients may decline participation
31 in the Iowa health information network.
32 The bill takes effect upon enactment.

House File 2284 - Introduced

HOUSE FILE 2284
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2203)
(SUCCESSOR TO HF 2085)
(SUCCESSOR TO HSB 516)

A BILL FOR

1 An Act relating to employee stock ownership plans by
2 encouraging the adoption of such plans by Iowa corporations,
3 creating an individual income tax exemption, making an
4 appropriation, and including retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5250HW (3) 84
mm/sc

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DIVISION I
ESOP FORMATION ASSISTANCE

Section 1. EMPLOYEE STOCK OWNERSHIP PLAN ASSISTANCE AND PROMOTION.

1. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing financial assistance, including establishment of a loan program, and technical assistance, marketing, and education to businesses interested in establishing employee stock ownership plans and for procuring the services of an independent contractor with expertise in the formation of employee stock ownership plans:

..... $ 1,000,000

Notwithstanding section 8.33, moneys appropriated pursuant to this section shall not revert but shall remain available to the economic development authority for the purposes designated until expended. Notwithstanding section 12C.7, subsection 2, earnings or interest on moneys appropriated pursuant to this section shall be retained by the economic development authority and used for the purposes designated until expended.

2. On or before January 15, 2014, the authority shall provide to the general assembly and the governor´s office a report describing the expenditure of funds pursuant to this section and evaluating the success of the assistance and promotion program.

DIVISION II
CAPITAL GAIN DEDUCTION FOR SALE TO AN IOWA ESOP

Sec. 2. Section 422.7, subsection 21, Code Supplement 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* (1) To the extent not already excluded, the net capital gain from the sale or exchange of employer securities of an Iowa corporation to a qualified Iowa employee

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1 stock ownership plan when, upon completion of the transaction,
2 the qualified Iowa employee stock ownership plan owns at least
3 thirty percent of all outstanding employer securities issued
4 by the Iowa corporation.
5 (2) For purposes of this paragraph:
6 (a) *"Employer securities"* means the same as defined in
7 section 409(l) of the Internal Revenue Code.
8 (b) *"Iowa corporation"* means a corporation whose commercial
9 domicile, as defined in section 422.32, is in this state.
10 (c) *"Qualified Iowa employee stock ownership plan"* means an
11 employee stock ownership plan, as defined in section 4975(e)(7)
12 of the Internal Revenue Code, and trust that are established
13 by an Iowa corporation for the benefit of the employees of the
14 corporation.
15 Sec. 3. RETROACTIVE APPLICABILITY. This division of this
16 Act applies retroactively to January 1, 2012, for tax years
17 beginning on or after that date.
18 EXPLANATION
19 This bill relates to employee stock ownership plans.
20 Division I of the bill provides for an appropriation of $1
21 million to the economic development authority for the purpose
22 of providing financial assistance, including the establishment
23 of a loan program, and technical assistance, marketing, and
24 education to businesses regarding the formation of employee
25 stock ownership plans. The economic development authority
26 is required to provide a report detailing its use of the
27 appropriation to the general assembly and the governor by
28 January 15, 2014.
29 Division II of the bill provides for an exemption from the
30 computation of the state individual income tax of the net
31 capital gain from the sale or exchange of employer securities
32 of an Iowa corporation to a qualified Iowa employee stock
33 ownership plan if, upon completion of the sale or exchange,
34 the qualified Iowa employee stock ownership plan owns at least
35 30 percent of all outstanding employer securities issued

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1 by the Iowa corporation. For purposes of the exemption,
2 "employer securities" means the same as defined in section
3 409(l) of the Internal Revenue Code, "Iowa corporation"
4 means a corporation whose commercial domicile is in Iowa,
5 and "qualified Iowa employee stock ownership plan" means an
6 employee stock ownership plan and trust that is established by
7 an Iowa corporation for the benefit of the employees of the
8 corporation.
9 Division II of the bill applies retroactively to January 1,
10 2012, for tax years beginning on or after that date.

House File 2285 - Introduced

HOUSE FILE 2285
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2015)

A BILL FOR

1 An Act relating to the definition of hydronic for purposes of
2 the Iowa plumber, mechanical professional, and contractor
3 licensing Act and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5448HV (2) 84
jr/sc

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Section 1. Section 105.2, subsection 8, Code Supplement 2011, is amended to read as follows:

8. *"Hydronic"* means a heating or cooling system that transfers heating or cooling by circulating fluid through a closed system, including boilers, pressure vessels, refrigerated equipment in connection with chilled water systems, all steam piping, hot or chilled water piping together with all control devices and accessories, installed as part of, or in connection with, any heating or cooling system or appliance whose primary purpose is to provide comfort using a liquid, water, or steam as the heating or cooling media. *"Hydronic"* includes all low-pressure and high-pressure systems and all natural, propane, liquid propane, or other gas lines associated with any component of a hydronic system. For purposes of this definition, *"primary purpose is to provide comfort"* means a system or appliance in which fifty-one percent of the capacity generated by its operation, on an annual average, is dedicated to comfort heating or cooling.

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

EXPLANATION

This bill amends Code chapter 105, the Iowa plumber, mechanical professional, and contractor licensing Act.

2011 Acts, House File 392, changed the definition of "hydronic" by striking language which limited application to heating and cooling systems used for comfort. The bill adds new language to limit the definition to heating and cooling systems used for comfort.

The bill takes effect upon enactment.

House File 2286 - Introduced

HOUSE FILE 2286
BY HALL

A BILL FOR

1 An Act relating to the authority and duties of certain peace
2 officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5016HH (4) 84
rh/sc

H.F. 2286

1 Section 1. NEW SECTION. **817A.1 Peace officer authority and**
2 **duties.**
3 1. For purposes of this section, *"peace officer"* means any
4 of the following:
5 *a.* Sheriffs and their regular deputies who are subject to
6 mandated law enforcement training.
7 *b.* Marshals and police officers of cities.
8 *c.* Parole officers acting pursuant to section 906.2.
9 *d.* Probation officers acting pursuant to section 602.7202,
10 subsection 4, and section 907.2.
11 *e.* Special security officers employed by board of regents
12 institutions pursuant to section 262.13.
13 *f.* Conservation officers as authorized by section 456A.13.
14 *g.* Such employees of the department of transportation as
15 are designated *"peace officers"* by resolution of the department
16 under section 321.477.
17 *h.* Employees of an aviation authority designated as *"peace*
18 *officers"* by the authority under section 330A.8, subsection 16.
19 2. A peace officer as defined in subsection 1 shall have
20 and exercise all the powers of any other peace officer of the
21 state, limited only by the jurisdictional limits of the hiring
22 authority unless otherwise provided by law.
23 3. A peace officer shall have the authority to do all of the
24 following:
25 *a.* Administer oaths, acknowledge signatures, and take
26 voluntary testimony pursuant to the peace officer's duties as
27 provided by law.
28 *b.* Conduct examinations, investigations, and inspections.
29 *c.* Arrest a person without a warrant for offenses committed
30 in the peace officer's presence or if the peace officer
31 has probable cause to believe that the person arrested has
32 committed or is committing such offense.
33 *d.* Seize substances or articles used in the manufacture or
34 sale of controlled or counterfeit substances which the peace
35 officer has reasonable grounds to believe are in violation of

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1 the law, are used to violate the law, is evidence related to a
2 violation of the law, or are proceeds from a violation of the
3 law.
4 4. The duties of a peace officer shall include but not be
5 limited to the following:
6 *a.* To enforce all federal, state, and local laws.
7 *b.* To enforce all laws relating to traffic on the public
8 highways of the state, including those relating to the safe and
9 legal operation of passenger cars, motorcycles, motor trucks,
10 and buses; to see that proper safety rules are observed; and to
11 give first aid to the injured.
12 *c.* To investigate all fires and to apprehend persons
13 suspected of arson and other fire-related crimes.
14 5. *a.* A peace officer, when authorized by the appropriate
15 hiring authority, may act in concert with, under the direction
16 of, or otherwise serve as a local actor for an officer or agent
17 of state or federal government.
18 *b.* If serving as a local actor for an officer or agent of
19 the state or federal government as provided in paragraph *"a"*,
20 the peace officer shall be considered acting within the scope
21 of the employee's office or employment.
22 6. This section shall not be construed as a limitation on
23 any other additional authority and duties of peace officers
24 otherwise authorized by federal, state, or local law.
25 EXPLANATION
26 This bill relates to the authority and duties of peace
27 officers, defined in the bill to include sheriffs and their
28 regular deputies, marshals and police officers of cities,
29 parole officers, probation officers, special security officers
30 employed by board of regents institutions, conservation
31 officers, and certain employees of the department of
32 transportation and of an aviation authority.
33 The bill provides that a peace officer shall have and
34 exercise all the powers of any other state peace officer,
35 limited only by the jurisdictional limits of the hiring

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1 authority unless otherwise provided by law.
2 The bill provides that a peace officer shall have the
3 authority to administer oaths, acknowledge signatures, and take
4 voluntary testimony pursuant to the peace officer's duties
5 as provided by law, conduct examinations, investigations,
6 and inspections, arrest a person without a warrant for
7 offenses committed in the peace officer's presence or if the
8 peace officer has probable cause to believe that the person
9 arrested has committed or is committing such offense, and seize
10 substances or articles used in the manufacture or sale of
11 controlled or counterfeit substances which the peace officer
12 has reasonable grounds to believe are in violation of the law,
13 are used to violate the law, is evidence related to a violation
14 of the law, or are proceeds from a violation of the law.
15 The bill provides the duties of a peace officer shall
16 include but not be limited to the enforcement of all federal,
17 state, and local laws, the enforcement of traffic laws on
18 state highways including those relating to the safe and legal
19 operation of passenger cars, motorcycles, motor trucks, and
20 buses, and the provision of first aid to injured persons,
21 and the investigation of fires including the apprehension of
22 persons suspected of arson and other fire-related crimes.
23 The bill allows a peace officer, when authorized by the
24 appropriate hiring authority, to act in concert with, under
25 the direction of, or otherwise serve as a local actor for an
26 officer or agent of state or federal government.
27 The bill shall not be construed as a limitation on any other
28 additional authority and duties of peace officers otherwise
29 authorized by federal, state, or local law.

House File 2287 - Introduced

HOUSE FILE 2287
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HSB 567)

A BILL FOR

1 An Act creating a tracking and reporting system for certain tax
2 credits awarded by the economic development authority.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5307HV (3) 84
mm/sc

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Section 1. Section 15.119, subsection 4, Code Supplement 2011, is amended to read as follows:

4. The authority shall submit to the department of revenue on or before August 15 of each year a report on the tax credits allocated pursuant to this section and the tax credits awarded under each of the programs described in subsection 2. The department of revenue shall submit to the authority on or before November 15 of each year a report on the tax credits claimed and allowed under each program described in subsection 2.

Sec. 2. Section 15.119, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a.* The authority shall track the amount of tax credits and other incentives awarded under the programs listed in subsection 2 and make a report to the general assembly and the department of revenue within sixty days of the end of each fiscal year on such awards that includes the amount and type of tax credits and other incentives that have been awarded to each recipient.

b. The department of revenue shall track the amount of tax credits and other incentives actually claimed by recipients receiving awards as described in paragraph *"a"*. The department shall issue a report each year with aggregate information on the claiming of the awards listed in a given fiscal year report prepared pursuant to paragraph *"a"*.

EXPLANATION

This bill requires the economic development authority to track the tax credits and incentives awarded through its programs under the aggregate tax credit limit cap in Code section 15.119 and make a report to the general assembly and the department of revenue within 60 days of the end of each fiscal year. The report shall include the amount and type of tax credits and other incentives that have been awarded to each recipient.

The bill requires the department of revenue to track

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1 the amount of tax credits and incentives actually claimed
2 through programs under the aggregate tax credit limit cap
3 in Code section 15.119 and issue an annual report with such
4 information. The bill also requires the department of revenue
5 to submit to the authority on or before November 15 of each
6 year a report on the tax credits claimed and allowed pursuant
7 to each of the programs under the aggregate tax credit limit
8 cap of the economic development authority.

House Resolution 110 - Introduced

HOUSE RESOLUTION NO. 110
BY COMMITTEE ON ETHICS
(SUCCESSOR TO HSB 537)

A Resolution amending the House Code of Ethics.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That Rule 8, as adopted by the House of Representatives during the 2011 Session in House Resolution 7, is amended to read as follows:

8. GIFTS ACCEPTED OR RECEIVED. Members and employees of the house shall comply with the restrictions relating to the receipt or acceptance of gifts contained in section 68B.22 of the Code. The sponsor of a function under section 68B.22, subsection 4, paragraph "s", shall electronically file a registration with the chief clerk of the house five days prior to the function disclosing the name of the sponsor, and the date, time, and location of the function. The sponsor shall also electronically file a report of expenditures as required pursuant to section 68B.22, subsection 4, paragraph "s".

BE IT FURTHER RESOLVED, That Rule 12, paragraphs d and e, as adopted by the House of Representatives during the 2011 Session in House Resolution 7, are amended to read as follows:

d. Confidentiality of complaint. The identity of the parties and the contents of the complaint shall be confidential until the time that the committee ~~meets to determine whether the complaint is valid~~ chairperson and ranking member determine under paragraph "f" that the complaint is sufficient as to form, unless

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1 either the complainant or the party charged in the
2 complaint makes the identity of the parties, or the
3 information contained in~~,~~ the complaint, public.
4 ~~However, if either the complainant or party alleged~~
5 ~~to have committed the violation requests that the~~
6 ~~meeting to determine whether the complaint is valid be~~
7 ~~a closed meeting and the identity of the parties or the~~
8 ~~contents of the complaint have not been disclosed, the~~
9 ~~meeting shall be closed.~~ The chief clerk of the house
10 and the committee chairperson and ranking member may
11 communicate confidentially with appropriate legislative
12 staff during any stage of the complaint process.
13 e. Notice of complaint. Upon receipt of the
14 complaint, the chief clerk of the house shall promptly
15 notify the chairperson and ranking member of the
16 ethics committee that a complaint has been filed and
17 provide both the chairperson and the ranking member
18 with copies of the complaint and any supporting
19 information. Within two working days, the chief clerk
20 shall send notice, either by personal delivery or by
21 certified mail, return receipt requested, to the person
22 or persons alleged to have committed the violation,
23 along with a copy of the complaint and any supporting
24 information. The notice to the accused person shall
25 contain a request that the person submit a written
26 response to the complaint within ten working days of
27 the date that the notice was sent by the chief clerk.
28 At the request of the accused person, the committee may
29 extend the time for the response, not to exceed ten
30 additional calendar days. A response to a complaint

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1 shall not be confidential.
2 BE IT FURTHER RESOLVED, That Rule 12, paragraph
3 f, unnumbered paragraph 1, as adopted by the House
4 of Representatives during the 2011 Session in House
5 Resolution 7, is amended to read as follows:
6 The committee chairperson and the ranking
7 member shall review the complaint and supporting
8 information to determine whether the complaint meets
9 the requirements as to form. If the complaint is
10 deficient as to form, the complaint shall be returned
11 to the complainant with instructions indicating the
12 deficiency ~~unless the committee decides to proceed on~~
13 ~~its own motion~~. If the complaint is in writing, is
14 sufficient as to form, and contains the appropriate
15 certification, as soon as practicable, the chairperson
16 shall call a meeting of the committee to review the
17 complaint to determine whether the complaint meets the
18 requirements for validity and whether the committee
19 should take action on the complaint pursuant to
20 paragraph "g" or whether the committee should request
21 that the chief justice of the supreme court appoint an
22 independent special counsel to conduct an investigation
23 to determine whether probable cause exists to believe
24 that a violation of the house code of ethics, house
25 rules governing lobbyists, or chapter 68B of the Code,
26 has occurred. The sufficiency as to form determination
27 and the valid complaint requirements determination
28 shall be based solely upon the original complaint and
29 the response to the complaint. Additional documents
30 or responses shall not be filed by the parties or

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1 otherwise considered by the committee prior to a
2 validity determination. The committee shall not
3 receive or consider oral testimony in support of or
4 against a validity determination.

House Study Bill 629 - Introduced

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

A BILL FOR

1 An Act relating to eligibility of older children for the
2 statewide preschool program for four-year-old children.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6064YC (2) 84
jp/nh

H.F. _____

1 Section 1. Section 256C.3, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. *Eligible children.* A child who is a resident of Iowa and
4 is four years of age on or before September 15 of a school year
5 shall be eligible to enroll in the preschool program under this
6 chapter. If space and funding are available, a school district
7 approved to participate in the preschool program may enroll a
8 younger or older child in the preschool program; however, ~~the~~ a
9 younger child shall not be counted for state funding purposes.
10 Sec. 2. Section 256C.4, subsection 2, paragraph a, Code
11 2011, is amended to read as follows:
12 *a.* To be included as an eligible student in the enrollment
13 count of the preschool programming provided by a school
14 district approved to participate in the preschool program, a
15 child must be at least four years of age by September 15 in the
16 base year and attending the school district's approved local
17 program.
18 EXPLANATION
19 This bill relates to eligibility of older children for the
20 statewide preschool program for four-year-old children. Under
21 current law, the program allows enrollment of a child who is
22 younger or older than four years of age by September 15 if
23 space and funding are available. However, the younger or older
24 child cannot be counted for state funding purposes.
25 The bill amends Code section 256C.3, relating to eligibility
26 for the program, and Code section 256C.4, relating to funding
27 provisions and enrollment, to allow a child older than
28 four years of age to be counted for state funding purposes.
29 Existing law in Code section 256C.4 prohibits a student
30 included in the enrollment count under the state foundation aid
31 formula determined under Code section 257.6 to also be included
32 in the enrollment count for the preschool program.

Senate File 2165 - Introduced

SENATE FILE 2165
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3083)

A BILL FOR

1 An Act relating to the documentation required to prepare
2 a notice of alleged paternity and support debt in
3 administrative paternity proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5287SV (2) 84
pf/nh

S.F. 2165

1 Section 1. Section 252F.3, subsection 1, unnumbered
2 paragraph 1, Code 2011, is amended to read as follows:
3 The unit may prepare a notice of alleged paternity and
4 support debt to be served on a party if the mother of the child
5 or a government official with knowledge of the circumstances
6 of possible paternity relying on government records provides
7 a written statement to the ~~unit~~ department of human services
8 certifying in accordance with section 622.1 that the putative
9 father is or may be the biological father of the child or
10 children involved. The notice shall be accompanied by a
11 copy of the statement and served on the putative father in
12 accordance with rule of civil procedure 1.305. Service upon
13 the mother shall not constitute valid service upon the putative
14 father. The notice shall include or be accompanied by all of
15 the following:
16 EXPLANATION
17 This bill allows the use of a written statement certified
18 under penalty of perjury by the mother of the child or a
19 government official with knowledge of the circumstances of
20 possible paternity, relying on government records, to act as
21 the basis for preparation by the child support recovery unit
22 of a notice of alleged paternity and support debt to be served
23 on the putative father in an administrative establishment of
24 paternity proceeding. Under current law, the only basis for
25 preparation of the notice is the certified written statement of
26 the mother of the child provided to the child support recovery
27 unit.

Senate File 2166 - Introduced

SENATE FILE 2166
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3056)

A BILL FOR

1 An Act relating to the Iowa health information network,
2 providing for fees, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5257SV (3) 84
pf/nh

S.F. 2166

1 Section 1. Section 135.154, Code 2011, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 01. *"Advisory council"* means the electronic
4 health information advisory council created in section 135.156.
5 NEW SUBSECTION. 001. *"Authorized"* means having met the
6 requirements as a participant for access to and use of the Iowa
7 health information network.
8 NEW SUBSECTION. 2A. *"Exchange"* means the authorized
9 electronic sharing of health information between health care
10 professionals, payors, consumers, public health agencies, the
11 department, and other authorized participants utilizing the
12 Iowa health information network and Iowa health information
13 network services.
14 NEW SUBSECTION. 2B. *"Executive committee"* means the
15 executive committee of the electronic health information
16 advisory council created in section 135.156.
17 NEW SUBSECTION. 3A. *"Health information"* means health
18 information as defined in 45 C.F.R. § 160.103 that is created
19 or received by an authorized participant.
20 NEW SUBSECTION. 4A. *"Health Insurance Portability and*
21 *Accountability Act"* means the federal Health Insurance
22 Portability and Accountability Act of 1996, Pub. L. No.
23 104-191, including amendments thereto and regulations
24 promulgated thereunder.
25 NEW SUBSECTION. 4B. *"Hospital"* means licensed hospital as
26 defined in section 135B.1.
27 NEW SUBSECTION. 4C. *"Individually identifiable health*
28 *information"* means individually identifiable health information
29 as defined in 45 C.F.R. § 160.103 that is created or received
30 by an authorized participant.
31 NEW SUBSECTION. 5A. *"Iowa health information network"* or
32 *"network"* means the statewide health information technology
33 network created in this division.
34 NEW SUBSECTION. 5B. *"Iowa Medicaid enterprise"* means the
35 Iowa Medicaid enterprise as defined in section 249J.3.

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1 NEW SUBSECTION. 5C. *"Participant"* means an authorized
2 health care professional, payor, patient, health care
3 organization, public health agency, or the department that
4 has agreed to authorize, submit, access, or disclose health
5 information through the Iowa health information network in
6 accordance with this chapter and all applicable laws, rules,
7 agreements, policies, and standards.
8 NEW SUBSECTION. 5D. *"Patient"* means a person who has
9 received or is receiving health services from a health care
10 professional.
11 NEW SUBSECTION. 5E. *"Payor"* means a person who makes
12 payments for health services, including but not limited to an
13 insurance company, self-insured employer, government program,
14 individual, or other purchaser that makes such payments.
15 NEW SUBSECTION. 5F. *"Protected health information"* means
16 protected health information as defined in 45 C.F.R. § 160.103
17 that is created or received by an authorized participant.
18 NEW SUBSECTION. 5G. *"Public health agency"* means an
19 entity that is governed by or contractually responsible to a
20 local board of health or the department to provide services
21 focused on the health status of population groups and their
22 environments.
23 NEW SUBSECTION. 5H. *"Purchaser"* means any individual,
24 employer, or organization that purchases health insurance or
25 services and includes intermediaries.
26 Sec. 2. Section 135.155, subsection 2, unnumbered paragraph
27 1, Code 2011, is amended to read as follows:
28 To be effective, the Iowa health information ~~technology~~
29 ~~system~~ network shall comply with all of the following
30 principles:
31 Sec. 3. Section 135.155, subsection 3, Code 2011, is amended
32 to read as follows:
33 3. Widespread adoption of health information technology is
34 critical to a successful Iowa health information ~~technology~~
35 ~~system~~ network and is best achieved when all of the following

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1 occur:
2 *a.* The market provides a variety of certified products from
3 which to choose in order to best fit the needs of the user.
4 *b.* The ~~system~~ network provides incentives for health care
5 professionals to utilize the health information technology and
6 provides rewards for any improvement in quality and efficiency
7 resulting from such utilization.
8 *c.* The ~~system~~ network provides protocols to address critical
9 problems.
10 *d.* The ~~system~~ network is financed by all who benefit from
11 the improved quality, efficiency, savings, and other benefits
12 that result from use of health information technology.
13 Sec. 4. NEW SECTION. **135.155A Findings and intent — Iowa**
14 **health information network.**
15 1. The general assembly finds all of the following:
16 *a.* Technology used to support health care-related functions
17 is known as health information technology. Health information
18 technology provides a mechanism to transform the delivery of
19 health and medical care in Iowa and across the nation.
20 *b.* A health information network involves the secure
21 electronic sharing of health information across the boundaries
22 of individual practice and institutional health settings and
23 with consumers. Broad use of health information technology and
24 a health information network should improve health care quality
25 and the overall health of the population, increase efficiencies
26 in administrative health care, reduce unnecessary health care
27 costs, and help prevent medical errors.
28 2. It is the intent of the general assembly that Iowa
29 establish a statewide health information technology network.
30 The Iowa health information network shall not constitute a
31 health benefit network or a health insurance network. Nothing
32 in this division shall be interpreted to impede or preclude the
33 formation and operation of regional, population-specific, or
34 local health information networks or their participation in the
35 Iowa health information network.

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1 Sec. 5. Section 135.156, subsection 1, paragraphs a and b,
2 Code Supplement 2011, are amended to read as follows:
3 *a.* The department shall direct a public and private
4 collaborative effort to promote the adoption and use of health
5 information technology in this state in order to improve
6 health care quality, increase patient safety, reduce health
7 care costs, enhance public health, and empower individuals
8 and health care professionals with comprehensive, real-time
9 medical information to provide continuity of care and make
10 the best health care decisions. The department shall provide
11 coordination for the development and implementation of an
12 interoperable electronic health records system, telehealth
13 expansion efforts, the health information technology
14 infrastructure, the Iowa health information network, and other
15 health information technology initiatives in this state.
16 The department shall be guided by the principles and goals
17 specified in section 135.155 and the findings and intent
18 specified for an Iowa health information network in section
19 135.155A.
20 *b.* All health information technology efforts shall endeavor
21 to represent the interests and meet the needs of consumers and
22 the health care sector, protect the privacy of individuals
23 and the confidentiality of individuals' information, promote
24 physician best practices, and make information easily
25 accessible to the appropriate parties. The ~~system~~ network
26 developed shall be consumer-driven, flexible, and expandable.
27 Sec. 6. Section 135.156, subsection 2, paragraph a, Code
28 Supplement 2011, is amended to read as follows:
29 *a.* An electronic health information advisory council is
30 established which shall consist of the representatives of
31 entities involved in the electronic health records system task
32 force established pursuant to section 217.41A, Code 2007, a
33 pharmacist, a licensed practicing physician, a consumer who
34 is a member of the state board of health, a representative
35 of the state's Medicare quality improvement organization,

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1 the executive director of the Iowa communications network, a
2 representative of the private telecommunications industry, a
3 representative of the Iowa collaborative safety net provider
4 network created in section 135.153, a nurse informaticist from
5 the university of Iowa, and any other members the department
6 or executive committee of the advisory council determines
7 necessary and appoints to assist the department or executive
8 committee at various stages of development of the ~~electronic~~
9 Iowa health information ~~system~~ network. Executive branch
10 agencies shall also be included as necessary to assist in the
11 duties of the department and the executive committee. Public
12 members of the advisory council shall receive reimbursement
13 for actual expenses incurred while serving in their official
14 capacity only if they are not eligible for reimbursement by
15 the organization that they represent. Any legislative members
16 shall be paid the per diem and expenses specified in section
17 2.10.
18 Sec. 7. Section 135.156, subsection 3, paragraph a,
19 subparagraphs (6) and (10), Code Supplement 2011, are amended
20 to read as follows:
21 (6) Policies relating to governance of the various facets of
22 the Iowa health information ~~technology system~~ network.
23 (10) Economic incentives and support to facilitate
24 participation in an interoperable ~~system~~ network by health care
25 professionals.
26 Sec. 8. Section 135.156, subsection 3, paragraph c,
27 unnumbered paragraph 1, Code Supplement 2011, is amended to
28 read as follows:
29 Coordinate public and private efforts to provide the
30 network backbone infrastructure for the Iowa health information
31 ~~technology system~~ network. In coordinating these efforts, the
32 executive committee shall do all of the following:
33 Sec. 9. Section 135.156, subsection 3, paragraphs h and i,
34 Code Supplement 2011, are amended to read as follows:
35 *h.* Seek and apply for any federal or private funding to

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1 assist in the implementation and support of the Iowa health
2 information ~~technology system~~ network and make recommendations
3 for funding mechanisms for the ongoing development and
4 maintenance costs of the Iowa health information ~~technology~~
5 ~~system~~ network.
6 *i.* Identify state laws and rules that present barriers
7 to the development of the Iowa health information ~~technology~~
8 ~~system~~ network and recommend any changes to the governor and
9 the general assembly.
10 Sec. 10. NEW SECTION. **135.156A Iowa health information**
11 **network — business and financial sustainability plan and**
12 **participant fees.**
13 1. The board, with the support of the department and
14 the advice of the executive committee and advisory council,
15 shall establish and annually review and update a business and
16 financial sustainability plan for the Iowa health information
17 network. The plan shall include fees to be paid to the
18 department by participants who choose to access and use the
19 Iowa health information network. The participant fee schedule
20 shall be structured using fair share, value-based principles.
21 2. The department shall update and submit a financial model,
22 including fee schedule, revenue and expense projections, and a
23 budget, to the executive committee and the board for approval
24 on an annual basis.
25 Sec. 11. NEW SECTION. **135.156B Iowa health information**
26 **network — duties of the department.**
27 The department shall do all of the following:
28 1. Develop, implement, and enforce the following, as
29 approved by the board:
30 *a.* Strategic, operational, and business and financial
31 sustainability plans for the Iowa health information network.
32 *b.* Standards, requirements, policies, and procedures for
33 access to and use, secondary use, and privacy and security
34 of health information exchanged through the Iowa health
35 information network, consistent with applicable federal and

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1 state standards and laws.
2 *c.* Rules, policies, and procedures for monitoring
3 participant usage of the Iowa health information network and
4 enforcing compliance with applicable standards, requirements,
5 policies, rules, and procedures.
6 *d.* Policies and procedures for administering the
7 infrastructure, technology, and associated professional
8 services required for operation of the Iowa health information
9 network and the provision of services through the Iowa health
10 information network.
11 *e.* An annual budget and fiscal report for the business and
12 technical operations of the Iowa health information network
13 and an annual report for the Iowa health information network
14 and the services provided through the Iowa health information
15 network.
16 2. Provide human resources, budgeting, project and activity
17 coordination, and related management functions to the Iowa
18 health information network and the services provided through
19 the Iowa health information network.
20 3. Enter into participation agreements with participants in
21 the Iowa health information network.
22 4. Collect participant fees, record receipts and approvals
23 of payments, and file required financial reports.
24 5. Apply for, acquire by gift or purchase, and hold,
25 dispense, or dispose of funds and real or personal property
26 from any person, governmental entity, or organization in
27 the exercise of its powers or performance of its duties in
28 accordance with this division.
29 6. Select and contract with vendors of goods and services in
30 compliance with all applicable state and federal procurement
31 laws and regulations.
32 7. Work to align interstate and intrastate interoperability
33 standards in accordance with national health information
34 exchange standards.
35 8. Execute all instruments necessary or incidental to the

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1 performance of its duties and the execution of its powers under
2 this division.
3 Sec. 12. NEW SECTION. **135.156C Iowa health information**
4 **network fund.**
5 1. The Iowa health information network fund is created as a
6 separate fund within the state treasury under the control of
7 the board. Revenues, donations, gifts, interest, participant
8 fees, and other moneys received or generated relative to the
9 operation and administration of the Iowa health information
10 network shall be deposited in the fund.
11 2. Moneys in the fund are appropriated to and shall be
12 expended by the department only for activities and operations
13 suitable to the performance of the department's duties,
14 subject to executive committee review and board approval.
15 Disbursements may be made from the fund for purposes related
16 to the administration, management, operations, functions,
17 activities, or sustainability of the Iowa health information
18 network.
19 3. Notwithstanding section 12C.7, subsection 2, earnings
20 or interest on moneys deposited in the fund shall be credited
21 to the fund. Moneys in the fund at the end of each fiscal year
22 shall not revert to another fund but shall remain in the fund
23 for expenditure in subsequent fiscal years.
24 4. The moneys in the fund shall be subject to financial and
25 compliance audits by the auditor of state.
26 Sec. 13. NEW SECTION. **135.156D Technical infrastructure.**
27 1. The Iowa health information network shall provide a
28 mechanism to facilitate and support the secure electronic
29 exchange of health information between participants.
30 2. The Iowa health information network shall not function as
31 a central repository of all health information.
32 3. The Iowa health information network shall provide a
33 mechanism for participants without an electronic health records
34 system to access health information from the Iowa health
35 information network.

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1 Sec. 14. NEW SECTION. **135.156E Legal and policy.**
2 1. Upon approval from the board, the department shall
3 implement appropriate security standards, policies, and
4 procedures to protect the transmission and receipt of
5 protected health information exchanged through the Iowa health
6 information network, which shall, at a minimum, comply with the
7 Health Insurance Portability and Accountability Act security
8 rule pursuant to 45 C.F.R. pt. 164, subpt. C, and shall reflect
9 all of the following:
10 *a.* Include authorization controls, including the
11 responsibility to authorize, maintain, and terminate a
12 participant's use of the Iowa health information network.
13 *b.* Require authentication controls to verify the identify
14 and role of the participant using the Iowa health information
15 network.
16 *c.* Include role-based access controls to restrict
17 functionality and information available through the Iowa health
18 information network.
19 *d.* Include a secure and traceable electronic audit system
20 to document and monitor the sender and the recipient of health
21 information exchanged through the Iowa health information
22 network.
23 *e.* Require standard participation agreements which
24 define the minimum privacy and security obligations of all
25 participants using the Iowa health information network and
26 services available through the Iowa health information network.
27 *f.* Include controls over access to and the collection,
28 organization, and maintenance of records and data for
29 purposes of research or population health that protect the
30 confidentiality of consumers who are the subject of the health
31 information.
32 2. A patient shall have the opportunity to decline exchange
33 of the patient's health information through the Iowa health
34 information network. A patient shall not be denied care or
35 treatment for declining to exchange the patient's health

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1 information, in whole or in part, through the Iowa health
2 information network. The board shall provide by rule the means
3 and process by which patients may decline participation. The
4 means and process utilized under the rules shall minimize the
5 burden on patients and health care professionals.
6 3. Unless otherwise authorized by law or rule, a patient's
7 decision to decline participation means that none of the
8 patient's health information shall be accessible through the
9 record locator service function of the Iowa health information
10 network. A patient's decision to decline having health
11 information shared through the record locator service function
12 shall not limit a health care professional with whom the
13 patient has or is considering a treatment relationship from
14 sharing health information concerning the patient through
15 the secure messaging function of the Iowa health information
16 network.
17 4. A patient who declines participation in the Iowa health
18 information network may later decide to have health information
19 shared through the Iowa health information network. A patient
20 who is participating in the Iowa health information network may
21 later decline participation in the network.
22 5. A participant shall not release or use protected health
23 information exchanged through the Iowa health information
24 network for purposes unrelated to prevention, treatment,
25 payment, or health care operations unless otherwise authorized
26 or required by state or federal law. Participants shall
27 limit the use and disclosure of protected health information
28 for payment or health care operations to the minimum amount
29 required to accomplish the intended purpose of the use or
30 request, in compliance with the Health Insurance Portability
31 and Accountability Act and other applicable state or federal
32 law. Use or distribution of the information for a marketing
33 purpose, as defined by the Health Insurance Portability and
34 Accountability Act, is strictly prohibited.
35 6. The department and all persons using the Iowa health

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1 information network are individually responsible for following
2 breach notification policies as provided by the Health
3 Insurance Portability and Accountability Act.
4 7. A participant shall not be compelled by subpoena, court
5 order, or other process of law to access health information
6 through the Iowa health information network in order to gather
7 records or information not created by the participant.
8 8. All participants exchanging health information and data
9 through the Iowa health information network shall grant to
10 other participants of the network a nonexclusive license to
11 retrieve and use that information in accordance with applicable
12 state and federal laws, and the policies, standards, and rules
13 established by the board.
14 9. The board shall establish by rule the procedures for a
15 patient who is the subject of health information to do all of
16 the following:
17 *a.* Receive notice of a violation of the confidentiality
18 provisions required under this division.
19 *b.* Upon request to the department, view an audit report
20 created under this division for the purpose of monitoring
21 access to the patient's health care information.
22 10. A health care professional who relies reasonably and
23 in good faith upon any health information provided through
24 the Iowa health information network in treatment of a patient
25 who is the subject of the health information shall be immune
26 from criminal or civil liability arising from any damages
27 caused by such reasonable, good-faith reliance. Such immunity
28 shall not apply to acts or omissions constituting negligence,
29 recklessness, or intentional misconduct.
30 11. A participant that has disclosed health information
31 through the Iowa health information network in compliance with
32 applicable law and the standards, requirements, policies,
33 procedures, and agreements of the network shall not be subject
34 to criminal or civil liability for the use or disclosure of the
35 health information by another participant.

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1 12. Notwithstanding chapter 22, the following records shall
2 be kept confidential, unless otherwise ordered by a court or
3 consented to by the patient or by a person duly authorized to
4 release such information:
5 *a.* The protected health information contained in, stored in,
6 submitted to, transferred or exchanged by, or released from the
7 Iowa health information network.
8 *b.* Any protected health information in the possession of
9 the department due to its administration of the Iowa health
10 information network.
11 13. Unless otherwise provided in this division, when
12 using the Iowa health information network or a private health
13 information network maintained in this state that complies
14 with the privacy and security requirements of this chapter for
15 the purposes of patient treatment, a health care professional
16 or a hospital is exempt from any other state law that is
17 more restrictive than the Health Insurance Portability and
18 Accountability Act that would otherwise prevent or hinder the
19 exchange of patient information by the patient's health care
20 professional or hospital.
21 Sec. 15. NEW SECTION. **135.156F Governance review.**
22 1. The governance structure as provided in this division
23 consisting of the department acting on behalf of the board
24 subject to executive committee review and board approval shall
25 continue during the term of the state health information
26 exchange cooperative agreement between the department and the
27 office of the national coordinator for health information
28 technology to address the development of standards, policies,
29 and procedures; dissemination of interoperability standards;
30 the installation, testing, and operation of the Iowa health
31 information network infrastructure; and the evolution of Iowa
32 health information network services to improve patient care for
33 the population.
34 2. During the final year of the term of the cooperative
35 agreement, the executive committee and the department shall

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1 review the governance structure, operations of the Iowa
2 health information network, and the business and financial
3 sustainability plan and make recommendations to the board
4 regarding the future governance of the Iowa health information
5 network.
6 Sec. 16. ADOPTION OF RULES. The state board of health
7 shall adopt rules within twelve months of the effective date
8 of this Act, pursuant to the directive in section 135.156E,
9 as enacted in this Act, to provide the means and process by
10 which patients may decline participation in the Iowa health
11 information network, in whole or in part, including but not
12 limited to, in consultation with the patient's health care
13 professional, limiting health information associated with a
14 specific visit from being exchanged through the Iowa health
15 information network.
16 Sec. 17. DETERMINATION OF USE, RELEASE, OR DISCLOSURE OF
17 PROTECTED HEALTH INFORMATION. The department of public health
18 shall review the potential of the use, release, or disclosure
19 of protected health information under this Act for the purposes
20 of research, and shall submit its findings and recommendations
21 to the general assembly within twelve months of the effective
22 date of this Act.
23 Sec. 18. EFFECTIVE UPON ENACTMENT. This Act, being deemed
24 of immediate importance, takes effect upon enactment.
25 EXPLANATION
26 This bill provides for the creation of a statewide Iowa
27 health information network (network). The bill provides
28 definitions used in the bill. The bill provides findings and
29 intent for the network, describing the importance of health
30 information technology in transforming the delivery of health
31 and medical care in the state and across the nation and in
32 improving health care quality and the overall health of the
33 population, increasing efficiencies in administrative health
34 care, reducing unnecessary health care costs, and preventing
35 medical errors. The network is to provide for the secure

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1 electronic sharing of health information. The bill provides
2 that it is the intent of the general assembly to establish
3 a statewide Iowa health information network, which is not
4 to constitute a health benefit network or health insurance
5 network; and is not to preclude the formation and operation
6 of regional, population-specific, or local health information
7 networks or their participation in the statewide network.
8 The bill provides that the state board of health (board),
9 with the support of the department of public health and the
10 advice of the existing electronic health information executive
11 committee and advisory council, is to establish and annually
12 review and update a business and financial sustainability
13 plan for the network. The plan shall include fees to be paid
14 by participants who access and use the network. The fee
15 schedule is to be structured using fair share and value-based
16 principles. The department is directed to update and submit
17 a financial model to the executive committee and the board
18 annually.
19 The bill specifies the duties of the department in the
20 day-to-day operations of the Iowa health information network.
21 The bill provides for the creation of a separate Iowa
22 health information network fund within the state treasury
23 under the control of the board. All revenues, donations,
24 gifts, interest, participant fees, and other moneys received or
25 generated relative to the network are to be deposited in the
26 fund. Moneys in the fund are appropriated to and are only to
27 be expended by the department on activities and operations of
28 the Iowa health information network, subject to board approval.
29 Moneys in the fund at the end of each fiscal year remain in the
30 fund. The fund is subject to financial and compliance audits
31 by the auditor of state.
32 The bill provides for the technical infrastructure of
33 the network. The network is to provide a mechanism to
34 facilitate and support the secure exchange of electronic health
35 information. The network is not to function as a central

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1 repository of all health information, and is to provide a means
2 for participants without an electronic health record system to
3 access health information through the network.
4 The bill includes provisions relating to the legal and
5 policy aspects of the network. The bill authorizes the
6 department, with approval from the board, to develop security
7 standards, policies, and procedures to protect the transmission
8 and receipt of individually identifiable health information
9 shared through the network. These include: authorization
10 and authentication controls, role-based access, a secure and
11 traceable electronic audit system, use of participant and
12 data-sharing agreements, and controls over access, collection,
13 and maintenance of health information. These provisions
14 specify a patient's choice of participation in the Iowa
15 health information network, and the requirements for sharing
16 information in accordance with all other applicable state
17 and federal laws, including the federal Health Insurance
18 Portability and Accountability Act.
19 The bill provides that the governance structure as provided
20 in the bill consisting of the department acting on behalf
21 of the board, subject to executive committee review and
22 board approval, is to continue during the term of the state
23 health information exchange cooperative agreement between
24 the department and the office of the national coordinator
25 for health information technology to address the development
26 of standards, policies, and procedures; dissemination of
27 interoperability standards; the installation, testing, and
28 operation of the network infrastructure; and the evolution of
29 health information network services to improve patient care
30 for the population. During the final year of the term of the
31 cooperative agreement (March 2014), the executive committee and
32 the department are directed to review the governance structure,
33 operations of the network, and the business and financial
34 sustainability plan, and make recommendations to the board
35 regarding the future governance of the network.

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1 The bill directs the state board of health to adopt
2 rules within 12 months of the effective date of the bill to
3 provide the means and process by which patients may decline
4 participation in the network including health information
5 association with a specific visit.
6 The bill also directs the department of public health to
7 review the potential use, release, or disclosure of protected
8 health information for purposes of research and to submit
9 findings and recommendations to the general assembly within 12
10 months of the effective date of the bill.
11 The bill takes effect upon enactment.

Senate File 2167 - Introduced

SENATE FILE 2167
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3051)

A BILL FOR

1 An Act relating to the issuance of hunting and fishing licenses
2 and providing for fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5226SV (6) 84
av/nh

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1 Section 1. Section 461C.8, subsection 3, Code 2011, is
2 amended to read as follows:
3 3. A hunter who participates in urban deer control pursuant
4 to this section shall be otherwise qualified to hunt deer
5 in this state, ~~have~~ purchase a hunting license ~~and pay~~ that
6 includes the wildlife habitat fee, and obtain a special deer
7 hunting license valid only for the dates, locations, and
8 type of deer specified on the license. Special deer hunting
9 licenses issued pursuant to this section shall be available
10 only to residents and shall cost the same as deer hunting
11 licenses issued during general deer seasons. The commission
12 may establish procedures for issuing more than one license
13 per person as necessary to achieve the purposes of urban deer
14 control, and the cost of each additional license shall be ten
15 dollars.
16 Sec. 2. Section 481A.72, Code 2011, is amended to read as
17 follows:
18 **481A.72 Hooks and lines.**
19 1. A person shall not at any time take from the waters
20 of the state any fish, except as otherwise provided in this
21 chapter, except with hook, line, and bait, nor shall a person
22 use more than ~~two~~ three lines nor more than two hooks on each
23 line in still fishing or trolling, and in fly fishing not more
24 than two flies may be used on one line, and in trolling and bait
25 casting not more than two trolling spoons or artificial bait
26 may be used on one line.
27 2. A person shall not leave fish line or lines and hooks in
28 the water unattended by being out of visual sight of the lines
29 and hooks.
30 3. One hook means a single, double, or treble pointed hook,
31 and all hooks attached as a part of an artificial bait or lure
32 shall be counted as one hook.
33 Sec. 3. Section 481A.93, subsection 2, paragraph b,
34 subparagraph (2), Code 2011, is amended to read as follows:
35 (2) The totally blind person is accompanied and aided by a

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1 person who is at least eighteen years of age and whose vision
2 is not seriously impaired. The accompanying person must ~~have~~
3 purchase a hunting license ~~and pay~~ that includes the wildlife
4 habitat fee as provided in section 483A.1 if applicable. If
5 the accompanying person is not required to have a hunting
6 license the person is not required to pay the wildlife habitat
7 fee. During the hunt, the accompanying adult must be within
8 arm's reach of the totally blind person, and must be able to
9 identify the target and the location of the laser sight beam on
10 the target. A person other than the totally blind person shall
11 not shoot the laser sight-equipped gun or bow.
12 Sec. 4. Section 481C.2A, subsection 1, paragraph d, Code
13 Supplement 2011, is amended to read as follows:
14 *d.* A producer who enters into a depredation agreement with
15 the department of natural resources shall be issued a set of
16 authorization numbers. Each authorization number authorizes
17 a resident hunter to obtain a depredation license that is
18 valid only for taking antlerless deer on the land designated
19 in the producer's depredation plan. A producer may transfer
20 an authorization number issued to that producer to a resident
21 hunter who has permission to hunt on the land for which the
22 authorization number is valid. An authorization number shall
23 be valid to obtain a depredation license in any season. The
24 provisions of this paragraph shall be implemented by August
25 15, 2008. A transferee who receives an authorization number
26 pursuant to this paragraph "*d*" shall be otherwise qualified to
27 hunt deer in this state, ~~have~~ purchase a hunting license~~, pay~~
28 that includes the wildlife habitat fee, and pay the one dollar
29 fee for the purpose of the deer herd population management
30 program.
31 Sec. 5. Section 483A.1, Code 2011, is amended to read as
32 follows:
33 **483A.1 Licenses — fees.**
34 Except as otherwise provided in this chapter, a person
35 shall not fish, trap, hunt, pursue, catch, kill, take in any

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1 manner, use, have possession of, sell, or transport all or a
2 part of any wild animal, bird, game, or fish, the protection
3 and regulation of which is desirable for the conservation of
4 resources of the state, without first obtaining a license for
5 that purpose and the payment of a fee as follows:
6 1. Residents:
7 *a.* Fishing license, annual .....$ 17.00
8 *b.* Fishing license, three-year .....$ 51.00
9 *c.* Fishing license, seven-day .....$ 11.50
10 *d.* Fishing license, one-day .....$ 7.50
11 *e.* Third line fishing permit, annual .....$ 10.00
12 ~~*b.*~~ *f.* Fishing license, lifetime, sixty-five
13 years or older .....$ 50.50
14 ~~*c.*~~ *g.* Hunting license, annual, not including the wildlife
15 habitat fee .....$ 17.00
16 *0h.* Hunting license, annual, including the
17 wildlife habitat fee .....$ 28.00
18 *h.* Hunting license, three-year, including
19 the wildlife habitat fees .....$ 84.00
20 ~~*d.*~~ *i.* Hunting license, lifetime, sixty-five
21 years or older .....$ 50.50
22 *j.* Combination hunting and fishing license,
23 annual, including the wildlife habitat fee .....$ 45.00
24 ~~*e.*~~ *k.* Deer hunting license .....$ 25.50
25 ~~*f.*~~ *l.* Wild turkey hunting license .....$ 22.50
26 ~~*g.*~~ *m.* Fur harvester license, annual, not including the
27 wildlife habitat fee, sixteen years
28 or older .....$ 20.50
29 *0n.* Fur harvester license, annual, including
30 the wildlife habitat fee, sixteen years
31 or older .....$ 31.50
32 ~~*h.*~~ *n.* Fur harvester license, annual, not including the
33 wildlife habitat fee, under sixteen
34 years of age .....$ 5.50
35 ~~*i.*~~ *o.* Fur dealer license $225.50

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1 ~~j.~~ p. Aquaculture unit license .....$ 25.50
2 ~~k.~~ q. Retail bait dealer license .....$ 30.50
3 ~~l. Fishing license, seven-day .....$ 11.50~~
4 ~~m.~~ r. Trout fishing fee .....$ 10.50
5 ~~n.~~ s. Game breeder license .....$ 15.50
6 ~~o.~~ t. Taxidermy license .....$ 15.50
7 ~~p.~~ u. Falconry license .....$ 20.50
8 ~~q.~~ v. Wildlife habitat fee .....$ 11.00
9 ~~r.~~ w. Migratory game bird fee .....$ 8.00
10 ~~s. Fishing license, one-day .....$ 7.50~~
11 ~~t.~~ x. Wholesale bait dealer license $125.00
12 ~~u.~~ y. Boundary waters sport trotline
13 license, annual .....$ 20.50
14 2. Nonresidents:
15 a. Fishing license, annual .....$ 39.00
16 b. Fishing license, seven-day .....$ 30.00
17 c. Fishing license, three-day .....$ 15.50
18 d. Fishing license, one-day .....$ 8.50
19 e. Third line fishing permit, annual .....$ 10.00
20 ~~c.~~ f. Hunting license, annual, including the wildlife
21 habitat fee, eighteen years of
22 age or older .....$~~110.00~~
23 121.00
24 ~~d.~~ g. Hunting license, annual, including the wildlife
25 habitat fee, under eighteen
26 years of age .....$ ~~30.00~~
27 41.00
28 ~~e.~~ h. Deer hunting license, antlered or
29 any sex deer $295.00
30 ~~f.~~ i. Preference point issued under
31 section 483A.7, subsection 3,
32 paragraph "b", or section 483A.8,
33 subsection 3, paragraph "e" .....$ 50.00
34 ~~g.~~ j. Deer hunting license, antlerless
35 deer only, required with the purchase

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of an antlered or any sex deer hunting license $125.00

~~h.~~ k. Deer hunting license, antlerless deer only $225.00

~~i.~~ l. Holiday deer hunting license issued under section 483A.8, subsection 6, antlerless deer only .....$ 75.00

~~j.~~ m. Wild turkey hunting license $100.00

~~k.~~ n. Fur harvester license, including the wildlife habitat fee .....$~~200.00~~ 211.00

~~l.~~ o. Fur dealer license $501.00

~~m.~~ p. Location permit for fur dealers.....$ 56.00

~~n.~~ q. Aquaculture unit license .....$ 56.00

~~o.~~ r. Retail bait dealer license ~~or the~~ .....$125.00 or the amount for the same type of license in the nonresident's state, whichever is greater

s. Wholesale bait dealer license .....$250.00 or the amount for the same type of license in the nonresident's state, whichever is greater

~~p.~~ t. Trout fishing fee .....$ 13.00

~~q.~~ u. Game breeder license .....$ 26.00

~~r.~~ v. Taxidermy license .....$ 26.00

~~s.~~ w. Falconry license .....$ 26.00

~~t.~~ x. Wildlife habitat fee .....$ 11.00

~~u.~~ y. Migratory game bird fee .....$ 8.00

~~v. Fishing license, three-day .....$ 15.50~~

~~w. Wholesale bait dealer license .....$250.00 or the amount for the same type of license in the nonresident's state, whichever is greater~~

~~x. Fishing license, one-day .....$ 8.50~~

~~y.~~ z. Boundary waters sport trotline

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license, annual .....$ 40.50

Sec. 6. Section 483A.3, Code 2011, is amended to read as follows:

483A.3 Wildlife habitat fee.

1. *a.* A resident or nonresident person required to have a hunting or fur harvester license shall not hunt or trap unless the person ~~has paid~~ purchases a hunting or fur harvester license that includes the wildlife habitat fee. ~~This section shall not apply to residents~~

b. Residents who have permanent disabilities or who are younger than sixteen or older than sixty-five years of age may purchase a hunting or fur harvester license that does not include the wildlife habitat fee. ~~Wildlife~~

c. Eleven dollars of the fee paid for each resident or nonresident hunting or fur harvester license that includes the wildlife habitat fee shall be designated as a wildlife habitat fee.

d. All wildlife habitat fees shall be administered in the same manner as hunting and fur harvester licenses except all revenue derived from wildlife habitat fees shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund, except as provided in subsection 2. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land, or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section 427.1, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition the revenue may be used for the development and enhancement of wildlife lands and habitat areas.

e. Not less than fifty percent of all revenue from wildlife habitat fees shall be used by the commission to enter into agreements with county conservation boards or other public

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1 agencies in order to carry out the purposes of this section.
2 The state share of funding of those agreements provided
3 by the revenue from wildlife habitat fees shall not exceed
4 seventy-five percent.
5 2. Up to sixty percent of the revenues from wildlife
6 habitat fees which are not required under subsection 1 to be
7 used by the commission to enter into agreements with county
8 conservation boards or other public agencies may be credited to
9 the wildlife habitat bond fund as provided in section 483A.53.
10 3. Notwithstanding subsections 1 and 2, any increase in
11 wildlife habitat fee revenues received on or after July 1,
12 2007, pursuant to this section as a result of wildlife habitat
13 fee increases pursuant to 2007 Iowa Acts, ch. 194, shall be
14 used by the commission only for the purpose of the game bird
15 habitat development program as provided in section 483A.3B.
16 The commission shall not reduce on an annual basis for these
17 purposes the amount of other funds being expended as of July
18 1, 2007.
19 4. A three-year hunting license purchased pursuant to
20 section 483A.1, subsection 1, paragraph *"h"*, includes the
21 payment of a wildlife habitat fee for each of the three years
22 for which the license is valid and those fees shall be used as
23 provided in this section.
24 Sec. 7. Section 483A.3A, Code 2011, is amended to read as
25 follows:
26 **483A.3A Fish habitat development funding.**
27 Three dollars from each resident and nonresident annual and
28 seven-day fishing license and nine dollars from each resident
29 three-year fishing license sold shall be deposited in the
30 state fish and game protection fund and shall be used within
31 this state for fish habitat development. Not less than fifty
32 percent of this amount shall be used by the commission to enter
33 into agreements with county conservation boards to carry out
34 the purposes of this section.
35 Sec. 8. Section 483A.7, subsection 1, Code 2011, is amended

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to read as follows:

1. A resident hunting wild turkey who is required to have a license must ~~have~~ purchase a resident hunting license that includes the wildlife habitat fee in addition to the wild turkey hunting license ~~and must pay the wildlife habitat fee~~. Upon application and payment of the required fees for archery-only licenses, a resident archer shall be issued two wild turkey licenses for the spring season.

Sec. 9. Section 483A.7, subsection 3, Code 2011, is amended to read as follows:

3. *a.* A nonresident wild turkey hunter is required to ~~have~~ purchase a nonresident hunting license that includes the wildlife habitat fee and a nonresident wild turkey hunting license ~~and pay the wildlife habitat fee~~. The commission shall annually limit to two thousand three hundred licenses the number of nonresidents allowed to have wild turkey hunting licenses. Of the two thousand three hundred licenses, one hundred fifty licenses shall be valid for hunting with muzzle loading shotguns only. The commission shall allocate the nonresident wild turkey hunting licenses issued among the zones based on the populations of wild turkey. A nonresident applying for a wild turkey hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

b. The commission shall assign one preference point to a nonresident whose application for a nonresident wild turkey hunting license is denied due to limitations on the number of nonresident wild turkey hunting licenses available for issuance that year. An additional preference point shall be assigned to that person each subsequent year the person's license application is denied for that reason. A nonresident may purchase additional preference points pursuant to section 483A.1, subsection 2, paragraph ~~"f"~~ "i". The first nonresident

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wild turkey hunting license drawing each year shall be made from the pool of applicants with the most preference points and continue to pools of applicants with successively fewer preference points until all available nonresident wild turkey hunting licenses have been issued. If a nonresident applicant receives a wild turkey hunting license, all of the applicant's assigned preference points at that time shall be removed.

Sec. 10. Section 483A.8, subsection 1, Code Supplement 2011, is amended to read as follows:

1. A resident hunting deer who is required to have a hunting license must ~~have~~ purchase a resident hunting license that includes the wildlife habitat fee, in addition to the deer hunting license ~~and must pay the wildlife habitat fee~~. In addition, a resident who purchases a deer hunting license shall pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

Sec. 11. Section 483A.8, subsection 3, paragraphs a, b, and e, Code Supplement 2011, are amended to read as follows:

a. A nonresident hunting deer is required to ~~have~~ purchase a nonresident hunting license that includes the wildlife habitat fee and a nonresident deer hunting license ~~and must pay the wildlife habitat fee~~. In addition, a nonresident who purchases a deer hunting license shall pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

b. A nonresident who purchases an antlered or any sex deer hunting license pursuant to section 483A.1, subsection 2, paragraph ~~"e"~~ "h", is required to purchase an antlerless deer only deer hunting license at the same time, pursuant to section 483A.1, subsection 2, paragraph ~~"g"~~ "j".

e. The commission shall assign one preference point to a

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1 nonresident whose application for a nonresident antlered or any
2 sex deer hunting license is denied due to limitations on the
3 number of nonresident antlered or any sex deer hunting licenses
4 available for issuance that year. An additional preference
5 point shall be assigned to that person each subsequent year
6 the person's license application is denied for that reason. A
7 nonresident may purchase additional preference points pursuant
8 to section 483A.1, subsection 2, paragraph ~~"f"~~ "i". The first
9 nonresident antlered or any sex deer hunting license drawing
10 each year shall be made from the pool of applicants with the
11 most preference points and continue to pools of applicants
12 with successively fewer preference points until all available
13 nonresident antlered or any sex deer hunting licenses have been
14 issued. If a nonresident applicant receives an antlered or
15 any sex deer hunting license, all of the applicant's assigned
16 preference points at that time shall be removed.
17 Sec. 12. Section 483A.8, subsection 6, Code Supplement
18 2011, is amended to read as follows:
19 6. The commission shall provide by rule for the annual
20 issuance to a nonresident of a nonresident antlerless deer
21 hunting license that is valid for use only during the period
22 beginning on December 24 and ending at sunset on January 2
23 of the following year and costs seventy-five dollars. A
24 nonresident hunting deer with a license issued under this
25 subsection shall be otherwise qualified to hunt deer in this
26 state and shall ~~have~~ purchase a nonresident hunting license~~,~~
27 ~~pay~~ that includes the wildlife habitat fee, and pay the one
28 dollar fee for the purpose of deer herd population management
29 as provided in subsection 3. Pursuant to this subsection, the
30 commission shall make available for issuance only the remaining
31 nonresident antlerless deer hunting licenses allocated under
32 subsection 3 that have not yet been issued for the current
33 year's nonresident antlerless deer hunting seasons.
34 Sec. 13. Section 483A.8B, Code 2011, is amended to read as
35 follows:

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483A.8B Senior crossbow deer hunting licenses.

1. A person who is a resident and who is seventy years of age or older may be issued one special senior statewide antlerless deer only crossbow deer hunting license to hunt deer during bow season as established by rule by the commission. A person who obtains a license to hunt deer under this section is not required to pay the wildlife habitat fee but shall be otherwise qualified to hunt deer in this state and shall ~~have~~ purchase a resident hunting license that does not include the wildlife habitat fee.

2. A person may obtain a license under this section in addition to a statewide antlered or any sex deer hunting bow season license. Season dates, shooting hours, limits, license quotas, and other regulations for this license shall be the same as set forth by the commission by rule for bow season deer hunts.

Sec. 14. Section 483A.8C, subsection 2, Code 2011, is amended to read as follows:

2. A person who obtains a deer hunting license under this section is not required to pay the wildlife habitat fee but shall purchase a deer hunting license and hunting license that does not include the wildlife habitat fee, be otherwise qualified to hunt, and pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

Sec. 15. Section 483A.9A, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The commission shall offer to residents a combination package of an annual fishing license and an annual hunting license, as provided in section 483A.1, subsection 1, the cost of which includes the wildlife habitat fee.

Sec. 16. Section 483A.17, Code 2011, is amended to read as

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1 follows:
2 **483A.17 Tenure of license.**
3 Every license, except as otherwise provided in this chapter,
4 is valid from the date issued to January 10 of the succeeding
5 calendar year for which it is issued. A license shall not be
6 issued prior to December 15 for the subsequent calendar year
7 except for a three-year fishing license or a three-year hunting
8 license issued to a resident pursuant to section 483A.1,
9 subsection 1.
10 Sec. 17. Section 483A.24, subsections 3 and 4, Code
11 Supplement 2011, are amended to read as follows:
12 3. The director shall provide up to seventy-five
13 nonresident deer hunting licenses for allocation as requested
14 by a majority of a committee consisting of the majority leader
15 of the senate, speaker of the house of representatives, and
16 director of the economic development authority, or their
17 designees. The licenses provided pursuant to this subsection
18 shall be in addition to the number of nonresident licenses
19 authorized pursuant to section 483A.8. The purpose of the
20 special nonresident licenses is to allow state officials and
21 local development groups to promote the state and its natural
22 resources to nonresident guests and dignitaries. Photographs,
23 videotapes, or any other form of media resulting from the
24 hunting visitation shall not be used for political campaign
25 purposes. The nonresident licenses shall be issued without
26 application upon ~~payment of~~ purchase of a nonresident hunting
27 license that includes the wildlife habitat fee and the purchase
28 of a nonresident deer hunting license ~~fee and the wildlife~~
29 ~~habitat fee~~. The licenses are valid in all zones open to deer
30 hunting. The hunter safety and ethics education certificate
31 requirement pursuant to section 483A.27 is waived for a
32 nonresident issued a license pursuant to this subsection.
33 4. The director shall provide up to twenty-five nonresident
34 wild turkey hunting licenses for allocation as requested by
35 a majority of a committee consisting of the majority leader

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of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon ~~payment of~~ purchase of a nonresident hunting license that includes the wildlife habitat fee and the purchase of a nonresident wild turkey hunting license ~~fee and the wildlife habitat fee~~. The licenses are valid in all zones open to wild turkey hunting. The hunter safety and ethics education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 18. Section 483A.24, subsection 10, paragraph d, Code Supplement 2011, is amended to read as follows:

d. A nonresident who receives a special license pursuant to this subsection shall purchase a hunting license that includes the wildlife habitat fee and the applicable nonresident turkey or deer hunting license~~, and pay the wildlife habitat fee~~, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license that includes the wildlife habitat fee. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee.

Sec. 19. Section 483A.24B, subsection 6, Code 2011, is amended to read as follows:

6. A person who receives a license pursuant to this section shall be otherwise qualified to hunt deer in this state and

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1 shall ~~have~~ purchase a hunting license ~~and pay~~ that includes the
2 wildlife habitat fee.
3 Sec. 20. Section 483A.28, Code 2011, is amended by adding
4 the following new subsection:
5 NEW SUBSECTION. 4. Any person who is issued a valid fishing
6 license pursuant to this chapter may fish with a third line as
7 provided in section 481A.72 only upon the annual purchase of a
8 third line fishing permit as provided in section 483A.1.
9 Sec. 21. Section 484B.10, subsections 2 and 3, Code 2011,
10 are amended to read as follows:
11 2. Waterfowl shall not be shot over any area where
12 pen-reared mallards may serve as live decoys for wild
13 waterfowl. All persons hunting game birds or ungulates upon a
14 licensed hunting preserve shall secure a hunting license ~~to do~~
15 ~~so~~ that includes the wildlife habitat fee in accordance with
16 the game laws of Iowa, with the exception that an unlicensed
17 person may secure an annual hunting preserve license restricted
18 to hunting preserves only for a license fee of five dollars.
19 All persons who hunt on hunting preserves shall pay the
20 wildlife habitat fee.
21 3. A nonresident youth under sixteen years of age may hunt
22 game birds on a licensed hunting preserve upon securing an
23 annual hunting preserve license restricted to hunting preserves
24 only for a license fee of five dollars and payment of the
25 wildlife habitat fee. A nonresident youth is not required
26 to complete the hunter safety and ethics education course to
27 obtain a hunting preserve license pursuant to this subsection
28 if the youth is accompanied by a person who is at least
29 eighteen years of age, is qualified to hunt, and possesses a
30 valid hunting license that includes the wildlife habitat fee.
31 During the hunt, the accompanying adult must be within arm's
32 reach of the nonresident youth.
33 EXPLANATION
34 This bill relates to the issuance of hunting and fishing
35 licenses.

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1 Code section 481A.72 is amended to allow a person to use
2 three instead of two lines while fishing. Code section 483A.1
3 is amended to provide for the annual purchase of a third line
4 fishing permit costing $10 by a resident or nonresident fisher.
5 Code section 483A.28 is amended to provide that a person who
6 fishes with a third line must annually purchase a third line
7 fishing permit.
8 Code section 483A.1 is also amended to provide for three
9 new license options for residents. A new three-year fishing
10 license is available for residents at a cost of $51. Code
11 section 483A.3A is amended to specify that $9 from each
12 three-year fishing license must be used for fish habitat
13 development.
14 A new three-year hunting license, including the wildlife
15 habitat fees, is available for $84. Code section 483A.3 is
16 amended to specify that of the $84 for this license, $33 is
17 allocated to wildlife habitat fees.
18 A new annual combination hunting and fishing license,
19 including the wildlife habitat fee, is available for $45. Code
20 section 483A.9A specifies that the package includes an annual
21 fishing license, an annual hunting license, and payment of the
22 wildlife habitat fee.
23 Changes are made to Code section 483A.1(1) to include
24 payment of the wildlife habitat fee in resident hunting and fur
25 harvester license fees. However, such licenses are available
26 without inclusion of the wildlife habitat fee for purchase by
27 residents who are permanently disabled, or are younger than 16
28 or older than 65 years of age and are not required to pay the
29 wildlife habitat fee. Code section 483A.1(2) is also amended
30 to include payment of the wildlife habitat fee in nonresident
31 hunting and fur harvester license fees.
32 Code section 483A.3 is amended to specify that $11 of the fee
33 paid for each resident or nonresident hunting or fur harvester
34 license that includes the wildlife habitat fee is designated as
35 a wildlife habitat fee and shall be administered as a wildlife

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1 habitat fee.
2 Code section 483A.17 is amended to specify that a three-year
3 fishing license or a three-year hunting license is not subject
4 to the requirement that a license cannot be issued prior to
5 December 15 for the subsequent year.
6 Conforming changes regarding inclusion of the wildlife
7 habitat fee in hunting and fur harvester license fees are made
8 in other Code sections.
9 Technical changes are also made to Code section 483A.1 to
10 group similar types of licenses together and to insert a word
11 that was inadvertently deleted. Conforming changes were made
12 in Code sections 483A.7 and 483A.8.

Senate File 2168 - Introduced

SENATE FILE 2168
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SF 2110)

A BILL FOR

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

TLSB 5471SV (1) 84
mm/sc

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

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

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

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

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

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

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

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

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

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

EXPLANATION

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

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

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

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

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

Senate File 2169 - Introduced

SENATE FILE 2169
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3109)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation, including provisions concerning the
3 regulation of motor vehicles and motor vehicle dealers, the
4 licensing and regulation of motor vehicle operators, and
5 administrative reporting requirements, providing penalties,
6 and including effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5310SV (2) 84
dea/nh

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DIVISION I
MOTOR VEHICLE OPERATORS

Section 1. Section 321.1, subsection 24B, paragraph c, Code Supplement 2011, is amended to read as follows:

c. A ~~valid statement issued by the treasurer of state pursuant to~~ certificate of deposit filed with the department as provided in section 321A.25 ~~attesting to the filing of a certificate of deposit with the treasurer of state~~.

Sec. 2. Section 321.196, subsection 4, Code 2011, is amended to read as follows:

4. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant meets one of the following conditions:

a. The applicant satisfactorily passes a vision test as prescribed by the department ~~or~~.

b. The applicant files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

c. The applicant is eligible for license renewal electronically, pursuant to rules adopted by the department.

4A. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1.

Sec. 3. Section 321.208, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Using a hand-held electronic device to write, send, or read a text message in violation of section 321.276 while operating a commercial motor vehicle.

Sec. 4. Section 321.211, subsection 2, Code 2011, is amended to read as follows:

2. ~~There is appropriated each year from the road use~~

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~~tax fund to the department of transportation two hundred twenty-five thousand dollars or as much thereof as is necessary to be used to pay the cost of notice and personal delivery of service, as necessary to meet the notice requirement of this section.~~ The department shall adopt rules governing the ~~payment of the cost of personal delivery of~~ service of notice. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in the manner provided in section 321.145~~, as reimbursement for~~ to help defray the costs ~~of notice under this section~~ incurred in the driver's license sanction and reinstatement process.

Sec. 5. Section 321.257, subsection 2, paragraph f, Code Supplement 2011, is amended to read as follows:

f. A *"flashing circular yellow"* light means vehicular traffic shall proceed through the intersection or past such signal with caution.

Sec. 6. Section 321.257, subsection 2, Code Supplement 2011, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0d.* A *"steady red arrow"* light shown alone or with another official traffic-control signal means vehicular traffic shall not enter the intersection to make the movement indicated by the arrow. A steady red arrow light does not prohibit entering the intersection to make another movement permitted by another signal indicator. A steady red arrow light is intended to prohibit traffic, except pedestrians directed by a pedestrian signal, from entering the intersection to make the indicated turn.

NEW PARAGRAPH. *0g.* A *"flashing yellow arrow"* light shown alone or with another official traffic-control signal means vehicular traffic may cautiously enter the intersection only to make the movement indicated by the arrow, or other such movement as permitted by other signal indicators displayed at the same time. Vehicular traffic proceeding under a flashing yellow arrow light shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection.

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Sec. 7. Section 321.258, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

321.258 Arrangement of lights on official traffic-control signals.

The design, color, and arrangement of lights placed on an official traffic control signal shall be in conformance with the manual on uniform traffic-control devices adopted pursuant to section 321.252.

Sec. 8. Section 321A.18, subsection 3, Code 2011, is amended to read as follows:

3. A ~~statement issued by the treasurer of state attesting to the filing of a~~ certificate of deposit ~~with the treasurer of state~~ as provided in section 321A.25.

Sec. 9. Section 321A.25, Code 2011, is amended to read as follows:

321A.25 Certificate of deposit as proof.

1. Proof of financial responsibility may be evidenced by ~~the statement of the treasurer of state that the person named in the statement has filed~~ filing with the ~~treasurer of state~~ department fifty-five thousand dollars in the form of ~~an endorsed~~ a certificate of deposit made payable ~~jointly~~ to the ~~person and the treasurer of state~~ department. The certificate of deposit shall be obtained from an Iowa financial institution in the amount of fifty-five thousand dollars plus any early withdrawal penalty fee. ~~The treasurer of state shall promptly notify the director of transportation of the name and address of the person to whom the statement has been issued.~~ Upon receipt of the ~~notification~~ certificate of deposit, the ~~director of transportation~~ department shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The ~~treasurer of state shall not accept a certificate of deposit and issue a statement for it and the~~ department

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1 shall not accept ~~the statement~~ a certificate of deposit unless
2 accompanied by evidence that there are no unsatisfied judgments
3 of any character against the person in the county where the
4 person resides.
5 2. Such certificate of deposit shall be held by the
6 ~~treasurer of state~~ department to satisfy, in accordance with
7 this chapter, any execution on a judgment issued against
8 the person filing the certificate of deposit, for damages,
9 including damages for care and loss of services, because of
10 bodily injury to or death of any person, or for damages because
11 of injury to or destruction of property, including the loss of
12 use of property, resulting from the ownership, maintenance,
13 use, or operation of a motor vehicle after the certificate of
14 deposit was filed. A certificate of deposit so filed shall not
15 be subject to attachment or execution unless the attachment
16 or execution arises out of a suit for damages as previously
17 provided in this subsection.
18 Sec. 10. Section 321A.27, Code 2011, is amended to read as
19 follows:
20 **321A.27 Substitution of proof.**
21 The department shall consent to the cancellation of a bond
22 or certificate of insurance or the department shall ~~direct and~~
23 ~~the treasurer of state shall~~ return a certificate of deposit
24 to the person entitled to the certificate of deposit upon
25 the substitution and acceptance of other adequate proof of
26 financial responsibility pursuant to this chapter.
27 Sec. 11. Section 321A.29, subsection 1, unnumbered
28 paragraph 1, Code 2011, is amended to read as follows:
29 The department shall upon request consent to the immediate
30 cancellation of a bond or certificate of insurance, or the
31 department shall ~~direct and the treasurer of state shall~~ return
32 to the person entitled thereto a certificate of deposit filed
33 pursuant to this chapter as proof of financial responsibility,
34 or the department shall waive the requirement of filing proof,
35 in any of the following events:

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1 Sec. 12. Section 321A.29, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. The department shall not consent to the cancellation
4 of a bond or ~~the~~ return ~~of~~ a certificate of deposit in the
5 event an action for damages upon a liability covered by such
6 proof is then pending or a judgment upon any such liability is
7 unsatisfied, or in the event the person who has filed such bond
8 or such certificate of deposit has within one year immediately
9 preceding such request been involved as an operator or owner in
10 any motor vehicle accident resulting in injury or damage to the
11 person or property of others. An affidavit of the applicant as
12 to the nonexistence of such facts, or that the applicant has
13 been released from all of the applicant's liability, or has
14 been finally adjudicated not to be liable, for such injury or
15 damage, shall be sufficient evidence thereof in the absence of
16 evidence to the contrary in the records of the department.
17 Sec. 13. EMERGENCY RULES. The department of transportation
18 may adopt emergency rules under section 17A.4, subsection 3,
19 and section 17A.5, subsection 2, paragraph "b", to implement
20 section 321.196, subsection 4, paragraph "c", as enacted in
21 this Act, and the rules shall be effective immediately upon
22 filing unless a later date is specified in the rules. Any
23 rules adopted in accordance with this section shall also be
24 published as a notice of intended action as provided in section
25 17A.4.
26 Sec. 14. EFFECTIVE UPON ENACTMENT. The following
27 provisions of this division of this Act, being deemed of
28 immediate importance, take effect upon enactment:
29 1. The section of this division of this Act amending section
30 321.196, subsection 4.
31 2. The section of this division of this Act authorizing the
32 adoption of emergency rules.
33 DIVISION II
34 VEHICLE ENFORCEMENT
35 Sec. 15. Section 321.52, subsection 4, paragraph c, Code

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2011, is amended to read as follows:

c. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the ~~Iowa law enforcement academy~~ department to do salvage theft examinations in Iowa. The ~~Iowa law enforcement academy~~ department shall determine standards for training and certification~~,~~ and shall conduct training~~, and may approve alternative training programs which satisfy the academy's standards for training and certification~~. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have available for inspection the salvage title, bills of sale for all essential parts changed, if applicable, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the vehicle is safe to be operated. There shall be no cause of action against the peace officer or the agency conducting the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of thirty dollars upon completion of the examination. The agency performing the examinations shall retain twenty dollars of the

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1 fee and shall pay five dollars of the fee to the department
2 and, notwithstanding section 321.145, five dollars of the fee
3 to the treasurer of state for deposit in the general fund of
4 the state. Moneys deposited to the general fund under this
5 paragraph ~~are subject to the requirements of section 8.60~~
6 ~~and~~ shall be ~~used by~~ allocated to the Iowa law enforcement
7 academy ~~to provide for the special training, certification, and~~
8 ~~recertification of officers as required by this subsection~~.
9 Sec. 16. Section 321.52, subsection 5, Code 2011, is amended
10 to read as follows:
11 5. *a.* The department shall adopt rules in accordance with
12 chapter 17A to carry out this section.
13 *b.* The department may adopt rules providing for the
14 electronic completion and issuance of salvage vehicle theft
15 examination certificates and affidavits along with the
16 electronic payment and transfer of fees collected for salvage
17 vehicle theft examinations.
18 Sec. 17. Section 321.105A, subsection 7, Code Supplement
19 2011, is amended to read as follows:
20 7. *Penalty for false statement or evasion of fee.* A person
21 who willfully makes a false statement in regard to the purchase
22 price of a vehicle subject to a fee for new registration or
23 willfully attempts in any manner to evade payment of the fee
24 required by this section is guilty of a fraudulent practice.
25 A person who willfully makes a false statement in regard to
26 the purchase price of such a vehicle with the intent to evade
27 payment of the fee for new registration or willfully attempts
28 in any manner to evade payment of the fee required by this
29 section shall be assessed a penalty of seventy-five percent of
30 the amount of the fee unpaid and required to be paid on the
31 actual purchase price less trade-in allowance.
32 Sec. 18. Section 321.200A, Code 2011, is amended to read as
33 follows:
34 **321.200A Convictions based upon fraud.**
35 1. If a person discovers a record of conviction for

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a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification, the person may, within one year of the date of the discovery of the conviction, submit a written ~~application~~ complaint to the department ~~to~~ and request that the department investigate the allegation. The department may summarily reject the ~~application~~ complaint as submitted or proceed to investigate the ~~application~~ complaint. ~~If the department investigates the application, the department may either deny the application or, if the department determines the allegation is warranted, approve the application.~~ If the department investigates the ~~application~~ complaint, the department shall ~~also issue~~ complete a report ~~and findings with the decision of the department~~ containing the investigative results. The ~~rejection, approval, or denial of an application~~ refusal to investigate a complaint is not subject to contested case proceedings or further review as provided in chapter 17A. If the ~~application~~ complaint is investigated, the department shall provide the ~~applicant~~ person who submitted the complaint with a ~~certified~~ copy of ~~the decision of the department~~ a summary of the investigative report upon completion of the investigation. ~~If the department approves the application, the department shall also provide the applicant with a certified copy of the investigative report and findings.~~ The department shall ~~also~~ provide ~~certified~~ copies of the department's ~~decision approving or denying the application together with the~~ investigative report ~~and findings~~ to the appropriate prosecuting attorney in the city or county that prosecuted the scheduled violation and to the district court in the county that prosecuted the scheduled violation. The department may electronically provide copies of ~~any decision approving or denying the application and~~ the investigative report ~~and findings~~ to the district court.

2. A person who discovers that a record of conviction for a scheduled violation under this chapter was entered

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by fraudulent use of the person's name or by use of other fraudulent identification may bypass the ~~application~~ complaint process in subsection 1 and move in district court to set aside the judgment of conviction within one year of discovery of the conviction. ~~An applicant with an approved application~~ A person who follows the complaint process under subsection 1 ~~shall~~ and obtains an investigative report from the department may also move in district court to set aside the judgment of conviction in order to have the department expunge or alter the records of the department or rescind or modify an administrative sanction. If the district court grants the motion to set aside the judgment, the district court shall order the charging agency or official to modify the records of the agency or official to reflect the order setting aside the judgment. The clerk of the district court shall provide the court order setting aside the judgment, either by regular mail or electronic means, to the charging agency or official~~,~~ and the department of transportation. The clerk of the district court shall also provide the ~~applicant~~ person with a certified copy of the court order at no cost to the ~~applicant~~ person.

3. Notwithstanding the department's ~~approval of an application pursuant to~~ investigation under subsection 1, the department shall not expunge or alter the records of the department or rescind or modify an administrative sanction unless the department receives an order from the district court setting aside the previous judgment of the court as provided in subsection 2. Upon receiving a copy of an order from the district court setting aside the previous judgment of the court, the department shall expunge the record and shall rescind any administrative sanction imposed upon the ~~applicant~~ person as a result of the judgment, unless the ~~applicant~~ person is subject to sanctions for other reasons. The department may impose a new sanction if expunging the judgment would result in a lesser or different sanction.

4. The department shall adopt rules pursuant to chapter 17A

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to implement this section.

Sec. 19. Section 321H.8, subsection 1, Code 2011, is amended to read as follows:

1. ~~A person convicted of violating a provision of this chapter is guilty of a serious misdemeanor.~~ A person who violates any of the provisions of this chapter for which a penalty is not specifically provided is guilty of a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than six hundred twenty-five dollars or by imprisonment not to exceed thirty days.

Sec. 20. Section 322.14, subsection 1, Code 2011, is amended to read as follows:

1. A person who violates any of the provisions of this chapter for which a penalty is not specifically provided is guilty of a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than ~~one thousand five~~ six hundred twenty-five dollars or by imprisonment not to exceed thirty days.

DIVISION III

VEHICLE AND MOTOR CARRIER SERVICES

Sec. 21. Section 321.40, subsection 3, Code 2011, is amended to read as follows:

3. ~~Registration receipts issued for renewals shall have the word "renewal" imprinted thereon and, if the owner making a renewal application has been issued a certificate of title, the title number shall appear on the registration receipt.~~ The word "renewal" shall be printed on registration receipts issued for renewals. All registration receipts for renewals shall be typewritten or printed by other mechanical means. The applicant shall receive a registration receipt.

Sec. 22. Section 321.166, subsection 2, Code 2011, is amended to read as follows:

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name

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of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county, including any plate issued pursuant to section 321.34, except Pearl Harbor and purple heart registration plates issued prior to January 1, 1997; registration plates issued pursuant to section 321.34, subsection 13, paragraph *"d"*; and collegiate, fire fighter, and medal of honor registration plates. ~~Special truck registration plates shall display the word *"special"*.~~ The department may adopt rules to implement this subsection.

Sec. 23. Section 322.5, subsection 2, paragraph a, subparagraph (2), Code 2011, is amended to read as follows:

(2) Display, offer for sale, and negotiate sales of new motor vehicles at fair events, as defined in chapter 174, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at fair events, vehicle shows, and vehicle exhibitions that are held in the ~~county of the~~ motor vehicle dealer's ~~principal place of business~~ community, as defined in section 322A.1, for the vehicles that are displayed and offered for sale. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair event, vehicle show, or vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

Sec. 24. Section 322.7A, subsections 1, 2, and 4, Code 2011, are amended to read as follows:

1. An applicant for a license as a used motor vehicle dealer shall complete a minimum of eight hours of prelicensing education program courses in the twenty-four-month period immediately preceding the application for license pursuant to this section ~~prior to submitting an application to the department~~.

2. A person seeking renewal of a used motor vehicle dealer

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license shall complete a minimum of five hours of continuing education program courses ~~over a two-year period~~ in the twenty-four-month period immediately preceding the expiration of the person's license pursuant to this section ~~prior to submitting an application for license renewal~~. However, an applicant for renewal of a used motor vehicle dealer license who has met the prelicensing education requirement under subsection 1 within the ~~preceding twenty-four months~~ twenty-four-month period immediately preceding expiration of the person's license is exempt from the continuing education requirement for license renewal.

4. The Iowa independent automobile dealers association, in consultation with the state department of transportation, the department of education, the attorney general, and the Iowa association of community college trustees, shall develop the prelicensing and continuing education course curricula for the used motor vehicle dealer education program, which shall include but not be limited to examination of federal and state laws applicable to the motor vehicle industry and federal and state regulations pertaining to used motor vehicle dealers. The education program courses shall be provided by community colleges as defined in section 260C.2 or by the Iowa independent automobile dealers association in conjunction with a community college. ~~The department of education shall adopt rules establishing reasonable fees to be charged for the prelicensing education courses and the continuing education courses.~~

Sec. 25. Section 322.7A, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The department of education shall adopt rules establishing reasonable fees to be charged for the prelicensing education courses and the continuing education courses. The department of transportation may adopt rules for reinstatement of the license of a person that failed to meet the continuing education requirements of subsection 2.

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1 Sec. 26. REPEAL. Section 321.116, Code 2011, is repealed.
2 Sec. 27. APPLICABILITY. The section of this division of
3 this Act that repeals section 321.116 applies for registration
4 years beginning on or after January 1, 2013.
5 DIVISION IV
6 REPORT REQUIREMENTS
7 Sec. 28. Section 307.20, subsection 1, Code 2011, is amended
8 to read as follows:
9 1. A biodiesel and biodiesel blended fuel revolving fund
10 is created in the state treasury. The biodiesel and biodiesel
11 blended fuel revolving fund shall be administered by the
12 department and shall consist of moneys received from the sale
13 of EPAct credits banked by the department on April 19, 2001,
14 moneys appropriated by the general assembly, and any other
15 moneys obtained or accepted by the department for deposit in
16 the fund. Moneys in the fund are appropriated to and shall
17 be used by the department for the purchase of biodiesel and
18 biodiesel blended fuel for use in department vehicles. ~~The~~
19 ~~department shall submit an annual report not later than January~~
20 ~~31 to the members of the general assembly and the legislative~~
21 ~~services agency, of the expenditures made from the fund during~~
22 ~~the preceding fiscal year.~~ Section 8.33 does not apply to
23 any moneys in the fund and, notwithstanding section 12C.7,
24 subsection 2, earnings or interest on moneys deposited in the
25 fund shall be credited to the fund.
26 Sec. 29. Section 307.21, subsection 3, Code Supplement
27 2011, is amended by striking the subsection.
28 EXPLANATION
29 This bill contains provisions relating to a variety of
30 matters regulated by the department of transportation.
31 DIVISION I —— MOTOR VEHICLE OPERATORS. Under current
32 law, a person who is required to file proof of financial
33 responsibility in order to operate a motor vehicle may do so
34 by filing $55,000 with the treasurer of state in the form of
35 a certificate of deposit made payable jointly to the person

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1 and the treasurer of state. The bill amends Code section
2 321A.25 to provide that the certificate of deposit is to be
3 made payable to the department of transportation and filed
4 directly with the department, rather than with the treasurer of
5 state. The bill makes conforming amendments to the definition
6 of "financial liability coverage" in Code section 321.1,
7 the list of alternate methods of filing proof of financial
8 responsibility contained in Code section 321A.18, and related
9 provisions in Code sections 321A.27 and 321A.29.
10 Code section 321.196 is amended to provide that when the
11 department renews a driver's license electronically, it may
12 do so without requiring the licensee to pass a vision test or
13 file a vision report, pursuant to rules of the department. The
14 bill authorizes the adoption of emergency rules to implement
15 this provision. The amendment to Code section 321.196 and
16 the authorization to adopt emergency rules are effective upon
17 enactment.
18 Under current law, a person is disqualified from operating
19 a commercial motor vehicle if the person has two or more
20 convictions within a three-year period for certain specified
21 offenses committed while operating a commercial motor vehicle
22 or while operating a noncommercial motor vehicle and holding
23 a commercial driver's license, if the convictions result in
24 a sanction of the person's driving privileges. Code section
25 321.208 is amended to include text messaging while operating a
26 commercial motor vehicle as one of those specified offenses.
27 Code section 321.211 is amended by striking a standing
28 $250,000 appropriation to the department intended to cover the
29 cost of notice and personal delivery of service in cases of
30 driver's license suspension. The bill provides that license
31 reinstatement fees shall be used to help defray license
32 sanction and reinstatement costs rather than reimburse the
33 department for the costs of notice.
34 Code section 321.257 is amended to specify the meaning of an
35 official traffic-control signal displaying a steady red arrow

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1 or a flashing yellow arrow. The steady red arrow prohibits
2 vehicular traffic from entering the intersection to make the
3 movement indicated by the arrow, but does not permit entering
4 the intersection to make another movement permitted by another
5 signal indicator. A flashing yellow arrow means vehicular
6 traffic may cautiously enter the intersection only to make the
7 movement indicated by the arrow or another movement permitted
8 by other signal indicators displayed at the same time.
9 Traffic operating under a flashing yellow arrow must yield the
10 right-of-way to other vehicles and pedestrians lawfully within
11 the intersection.
12 The bill strikes current provisions in Code section
13 321.258 which specify the arrangement of lights on official
14 traffic-control signals. The provisions are replaced with a
15 requirement that the design, color, and arrangement of lights
16 on official traffic-control signals be in accordance with the
17 manual on uniform traffic-control devices, which is published
18 by the United States department of transportation and adopted
19 by rule by the state department of transportation to apply to
20 highways in the state.
21 DIVISION II —— VEHICLE ENFORCEMENT. Code section 321.52 is
22 amended to require the department, rather than the Iowa law
23 enforcement academy, to train and certify peace officers who
24 conduct salvage vehicle theft examinations. The $5 portion
25 of each salvage theft examination fee which currently accrues
26 to the Iowa law enforcement academy to provide salvage theft
27 examination training and certification will continue to
28 accrue to the academy. The department is authorized to adopt
29 rules providing for electronic completion and issuance of
30 certificates and affidavits along with electronic payment and
31 transfer of fees in connection with salvage theft examinations.
32 Code section 321.105A is amended to provide that a person
33 who willfully attempts to evade payment of the fee for new
34 registration is guilty of a fraudulent practice. In addition
35 to the criminal penalty, the person shall be assessed a penalty

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1 of 75 percent of the amount of the fee unpaid and required to be
2 paid. These are the same penalties that currently apply for
3 making a false statement in regard to the purchase price of a
4 vehicle subject to a fee for new registration.
5 Code section 321.200A is amended to modify the process
6 established to address convictions for motor vehicle violations
7 that are based upon fraud. The term "complaint" is substituted
8 for "application" to describe the written request for an
9 investigation that is filed with the department by a person
10 alleging that a record of conviction for a scheduled violation
11 was entered by fraudulent use of the person's name or by use
12 of fraudulent identification. Under the complaint process,
13 the department retains its existing authority to accept
14 or reject a person's request for an investigation. If the
15 department investigates a complaint, it must provide copies of
16 the report to the prosecuting attorney in the city or county
17 that prosecuted the scheduled violation and to the applicable
18 district court. The person who filed the complaint is entitled
19 to receive a summary of the department's investigative report,
20 rather than a certified copy of the full report, as is required
21 under current law.
22 Code sections 321H.8 and 322.14 are amended to align penalty
23 provisions for vehicle recyclers with those of motor vehicle
24 dealers and to lower the maximum fine for a simple misdemeanor
25 violation of motor vehicle dealer provisions. Under current
26 law, a person convicted of violating any of the vehicle
27 recycler provisions contained in Code chapter 321H is guilty
28 of a serious misdemeanor, and a person convicted of violating
29 any of the motor vehicle dealer provisions contained in Code
30 chapter 322 is guilty of a simple misdemeanor punishable by
31 a fine of not less than $250 and not more than $1,500 or by
32 imprisonment for up to 30 days. The amendment provides that
33 the default penalty for a violation under Code chapter 321H or
34 322 is a simple misdemeanor punishable by a fine of not less
35 than $250 and not more than $625 or by imprisonment for up to

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1 30 days.
2 DIVISION III — VEHICLE AND MOTOR CARRIER SERVICES. Code
3 section 321.40 is amended to eliminate the requirement that the
4 title number from a vehicle's certificate of title appear on
5 the registration receipt for the vehicle.
6 Code section 321.116, which establishes an annual
7 registration fee of $25 for electric motor vehicles, is
8 repealed. As a result, electric motor vehicles will be subject
9 to registration fees based on the weight and value of the
10 vehicle. The change applies for registration years beginning
11 on or after January 1, 2013.
12 Code section 321.166 is amended to correspond to a change
13 made in 2011 legislation eliminating the requirement that
14 special trucks for farm use be issued registration plates
15 displaying the word "special".
16 Current law authorizes the department to issue a temporary
17 permit allowing a motor vehicle dealer to display, offer for
18 sale, and negotiate sales of new motor vehicles at fair events,
19 vehicle shows, and vehicle exhibitions held in the county where
20 the dealer's principal place of business is located. The bill
21 allows such a permit to apply to fair events, vehicle shows,
22 and vehicle exhibitions held anywhere within the motor vehicle
23 dealer's "community" for the vehicles displayed or offered
24 for sale. The term "community" refers to the motor vehicle
25 franchisee's area of responsibility as stipulated in the
26 franchise agreement.
27 Code section 322.7A, relating to education requirements
28 for used motor vehicle dealers, is amended to specify that
29 prelicensing education program courses must be completed in
30 the 24-month period immediately preceding application for
31 licensure. In addition, continuing education program courses
32 must be completed in the 24-month period immediately preceding
33 the expiration of the person's license. Current law does not
34 specify a time frame for completion of prelicensing education
35 program courses and allows for completion of continuing

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education program courses over a two-year period preceding application for license renewal. The Code section is also amended to allow the department to adopt rules relating to the reinstatement of licensees who fail to meet the continuing education requirements.

DIVISION IV — REPORT REQUIREMENTS. Code section 321.20 is amended by striking an annual reporting requirement regarding expenditures from the biodiesel and biodiesel blended fuel revolving fund.

Code section 307.21 is amended by striking reporting requirements relating to the department's purchases of plastic products, soybean-based inks, and plastic garbage can liners.

Senate File 2170 - Introduced

SENATE FILE 2170
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3098)

A BILL FOR

1 An Act relating to service of notice requirements for holders
2 of a property tax sale certificate of purchase.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5584SV (2) 84
md/sc

S.F. 2170

Section 1. Section 447.9, subsections 1 and 2, Code 2011, are amended to read as follows:

1. After one year and nine months from the date of sale, or after nine months from the date of a sale made under section 446.18, or after three months from the date of a sale made under section 446.19A or 446.19B, the holder of the certificate of purchase may cause to be served upon the person in possession of the parcel, and also upon the person in whose name the parcel is taxed, a notice signed by the certificate holder or the certificate holder's agent or attorney, stating the date of sale, the description of the parcel sold, the name of the purchaser, and that the right of redemption will expire and a deed for the parcel be made unless redemption is made within ninety days from the completed service of the notice. The notice shall be served by both regular mail and certified mail to the person's last known address and such service is deemed completed when the notice ~~by certified mail~~ is deposited in the mail and postmarked for delivery. The ninety-day redemption period begins as provided in section 447.12. When the notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county treasurer or the county attorney, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the notice is given by the Iowa finance authority or a city or county agency holding the parcel as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority.

2. Service of the notice shall be made by <u>both regular mail and certified</u> mail on any mortgagee having a lien upon the parcel, a vendor of the parcel under a recorded contract of sale, a lessor who has a recorded lease or recorded memorandum of a lease, and any other person who has an interest of record, at the person's last known address. The notice shall be served on any city where the parcel is situated. Notice shall not be

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1 served after the filing of the affidavit required by section
2 447.12. Only those persons who are required to be served the
3 notice of expiration as provided in this section or who have
4 acquired an interest in or possession of the parcel subsequent
5 to the filing of the notice of expiration of the right of
6 redemption are eligible to redeem a parcel from tax sale.
7 Service of the notice is deemed completed when the notice is
8 deposited in the mail and postmarked for delivery.
9 EXPLANATION
10 This bill relates to the manner in which a holder of a
11 property tax sale certificate of purchase provides certain
12 notices under Code chapter 447 (tax redemption) following a
13 tax sale. The bill requires that service of the notice of
14 expiration of right of redemption made on specified lienholders
15 and interest holders be made by both regular mail and certified
16 mail and specifies when service of such notice is deemed
17 completed.
18 Certified mail means a mail service provided by the United
19 States postal service where the post office provides the mailer
20 with a receipt to prove mailing.
21 Pursuant to Code section 447.14, the law in effect at the
22 time of tax sale governs redemption.

Senate File 2171 - Introduced

SENATE FILE 2171
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3063)

A BILL FOR

1 An Act relating to third-party payment of services provided by
2 a doctor of chiropractic.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5475SV (1) 84
av/nh

S.F. 2171

1 Section 1. NEW SECTION. **514C.29 Services provided by a**
2 **doctor of chiropractic.**
3 1. Notwithstanding the uniformity of treatment requirements
4 of section 514C.6, a policy, contract, or plan providing
5 for third-party payment or prepayment of health or medical
6 expenses shall not impose a copayment or coinsurance amount on
7 an insured for services provided by a doctor of chiropractic
8 licensed pursuant to chapter 151 that is greater than the
9 copayment or coinsurance amount imposed on the insured for
10 services provided by a person engaged in the practice of
11 medicine and surgery or osteopathic medicine and surgery under
12 chapter 148 for the same or a similar diagnosed condition even
13 if a different nomenclature is used to describe the condition
14 for which the services are provided.
15 2. This section applies to the following classes of
16 third-party payment provider policies, contracts, or plans
17 delivered, issued for delivery, continued, or renewed in this
18 state on or after July 1, 2012:
19 *a.* Individual or group accident and sickness insurance
20 providing coverage on an expense-incurred basis.
21 *b.* An individual or group hospital or medical service
22 contract issued pursuant to chapter 509, 514, or 514A.
23 *c.* An individual or group health maintenance organization
24 contract regulated under chapter 514B.
25 *d.* A plan established pursuant to chapter 509A for public
26 employees.
27 *e.* An organized delivery system licensed by the director of
28 public health.
29 3. This section shall not apply to accident-only,
30 specified disease, short-term hospital or medical, hospital
31 confinement indemnity, credit, dental, vision, Medicare
32 supplement, long-term care, basic hospital and medical-surgical
33 expense coverage as defined by the commissioner, disability
34 income insurance coverage, coverage issued as a supplement
35 to liability insurance, workers' compensation or similar

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1 insurance, or automobile medical payment insurance.
2 EXPLANATION
3 This bill provides that a policy, contract, or plan
4 providing for third-party payment or prepayment of health or
5 medical expenses shall not impose a copayment or coinsurance
6 amount on an insured for services provided by a doctor of
7 chiropractic that is greater than the copayment or coinsurance
8 amount imposed on the insured for services rendered by a person
9 engaged in the practice of medicine and surgery or osteopathic
10 medicine and surgery for the same or a similar diagnosed
11 condition even if a different nomenclature is used to describe
12 the condition for which the services are provided.
13 The bill applies to specified individual and group policies,
14 contracts, and plans that are issued for delivery, continued,
15 or renewed in this state on or after July 1, 2012.

Senate File 2172 - Introduced

SENATE FILE 2172
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 2022)

A BILL FOR

1 An Act relating to management of swine, including by providing
2 for biosecurity and development in a farrowing and gestating
3 operation which is part of a confinement feeding operation,
4 and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5483SV (1) 84
da/rj

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1 Section 1. LEGISLATIVE INTENT. It is the intent of
2 the general assembly to support swine confinement feeding
3 operations maintaining swine as part of a farrowing and
4 gestating operation by improving the biosecurity of the
5 confinement feeding operation which provides for the on-site
6 raising of replacement breeding swine for the confinement
7 feeding operation's sow herd.
8 Sec. 2. Section 459.102, subsection 46, paragraph b, Code
9 2011, is amended to read as follows:
10 *b.* For a confinement feeding operation maintaining swine
11 as part of a farrowing and gestating operation, two thousand
12 five hundred or more animal units. In calculating the animal
13 unit capacity of a confinement feeding operation under this
14 paragraph, an animal unit does not include replacement breeding
15 swine, if all of the following apply:
16 (1) The replacement breeding swine are raised at the
17 confinement feeding operation.
18 (2) The replacement breeding swine are used in the farrowing
19 and gestating operation.
20 EXPLANATION
21 LEGISLATIVE INTENT. The bill provides that it is the
22 intent of the general assembly to support certain swine
23 confinement feeding operations (facilities which house swine
24 under a roof) and specifically sow reproduction operations,
25 referred to as a farrowing and gestating operation. The
26 general assembly declares an intent to improve biosecurity of
27 confinement feeding operations involved in the on-site raising
28 of replacement of breeding swine.
29 CURRENT LAW. Currently, special regulations apply to the
30 storage of manure originating from a so-called "qualified
31 confinement feeding operation" which includes a farrowing
32 and gestating operation. The confinement feeding operation
33 is designated as qualified if the maximum number of animal
34 units that may be maintained there at any one time (animal
35 unit capacity) equals 2,500 or more animal units (Code section

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459.102). Generally, once classified as qualified, the confinement feeding operation must store manure in a structure that maintains aeration equipment (Code section 459.206).

ANIMAL UNITS CALCULATED. Generally, an animal unit is calculated based on animal size. For example, each head of breeding swine is equal to 0.400 animal units and each head of swine weighing 15 pounds or more but not more than 55 pounds is equal to 0.100 animal units. For example, a person keeping 1,000 sows would have 400 animal units (1,000 x .4).

RECALCULATING ANIMAL UNITS. The bill changes how animal units are calculated in order to determine if a confinement feeding operation which includes a farrowing and gestating operation is considered qualified. Under the bill, replacement breeding swine are not counted if two conditions are satisfied. First, the replacement breeding swine must be raised at the confinement feeding operation and second, the replacement breeding swine must be used in the farrowing and gestating operation.

Senate File 2173 - Introduced

SENATE FILE 2173
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2012)

A BILL FOR

1 An Act authorizing the imposition of certain charges for fire
2 protection and emergency medical services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5094SV (1) 84
md/sc

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1 Section 1. Section 331.385, subsection 5, paragraph a, Code
2 2011, is amended to read as follows:
3 *a.* Notwithstanding subsection 1, if as of July 1, 2006, a
4 township has in force an agreement entered into pursuant to
5 chapter 28E for a city or another township to provide fire
6 protection service or fire protection service and emergency
7 medical service for the township, or if a township is otherwise
8 contracting with a city or another township for provision to
9 the township of fire protection service or fire protection
10 service and emergency medical service, the county board of
11 supervisors shall, for the fiscal year beginning July 1, 2007,
12 and subsequent fiscal years, negotiate for and enter into an
13 agreement pursuant to chapter 28E providing for continued fire
14 protection service, or fire protection service and emergency
15 medical service, to the township, and shall certify taxes
16 for levy in the township or impose service charges, or both,
17 pursuant to section 331.424C, in amounts sufficient to meet the
18 financial obligations pertaining to the agreement.
19 Sec. 2. Section 331.424C, Code 2011, is amended to read as
20 follows:
21 **331.424C Emergency services fund.**
22 A county that is providing fire protection service or
23 emergency medical service to a township pursuant to section
24 331.385 shall establish an emergency services fund and may
25 certify taxes for levy in the township or may impose service
26 charges for such services, or both. The taxes levied or
27 charges imposed shall not ~~to~~ exceed the amounts authorized in
28 section 359.43. The county has the authority to use a portion
29 of the taxes levied or charges imposed and deposited in the
30 fund for the purpose of accumulating moneys to carry out the
31 purposes of section 359.43, subsection 4.
32 Sec. 3. Section 357J.17, Code 2011, is amended to read as
33 follows:
34 **357J.17 Transition — township tax and service charges**
35 **discontinued.**

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1 When the boundary lines of the district include all or a
2 portion of a township and the district has certified a tax levy
3 within the township for the purpose of fire protection service
4 and emergency medical service, the township trustees shall no
5 longer levy the tax or impose the service charges provided
6 by section 359.43 in that portion of the township provided
7 services by the district. Any indebtedness incurred for the
8 purposes of sections 359.42 through 359.45 for a service now
9 provided by the district shall be assumed by the district.
10 Such township shall not be responsible for providing fire
11 protection service and emergency medical service as provided
12 in section 359.42 for the portion of the township within the
13 district, and shall have no liability for the method, manner,
14 or means by which the district provides the fire protection
15 service and emergency medical service.
16 Sec. 4. Section 359.43, Code 2011, is amended by adding the
17 following new subsection:
18 NEW SUBSECTION. 6. *a.* In addition to or in lieu of the
19 property tax levies authorized in this section, the trustees
20 may authorize the collection of any of the following:
21 (1) A service charge for fire protection service from the
22 property owner where the fire protection service was provided.
23 (2) A service charge for emergency medical service from the
24 recipient of the emergency medical service or from the parent
25 of the recipient if the recipient is a minor. For purposes
26 of this subsection, *"minor"* means an individual who is under
27 eighteen years of age and is not considered by law to be an
28 adult, and *"parent"* means one biological or adoptive parent, a
29 stepparent, or a legal guardian or custodian of the minor.
30 *b.* A service charge collected under this section for fire
31 protection service or emergency medical service shall not
32 exceed an amount equal to the actual expense incurred by the
33 township to provide the service.
34 *c.* The state fire service and emergency response council
35 established in section 100B.1 shall develop guidelines for

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1 townships to follow when authorizing the collection of service
2 charges for fire protection service or emergency medical
3 service.
4 *d.* If the trustees contract with a public or private agency
5 under chapter 28E for the purpose of providing fire protection
6 service or emergency medical service, the public or private
7 agency may collect the service charges authorized under this
8 subsection if the types and amounts of such service charges are
9 specified in the chapter 28E agreement.
10 *e.* (1) If a service charge for fire protection service
11 imposed under this subsection remains unpaid six months
12 after the property owner was notified of the service charge,
13 the unpaid amount shall constitute a lien upon the property
14 where such service was provided. The lien shall have equal
15 precedence with ordinary taxes, may be certified to the county
16 treasurer and collected in the same manner as ordinary taxes,
17 and is not divested by a judicial sale.
18 (2) If a service charge for emergency medical service
19 imposed under this subsection remains unpaid six months after
20 the recipient of the service, or the parent of the recipient if
21 the recipient is a minor, was notified of the service charge,
22 the trustees may bring a civil action in order to collect the
23 amount due. The civil action may be heard by the district
24 court sitting in small claims as provided in chapter 631 unless
25 the amount due exceeds the jurisdictional amount for small
26 claims set forth in section 631.1.
27 Sec. 5. Section 359.45, Code 2011, is amended to read as
28 follows:
29 **359.45 Anticipatory bonds.**
30 Townships may anticipate the collection of taxes <u>or service</u>
31 <u>charges</u> authorized by section 359.43 and for such purposes
32 may direct the county board of supervisors to issue bonds
33 under sections 331.441 to 331.449 relating to essential county
34 purpose bonds except that the bonds are payable only from tax
35 levies on property subject to the levy under section 359.43 <u>or</u>

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1 from service charges collected under section 359.43.
2 EXPLANATION
3 Current Code section 359.43 authorizes townships to levy
4 property taxes for providing fire protection service and
5 emergency medical service. This bill authorizes townships to
6 collect a service charge for providing fire protection service
7 or emergency medical service, in addition to or in lieu of such
8 property taxes.
9 The bill provides that a service charge for fire protection
10 service is charged to the property owner where such service
11 was provided and that a service charge for emergency medical
12 service is charged to the recipient of the emergency medical
13 service or to the parent of the recipient if the recipient is a
14 minor. The bill prohibits the township from imposing a service
15 charge that exceeds an amount equal to the actual expense
16 incurred by the township to provide the service. The bill also
17 directs the state fire service and emergency response council
18 to develop guidelines for townships to follow when authorizing
19 the collection of service charges for fire protection service
20 or emergency medical service.
21 If a township contracts with a public or private agency under
22 Code chapter 28E for the purpose of providing fire protection
23 service or emergency medical service, the public or private
24 agency may collect the service charges authorized in the bill
25 if the types and amounts of such service charges are specified
26 in the Code chapter 28E agreement.
27 The bill provides that if a service charge for fire
28 protection service remains unpaid six months after the property
29 owner was notified of the service charge, the unpaid amount
30 constitutes a lien upon the property where such service was
31 provided and may be collected in the same manner as ordinary
32 taxes. The bill also provides that if a service charge for
33 emergency medical service remains unpaid six months after the
34 recipient of the service or the parent of the recipient, if
35 applicable, was notified of the service charge, the trustees

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may bring a civil action in order to collect the amount due.

The bill includes the fire protection and emergency medical service charges authorized in the bill among the revenues under which the township may direct the issuance of anticipatory revenue bonds.

For a county that is providing fire protection service or emergency medical service to a township pursuant to Code section 331.385, the bill allows that county to impose the service charges that the bill authorizes for townships.

Senate File 2174 - Introduced

SENATE FILE 2174
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3092)

A BILL FOR

1 An Act relating to the regulation of persons offering
2 occupational therapy services and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5474SV (2) 84
ad/nh

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Section 1. Section 148B.2, subsection 2, Code 2011, is amended to read as follows:

2. *"Occupational therapy"* means the therapeutic ~~application of specific tasks used for the purpose of evaluation and treatment of problems interfering with functional performance in persons impaired by physical illness or injury, emotional disorder, congenital or developmental disability, or the aging process in order to achieve optimum function, for maintenance of health and prevention of disability~~ use of occupations, including everyday life activities with individuals, groups, populations, or organizations to support participation, performance, and function in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for habilitation, rehabilitation, and the promotion of health and wellness to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory-perceptual, and other aspects of performance in a variety of contexts and environments to support engagement in occupations that affect physical and mental health, well-being, and quality of life.

Sec. 2. Section 148B.3, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 3. Section 148B.3, subsection 6, Code 2011, is amended to read as follows:

6. A nonresident performing occupational therapy services in the state who is not licensed under this chapter, if the services are performed for not more than ~~ninety~~ thirty days in a calendar year in association with an occupational therapist licensed under this chapter, and the nonresident meets either of the following requirements:

a. The nonresident is licensed under the law of another state which has licensure requirements at least as stringent as

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1 the requirements of this chapter~~, or~~.
2 *b.* The nonresident meets the requirements for certification
3 as an occupational therapist registered (O.T.R.), or
4 a certified occupational therapy assistant (C.O.T.A.)
5 established by the ~~American~~ national board for certification in
6 occupational therapy ~~association~~.
7 Sec. 4. Section 148B.4, Code 2011, is amended to read as
8 follows:
9 **148B.4 Limited permit.**
10 1. A limited permit to practice occupational therapy may
11 be granted to ~~persons~~ a person who ~~have~~ has completed the
12 ~~education and experience~~ academic and field work requirements
13 ~~of~~ for occupational therapists under this chapter and has
14 not yet taken or received the results of the entry-level
15 certification examination. ~~This permit shall~~ A permit granted
16 pursuant to this subsection shall be valid for a period of
17 time as determined by the board by rule and shall allow the
18 person to practice occupational therapy under the direction
19 and appropriate supervision of ~~a licensed~~ an occupational
20 therapist ~~and shall be valid until the date on which the~~
21 ~~results of the next qualifying examination have been made~~
22 ~~public~~ licensed under this chapter. ~~This~~ The permit shall
23 expire when the person is issued a license under section 148B.5
24 or if the person is notified that the person did not pass the
25 examination. The limited permit shall not be renewed ~~if the~~
26 ~~applicant has failed the examination~~.
27 2. A limited permit to assist in the practice of
28 occupational therapy may be granted to a person who has
29 completed the academic and field work requirements for
30 occupational therapy assistants under this chapter and has
31 not yet taken or received the results of the entry-level
32 certification examination. A permit granted pursuant to this
33 subsection shall be valid for a period of time as determined
34 by the board by rule and shall allow the person to assist in
35 the practice of occupational therapy under the direction and

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appropriate supervision of an occupational therapist licensed under this chapter. The permit shall expire when the person is issued a license under section 148B.5 or if the person is notified that the person did not pass the examination. The limited permit shall not be renewed.

Sec. 5. Section 148B.6, Code 2011, is amended to read as follows:

148B.6 Waiver of requirements for licensing.

~~1.~~ The board may waive the examination and grant a license ~~to~~:

1. To a person certified prior to January 1, 1981, as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) by the American ~~Occupational Therapy Association~~ occupational therapy association.

~~2. The board shall waive the education and experience requirements for licensure in section 148B.5, subsections 1 and 2, for applicants for a license who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to January 1, 1981. Proof of actual practice shall be presented to the board in a manner as it prescribes by rule. To obtain the benefit of this waiver, an applicant must successfully complete the examination within one year from January 1, 1981. However, the waiver is conditional upon the applicant satisfying the education and experience requirements of section 148B.5, subsections 1 and 2, within five years of the waiver being granted and if those requirements are not satisfied at the expiration of those five years the board shall revoke the license.~~

~~3.~~ 2. ~~The board may waive the examination and grant a license to~~ To an applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or a territory of the United States which requires standards for licensure considered by the board to be equivalent to the

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1 requirements for licensure of this chapter.
2 Sec. 6. NEW SECTION. **148B.8 Unlawful practice.**
3 1. A person shall not practice occupational therapy or
4 assist in the practice of occupational therapy, provide
5 occupational therapy services, hold oneself out as an
6 occupational therapist or occupational therapy assistant or
7 as being able to practice occupational therapy or assist in
8 the practice of occupational therapy, or provide occupational
9 therapy services in this state unless the person is licensed
10 under this chapter.
11 2. It is unlawful for any person not licensed as an
12 occupational therapist in this state or whose license is
13 suspended or revoked to use in connection with the person's
14 name or place of business in this state the words "occupational
15 therapist", "licensed occupational therapist", or any word,
16 title, letters, or designation that implies that the person is
17 an occupational therapist.
18 3. It is unlawful for any person not licensed as an
19 occupational therapy assistant in this state or whose
20 license is suspended or revoked to use in connection with the
21 person's name or place of business in this state, the words
22 "occupational therapy assistant", "licensed occupational
23 therapy assistant", or any word, title, letters, or designation
24 that implies that the person is an occupational therapy
25 assistant.
26 Sec. 7. NEW SECTION. **148B.9 False use of titles prohibited.**
27 A person or business entity, including the employees,
28 agents, or representatives of the business entity, shall
29 not use in connection with that person or business entity's
30 business activity, the words "occupational therapy",
31 "occupational therapist", "licensed occupational therapist",
32 "doctor of occupational therapy", "occupational therapy
33 assistant", "licensed occupational therapy assistant", or the
34 letters "O.T.", "O.T./L.", "O.T.D.", "O.T.A.", "O.T.A./L.", or
35 any words, abbreviations, or insignia indicating or implying

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1 that occupational therapy is provided or supplied unless such
2 services are provided by or under the direction and supervision
3 of an occupational therapist licensed pursuant to this chapter.
4 EXPLANATION
5 This bill amends Code chapter 148B, regulating persons
6 offering occupational therapy services. The bill amends the
7 definition of "occupational therapy" to mean the therapeutic
8 use of occupations, including everyday life activities to
9 support participation, performance, and function in roles and
10 situations in a variety of settings. The bill states that
11 occupational therapy services are provided for habilitation,
12 rehabilitation, and the promotion of health and wellness. The
13 bill states that occupational therapy addresses physical,
14 cognitive, psychosocial, sensory-perceptual, and other aspects
15 of performance to support engagement in occupations that affect
16 physical and mental health, well-being, and quality of life.
17 The bill strikes Code section 148B.3(5), regarding the
18 limited practice of a nonresident performing occupational
19 therapy services in the state. The bill amends Code section
20 148B.3(6) to decrease the number of days in which a nonresident
21 performing occupational therapy services in the state who is
22 not licensed under Code chapter 148B can perform services in
23 a calendar year from 90 to 30 days. The bill also amends Code
24 section 148B.3(6) to provide that a nonresident practicing in
25 the state without a license pursuant to the Code chapter must
26 meet the requirements for certification as an occupational
27 therapist or a certified occupational therapy assistant
28 established by the national board for certification in
29 occupational therapy.
30 The bill amends Code section 148B.4 to state that a limited
31 permit to practice occupational therapy or to assist in the
32 practice of occupational therapy may be granted to a person who
33 has completed the academic and field work requirements, but
34 has not taken or has not received results from the entry-level
35 certification examination. The limited permit is valid for a

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1 period determined by the board by rule and allows a person to
2 practice occupational therapy, or to assist in the practice
3 of occupational therapy, under the direction and appropriate
4 supervision of an occupational therapist licensed under the
5 Code chapter. The limited permit expires when the person is
6 issued a license under Code section 148B.5 or the person is
7 notified that the person did not pass the examination. The
8 limited permit may not be renewed.
9 The bill amends Code section 148B.6 by striking a provision
10 regarding the waiver of the education and experience
11 requirements for licensure of applicants who present evidence
12 of engagement in the practice of occupational therapy on or
13 prior to January 1, 1981.
14 The bill provides that it is unlawful for a person to
15 practice occupational therapy or to assist in that practice,
16 or claim to be an occupational therapist or occupational
17 therapy assistant, or claim to practice occupational therapy
18 or assist in the practice of occupational therapy, or provide
19 occupational therapy services in the state without a license.
20 The bill specifies that a person not licensed in the state
21 as an occupational therapist or an assistant in the practice
22 of occupational therapy shall not use words that would imply
23 the person is an occupational therapist or an assistant to an
24 occupational therapist.
25 The bill also specifies that a person shall not use words or
26 other abbreviations in connection with that person's business
27 activity that would imply that occupational therapy is provided
28 unless the services are provided under the direction and
29 supervision of an occupational therapist licensed under Code
30 chapter 148B.
31 A person who violates this bill may be subject to licensing
32 sanctions and, unless a specific penalty is otherwise provided,
33 is guilty of a serious misdemeanor pursuant to Code section
34 147.86.

Senate File 2175 - Introduced

SENATE FILE 2175
BY QUIRMBACH, HOGG, DVORSKY,
DEARDEN, and BOLKCOM

A BILL FOR

1 An Act specifying requirements applicable to the issuance of
2 a permit for extraction of oil or natural gas pursuant to
3 hydraulic fracturing.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5851XS (3) 84
rn/nh

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1 Section 1. Section 458A.2, Code 2011, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 7A. *"Hydraulic fracturing"* or *"fracking"*
4 means the extraction of oil or gas pursuant to the propagation
5 of fractures in the earth's surface through the injection of a
6 pressurized fluid to increase extraction rates.
7 Sec. 2. NEW SECTION. **458A.5A Hydraulic fracturing —**
8 **certification requirements.**
9 1. The director shall not issue a permit pursuant to section
10 458A.5 for the drilling of a well for oil or gas utilizing
11 hydraulic fracturing until one hundred eighty days after
12 submission by an applicant to the department of all of the
13 following:
14 *a.* Notice of the applicant's intent to drill utilizing
15 hydraulic fracturing.
16 *b.* The anticipated drilling commencement date.
17 *c.* A list of all chemicals and other substances to be
18 injected underground.
19 *d.* Certification that none of the chemicals to be used
20 causes or induces cancer or poses any other threat to human
21 health if ingested, inhaled, or contacted with the skin.
22 2. The department shall adopt rules specifying verification
23 procedures regarding the certification submitted, and providing
24 for posting of the list and certification on an internet site
25 maintained by the department.
26 EXPLANATION
27 This bill specifies requirements applicable to the issuance
28 of a permit for extraction of oil or natural gas pursuant to
29 hydraulic fracturing.
30 The bill defines "hydraulic fracturing" to mean the
31 extraction of oil or gas pursuant to the propagation of
32 fractures in the earth's surface through the injection of a
33 pressurized fluid to increase extraction rates. The bill
34 provides that the director of the department of natural
35 resources shall not issue a drilling permit pursuant to Code

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1 section 458A.5 for the drilling of a well for oil or gas
2 utilizing hydraulic fracturing until 180 days after submission
3 by an applicant to the department of natural resources of
4 specified information. The applicant is required to submit
5 notice of the intent to drill utilizing hydraulic fracturing,
6 the anticipated drilling commencement date, a list of all
7 chemicals and other substances to be injected underground, and
8 certification that none of the chemicals to be used causes or
9 induces cancer or poses any other threat to human health if
10 ingested, inhaled, or contacted with the skin.
11 The bill directs the department to adopt rules specifying
12 verification procedures regarding the certification submitted,
13 and providing for posting of the list and certification on an
14 internet site maintained by the department.

Senate File 2176 - Introduced

SENATE FILE 2176
BY BOETTGER, ZAUN, BEHN, McKINLEY, SEYMOUR, WHITVER, HAMERLINCK, JOHNSON, GREINER, KAPUCIAN, WARD, CHELGREN, HAHN, ERNST, ANDERSON, HOUSER, FEENSTRA, and SMITH

A BILL FOR

1 An Act providing for the issuance of a certificate of birth
2 resulting in stillbirth, providing for a fee, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5135XS (2) 84
pf/nh

S.F. 2176

1 Section 1. NEW SECTION. **144.31A Certificate of birth**
2 **resulting in stillbirth.**
3 1. As used in this section:
4 *a. "Certificate of birth resulting in stillbirth"* means a
5 certificate issued to record the birth of a stillborn fetus.
6 *b. "Stillbirth"* means stillbirth as defined in section
7 136A.2.
8 2. After each fetal death that occurs in the state which
9 is also a stillbirth, the person required to file the fetal
10 death certificate pursuant to section 144.30 shall advise any
11 parent named on the fetal death certificate that the parent may
12 request the preparation of a certificate of birth resulting in
13 stillbirth in addition to the fetal death certificate. The
14 department shall, within thirty days of receiving a request,
15 issue a certificate of birth resulting in stillbirth.
16 3. The department shall prescribe by rules adopted pursuant
17 to chapter 17A the form and content of a request and the
18 process for requesting a certificate of birth resulting in
19 stillbirth.
20 4. The department shall prescribe by rules adopted pursuant
21 to chapter 17A the form and content of and the fee for the
22 preparation of a certificate of birth resulting in stillbirth.
23 *a.* At a minimum, the rules shall require that the
24 certificate of birth resulting in stillbirth contain all of the
25 following:
26 (1) The date of the stillbirth.
27 (2) The county in which the stillbirth occurred.
28 (3) A first name, middle name, last name, no name, or
29 combination of these as requested by the parent.
30 (4) The state file number of the corresponding fetal death
31 certificate.
32 (5) The statement: "This certificate is not proof of live
33 birth."
34 *b.* The fees collected shall be remitted to the treasurer of
35 state for deposit in the general fund of the state or the vital

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1 records fund in accordance with section 144.46.
2 5. The state registrar and county registrar shall make a
3 notation on the corresponding fetal death certificate when a
4 certificate of birth resulting in stillbirth is issued.
5 6. Only a parent named on the fetal death certificate may
6 request a certificate of birth resulting in stillbirth. A
7 certificate of birth resulting in stillbirth may be requested
8 and issued at any time regardless of the date on which the
9 fetal death certificate was issued.
10 7. A certificate of birth resulting in stillbirth is not
11 required to be filed or registered.
12 8. A certificate of birth resulting in stillbirth shall not
13 be used to establish, bring, or support a civil cause of action
14 seeking damages against any person for bodily injury, personal
15 injury, or wrongful death for a stillbirth.
16 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
17 immediate importance, takes effect upon enactment.
18 EXPLANATION
19 This bill provides for the requesting and issuance of a
20 certificate of birth resulting in stillbirth. The bill defines
21 "stillbirth" as an unintended fetal death occurring after a
22 gestation period of 20 completed weeks, or an unintended fetal
23 death of a fetus with a weight of 350 or more grams. The bill
24 provides that after a fetal death occurs which is a stillbirth,
25 the person required to file a fetal death certificate as
26 prescribed by law shall advise any parent named on the fetal
27 death certificate that the parent may request the preparation
28 of a certificate of birth resulting in stillbirth in addition
29 to the fetal death certificate. The department is to issue the
30 certificate within 30 days of receiving a request.
31 The bill directs the department of public health to adopt
32 rules regarding a request for a certificate of birth resulting
33 in stillbirth and for the form, content, and fee related to the
34 preparation of a certificate of birth resulting in stillbirth.
35 The bill directs that the rules adopted require certain

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information on the certificate. Under the bill, a parent named on the fetal death certificate may request a certificate of birth resulting in stillbirth at any time regardless of the date on which the fetal death certificate was issued.

The bill provides that a certificate of birth resulting in stillbirth is not required to be filed or registered. A certificate of birth resulting in stillbirth also is not to be used to establish, bring, or support a civil cause of action seeking damages against any person for bodily injury, personal injury, or wrongful death for a stillbirth.

The bill takes effect upon enactment.

Senate File 2177 - Introduced

SENATE FILE 2177
BY SODDERS

A BILL FOR

1 An Act relating to county and multicounty juvenile detention
2 homes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5574XS (4) 84
jp/nh

S.F. 2177

1 Section 1. Section 232.142, Code Supplement 2011, is
2 amended to read as follows:
3 **232.142 Maintenance and cost of juvenile homes — fund.**
4 1. County boards of supervisors which singly or in
5 conjunction with one or more other counties provide and
6 maintain juvenile detention and juvenile shelter care homes are
7 subject to this section. For the purposes of this section,
8 unless the context otherwise requires, *"division"* means the
9 division of criminal and juvenile justice planning of the
10 department of human rights.
11 2. For the purpose of providing and maintaining a county or
12 multicounty home, the board of supervisors of any county may
13 issue general county purpose bonds in accordance with sections
14 331.441 to 331.449. Expenses for providing and maintaining a
15 multicounty home shall be paid by the counties participating in
16 a manner to be determined by the boards of supervisors.
17 3. A county or multicounty juvenile detention home approved
18 pursuant to this section shall receive financial aid from the
19 state in a manner approved by the ~~director~~ division. Aid
20 paid by the state shall be at least ten percent and not more
21 than fifty percent of the total cost of the establishment,
22 improvements, operation, and maintenance of the home that is
23 attributed to children under the jurisdiction of this state.
24 4. The director shall adopt minimal rules and standards for
25 the establishment, maintenance, and operation of such homes as
26 shall be necessary to effect the purposes of this chapter. The
27 rules shall apply the requirements of section 237.8, concerning
28 employment and evaluation of persons with direct responsibility
29 for a child or with access to a child when the child is
30 alone and persons residing in a child foster care facility,
31 to persons employed by, residing in, or volunteering for a
32 home approved under this section. The director shall, upon
33 request, give guidance and consultation in the establishment
34 and administration of the homes and programs for the homes.
35 5. The director shall approve annually all such homes

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1 established and maintained under the provisions of this
2 chapter. A home shall not be approved unless it complies with
3 minimal rules and standards adopted by the director and has
4 been inspected by the department of inspections and appeals.
5 6. A juvenile detention home fund is created in the state
6 treasury under the authority of the ~~department~~ division. The
7 fund shall consist of moneys deposited in the fund pursuant
8 to sections 321.218A and 321A.32A. The moneys in the fund
9 shall be used for the costs of the establishment, improvement,
10 operation, and maintenance of county or multicounty juvenile
11 detention homes attributed to children under the jurisdiction
12 of this state's courts in accordance with annual appropriations
13 made by the general assembly from the fund for these purposes.
14 The distribution formula for the moneys in the fund shall be
15 determined by the administrator of the division pursuant to a
16 recommendation provided by the criminal and juvenile justice
17 planning advisory council to equitably distribute the available
18 moneys to help support the financial needs of juvenile
19 detention homes. The distribution formula shall be based upon
20 a detention home's proportionate share of the statewide bed
21 days utilized during the formula period by all detention homes
22 eligible to receive moneys from the fund. The distribution
23 formula shall include an allocation for the division's costs to
24 administer the fund and shall specify a base amount for each
25 detention home receiving an allocation under the formula.
26 EXPLANATION
27 This bill relates to county and multicounty juvenile
28 detention homes under Code section 232.142. County and
29 multicounty juvenile detention homes are subject to approval by
30 the department of human services in accordance with rules and
31 standards adopted by the department. Inspections are performed
32 by the department of inspections and appeals. State funding
33 for the detention homes is provided through the juvenile
34 detention home fund administered by the department of human
35 services.

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1 The fund receives civil penalties collected under Code
2 sections 321.218A and 321A.32A, when the department of
3 transportation suspends, revokes, or bars a person's driver's
4 license or nonresident operating privilege for a conviction
5 under Code chapter 321, relating to motor vehicle laws,
6 or Code chapter 321A, relating to motor vehicle financial
7 responsibility. The bill transfers the responsibility to
8 administer the fund from the department of human services to
9 the division of criminal and juvenile justice planning of the
10 department of human rights. The bill also restricts the use of
11 the fund to costs attributed to children under the jurisdiction
12 of this state's courts.
13 Current law provides for distribution of the moneys in the
14 fund in accordance with annual appropriations. For fiscal
15 year 2011-2012, under 2011 Iowa Acts, chapter 129, section
16 17, moneys in the fund are allocated among eligible detention
17 homes, prorated on the basis of an eligible detention home's
18 proportion of the costs of all eligible detention homes in the
19 previous fiscal year, as determined by the department of human
20 services based on the amount available to distribute. The bill
21 provides for the administrator of the division of criminal and
22 juvenile justice planning to determine the distribution formula
23 for the moneys in the fund pursuant to a recommendation made by
24 the criminal and juvenile justice planning advisory council.
25 The bill requires the distribution formula to be based upon a
26 juvenile detention home's proportionate share of the statewide
27 bed days utilized during the formula period by all juvenile
28 detention homes eligible to receive moneys from the fund. The
29 bill also requires the formula to include an allocation for the
30 division's costs to administer the fund and to specify a base
31 amount for each detention home receiving an allocation under
32 the formula.

Senate File 2178 - Introduced

SENATE FILE 2178
BY SENG

A BILL FOR

1 An Act authorizing certain special charter cities to impose a
2 special charter city sales and services tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5844XS (3) 84
aw/sc

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1 Section 1. NEW SECTION. **423G.1 Special charter city sales**
2 **and services tax.**
3 1. Subject to the provisions of this chapter, a special
4 charter city with a population greater than seventy-five
5 thousand may impose by ordinance a special charter city sales
6 and services tax at the rate of one percent on the sales price
7 taxed by the state under chapter 423, subchapter II.
8 *a.* A special charter city sales and services tax shall be
9 imposed on the same basis as the state sales and services tax
10 or, in the case of the use of natural gas, natural gas service,
11 electricity, or electric service, on the same basis as the
12 state use tax.
13 *b.* A special charter city sales and services tax shall not
14 be imposed on the sale of any property or on any service not
15 taxed by the state, except the tax shall not be imposed on
16 the sales price from the sale of motor fuel or special fuel
17 as defined in chapter 452A which is consumed for highway use
18 or in watercraft or aircraft if the fuel tax is paid on the
19 transaction and a refund has not or will not be allowed, on the
20 sales price from the sale of equipment by the state department
21 of transportation, or on the sales price from the sale or use
22 of natural gas, natural gas service, electricity, or electric
23 service in a city where the sales price from the sale of
24 natural gas or electric energy is subject to a franchise fee
25 or user fee during the period the franchise or user fee is
26 imposed.
27 *c.* A special charter city sales and services tax is
28 applicable to transactions within the incorporated areas of the
29 special charter city where it is imposed and shall be collected
30 by all persons required to collect state sales taxes.
31 *d.* The amount of the sale, for purposes of determining the
32 amount of the special charter city sales and services tax, does
33 not include the amount of any state sales tax or other local
34 option sales and services taxes.
35 *e.* A tax permit other than the state sales tax permit

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1 required under section 423.36 shall not be required by local
2 authorities.
3 2. If a special charter city sales and services tax is
4 imposed by a city pursuant to this chapter, a local excise tax
5 at the same rate shall be imposed by the city on the purchase
6 price of natural gas, natural gas service, electricity, or
7 electric service subject to tax under chapter 423, subchapter
8 III, and not exempted from tax by any provision of chapter
9 423, subchapter III. The local excise tax is applicable only
10 to the use of natural gas, natural gas service, electricity,
11 or electric service within the incorporated areas of the city
12 where it is imposed and, except as otherwise provided in this
13 chapter, shall be collected and administered in the same
14 manner as the special charter city sales and services tax.
15 For purposes of this chapter, *"special charter city sales and*
16 *services tax"* shall also include the local excise tax.
17 3. A special charter city sales and services tax under
18 this chapter may be imposed in addition to any local sales and
19 services tax imposed under chapter 423B in an area of the city.
20 Sec. 2. NEW SECTION. **423G.2 Election — imposition —**
21 **repeal.**
22 1. *Election requirement.* A special charter city sales and
23 services tax shall be imposed pursuant to this chapter only
24 after an election at which a majority of those voting on the
25 question favors imposition and shall then be imposed until
26 repealed as provided in this section.
27 2. *Manner of election.* The question of whether a special
28 charter city sales and services tax shall be imposed in a
29 special charter city shall be submitted to the voters by one of
30 the following methods:
31 *a.* Upon its own motion, the governing body of the city
32 may within thirty days of adoption of the motion direct the
33 county commissioner of elections to submit the question of the
34 imposition of a special charter city sales and services tax to
35 the registered voters of the city.

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1 *b.* Upon the receipt of a petition signed by eligible
2 electors of the city, the governing body of the city shall
3 within thirty days direct the county commissioner of elections
4 to submit the question of the imposition of a special charter
5 city sales and services tax to the registered voters of the
6 city. A petition requesting imposition of a special charter
7 city sales and services tax shall be signed by a number of
8 eligible electors of the city equal to five percent of the
9 persons in the city who voted in the most recent general
10 election.
11 3. *Timing and ballot requirements.*
12 *a.* The county commissioner of elections shall submit the
13 question of imposition of a special charter city sales and
14 services tax at a special election held on a date specified
15 in section 39.2, subsection 4, paragraph *"b"*, except that
16 the election shall not be held sooner than sixty days after
17 publication of notice of the ballot proposition.
18 *b.* The ballot proposition shall specify the date the tax
19 will be imposed. The date of imposition shall be as provided
20 in section 423G.3, subsection 1.
21 *c.* The ballot proposition shall contain a statement of the
22 purposes for which the revenues shall be expended. Moneys
23 collected from a special charter city sales and services tax
24 shall be expended pursuant to section 423G.4, subsection 3.
25 *d.* When submitting the question of the imposition of a
26 special charter city sales and services tax, the governing
27 body of the city may direct that the ballot question contain
28 a provision for the repeal, without election, of the tax on
29 a specific date, which date shall be as provided in section
30 423G.3, subsection 1.
31 *e.* If a majority of those voting on the question of
32 imposition of the special charter city sales and services tax
33 favors imposition of the tax, the governing body of the city
34 shall impose the tax at the rate specified in section 423G.1,
35 subsection 1, for an unlimited period.

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1 *f.* If the question of whether to impose a special charter
2 city sales and services tax fails to gain approval by the
3 required percentage of votes, a question of whether to impose a
4 special charter city sales and services tax that proposes to
5 use the receipts in substantially the same manner shall not be
6 submitted to the registered voters again for a period of at
7 least four years following the date of the election at which
8 the question was defeated.
9 4. *Repeal by election.*
10 *a.* A special charter city sales and services tax may be
11 repealed after an election at which a majority of those voting
12 on the question of repeal favors the repeal. The date on which
13 the repeal takes effect shall not be earlier than ninety days
14 following the election.
15 *b.* The election at which the question of a repeal of the
16 special charter city sales and services tax is submitted to the
17 registered voters shall be called and held in the same manner
18 and under the same conditions as provided in subsections 2 and
19 3.
20 *c.* An election to repeal a special charter city sales and
21 services tax shall not be submitted to the registered voters of
22 a city more than once every four years.
23 5. *Notice to the director of revenue.* Within ten days of the
24 election at which a majority of those voting on the question
25 favors the imposition or repeal of a special charter city sales
26 and services tax, the county auditor shall give written notice
27 of the result of the election by sending a copy of the abstract
28 of the votes from the election to the director of revenue.
29 The director shall have the authority to waive the notice
30 requirement.
31 Sec. 3. NEW SECTION. **423G.3 Administration.**
32 1. *a.* A special charter city sales and services tax
33 shall be imposed either January 1 or July 1 following the
34 notification of the director of revenue but not sooner than
35 ninety days following the passage of the ordinance and not

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1 sooner than sixty days following notice to sellers, as defined
2 in section 423.1.
3 *b.* A special charter city sales and services tax shall be
4 repealed only on June 30 or December 31, but not sooner than
5 ninety days following the repeal of the ordinance. However,
6 the sales and services tax shall not be repealed before the tax
7 has been in effect for one year.
8 *c.* At least forty days before the imposition or repeal of
9 the tax, a city shall provide notice of the action by certified
10 mail to the director of revenue.
11 *d.* The imposition of a special charter city sales and
12 services tax shall not be applied to purchases from a printed
13 catalog wherein a purchaser computes the local tax based on
14 rates published in the catalog unless a minimum of one hundred
15 twenty days' notice of the imposition has been given to the
16 seller and the first day of a calendar quarter has occurred on
17 or after the one hundred twentieth day.
18 2. *a.* The director of revenue shall administer a special
19 charter city sales and services tax as nearly as possible in
20 conjunction with the administration of state sales tax laws.
21 The director shall provide appropriate forms or provide space
22 on the regular state tax forms for reporting special charter
23 city sales and services tax liability.
24 *b.* The ordinance of a city imposing a special charter city
25 sales and services tax shall adopt by reference the applicable
26 provisions of the appropriate sections of chapter 423. All
27 powers and requirements of the director to administer the
28 state sales tax law and use tax law are applicable to the
29 administration of a special charter city sales and services tax
30 law and the local excise tax, including but not limited to the
31 provisions of section 422.25, subsection 4, sections 422.30,
32 422.67, and 422.68, section 422.69, subsection 1, sections
33 422.70 to 422.75, section 423.14, subsection 1 and subsection
34 2, paragraphs "*b*" through "*e*", and sections 423.15, 423.23,
35 423.24, 423.25, 423.31 to 423.35, 423.37 to 423.42, 423.46,

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1 and 423.47. Local officials shall confer with the director of
2 revenue for assistance in drafting the ordinance imposing a
3 special charter city sales and services tax. A certified copy
4 of the ordinance shall be filed with the director as soon as
5 possible after passage of the ordinance.
6 *c.* Frequency of deposits and quarterly reports of a special
7 charter city sales and services tax with the department of
8 revenue are governed by the tax provisions in section 423.31.
9 Local tax collections shall not be included in computation of
10 the total tax to determine frequency of filing under section
11 423.31.
12 *d.* The director shall apply a boundary change of a city
13 imposing or collecting the special charter city sales and
14 services tax to the imposition or collection of that tax only
15 on the first day of a calendar quarter which occurs sixty days
16 or more after the director has given notice of the boundary
17 change to sellers.
18 3. *a.* The director, in consultation with local officials,
19 shall collect and account for a special charter city sales and
20 services tax. The director shall certify each quarter the
21 amount of sales and services tax receipts and any interest and
22 penalties to be credited to a special charter city sales and
23 services tax fund of that city established in the office of the
24 treasurer of state. All taxes collected under this chapter by
25 a retailer or any individual are deemed to be held in trust
26 for the state of Iowa and the local jurisdictions imposing the
27 taxes.
28 *b.* All local tax moneys and interest and penalties received
29 or refunded one hundred eighty days or more after the date
30 on which the city repeals its special charter city sales and
31 services tax shall be deposited in or withdrawn from the
32 general fund of the state.
33 Sec. 4. NEW SECTION. **423G.4 Payment to the city — use of**
34 **receipts.**
35 1. The director shall credit the special charter city sales

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1 and services tax receipts and interest and penalties from a
2 city-imposed tax to the city's special charter city sales and
3 services tax fund.
4 2. *a.* The director of revenue by August 15 of each fiscal
5 year shall send to the city where the special charter city tax
6 is imposed an estimate of the amount of tax moneys the city
7 will receive for the year and for each month of the year. At
8 the end of each month, the director may revise the estimates
9 for the year and remaining months.
10 *b.* The director of revenue shall remit ninety-five percent
11 of the estimated tax receipts for the city to the city on or
12 before August 31 of the fiscal year and on or before the last
13 day of each following month.
14 *c.* The director of revenue shall remit a final payment of
15 the remainder of tax moneys due the city for the fiscal year
16 before November 10 of the next fiscal year. If an overpayment
17 has resulted during the previous fiscal year, the November
18 payment shall be adjusted to reflect any overpayment.
19 3. All special charter city sales and services tax revenues
20 received by the city under this chapter shall be deposited in a
21 special fund of the city and shall be used as follows:
22 *a.* Ninety percent of the moneys shall be used to provide
23 financial assistance to the following:
24 (1) Resident students of the special charter city
25 graduating from a public or nonpublic school located in the
26 special charter city who have enrolled in an institution of
27 higher education. For purposes of this subparagraph, *"financial*
28 *assistance"* includes loans, forgivable loans, grants, and
29 scholarships, and *"institution of higher education"* includes
30 a four-year college or university, a community college, or a
31 technical or vocational school.
32 (2) Eligible members of the armed forces of the United
33 States for the purchase of residences or the establishment or
34 expansion of businesses located in the special charter city.
35 For purposes of this subparagraph, *"eligible member of the armed*

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1 *forces of the United States"* means a person who is or was a
2 member of the national guard, reserve, or regular component
3 of the armed forces of the United States who has served at
4 least ninety days of active duty service beginning on or after
5 September 11, 2001. *"Eligible member of the armed forces of the*
6 *United States"* also means a former member of the national guard,
7 reserve, or regular component of the armed forces of the United
8 States who was honorably discharged due to injuries incurred
9 while on active federal service beginning on or after September
10 11, 2001, that precluded completion of a minimum aggregate of
11 ninety days of active federal service.
12 *b.* Ten percent of the moneys shall be used to hire
13 additional public safety personnel.
14 EXPLANATION
15 This bill authorizes special charter cities of 75,000 or
16 more in population to impose a 1-percent special charter city
17 sales and services tax on the same basis as the state sales tax
18 or in the case of the use of natural gas, natural gas service,
19 electricity, or electric service on the same basis as the state
20 use tax.
21 The tax cannot be imposed unless approved at an election.
22 The issue can be submitted either upon a motion by the
23 governing body of a city or by petition of eligible electors
24 equal in number to 5 percent of voters at the most recent
25 general election.
26 The question of the imposition of the tax must be submitted
27 at a special election. The ballot proposition for the tax must
28 include certain information including the type and rate of the
29 tax, the date it will be imposed, and the purposes for which
30 the revenues shall be expended.
31 The tax can be repealed at election by a majority vote, or a
32 repeal date can be included on the ballot at the election where
33 its imposition is proposed. A vote to repeal the tax must
34 be conducted in the same manner as the election imposing the
35 tax. An election to repeal a special charter city sales and

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1 services tax shall not be submitted to voters more than once
2 every four years. The bill requires that the county auditor
3 provide written notice to the director of revenue within 10
4 days following a favorable vote to impose or repeal such a tax.
5 All revenues collected from the special charter city sales
6 and services tax must be spent by the city as follows: 90
7 percent for providing scholarships to graduating high school
8 students in the city who are enrolling in college and for
9 eligible veterans purchasing a residence in the city or
10 establishing or expanding a business in the city and 10 percent
11 for hiring additional public safety personnel.

Senate Study Bill 3152 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED MENTAL HEALTH AND DISABILITY SERVICES STUDY COMMITTEE BILL)

A BILL FOR

1 An Act relating to redesign of publicly funded mental
2 health and disability services by requiring certain core
3 services and addressing other services and providing for
4 establishment of regions and including effective date and
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5488IC (38) 84
jp/rj

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1 DIVISION I
2 CORE SERVICES
3 Section 1. Section 331.439, Code Supplement 2011, is
4 amended by adding the following new subsection:
5 NEW SUBSECTION. 9A. *a.* Beginning July 1, 2012, the county
6 management plan for mental health services shall provide that
7 an individual's eligibility for individualized services shall
8 be determined by the level of care utilization system for
9 psychiatric and addiction services, developed by the American
10 association of community psychiatrists, or other standardized
11 functional assessment methodology approved for this purpose by
12 the state commission.
13 *b.* Beginning July 1, 2012, the county management plan
14 for intellectual disability services shall provide that an
15 individual's eligibility for individualized services shall
16 be determined by the supports intensity scale, developed by
17 the American association on intellectual and developmental
18 disabilities, or other standardized functional assessment
19 methodology approved for this purpose by the state commission.
20 *c.* Beginning July 1, 2012, the county management plan
21 for brain injury services shall provide that an individual's
22 eligibility for individualized services shall be determined
23 in accordance with a standardized functional assessment
24 methodology approved for this purpose by the state commission.
25 Sec. 2. NEW SECTION. **331.439A Regional service system**
26 **management plan.**
27 1. The mental health and disability services provided
28 by counties operating as a region shall be delivered in
29 accordance with a regional service system management plan
30 approved by the region's governing board and implemented by
31 the regional administrator in accordance with this section.
32 The requirements for a regional service system management plan
33 shall be specified in rule adopted by the state commission.
34 A regional service system management plan is subject to
35 the approval of the regional governing board and the state

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1 commission.
2 2. The provisions of a regional service system management
3 plan shall include but are not limited to all of the following:
4 *a.* An approved policies and procedures manual for the use of
5 county, state, and other funding administered by the region. A
6 service system management plan for each county in the region
7 shall be defined in the manual. Once the regional manual
8 is approved, an amendment to the manual shall be submitted
9 to the department of human services at least forty-five
10 days prior to the date of implementation of the amendment.
11 Prior to implementation of an amendment to the manual, the
12 amendment must be approved by the director of human services in
13 consultation with the state commission.
14 *b.* For informational purposes, a regional service system
15 management plan review submitted by the regional administrator
16 to the department of human services by December 1 of each year.
17 The annual review shall incorporate an analysis of the data
18 associated with the regional service systems managed during
19 the preceding fiscal year by the region. The annual review
20 shall also identify measurable outcomes and results showing the
21 region's progress in fulfilling the purposes listed in section
22 225C.1 and in achieving the disability services outcomes and
23 indicators identified by the state commission pursuant to
24 section 225C.6.
25 *c.* For informational purposes, a three-year strategic plan
26 submitted every three years by the regional administrator to
27 the department of human services. The strategic plan shall
28 describe how the region will proceed to attain the plan's
29 goals and objectives, and the measurable outcomes and results
30 necessary for moving the regional services system toward an
31 individualized, community-based focus in accordance with
32 section 225C.1. The initial three-year strategic plan shall be
33 submitted by April 1, 2015, and by April 1 of every third year
34 thereafter.
35 *d.* The regional administrator's plans to implement the

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1 regional service system management plan and other service
2 management functions in a manner that seeks to achieve all of
3 the following purposes identified in section 225C.1 for persons
4 who are covered by the regional plan or are otherwise subject
5 to the regional service system's management functions. The
6 regional plan shall describe how the regional service system
7 will accomplish all of the following purposes:
8 (1) The regional service system seeks to empower persons
9 to exercise their own choices about the amounts and types of
10 services and other support to receive.
11 (2) The regional service system seeks to empower the persons
12 to accept responsibility, exercise choices, and take risks.
13 (3) The regional service system seeks to provide services
14 and other support that are individualized, provided to produce
15 results, flexible, and cost-effective.
16 (4) The regional service system seeks to provide services
17 and other support in a manner which enhances the ability of the
18 persons to live, learn, work, and recreate in communities of
19 their choice.
20 *e.* Measures to address the needs of individuals who have two
21 or more co-occurring mental health, intellectual disability,
22 brain injury, or substance-related disorders and individuals
23 with specialized needs.
24 3. The region may either directly implement a system
25 of service management and contract with service providers,
26 or contract with a private entity to manage the regional
27 service system, provided all requirements of this section
28 are met by the private entity. The regional service system
29 shall incorporate service management and clinical assessment
30 processes developed in accordance with applicable requirements.
31 4. The regional service system management plan for a region
32 shall include but is not limited to all of the following
33 elements, which shall be specified in administrative rules
34 adopted by the state commission:
35 *a.* The enrollment and eligibility process.

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1 *b.* The scope of services included in addition to the core
2 services required by this part of this chapter.
3 *c.* The method of plan administration.
4 *d.* The process for managing utilization and access to
5 services and other assistance.
6 *e.* The quality management and improvement processes.
7 *f.* The risk management provisions and fiscal viability of
8 the plan, if the region contracts with a private entity.
9 *g.* The access points for services.
10 *h.* The requirements for designation of targeted case
11 management providers which shall be designed to provide
12 consumer choice, prohibit a provider from referring consumers
13 to services administered by the provider, and include other
14 provisions to ensure compliance with federal requirements for
15 conflict-free case management.
16 *i.* A plan for a systems of care approach in which multiple
17 public and private agencies partner with families and
18 communities to address the multiple needs of the individuals
19 and their families involved with the regional service system.
20 *j.* A plan to assure effective crisis prevention, response,
21 and resolution.
22 *k.* A plan for provider network formation and management.
23 *l.* A plan for provider reimbursement approaches that
24 includes approaches other than fee-for-service and to
25 compensate the providers engaged in a systems of care approach
26 and other nontraditional providers.
27 *m.* If the region applies any provider licensing,
28 certification, or accreditation requirements in addition to
29 those required by the state, the procedures for implementing
30 the requirements.
31 *n.* Service provider payment provisions.
32 *o.* Financial forecasting measures.
33 *p.* A process for resolving grievances.
34 *q.* Measures for implementing interagency and multisystem
35 collaboration and care coordination.

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1 5. A region may provide assistance to service populations
2 with disabilities to which the counties comprising the region
3 have historically provided assistance but who are not included
4 in the service management provisions required under subsection
5 2, subject to the availability of funding.
6 6. If a region determines that the region cannot provide
7 services for the fiscal year in accordance with the regional
8 plan and remain in compliance with applicable budgeting
9 requirements, the region may implement a waiting list for
10 the services. The procedures for establishing and applying
11 a waiting list shall be specified in the regional plan. If
12 a region implements a waiting list for services, the region
13 shall notify the department of human services. The department
14 shall maintain on the department's internet site an up-to-date
15 listing of the regions that have implemented a waiting list and
16 the services affected by each waiting list.
17 7. The director's approval of a regional plan shall not be
18 construed to constitute certification of the respective county
19 budgets or of the region's budget.
20 Sec. 3. NEW SECTION. **331.439B Financial eligibility**
21 **requirements.**
22 A person must comply with all of the following financial
23 eligibility requirements to be eligible for services under the
24 regional service system:
25 1. The person must have an income equal to or less than
26 one hundred fifty percent of the federal poverty level, as
27 defined by the most recently revised poverty income guidelines
28 published by the United States department of health and human
29 services, is eligible for disability services public funding.
30 It is the intent of the general assembly to consider increasing
31 this income eligibility provision to two hundred percent of the
32 federal poverty level, contingent upon implementation of the
33 federal Patient Protection and Affordable Care Act beginning in
34 January 2014.
35 2. *a.* A region or a service provider contracting with

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1 the region may apply a copayment requirement for a particular
2 service to a person with an income equal to or less than one
3 hundred fifty percent of the federal poverty level, provided
4 the disability service, uniform copayment standards, and the
5 copayment amounts comply with rules adopted by the state
6 commission.
7 *b.* A person with an income above one hundred fifty percent
8 of the federal poverty level may be eligible subject to a
9 copayment or other cost-sharing arrangement, in accordance with
10 limitations adopted in rule by the state commission.
11 *c.* A provider under the regional service system of a service
12 that is not funded by the medical assistance program under
13 chapter 249A may waive the copayment or other cost-sharing
14 arrangement if the provider is fully able to absorb the cost.
15 3. A person who is eligible for federally funded services
16 and other support must apply for such services and support.
17 4. The person is in compliance with resource limitations
18 identified in rule adopted by the state commission. The
19 limitation shall be derived from the federal supplemental
20 security income program resource limitations. A person with
21 resources above the federal supplemental security income
22 program resource limitations may be eligible subject to
23 limitations adopted in rule by the state commission. If a
24 person does not qualify for federally funded services and other
25 support but meets income, resource, and functional eligibility
26 requirements for regional services, the following types of
27 resources shall be disregarded:
28 *a.* A retirement account that is in the accumulation stage.
29 *b.* A burial, medical savings, or assistive technology
30 account.
31 Sec. 4. NEW SECTION. **331.439C Diagnosis — functional**
32 **assessment.**
33 1. A person must comply with all of the following
34 requirements to be eligible for mental health services under
35 the regional service system:

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1 *a.* The person complies with financial eligibility
2 requirements under section 331.439B.
3 *b.* The person is at least eighteen years of age and is a
4 resident of this state.
5 *c.* The person has had at any time during the preceding
6 twelve-month period a diagnosable mental health, behavioral, or
7 emotional disorder. The diagnosis shall be made in accordance
8 with the criteria provided in the diagnostic and statistical
9 manual of mental disorders, fourth edition text revised,
10 published by the American psychiatric association, and shall
11 not include the manual's "V" codes identifying conditions other
12 than a disease or injury. The diagnosis shall also not include
13 substance-related disorders, dementia, antisocial personality,
14 or developmental disabilities, unless co-occurring with another
15 diagnosable mental illness.
16 *d.* The person's eligibility for individualized services
17 shall be determined by the level of care utilization system for
18 psychiatric and addiction services, developed by the American
19 association of community psychiatrists, or other standardized
20 functional assessment methodology approved for this purpose by
21 the state commission.
22 2. A person must comply with all of the following
23 requirements to be eligible for intellectual disability or
24 other developmental disability services under the regional
25 service system:
26 *a.* The person complies with financial eligibility
27 requirements under section 331.439B.
28 *b.* The person is at least eighteen years of age and is a
29 resident of this state.
30 *c.* The person has a diagnosis of intellectual disability or
31 an intelligence quotient of seventy or less or has a diagnosis
32 of developmental disability other than intellectual disability.
33 *d.* The person's eligibility for individualized services
34 shall be determined by the supports intensity scale, developed
35 by the American association on intellectual and developmental

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1 disabilities, or other standardized functional assessment
2 methodology approved for this purpose by the state commission.
3 3. A person must comply with all of the following
4 requirements to be eligible for brain injury services under the
5 regional service system:
6 *a.* The person complies with financial eligibility
7 requirements under section 331.439B.
8 *b.* The person is at least eighteen years of age and is a
9 resident of this state.
10 *c.* The person has a diagnosis of brain injury.
11 *d.* The person's eligibility for individualized services
12 shall be determined in accordance with a standardized
13 functional assessment methodology approved for this purpose by
14 the state commission.
15 Sec. 5. NEW SECTION. **331.439D Mental health core services.**
16 1. For the purposes of this section, unless the context
17 otherwise requires:
18 *a.* *"Crisis stabilization facility"* means an institution,
19 place, building, or agency with restricted means of egress
20 designed to provide accommodation, board, and the services
21 of a mental health professional on a short-term basis of no
22 more than five days to three or more individuals who present
23 in the facility with acute psychiatric needs. The goal of a
24 crisis stabilization facility is to decrease the severity of an
25 individual's condition to allow transition of the individual
26 to a less restrictive facility.
27 *b.* *"Domain"* means a range of services that can be provided
28 depending upon an individual's service needs.
29 2. Each of the providers of the core services and services
30 provided under a required service domain shall be capable of
31 working with individuals who have co-occurring disabilities or
32 specialized needs. It is the intent of the general assembly
33 that services have adequate reimbursement to ensure the
34 financial viability necessary to achieve desired outcomes and
35 fidelity to accepted service models.

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1 3. A regional service system shall provide the following
2 core mental health service domains, subject to the availability
3 of funding:
4 *a.* Acute care and crisis intervention services.
5 *b.* Mental health treatment.
6 *c.* Mental health disorder prevention.
7 *d.* Community living.
8 *e.* Employment.
9 *f.* Recovery supports.
10 *g.* Family supports.
11 *h.* Physical health and primary care services.
12 *i.* Justice system-involved services.
13 4. A regional service system shall provide the following
14 specific core mental health services, subject to the
15 availability of funding:
16 *a.* Peer-run self-help centers.
17 *b.* Psychiatric emergency services to provide a range of
18 crisis intervention and diversion services. The services shall
19 include but are not limited to providing a crisis stabilization
20 facility.
21 *c.* Subacute residential services.
22 *d.* Jail diversion.
23 *e.* Assertive community treatment.
24 *f.* Community support services, supportive community living,
25 and case management.
26 *g.* Health homes.
27 *h.* Supported employment and education.
28 *i.* Family support services.
29 *j.* Transportation.
30 5. A regional service system may provide funding for other
31 appropriate services or other support. In considering whether
32 to provide such funding, a region may consider the following
33 criteria:
34 *a.* Applying a person-centered planning process to identify
35 the need for the services or other support.

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1 *b.* The efficacy of the services or other support is
2 substantiated by an evidence base.
3 *c.* A determination that the services or other support
4 provides an effective alternative to existing services that
5 have been shown by the evidence base to be ineffective, to not
6 yield the desired outcome, or to not support the principles
7 outlined in Olmstead v. L.C., 527 U.S. 581 (1999).
8 Sec. 6. NEW SECTION. **331.439E Intellectual disability and**
9 **other developmental disability core services.**
10 1. A regional service system shall provide funding of
11 intellectual disability services that are not funded by the
12 medical assistance program. In addition, to the extent funding
13 is available, a regional service system shall also provide
14 funding of developmental disability services for persons with a
15 developmental disability other than an intellectual disability.
16 In selecting the services eligible for the funding, a region
17 shall consider the following criteria:
18 *a.* Applying a person-centered planning process to identify
19 the need for the services or other support.
20 *b.* The efficacy of the services or other support is
21 substantiated by an evidence base.
22 *c.* A determination that the services or other support
23 provides an effective alternative to existing services that
24 have been shown by the evidence base to be ineffective, to not
25 yield the desired outcome, or to not support the principles
26 outlined in Olmstead v. L.C., 527 U.S. 581 (1999).
27 2. The core services provided by a region shall include all
28 of the services for adults with an intellectual disability or a
29 developmental disability that were mandated by law and covered
30 in the service management plans of the counties comprising the
31 region under section 331.439, Code 2011, as of June 30, 2012,
32 other than those services funded by the medical assistance
33 program under chapter 249A. The provision of the core services
34 is subject to availability of funding. The core services shall
35 include all of the following, unless covered by the medical

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1 assistance program:
2 *a.* Case management.
3 *b.* Homemaker-home health aide services.
4 *c.* Respite care.
5 *d.* Home and vehicle modification.
6 *e.* Supported community living.
7 *f.* Outpatient mental health services.
8 *g.* Evaluation.
9 *h.* Sheltered workshop services.
10 *i.* Work activity services.
11 *j.* Adult day care.
12 *k.* Residential care facility services.
13 *l.* Residential care facility for persons with an
14 intellectual disability services.
15 *m.* Intermediate care facility for persons with an
16 intellectual disability services.
17 *n.* Supported community living.
18 *o.* Inpatient care at a state mental health institute.
19 *p.* Inpatient care at a state resource center.
20 *q.* Inpatient care at a community hospital.
21 *r.* Diagnostic evaluation related to a civil commitment
22 proceeding.
23 *s.* Transportation related to a civil commitment.
24 *t.* Legal representation for commitment.
25 *u.* Mental health advocate.
26 3. A region shall transition from and replace the services
27 under subsection 2 with services that expand and support
28 the community support and integration principles outlined
29 in Olmstead v. L.C., 527 U.S. 581 (1999) and the purposes
30 identified in section 225C.1.
31 4. The core services for persons with an intellectual
32 disability or a developmental disability shall include all of
33 the following:
34 *a.* Efforts to support the availability of best practice
35 health and primary care services in local communities.

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1 *b.* Efforts to provide best practice family support services
2 to help families to maintain a family member with a disability
3 at home.
4 Sec. 7. NEW SECTION. **331.440B Regional service system**
5 **financing.**
6 1. *a.* The financing of a regional mental health and
7 disability service system is limited to a fixed budget amount.
8 The fixed budget amount shall be the amount identified in a
9 regional service system management plan and budget for the
10 fiscal year. The region shall be authorized an allowed growth
11 factor adjustment as established by statute for services
12 addressed by the regional plan. The statute establishing
13 the allowed growth factor adjustment shall establish the
14 adjustment for the fiscal year which commences two years from
15 the beginning date of the fiscal year in progress at the time
16 the statute is enacted.
17 *b.* Based upon information contained in regional plans and
18 budgets and proposals made by representatives of the regions,
19 the state commission shall recommend an allowed growth factor
20 adjustment to the governor by November 15 for the fiscal year
21 which commences two years from the beginning date of the fiscal
22 year in progress at the time the recommendation is made. The
23 allowed growth factor adjustment may address various costs
24 including but not limited to the costs associated with new
25 consumers of services, service cost inflation, and investments
26 for economy and efficiency. In developing the service
27 cost inflation recommendation, the state commission shall
28 consider the cost trends indicated by the regional financial
29 reports. The governor shall consider the state commission's
30 recommendation in developing the governor's recommendation for
31 an allowed growth factor adjustment for such fiscal year. The
32 governor's recommendation shall be submitted to the general
33 assembly at the time the governor's proposed budget for the
34 succeeding fiscal year is submitted in accordance with chapter
35 8.

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1 2. A region shall implement its regional service system
2 management plan in a manner so as to provide adequate funding
3 of services for the entire fiscal year by budgeting for
4 ninety-nine percent of the funding anticipated to be available
5 for the regional plan for the fiscal year. A region may expend
6 all of the funding anticipated to be available for the regional
7 plan.
8 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3,
9 shall not apply to this division of this Act.
10 Sec. 9. CODE EDITOR. The Code editor may codify the Code
11 provisions enacted by this division of this Act as a new part
12 of chapter 331, division III.
13 Sec. 10. APPLICABILITY. The provisions of this division of
14 this Act enacting new Code sections 331.439A through 331.439E,
15 and section 331.440B apply beginning on July 1, 2013.
16 DIVISION II
17 WORKFORCE DEVELOPMENT AND REGULATION
18 Sec. 11. NEW SECTION. **225C.6C Mental health and disability**
19 **services workforce development workgroup.**
20 1. The department of human services shall convene and
21 provide support to a mental health and disability services
22 workforce development workgroup to address issues connected
23 with assuring that an adequate workforce is available in the
24 state to provide mental health and disability services. The
25 workgroup shall report at least annually to the governor
26 and general assembly providing findings, recommendations,
27 and financing information concerning the findings and
28 recommendations.
29 2. The membership of the workgroup shall include all of the
30 following:
31 *a.* The director of the department of aging or the director's
32 designee.
33 *b.* The director of the department of corrections or the
34 director's designee.
35 *c.* The director of the department of education or the

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1 director's designee.
2 *d.* The director of human services or the director's
3 designee.
4 *e.* The director of the department of public health or the
5 director's designee.
6 *f.* The director of the department of workforce development
7 or the director's designee.
8 *g.* At least three staff of regional administrators
9 appointed by the community services affiliate of the Iowa state
10 association of counties.
11 *h.* At least three individuals receiving mental health and
12 disability services or involved relatives of such individuals.
13 *i.* At least three providers of mental health and disability
14 services.
15 *j.* A representative of the entity under contract with
16 the department to provide mental health managed care for the
17 medical assistance program.
18 *k.* One or more representatives of the institutions under
19 the control of the state board of regents who are knowledgeable
20 concerning the mental health and disability services workforce.
21 *l.* Other persons identified by the workgroup.
22 3. In addition to the members identified in subsection
23 2, the membership of the workgroup shall include four
24 members of the general assembly serving in a nonvoting, ex
25 officio capacity. One member shall be designated by each
26 of the following: the majority leader of the senate, the
27 minority leader of the senate, the speaker of the house of
28 representatives, and the minority leader of the house of
29 representatives. A legislative member serves for a term as
30 provided in section 69.16B.
31 4. Except as provided in subsection 3 for legislative
32 appointments, the workgroup shall determine its own rules of
33 procedure, membership terms, and operating provisions.
34 5. The workforce development measures considered for
35 recommendation by the workgroup shall include but are not

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1 limited to all of the following:
2 *a.* Provide for the college of direct support or comparable
3 internet-based training to be available at no charge to all
4 service providers.
5 *b.* Require every direct support professional to demonstrate
6 a level of competency in core curricula.
7 *c.* Provide financial incentives for those providers who
8 support direct care staff in securing a voluntary certification
9 from the national alliance for direct support professionals or
10 a comparable certification or accreditation body.
11 *d.* Change the rate reimbursement methodologies to allow
12 providers to bill direct care staff development costs as a
13 direct expense rather than as an indirect cost.
14 *e.* Implement regional service system staffing capability
15 to provide positive behavior supports training and to mount a
16 crisis intervention and prevention response that is based on a
17 model successfully tested in this state.
18 *f.* Make technical assistance available to service providers
19 for issues such as crisis intervention, sheltered workshop
20 conversion, and other approaches to modernize services.
21 *g.* Implement co-occurring disability cross training for
22 mental health professionals as well as training for primary
23 care practitioners on intellectual disability and developmental
24 disability behavioral issues.
25 Sec. 12. NEW SECTION. **225C.6D Regional service system —**
26 **outcomes and performance measures committee.**
27 1. The department shall establish an outcomes and
28 performance measures committee to recommend to the department
29 and the commission's specific outcomes and performance measures
30 to be utilized by the regional mental health and disability
31 services system. The membership of the committee shall include
32 regional administrator and departmental staff, individuals
33 receiving mental health and disability services or involved
34 relatives of such individuals, providers of mental health and
35 disability services, a representative of the person under

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1 contract with the department to provide mental health managed
2 care for the medical assistance program, a representative
3 of the institutions under the control of the state board of
4 regents who is knowledgeable concerning mental health and
5 disability services, a representative of the department's task
6 force to address the decision in Olmstead v. L.C., 527 U.S. 581
7 (1999), and other stakeholders.
8 2. To the extent possible, the committee shall seek to
9 provide outcome and performance measures recommendations
10 that are consistent across the mental health and disability
11 services populations addressed. The committee shall also
12 evaluate data collection requirements utilized in the regional
13 service system to identify the requirements that could be
14 eliminated or revised due to the administrative burden involved
15 or the low degree of relevance to outcomes or other reporting
16 requirements.
17 Sec. 13. NEW SECTION. **225C.6E Regional service system —**
18 **regulatory requirements.**
19 1. The departments of inspections and appeals, human
20 services, and public health shall comply with the requirements
21 of this section in their efforts to improve the regulatory
22 requirements applied to the regional service system
23 administration and service providers.
24 2. The three departments shall work together to establish
25 a process to streamline accreditation, certification, and
26 licensing standards applied to the regional service system
27 administration and service providers.
28 3. The departments of human services and inspections and
29 appeals shall jointly review the standards and inspection
30 process applicable to residential care facilities.
31 4. The three departments shall do all of the following in
32 developing regulatory requirements applicable to the regional
33 service system administration and service providers:
34 *a.* Consider the costs to administrators and providers in the
35 development of quality monitoring efforts.

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1 *b.* Develop uniform, streamlined, and statewide cost
2 reporting standards and tools.
3 *c.* Make quality monitoring information, including services,
4 quality, and location information, easily available and
5 understandable to all citizens.
6 *d.* Establish standards that are clearly understood and are
7 accompanied by interpretive guidelines to support understanding
8 by those responsible for applying the standards.
9 *e.* Develop a partnership with providers in order to
10 improve the quality of services and develop mechanisms for the
11 provision of technical assistance.
12 *f.* Develop consistent data collection efforts based on
13 statewide standards and make information available to all
14 providers.
15 *g.* Evaluate existing provider qualification and monitoring
16 efforts to identify duplication and gaps, and align the efforts
17 with valued outcomes.
18 *h.* Streamline and enhance existing standards.
19 *i.* Consider how accreditations can be used for the
20 certification of provider qualifications.
21 5. The three departments shall seek to increase the number
22 of staff dedicated to oversight of service providers.
23 DIVISION III
24 COMMUNITY MENTAL HEALTH CENTER AMENDMENTS
25 Sec. 14. Section 230A.106, subsection 2, paragraph c, as
26 enacted by 2011 Iowa Acts, chapter 121, section 16, is amended
27 to read as follows:
28 *c. Day treatment, partial hospitalization, or psychosocial*
29 *rehabilitation services.* Such services shall be provided as
30 structured day programs in segments of less than twenty-four
31 hours using a multidisciplinary team approach to develop
32 treatment plans that vary in intensity of services and the
33 frequency and duration of services based on the needs of the
34 patient. These services may be provided directly by the center
35 or in collaboration or affiliation with other appropriately

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1 accredited providers. In lieu of day treatment, partial
2 hospitalization, or psychosocial rehabilitation services, the
3 center may provide an assertive community treatment program.
4 Sec. 15. Section 230A.110, subsection 1, as enacted by
5 2011 Iowa Acts, chapter 121, section 20, is amended to read as
6 follows:
7 1. The division shall recommend and the commission shall
8 adopt standards for designated community mental health
9 centers and comprehensive community mental health programs,
10 with the overall objective of ensuring that each center
11 and each affiliate providing services under contract with a
12 center furnishes high-quality mental health services within
13 a framework of accountability to the community it serves.
14 The standards adopted shall conform with federal standards
15 applicable to community mental health centers and shall be
16 in substantial conformity with the applicable behavioral
17 health standards adopted by the joint commission, formerly
18 known as the joint commission on accreditation of health care
19 organizations, ~~and~~ or other recognized national standards for
20 evaluation of psychiatric facilities unless in the judgment of
21 the division, with approval of the commission, there are sound
22 reasons for departing from the standards.
23 DIVISION IV
24 REGIONAL SERVICE SYSTEM
25 Sec. 16. NEW SECTION. **331.438A Definitions.**
26 As used in this part, unless the context otherwise requires:
27 1. *"Department"* means the department of human services.
28 2. *"Disability services"* means the same as defined in
29 section 225C.2.
30 3. *"Population"* means the population shown by the latest
31 preceding certified federal census or the latest applicable
32 population estimate issued by the United States census bureau,
33 whichever is most recent.
34 4. *"Regional administrator"* means the administrative entity
35 formed by agreement of the counties participating in a region

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1 to function on behalf of those counties in accordance with this
2 part.
3 5. *"State commission"* means the mental health and disability
4 services commission created in section 225C.5.
5 Sec. 17. NEW SECTION. **331.438B Mental health and disability**
6 **services regions — criteria.**
7 1. Local access to mental health and disability services for
8 children and adults shall be provided by counties organized in
9 a regional service system. The regional service system shall
10 be implemented in stages in accordance with this section.
11 2. Formation of a mental health and disability services
12 region is subject to approval of the director of human services
13 and the mental health and disability services commission.
14 3. Each county in the state shall participate in an approved
15 mental health and disability services region. A mental health
16 and disability services region shall comply with all of the
17 following requirements:
18 *a.* The counties comprising the region are contiguous.
19 *b.* The region has at least three counties.
20 *c.* The combined general population of the counties
21 comprising a region shall be at least two hundred thousand
22 persons and not more than seven hundred thousand persons.
23 However, the director of human services, with the approval
24 of the commission, may grant a waiver from this requirement
25 if there is convincing evidence that compliance with the
26 requirement is not workable.
27 *d.* The region has the capacity to provide required core
28 services and perform required functions.
29 *e.* At least one community mental health center or a
30 federally qualified health center with providers qualified
31 to provide psychiatric services, either directly or with
32 assistance from psychiatric consultants, is located within the
33 region, has the capacity to provide outpatient services for the
34 region, and is either under contract with the region or has
35 provided documentation of intent to contract with the region

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1 to provide the services.
2 *f.* A hospital with an inpatient psychiatric unit or a state
3 mental health institute is located in or within reasonably
4 close proximity to the region, has the capacity to provide
5 inpatient services for the region, and is either under contract
6 with the region or has provided documentation of intent to
7 contract with the region to provide the services.
8 *g.* The regional administrator structure proposed for or
9 utilized by the region has clear lines of accountability and
10 the regional administrator functions as a lead agency utilizing
11 shared county staff or other means of limiting administrative
12 costs.
13 4. County formation of a mental health and disability
14 services region is subject to all of the following:
15 *a.* On or before November 1, 2012, counties voluntarily
16 participating in a region have complied with all of the
17 following formation criteria:
18 (1) The counties forming the region have been identified
19 and the board of supervisors of the counties have approved a
20 written letter of intent to join together to form the region.
21 (2) The proposed region complies with the requirements in
22 subsection 3.
23 (3) The department provides written notice to the boards
24 of supervisors of the counties identified for the region in
25 the letter of intent that the counties have complied with the
26 requirements in subsection 3.
27 *b.* Upon compliance with the provisions of paragraph *"a"*, the
28 participating counties are eligible for technical assistance
29 provided by the department.
30 *c.* During the period of November 2, 2012, through January
31 1, 2013, a county that has not agreed to be part of a region
32 in accordance with paragraph *"a"* shall be assigned by the
33 department to a region.
34 *d.* On or before June 30, 2013, all counties shall be part of
35 a region that is in compliance with the provisions of paragraph

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1 *"a"* other than meeting the November 1, 2012, date.
2 *e.* On or before June 30, 2014, all counties shall be
3 in compliance with all of the following mental health and
4 disability services region implementation criteria:
5 (1) The board of supervisors of each county participating in
6 the region has voted to approve a chapter 28E agreement.
7 (2) The duly authorized representatives of all the counties
8 participating in the region have signed the chapter 28E
9 agreement that is in compliance with section 331.438C.
10 (3) The county board of supervisors' or supervisors'
11 designee members and other members of the region's governing
12 board have been appointed in accordance with section 331.438C.
13 (4) Executive staff for the region's regional administrator
14 have been identified or engaged.
15 (5) An initial draft of a regional service management
16 transition plan has been developed which identifies the steps
17 to be taken by the region to do all of the following:
18 (a) Designate access points for the disability services
19 administered by the region.
20 (b) Designate the region's targeted case manager provider
21 funded by the medical assistance program.
22 (c) Identify the service provider network for the region.
23 (d) Define the service access and service authorization
24 process to be utilized for the region.
25 (e) Identify the information technology and data management
26 capacity to be employed to support regional functions.
27 (f) Establish business functions, funds accounting
28 procedures, and other administrative processes.
29 (g) Comply with data reporting and other information
30 technology requirements adopted by the state commission.
31 (6) The department and the state commission have approved
32 the region's chapter 28E agreement and the initial draft of the
33 regional management transition plan.
34 *f.* If the department, with the concurrence of the state
35 commission, determines that a region is in substantial

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1 compliance with the implementation criteria in paragraph *"e"*
2 and has sufficient operating capacity to begin operations, the
3 region may commence partial or full operations prior to July
4 2014.
5 Sec. 18. NEW SECTION. **331.438C Regional governance**
6 **structure.**
7 1. The counties comprising a mental health and disability
8 services region shall enter into an agreement under chapter
9 28E to form a regional administrator under the control of a
10 governing board to function on behalf of those counties.
11 2. The governing board shall comply with all of the
12 following requirements:
13 *a.* The membership of the governing board shall consist
14 of one or more board of supervisor members from each county
15 comprising the region or their designees. The decisions
16 involving the local public funding administered by the
17 governing board and the regional administrator shall be made
18 by these members.
19 *b.* The membership of the governing board shall also consist
20 of at least three individuals who utilize mental health and
21 disability services or actively involved relatives of such
22 individuals. These members shall be designated in a manner
23 so as to represent the geographic areas of the region and to
24 provide balanced representation for the various disability
25 groups utilizing the services provided through the region.
26 *c.* The membership of the governing board shall not include
27 representatives of service providers or the department.
28 *d.* The governing board shall have a regional advisory
29 committee consisting of individuals who utilize services or
30 actively involved relatives of such individuals, service
31 providers, and regional governing board members.
32 3. The regional administrator shall be under the control of
33 the governing board. The regional administrator shall enter
34 into performance-based contracts with the department for the
35 regional administrator to manage, on behalf of the counties

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1 comprising the region, the mental health and disability
2 services that are not funded by the medical assistance program
3 under chapter 249A and for coordinating with the department the
4 provision of mental health and disability services that are
5 funded under the medical assistance program.
6 Sec. 19. NEW SECTION. **331.438D Regional finances.**
7 1. The funding under the control of the governing board
8 shall be maintained in a combined account, in separate county
9 accounts that are under the control of the governing board, or
10 pursuant to other arrangements authorized by law that limit the
11 administrative burden of such control while facilitating public
12 scrutiny of financial processes.
13 2. The administrative costs of the regional administrator
14 shall be limited to five percent of expenditures. Expenditures
15 considered to be administrative costs shall be determined in
16 accordance with law.
17 3. The funding provided pursuant to performance-based
18 contracts with the department shall be credited to the account
19 or accounts under the control of the governing board.
20 Sec. 20. NEW SECTION. **331.438E Regional governance**
21 **agreements.**
22 1. In addition to compliance with the applicable provisions
23 of chapter 28E, the chapter 28E agreement entered into by the
24 counties comprising a mental health and disability services
25 region in forming the regional administrator to function on
26 behalf of the counties shall comply with the requirements of
27 this section.
28 2. The organizational provisions of the agreement shall
29 include all of the following:
30 *a.* A statement of purpose, goals, and objectives of entering
31 into the agreement.
32 *b.* Identification of the governing board membership and the
33 terms, methods of appointment, voting procedures, and other
34 provisions applicable to the operation of the governing board.
35 *c.* The identification of the executive staff of the regional

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1 administrator serving as the single point of accountability for
2 the region.
3 *d.* The counties participating in the agreement.
4 *e.* The time period of the agreement and terms for
5 termination or renewal of the agreement.
6 *f.* The circumstances under which additional counties may
7 join the region.
8 *g.* Methods for dispute resolution and mediation.
9 *h.* Methods for termination of a county's participation in
10 the region.
11 *i.* Provisions for formation and assigned responsibilities
12 for one or more advisory committees consisting of individuals
13 who utilize services or actively involved relatives of such
14 individuals, service providers, governing board members, and
15 other interests identified in the agreement.
16 3. The administrative provisions of the agreement shall
17 include all of the following:
18 *a.* Responsibility of the governing board in appointing and
19 evaluating the performance of the chief executive officer of
20 the regional administrator.
21 *b.* A specific list of the functions and responsibilities of
22 the regional administrator's chief executive officer and other
23 administrative staff.
24 *c.* Specification of the functions to be carried out by each
25 party to the agreement and by any subcontractor of a party to
26 the agreement. A contract with a provider network shall be
27 separately addressed.
28 4. The financial provisions of the agreement shall include
29 all of the following:
30 *a.* Methods for pooling, management, and expenditure of the
31 funding under the control of the regional administrator. If
32 the agreement does not provide for pooling of the participating
33 county moneys in a single fund, the agreement shall specify how
34 the participating county moneys will be subject to the control
35 of the regional administrator.

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1 *b.* Methods for allocating administrative funding and
2 resources.
3 *c.* Contributions and uses of initial funding or related
4 contributions made by the counties participating in the
5 region for purposes of commencing operations by the regional
6 administrator.
7 *d.* Methods for acquiring or disposing of real property.
8 *e.* A process for determining the use of savings for
9 reinvestment.
10 *f.* A process for performance of an annual independent audit
11 of the regional administrator.
12 Sec. 21. NEW SECTION. **331.438F County of residence —**
13 **services to residents — service authorization appeals —**
14 **disputes between counties or regions and the department.**
15 1. For the purposes of this section, unless the context
16 otherwise requires:
17 *a.* *"County of residence"* means the county in this state in
18 which, at the time a person applies for or receives services,
19 the person is living in the county and has established an
20 ongoing presence with the declared, good faith intention of
21 living in the county for a permanent or indefinite period of
22 time. The county of residence of a person who is a homeless
23 person is the county where the homeless person usually sleeps.
24 *"County of residence"* does not mean the county where a person is
25 present for the purpose of receiving services in a hospital,
26 a correctional facility, a halfway house for community-based
27 corrections or substance-related treatment, a nursing facility,
28 an intermediate care facility for persons with an intellectual
29 disability, or a residential care facility, or for the purpose
30 of attending a college or university.
31 *b.* *"Homeless person"* means the same as defined in section
32 48A.2.
33 *c.* *"Person"* means a person who is a United States citizen or
34 a qualified alien as defined in 8 U.S.C. § 1641.
35 2. If a person appeals a service authorization or

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1 other services-related determination made by a regional
2 administrator, the appeal shall be heard in a contested
3 case proceeding by a state administrative law judge. The
4 administrative law judge's decision shall be considered a final
5 agency decision under chapter 17A.
6 3. If a county of residence is part of a mental health and
7 disability services region that has agreed to pool funding and
8 liability for services, the responsibilities of the county
9 under law regarding such services shall be performed on behalf
10 of the county by the regional administrator. The county of
11 residence or the county's mental health and disability services
12 region, as applicable, is responsible for paying the public
13 costs of the mental health and disability services that are
14 not covered by the medical assistance program under chapter
15 249A and are provided in accordance with the region's approved
16 service management plan to persons who are residents of the
17 county or region.
18 4. *a.* The dispute resolution process implemented in
19 accordance with this subsection applies to residency disputes.
20 The dispute resolution process is not applicable to disputes
21 involving persons committed to a state facility pursuant to
22 chapter 812 or rule of criminal procedure 2.22, Iowa court
23 rules, or to disputes involving service authorization decisions
24 made by a region.
25 *b.* If a county, region, or the department, as applicable,
26 receives a billing for services provided to a resident
27 in another county or region, or objects to a residency
28 determination certified by the department or another county's
29 or region's regional administrator and asserts either that the
30 person has residency in another county or region or the person
31 is not a resident of this state or the person's residency
32 is unknown so that the person is deemed a state case, the
33 person's residency status shall be determined as provided in
34 this section. The county or region shall notify the department
35 of the county's or region's assertion within one hundred

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1 twenty days of receiving the billing. If the county or region
2 asserts that the person has residency in another county or
3 region, that county or region shall be notified at the same
4 time as the department. If the department disputes a residency
5 determination certification made by a regional administrator,
6 the department shall notify the affected counties or regions
7 of the department's assertion.
8 *c.* The department, county, or region that received the
9 notification, as applicable, shall respond to the party that
10 provided the notification within forty-five days of receiving
11 the notification. If the parties cannot agree to a settlement
12 as to the person's residency status within ninety days of the
13 date of notification, on motion of any of the parties, the
14 matter shall be referred to the department of inspections and
15 appeals for a contested case hearing under chapter 17A before
16 an administrative law judge assigned in accordance with section
17 10A.801 to determine the person's residency status.
18 *d.* (1) The administrative law judge's determination
19 of the person's residency status is a final agency action,
20 notwithstanding contrary provisions of section 17A.15.
21 The party that does not prevail in the determination or
22 subsequent judicial review is liable for costs associated with
23 the proceeding, including reimbursement of the department
24 of inspections and appeals' actual costs associated with
25 the administrative proceeding. Judicial review of the
26 determination may be sought in accordance with section 17A.19.
27 (2) If following the determination of a person's residency
28 status in accordance with this section, additional evidence
29 becomes available that merits a change in that determination,
30 the parties affected may change the determination by mutual
31 agreement. Otherwise, a party may move that the matter be
32 reconsidered by the department, county, or region, or by the
33 administrative law judge.
34 *e.* (1) Unless a petition is filed for judicial review,
35 the administrative law judge's determination of the person's

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1 residency status shall result in one of the following:
2 (a) If a county or region is determined to be the person's
3 residence, the county or region shall pay the amounts due and
4 shall reimburse any other amounts paid for services provided by
5 the other county or region or the department on the person's
6 behalf prior to the determination.
7 (b) If it is determined that the person is not a resident
8 of this state or the person's residency is unknown so that the
9 person is deemed to be a state case, the department shall pay
10 the amounts due and shall reimburse the county or region, as
11 applicable, for any payment made on behalf of the person prior
12 to the determination.
13 (2) The payment or reimbursement shall be remitted within
14 forty-five days of the date the decision was issued. After
15 the forty-five-day period, a penalty of not greater than one
16 percent per month may be added to the amount due.
17 Sec. 22. CODE EDITOR. The Code editor shall codify the
18 provisions of this division of this Act enacting new sections
19 in chapter 331, as a new part of division IV, tentatively
20 numbered part 2A.
21 Sec. 23. APPLICABILITY. The provisions of this division
22 of this Act enacting new sections in chapter 331, except
23 as specifically provided by the provisions, are applicable
24 beginning July 1, 2013.
25 DIVISION V
26 SUBACUTE CARE FACILITIES FOR PERSONS WITH SERIOUS AND
27 PERSISTENT MENTAL ILLNESS
28 Sec. 24. NEW SECTION. **135P.1 Definitions.**
29 As used in this chapter, unless the context otherwise
30 requires:
31 1. *"Department"* means the department of inspections and
32 appeals.
33 2. *"Direction"* means authoritative policy or procedural
34 guidance for the accomplishment of a function or an activity.
35 3. *"Licensee"* means the holder of a license issued to

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1 operate a subacute care facility for persons with serious and
2 persistent mental illness.
3 4. *"Mental health professional"* means the same as defined
4 in section 228.1.
5 5. *"Physician"* means a person licensed under chapter 148.
6 6. *"Psychiatric services"* means services provided under
7 the direction of a physician which address mental, emotional,
8 medical, or behavioral problems.
9 7. *"Rehabilitative services"* means services to encourage and
10 assist restoration of a resident's optimum mental and physical
11 capabilities.
12 8. *"Resident"* means a person who is eighteen years of age
13 or older and has been admitted by a physician to a subacute
14 care facility for persons with serious and persistent mental
15 illness.
16 9. *"Treatment care plan"* means a plan of care and services
17 designed to eliminate the need for acute care by improving
18 the condition of a person with serious and persistent mental
19 illness. Services must be based upon a diagnostic evaluation,
20 which includes an examination of the medical, psychological,
21 social, behavioral, and developmental aspects of the person's
22 situation, reflecting the need for inpatient care.
23 10. *"Subacute care facility for persons with serious and*
24 *persistent mental illness"* or *"subacute care facility"* means an
25 institution, place, building, or agency with restricted means
26 of egress designed to provide accommodation, board, and the
27 services of a licensed psychiatrist for a period exceeding
28 twenty-four consecutive hours to three or more individuals who
29 primarily have serious and persistent mental illness, diagnosis
30 of a co-occurring disorder, and are not related to the owner
31 within the third degree of consanguinity.
32 11. *"Supervision"* means direct oversight and inspection of
33 the act of accomplishing a function or activity.
34 Sec. 25. NEW SECTION. **135P.2 Purpose.**
35 The purpose of this chapter is to provide for the

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1 development, establishment, and enforcement of basic standards
2 for the operation, construction, and maintenance of a
3 subacute care facility which will ensure the safe and adequate
4 diagnosis, evaluation, and treatment of the residents.
5 Sec. 26. NEW SECTION. **135P.3 Nature of care — seclusion**
6 **room — admissions.**
7 1. A subacute care facility shall utilize a team of
8 professionals to direct an organized program of diagnostic
9 services, psychiatric services, and rehabilitative services
10 to meet the needs of residents in accordance with a treatment
11 care plan developed for each resident under the supervision of
12 a licensed psychiatrist. The goal of a treatment care plan
13 is to transition residents to a less restrictive environment,
14 including a home-based community setting. Social and
15 rehabilitative services shall be provided under the direction
16 of a mental health professional.
17 2. The licensed psychiatrist providing supervision of
18 the subacute care facility shall evaluate the condition of
19 each resident no less than two times each month and shall be
20 available to residents of the facility on an on-call basis
21 at all other times. The subacute care facility may employ a
22 seclusion room meeting the conditions described in 42 C.F.R. §
23 483.364(b) with approval of the licensed psychiatrist of the
24 facility or by order of the resident's physician.
25 3. An admission to the subacute care facility is subject
26 to a physician's written order certifying that the individual
27 being admitted requires regular oversight by a licensed
28 psychiatrist and requires no greater degree of care than that
29 which the facility to which the admission is made is licensed
30 to provide and is capable of providing.
31 4. A subacute care facility does not constitute an
32 *"institution for mental diseases"* within the meaning of 42
33 U.S.C. § 1396d(i).
34 Sec. 27. NEW SECTION. **135P.4 Licensure.**
35 1. A person shall not establish, operate, or maintain a

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1 subacute care facility unless the person obtains a license for
2 the subacute care facility under this chapter.
3 2. An intermediate care facility for persons with mental
4 illness licensed under chapter 135C may convert to a subacute
5 care facility by providing written notice to the department
6 that the facility has employed a full-time psychiatrist and
7 desires to make the conversion.
8 Sec. 28. NEW SECTION. **135P.5 Application for license.**
9 An application for a license under this chapter shall be
10 submitted on a form requesting information required by the
11 department, which may include affirmative evidence of the
12 applicant's ability to comply with the rules for standards
13 adopted pursuant to this chapter. An application for a license
14 shall be accompanied by the required license fee which shall
15 be credited to the general fund of the state. The initial and
16 annual license fee is twenty-five dollars.
17 Sec. 29. NEW SECTION. **135P.6 Inspection — conditions for**
18 **issuance.**
19 The department shall issue a license to an applicant under
20 this chapter if the department has ascertained that the
21 applicant's facilities and staff are adequate to provide the
22 care and services required of a subacute care facility and if
23 the applicant has been awarded a certificate of need pursuant
24 to chapter 135.
25 Sec. 30. NEW SECTION. **135P.7 Denial, suspension, or**
26 **revocation of license.**
27 The department may deny an application or suspend or revoke
28 a license if the department finds that an applicant or licensee
29 has failed or is unable to comply with this chapter or the
30 rules establishing minimum standards pursuant to this chapter
31 or if any of the following conditions apply:
32 1. It is shown that a resident is a victim of cruelty or
33 neglect due to the acts or omissions of the licensee.
34 2. The licensee has permitted, aided, or abetted in the
35 commission of an illegal act in the subacute care facility.

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1 3. An applicant or licensee acted to obtain or to retain a
2 license by fraudulent means, misrepresentation, or submitting
3 false information.
4 4. The licensee has willfully failed or neglected to
5 maintain a continuing in-service education and training program
6 for persons employed by the subacute care facility.
7 5. The application involves a person who has failed to
8 operate a subacute care facility in compliance with the
9 provisions of this chapter.
10 Sec. 31. NEW SECTION. **135P.8 Provisional license.**
11 The department may issue a provisional license, effective
12 for not more than one year, to a licensee whose subacute care
13 facility does not meet the requirements of this chapter if,
14 prior to issuance of the license, the applicant submits written
15 plans to achieve compliance with the applicable requirements
16 and the plans are approved by the department. The plans shall
17 specify the deadline for achieving compliance.
18 Sec. 32. NEW SECTION. **135P.9 Notice and hearings.**
19 The procedure governing notice and hearing to deny an
20 application or suspend or revoke a license shall be in
21 accordance with rules adopted by the department pursuant to
22 chapter 17A. A full and complete record shall be kept of the
23 proceedings and of any testimony. The record need not be
24 transcribed unless judicial review is sought. A copy or copies
25 of a transcript may be obtained by an interested party upon
26 payment of the cost of preparing the transcript or copies.
27 Sec. 33. NEW SECTION. **135P.10 Rules.**
28 The department of inspections and appeals, in consultation
29 with the department of human services and affected professional
30 groups, shall adopt and enforce rules setting out the standards
31 for a subacute care facility and the rights of the residents
32 admitted to a subacute care facility. The department of
33 inspections and appeals and the department of human services
34 shall coordinate the adoption of rules and the enforcement of
35 the rules in order to prevent duplication of effort by the

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1 departments and of requirements of the licensee.
2 Sec. 34. NEW SECTION. **135P.11 Complaints alleging**
3 **violations — confidentiality.**
4 1. A person may request an inspection of a subacute care
5 facility by filing with the department a complaint of an
6 alleged violation of an applicable requirement of this chapter
7 or a rule adopted pursuant to this chapter. The complaint
8 shall state in a reasonably specific manner the basis of the
9 complaint. A statement of the nature of the complaint shall be
10 delivered to the subacute care facility involved at the time of
11 or prior to the inspection. The name of the person who files a
12 complaint with the department shall be kept confidential and
13 shall not be subject to discovery, subpoena, or other means
14 of legal compulsion for its release to a person other than
15 department employees involved in the investigation of the
16 complaint.
17 2. Upon receipt of a complaint made in accordance with
18 subsection 1, the department shall make a preliminary review
19 of the complaint. Unless the department concludes that the
20 complaint is intended to harass a subacute care facility or a
21 licensee or is without reasonable basis, it shall within twenty
22 working days of receipt of the complaint make or cause to be
23 made an on-site inspection of the subacute care facility which
24 is the subject of the complaint. The department of inspections
25 and appeals may refer to the department of human services
26 any complaint received by the department of inspections and
27 appeals if the complaint applies to rules adopted by the
28 department of human services. The complainant shall also
29 be notified of the name, address, and telephone number of
30 the designated protection and advocacy agency if the alleged
31 violation involves a facility with one or more residents with a
32 developmental disability or mental illness. In any case, the
33 complainant shall be promptly informed of the result of any
34 action taken by the department in the matter.
35 3. An inspection made pursuant to a complaint filed under

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1 subsection 1 need not be limited to the matter or matters
2 referred to in the complaint; however, the inspection shall
3 not be a general inspection unless the complaint inspection
4 coincides with a scheduled general inspection. Upon arrival
5 at the subacute care facility to be inspected, the inspector
6 shall show identification to the person in charge of the
7 subacute care facility and state that an inspection is to
8 be made, before beginning the inspection. Upon request of
9 either the complainant or the department, the complainant or
10 the complainant's representative or both may be allowed the
11 privilege of accompanying the inspector during any on-site
12 inspection made pursuant to this section. The inspector may
13 cancel the privilege at any time if the inspector determines
14 that the privacy of a resident of the subacute care facility to
15 be inspected would be violated. The dignity of the resident
16 shall be given first priority by the inspector and others.
17 Sec. 35. NEW SECTION. **135P.12 Information confidential.**
18 1. The department's final findings regarding licensure
19 shall be made available to the public in a readily available
20 form and place. Other information relating to the subacute
21 care facility is confidential and shall not be made available
22 to the public except in proceedings involving licensure, a
23 civil suit involving a resident, or an administrative action
24 involving a resident.
25 2. The name of a person who files a complaint with the
26 department shall remain confidential and is not subject to
27 discovery, subpoena, or any other means of legal compulsion for
28 release to a person other than an employee of the department or
29 an agent involved in the investigation of the complaint.
30 3. Information regarding a resident who has received or is
31 receiving care shall not be disclosed directly or indirectly
32 except as authorized under section 217.30.
33 Sec. 36. NEW SECTION. **135P.13 Judicial review.**
34 Judicial review of the action of the department may be sought
35 pursuant to the Iowa administrative procedure Act, chapter 17A.

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1 Notwithstanding chapter 17A, a petition for judicial review of
2 the department's actions under this chapter may be filed in the
3 district court of the county in which the related subacute care
4 facility is located or is proposed to be located. The status
5 of the petitioner or the licensee shall be preserved pending
6 final disposition of the judicial review.
7 Sec. 37. NEW SECTION. **135P.14 Penalty.**
8 A person who establishes, operates, or manages a subacute
9 care facility without obtaining a license under this chapter
10 commits a serious misdemeanor. Each day of continuing
11 violation following conviction shall be considered a separate
12 offense.
13 Sec. 38. NEW SECTION. **135P.15 Injunction.**
14 Notwithstanding the existence or pursuit of another remedy,
15 the department may maintain an action for injunction or other
16 process to restrain or prevent the establishment, operation, or
17 management of a subacute care facility without a license.
18 Sec. 39. Section 249A.26, subsection 2, Code 2011, is
19 amended by adding the following new paragraph:
20 NEW PARAGRAPH. *d.* Notwithstanding any provision of
21 this chapter to the contrary, for services provided to
22 eligible persons in a subacute care facility for persons
23 with serious and persistent mental illness licensed under
24 chapter 135P, the daily rate shall be equal to the sum of
25 the direct care Medicare-certified hospital-based nursing
26 facility patient-day-weighted median and the nondirect
27 care Medicare-certified hospital-based nursing facility
28 patient-day-weighted median.
29 Sec. 40. IMPLEMENTATION OF ACT. Section 25B.2, subsection
30 3, shall not apply to this division of this Act.
31 DIVISION VI
32 CONFORMING AMENDMENTS — CENTRAL POINT OF COORDINATION,
33 LEGAL SETTLEMENT, COUNTY MENTAL HEALTH, MENTAL RETARDATION,
34 AND DEVELOPMENTAL DISABILITIES SERVICES FUNDS, AND DISPUTE
35 RESOLUTION PROCESSES

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1 Sec. 41. Section 123.38, subsection 2, Code 2011, is amended
2 to read as follows:
3 2. Any licensee or permittee, or the licensee's or
4 permittee's executor or administrator, or any person duly
5 appointed by the court to take charge of and administer the
6 property or assets of the licensee or permittee for the benefit
7 of the licensee's or permittee's creditors, may voluntarily
8 surrender a license or permit to the division. When a license
9 or permit is surrendered the division shall notify the local
10 authority, and the division or the local authority shall
11 refund to the person surrendering the license or permit, a
12 proportionate amount of the fee received by the division or
13 the local authority for the license or permit as follows: if
14 a license or permit is surrendered during the first three
15 months of the period for which it was issued, the refund shall
16 be three-fourths of the amount of the fee; if surrendered
17 more than three months but not more than six months after
18 issuance, the refund shall be one-half of the amount of the
19 fee; if surrendered more than six months but not more than
20 nine months after issuance, the refund shall be one-fourth of
21 the amount of the fee. No refund shall be made, however, for
22 any special liquor permit, nor for a liquor control license,
23 wine permit, or beer permit surrendered more than nine months
24 after issuance. For purposes of this subsection, any portion
25 of license or permit fees used for the purposes authorized in
26 section 331.424, subsection 1, paragraph "a", subparagraphs
27 (1) and (2), and in ~~section 331.424A~~ chapter 331, division IV,
28 part 2A, shall not be deemed received either by the division or
29 by a local authority. No refund shall be made to any licensee
30 or permittee, upon the surrender of the license or permit, if
31 there is at the time of surrender, a complaint filed with the
32 division or local authority, charging the licensee or permittee
33 with a violation of this chapter. If upon a hearing on a
34 complaint the license or permit is not revoked or suspended,
35 then the licensee or permittee is eligible, upon surrender of

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the license or permit, to receive a refund as provided in this section; but if the license or permit is revoked or suspended upon hearing the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 42. Section 218.99, Code 2011, is amended to read as follows:

218.99 Counties to be notified of patients' personal accounts.

The administrator in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, paragraph *"a"*, subparagraphs (1) and (2), and for which services are paid under ~~section 331.424A~~ chapter 331, division IV, part 2A, to quarterly inform the regional administrator of the county of ~~legal settlement's entity designated to perform the county's central point of coordination process~~ residence of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the ~~entity designated to perform the county's central point of coordination process~~ regional administrator of the county of residence at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. ~~If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the administrator in control of the institution involved.~~

Sec. 43. Section 222.2, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 44. Section 222.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. *"Regional administrator"* means the same as defined in section 331.438A.

Sec. 45. Section 222.10, Code 2011, is amended to read as

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1 follows:
2 **222.10 Duty of peace officer.**
3 When any person with mental retardation departs without
4 proper authority from an institution in another state and
5 is found in this state, any peace officer in any county in
6 which such patient is found may take and detain the patient
7 without warrant or order and shall report such detention to the
8 administrator. The administrator shall provide for the return
9 of the patient to the authorities in the state from which the
10 unauthorized departure was made. Pending return, such patient
11 may be detained temporarily at one of the institutions of this
12 state governed by the administrator or by the administrator of
13 the division of child and family services of the department
14 of human services. The provisions of this section relating
15 to the administrator shall also apply to the return of other
16 nonresident persons with mental retardation having legal
17 ~~settlement~~ residency outside the state of Iowa.
18 Sec. 46. Section 222.13, Code 2011, is amended to read as
19 follows:
20 **222.13 Voluntary admissions.**
21 1. If an adult person is believed to be a person with mental
22 retardation, the adult person or the adult person's guardian
23 may ~~submit a~~ request ~~through the central point of coordination~~
24 ~~process for~~ the ~~county board of supervisors~~ regional
25 administrator of the adult person's county of residence in
26 writing to apply to the superintendent of any state resource
27 center for the voluntary admission of the adult person either
28 as an inpatient or an outpatient of the resource center.
29 ~~After determining the legal settlement of the adult person as~~
30 ~~provided by this chapter, the board of supervisors~~ The regional
31 administrator, on behalf of the board of supervisors shall, on
32 forms prescribed by the department's administrator, apply to
33 the superintendent of the resource center in the district for
34 the admission of the adult person to the resource center. An
35 application for admission to a special unit of any adult person

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1 believed to be in need of any of the services provided by the
2 special unit under section 222.88 may be made in the same
3 manner, upon request of the adult person or the adult person's
4 guardian. The superintendent shall accept the application
5 ~~providing~~ if a preadmission diagnostic evaluation, performed
6 ~~through the central point of coordination process~~ through the
7 regional administrator, confirms or establishes the need for
8 admission, except that an application ~~may~~ shall not be accepted
9 if the institution does not have adequate facilities available
10 or if the acceptance will result in an overcrowded condition.
11 2. If the resource center ~~has no~~ does not have an
12 appropriate program for the treatment of an adult or minor
13 person with mental retardation applying under this section
14 or section 222.13A, the ~~board of supervisors~~ regional
15 administrator on behalf of the board of supervisors shall
16 arrange for the placement of the person in any public or
17 private facility within or without the state, approved by the
18 director ~~of the department~~ of human services, which offers
19 appropriate services for the person, as determined ~~through~~
20 ~~the central point of coordination process~~ by the regional
21 administrator.
22 3. Upon applying for admission of an adult or minor person
23 to a resource center, or a special unit, or upon arranging for
24 the placement of the person in a public or private facility,
25 if the county would be liable to pay the expenses in full
26 or in part, the regional administrator, on behalf of the
27 board of supervisors shall make a full investigation into
28 the financial circumstances of that person and those liable
29 for that person's support under section 222.78 to determine
30 whether or not any of them are able to pay the expenses arising
31 out of the admission of the person to a resource center,
32 special treatment unit, or public or private facility. If
33 the ~~board~~ regional administrator finds that the person or
34 those legally responsible for the person are presently unable
35 to pay the expenses, the ~~board~~ regional administrator shall

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1 direct that the expenses be paid by the county. The ~~board~~
2 regional administrator may review its finding at any subsequent
3 time while the person remains at the resource center, or
4 is otherwise receiving care or treatment for which this
5 chapter obligates the county to pay. If the ~~board~~ regional
6 administrator finds upon review that the person or those
7 legally responsible for the person are presently able to pay
8 the expenses, the finding shall apply only to the charges
9 incurred during the period beginning on the date of the
10 review and continuing thereafter, unless and until the ~~board~~
11 regional administrator again changes its finding. If the ~~board~~
12 regional administrator finds that the person or those legally
13 responsible for the person are able to pay the expenses, the
14 ~~board~~ regional administrator shall direct that the charges
15 be so paid to the extent required by section 222.78, and the
16 county auditor shall be responsible for the collection of the
17 charges.
18 Sec. 47. Section 222.13A, subsections 1, 2, and 4, Code
19 2011, are amended to read as follows:
20 1. If a minor is believed to be a person with mental
21 retardation, the minor's parent, guardian, or custodian
22 may request the county board of supervisors in writing to
23 apply for admission of the minor as a voluntary patient in
24 a state resource center. If the resource center does not
25 have appropriate services for the minor's treatment, the
26 board of supervisors may arrange for the admission of the
27 minor in a public or private facility within or without the
28 state, approved by the director of human services, which
29 offers appropriate services for the minor's treatment. If
30 half or more of the nonfederal share of the costs of services
31 provided to a minor in accordance with this section is the
32 responsibility of the state, the costs of the preadmission
33 diagnostic evaluation, court appointed attorney, and court
34 costs, relating to the services shall be paid by the state.
35 If more than half of the nonfederal share of the costs of

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1 such services is the responsibility of the minor's county of
2 residence, the costs of the preadmission diagnostic evaluation,
3 court appointed attorney, and court costs, relating to the
4 services shall be paid by the county of residence.
5 2. Upon receipt of an application for voluntary admission
6 of a minor, the board of supervisors shall provide for a
7 preadmission diagnostic evaluation of the minor to confirm
8 or establish the need for the admission. The preadmission
9 diagnostic evaluation shall be performed by a person who
10 meets the qualifications of a qualified mental retardation
11 professional who is designated through the ~~central point of~~
12 ~~coordination process~~ regional administrator. Any portion of
13 the cost of the evaluation not paid by the minor or those
14 liable for the minor's support under section 222.78 is the
15 responsibility of the state.
16 4. As soon as practicable after the filing of a petition for
17 approval of the voluntary admission, the court shall determine
18 whether the minor has an attorney to represent the minor in the
19 proceeding. If the minor does not have an attorney, the court
20 shall assign to the minor an attorney. If the minor is unable
21 to pay for an attorney, the attorney shall be compensated by
22 the county or state, as applicable, at an hourly rate to be
23 established ~~by the county board of supervisors~~ in substantially
24 the same manner as provided in section 815.7.
25 Sec. 48. Section 222.22, Code 2011, is amended to read as
26 follows:
27 **222.22 Time of appearance.**
28 The time of appearance shall not be less than five days
29 after completed service unless the court orders otherwise.
30 Appearance on behalf of the person who is alleged to have
31 mental retardation may be made by any citizen of the county
32 or by any relative. The district court shall assign counsel
33 for the person who is alleged to have mental retardation.
34 Counsel shall prior to proceedings personally consult with the
35 person who is alleged to have mental retardation unless the

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1 judge appointing counsel certifies that in the judge's opinion,
2 consultation shall serve no useful purpose. The certification
3 shall be made a part of the record. An attorney assigned by
4 the court shall be compensated by the ~~county~~ state at an hourly
5 rate to be established ~~by the county board of supervisors~~ in
6 substantially the same manner as provided in section 815.7.
7 Sec. 49. Section 222.28, Code 2011, is amended to read as
8 follows:
9 **222.28 Commission to examine.**
10 The court may, at or prior to the final hearing, appoint
11 a commission of one qualified physician and one qualified
12 psychologist, designated through the ~~central point of~~
13 ~~coordination process,~~ regional administrator who shall make
14 a personal examination of the person alleged to be mentally
15 retarded for the purpose of determining the mental condition
16 of the person.
17 Sec. 50. Section 222.31, subsection 1, paragraph b, Code
18 2011, is amended to read as follows:
19 *b.* (1) Commit the person to the state resource center
20 designated by the administrator to serve the county in which
21 the hearing is being held, or to a special unit. The court
22 shall, prior to issuing an order of commitment, request
23 that a diagnostic evaluation of the person be made by ~~the~~
24 ~~superintendent of the resource center or the special unit, or~~
25 ~~the superintendent's qualified designee~~ a person qualified
26 to perform the diagnostic evaluation. ~~The evaluation shall~~
27 ~~be conducted at a place as the superintendent may direct.~~
28 ~~The cost of the evaluation shall be defrayed by the county~~
29 ~~of legal settlement unless otherwise ordered by the court.~~
30 The cost of the evaluation to be charged may be equal to but
31 shall not exceed the actual cost of the evaluation. ~~Persons~~
32 ~~referred by a court to a resource center or the special unit~~
33 ~~for diagnostic evaluation shall be considered as outpatients of~~
34 ~~the institution. No order of commitment shall be issued unless~~
35 ~~the superintendent of the institution recommends that the order~~

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1 ~~be issued, and advises the court that adequate facilities for~~
2 ~~the care of the person are available.~~
3 (2) The court shall examine the report of the county
4 attorney filed pursuant to section 222.13, and if the report
5 shows that neither the person nor those liable for the person's
6 support under section 222.78 are presently able to pay the
7 charges rising out of the person's care in a resource center,
8 or special treatment unit, shall enter an order stating that
9 finding and directing that the charges be paid by the person's
10 county of residence or the state, as determined in accordance
11 with section 222.60. The court ~~may~~, upon request of the ~~board~~
12 ~~of supervisors~~ payer of the charges, may review its finding at
13 any subsequent time while the person remains at the resource
14 center, or is otherwise receiving care or treatment for which
15 this chapter obligates the ~~county~~ payer to pay. If the court
16 finds upon review that the person or those legally responsible
17 for the person are presently able to pay the expenses, that
18 finding shall apply only to the charges incurred during the
19 period beginning on the date of the ~~board's~~ payer's request
20 for the review and continuing ~~thereafter~~ after that date,
21 unless and until the court again changes its finding. If the
22 court finds that the person, or those liable for the person's
23 support, are able to pay the charges, the court shall enter
24 an order directing that the charges be so paid to the extent
25 required by section 222.78.
26 Sec. 51. Section 222.49, Code 2011, is amended to read as
27 follows:
28 **222.49 Costs paid.**
29 The costs of proceedings shall be ~~defrayed from the county~~
30 ~~treasury~~ paid by the county or the state, as determined in
31 accordance with section 222.60, unless otherwise ordered by
32 the court. When the person alleged to be mentally retarded
33 is found not to be mentally retarded, the court shall render
34 judgment for such costs against the person filing the petition
35 except when the petition is filed by order of court.

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Sec. 52. Section 222.50, Code 2011, is amended to read as follows:

222.50 County of ~~legal settlement~~ residence or state to pay.

When the proceedings are instituted in a county in which the person who is alleged to have mental retardation was found but which is not the county of ~~legal settlement~~ residence of the person, and the costs are not taxed to the petitioner, the person's county ~~which is the legal settlement of the person~~ of residence or the state, as determined in accordance with section 222.60, shall, on presentation of a properly itemized bill for such costs, repay the costs to the former county. ~~When the person's legal settlement is outside the state or is unknown, the costs shall be paid out of money in the state treasury not otherwise appropriated, itemized on vouchers executed by the auditor of the county which paid the costs, and approved by the administrator.~~

Sec. 53. Section 222.59, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Upon receiving a request from an authorized requester, the superintendent of a state resource center shall coordinate with the ~~central point of coordination process~~ regional administrator in assisting the requester in identifying available community-based services as an alternative to continued placement of a patient in the state resource center. For the purposes of this section, *"authorized requester"* means the parent, guardian, or custodian of a minor patient, the guardian of an adult patient, or an adult patient who does not have a guardian. The assistance shall identify alternatives to continued placement which are appropriate to the patient's needs and shall include but are not limited to any of the following:

Sec. 54. Section 222.60, subsection 1, Code 2011, is amended to read as follows:

1. All necessary and legal expenses for the cost of admission or commitment or for the treatment, training,

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instruction, care, habilitation, support and transportation of persons with mental retardation, as provided for in the ~~county~~ regional mental health and disability services management plan provisions implemented pursuant to ~~section 331.439, subsection 1~~ chapter 331, in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the director ~~of the department~~ of human services, shall be paid by either:

a. The person's county ~~in which such person has legal settlement as defined in section 252.16~~ of residence unless the expenses are covered by the medical assistance program under chapter 249A.

b. The state when ~~such~~ the person ~~has no legal settlement or when such settlement is unknown~~ is a resident in another state or in a foreign country, the residence is unknown, or the expenses are covered by the medical assistance program under chapter 249A. The payment responsibility shall be deemed to be a state case.

Sec. 55. Section 222.60, subsection 2, Code 2011, is amended to read as follows:

2. *a.* Prior to a county of ~~legal settlement~~ residence approving the payment of expenses for a person under this section, the county may require that the person be diagnosed to determine if the person has mental retardation or that the person be evaluated to determine the appropriate level of services required to meet the person's needs relating to mental retardation. The diagnosis and the evaluation may be performed concurrently and shall be performed by an individual or individuals approved by the county who are qualified to perform the diagnosis or the evaluation. Following the initial approval for payment of expenses, the county ~~of legal settlement~~ may require that an evaluation be performed at reasonable time periods.

b. The cost of a county-required diagnosis and an evaluation is at the county's expense. In the case of a ~~person without~~

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1 ~~legal settlement or whose legal settlement is unknown~~ service
2 covered under the medical assistance program, the state
3 may apply the diagnosis and evaluation provisions of this
4 subsection at the state's expense.
5 *c.* A diagnosis or an evaluation under this section may be
6 part of a ~~county's central point of coordination process under~~
7 ~~section 331.440,~~ regional service management plan provided that
8 a diagnosis is performed only by an individual qualified as
9 provided in this section.
10 Sec. 56. Section 222.61, Code 2011, is amended to read as
11 follows:
12 **222.61 ~~Legal settlement~~ Residency determined.**
13 When a county receives an application on behalf of any
14 person for admission to a resource center or a special unit
15 or when a court issues an order committing any person to a
16 resource center or a special unit, the board of supervisors
17 shall ~~utilize~~ refer the determination of residency to the
18 ~~central point of coordination process~~ regional administrator to
19 determine and certify that the ~~legal settlement~~ residence of
20 the person is in one of the following:
21 1. In the county in which the application is received or in
22 which the court is located.
23 2. In some other county of the state.
24 3. In another state or in a foreign country.
25 4. Unknown.
26 Sec. 57. Section 222.62, Code 2011, is amended to read as
27 follows:
28 **222.62 ~~Settlement~~ Residency in another county.**
29 When the ~~board of supervisors determines through the central~~
30 ~~point of coordination process~~ regional administrator determines
31 that the ~~legal settlement~~ residency of the person is other
32 than in the county in which the application is received, the
33 determination shall be certified to the superintendent of the
34 resource center or the special unit where the person is a
35 patient. The certification shall be accompanied by a copy of

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the evidence supporting the determination. The superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of the patient, to the county certified to be the county of ~~legal settlement~~ residency.

Sec. 58. Section 222.63, Code 2011, is amended to read as follows:

222.63 Finding of ~~settlement~~ residency — objection.

A ~~board of supervisors'~~ certification ~~utilizing~~ of the ~~central point of coordination process~~ county's regional administrator that a person's ~~legal settlement~~ residency is in another county shall be sent ~~by the board of supervisors~~ to the auditor of the county of ~~legal settlement~~ residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The auditor of the county of ~~legal settlement~~ residence shall submit the certification to the ~~board of supervisors~~ regional administrator of the auditor's county and it shall be conclusively presumed that the patient has ~~a legal settlement~~ residency in that county unless that county disputes the determination of ~~legal settlement~~ residency as provided in section ~~225C.8~~ 331.438F.

Sec. 59. Section 222.64, Code 2011, is amended to read as follows:

222.64 Foreign state or country or unknown ~~legal settlement~~ residency.

If the ~~legal settlement~~ residency of the person is determined by ~~the board of supervisors through the central point of coordination process~~ a county or the state to be in a foreign state or country or is determined to be unknown, the ~~board of supervisors~~ county or the state shall certify the determination to the administrator. The certification shall be accompanied by a copy of the evidence supporting the determination. The care of the person shall be as arranged by the ~~board of supervisors~~ county or the state or by an order as the court may enter. Application for admission or order of commitment may be made pending investigation by the

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1 administrator.
2 Sec. 60. Section 222.65, Code 2011, is amended to read as
3 follows:
4 **222.65 Investigation.**
5 If an application is made for placement of a person in
6 a state resource center or special unit, the department's
7 administrator shall immediately investigate the ~~legal~~
8 ~~settlement~~ residency of the person and proceed as follows:
9 1. If the administrator concurs with a certified
10 determination as to ~~legal settlement~~ residency of the person
11 so that the person is deemed a state case under section
12 222.60, the administrator shall cause the person either to be
13 transferred to a resource center or a special unit or to be
14 transferred to the place of foreign ~~settlement~~ residency.
15 2. If the administrator disputes a certified determination
16 of ~~legal settlement~~ residency, the administrator shall order
17 the person transferred to a state resource center or a special
18 unit until the dispute is resolved.
19 3. If the administrator disputes a certified determination
20 of ~~legal settlement~~ residency, the administrator shall utilize
21 the procedure provided in section ~~225C.8~~ 331.438F to resolve
22 the dispute. A determination of the person's ~~legal settlement~~
23 residency status made pursuant to section ~~225C.8~~ 331.438F is
24 conclusive.
25 Sec. 61. Section 222.66, Code 2011, is amended to read as
26 follows:
27 **222.66 Transfers — state cases — expenses.**
28 1. The transfer to a resource center or a special unit or
29 to the place of ~~legal settlement~~ residency of a person with
30 mental retardation who has no ~~legal settlement~~ residence in
31 this state or whose ~~legal settlement~~ residency is unknown,
32 shall be made in accordance with such directions as shall
33 be prescribed by the administrator and when practicable by
34 employees of the state resource center or the special unit.
35 The actual and necessary expenses of such transfers shall be

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paid by the department on itemized vouchers sworn to by the claimants and approved by the administrator and the approved amount is appropriated to the department from any funds in the state treasury not otherwise appropriated.

2. The case of a person with mental retardation who is determined to have no residence in this state or whose residence is unknown shall be considered a state case.

Sec. 62. Section 222.67, Code 2011, is amended to read as follows:

222.67 Charge on finding of ~~settlement~~ residency.

If a person has been received into a resource center or a special unit as a patient whose ~~legal settlement is supposedly outside the state or~~ residency is unknown and the administrator determines that the ~~legal settlement~~ residency of the patient was at the time of admission or commitment in a county of this state, the administrator shall certify the determination and charge all legal costs and expenses pertaining to the admission or commitment and support of the patient to the county of ~~legal settlement~~ residence. The certification shall be sent to the county of ~~legal settlement~~ residence. The certification shall be accompanied by a copy of the evidence supporting the determination. If the person's ~~legal settlement~~ residency status has been determined in accordance with section ~~225C.8~~ 331.438F, the legal costs and expenses shall be charged to the county or as a state case in accordance with that determination. The costs and expenses shall be collected as provided by law in other cases.

Sec. 63. Section 222.68, Code 2011, is amended to read as follows:

222.68 Costs paid in first instance.

All necessary and legal expenses for the cost of admission or commitment of a person to a resource center or a special unit when the person's ~~legal settlement~~ residency is found to be in another county of this state shall in the first instance be paid by the county from which the person was admitted or

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1 committed. The county of ~~legal settlement~~ residence shall
2 reimburse the county which pays for all such expenses. ~~Where~~
3 ~~any~~ If a county fails to make such reimbursement within
4 forty-five days following submission of a properly itemized
5 bill to the county of ~~legal settlement~~ residence, a penalty of
6 not greater than one percent per month on and after forty-five
7 days from submission of the bill may be added to the amount
8 due.
9 Sec. 64. Section 222.69, Code 2011, is amended to read as
10 follows:
11 **222.69 Payment by state.**
12 ~~All~~ The amount necessary to pay the necessary and legal
13 expenses ~~for the cost~~ of admission or commitment of a person
14 to a resource center or a special unit when the person's ~~legal~~
15 ~~settlement~~ residence is outside this state or is unknown ~~shall~~
16 ~~be paid out of~~ is appropriated to the department from any
17 money in the state treasury not otherwise appropriated. Such
18 payments shall be made by the department on itemized vouchers
19 executed by the auditor of the county from which the expenses
20 have been paid and approved by the administrator.
21 Sec. 65. Section 222.70, Code 2011, is amended to read as
22 follows:
23 **222.70 ~~Legal settlement~~ Residency disputes.**
24 If a dispute arises between counties or between the
25 department and a county as to the ~~legal settlement~~ residency
26 of a person admitted or committed to a resource center, a
27 special unit, or a community-based service, the dispute shall
28 be resolved as provided in section ~~225C.8~~ 331.438F.
29 Sec. 66. Section 222.77, Code 2011, is amended to read as
30 follows:
31 **222.77 Patients on leave.**
32 The cost of support of patients placed on convalescent leave
33 or removed as a habilitation measure from a resource center,
34 or a special unit, except when living in the home of a person
35 legally bound for the support of the patient, shall be paid

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by the county of ~~legal settlement~~ residence or the state as provided in section 222.60. ~~If the patient has no county of legal settlement, the cost shall be paid from the support fund of the resource center or special unit and charged on abstract in the same manner as other state inpatients until the patient becomes self-supporting or qualifies for support under other statutes.~~

Sec. 67. Section 222.78, Code 2011, is amended to read as follows:

222.78 Parents and others liable for support.

1. The father and mother of any patient admitted or committed to a resource center or to a special unit, as either an inpatient or an outpatient, and any person, firm, or corporation bound by contract made for support of the patient are liable for the support of the patient. The patient and those legally bound for the support of the patient shall be liable to the county or state, as applicable, for all sums advanced ~~by the county to the state under~~ in accordance with the provisions of sections 222.60 and 222.77.

2. The liability of any person, other than the patient, who is legally bound for the support of a patient who is under eighteen years of age in a resource center or a special unit shall not exceed the average minimum cost of the care of a normally intelligent minor without a disability of the same age and sex as the minor patient. The administrator shall establish the scale for this purpose but the scale shall not exceed the standards for personal allowances established by the state division under the family investment program. The father or mother shall incur liability only during any period when the father or mother either individually or jointly receive a net income from whatever source, commensurate with that upon which they would be liable to make an income tax payment to this state. The father or mother of a patient shall not be liable for the support of the patient upon the patient attaining eighteen years of age. Nothing in this section

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shall be construed to prevent a relative or other person from voluntarily paying the full actual cost as established by the administrator for caring for the patient with mental retardation.

Sec. 68. Section 222.79, Code 2011, is amended to read as follows:

222.79 Certification statement presumed correct.

In actions to enforce the liability imposed by section 222.78, ~~the certification statement sent from~~ the superintendent ~~to the county auditor pursuant to section 222.74~~ or the county of residence, as applicable, shall submit a certification statement stating the sums charged ~~in such cases~~ and the certification statement shall be considered presumptively correct.

Sec. 69. Section 222.80, Code 2011, is amended to read as follows:

222.80 Liability to county or state.

A person admitted or committed to a county institution or home or admitted or committed at county or state expense to a private hospital, sanitarium, or other facility for treatment, training, instruction, care, habilitation, and support as a patient with mental retardation shall be liable to the county or state, as applicable, for the reasonable cost of the support as provided in section 222.78.

Sec. 70. Section 222.82, Code 2011, is amended to read as follows:

222.82 Collection of liabilities and claims.

~~The~~ If liabilities and claims exist as provided in section 222.78 or other provision of this chapter, the county of residence or the state, as applicable, may proceed as provided in this section. If the liabilities and claims are owed to a county of residence, the county's board of supervisors ~~of each county~~ may direct the county attorney to proceed with the collection of ~~said~~ the liabilities and claims as a part of the duties of the county attorney's office when the board of

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supervisors deems such action advisable. If the liabilities and claims are owed to the state, the state shall proceed with the collection. The board of supervisors or the state, as applicable, may ~~and is hereby empowered to~~ compromise any and all liabilities to the county or state arising under this chapter when such compromise is deemed to be in the best interests of the county or state. Any collections and liens shall be limited in conformance to section 614.1, subsection 4.

Sec. 71. Section 222.86, Code 2011, is amended to read as follows:

222.86 Payment for care from fund.

If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the business manager of the resource center or special unit may apply any amount of the excess to reimburse the county of ~~legal settlement or the state in a case where no legal settlement exists~~ residence for liability incurred by the county or the state for the payment of care, support, and maintenance of the patient, when billed by the county ~~of legal settlement or by the administrator for a patient having no legal settlement~~ or state, as applicable.

Sec. 72. Section 222.92, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Moneys received by the state from billings to counties ~~under section 222.73~~.

Sec. 73. Section 225.11, Code 2011, is amended to read as follows:

225.11 Initiating commitment procedures.

When a court finds upon completion of a hearing held pursuant to section 229.12 that the contention that a respondent is seriously mentally impaired has been sustained by clear and convincing evidence, and the application filed under section 229.6 also contends or the court otherwise concludes that it would be appropriate to refer the respondent to the state

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psychiatric hospital for a complete psychiatric evaluation and appropriate treatment pursuant to section 229.13, the judge may order that a financial investigation be made in the manner prescribed by section 225.13. If the costs of a respondent's evaluation or treatment are payable in whole or in part by a county, an order under this section shall be for referral of the respondent through the ~~central point of coordination process~~ regional administrator for an evaluation and referral of the respondent to an appropriate placement or service, which may include the state psychiatric hospital for additional evaluation or treatment. For purposes of this chapter, ~~"*central point of coordination process*"~~ "*regional administrator*" means the same as defined in section ~~331.440~~ 331.438A.

Sec. 74. Section 225.15, Code 2011, is amended to read as follows:

225.15 Examination and treatment.

1. When a respondent arrives at the state psychiatric hospital, the admitting physician shall examine the respondent and determine whether or not, in the physician's judgment, the respondent is a fit subject for observation, treatment, and hospital care. If, upon examination, the physician decides that the respondent should be admitted to the hospital, the respondent shall be provided a proper bed in the hospital; and the physician who has charge of the respondent shall proceed with observation, medical treatment, and hospital care as in the physician's judgment are proper and necessary, in compliance with sections 229.13 to 229.16.

2. A proper and competent nurse shall also be assigned to look after and care for the respondent during observation, treatment, and care. Observation, treatment, and hospital care under this section which are payable in whole or in part by a county shall only be provided as determined through the ~~central point of coordination process~~ county's regional administrator.

Sec. 75. Section 225.17, subsection 2, Code 2011, is amended to read as follows:

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2. When the respondent arrives at the hospital, the respondent shall receive the same treatment as is provided for committed public patients in section 225.15, in compliance with sections 229.13 to 229.16. However, observation, treatment, and hospital care under this section of a respondent whose expenses are payable in whole or in part by a county shall only be provided as determined through the ~~central point of coordination process~~ county's regional administrator.

Sec. 76. Section 225.23, Code 2011, is amended to read as follows:

225.23 Collection for treatment.

If the bills for a committed or voluntary private patient are paid by the state, the state psychiatric hospital shall file a certified copy of the claim for the bills with the ~~auditor of the patient's county of residence~~ department of administrative services. The ~~county of residence~~ department shall proceed to collect the claim in the name of the state psychiatric hospital ~~and, when collected, pay the amount collected to the director of the department of administrative services~~. ~~The hospital shall also, at the same time, forward a duplicate of the claim to the director of the department of administrative services.~~

Sec. 77. Section 225C.2, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 78. Section 225C.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 9. *"Regional administrator"* means the same as defined in section 331.438A.

Sec. 79. Section 225C.4, subsection 1, paragraph h, Code 2011, is amended by striking the paragraph.

Sec. 80. Section 225C.5, subsection 1, paragraph f, Code Supplement 2011, is amended to read as follows:

f. Two members shall be ~~administrators of the central point of coordination process established in accordance with section 331.440~~ regional administrator staff selected from nominees submitted by the community services affiliate of the Iowa state

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1 association of counties.
2 Sec. 81. Section 225C.6, subsection 1, paragraph b, Code
3 Supplement 2011, is amended to read as follows:
4 *b.* Adopt necessary rules pursuant to chapter 17A which
5 relate to disability programs, core disability services, and
6 other services, including but not limited to definitions of
7 each disability included within the term *"disability services"*
8 as necessary for purposes of state, county, and regional
9 planning, programs, and services.
10 Sec. 82. Section 225C.6, subsection 1, paragraph l, Code
11 Supplement 2011, is amended by striking the paragraph and
12 inserting in lieu thereof the following:
13 *l.* Identify basic financial eligibility standards for the
14 disability services provided by a mental health and disability
15 services region. The initial standards shall be as specified
16 in chapter 331.
17 Sec. 83. Section 225C.6A, Code 2011, is amended to read as
18 follows:
19 **225C.6A Disability services data system ~~redesign~~.**
20 The commission shall do the following relating to ~~redesign~~
21 ~~of the~~ data concerning the disability services system in the
22 state:
23 ~~1. Identify sources of revenue to support statewide~~
24 ~~delivery of core disability services to eligible disability~~
25 ~~populations.~~
26 ~~2. Ensure there is a continuous improvement process for~~
27 ~~development and maintenance of the disability services system~~
28 ~~for adults and children. The process shall include but is not~~
29 ~~limited to data collection and reporting provisions.~~
30 ~~3. *a.*~~ 1. Plan, collect, and analyze data as necessary to
31 issue cost estimates for serving additional populations and
32 providing core disability services statewide. The department
33 shall maintain compliance with applicable federal and state
34 privacy laws to ensure the confidentiality and integrity of
35 individually identifiable disability services data. The

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department shall regularly assess the status of the compliance in order to assure that data security is protected.

~~*b.*~~ 2. In implementing a system under this ~~subsection~~ section for collecting and analyzing state, county, and private contractor data, the department shall establish a client identifier for the individuals receiving services. The client identifier shall be used in lieu of the individual's name or social security number. The client identifier shall consist of the last four digits of an individual's social security number, the first three letters of the individual's last name, the individual's date of birth, and the individual's gender in an order determined by the department.

~~*c.*~~ 3. Each ~~county~~ regional administrator shall regularly report to the department ~~annually on or before December 1, for the preceding fiscal year~~ the following information for each individual served: demographic information, expenditure data, and data concerning the services and other support provided to each individual, as specified in administrative rule adopted by the commission.

~~4. Work with county representatives and other qualified persons to develop an implementation plan for replacing the county of legal settlement approach to determining service system funding responsibilities with an approach based upon residency. The plan shall address a statewide standard for proof of residency, outline a plan for establishing a data system for identifying residency of eligible individuals, address residency issues for individuals who began residing in a county due to a court order or criminal sentence or to obtain services in that county, recommend an approach for contesting a residency determination, and address other implementation issues.~~

Sec. 84. Section 225C.12, Code 2011, is amended to read as follows:

225C.12 Partial reimbursement to counties for local inpatient mental health care and treatment.

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1 1. A county which pays, from county funds ~~budgeted~~
2 ~~under section 331.424A~~, the cost of care and treatment of
3 a person with mental illness who is admitted pursuant to a
4 preliminary diagnostic evaluation under sections 225C.14 to
5 225C.17 for treatment as an inpatient of a hospital facility,
6 other than a state mental health institute, which has a
7 designated mental health program and is a hospital accredited
8 by the accreditation program for hospital facilities of the
9 joint commission, formerly known as the joint commission on
10 accreditation of health care organizations, is entitled to
11 reimbursement from the state for a portion of the daily cost
12 so incurred by the county. However, a county is not entitled
13 to reimbursement for a cost incurred in connection with
14 the hospitalization of a person who is eligible for medical
15 assistance under chapter 249A, or who is entitled to have
16 care or treatment paid for by any other third-party payor, or
17 who is admitted for preliminary diagnostic evaluation under
18 sections 225C.14 to 225C.17. The amount of reimbursement for
19 the cost of treatment of a local inpatient to which a county
20 is entitled, on a per-patient-per-day basis, is an amount
21 equal to twenty percent of the average of the state mental
22 health institutes' individual average daily patient costs in
23 the most recent calendar quarter for the program in which the
24 local inpatient would have been served if the patient had been
25 admitted to a state mental health institute.
26 2. A county may claim reimbursement by filing with the
27 administrator a claim in a form prescribed by the administrator
28 by rule. Claims may be filed on a quarterly basis, and when
29 received shall be verified as soon as reasonably possible
30 by the administrator. The administrator shall certify to
31 the director of the department of administrative services
32 the amount to which each county claiming reimbursement is
33 entitled, and the director of the department of administrative
34 services shall issue warrants to the respective counties
35 drawn upon funds appropriated by the general assembly for

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1 the purpose of this section. A county shall place funds
2 received under this section in the ~~county mental health, mental~~
3 ~~retardation, and developmental disabilities services~~ fund
4 ~~created under section 331.424A~~ or account designated by law to
5 hold moneys for expenditure for the county's mental health and
6 disability services. If the appropriation for a fiscal year
7 is insufficient to pay all claims arising under this section,
8 the director of the department of administrative services shall
9 prorate the funds appropriated for that year among the claimant
10 counties so that an equal proportion of each county's claim is
11 paid in each quarter for which proration is necessary.
12 Sec. 85. Section 225C.14, subsection 1, Code 2011, is
13 amended to read as follows:
14 1. Except in cases of medical emergency, a person shall be
15 admitted to a state mental health institute as an inpatient
16 only after a preliminary diagnostic evaluation performed
17 through the ~~central point of coordination process~~ regional
18 administrator of the person's county of residence has confirmed
19 that the admission is appropriate to the person's mental health
20 needs, and that no suitable alternative method of providing the
21 needed services in a less restrictive setting or in or nearer
22 to the person's home community is currently available. If
23 provided for through the ~~central point of coordination process~~
24 regional administrator, the evaluation may be performed by a
25 community mental health center or by an alternative diagnostic
26 facility. The policy established by this section shall be
27 implemented in the manner and to the extent prescribed by
28 sections 225C.15, 225C.16 and 225C.17.
29 Sec. 86. Section 225C.16, subsections 2 through 4, Code
30 2011, are amended to read as follows:
31 2. The clerk of the district court in that county shall
32 refer a person applying for authorization for voluntary
33 admission, or for authorization for voluntary admission of
34 another person, in accordance with section 229.42, to the
35 appropriate entity designated through the ~~central point of~~

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1 ~~coordination process~~ regional administrator of the person's
2 county of residence under section 225C.14 for the preliminary
3 diagnostic evaluation unless the applicant furnishes a written
4 statement from the appropriate entity which indicates that the
5 evaluation has been performed and that the person's admission
6 to a state mental health institute is appropriate. This
7 subsection does not apply when authorization for voluntary
8 admission is sought under circumstances which, in the opinion
9 of the chief medical officer or that officer's physician
10 designee, constitute a medical emergency.
11 3. Judges of the district court in that county or the
12 judicial hospitalization referee appointed for that county
13 shall so far as possible arrange for the entity designated
14 through the ~~central point of coordination process~~ regional
15 administrator under section 225C.14 to perform a prehearing
16 examination of a respondent required under section 229.8,
17 subsection 3, paragraph "b".
18 4. The chief medical officer of a state mental health
19 institute shall promptly submit to the appropriate entity
20 designated through the ~~central point of coordination process~~
21 regional administrator under section 225C.14 a report of the
22 voluntary admission of a patient under the medical emergency
23 clauses of subsections 1 and 2. The report shall explain the
24 nature of the emergency which necessitated the admission of
25 the patient without a preliminary diagnostic evaluation by the
26 designated entity.
27 Sec. 87. Section 225C.19, subsection 3, paragraph c,
28 subparagraph (4), Code 2011, is amended to read as follows:
29 (4) County ~~central point of coordination processes~~ regional
30 administrators.
31 Sec. 88. Section 226.9C, subsection 1, unnumbered paragraph
32 1, Code Supplement 2011, is amended to read as follows:
33 The state mental health institute at Mount Pleasant shall
34 operate the dual diagnosis mental health and ~~substance~~
35 ~~abuse~~ substance-related disorder treatment program on a net

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1 budgeting basis in which fifty percent of the actual per diem
2 and ancillary services costs are chargeable to the patient's
3 county of ~~legal settlement or as a state case, as appropriate~~
4 residence. Subject to the approval of the department, revenues
5 attributable to the dual diagnosis program for each fiscal year
6 shall be deposited in the mental health institute's account
7 and are appropriated to the department for the dual diagnosis
8 program, including but not limited to all of the following
9 revenues:
10 Sec. 89. Section 226.9C, subsection 2, Code Supplement
11 2011, is amended to read as follows:
12 2. The following additional provisions are applicable in
13 regard to the dual diagnosis program:
14 *a.* A county may split the charges between the county's
15 ~~mental health, mental retardation, and developmental~~
16 ~~disabilities services fund created pursuant to section 331.424A~~
17 fund or account designated by law to hold moneys for
18 expenditure for the county's mental health and disability
19 services and the county's budget for ~~substance abuse~~
20 substance-related disorder expenditures.
21 *b.* If an individual is committed to the custody of the
22 department of corrections at the time the individual is
23 referred for dual diagnosis treatment, the department of
24 corrections shall be charged for the costs of treatment.
25 *c.* Prior to an individual's admission for dual diagnosis
26 treatment, the individual shall have been screened through a
27 county's ~~central point of coordination process implemented~~
28 ~~pursuant to section 331.440~~ regional administrator to determine
29 the appropriateness of the treatment.
30 *d.* A county shall not be chargeable for the costs of
31 treatment for an individual enrolled in and authorized by or
32 decertified by a managed behavioral care plan under the medical
33 assistance program.
34 *e.* Notwithstanding section 8.33, state mental health
35 institute revenues related to the dual diagnosis program that

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1 remain unencumbered or unobligated at the close of the fiscal
2 year shall not revert but shall remain available up to the
3 amount which would allow the state mental health institute
4 to meet credit obligations owed to counties as a result of
5 year-end per diem adjustments for the dual diagnosis program.
6 Sec. 90. Section 226.45, Code 2011, is amended to read as
7 follows:
8 **226.45 Reimbursement to county or state.**
9 If a patient is not receiving medical assistance under
10 chapter 249A and the amount to the account of any patient
11 in the patients' personal deposit fund exceeds two hundred
12 dollars, the business manager of the hospital may apply any of
13 the excess to reimburse the county of ~~legal settlement or the~~
14 ~~state in a case where no legal settlement exists~~ residence for
15 liability incurred by the county ~~or the state~~ for the payment
16 of care, support and maintenance of the patient, when billed by
17 the county of ~~legal settlement or by the administrator for a~~
18 ~~patient having no legal settlement~~ residence.
19 Sec. 91. Section 227.10, Code 2011, is amended to read as
20 follows:
21 **227.10 Transfers from county or private institutions.**
22 Patients who have been admitted at public expense to
23 any institution to which this chapter is applicable may be
24 involuntarily transferred to the proper state hospital for
25 persons with mental illness in the manner prescribed by
26 sections 229.6 to 229.13. The application required by section
27 229.6 may be filed by the administrator of the division or
28 the administrator's designee, or by the administrator of the
29 institution where the patient is then being maintained or
30 treated. If the patient was admitted to that institution
31 involuntarily, the administrator of the division may arrange
32 and complete the transfer, and shall report it as required of
33 a chief medical officer under section 229.15, subsection 5.
34 The transfer shall be made at county expense, and the expense
35 recovered, as provided in section 227.7. However, transfer

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1 under this section of a patient whose expenses are payable in
2 whole or in part by a county is subject to an authorization for
3 the transfer through the ~~central point of coordination process~~
4 county's regional administrator as defined in chapter 331.
5 Sec. 92. Section 229.1, subsection 3, Code Supplement 2011,
6 is amended by striking the subsection.
7 Sec. 93. Section 229.1, Code Supplement 2011, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 14A. *"Regional administrator"* means the
10 same as defined in section 331.438A.
11 Sec. 94. Section 229.1B, Code 2011, is amended to read as
12 follows:
13 **229.1B ~~Central point of coordination process~~ Regional**
14 **administrator authorization.**
15 Notwithstanding any provision of this chapter to the
16 contrary, any person whose hospitalization expenses are
17 payable in whole or in part by a county shall be subject to
18 all requirements of the ~~central point of coordination process~~
19 county's regional administrator.
20 Sec. 95. Section 229.9A, Code 2011, is amended to read as
21 follows:
22 **229.9A Advocate informed.**
23 The court shall direct the clerk to furnish the advocate
24 of the respondent's county of ~~legal settlement~~ residence
25 with a copy of application and any order issued pursuant to
26 section 229.8, subsection 3. The advocate may attend the
27 hospitalization hearing of any respondent for whom the advocate
28 has received notice of a hospitalization hearing.
29 Sec. 96. Section 229.11, subsection 1, unnumbered paragraph
30 1, Code 2011, is amended to read as follows:
31 If the applicant requests that the respondent be taken into
32 immediate custody and the judge, upon reviewing the application
33 and accompanying documentation, finds probable cause to believe
34 that the respondent has a serious mental impairment and is
35 likely to injure the respondent or other persons if allowed

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to remain at liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by a county, for a placement in accordance with paragraph *"a"*, the judge shall give notice of the placement to the ~~central point of coordination process~~ county's regional administrator, and for a placement in accordance with paragraph *"b"* or *"c"*, the judge shall order the placement in a hospital or facility designated through the ~~central point of coordination process~~ county's regional administrator. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with paragraph *"a"*, if possible, and if not then in accordance with paragraph *"b"*, or, only if neither of these alternatives is available, in accordance with paragraph *"c"*. Detention may be:

Sec. 97. Section 229.12, subsection 2, Code 2011, is amended to read as follows:

2. All persons not necessary for the conduct of the proceeding shall be excluded, except that the court may admit persons having a legitimate interest in the proceeding and shall permit the advocate from the respondent's county of ~~legal settlement~~ residence to attend the hearing. Upon motion of the county attorney, the judge may exclude the respondent from the hearing during the testimony of any particular witness if the judge determines that witness's testimony is likely to cause the respondent severe emotional trauma.

Sec. 98. Section 229.13, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. The court shall order a respondent whose expenses are

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payable in whole or in part by a county placed under the care of an appropriate hospital or facility designated through the ~~central point of coordination process~~ regional administrator of the respondent's county of residence on an inpatient or outpatient basis.

Sec. 99. Section 229.14, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. For a respondent whose expenses are payable in whole or in part by a county, placement as designated through the ~~central point of coordination process~~ regional administrator of the respondent's county of residence in the care of an appropriate hospital or facility on an inpatient or outpatient basis, or other appropriate treatment, or in an appropriate alternative placement.

Sec. 100. Section 229.14A, subsections 7 and 9, Code 2011, are amended to read as follows:

7. If a respondent's expenses are payable in whole or in part by a county through the ~~central point of coordination process~~ regional administrator of the respondent's county of residence, notice of a placement hearing shall be provided to the county attorney and the county's ~~central point of coordination process~~ regional administrator. At the hearing, the county may present evidence regarding appropriate placement.

9. A placement made pursuant to an order entered under section 229.13 or 229.14 or this section shall be considered to be authorized through the ~~central point of coordination process~~ regional administrator.

Sec. 101. Section 229.19, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. The court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from a patient's county of ~~legal settlement~~ residence to represent the interests of the patient. If a patient has no county of ~~legal settlement~~ residence or the patient's residence

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1 is unknown, the court or, if the advocate is appointed by
2 the county board of supervisors, the board shall assign the
3 advocate appointed from the county where the hospital or
4 facility is located to represent the interests of the patient.
5 Sec. 102. Section 229.24, subsection 3, unnumbered
6 paragraph 1, Code 2011, is amended to read as follows:
7 If all or part of the costs associated with hospitalization
8 of an individual under this chapter are chargeable to a county
9 of ~~legal settlement~~ residence, the clerk of the district court
10 shall provide to the ~~county of legal settlement~~ regional
11 administrator of the respondent's county of residence and
12 to the regional administrator of the county in which the
13 hospitalization order is entered the following information
14 pertaining to the individual which would be confidential under
15 subsection 1:
16 Sec. 103. Section 229.31, Code 2011, is amended to read as
17 follows:
18 **229.31 Commission of inquiry.**
19 A sworn complaint, alleging that a named person is not
20 seriously mentally impaired and is unjustly deprived of liberty
21 in any hospital in the state, may be filed by any person with
22 the clerk of the district court of the county in which such
23 named person is so confined, or of the county in which such
24 named person ~~has a legal settlement, and thereupon a~~ is a
25 resident. Upon receiving the complaint, a judge of ~~said~~ that
26 court shall appoint a commission of not more than three persons
27 to inquire into the truth of ~~said~~ the allegations. One of
28 ~~said~~ the commissioners shall be a physician and if additional
29 commissioners are appointed, one of ~~such~~ the additional
30 commissioners shall be a lawyer.
31 Sec. 104. Section 229.42, Code 2011, is amended to read as
32 follows:
33 **229.42 Costs paid by county.**
34 1. If a person wishing to make application for voluntary
35 admission to a mental hospital established by chapter 226 is

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1 unable to pay the costs of hospitalization or those responsible
2 for the person are unable to pay the costs, application for
3 authorization of voluntary admission must be made through a
4 ~~central point of coordination process~~ regional administrator
5 before application for admission is made to the hospital.
6 The person's county of ~~legal settlement~~ residence shall be
7 determined through the ~~central point of coordination process~~
8 county's regional administrator and if the admission is
9 approved through the ~~central point of coordination process~~
10 regional administrator, the person's admission to a mental
11 health hospital shall be authorized as a voluntary case.
12 The authorization shall be issued on forms provided by the
13 administrator. The costs of the hospitalization shall be paid
14 by the county of ~~legal settlement~~ residence to the department
15 of human services and credited to the general fund of the
16 state, provided that the mental health hospital rendering the
17 services has certified to the county auditor of the county
18 of ~~legal settlement~~ residence the amount chargeable to the
19 county and has sent a duplicate statement of the charges to the
20 department of human services. A county shall not be billed
21 for the cost of a patient unless the patient's admission is
22 authorized through the ~~central point of coordination process~~
23 county's regional administrator. The mental health institute
24 and the county shall work together to locate appropriate
25 alternative placements and services, and to educate patients
26 and family members of patients regarding such alternatives.
27 2. All the provisions of chapter 230 shall apply to such
28 voluntary patients so far as is applicable.
29 3. The provisions of this section and of section 229.41
30 shall apply to all voluntary inpatients or outpatients
31 receiving mental health services either away from or at the
32 institution.
33 4. If a county fails to pay the billed charges within
34 forty-five days from the date the county auditor received the
35 certification statement from the superintendent, the department

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of human services shall charge the delinquent county the penalty of one percent per month on and after forty-five days from the date the county received the certification statement until paid. The penalties received shall be credited to the general fund of the state.

Sec. 105. Section 229.43, Code 2011, is amended to read as follows:

229.43 ~~Nonresidents or no-settlement~~ Nonresident patients.

The administrator may place patients of mental health institutes ~~who have no county of legal settlement,~~ who are nonresidents~~, or whose legal settlement is unknown~~ on convalescent leave to a private sponsor or in a health care facility licensed under chapter 135C, when in the opinion of the administrator the placement is in the best interests of the patient and the state of Iowa. If the patient was involuntarily hospitalized, the district court which ordered hospitalization of the patient must be informed when the patient is placed on convalescent leave, as required by section 229.15, subsection 5.

Sec. 106. Section 230.1, Code 2011, is amended to read as follows:

230.1 Liability of county and state.

1. The necessary and legal costs and expenses attending the taking into custody, care, investigation, admission, commitment, and support of a person with mental illness admitted or committed to a state hospital shall be paid by a county or by the state as follows:

a. ~~By the county in which such person has a legal settlement, if~~ If the person is eighteen years of age or older, by the person's county of residence unless the costs and expenses are covered by the medical assistance program under chapter 249A or the person is described by paragraph "*b*".

b. By the state ~~when~~ if such person has no ~~legal settlement~~ residence in this state, ~~when~~ if the person's ~~legal settlement~~ residence is unknown, ~~or~~ if the costs and expenses are covered

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by the medical assistance program under chapter 249A, or if the person is under eighteen years of age.

2. The ~~legal settlement~~ county of residence of any person ~~found mentally ill~~ with mental illness who is a patient of any state institution shall be ~~that~~ the person's county of residence existing at the time of admission ~~thereto~~ to the institution.

3. A county of ~~legal settlement~~ residence is not liable for costs and expenses associated with a person with mental illness unless the costs and expenses are for services and other support authorized for the person through the ~~central point of coordination process~~ county's regional administrator. For the purposes of this chapter, ~~*"central point of coordination process"*~~ *"regional administrator"* means the same as defined in section ~~331.440~~ 331.438A.

Sec. 107. Section 230.2, Code 2011, is amended to read as follows:

230.2 Finding of ~~legal settlement~~ residence.

If a person's ~~legal settlement~~ residency status is disputed, ~~legal settlement~~ the residency shall be determined in accordance with section ~~225C.8~~ 331.438F. Otherwise, the district court may, when the person is ordered placed in a hospital for psychiatric examination and appropriate treatment, or as soon thereafter as the court obtains the proper information, determine and enter of record whether the ~~legal settlement~~ residence of the person is one of the following:

1. In the county from which the person was placed in the hospital~~;~~.

2. In ~~some other~~ another county of the state~~;~~.

3. In ~~some~~ a foreign state or country~~; or~~.

4. Unknown.

Sec. 108. Section 230.3, Code 2011, is amended to read as follows:

230.3 Certification of settlement.

If a person's ~~legal settlement~~ county of residence

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is determined ~~through~~ by the county's ~~central point of coordination process~~ regional administrator to be in another county of this state, the ~~county making the determination~~ regional administrator shall certify the determination to the superintendent of the hospital to which the person is admitted or committed. The certification shall be accompanied by a copy of the evidence supporting the determination. Upon receiving the certification, the superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of the person, to the county determined to be the county of ~~legal settlement~~ residence.

Sec. 109. Section 230.4, Code 2011, is amended to read as follows:

230.4 Certification to debtor county.

A determination of a person's ~~legal settlement~~ county of residence made in accordance with section 230.2 or 230.3 shall be sent by the court or the county to the county auditor of the county of ~~legal settlement~~ residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The auditor shall provide the certification to the board of supervisors of the auditor's county, and it shall be conclusively presumed that the person has ~~a legal settlement~~ residence in the notified county unless that county disputes the finding of ~~legal settlement~~ residence as provided in section ~~225C.8~~ 331.438F.

Sec. 110. Section 230.5, Code 2011, is amended to read as follows:

230.5 Nonresidents.

If a person's ~~legal settlement~~ residence is determined in accordance with section 230.2 or 230.3 to be in a foreign state or country, or is unknown, the court or the ~~county~~ regional administrator shall immediately certify the determination to the department's administrator. The certification shall be accompanied by a copy of the evidence supporting the determination. A court order issued pursuant to section

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229.13 shall direct that the patient be hospitalized at the appropriate state hospital for persons with mental illness.

Sec. 111. Section 230.8, Code 2011, is amended to read as follows:

230.8 Transfers of persons with mental illness — expenses.

The transfer to any state hospitals or to the places of their ~~legal settlement~~ residence of persons with mental illness who have no ~~legal settlement~~ residence in this state or whose ~~legal settlement~~ residence is unknown, shall be made according to the directions of the administrator, and when practicable by employees of the state hospitals~~, and the~~. The actual and necessary expenses of such transfers shall be paid on itemized vouchers sworn to by the claimants and approved by the administrator, and the amount of the expenses is appropriated to the department from any funds in the state treasury not otherwise appropriated.

Sec. 112. Section 230.9, Code 2011, is amended to read as follows:

230.9 Subsequent discovery of residence.

If, after a person has been received by a state hospital for persons with mental illness as a ~~state case~~ patient whose ~~legal settlement~~ residence is supposed to be outside this state ~~or unknown~~, the administrator determines that the ~~legal settlement~~ residence of the person was, at the time of admission or commitment, in a county of this state, the administrator shall certify the determination and charge all legal costs and expenses pertaining to the admission or commitment and support of the person to the county of ~~legal settlement~~ residence. The certification shall be sent to the county of ~~legal settlement~~ residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The costs and expenses shall be collected as provided by law in other cases. If the person's ~~legal settlement~~ residency status has been determined in accordance with section ~~225C.8~~ 331.438F, the legal costs and expenses shall be charged to the county ~~or as a~~

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1 ~~state case~~ of residence in accordance with that determination.
2 Sec. 113. Section 230.10, Code 2011, is amended to read as
3 follows:
4 **230.10 Payment of costs.**
5 All legal costs and expenses attending the taking into
6 custody, care, investigation, and admission or commitment of
7 a person to a state hospital for persons with mental illness
8 under a finding that ~~such~~ the person has ~~a legal settlement~~
9 residency in another county of this state shall be charged
10 against the county of ~~legal settlement~~ residence.
11 Sec. 114. Section 230.11, Code 2011, is amended to read as
12 follows:
13 **230.11 Recovery of costs from state.**
14 Costs and expenses attending the taking into custody,
15 care, and investigation of a person who has been admitted
16 or committed to a state hospital, United States department
17 of veterans affairs hospital, or other agency of the United
18 States government, for persons with mental illness and who
19 has no ~~legal settlement~~ residence in this state or whose
20 ~~legal settlement~~ residence is unknown, including cost of
21 commitment, if any, shall be paid ~~out of~~ as approved by the
22 administrator. The amount of the costs and expenses approved
23 by the administrator is appropriated to the department from
24 any money in the state treasury not otherwise appropriated, on
25 itemized vouchers executed by the auditor of the county which
26 has paid them, and approved by the administrator.
27 Sec. 115. Section 230.12, Code 2011, is amended to read as
28 follows:
29 **230.12 ~~Legal settlement~~ Residency disputes.**
30 If a dispute arises between different counties or between
31 the administrator and a county as to the ~~legal settlement~~
32 residence of a person admitted or committed to a state hospital
33 for persons with mental illness, the dispute shall be resolved
34 as provided in section ~~225C.8~~ 331.438F.
35 Sec. 116. Section 230.20, subsection 2, paragraph b, Code

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1 2011, is amended to read as follows:
2 *b.* The per diem costs billed to each county shall not exceed
3 the per diem costs billed to the county in the fiscal year
4 beginning July 1, 1996. However, the per diem costs billed
5 to a county may be adjusted annually to reflect increased
6 costs to the extent of the percentage increase in the total
7 of county fixed budgets pursuant to the allowed growth factor
8 adjustment authorized by the general assembly for the fiscal
9 year in accordance with section 331.439, Code 2011, and annual
10 percentage increases in state support provided to the regional
11 mental health and disability service system under chapter 331.
12 Sec. 117. Section 230.32, Code 2011, is amended to read as
13 follows:
14 **230.32 Support of nonresident patients on leave.**
15 The cost of support of patients without ~~legal settlement~~
16 residence in this state, who are placed on convalescent
17 leave or removed from a state mental institute to any health
18 care facility licensed under chapter 135C for rehabilitation
19 purposes, shall be paid from the hospital support fund
20 and shall be charged on abstract in the same manner as
21 state inpatients, until such time as the patient becomes
22 self-supporting or qualifies for support under existing
23 statutes.
24 Sec. 118. Section 231.56A, subsection 2, Code 2011, is
25 amended to read as follows:
26 2. The target population of the projects shall be any
27 older individual residing in Iowa who is at risk of or who is
28 experiencing abuse, neglect, or exploitation which may include
29 but is not limited to an older individual who is the subject of
30 a report of suspected dependent adult abuse pursuant to chapter
31 235B. This subsection shall not apply to an older individual
32 who is receiving assistance under a ~~county management plan~~
33 ~~approved pursuant to section 331.439~~ regional mental health and
34 disability services system under chapter 331.
35 Sec. 119. Section 232.2, subsection 4, paragraph f,

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1 subparagraph (3), Code 2011, is amended to read as follows:
2 (3) The transition plan shall be developed and reviewed
3 by the department in collaboration with a child-centered
4 transition team. The transition team shall be comprised of
5 the child's caseworker and persons selected by the child,
6 persons who have knowledge of services available to the child,
7 and any person who may reasonably be expected to be a service
8 provider for the child when the child becomes an adult or to
9 become responsible for the costs of services at that time.
10 If the child is reasonably likely to need or be eligible for
11 adult services, the transition team membership shall include
12 representatives from the adult services system. The adult
13 services system representatives may include but are not
14 limited to the administrator of county general relief under
15 chapter 251 or 252 or ~~of~~ the ~~central point of coordination~~
16 ~~process implemented under section 331.440~~ county's regional
17 administrator under chapter 331. The membership of the
18 transition team and the meeting dates for the team shall be
19 documented in the transition plan.
20 Sec. 120. Section 235.7, subsection 2, Code 2011, is amended
21 to read as follows:
22 2. *Membership.* The department may authorize the governance
23 boards of decategorization of child welfare and juvenile
24 justice funding projects established under section 232.188 to
25 appoint the transition committee membership and may utilize
26 the boundaries of decategorization projects to establish
27 the service areas for transition committees. The committee
28 membership may include but is not limited to department of
29 human services staff involved with foster care, child welfare,
30 and adult services, juvenile court services staff, staff
31 involved with county general relief under chapter 251 or 252,
32 or ~~of~~ the ~~central point of coordination process~~ regional
33 mental health and disability services implemented under
34 ~~section 331.440~~ chapter 331, school district and area education
35 agency staff involved with special education, and a child's

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1 court appointed special advocate, guardian ad litem, service
2 providers, and other persons knowledgeable about the child.
3 Sec. 121. Section 235A.15, subsection 2, paragraph c,
4 subparagraph (9), Code Supplement 2011, is amended to read as
5 follows:
6 (9) To the administrator of an agency providing mental
7 health, mental retardation, or developmental disability
8 services under a ~~county~~ regional mental health and disability
9 services management plan developed pursuant to ~~section 331.439~~
10 chapter 331, if the data concerns a person employed by or being
11 considered by the agency for employment.
12 Sec. 122. Section 235B.6, subsection 2, paragraph c,
13 subparagraph (6), Code Supplement 2011, is amended to read as
14 follows:
15 (6) To the administrator of an agency providing mental
16 health, mental retardation, or developmental disability
17 services under a ~~county~~ regional mental health and disability
18 services management plan developed pursuant to ~~section 331.439~~
19 chapter 331, if the information concerns a person employed by
20 or being considered by the agency for employment.
21 Sec. 123. Section 249A.12, Code 2011, is amended to read as
22 follows:
23 **249A.12 Assistance to persons with mental retardation —**
24 **state cases.**
25 1. Assistance may be furnished under this chapter to an
26 otherwise eligible recipient who is a resident of a health
27 care facility licensed under chapter 135C and certified as an
28 intermediate care facility for persons with mental retardation.
29 ~~2. A county shall reimburse the department on a monthly~~
30 ~~basis for that portion of the cost of assistance provided~~
31 ~~under this section to a recipient with legal settlement in~~
32 ~~the county, which is not paid from federal funds, if the~~
33 ~~recipient's placement has been approved by the appropriate~~
34 ~~review organization as medically necessary and appropriate.~~
35 ~~The department's goal for the maximum time period for~~

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1 ~~submission of a claim to a county is not more than sixty~~
2 ~~days following the submission of the claim by the provider~~
3 ~~of the service to the department. The department's goal for~~
4 ~~completion and crediting of a county for cost settlement for~~
5 ~~the actual costs of a service under a home and community-based~~
6 ~~services waiver is within two hundred seventy days of the close~~
7 ~~of a fiscal year for which cost reports are due from providers.~~
8 ~~The department shall place all reimbursements from counties~~
9 ~~in the appropriation for medical assistance, and may use the~~
10 ~~reimbursed funds in the same manner and for any purpose for~~
11 ~~which the appropriation for medical assistance may be used.~~
12 ~~3.~~ 2. If a county ~~reimburses~~ reimbursed the department for
13 medical assistance provided under this section, Code 2011, and
14 the amount of medical assistance is subsequently repaid through
15 a medical assistance income trust or a medical assistance
16 special needs trust as defined in section 633C.1, the
17 department shall reimburse the county on a proportionate basis.
18 The department shall adopt rules to implement this subsection.
19 ~~4.~~ 3. *a.* Effective July 1, 1995, the state shall be
20 responsible for all of the nonfederal share of the costs of
21 intermediate care facility for persons with mental retardation
22 services provided under medical assistance to minors.
23 Notwithstanding ~~subsection 2 and~~ contrary provisions of section
24 222.73, Code 2011, effective July 1, 1995, a county is not
25 required to reimburse the department and shall not be billed
26 for the nonfederal share of the costs of such services provided
27 to minors.
28 *b.* The state shall be responsible for all of the nonfederal
29 share of medical assistance home and community-based services
30 waivers for persons with intellectual disabilities services
31 provided to minors, and a county is not required to reimburse
32 the department and shall not be billed for the nonfederal share
33 of the costs of the services.
34 *c.* Effective February 1, 2002, the state shall be
35 responsible for all of the nonfederal share of the costs of

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1 intermediate care facility for persons with mental retardation
2 services provided under medical assistance attributable to the
3 assessment fee for intermediate care facilities for individuals
4 with mental retardation imposed pursuant to section 249A.21.
5 ~~Notwithstanding subsection 2, effective~~ Effective February 1,
6 2003, a county is not required to reimburse the department and
7 shall not be billed for the nonfederal share of the costs of
8 such services attributable to the assessment fee.
9 ~~5.~~ 4. *a.* The mental health and disability services
10 commission shall recommend to the department the actions
11 necessary to assist in the transition of individuals being
12 served in an intermediate care facility for persons with
13 mental retardation, who are appropriate for the transition,
14 to services funded under a medical assistance home and
15 community-based services waiver for persons with intellectual
16 disabilities in a manner which maximizes the use of existing
17 public and private facilities. The actions may include but are
18 not limited to submitting any of the following or a combination
19 of any of the following as a request for a revision of the
20 medical assistance home and community-based services waiver for
21 persons with intellectual disabilities:
22 (1) Allow for the transition of intermediate care
23 facilities for persons with mental retardation licensed under
24 chapter 135C, to services funded under the medical assistance
25 home and community-based services waiver for persons with
26 intellectual disabilities. The request shall be for inclusion
27 of additional persons under the waiver associated with the
28 transition.
29 (2) Allow for reimbursement under the waiver for day program
30 or other service costs.
31 (3) Allow for exception provisions in which an intermediate
32 care facility for persons with mental retardation which does
33 not meet size and other facility-related requirements under
34 the waiver in effect on June 30, 1996, may convert to a waiver
35 service for a set period of time such as five years. Following

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1 the set period of time, the facility would be subject to the
2 waiver requirements applicable to services which were not
3 operating under the exception provisions.
4 *b.* In implementing the provisions of this subsection, the
5 mental health and disability services commission shall consult
6 with other states. The waiver revision request or other action
7 necessary to assist in the transition of service provision
8 from intermediate care facilities for persons with mental
9 retardation to alternative programs shall be implemented by
10 the department in a manner that can appropriately meet the
11 needs of individuals at an overall lower cost to counties, the
12 federal government, and the state. In addition, the department
13 shall take into consideration significant federal changes to
14 the medical assistance program in formulating the department's
15 actions under this subsection. The department shall consult
16 with the mental health and disability services commission in
17 adopting rules for oversight of facilities converted pursuant
18 to this subsection. A transition approach described in
19 paragraph "*a*" may be modified as necessary to obtain federal
20 waiver approval.
21 ~~6.~~ 5. *a.* The provisions of the home and community-based
22 services waiver for persons with intellectual disabilities
23 shall include adult day care, prevocational, and transportation
24 services. Transportation shall be included as a separately
25 payable service.
26 *b.* The department of human services shall seek federal
27 approval to amend the home and community-based services waiver
28 for persons with intellectual disabilities to include day
29 habilitation services. Inclusion of day habilitation services
30 in the waiver shall take effect upon receipt of federal
31 approval.
32 ~~*c.* The person's county of legal settlement shall pay for~~
33 ~~the nonfederal share of the cost of services provided under~~
34 ~~the waiver, and the state shall pay for the nonfederal share~~
35 ~~of such costs if the person has no legal settlement or the~~

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1 ~~legal settlement is unknown so that the person is deemed to be~~
2 ~~a state case.~~
3 ~~*d.* The county of legal settlement shall pay for one hundred~~
4 ~~percent of the nonfederal share of the costs of care provided~~
5 ~~for adults which is reimbursed under a home and community-based~~
6 ~~services waiver that would otherwise be approved for provision~~
7 ~~in an intermediate care facility for persons with mental~~
8 ~~retardation provided under the medical assistance program.~~
9 ~~7.~~ 6. When paying the necessary and legal expenses for
10 intermediate care facility for persons with mental retardation
11 services, the cost requirements of section 222.60 shall
12 be considered fulfilled when payment is made in accordance
13 with the medical assistance payment rates established by
14 the department for intermediate care facilities for persons
15 with mental retardation, and the state ~~or a county of legal~~
16 ~~settlement~~ shall not be obligated for any amount in excess of
17 the rates.
18 ~~8.~~ 7. If ~~a person with mental retardation has no legal~~
19 ~~settlement or the legal settlement is unknown so that the~~
20 ~~person is deemed to be a state case and~~ services associated
21 with the mental retardation can be covered under a medical
22 assistance home and community-based services waiver or other
23 medical assistance program provision, the nonfederal share of
24 the medical assistance program costs for such coverage shall
25 be paid from the appropriation made for the medical assistance
26 program.
27 Sec. 124. Section 249A.26, subsection 2, Code 2011, is
28 amended to read as follows:
29 2. *a.* Except as provided for disallowed costs in section
30 249A.27, the ~~county of legal settlement shall pay for fifty~~
31 ~~percent of the nonfederal share of the cost and the~~ state shall
32 ~~have responsibility for the remaining fifty~~ pay one hundred
33 percent of the nonfederal share of the cost of case management
34 provided to adults, day treatment, and partial hospitalization
35 provided under the medical assistance program for persons

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1 with mental retardation, a developmental disability, or
2 chronic mental illness. For purposes of this section, persons
3 with mental disorders resulting from Alzheimer's disease
4 or ~~substance abuse~~ a substance-related disorder shall not
5 be considered ~~chronically mentally ill~~ to be persons with
6 chronic mental illness. ~~To the maximum extent allowed under~~
7 ~~federal law and regulations, the department shall consult with~~
8 ~~and inform a county of legal settlement's central point of~~
9 ~~coordination process, as defined in section 331.440, regarding~~
10 ~~the necessity for and the provision of any service for which~~
11 ~~the county is required to provide reimbursement under this~~
12 ~~subsection.~~
13 *b.* The state shall pay for one hundred percent of the
14 nonfederal share of the costs of case management provided for
15 adults, day treatment, partial hospitalization, and the home
16 and community-based services waiver services for persons who
17 have no ~~legal settlement~~ residence in this state or ~~the legal~~
18 ~~settlement~~ whose residence is unknown so that the persons are
19 deemed to be state cases.
20 *c.* The case management services specified in this subsection
21 shall be paid for by a county only if the services are provided
22 outside of a managed care contract.
23 Sec. 125. Section 249A.26, subsections 3, 4, 7, and 8, Code
24 2011, are amended to read as follows:
25 ~~3. To the maximum extent allowed under federal law and~~
26 ~~regulations, a person with mental illness or mental retardation~~
27 ~~shall not be eligible for any service which is funded in~~
28 ~~whole or in part by a county share of the nonfederal portion~~
29 ~~of medical assistance funds unless the person is referred~~
30 ~~through the central point of coordination process, as defined~~
31 ~~in section 331.440. However, to the extent federal law allows~~
32 ~~referral of a medical assistance recipient to a service without~~
33 ~~approval of the central point of coordination process, the~~
34 ~~county of legal settlement shall be billed for the nonfederal~~
35 ~~share of costs for any adult person for whom the county would~~

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1 ~~otherwise be responsible.~~
2 4. The ~~county of legal settlement~~ state shall pay ~~for~~ one
3 hundred percent of the nonfederal share of the cost of services
4 provided to adult persons with chronic mental illness who
5 qualify for habilitation services in accordance with the rules
6 adopted for the services. ~~The state shall pay for one hundred~~
7 ~~percent of the nonfederal share of the cost of such services~~
8 ~~provided to such persons who have no legal settlement or the~~
9 ~~legal settlement is unknown so that the persons are deemed to~~
10 ~~be state cases.~~
11 ~~7. Unless a county has paid or is paying for the nonfederal~~
12 ~~share of the costs of a person's home and community-based~~
13 ~~waiver services or placement in an intermediate care facility~~
14 ~~for persons with mental retardation under the county's mental~~
15 ~~health, mental retardation, and developmental disabilities~~
16 ~~services fund, or unless a county of legal settlement would~~
17 ~~become liable for the costs of services for a person at the~~
18 ~~level of care provided in an intermediate care facility for~~
19 ~~persons with mental retardation due to the person reaching the~~
20 ~~age of majority, the~~ The state shall pay ~~for~~ the nonfederal
21 share of the costs of an eligible person's services under the
22 home and community-based services waiver for persons with brain
23 injury.
24 8. If a dispute arises between different counties or between
25 the department and a county as to the legal settlement of a
26 person who ~~receives~~ received medical assistance for which the
27 nonfederal share ~~is~~ was payable in whole or in part by a county
28 of legal settlement in accordance with Code 2011, and cannot
29 be resolved by the parties, the dispute shall be resolved as
30 provided in section 225C.8, Code 2011.
31 Sec. 126. Section 252.6, Code 2011, is amended to read as
32 follows:
33 **252.6 Enforcement of liability.**
34 1. Upon the failure of such relatives to assist or maintain
35 a poor person who has made application for assistance, the

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county board of supervisors, service area advisory board created under section 217.43, or state division of child and family services of the department of human services may apply to the district court of the county where the poor person resides or may be found for an order to compel the assistance or maintenance.

2. If the assistance or maintenance needed is provided by a county through the regional mental health and disability services system implemented under chapter 331, application for the assistance and maintenance shall be made through the regional administrator of the person's county of residence. For the purposes of this subsection, *"regional administrator"* means the same as defined in section 331.438A.

Sec. 127. Section 252.23, Code 2011, is amended to read as follows:

252.23 Legal settlement disputes.

If the alleged settlement is disputed, then, within thirty days after notice as provided in section 252.22, a copy of the notices sent and received shall be filed in the office of the clerk of the district court of the county against which claim is made, and a cause docketed without other pleadings, and tried as an ordinary action, in which the county granting the assistance shall be plaintiff, and the other defendant, and the burden of proof shall be upon the county granting the assistance. However, a ~~legal settlement~~ dispute concerning the liability of a person's county of residence for assistance provided through the regional mental health and disability services system implemented under chapter 331 in connection with services initiated under chapter 222, 230, or 249A shall be resolved as provided in section ~~225C.8~~ 331.438F.

Sec. 128. Section 252.24, Code 2011, is amended to read as follows:

252.24 County of settlement liable.

1. The county where the settlement is shall be liable to the county granting assistance for all reasonable charges and

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1 expenses incurred in the assistance and care of a poor person.
2 2. When assistance is furnished by any governmental agency
3 of the county, township, or city, the assistance shall be
4 deemed to have been furnished by the county in which the
5 agency is located and the agency furnishing the assistance
6 shall certify the correctness of the costs of the assistance
7 to the board of supervisors of that county and that county
8 shall collect from the county of the person's settlement. The
9 amounts collected by the county where the agency is located
10 shall be paid to the agency furnishing the assistance. This
11 statute applies to services and supplies furnished as provided
12 in section 139A.18.
13 3. Notwithstanding subsection 2, if assistance or
14 maintenance is provided by a county through the regional mental
15 health and disability services system implemented under chapter
16 331, liability for the assistance and maintenance is the
17 responsibility of the person's county of residence.
18 Sec. 129. Section 331.432, subsection 3, Code Supplement
19 2011, is amended to read as follows:
20 3. Except as authorized in section 331.477, transfers of
21 moneys between the county ~~mental health, mental retardation,~~
22 ~~and developmental disabilities~~ services fund for mental health
23 and disability services and any other fund are prohibited.
24 Sec. 130. Section 331.502, subsection 11, Code 2011, is
25 amended to read as follows:
26 11. Carry out duties relating to ~~the determination of legal~~
27 ~~settlement,~~ collection of funds due the county~~,~~ and support
28 of persons with mental retardation as provided in sections
29 222.13, 222.50, ~~222.61 to 222.66,~~ 222.63, 222.64, and 222.69~~,~~
30 ~~and 222.74~~.
31 Sec. 131. Section 347.16, subsection 3, Code 2011, is
32 amended to read as follows:
33 3. Care and treatment may be furnished in a county public
34 hospital to any sick or injured person who has legal settlement
35 outside the county which maintains the hospital, subject to

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1 such policies and rules as the board of hospital trustees may
2 adopt. If care and treatment is provided under this subsection
3 to a person who is indigent, the county in which that person
4 has legal settlement shall pay to the board of hospital
5 trustees the fair and reasonable cost of the care and treatment
6 provided by the county public hospital unless the cost of the
7 indigent person's care and treatment is otherwise provided for.
8 If care and treatment is provided to an indigent person under
9 this subsection, the county public hospital furnishing the
10 care and treatment shall immediately notify, by regular mail,
11 the auditor of the county of legal settlement of the indigent
12 person of the provision of care and treatment to the indigent
13 person. However, if the care and treatment is provided by
14 a county through the regional mental health and disability
15 services system implemented under chapter 331, liability for
16 the assistance and maintenance is the responsibility of the
17 person's county of residence.
18 Sec. 132. Section 437A.8, subsection 4, paragraph d, Code
19 2011, is amended to read as follows:
20 *d.* (1) Notwithstanding paragraph *"a"*, a taxpayer who owns
21 or leases a new electric power generating plant and who has
22 no other operating property in the state of Iowa except for
23 operating property directly serving the new electric power
24 generating plant as described in section 437A.16 shall pay
25 the replacement generation tax associated with the allocation
26 of the local amount to the county treasurer of the county in
27 which the local amount is located and shall remit the remaining
28 replacement generation tax, if any, to the director according
29 to paragraph *"a"* for remittance of the tax to county treasurers.
30 The director shall notify each taxpayer on or before August 31
31 following a tax year of its remaining replacement generation
32 tax to be remitted to the director. All remaining replacement
33 generation tax revenues received by the director shall be
34 deposited in the ~~property tax relief~~ general fund ~~created in~~
35 ~~section 426B.1, and shall be distributed as provided in section~~

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1 ~~426B.2~~ of the state.
2 (2) If a taxpayer has paid an amount of replacement tax,
3 penalty, or interest which was deposited into the ~~property tax~~
4 ~~relief~~ general fund of the state and which was not due, all of
5 the provisions of section 437A.14, subsection 1, paragraph *"b"*,
6 shall apply with regard to any claim for refund or credit filed
7 by the taxpayer. The director shall have sole discretion as to
8 whether the erroneous payment will be refunded to the taxpayer
9 or credited against any replacement tax due, or to become due,
10 from the taxpayer that would be subject to deposit in the
11 ~~property tax relief~~ general fund of the state.
12 Sec. 133. Section 437A.15, subsection 3, paragraph f, Code
13 Supplement 2011, is amended to read as follows:
14 *f.* Notwithstanding the provisions of this section, if
15 a taxpayer is a municipal utility or a municipal owner of
16 an electric power facility financed under the provisions
17 of chapter 28F or 476A, the assessed value, other than the
18 local amount, of a new electric power generating plant shall
19 be allocated to each taxing district in which the municipal
20 utility or municipal owner is serving customers and has
21 electric meters in operation in the ratio that the number of
22 operating electric meters of the municipal utility or municipal
23 owner located in the taxing district bears to the total number
24 of operating electric meters of the municipal utility or
25 municipal owner in the state as of January 1 of the tax year.
26 If the municipal utility or municipal owner of an electric
27 power facility financed under the provisions of chapter 28F
28 or 476A has a new electric power generating plant but the
29 municipal utility or municipal owner has no operating electric
30 meters in this state, the municipal utility or municipal owner
31 shall pay the replacement generation tax associated with the
32 new electric power generating plant allocation of the local
33 amount to the county treasurer of the county in which the local
34 amount is located and shall remit the remaining replacement
35 generation tax, if any, to the director at the times contained

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in section 437A.8, subsection 4, for remittance of the tax to the county treasurers. All remaining replacement generation tax revenues received by the director shall be deposited in the ~~property tax relief~~ general fund ~~created in section 426B.1, and shall be distributed as provided in section 426B.2~~ of the state.

Sec. 134. Section 445.5, subsection 1, paragraph h, Code Supplement 2011, is amended by striking the paragraph.

Sec. 135. REPEAL. Sections 222.73, 222.74, 222.75, 225C.7, and 225C.8, Code 2011, are repealed.

Sec. 136. EFFECTIVE DATE. This division of this Act takes effect July 1, 2013.

EXPLANATION

This bill relates to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions. The bill is organized into divisions.

CORE SERVICES. This division specifies core services and service management requirements applicable to the regional service system required by the bill.

Code section 331.439, relating to the requirements under existing law for a county to receive state payments for mental health and disability services and specifying inclusion of various provisions in service system management plans, is amended to require the use of certain functional assessments or other standardized functional assessment methodologies approved by the mental health and disability services commission. For mental health services, the level of care utilization system (LOCUS) is specified; for intellectual disabilities services, the supports intensity scale (SIS) is specified; and for brain injury services, the commission is required to approve a methodology. The use of the methodologies is required to begin July 1, 2012. This Code section is repealed on July 1, 2013.

New Code section 331.439A requires MH/DS provided by

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1 counties to be delivered in accordance with a regional service
2 system management plan approved by the region's governing board
3 and implemented by the regional administrator. The plans are
4 required to include a policies and procedures manual for the
5 funding administered by the region, submission of an annual
6 management plan review, submission of three-year strategic
7 plans addressing the effort to achieve various purposes
8 identified in Code section 225C.1, and authorizing a region to
9 either directly implement a system of service management or to
10 contract with a private entity for service management. The
11 plan is required to include various elements and the commission
12 is directed to specify the elements in administrative rules.
13 New Code section 331.439A also authorizes a region to
14 provide assistance to other disability service populations
15 subject to availability of funding and to implement waiting
16 lists for services as a financial management tool.
17 New Code section 331.439B provides financial eligibility
18 requirements to be used in the regional system. Income
19 eligibility is set at 150 percent of the federal poverty
20 level and a region or service provider may apply a copayment
21 requirement to persons who meet this requirement. Persons with
22 higher incomes may also be eligible subject to a copayment or
23 other cost-sharing arrangement; however, a service provider may
24 waive copayments or cost-sharing if able to fully absorb the
25 cost. A person who is eligible for federally funded services
26 must apply for the services. The commission is required to
27 adopt rules for resource limitations eligibility derived from
28 the federal supplemental security income program resource
29 limitations. If a person does not qualify for federally funded
30 support, but meets income, resource, and functional eligibility
31 requirements, retirement accounts in the accumulation stage and
32 burial, medical savings, or assistive technology accounts are
33 to be disregarded.
34 New Code section 331.439C specifies requirements for
35 diagnoses, functional assessments, and other requirements for

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1 eligibility in the regional system. Other requirements include
2 an age of at least 18 years and compliance with financial
3 eligibility provisions and determination of eligibility for
4 individualized services to be made by the functional assessment
5 provisions specified in the bill's amendment to Code section
6 331.439. For mental health services, a person must have had a
7 diagnosable mental health, behavioral, or emotional disorder
8 during the preceding 12-month period. For intellectual
9 disability services, an intellectual disability diagnosis or
10 an intelligence quotient of 70 or less is required. For brain
11 injury services, a diagnosis of brain injury is required.
12 New Code section 331.439D addresses mental health core
13 services and core service domains to be provided in the
14 regional system, subject to the availability of funding. The
15 domains are defined to mean a range of services that can be
16 provided depending upon an individual's service needs. A
17 region may also provide funding for other services or support
18 not listed based on optional criteria that may be considered.
19 New Code section 331.439E addresses core services for
20 persons with an intellectual disability or other developmental
21 disability, provides a list of core services, and requires
22 inclusion of all services covered by all of the service system
23 management plans of the counties comprising a region as of June
24 30, 2012, other than services funded by the Medicaid program.
25 The provision of core services is subject to availability of
26 funding. The region is required to transition from and replace
27 the current services with services that expand and support the
28 community support and integration principles outlined in the
29 federal Olmstead v. L.C. ruling and the purposes identified in
30 Code section 225C.1. Certain best practice efforts must also
31 be included.
32 New Code section 331.440B addresses regional service system
33 financing. The financing of each regional service system is
34 limited to a fixed budget amount subject to an allowed growth
35 adjustment to be recommended by the commission and the governor

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1 two years prior to application. The region is required to
2 implement the region's service system management plan by
3 budgeting for 99 percent of the funding anticipated to be
4 available for the plan for a fiscal year.
5 The bill may include a state mandate as defined in Code
6 section 25B.3. The bill makes inapplicable Code section 25B.2,
7 subsection 3, which would relieve a political subdivision from
8 complying with a state mandate if funding for the cost of
9 the state mandate is not provided or specified. Therefore,
10 political subdivisions are required to comply with any state
11 mandate included in the bill.
12 The Code editor is authorized to codify the division as a new
13 part of Code chapter 331, division III.
14 The new Code provisions of the Code chapter are applicable
15 beginning July 1, 2013.
16 WORKFORCE DEVELOPMENT AND REGULATION. This division relates
17 to workforce development and regulation applicable to the
18 administration and service providers for the regional service
19 system.
20 New Code section 225C.6C establishes a mental health and
21 disability services workforce development workgroup to be
22 convened and staffed by the department of human services to
23 address issues connected with assuring there is an adequate
24 workforce to provide mental health and disability services in
25 the state. Various stakeholders and legislator members are
26 specified.
27 New Code section 225C.6D requires the department of
28 human services to establish an outcomes and performance
29 measures committee for the regional service system. Various
30 stakeholders are specified for the committee membership.
31 New Code section 225C.6E requires the departments of
32 human services, inspections and appeals, and public health
33 to comply with various provisions in efforts to improve the
34 regulatory requirements applied to the regional service system
35 administration and service providers.

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1 COMMUNITY MENTAL HEALTH CENTER AMENDMENTS. This division
2 amends Acts provisions relating to community mental health
3 centers that were enacted in 2011 Iowa Acts, chapter 121 (SF
4 525) that have a delayed effective date of July 1, 2012.
5 Provisionally numbered Code section 230A.106, specifying the
6 core service required to be offered by a center, is amended
7 to allow a center to provide an assertive community treatment
8 program in lieu of day treatment, partial hospitalization, or
9 psychosocial rehabilitation services.
10 Provisionally numbered Code section 230A.110, relating to
11 the standards adopted for centers by the commission, is amended
12 to allow the standards to be in substantial conformity with
13 either applicable behavioral health standards adopted by the
14 joint commission or other recognized national standards for
15 evaluation of psychiatric facilities rather than requiring
16 conformity with both sets of standards.
17 REGIONAL SERVICE SYSTEM. This division provides the
18 requirements for counties to form mental health and disability
19 services (MH/DS) regions.
20 New Code section 331.438A defines terms utilized, including
21 "department" for the department of human services, "disability
22 services" as defined in Code section 225C.2 (services and
23 other support available to a person with mental illness,
24 mental retardation or other developmental disability, or brain
25 injury), "population" to mean the latest federal census or the
26 latest applicable population estimate issued by the U.S. census
27 bureau, "regional administrator" as provided by the bill, and
28 "state commission" as the mental health and disability services
29 commission.
30 New Code section 331.438B requires counties to form regions
31 to provide local access to MH/DS for children and adults.
32 Minimum criteria for formation of a group of counties are
33 included along with a schedule for voluntary formation until
34 the period of November 2, 2012, through January 1, 2013,
35 during which the department is required to assign unaffiliated

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1 counties to a region.
2 New Code section 331.438C requires the counties comprising
3 a region to enter into a Code chapter 28E agreement for the
4 joint exercise of governmental powers to form a regional
5 administrator entity to function on behalf of the counties.
6 The regional administrator is required to enter into
7 performance-based contracts with the department to manage for
8 the counties the MH/DS not funded by the medical assistance
9 (Medicaid) program and for coordinating with the department
10 such services that are funded by the Medicaid program. The
11 regional administrator is under the control of a governing
12 board. Elected county supervisors of the participating
13 counties and at least three individuals who utilize MH/DS or
14 actively involved relatives of such individuals are required
15 slots for each governing board. The membership cannot include
16 representatives of the department or service providers. A
17 regional advisory committee for each board is required to
18 include individuals who utilize services or actively involved
19 relatives, service providers, governing board members, and
20 others.
21 New Code section 331.438D addresses regional finances.
22 The funding administered under the authority of a governing
23 board is required to be in a combined account, separate
24 county accounts that are administered under the authority of
25 the governing board, or pursuant to other arrangement. The
26 regional administrator´s administrative costs, as this term
27 is determined in accordance with law, is limited to 5 percent
28 of expenditures. The funding received from performance-based
29 contracts with the department is required to be credited to the
30 account or accounts administered by the regional administrator.
31 New Code section 331.438E requires the counties comprising
32 a MH/DS region to enter into a Code chapter 28E agreement.
33 The agreement is required to address various specific
34 organizational provisions, administrative provisions, and
35 financial provisions.

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1 New Code section 331.438F requires a county to pay for the
2 public costs of the MH/DS for the county's residents that
3 are not covered by the Medicaid program and are provided
4 in accordance with the county's approved regional services
5 management plan. If the county is part of a region that has
6 agreed to pool funding and liability for services, the regional
7 administrator performs the county's responsibilities on behalf
8 of the county. A dispute resolution process is provided to
9 address disputes between counties or regions or the department,
10 as applicable.
11 The provisions of this division enacting new Code sections
12 in Code chapter 331, except as specifically provided by the
13 provisions, are applicable beginning July 1, 2013.
14 SUBACUTE CARE FACILITIES FOR PERSONS WITH SERIOUS AND
15 PERSISTENT MENTAL ILLNESS. This division creates a new health
16 care facility licensure chapter in Code chapter 135P to be
17 regulated by the department of inspections and appeals. The
18 new type of facility is called a "subacute care facility
19 for persons with serious and persistent mental illness"
20 and provides physical facilities with restricted egress to
21 provide accommodation, board, and the services of a licensed
22 psychiatrist for periods exceeding 24 consecutive hours to
23 three or more individuals with serious and persistent mental
24 illness and who may have a diagnosis of another disorder. The
25 facility cannot be used by individuals related to the owner
26 within the third degree of consanguinity.
27 New Code sections 135P.1 and 135P.2 define the terms
28 utilized and state the purpose of the new Code chapter.
29 New Code section 135P.3 describes the nature of care
30 to be utilized and the duties of the facility's licensed
31 psychiatrist, authorizes the use of a seclusion room that meets
32 the conditions specified under federal regulations for the use
33 of seclusion in psychiatric residential treatment facilities
34 providing inpatient psychiatric services for individuals under
35 age 21, and specifies requirements for admission.

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1 New Code section 135P.4 prohibits establishing, operating,
2 or maintaining a subacute care facility without a license and
3 allows a licensed intermediate care facility for persons with
4 mental illness to convert to a licensed subacute care facility.
5 New Code section 135P.5 requires an application for a
6 license and sets the annual licensure fee at $25.
7 New Code section 135P.6 requires the department of
8 inspections and appeals to ascertain the adequacy of the
9 facility before issuing a license and requires the applicant
10 to have been awarded a certificate of need for the facility
11 through the department of public health under Code chapter 135.
12 New Code section 135P.7 authorizes the department to deny
13 an application or suspend or revoke a license for failure or
14 inability to comply with requirements under the Code chapter
15 and provides a list of specific infractions.
16 New Code section 135P.8 authorizes the department to issue a
17 provisional license and addresses compliance plans.
18 New Code section 135P.9 requires the notice and hearing
19 process for licensure issues to be performed in compliance with
20 the Iowa administrative procedure Act, Code chapter 17A.
21 New Code section 135P.10 requires the department of
22 inspections and appeals to adopt rules for the facilities in
23 consultation with the department of human services and for the
24 department to coordinate its rules adoption and enforcement
25 efforts.
26 New Code section 135P.11 addresses complaints alleging
27 violations. Any person may file a complaint and the person's
28 name is required to be kept confidential. The department is
29 required to make a preliminary review of the complaint and
30 under most circumstances an on-site inspection is required
31 within 20 working days. The complainant may accompany the
32 inspector upon request of the complainant or the department.
33 New Code section 135P.12 requires the department's
34 findings regarding licensure to be made public but other
35 information relating to a facility is to be kept confidential.

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1 Disclosure of information regarding residents is prohibited
2 except as provided in Code section 217.30, relating to the
3 confidentiality of records pertaining to individuals receiving
4 services or assistance from the department of human services.
5 New Code section 135P.13 provides for judicial review of
6 departmental action in accordance with Code chapter 17A and for
7 a petition for the review to be filed in the court of the county
8 in which the subacute care facility is located or proposed to
9 be located.
10 New Code section 135P.14 provides that establishing,
11 operating, or managing a subacute care facility without a
12 license is a serious misdemeanor offense.
13 New Code section 135P.15 authorizes the department to
14 maintain an action for an injunction to prevent establishing,
15 operating, or managing a subacute care facility without a
16 license.
17 Code section 249A.26, relating to state and county
18 participation in funding for services to persons with
19 disabilities in the medical assistance (Medicaid) program
20 chapter, is amended to provide that the daily reimbursement
21 rate for subacute care facilities is the sum of the
22 direct care Medicare-certified hospital-based nursing
23 facility patient-day-weighted median and the nondirect
24 care Medicare-certified hospital-based nursing facility
25 patient-day-weighted median.
26 The division may include a state mandate as defined in
27 Code section 25B.3. The division makes inapplicable Code
28 section 25B.2, subsection 3, which would relieve a political
29 subdivision from complying with a state mandate if funding for
30 the cost of the state mandate is not provided or specified.
31 Therefore, political subdivisions are required to comply with
32 any state mandate included in the division.
33 CONFORMING AMENDMENTS —— CENTRAL POINT OF COORDINATION,
34 LEGAL SETTLEMENT, AND COUNTY MENTAL HEALTH, MENTAL RETARDATION,
35 AND DEVELOPMENTAL DISABILITIES SERVICES FUNDS. This division

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1 provides conforming amendments to change references to county
2 central point of coordination administrators to regional
3 administrators, county of legal settlement to county of
4 residence, and county mental health, mental retardation, and
5 developmental disabilities services funds under Code section
6 331.424A to generally apply to the provisions for MH/DS
7 regions. The Code provisions for the affected Code sections
8 are repealed on July 1, 2013, pursuant to 2011 Iowa Acts,
9 chapter 123 (SF 209).
10 References to county mental health, mental retardation, and
11 developmental disabilities services funds under Code section
12 331.424A are amended in the following Code sections: section
13 123.38, relating to alcoholic beverage permits and licenses;
14 section 218.99, requiring counties to be notified of patient
15 personal accounts in DHS state institutions; section 225C.12,
16 relating to partial reimbursement to counties for local
17 inpatient mental health care and treatment; and section 226.9C,
18 authorizing a net general fund appropriation for the dual
19 diagnosis program located at the state mental health institute
20 at Mount Pleasant.
21 References to the "central point of coordination process"
22 (CPC process) are amended to instead refer to the "regional
23 administrator" of the county of residence in the following Code
24 sections: section 218.99, requiring counties to be notified of
25 patient personal accounts in DHS state institutions; section
26 222.2, providing a definition of CPC process; section 222.13,
27 relating to voluntary admissions to a state resource center;
28 section 222.13A, relating to voluntary admission of a minor
29 to a state resource center; section 222.28, authorizing the
30 court to appoint a commission of inquiry to examine a person
31 to determine the person's mental condition; section 222.59,
32 requiring the superintendent of a state resource center
33 to coordinate in assisting location of a community-based
34 placement instead of a state resource center; section 222.60,
35 relating to the costs paid by county and state and requiring a

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1 diagnosis; section 222.61, relating to determination of legal
2 settlement; section 222.62, relating to legal settlement in
3 another county; section 222.63, relating to an objection to
4 a finding of legal settlement; section 222.64, relating to
5 state financial responsibility when a person is in a foreign
6 state or is unknown; section 225.11, relating to initiation
7 of commitment proceedings for the state psychiatric hospital
8 connected to the state university of Iowa; section 225.15,
9 relating to examination and treatment of a respondent at
10 the state psychiatric hospital; section 225.17, relating to
11 payment for the cost of treatment at the state psychiatric
12 hospital; section 225C.2, relating to definitions, is amended
13 to strike the CPC definition; section 225C.5, relating to
14 the MH-DS commission membership; section 225C.6A, relating
15 to data requirements addressed in the disability services
16 system redesign enacted in 2004; section 225C.14, providing
17 requirements for a preliminary diagnostic evaluation for
18 admission to a state mental health institute; section 225C.16,
19 providing for referrals for evaluations for persons applying
20 for voluntary admission to a state mental health institute;
21 section 225C.19, relating to an emergency mental health
22 crisis system; section 226.9C, authorizing a net general
23 fund appropriation for the dual diagnosis program at the
24 Mount Pleasant state mental health institute; section 227.10,
25 relating to transfers from a county or private institution
26 to a state hospital for persons with mental illness; section
27 229.1, relating to definitions; section 229.1B, specifying that
28 a person is subject to the CPC process, notwithstanding any
29 provision of Code chapter 229 to the contrary; section 229.11,
30 authorizing a judge to order immediate custody of a person
31 alleged to have a serious mental impairment; section 229.13,
32 relating to evaluation orders for psychiatric treatment;
33 section 229.14, relating to the report of a psychiatric
34 evaluation; section 229.14A, relating to the notice and hearing
35 for a placement order; section 229.42, relating to costs

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1 paid by a county for a voluntary admission to a state mental
2 health institute; section 230.1, relating to the liability of
3 counties and the state for costs associated with admission of a
4 person with mental illness to a state hospital; section 230.3,
5 providing for certification of legal settlement of a person
6 with mental illness admitted to a hospital; section 232.2,
7 relating to involvement of the CPC process in the transition
8 team of a specific child aging to adulthood while in foster
9 care; section 235.7, relating to appointment of transition
10 committees for children in an area who are aging to adulthood
11 while in child welfare services; and section 249A.26, relating
12 to state and county participation in funding for services to
13 persons with disabilities.
14 Code chapter 252 provisions regarding determinations of
15 county of legal settlement (Code sections 252.6, 252.23, and
16 252.24) are amended to provide that in provisions involving the
17 MH/DS administered through the regional system, the county of
18 residence is responsible and any disputes are to be settled in
19 accordance with new Code section 331.438F.
20 References to "county of legal settlement" are amended to
21 be "county of residence" or the state in the following Code
22 sections: section 218.99, requiring counties to be notified of
23 patient personal accounts in DHS state institutions; section
24 222.10, relating to the duty of a peace officer to detain a
25 person with mental retardation who departs from an institution
26 in another state without proper authority; section 222.13,
27 relating to voluntary admissions to a state resource center;
28 section 222.13A, relating to voluntary admission of a minor to
29 a state resource center; section 222.31, relating to liability
30 for charges at a state resource center; section 222.49,
31 relating to payment for costs of proceedings; section 222.50,
32 requiring the county of legal settlement to pay charges;
33 section 222.60, relating to the costs paid by county and
34 state and requiring a diagnosis; section 222.61, relating to
35 determination of legal settlement; section 222.62, relating to

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1 legal settlement in another county; section 222.63, relating to
2 an objection to a finding of legal settlement; section 222.64,
3 providing for state financial responsibility when a person is
4 in a foreign state or is unknown; section 222.65, requiring the
5 state administrator to investigate a person's residency when
6 placed in a state resource center; section 222.66, providing
7 a standing appropriation for the transfer expenses of state
8 cases to a state resource center; section 222.67, relating to
9 charges when legal settlement was initially unknown; section
10 222.68, requiring the county of legal settlement to reimburse
11 the county that initially paid the charges; section 222.69,
12 providing a standing appropriation for the admission or
13 commitment expenses of state cases; section 222.70, requiring
14 a dispute resolution process to be used for legal settlement
15 disputes; section 222.77, providing for the county of legal
16 settlement to pay the costs of support of patients placed on
17 leave from a state resources center; section 222.78, relating
18 to parents and other persons liable for the support of a
19 patient in a state resource center; section 222.79, relating
20 to the certification of statements of charges for purposes of
21 Code section 222.78; section 222.80, providing for liability
22 for the costs of persons admitted or committed to a private
23 facility; section 222.82, relating to collection of claims
24 under Code section 222.78 or other provisions of Code chapter
25 222; section 222.86, relating to payment of excess amounts from
26 resource center patient personal deposit funds to the county
27 of legal settlement; section 222.92, relating to operation of
28 the state resource center on the basis of a net general fund
29 appropriation; section 226.9C, relating to the net general
30 fund appropriations provisions for the dual diagnosis program
31 at the Mount Pleasant state mental health institute; section
32 226.45, relating to payment of excess amounts from state mental
33 health institute patient personal deposit funds to the county
34 of legal settlement; section 229.9A, relating to the mental
35 health advocate of the county of legal settlement; section

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1 229.12, relating to the presence of the mental health advocate
2 at civil commitment hearings; section 229.19, relating to the
3 duties of the patient advocate; section 229.24, relating to
4 the provision of civil commitment court records to the county
5 of legal settlement; section 229.31, relating to a commission
6 of inquiry; section 229.42, relating to hospitalization costs
7 paid on voluntary cases by the county of legal settlement;
8 section 229.43, relating to nonresidents on convalescent leave;
9 section 230.1, relating to the liability of counties and the
10 state for costs associated with admission of a person with
11 mental illness to a state hospital; section 230.2, relating to
12 finding of legal settlement for persons with mental illness;
13 section 230.3, providing for certification of legal settlement
14 of a person with mental illness admitted to a hospital; section
15 230.4, providing for evidence to accompany the certification
16 of legal settlement for a person with mental illness; section
17 230.5, relating to legal settlement of nonresidents; section
18 230.8, relating to transfer expenses of persons with mental
19 illness with no legal settlement; section 230.9, relating to
20 charges when legal settlement was initially unknown; section
21 230.10, requiring all costs attending the taking into custody,
22 care, investigation, and admission or commitment of a person
23 to a state hospital for persons with mental illness to be paid
24 by the county of legal settlement; section 230.11, relating
25 to recovery of costs from the state for state cases; section
26 230.12, relating to settlement of legal settlement disputes
27 for support of persons with mental illness; section 230.32,
28 relating to support of persons who are nonresidents of this
29 state; section 249A.12, relating to assistance to persons with
30 mental retardation paid under the Medicaid program; section
31 249A.26, addressing state and county participation in funding
32 for services to persons with disabilities, including case
33 management; section 331.502, relating to the duties of the
34 county auditor; and section 347.16, relating to the cost of
35 care provided in county hospitals.

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1 Miscellaneous provisions are also amended. Code section
2 222.22, relating to representation for a person with mental
3 retardation in commitment proceedings, is amended to shift
4 the responsibility to pay for counsel from the county to the
5 state. Code section 225.23, requiring counties to collect
6 claims paid by the state on behalf of committed or voluntary
7 private patients at the state psychiatric hospital, is
8 amended to shift this responsibility to the department of
9 administrative services. Code section 225C.6, relating to the
10 duties of the mental health and disability services commission,
11 is amended to include a requirement to adopt rules for core
12 disability services. Code section 230.20, relating to the
13 billing to counties for patient charges at the state mental
14 health institutes, is amended to change the cap on inflation
15 increases from current law's percentage increase in the allowed
16 growth factor adjustment to the annual percentage increase
17 in the state support provided to the regional service system
18 under Code chapter 331. Code section 231.56A, relating to
19 the elder abuse initiative, emergency shelter, and support
20 services projects involving the department on aging, is amended
21 to eliminate a reference to county MH/MR/DD management plans.
22 Code sections 235A.15 and 235B.6, relating to the child abuse
23 and elder abuse registries and allowing employment record
24 checks for the administrator of an MH/MR/DD agency providing
25 services under a county management plan is amended to refer
26 instead to regional management plans. Code section 331.432,
27 restricting county authority to transfer between funds, is
28 amended to replace a reference to the county mental health,
29 mental retardation, and developmental disabilities services
30 fund with a general reference to county funds for mental health
31 and disability services. Code section 445.5, requiring the
32 county treasurer to notify each land titleholder of the amount
33 of property tax reduction on each parcel as a result of the
34 moneys received from the state property tax relief fund, is
35 amended to eliminate the requirement.

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1 Current law provides for certain electrical power
2 replacement generation tax revenues to be credited to the
3 property tax relief fund for distribution to counties to
4 reduce mental health, mental retardation, and developmental
5 disabilities levies. The property tax relief fund and the
6 county levy provisions are repealed effective July 1, 2013,
7 pursuant to 2011 Iowa Acts, chapter 123 (SF 209). The bill
8 provides for the revenues to instead be deposited in the
9 general fund of the state. The bill amends these Code sections
10 to reflect the change: section 437A.8, relating to return
11 and payment requirements for taxes on electricity and natural
12 gas providers; and section 437A.15, relating to allocation of
13 replacement tax revenues.
14 Code section 222.49, relating to the costs of proceedings
15 for involuntary commitment of persons with mental retardation,
16 is amended to provide that the responsibility to pay costs is
17 with either the county or the state.
18 The bill repeals these Code sections: section 222.73,
19 relating to billing of charges to counties for services
20 provided at the state resource centers; section 222.74,
21 relating to sending of duplicate statements to counties of the
22 billing statements under Code section 222.73; section 222.75,
23 relating to penalties for failure to pay the charges billed
24 under Code section 222.73; section 225C.7, establishing the
25 mental health and developmental disabilities community services
26 fund and a reference to the fund in Code section 225C.4 is
27 stricken; and section 225C.8, relating to the legal settlement
28 dispute resolution process replaced by the bill.

Senate Study Bill 3153 - Introduced

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

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective date and retroactive applicability
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5518SC (11) 84
lh/rj

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DIVISION I
STATUTORY CORRECTIONS

Section 1. Section 8.55, subsection 2, Code Supplement 2011, is amended to read as follows:

2. ~~*a.*~~ The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be distributed as follows:

~~(1)~~ *a.* The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

~~(2)~~ *b.* The remainder of the excess, if any, shall be transferred to the general fund of the state.

~~*b.* Notwithstanding paragraph *"a"*, any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be distributed as provided in paragraph *"a"* but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph *"c"*.~~

Sec. 2. Section 8.57, Code Supplement 2011, is amended to read as follows:

8.57 Annual appropriations — reduction of GAAP deficit — rebuild Iowa infrastructure fund.

1. *a.* The *"cash reserve goal percentage"* for fiscal years beginning on or after July 1, 2004, is seven and one-half percent of the adjusted revenue estimate. For each fiscal

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1 year in which the appropriation of the surplus existing in the
2 general fund of the state at the conclusion of the prior fiscal
3 year pursuant to paragraph *"b"* was not sufficient for the cash
4 reserve fund to reach the cash reserve goal percentage for the
5 current fiscal year, there is appropriated from the general
6 fund of the state an amount to be determined as follows:
7 (1) If the balance of the cash reserve fund in the current
8 fiscal year is not more than six and one-half percent of the
9 adjusted revenue estimate for the current fiscal year, the
10 amount of the appropriation under this lettered paragraph is
11 one percent of the adjusted revenue estimate for the current
12 fiscal year.
13 (2) If the balance of the cash reserve fund in the current
14 fiscal year is more than six and one-half percent but less than
15 seven and one-half percent of the adjusted revenue estimate for
16 that fiscal year, the amount of the appropriation under this
17 lettered paragraph is the amount necessary for the cash reserve
18 fund to reach seven and one-half percent of the adjusted
19 revenue estimate for the current fiscal year.
20 (3) The moneys appropriated under this lettered paragraph
21 shall be credited in equal and proportionate amounts in each
22 quarter of the current fiscal year.
23 *b.* The surplus existing in the general fund of the state
24 at the conclusion of the fiscal year is appropriated for
25 distribution in the succeeding fiscal year as provided in
26 subsections ~~3~~ 2 and ~~4~~ 3. Moneys credited to the cash reserve
27 fund from the appropriation made in this paragraph shall not
28 exceed the amount necessary for the cash reserve fund to reach
29 the cash reserve goal percentage for the succeeding fiscal
30 year. As used in this paragraph, *"surplus"* means the excess
31 of revenues and other financing sources over expenditures and
32 other financing uses for the general fund of the state in a
33 fiscal year.
34 *c.* The amount appropriated in this section is not subject
35 to the provisions of section 8.31, relating to requisitions

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and allotment, or to section 8.32, relating to conditional availability of appropriations.

~~2. *a.* There is appropriated from the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, and at the conclusion of each succeeding fiscal year for distribution to the senior living trust fund, an amount equal to one percent of the adjusted revenue estimate for the current fiscal year. However, if the amount of the surplus existing in the general fund of the state at the conclusion of a fiscal year is less than two percent of the adjusted revenue estimate for that fiscal year, the amount of the appropriation made in this paragraph shall be equal to fifty percent of the surplus amount. The appropriation made in this paragraph shall be distributed to the senior living trust fund in the succeeding fiscal year. For the purposes of this subsection, "*surplus*" means the same as defined in subsection 1, paragraph "*b*".~~

~~*b.* The appropriation made in paragraph "*a*" shall be made before the appropriations are made pursuant to subsections 1, 3, and 4, of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, and each succeeding fiscal year.~~

~~*c.* The appropriation made in paragraph "*a*" shall continue until the aggregate amount of the appropriations made, reverted, or transferred to the senior living trust fund for all fiscal years beginning on or after July 1, 2004, pursuant to paragraph "*a*" of this subsection, section 8.55, subsection 2, paragraph "*b*", and any other law providing for an appropriation or reversion or transfer of an appropriation to the senior living trust fund is equal to three hundred million dollars.~~

~~*d.* This subsection and section 8.55, subsection 2, paragraph "*b*", are repealed when the aggregate amount specified in paragraph "*c*" has been distributed, appropriated, reverted, or transferred to the senior living trust fund. The director of~~

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1 ~~the department of management shall notify the Iowa Code editor~~
2 ~~when the aggregate amount has been distributed, appropriated,~~
3 ~~reverted, or transferred.~~
4 ~~3.~~ 2. Moneys appropriated under subsection 1 shall be first
5 credited to the cash reserve fund. To the extent that moneys
6 appropriated under subsection 1 would make the moneys in the
7 cash reserve fund exceed the cash reserve goal percentage of
8 the adjusted revenue estimate for the fiscal year, the moneys
9 are appropriated to the department of management to be spent
10 for the purpose of eliminating Iowa's GAAP deficit, including
11 the payment of items budgeted in a subsequent fiscal year
12 which under generally accepted accounting principles should be
13 budgeted in the current fiscal year. These moneys shall be
14 deposited into a GAAP deficit reduction account established
15 within the department of management. The department of
16 management shall annually file with both houses of the general
17 assembly at the time of the submission of the governor's
18 budget, a schedule of the items for which moneys appropriated
19 under this subsection for the purpose of eliminating Iowa's
20 GAAP deficit, including the payment of items budgeted in
21 a subsequent fiscal year which under generally accepted
22 accounting principles should be budgeted in the current
23 fiscal year, shall be spent. The schedule shall indicate the
24 fiscal year in which the spending for an item is to take place
25 and shall incorporate the items detailed in 1994 Iowa Acts,
26 chapter 1181, section 17. The schedule shall list each item
27 of expenditure and the estimated dollar amount of moneys to
28 be spent on that item for the fiscal year. The department of
29 management may submit during a regular legislative session an
30 amended schedule for legislative consideration. If moneys
31 appropriated under this subsection are not enough to pay for
32 all listed expenditures, the department of management shall
33 distribute the payments among the listed expenditure items.
34 Moneys appropriated to the department of management under
35 this subsection shall not be spent on items other than those

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1 included in the filed schedule. On September 1 following the
2 close of a fiscal year, moneys in the GAAP deficit reduction
3 account which remain unexpended for items on the filed schedule
4 for the previous fiscal year shall be credited to the Iowa
5 economic emergency fund.
6 ~~4.~~ 3. To the extent that moneys appropriated under
7 subsection 1 exceed the amounts necessary for the cash reserve
8 fund to reach its maximum balance and the amounts necessary to
9 eliminate Iowa's GAAP deficit, including elimination of the
10 making of any appropriation in an incorrect fiscal year, the
11 moneys shall be appropriated to the Iowa economic emergency
12 fund.
13 ~~5.~~ 4. As used in this section, *"GAAP"* means generally
14 accepted accounting principles as established by the
15 governmental accounting standards board.
16 ~~6.~~ 5. *a.* A rebuild Iowa infrastructure fund is created
17 under the authority of the department of management. The fund
18 shall consist of appropriations made to the fund and transfers
19 of interest, earnings, and moneys from other funds as provided
20 by law. The rebuild Iowa infrastructure fund shall be separate
21 from the general fund of the state and the balance in the
22 rebuild Iowa infrastructure fund shall not be considered part
23 of the balance of the general fund of the state. However, the
24 rebuild Iowa infrastructure fund shall be considered a special
25 account for the purposes of section 8.53, relating to generally
26 accepted accounting principles.
27 *b.* Moneys in the rebuild Iowa infrastructure fund are
28 not subject to section 8.33. Notwithstanding section
29 12C.7, subsection 2, interest or earnings on moneys in the
30 rebuild Iowa infrastructure fund shall be credited to the
31 ~~infrastructure~~ fund. Moneys in the rebuild Iowa infrastructure
32 fund may be used for cash flow purposes during a fiscal year
33 provided that any moneys so allocated are returned to the
34 ~~infrastructure~~ fund by the end of that fiscal year.
35 *c.* Moneys in the rebuild Iowa infrastructure fund in a

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1 fiscal year shall be used as directed by the general assembly
2 for public vertical infrastructure projects. For the purposes
3 of this subsection, *"vertical infrastructure"* includes only land
4 acquisition and construction; major renovation and major repair
5 of buildings; all appurtenant structures; utilities; site
6 development; recreational trails; and debt service payments
7 on academic revenue bonds issued in accordance with chapter
8 262A for capital projects at board of regents institutions.
9 *"Vertical infrastructure"* does not include routine, recurring
10 maintenance or operational expenses or leasing of a building,
11 appurtenant structure, or utility without a lease-purchase
12 agreement.
13 *d.* The general assembly may provide that all or part of the
14 moneys deposited in the GAAP deficit reduction account created
15 in this section shall be transferred to the infrastructure fund
16 in lieu of appropriation of the moneys to the Iowa economic
17 emergency fund.
18 *e.* (1) (a) (i) Notwithstanding provisions to the contrary
19 in sections 99D.17 and 99F.11, for the fiscal year beginning
20 July 1, 2000, and for each fiscal year thereafter, not more
21 than a total of sixty-six million dollars shall be deposited
22 in the general fund of the state in any fiscal year pursuant to
23 sections 99D.17 and 99F.11.
24 (ii) However, in lieu of the deposit in subparagraph
25 subdivision (i), for the fiscal year beginning July 1, 2010,
26 and for each fiscal year thereafter until the principal and
27 interest on all bonds issued by the treasurer of state pursuant
28 to section 12.87 are paid, as determined by the treasurer of
29 state, the first fifty-five million dollars of the moneys
30 directed to be deposited in the general fund of the state
31 under subparagraph subdivision (i) shall be deposited in the
32 revenue bonds debt service fund created in section 12.89, and
33 the next three million seven hundred fifty thousand dollars of
34 the moneys directed to be deposited in the general fund of the
35 state under subparagraph subdivision (i) shall be deposited

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1 in the revenue bonds federal subsidy holdback fund created in
2 section 12.89A, and the next one million two hundred fifty
3 thousand dollars of the moneys directed to be deposited in the
4 general fund of the state under subparagraph subdivision (i)
5 shall be deposited in the general fund of the state.
6 (b) The next fifteen million dollars of the moneys directed
7 to be deposited in the general fund of the state in a fiscal
8 year pursuant to sections 99D.17 and 99F.11 shall be deposited
9 in the vision Iowa fund created in section 12.72 for the fiscal
10 year beginning July 1, 2000, and for each fiscal year through
11 the fiscal year beginning July 1, 2019.
12 (c) The next five million dollars of the moneys directed to
13 be deposited in the general fund of the state in a fiscal year
14 pursuant to sections 99D.17 and 99F.11 shall be deposited in
15 the school infrastructure fund created in section 12.82 for the
16 fiscal year beginning July 1, 2000, and for each fiscal year
17 thereafter until the principal and interest on all bonds issued
18 by the treasurer of state pursuant to section 12.81 are paid,
19 as determined by the treasurer of state.
20 (d) (i) The total moneys in excess of the moneys deposited
21 in the revenue bonds debt service fund, the revenue bonds
22 federal subsidy holdback fund, the vision Iowa fund, the
23 school infrastructure fund, and the general fund of the
24 state in a fiscal year shall be deposited in the rebuild Iowa
25 infrastructure fund and shall be used as provided in this
26 section, notwithstanding section 8.60.
27 (ii) However, in lieu of the deposit in subparagraph
28 subdivision (i), for the fiscal year beginning July 1, 2010,
29 and for each fiscal year thereafter until the principal and
30 interest on all bonds issued by the treasurer of state pursuant
31 to section 12.87 are paid, as determined by the treasurer of
32 state, sixty-four million seven hundred fifty thousand dollars
33 of the excess moneys directed to be deposited in the rebuild
34 Iowa infrastructure fund under subparagraph subdivision (i)
35 shall be deposited in the general fund of the state.

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1 (2) If the total amount of moneys directed to be deposited
2 in the general fund of the state under sections 99D.17 and
3 99F.11 in a fiscal year is less than the total amount of moneys
4 directed to be deposited in the revenue bonds debt service
5 fund and the revenue bonds federal subsidy holdback fund in
6 the fiscal year pursuant to this paragraph *"e"*, the difference
7 shall be paid from moneys deposited in the beer and liquor
8 control fund created in section 123.53 in the manner provided
9 in section 123.53, subsection 3.
10 (3) After the deposit of moneys directed to be deposited in
11 the general fund of the state, the revenue bonds debt service
12 fund, and the revenue bonds federal subsidy holdback fund, as
13 provided in subparagraph (1), subparagraph division (a), if the
14 total amount of moneys directed to be deposited in the general
15 fund of the state under sections 99D.17 and 99F.11 in a fiscal
16 year is less than the total amount of moneys directed to be
17 deposited in the vision Iowa fund and the school infrastructure
18 fund in the fiscal year pursuant to this paragraph *"e"*, the
19 difference shall be paid from lottery revenues in the manner
20 provided in section 99G.39, subsection 3.
21 *f.* There is appropriated from the rebuild Iowa
22 infrastructure fund to the secure an advanced vision for
23 education fund created in section 423F.2, for each fiscal year
24 of the fiscal period beginning July 1, 2008, and ending June
25 30, 2010, the amount of the moneys in excess of the first
26 forty-seven million dollars credited to the rebuild Iowa
27 infrastructure fund during the fiscal year, not to exceed ten
28 million dollars.
29 *g.* Notwithstanding any other provision to the contrary,
30 and prior to the appropriation of moneys from the rebuild Iowa
31 infrastructure fund pursuant to paragraph *"c"*, and section
32 8.57A, subsection 4, moneys shall first be appropriated
33 from the rebuild Iowa infrastructure fund to the vertical
34 infrastructure fund as provided in section 8.57B, subsection 4.
35 *h.* Annually, on or before January 15 of each year, a state

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agency that received an appropriation from the rebuild Iowa infrastructure fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

i. Annually, on or before December 31 of each year, a recipient of moneys from the rebuild Iowa infrastructure fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 3. Section 8A.317, subsection 1, Code Supplement 2011, is amended to read as follows:

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

a. *"Biobased material"* means ~~the same as defined in section 469.31~~ a material in which carbon is derived in whole or in part from a renewable resource.

b. "Biobased product" means a product generated by blending or assembling of one or more biobased materials, either exclusively or in combination with nonbiobased materials, in which the biobased material is present as a quantifiable portion of the total mass of the product.

~~*b.*~~ *c.* *"Designated biobased product"* means a biobased product ~~as defined in section 469.31,~~ and includes a product determined by the United States department of agriculture to

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1 be a commercial or industrial product, other than food or
2 feed, that is composed, in whole or in significant part, of
3 biological products, including renewable domestic agricultural
4 materials including plant, animal, and marine materials, or
5 forestry materials as provided in 7 U.S.C. § 8102.
6 Sec. 4. Section 11.2, subsection 3, paragraph d, Code
7 Supplement 2011, is amended to read as follows:
8 *d.* The review of the most recent annual report to
9 shareholders of an open-end management investment company
10 or an unincorporated investment company or investment trust
11 registered with the federal securities and exchange commission
12 under the federal Investment Company Act of 1940, 15 U.S.C.
13 § 80a, pursuant to 17 C.F.R. § 270.30d-1 or the review, by
14 the person performing the audit, of the most recent annual
15 report to shareholders, call reports, or the findings pursuant
16 to a regular examination under state or federal law, to the
17 extent the findings are not confidential, of a bank, savings
18 and loan association, or credit union shall satisfy the review
19 requirements of this ~~paragraph~~ subsection.
20 Sec. 5. Section 11.5A, Code Supplement 2011, is amended to
21 read as follows:
22 **11.5A Audit or examination — costs.**
23 When requested by the auditor of state, the department
24 of management shall transfer from any unappropriated funds
25 in the state treasury an amount not exceeding the expenses
26 and prorated salary costs already paid to perform audits or
27 examinations of state departments and agencies, the offices
28 of the judicial branch, and federal financial assistance as
29 defined in the federal Single Audit Act, 31 U.S.C. § 7501, et
30 seq., received by all other departments, as listed in section
31 11.5B, for which payments by agencies have not been made. Upon
32 payment by the departments, the auditor of state shall credit
33 the payments to the state treasury.
34 Sec. 6. Section 15.107, subsection 1, Code Supplement 2011,
35 is amended to read as follows:

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1 1. The authority shall establish the Iowa innovation
2 corporation as a nonprofit corporation organized under chapter
3 504 and qualifying under section 501(c)(3) of the Internal
4 Revenue Code as an organization exempt from taxation. Unless
5 otherwise provided in this subchapter, the corporation is
6 subject to the provisions of chapter 504. The corporation
7 shall be established for the purpose of receiving and
8 disbursing funds from public or private sources ~~to be used~~ to
9 further the overall development and economic well-being of the
10 state.
11 Sec. 7. Section 15.202, Code Supplement 2011, is amended to
12 read as follows:
13 **15.202 Grants and gifts.**
14 The authority may~~, with the approval of the director,~~ accept
15 grants and allotments of funds from the federal government
16 and enter into cooperative agreements with the secretary of
17 agriculture of the United States for projects to effectuate any
18 of the purposes of the agricultural marketing program; and may
19 accept grants, gifts, or allotments of funds from any person
20 for the purpose of carrying out the agricultural marketing
21 program. The authority shall make an itemized accounting of
22 such funds to the director at the end of each fiscal year.
23 Sec. 8. Section 15.272, Code Supplement 2011, is amended to
24 read as follows:
25 **15.272 Statewide welcome center program — objectives and**
26 **agency responsibilities — pilot projects.**
27 The state agencies, as indicated in this section, shall
28 undertake certain specific functions to implement the goals of
29 a statewide program, including the pilot projects, for welcome
30 centers.
31 1. *a.* The department of economic development and the
32 state department of transportation shall jointly establish a
33 statewide long-range plan for developing and operating welcome
34 centers throughout the state. The plan shall be submitted
35 to the general assembly by January 15, 1988. The plan shall

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1 address, but not be limited to, the following:
2 (1) Integrating state, regional, and local tourism and
3 recreation marketing and promotion plans.
4 (2) Recommending a wide range of centers, including
5 state-developed and state-operated to privately managed
6 facilities.
7 (3) Establishing design, service, and maintenance quality
8 standards which all welcome centers will maintain. Included
9 in the standards shall be a provision requiring that space or
10 facilities be available for purposes of displaying and offering
11 for sale Iowa-made products, crafts, and arts. The space
12 or facilities may be operated by the department of economic
13 development or leased to and operated by other persons.
14 (4) Making projections of increased tourist spending,
15 indirect economic benefits, and direct revenue production which
16 are estimated to occur as a result of implementing a statewide
17 welcome center program.
18 (5) Projecting estimated acquisition, construction,
19 exhibit, staffing, and maintenance costs.
20 (6) Integrating electronic data telecommunications systems.
21 (7) Identifying sites for maintaining existing centers as
22 well as locations for new centers.
23 *b.* The departments may enter into contracts for the
24 preparation of the long-range plan. The departments shall
25 involve the department of natural resources and the department
26 of cultural affairs in the preparation of the plan. The
27 recommendations and comments of organizations representing
28 hospitality and tourism services, including but not limited to,
29 the regional tourism councils, convention and visitors bureaus,
30 and the Iowa travel council, and others with interests in this
31 program will be considered for incorporation in the plan.
32 Prior to submission of the plan to the general assembly, the
33 plan shall be submitted to the regional tourism councils, the
34 convention and visitors bureaus, and the Iowa travel council
35 for their comments and criticisms which shall be submitted by

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1 the department of economic development along with the plan to
2 the general assembly.
3 2. The responsibilities of the authority include the
4 following:
5 *a.* Seeing to the acquisition of property and the
6 construction of all new welcome centers including the pilot
7 projects selected by the department of economic development
8 pursuant to paragraph "*e*". In carrying out this responsibility
9 the authority may, but is not limited to, the following:
10 (1) Arrange for the state department of transportation to
11 acquire title to land and buildings for use as and undertake
12 construction of state-owned welcome centers. In acquiring
13 property and constructing the welcome centers, including any
14 pilot projects, the state department of transportation may
15 use any funds available to it, including but not limited to,
16 the RISE fund, matching funds from local units of government
17 or organizations, the primary road fund, federal grants, and
18 moneys specifically appropriated for these purposes.
19 (2) Contract with other state agencies, local units of
20 government, or private groups, organizations, or entities for
21 the use of land, buildings, or facilities as state welcome
22 centers or in connection with state welcome centers, whether or
23 not the property is actually owned by the state. If the local
24 match required for pilot projects or which may be required for
25 other welcome centers is met by providing land, buildings, or
26 facilities, the entity providing the local match shall enter
27 into an agreement with the authority to either transfer title
28 of the property to the state or to dedicate the use of the
29 property under the conditions and period of time set by the
30 authority.
31 *b.* Providing for the operations, management, and
32 maintenance of the state-owned and state-operated welcome
33 centers, including the collection and distribution of
34 tourism literature, telecommunication services, and other
35 travel-related services, and the display and offering for sale

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1 of Iowa-made products, crafts, and arts.
2 *c.* Providing, at the discretion of the authority, financial
3 assistance in the form of loans and grants to privately
4 operated information centers to the extent the centers are
5 consistent with the long-range plan.
6 *d.* Developing a common theme or graphic logo which will be
7 identified with all welcome centers which meet the standards of
8 operations established for those centers.
9 *e.* Selecting the sites for the pilot projects. In selecting
10 the pilot project sites, the following apply:
11 (1) Up to three sites may be located in proximity to
12 the interstates and up to three sites may be located in
13 proximity to the other primary roads. The department of
14 economic development shall select at least one site which is in
15 proximity to a primary road which is not an interstate.
16 (2) Proposals for the sites must be submitted prior to
17 September 1, 1987, and shall contain a commitment of at least
18 a one-dollar-per-dollar match of state financial assistance.
19 The local match may be in terms of land, buildings, or other
20 noncash items which are acceptable by the department of
21 economic development.
22 (3) Priority shall be given to proposals that have the best
23 local match, that are to be located where there is a very high
24 number of travelers passing, and for which the department of
25 economic development, after consultation with the departments
26 of transportation, natural resources, and cultural affairs,
27 considers the chances of success to be nearly perfect.
28 (4) The department of economic development shall select the
29 sites by September 15, 1987.
30 Sec. 9. Section 15.292, subsection 6, Code Supplement 2011,
31 is amended to read as follows:
32 6. The ~~board~~ authority may approve, deny, or defer each
33 application for financial assistance from the brownfield
34 redevelopment fund created in section 15.293.
35 Sec. 10. Section 15.293A, subsection 2, paragraph a,

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1 subparagraphs (1) and (2), Code Supplement 2011, are amended
2 to read as follows:
3 (1) The authority shall accept and, in conjunction with
4 the council ~~and the board~~, review applications for tax credits
5 pursuant to this section.
6 (2) Upon review of an application, the authority may
7 register the project under the program. If the authority
8 registers the project, the authority shall, in conjunction with
9 the council ~~and the board~~, make a preliminary determination as
10 to the amount of tax credit for which the investor qualifies.
11 Sec. 11. Section 15.293A, subsection 8, Code Supplement
12 2011, is amended to read as follows:
13 8. A registered project shall be completed within thirty
14 months of the project's approval unless the authority~~, with the~~
15 ~~approval of the board,~~ provides additional time to complete
16 the project. A project shall not be provided more than twelve
17 months of additional time. If the registered project is not
18 completed within the time required, the project is not eligible
19 to claim a tax credit pursuant to this section.
20 Sec. 12. Section 15.294, subsection 4, Code Supplement
21 2011, is amended to read as follows:
22 4. The council, in conjunction with the authority, shall
23 consider applications for redevelopment tax credits as
24 described in sections 15.293A and 15.293B, and may recommend
25 to the ~~board~~ authority which applications to approve and the
26 amount of such tax credits that each project is eligible to
27 receive.
28 Sec. 13. Section 15.301, subsection 2, paragraph b,
29 subparagraphs (1) and (4), Code Supplement 2011, are amended
30 to read as follows:
31 (1) The department of economic development or the authority
32 may designate an organization to administer the provisions of
33 this section on the authority's behalf.
34 (4) An organization designated pursuant to subparagraph (1)
35 may accept, evaluate, and approve applications for financial

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1 assistance from eligible small businesses pursuant to the
2 requirements of this section and may monitor the compliance of
3 eligible businesses with the terms of an agreement entered into
4 with the department or authority.
5 Sec. 14. Section 15.301, subsection 2, paragraph e, Code
6 Supplement 2011, is amended to read as follows:
7 *e.* The department of economic development, under the terms
8 of an agreement with the organization designated pursuant to
9 paragraph *"b"*, shall begin to provide financial assistance from
10 the fund not later than August 1, 2010, and shall to the extent
11 practicable obligate all available moneys in the fund prior to
12 March 31, 2011.
13 Sec. 15. Section 15.301, subsection 4, unnumbered paragraph
14 1, Code Supplement 2011, is amended to read as follows:
15 Upon approval of the application for financial assistance
16 by the department of economic development, the authority, or
17 an organization designated pursuant to subsection 2, paragraph
18 *"b"*, the eligible business shall enter into an agreement with
19 the department or authority which shall include but not be
20 limited to all of the following provisions:
21 Sec. 16. Section 15.331A, subsection 2, paragraphs a and b,
22 Code 2011, are amended to read as follows:
23 *a.* The contractor or subcontractor shall state under oath,
24 on forms provided by the department of revenue, the amount of
25 the sales of goods, wares, or merchandise or services rendered,
26 furnished, or performed including water, sewer, gas, and
27 electric utility services upon which sales or use tax has been
28 paid prior to the project completion, and shall file the forms
29 with the eligible business before final settlement is made.
30 *b.* The eligible business shall, not more than one year
31 after project completion, make application to the department
32 of revenue for any refund of the amount of the sales and use
33 taxes paid pursuant to chapter 423 upon any goods, wares, or
34 merchandise, or services rendered, furnished, or performed,
35 including water, sewer, gas, and electric utility services.

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1 The application shall be made in the manner and upon forms to
2 be provided by the department of revenue, and the department of
3 revenue shall audit the claim and, if approved, issue a warrant
4 to the eligible business in the amount of the sales or use tax
5 which has been paid to the state of Iowa under a contract. A
6 claim filed by the eligible business in accordance with this
7 section shall not be denied by reason of a limitation provision
8 set forth in chapter 421 or 423.
9 Sec. 17. Section 15.411, subsection 9, Code Supplement
10 2011, is amended to read as follows:
11 9. In each fiscal year, the authority may transfer
12 additional moneys that become available to the authority
13 from sources such as loan repayments or recaptures of awards
14 from federal economic stimulus funds to the innovation
15 and commercialization development fund created in section
16 15.412, provided the authority spends those moneys for the
17 implementation of the recommendations included in the separate
18 consultant reports on bioscience, advanced manufacturing,
19 information technology, and entrepreneurship submitted to the
20 department of economic development in calendar years 2004,
21 2005, and 2006.
22 Sec. 18. Section 15E.64, subsection 2, paragraph a, Code
23 Supplement 2011, is amended to read as follows:
24 *a.* The chairperson of the economic development authority
25 board or a designee of the chairperson.
26 Sec. 19. Section 15E.120, subsection 6, Code Supplement
27 2011, is amended to read as follows:
28 6. On July ~~18~~ 1, 2011, the economic development authority
29 shall assume responsibility for the administration of this
30 section.
31 Sec. 20. Section 15E.193, subsection 1, paragraph b,
32 subparagraph (2), Code Supplement 2011, is amended to read as
33 follows:
34 (2) The authority~~, upon the recommendation of the~~
35 ~~authority,~~ shall adopt rules determining what constitutes a

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1 sufficient package of benefits.
2 Sec. 21. Section 15E.208, subsection 3, paragraph b,
3 subparagraph (2), subparagraph divisions (c) through (e), Code
4 Supplement 2011, are amended to read as follows:
5 (c) Notwithstanding any provision of this division to
6 the contrary, payments on the principal balance of the loan
7 granted by the corporation to an eligible person and assigned
8 to the department of economic development pursuant to this
9 subparagraph during calendar year 2003 shall be deferred until
10 October 1, 2007. The eligible person shall make principal
11 payments to the department of economic development in the
12 amount of one million dollars for each year on October 1,
13 2007, October 1, 2008, and October 1, 2009. The eligible
14 person shall pay the department of economic development four
15 hundred eighty-two thousand seven hundred sixty-one dollars
16 in interest, which shall be deemed to be the total amount of
17 interest accruing on the principal amount of the loan. The
18 eligible person shall pay the interest amount on October 1,
19 2010. Upon the payment of the principal balance of the loan
20 and the accrued interest, the debt shall be retired.
21 (d) Notwithstanding any provision of this division to
22 the contrary, the corporation shall repay the department of
23 economic development, or its successor entity, the principal
24 balance of the Iowa agricultural industry finance loan
25 beginning on October 1, 2007. The principal balance of
26 the loan equals twenty-one million five hundred seventeen
27 thousand two hundred thirty-nine dollars. The corporation
28 shall repay the department of economic development, or its
29 successor entity, five hundred seventeen thousand two hundred
30 thirty-nine dollars by October 1, 2007, and for each subsequent
31 year the corporation shall repay the department, or its
32 successor entity, at least one million dollars by October 1
33 until the total principal balance of the loan is repaid. This
34 subparagraph shall not be construed to limit the authority
35 of the department of economic development, or its successor

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entity, to negotiate the payment of interest accruing on the principal balance which shall be paid as provided by an agreement executed by the department of economic development, or its successor entity, and the corporation.

(e) Notwithstanding any provision of this division to the contrary, payments of principal and interest of the loan granted by the corporation to an eligible person and assigned to the department of economic development pursuant to this subparagraph during calendar year 2003 which were deferred pursuant to subparagraph division (c) shall be forgiven and the total debt, including interest, shall be retired.

Sec. 22. Section 15E.351, subsection 1, Code Supplement 2011, is amended to read as follows:

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

Sec. 23. Section 15E.351, subsection 2, paragraph h, Code Supplement 2011, is amended to read as follows:

h. The business accelerator must possess the willingness to accept referrals from the ~~economic development~~ authority.

Sec. 24. Section 15G.111, subsection 2, paragraphs c and d, Code Supplement 2011, are amended to read as follows:

c. Of the moneys accruing to the fund pursuant to

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subsection 1, paragraph *"c"*, the authority~~, with the approval of the authority,~~ may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph *"a"*.

d. Of the moneys transferred to the fund pursuant to 2009 Iowa Acts, chapter 123, section 9, the authority~~, with the approval of the authority,~~ may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph *"a"*.

Sec. 25. Section 15G.112, subsection 1, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The program shall consist of the components described in subsections 4 through 9. Each fiscal year, the authority~~, with the approval of the authority,~~ shall allocate an amount of financial assistance from the fund that may be awarded under each component of the program to qualifying applicants.

Sec. 26. Section 15G.112, subsection 1, paragraph d, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

For each award of financial assistance under the program, the authority and the recipient of the financial assistance shall enter into an agreement describing the terms and obligations under which the financial assistance is being provided. The authority may negotiate~~, subject to approval by the authority,~~ the terms and obligations of the agreement. An agreement shall contain but need not be limited to all of the following terms and obligations:

Sec. 27. Section 15G.112, subsection 4, paragraph a, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The authority~~, at the recommendation of the authority,~~ shall

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1 adopt rules determining what constitutes a sufficient package
2 of benefits.
3 Sec. 28. Section 15G.112, subsection 5, paragraph b, Code
4 Supplement 2011, is amended to read as follows:
5 *b.* The business shall provide a sufficient package of
6 benefits to each employee holding a created or retained job.
7 The authority~~, at the recommendation of the authority,~~ shall
8 adopt rules determining what constitutes a sufficient package
9 of benefits.
10 Sec. 29. Section 15G.113, subsection 1, Code Supplement
11 2011, is amended to read as follows:
12 1. The authority~~, with the approval of the authority,~~
13 may award financial assistance from the fund to a business,
14 an individual, a development corporation, a nonprofit
15 organization, an organization established in section 28H.1,
16 or a political subdivision of this state if, in the opinion
17 of the authority, a project presents a unique opportunity for
18 economic development in this state, or if the project addresses
19 a situation constituting a threat to the continued economic
20 prosperity of this state.
21 Sec. 30. Section 15G.114, subsection 1, Code Supplement
22 2011, is amended to read as follows:
23 1. The authority~~, upon the recommendation of the authority,~~
24 shall adopt rules for the administration of this chapter in
25 accordance with chapter 17A.
26 Sec. 31. Section 15G.115, subsection 1, Code Supplement
27 2011, is amended to read as follows:
28 1. The authority shall accept and process applications for
29 financial assistance under the economic development financial
30 assistance program. After processing the applications, the
31 authority shall prepare them for review by advisory committees
32 and for final action ~~by the authority~~ as described in this
33 section.
34 Sec. 32. Section 15G.115, subsection 3, paragraphs b and d,
35 Code Supplement 2011, are amended to read as follows:

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1 *b.* Consider the recommendation of the ~~due diligence~~
2 ~~committee and the~~ technology commercialization committee on
3 each application for financial assistance, as described in
4 subsection 2, and take final action on each application.
5 *d.* Take final action on any rules ~~recommended by the~~
6 ~~authority~~ for the implementation of the provisions of this
7 chapter.
8 Sec. 33. Section 15H.3, subsection 1, paragraph k, Code
9 Supplement 2011, is amended to read as follows:
10 *k.* Additional ex officio, nonvoting members selected by the
11 commission to the extent that they are not in conflict with the
12 provisions of the National Community Service Trust Act of 1993
13 or any related state or federal legislation.
14 Sec. 34. Section 28N.2, subsection 2, paragraph e, Code
15 Supplement 2011, is amended to read as follows:
16 *e.* Four voting members, each appointed by the heads of the
17 following ~~departments~~ agencies:
18 (1) The department of agriculture and land stewardship.
19 (2) The department of natural resources.
20 (3) The economic development authority.
21 (4) The department of transportation.
22 Sec. 35. Section 29C.20B, subsection 1, Code Supplement
23 2011, is amended to read as follows:
24 1. The homeland security and emergency management division
25 shall work with the department of human services and nonprofit,
26 voluntary, and faith-based organizations active in disaster
27 recovery and response ~~in coordination with the department of~~
28 ~~human services~~ to establish a statewide system of disaster
29 case management to be activated following the governor's
30 proclamation of a disaster emergency or the declaration of
31 a major disaster by the president of the United States for
32 individual assistance purposes. Under the system, the homeland
33 security and emergency management division shall coordinate
34 case management services locally through local committees as
35 established in each commission's emergency plan.

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1 Sec. 36. Section 42.4, subsection 8, paragraph b,
2 subparagraph (2), Code 2011, is amended to read as follows:
3 (2) Each holdover senatorial district to which subparagraph
4 (1) is not applicable shall elect a senator in the year ending
5 in two for a two-year term commencing in January of the year
6 ending in three. However, if more than one incumbent state
7 senator is residing in a holdover senatorial district on the
8 first Wednesday in February of the year ending in two, and,
9 on or before the ~~first~~ third Wednesday in February of the
10 year ending in two, all but one of the incumbent senators
11 resigns from office effective no later than January of the
12 year ending in three, the remaining incumbent senator shall
13 represent the district in the senate for the general assembly
14 commencing in January of the year ending in three. A copy of
15 each resignation must be filed in the office of the secretary
16 of state no later than five p.m. on the third Wednesday in
17 February of the year ending in two.
18 Sec. 37. Section 46.2A, subsection 8, Code 2011, is amended
19 by striking the subsection.
20 Sec. 38. Section 123.135, subsection 5, Code 2011, is
21 amended to read as follows:
22 5. Notwithstanding any other penalties provided by this
23 chapter, any holder of a certificate of compliance or any
24 class "A" permit holder who violates this chapter or the rules
25 adopted pursuant to this chapter is subject to a civil ~~fine~~
26 penalty not to exceed one thousand dollars or suspension of the
27 holder's certificate or permit for a period not to exceed one
28 year, or both such civil ~~fine~~ penalty and suspension. Civil
29 ~~fines~~ penalties imposed under this section shall be collected
30 and retained by the division.
31 Sec. 39. Section 123.180, subsection 6, Code 2011, is
32 amended to read as follows:
33 6. Regardless of any other penalties provided by this
34 chapter, any holder of a certificate of compliance relating to
35 wine or a class "A" permittee who violates this chapter or the

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1 rules adopted pursuant to this chapter is subject to a civil
2 ~~fine~~ penalty not to exceed one thousand dollars or subject to
3 suspension of the certificate of compliance or permit for a
4 period not to exceed one year, or to both civil ~~fine~~ penalty
5 and suspension. Civil ~~fines~~ penalties imposed under this
6 section shall be collected and retained by the division.
7 Sec. 40. Section 125.2, subsection 14, Code Supplement
8 2011, is amended to read as follows:
9 14. *"Psychiatric advanced registered nurse practitioner"*
10 means an individual currently licensed as a registered nurse
11 under chapter 152 or 152E who holds a national certification in
12 psychiatric mental health care and who is registered with the
13 board of nursing as an advanced registered nurse practitioner.
14 Sec. 41. Section 125.10, subsections 3, 5, 9, and 17, Code
15 2011, as amended by 2011 Iowa Acts, chapter 121, section 30,
16 are amended to read as follows:
17 3. Coordinate the efforts and enlist the assistance of all
18 public and private agencies, organizations and individuals
19 interested in the prevention of substance ~~abuse~~ misuse and the
20 treatment of persons with substance-related disorders.
21 5. Cooperate with the department of education, boards
22 of education, schools, police departments, courts, and other
23 public and private agencies, organizations, and individuals in
24 establishing programs for the prevention of substance ~~abuse~~
25 misuse and the treatment of persons with substance-related
26 disorders, and in preparing relevant curriculum materials for
27 use at all levels of school education.
28 9. Sponsor and implement research in cooperation with local
29 treatment programs into the causes and nature of substance
30 misuse and treatment of persons with substance-related
31 disorders, and serve as a clearing house for information
32 relating to substance ~~abuse~~ misuse.
33 17. Review all state health, welfare, education and
34 treatment proposals to be submitted for federal funding under
35 federal legislation, and advise the governor on provisions to

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1 be included relating to substance ~~abuse~~ misuse, and persons
2 with substance-related disorders.
3 Sec. 42. Section 125.43A, Code 2011, as amended by 2011 Iowa
4 Acts, chapter 121, section 39, is amended to read as follows:
5 **125.43A Prescreening — exception.**
6 Except in cases of medical emergency or court-ordered
7 admissions, a person shall be admitted to a state mental health
8 institute for ~~substance abuse~~ treatment of a substance-related
9 disorder only after a preliminary intake and assessment by a
10 department-licensed treatment facility or a hospital providing
11 care or treatment for persons with substance-related disorders
12 licensed under chapter 135B and accredited by the joint
13 commission on the accreditation of health care organizations,
14 the commission on accreditation of rehabilitation facilities,
15 the American osteopathic association, or another recognized
16 organization approved by the board, or by a designee of a
17 department-licensed treatment facility or a hospital other
18 than a state mental health institute, which confirms that
19 the admission is appropriate to the person's ~~substance~~
20 ~~abuse~~ substance-related disorder service needs. A county
21 board of supervisors may seek an admission of a patient to a
22 state mental health institute who has not been confirmed for
23 appropriate admission and the county shall be responsible for
24 one hundred percent of the cost of treatment and services of
25 the patient.
26 Sec. 43. Section 125.83, Code 2011, as amended by 2011 Iowa
27 Acts, chapter 121, section 47, is amended to read as follows:
28 **125.83 Placement for evaluation.**
29 If upon completion of the commitment hearing, the court
30 finds that the contention that the respondent is a person with
31 a substance-related disorder has been sustained by clear and
32 convincing evidence, the court shall order the respondent
33 placed at a facility or under the care of a suitable facility
34 on an outpatient basis as expeditiously as possible for a
35 complete evaluation and appropriate treatment. The court shall

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1 furnish to the facility at the time of admission or outpatient
2 placement, a written statement of facts setting forth the
3 evidence on which the finding is based. The administrator of
4 the facility shall report to the court no more than fifteen
5 days after the individual is admitted to or placed under the
6 care of the facility, which shall include the chief medical
7 officer's recommendation concerning ~~substance abuse~~ treatment
8 of a substance-related disorder. An extension of time may be
9 granted for a period not to exceed seven days upon a showing
10 of good cause. A copy of the report shall be sent to the
11 respondent's attorney who may contest the need for an extension
12 of time if one is requested. If the request is contested, the
13 court shall make an inquiry as it deems appropriate and may
14 either order the respondent released from the facility or grant
15 extension of time for further evaluation. If the administrator
16 fails to report to the court within fifteen days after the
17 individual is admitted to the facility, and no extension
18 of time has been requested, the administrator is guilty of
19 contempt and shall be punished under chapter 665. The court
20 shall order a rehearing on the application to determine whether
21 the respondent should continue to be held at the facility.
22 Sec. 44. Section 125.91, subsections 2 and 3, Code 2011, as
23 amended by 2011 Iowa Acts, chapter 121, section 50, are amended
24 to read as follows:
25 2. *a.* A peace officer who has reasonable grounds to
26 believe that the circumstances described in subsection 1 are
27 applicable may, without a warrant, take or cause that person
28 to be taken to the nearest available facility referred to in
29 section 125.81, subsection 2, paragraph *"b"* or *"c"*. Such a
30 person with a substance-related disorder due to intoxication
31 or substance-induced incapacitation who also demonstrates
32 a significant degree of distress or dysfunction may also
33 be delivered to a facility by someone other than a peace
34 officer upon a showing of reasonable grounds. Upon delivery
35 of the person to a facility under this section, the ~~examining~~

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1 attending physician may order treatment of the person, but
2 only to the extent necessary to preserve the person's life
3 or to appropriately control the person's behavior if the
4 behavior is likely to result in physical injury to the person
5 or others if allowed to continue. The peace officer or other
6 person who delivered the person to the facility shall describe
7 the circumstances of the matter to the ~~examining~~ attending
8 physician. If the person is a peace officer, the peace
9 officer may do so either in person or by written report. If
10 the ~~examining~~ attending physician has reasonable grounds to
11 believe that the circumstances in subsection 1 are applicable,
12 the ~~examining~~ attending physician shall at once communicate
13 with the nearest available magistrate as defined in section
14 801.4, subsection 10. The magistrate shall, based upon the
15 circumstances described by the ~~examining~~ attending physician,
16 give the ~~examining~~ attending physician oral instructions
17 either directing that the person be released forthwith, or
18 authorizing the person's detention in an appropriate facility.
19 The magistrate may also give oral instructions and order that
20 the detained person be transported to an appropriate facility.
21 *b.* If the magistrate orders that the person be detained, the
22 magistrate shall, by the close of business on the next working
23 day, file a written order with the clerk in the county where it
24 is anticipated that an application may be filed under section
25 125.75. The order may be filed by facsimile if necessary. The
26 order shall state the circumstances under which the person
27 was taken into custody or otherwise brought to a facility
28 and the grounds supporting the finding of probable cause to
29 believe that the person is a person with a substance-related
30 disorder likely to result in physical injury to the person or
31 others if not detained. The order shall confirm the oral order
32 authorizing the person's detention including any order given
33 to transport the person to an appropriate facility. The clerk
34 shall provide a copy of that order to the attending physician~~,~~
35 at the facility to which the person was originally taken, any

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1 subsequent facility to which the person was transported, and
2 to any law enforcement department or ambulance service that
3 transported the person pursuant to the magistrate's order.
4 3. The attending physician shall examine and may detain
5 the person pursuant to the magistrate's order for a period not
6 to exceed forty-eight hours from the time the order is dated,
7 excluding Saturdays, Sundays, and holidays, unless the order is
8 dismissed by a magistrate. The facility may provide treatment
9 which is necessary to preserve the person's life or to
10 appropriately control the person's behavior if the behavior is
11 likely to result in physical injury to the person or others if
12 allowed to continue or is otherwise deemed medically necessary
13 by the attending physician, but shall not otherwise provide
14 treatment to the person without the person's consent. The
15 person shall be discharged from the facility and released from
16 detention no later than the expiration of the forty-eight-hour
17 period, unless an application for involuntary commitment is
18 filed with the clerk pursuant to section 125.75. The detention
19 of a person by the procedure in this section, and not in excess
20 of the period of time prescribed by this section, shall not
21 render the peace officer, attending physician, or facility
22 detaining the person liable in a criminal or civil action
23 for false arrest or false imprisonment if the peace officer,
24 attending physician, or facility had reasonable grounds to
25 believe that the circumstances described in subsection 1 were
26 applicable.
27 Sec. 45. Section 135.141, subsection 2, paragraph a, Code
28 2011, is amended to read as follows:
29 *a.* Coordinate with the homeland security and emergency
30 management division of the department of public defense the
31 administration of emergency planning matters which involve
32 the public health, including development, administration, and
33 execution of the public health components of the comprehensive
34 emergency plan and emergency management program pursuant to
35 section 29C.8.

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1 Sec. 46. Section 142A.3, subsection 10, Code Supplement
2 2011, is amended to read as follows:
3 10. The commission may designate an advisory council. The
4 commission shall determine the membership and representation
5 of the advisory council and members of the council shall serve
6 at the pleasure of the commission. The advisory council may
7 include representatives of health care provider groups, parent
8 groups, antitobacco advocacy programs and organizations,
9 ~~tobacco retailers,~~ research and evaluation experts, and youth
10 organizers.
11 Sec. 47. Section 152.12, Code 2011, is amended to read as
12 follows:
13 **152.12 Examination information.**
14 Notwithstanding section 147.21, individual pass or fail
15 examination results made available from the authorized national
16 testing agency may be disclosed to the appropriate licensing
17 authority in another state, the District of Columbia, or a
18 territory or ~~county~~ country, and the board-approved education
19 program, for purposes of verifying accuracy of national data
20 and determining program approval.
21 Sec. 48. Section 173.11, subsection 3, Code Supplement
22 2011, is amended to read as follows:
23 3. Administer the foundation fund under the control of the
24 Iowa state fair foundation, ~~in its capacity as the board of~~
25 ~~the Iowa state fair foundation,~~ as directed by the board in
26 its capacity as the board of the Iowa state fair foundation.
27 The treasurer shall administer the fund in accordance with
28 procedures of the treasurer of state, and maintain a correct
29 account of receipts and disbursements of assets of the
30 foundation fund.
31 Sec. 49. Section 226.9C, subsection 2, paragraph c,
32 subparagraph (1), as enacted by 2011 Iowa Acts, chapter 121,
33 section 51, is amended to read as follows:
34 (1) Prior to an individual's admission for dual diagnosis
35 treatment, the individual shall have been prescreened. The

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1 person performing the prescreening shall be either the mental
2 health professional, as defined in section 228.1, who is
3 contracting with the county central-point-of-coordination
4 process to provide the prescreening or a mental health
5 professional with the requisite qualifications. A mental
6 health professional with the requisite qualifications shall
7 meet all of the following qualifications: is a mental health
8 professional as defined in section 228.1, is ~~a certified~~ an
9 alcohol and drug counselor certified by the nongovernmental
10 Iowa board of substance abuse certification, and is employed
11 by or providing services for a facility, as defined in section
12 125.2.
13 Sec. 50. Section 230A.106, subsection 2, paragraph c, as
14 enacted by 2011 Iowa Acts, chapter 121, section 16, is amended
15 to read as follows:
16 *c. Day treatment, partial hospitalization, or psychosocial*
17 *rehabilitation services.* ~~Such~~ Day treatment, partial
18 hospitalization, or psychosocial rehabilitation services shall
19 be provided as structured day programs in segments of less than
20 twenty-four hours using a multidisciplinary team approach to
21 develop treatment plans that vary in intensity of services
22 and the frequency and duration of services based on the needs
23 of the patient. These services may be provided directly by
24 the center or in collaboration or affiliation with other
25 appropriately accredited providers.
26 Sec. 51. Section 232.103, subsection 3, Code 2011, is
27 amended to read as follows:
28 3. A change in the level of care for a child who is subject
29 to a dispositional order for out-of-home placement requires
30 modification of the dispositional order. A hearing shall be
31 held on a motion to terminate or modify a dispositional order
32 except that a hearing on a motion to terminate or modify an
33 order may be waived upon agreement by all parties. Reasonable
34 notice of the hearing shall be given to the parties. The
35 hearing shall be conducted in accordance with the ~~provisions of~~

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1 procedure established for dispositional hearings under section
2 232.50, subsection 3.
3 Sec. 52. Section 236.18, Code 2011, is amended to read as
4 follows:
5 **236.18 Reference to certain criminal provisions.**
6 In addition to the ~~criminal penalties~~ provisions contained
7 in this chapter, certain criminal penalties and provisions
8 pertaining to domestic abuse assaults are set forth in chapter
9 664A and sections 708.2A and 708.2B.
10 Sec. 53. Section 249H.3, subsection 10, Code 2011, is
11 amended to read as follows:
12 10. *"Persons with disabilities"* means individuals eighteen
13 years of age or older with ~~disabilities as disability is~~
14 ~~defined in section 225B.2~~ mental or physical impairments that
15 result in significant functional limitation in one or more
16 areas of major life activity and in the need for specialized
17 care, treatment, or training services of extended duration.
18 Sec. 54. Section 252B.9, subsection 1, paragraph f,
19 subparagraph (5), Code 2011, is amended to read as follows:
20 (5) If the person fails to comply with the request or
21 subpoena, fails to request a conference, and fails to pay a
22 ~~fine~~ penalty imposed under subparagraph (4), the unit may
23 petition the district court to compel the person to comply
24 with this paragraph. If the person objects to imposition of
25 the ~~fine~~ penalty, the person may seek judicial review by the
26 district court.
27 Sec. 55. Section 256.32, subsection 2, paragraph d, Code
28 Supplement 2011, is amended by striking the paragraph.
29 Sec. 56. Section 256I.3, subsection 2, paragraph a, Code
30 Supplement 2011, is amended to read as follows:
31 *a.* The board shall consist of twenty-one voting members with
32 fifteen citizen members and six state agency members. The six
33 state agency members shall be the directors or their designees
34 of the following ~~departments~~ agencies: economic development
35 authority, education, human rights, human services, public

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1 health, and workforce development. The designees of state
2 agency directors shall be selected on an annual basis. The
3 citizen members shall be appointed by the governor, subject to
4 confirmation by the senate. The governor's appointments of
5 citizen members shall be made in a manner so that each of the
6 state's congressional districts is represented by at least two
7 citizen members and so that all the appointments as a whole
8 reflect the ethnic, cultural, social, and economic diversity of
9 the state. A member of the state board shall not be a provider
10 of services or other entity receiving funding through the early
11 childhood Iowa initiative or be employed by such a provider or
12 other entity.
13 Sec. 57. Section 256I.5, subsection 4, paragraph a, Code
14 Supplement 2011, is amended to read as follows:
15 *a.* Enter into memoranda of agreement with the departments
16 of education, human rights, human services, public health, and
17 workforce development and the economic development authority
18 to formalize the commitments of the respective ~~departments'~~
19 ~~commitments~~ departments and the authority to collaborating with
20 and integrating a comprehensive early care, education, health,
21 and human services system. Items addressed in the memoranda
22 shall include but are not limited to data sharing and providing
23 staffing to the technical assistance team.
24 Sec. 58. Section 260C.18A, subsection 2, paragraph e, Code
25 Supplement 2011, is amended by striking the paragraph.
26 Sec. 59. Section 261E.8, subsection 3, Code Supplement
27 2011, is amended to read as follows:
28 3. A student may make application to a community college and
29 the school district to allow the student to enroll for college
30 credit in a nonsectarian course offered by the community
31 college. A comparable course, as defined in rules adopted by
32 the board of directors of the school district, must not be
33 offered by the school district or accredited nonpublic school
34 which the student attends. The school board shall annually
35 approve courses to be made available for high school credit

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1 using locally developed criteria that establishes which courses
2 will provide the student with academic rigor and will prepare
3 the student adequately for transition to a postsecondary
4 institution. If ~~an eligible postsecondary institution~~ a
5 community college accepts a student for enrollment under
6 this section, the school district, in collaboration with the
7 community college, shall send written notice to the student,
8 the student's parent or legal guardian in the case of a minor
9 child, and the student's school district. The notice shall
10 list the course, the clock hours the student will be attending
11 the course, and the number of hours of college credit that the
12 student will receive from the community college upon successful
13 completion of the course.
14 Sec. 60. Section 267A.2, Code Supplement 2011, is amended
15 to read as follows:
16 **267A.2 Definitions.**
17 As used in this ~~section~~ chapter, unless the context
18 otherwise requires:
19 1. *"Coordinator"* means the local food and farm program
20 coordinator created in section 267A.4.
21 2. *"Council"* means the local food and farm program council
22 established in section 267A.3.
23 3. *"Department"* means the department of agriculture and land
24 stewardship.
25 4. *"Fund"* means the local food and farm program fund created
26 in section 267A.5.
27 Sec. 61. Section 282.1, subsection 1, Code 2011, is amended
28 to read as follows:
29 1. Persons between five and twenty-one years of age are of
30 school age. Nonresident children shall be charged the maximum
31 tuition rate as determined in section 282.24, subsection 1,
32 with the exception that those residing temporarily in a school
33 corporation may attend school in the corporation upon terms
34 prescribed by the board. A school district discontinuing
35 grades under section 282.7, subsection 1 or ~~subsections 1 and~~

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1 3, shall be charged tuition as provided in section 282.24,
2 subsection 1.
3 Sec. 62. Section 282.10, subsection 1, Code 2011, is amended
4 to read as follows:
5 1. Whole grade sharing is a procedure used by school
6 districts whereby all or a substantial portion of the pupils in
7 any grade in two or more school districts share an educational
8 program for all or a substantial portion of a school day
9 under a written agreement pursuant to section 256.13, 280.15,
10 or 282.7, subsection 1 or ~~subsections 1 and~~ 3. Whole grade
11 sharing may either be one-way or two-way sharing.
12 Sec. 63. Section 282.18, subsection 15, Code 2011, is
13 amended to read as follows:
14 15. *a.* If a request under this section is for transfer to
15 ~~a laboratory~~ the research and development school, as described
16 in chapter 256G, the student who is the subject of the request
17 shall be included in the basic enrollment of the student's
18 district of residence and the board of directors of the
19 district of residence shall pay to ~~a laboratory~~ the research
20 and development school the state cost per pupil for the
21 previous school year, plus any moneys received for the pupil as
22 a result of the non-English speaking weighting under section
23 280.4, subsection 3, for the previous school year multiplied by
24 the state cost per pupil for the previous year.
25 *b.* Notwithstanding subsection 7, a district of residence
26 shall not be required to pay the state cost per pupil for a
27 student attending ~~a laboratory~~ the research and development
28 school during the school year beginning July 1, 2010, if
29 the student was not included in the district of residence's
30 enrollment count for funding purposes in the school year
31 beginning July 1, 2009.
32 Sec. 64. Section 306D.2, subsection 1, unnumbered paragraph
33 1, Code Supplement 2011, is amended to read as follows:
34 The state department of transportation shall prepare a
35 statewide, long-range plan for the protection, enhancement,

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1 and identification of highways and secondary roads which pass
2 through unusually scenic areas of the state as identified
3 in section 306D.1. The department of natural resources,
4 department of economic development ~~authority~~, and department of
5 cultural affairs, private organizations, county conservation
6 boards, city park and recreation departments, and the federal
7 agencies having jurisdiction over land in the state shall be
8 encouraged to assist in preparing the plan. The plan shall be
9 coordinated with the state's open space plan if a state open
10 space plan has been approved by the general assembly. The plan
11 shall include, but is not limited to, the following elements:
12 Sec. 65. Section 321.18, subsection 9, Code 2011, is amended
13 by striking the subsection.
14 Sec. 66. Section 321.180B, subsection 1, paragraph c, Code
15 Supplement 2011, is amended to read as follows:
16 *c.* Except as otherwise provided, a permittee who is less
17 than eighteen years of age and who is operating a motor vehicle
18 must be accompanied by a person issued a driver's license
19 valid for the vehicle operated who is the parent, guardian,
20 or custodian of the permittee, a member of the permittee's
21 immediate family if the family member is at least twenty-one
22 years of age, an approved driver education instructor, a
23 prospective driver education instructor who is enrolled in
24 a practitioner preparation program with a safety education
25 program approved by the state board of education, or a person
26 at least twenty-five years of age if written permission is
27 granted by the parent, guardian, or custodian, and who is
28 actually occupying a seat beside the driver. A permittee shall
29 not operate a motor vehicle if the number of passengers in the
30 motor vehicle exceeds the number of passenger safety belts
31 in the motor vehicle. If the applicant for an instruction
32 permit holds a driver's license issued in this state valid
33 for the operation of a motorized bicycle or a motorcycle, the
34 instruction permit shall be valid for such operation without
35 the requirement of an accompanying person.

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Sec. 67. Section 321.186, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The examination shall include a screening of the applicant's eyesight, a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, a test of the applicant's knowledge of the traffic laws of this state, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and other physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. However, an applicant for a new driver's license ~~other than a commercial driver's license~~ need not pass a vision test administered by the department if the applicant files with the department a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

Sec. 68. Section 331.427, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Expenses of a ~~joint~~ local emergency management commission under chapter 29C.

Sec. 69. Section 331.653, subsection 5, Code 2011, is amended to read as follows:

5. Serve as a member of the ~~joint~~ local emergency management commission as provided in section 29C.9.

Sec. 70. Section 331.756, subsection 4, Code Supplement 2011, is amended to read as follows:

4. Prosecute misdemeanors under chapter ~~236~~ 664A. The county attorney shall prosecute other misdemeanors when not otherwise engaged in the performance of other official duties.

Sec. 71. Section 419.4, subsection 2, Code 2011, is amended to read as follows:

2. *a.* The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any mortgage given to secure the same, may contain any agreements

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1 and provisions customarily contained in instruments securing
2 bonds, including~~,~~ but not limited to:
3 ~~a.~~ (1) Provisions respecting custody of the proceeds
4 from the sale of the bonds including their investment and
5 reinvestment until used to defray the cost of the project.
6 ~~b.~~ (2) Provisions respecting the fixing and collection of
7 rents or payment with respect to any project covered by such
8 proceedings or mortgage.
9 ~~c.~~ (3) The terms to be incorporated in the lease, sale
10 contract, or loan agreement with respect to such project.
11 ~~d.~~ (4) The maintenance and insurance of such project.
12 ~~e.~~ (5) The creation, maintenance, custody, investment and
13 reinvestment and use of special funds from the revenues of such
14 project, and
15 ~~f.~~ (6) The rights and remedies available in case of a
16 default to the bond holders or to any trustee under the lease,
17 sale contract, loan agreement or mortgage.
18 *b.* A municipality shall have the power to provide that
19 proceeds from the sale of bonds and special funds from the
20 revenues of the project shall be invested and reinvested in
21 such securities and other investments as shall be provided in
22 the proceedings under which the bonds are authorized to be
23 issued including:
24 (1) obligations issued or guaranteed by the United States;
25 (2) obligations issued or guaranteed by any person
26 controlled or supervised by and acting as an instrumentality of
27 the United States pursuant to authority granted by the Congress
28 of the United States;
29 (3) obligations issued or guaranteed by any state of the
30 United States, or the District of Columbia, or any political
31 subdivision of any such state or district;
32 (4) prime commercial paper;
33 (5) prime finance company paper;
34 (6) bankers' acceptances drawn on and accepted by banks
35 organized under the laws of any state or of the United States;

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1 (7) repurchase agreements fully secured by obligations
2 issued or guaranteed by the United States or by any person
3 controlled or supervised by and acting as an instrumentality of
4 the United States pursuant to authority granted by the Congress
5 of the United States; and
6 (8) certificates of deposit issued by banks organized
7 under the laws of any state or of the United States; whether
8 or not such investment or reinvestment is authorized under any
9 other law of this state. The municipality shall also have the
10 power to provide that such proceeds or funds or investments
11 and the amounts payable under the lease, sale contract, or
12 loan agreement shall be received, held and disbursed by one or
13 more banks or trust companies located in or out of the state
14 of Iowa. A municipality shall also have the power to provide
15 that the project and improvements shall be constructed by the
16 municipality, lessee, the lessee's designee, the contracting
17 party, or the contracting party's designee, or any one or
18 more of them on real estate owned by the municipality, the
19 lessee, the lessee's designee, the contracting party, or the
20 contracting party's designee, as the case may be, that the
21 bond proceeds shall be disbursed by the trustee bank or banks,
22 trust company or trust companies, during construction upon the
23 estimate, order or certificate of the lessee, the lessee's
24 designee, the contracting party, or the contracting party's
25 designee.
26 *c.* In making such agreements or provisions as provided
27 in this subsection, a municipality shall not have the power
28 to obligate itself, except with respect to the project and
29 the application of the revenues therefrom, and shall not have
30 the power to incur a pecuniary liability or a charge upon its
31 general credit or against its taxing powers.
32 Sec. 72. Section 422.5, subsection 3, paragraph b, Code
33 Supplement 2011, is amended to read as follows:
34 *b.* In lieu of the computation in subsection 1~~,~~ or 2, or ~~3~~
35 in paragraph "*a*" of this subsection, if the married persons',

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1 filing jointly or filing separately on a combined return,
2 head of household's, or surviving spouse's net income exceeds
3 thirteen thousand five hundred dollars, the regular tax imposed
4 under this division shall be the lesser of the maximum state
5 individual income tax rate times the portion of the net income
6 in excess of thirteen thousand five hundred dollars or the
7 regular tax liability computed without regard to this sentence.
8 Taxpayers electing to file separately shall compute the
9 alternate tax described in this paragraph using the total net
10 income of the husband and wife. The alternate tax described
11 in this paragraph does not apply if one spouse elects to carry
12 back or carry forward the loss as provided in section 422.9,
13 subsection 3.
14 Sec. 73. Section 422.7, subsection 51, Code Supplement
15 2011, is amended to read as follows:
16 51. Subtract, to the extent included, the amount of any
17 Vietnam Conflict veterans bonus provided pursuant to section
18 35A.8, subsection 5~~, and section 35A.8A~~.
19 Sec. 74. Section 422.11S, subsection 7, paragraph a,
20 subparagraph (2), Code Supplement 2011, is amended to read as
21 follows:
22 (2) *"Total approved tax credits"* means for the tax year
23 beginning in the 2006 calendar year, two million five hundred
24 thousand dollars, for the tax year beginning in the 2007
25 calendar year, five million dollars, and for tax years
26 beginning on or after January 1, 2008, seven million five
27 hundred thousand dollars. However, for tax years beginning on
28 or after January 1, 2012, ~~and only if legislation is enacted~~
29 ~~by the Eighty-fourth General Assembly, 2011 session, amending~~
30 ~~section 257.8, subsections 1 and 2, to establish both the state~~
31 ~~percent of growth and the categorical state percent of growth~~
32 ~~for the budget year beginning July 1, 2012, at two percent,~~
33 *"total approved tax credits"* means eight million seven hundred
34 fifty thousand dollars.
35 Sec. 75. Section 422.11T, Code 2011, is amended to read as

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1 follows:
2 **422.11T Film qualified expenditure tax credit.**
3 The taxes imposed under this division, less the ~~credit~~
4 credits allowed under section 422.12, shall be reduced by a
5 qualified expenditure tax credit authorized pursuant to section
6 15.393, subsection 2, paragraph *"a"*.
7 Sec. 76. Section 422.11U, Code 2011, is amended to read as
8 follows:
9 **422.11U Film investment tax credit.**
10 The taxes imposed under this division, less the ~~credit~~
11 credits allowed under section 422.12, shall be reduced by an
12 investment tax credit authorized pursuant to section 15.393,
13 subsection 2, paragraph *"b"*.
14 Sec. 77. Section 437A.14, subsection 3, Code Supplement
15 2011, is amended to read as follows:
16 3. Unless otherwise expressly permitted by a section
17 referencing this chapter, the kilowatt-hours of electricity or
18 therms of natural gas delivered by a taxpayer in a competitive
19 service area shall not be divulged to any person or entity,
20 other than the taxpayer, the department of revenue, or the
21 internal revenue service for use in a matter unrelated to tax
22 administration. This prohibition precludes persons or entities
23 other than the taxpayer, the department of revenue, or the
24 internal revenue service from obtaining such information from
25 the department of revenue. A subpoena, order, or process which
26 requires the department of revenue to produce such information
27 to a person or entity, other than the taxpayer, the department
28 of revenue, or internal revenue service, for use in a nontax
29 proceeding is void.
30 Sec. 78. Section 445.5, subsection 6, Code Supplement 2011,
31 is amended to read as follows:
32 6. The county treasurer shall deliver to the taxpayer a
33 receipt stating the year of tax, date of payment, a description
34 of the parcel, and the amount of taxes, interest, fees, and
35 costs paid when payment is made by cash tender. A receipt

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1 for other payment tender types shall only be delivered upon
2 request. The receipt shall be in full ~~of~~ for the first half,
3 second half, or full year amounts unless a payment is made
4 under section 445.36A or 435.24, subsection 6.
5 Sec. 79. Section 452A.3, subsection 5, Code 2011, is amended
6 to read as follows:
7 5. *a.* The tax shall be paid by the following:
8 ~~*a.*~~ (1) The supplier, upon the invoiced gross gallonage of
9 all motor fuel or undyed special fuel withdrawn from a terminal
10 for delivery in this state.
11 (2) Tax shall not be paid when the sale of alcohol occurs
12 within a terminal from an alcohol manufacturer to an Iowa
13 licensed supplier. The tax shall be paid by the Iowa licensed
14 supplier when the invoiced gross gallonage of the alcohol or
15 the alcohol part of ethanol blended gasoline is withdrawn from
16 a terminal for delivery in this state.
17 ~~*b.*~~ (3) The person who owns the fuel at the time it is
18 brought into the state by a restrictive supplier or importer,
19 upon the invoiced gross gallonage of motor fuel or undyed
20 special fuel imported.
21 ~~*c.*~~ (4) The blender on total invoiced gross gallonage of
22 alcohol or other product sold to be blended with gasoline or
23 special fuel.
24 ~~*d.*~~ (5) Any other person who possesses taxable fuel upon
25 which the tax has not been paid to a licensee.
26 *b.* ~~However, the~~ The tax shall not be imposed or collected
27 under this division with respect to motor fuel or special fuel
28 sold for export or exported from this state to any other state,
29 territory, or foreign country.
30 Sec. 80. Section 455B.487, Code 2011, is amended to read as
31 follows:
32 **455B.487 Facility acquisition and operation.**
33 1. The commission shall adopt rules establishing criteria
34 for the identification of land areas or sites which are
35 suitable for the operation of facilities for the management

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1 of hazardous and low-level radioactive wastes. Upon request,
2 the department shall assist in locating suitable sites for the
3 location of a facility. The commission may purchase or condemn
4 land to be leased or used for the operation of a facility
5 subject to chapter 6A. Consideration for a contract for
6 purchase of land shall not be in excess of funds appropriated
7 by the general assembly for that purpose. The commission may
8 lease land purchased under this section to any person including
9 the state or a state agency. This section authorizes the state
10 to own or operate hazardous waste facilities and low-level
11 radioactive waste facilities, subject to the approval of the
12 general assembly.
13 2. The purchase, condemnation, use, or lease of land for the
14 management of wastes, shall be approved by the general assembly
15 prior to the purchase, condemnation, use, or lease of the land.
16 3. *a.* The terms of the lease or contract shall establish
17 responsibility for long-term monitoring and maintenance of the
18 site. The commission shall require that the lessee or operator
19 post bond or provide proof of sufficient insurance coverage,
20 as determined by the commission to be reasonably necessary to
21 protect the state against liabilities arising from the storage
22 of wastes, abandonment of the facility, facility accidents,
23 failure of the facility, or other liabilities which may arise.
24 *b.* The terms of the lease or contract shall also require
25 that the lessee or operator of the facility pay an annual
26 fee to the state, as established by the commission, to cover
27 facility monitoring costs, and shall require that the lessee
28 or operator establish a long-term monitoring and maintenance
29 fund in which the lessee or operator shall deposit annually an
30 amount specified by the commission. The fund shall be used
31 to pay closure, long-term monitoring and maintenance, and
32 contingency costs.
33 4. The lease agreement or contract shall provide for a
34 local review and monitoring committee established by the
35 county or municipal entity governing the jurisdiction in

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1 which the facility is located. Prior to the approval of a
2 lease agreement or contract the local committee shall review
3 the application of the prospective lessee or operator and
4 shall determine the suitability of the proposed site for
5 the facility. The local committee may inspect the facility
6 during operation and may make recommendations regarding the
7 operation and closure of the facility. The commission shall
8 establish a surtax paid by the lessee or operator of a facility
9 to the local governmental entity, and retained by the local
10 governmental entity in which the facility is located. The
11 lessee or operator of the facility shall provide funding for
12 the implementation of the duties of the local committee.
13 5. The lessee or operator is subject to all applicable
14 permit and licensing requirements. The leasehold interest,
15 including improvements made to the property, shall be listed,
16 assessed, and valued as any other real property as provided by
17 law.
18 6. *a.* Facilities acquired or operated pursuant to this
19 section shall comply with applicable federal and state
20 statutes, local ordinances, and regulations adopted by
21 regulatory agencies to the extent required by law.
22 ~~The purchase, condemnation, use, or lease of land for the~~
23 ~~management of wastes, shall be approved by the general assembly~~
24 ~~prior to the purchase, condemnation, use, or lease of the land.~~
25 *b.* Facilities acquired or operated pursuant to this section
26 may be used for regional, statewide or multistate management
27 of wastes.
28 *c.* Facilities acquired or operated pursuant to this section
29 shall not be used for the purpose of shallow land burial of
30 wastes as a means of disposal.
31 7. An operator of a facility acquired or operated pursuant
32 to this section shall require that a person, prior to the use
33 of the facility, submit proof that reasonable and good faith
34 measures have been taken to reduce the generation of waste.
35 8. A hazardous waste facility acquired or operated pursuant

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1 to this section shall be operated in accordance with the
2 following schedule:
3 ~~1.~~ *a.* The initial fee paid by a person depositing hazardous
4 waste at the facility shall be increased by ten percent per ton
5 upon receipt of twenty-five percent of the waste capacity of
6 the facility.
7 ~~2.~~ *b.* The initial fee paid by a person depositing hazardous
8 waste at the facility shall be increased by twenty-five percent
9 per ton upon receipt of fifty percent of the waste capacity of
10 the facility.
11 ~~3.~~ *c.* Upon receipt of fifty percent of the waste capacity
12 of the facility, the receipt of waste shall be limited to
13 hazardous waste generated within the state of Iowa. If an
14 agreement has been established between the owner or operator of
15 the hazardous waste facility and an out-of-state generator of
16 hazardous waste, this limitation is null and void.
17 Sec. 81. Section 459.501, subsection 5, paragraph b, Code
18 Supplement 2011, is amended to read as follows:
19 *b.* The department of natural resources shall credit an
20 amount to the fund from which the expense authorized by the
21 executive council as provided in paragraph *"a"* was appropriated
22 which is equal to an amount ~~allocated~~ authorized for payment
23 to support the livestock remediation fund by the executive
24 council under paragraph *"a"*. However, the department shall only
25 be required to credit the moneys to such fund if the moneys
26 in the livestock remediation fund which are not obligated or
27 encumbered, and not counting the department's estimate of
28 the cost to the livestock remediation fund for pending or
29 unsettled claims, the amount to be allocated to the department
30 of agriculture and land stewardship, and any amount required to
31 be transferred to the fund from which appropriated as described
32 in this paragraph, are in excess of two million five hundred
33 thousand dollars. The department is not required to credit the
34 total amount to the fund from which appropriated as described
35 in this paragraph during any one fiscal year.

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1 Sec. 82. Section 459.502, subsection 2, Code Supplement
2 2011, is amended to read as follows:
3 2. The department shall deposit moneys collected from
4 the fees into the livestock remediation fund according to
5 procedures adopted by the department.
6 Sec. 83. Section 461A.80, Code Supplement 2011, is amended
7 to read as follows:
8 **461A.80 Public outdoor recreation and resources advisory**
9 **council.**
10 1. An advisory council for public outdoor recreation and
11 resources appropriations made for the purposes of section
12 461A.79 is created. The council shall consist of a public
13 member appointed by the governor from each congressional
14 district, the chairperson of the commission, the director, and
15 a designee of the economic development authority.
16 2. Each county conservation board of those counties which
17 are located in a congressional district shall nominate one
18 person from the congressional district for appointment to the
19 advisory council. The commission shall compile a list of
20 the nominations of the county conservation boards for each
21 congressional district and shall provide this list to the
22 governor. The governor shall appoint one member from each
23 congressional district from the nominations as provided.
24 Appointments shall be made for three-year terms beginning July
25 1 in the year of appointment. A person shall not serve more
26 than two terms. A vacancy shall be filled for the unexpired
27 term in the same manner as the original appointment was made.
28 3. No more than three public members shall belong to the
29 same political party. The council shall elect a chairperson
30 annually from among the council's members, and the director
31 shall serve as council secretary. Persons already serving in
32 an elected or appointed governmental capacity are not eligible
33 to serve as council members.
34 ~~2.~~ 4. The advisory council shall meet annually, in July,
35 and upon the call of the chairperson of the advisory council.

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1 The advisory council shall make policy recommendations to
2 the commission regarding the projects and programs to be
3 funded from funds available for public outdoor recreation and
4 resources from appropriations made for the purposes of section
5 461A.79.
6 ~~3. Each county conservation board of those counties which~~
7 ~~are located in a congressional district shall nominate one~~
8 ~~person from the congressional district for appointment to the~~
9 ~~advisory council. The commission shall compile a list of~~
10 ~~the nominations of the county conservation boards for each~~
11 ~~congressional district and shall provide this list to the~~
12 ~~governor. The governor shall appoint one member from each~~
13 ~~congressional district from the nominations as provided.~~
14 ~~Appointments shall be made for three-year terms beginning July~~
15 ~~1 in the year of appointment. A person shall not serve more~~
16 ~~than two terms. A vacancy shall be filled for the unexpired~~
17 ~~term in the same manner as the original appointment was made.~~
18 5. The public members of the advisory council shall be
19 reimbursed for actual and necessary expenses for each day
20 employed in the official discharge of their duties. The
21 expenses shall be paid from the administration fund of the
22 commission. Each member of the council may also be eligible to
23 receive compensation as provided in section 7E.6.
24 Sec. 84. Section 462A.2, subsection 24, Code Supplement
25 2011, is amended to read as follows:
26 24. *"Operate"* means to navigate or otherwise use a vessel or
27 motorboat. For the purposes of section 462A.12, subsection
28 2, sections 462A.14, 462A.14A, 462A.14B, 462A.14C, 462A.14D,
29 and 462A.14E, and section 462A.23, subsection 2, paragraph
30 *"b"*, *"operate"*, when used in reference to a motorboat, means
31 the motorboat is powered by a motor which is running, and when
32 used in reference to a sailboat, means the sailboat is either
33 powered by a motor which is running, or the sailboat is under
34 way and has sails hoisted and is not propelled by a motor~~, and~~
35 ~~is under way~~.

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Sec. 85. Section 465A.2, subsection 1, paragraph b, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

Prepare a statewide, long-range plan for the acquisition and protection of significant open space lands throughout the state as identified in section 465A.1. The department of transportation, department of economic development ~~authority~~, and department of cultural affairs, private organizations, county conservation boards, city park and recreation departments, and the federal agencies with lands in the state shall be directly involved in preparing the plan. The plan shall include, but is not limited to, the following elements:

Sec. 86. Section 466B.3, subsection 4, paragraph m, Code Supplement 2011, is amended by striking the paragraph.

Sec. 87. Section 468.221, subsection 2, paragraph b, Code Supplement 2011, is amended to read as follows:

b. If the written communication is to be delivered to a local government, it may be delivered to the governing body of the local government. The written communication may also be delivered to a person designated by the governing body. As used in this ~~paragraph~~ section, *"local government"* includes a county, city, township, or any special purpose district or authority.

Sec. 88. Section 473.1, subsections 1 and 6, Code Supplement 2011, are amended to read as follows:

1. *"Alternative and renewable energy"* means ~~the same as in section 469.31~~ energy sources including but not limited to solar, wind turbine, waste management, resource recovery, recovered energy generation, refuse-derived fuel, hydroelectric, agricultural crops or residues, hydrogen produced using renewable fuel sources, and woodburning, or relating to renewable fuel development and distribution.

6. *"Renewable fuel"* means ~~the same as in section 469.31~~ a fuel that is all of the following:

a. A motor vehicle fuel that is any of the following:

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1 (1) Produced from grain; starch; oilseed; vegetable,
2 animal, or fish materials, including but not limited to fats,
3 greases, and oil; sugar components, grasses, or potatoes; or
4 other biomass.
5 (2) Natural gas produced from a biogas source including
6 but not limited to a landfill, sewage waste treatment plant,
7 animal feeding operation, or other place where decaying organic
8 material is found.
9 *b.* Used to replace or reduce the quantity of fossil fuel
10 present in a motor fuel mixture used to operate a motor
11 vehicle.
12 Sec. 89. Section 473.7, subsection 2, Code Supplement 2011,
13 is amended to read as follows:
14 2. ~~The authority shall collect~~ Collect and analyze data
15 to use in forecasting future energy demand and supply for
16 the state. A supplier is required to provide information
17 pertaining to the supply, storage, distribution, and sale of
18 energy sources in this state when requested by the authority.
19 The information shall be of a nature which directly relates
20 to the supply, storage, distribution, and sale of energy
21 sources, and shall not include any records, documents, books,
22 or other data which relate to the financial position of the
23 supplier. The authority, prior to requiring any supplier to
24 furnish it with such information, shall make every reasonable
25 effort to determine if such information is available from any
26 other governmental source. If it finds such information is
27 available, the authority shall not require submission of the
28 information from a supplier. Notwithstanding the provisions of
29 chapter 22, information and reports obtained under this section
30 shall be confidential except when used for statistical purposes
31 without identifying a specific supplier and when release of
32 the information will not give an advantage to competitors and
33 serves a public purpose. The authority shall use this data to
34 conduct energy forecasts.
35 Sec. 90. Section 473.10, subsection 4, Code Supplement

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2011, is amended to read as follows:

4. The ~~director~~ authority shall adopt rules to implement this section.

Sec. 91. Section 476.1C, subsection 1, Code 2011, is amended to read as follows:

1. Gas public utilities having fewer than two thousand customers ~~are~~:

a. Are not subject to the regulation authority of the utilities board under this chapter unless otherwise specifically provided. Sections 476.10, 476.20, 476.21, and 476.51 apply to such gas utilities.

b. ~~Gas public utilities having fewer than two thousand customers shall~~ Shall be subject to the assessment of fees for the support of the Iowa energy center created in section 266.39C and the center for global and regional environmental research created by the state board of regents and shall file energy efficiency plans and energy efficiency results with the board. The energy efficiency plans as a whole shall be cost-effective. The board may waive all or part of the energy efficiency filing requirements if the gas utility demonstrates superior results with existing energy efficiency efforts.

c. ~~Gas public utilities having fewer than two thousand customers shall~~ Shall keep books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the board. The board may inspect the accounts of the utility at any time.

d. (1) ~~A gas public utility having fewer than two thousand customers may~~ May make effective a new or changed rate, charge, schedule, or regulation after giving written notice of the proposed new or changed rate, charge, schedule, or regulation to all affected customers served by the public utility. The notice shall inform the customers of their right to petition for a review of the proposal to the utilities board within sixty days after notice is served if the petition contains the signatures of at least one hundred of the gas

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1 utility's customers. The notice shall state the address of the
2 utilities board. The new or changed rate, charge, schedule, or
3 regulation takes effect sixty days after such valid notice is
4 served unless a petition for review of the new or changed rate,
5 charge, schedule, or regulation signed by at least one hundred
6 of the gas utility's customers is filed with the board prior to
7 the expiration of the sixty-day period.
8 (2) If such a valid petition is filed with the board
9 within the sixty-day period, any new or changed rate, charge,
10 schedule, or regulation shall take effect, under bond or
11 corporate undertaking, subject to refund of all amounts
12 collected in excess of those amounts which would have been
13 collected under the rates or charges finally approved by the
14 board. The board shall within five months of the date of
15 filing make a determination of just and reasonable rates based
16 on a review of the proposal, applying established regulatory
17 principles. The board may call upon the gas public utility
18 and its customers to furnish factual evidence in support of or
19 opposition to the new or changed rate, charge, schedule, or
20 regulation. If the gas public utility disputes the finding,
21 the utility may within twenty days file for further review, and
22 the board shall docket the case as a formal proceeding under
23 section 476.6, subsection 4, and set the case for hearing. The
24 gas public utility shall submit factual evidence and written
25 argument in support of the filing.
26 *e.* ~~A gas public utility having fewer than two thousand~~
27 ~~customers shall~~ Shall not make effective a new or changed rate,
28 charge, schedule, or regulation which relates to services for
29 which a rate change is pending within twelve months following
30 the date the petition to review the prior proposed rate,
31 charge, schedule, or regulation was filed with the board
32 or until the board has made its determination of just and
33 reasonable rates, whichever date is earlier, unless the utility
34 applies to the board for authority and receives authority to
35 make a subsequent rate change at an earlier date.

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1 *f.* ~~Gas public utilities having fewer than two thousand~~
2 ~~customers shall~~ Shall not make or grant any unreasonable
3 preferences or advantages as to rates or services to any
4 person or subject any person to any unreasonable prejudice
5 or disadvantage. Rates charged by a gas public utility
6 having less than two thousand customers for transportation of
7 customer-owned gas shall not exceed the actual cost of such
8 transportation services including a fair rate of return.
9 Sec. 92. Section 476C.4, subsection 4, paragraph b,
10 subparagraph (2), Code Supplement 2011, is amended to read as
11 follows:
12 (2) The applicant shall, in the application made under this
13 section, identify the equity holders or beneficiaries that
14 are to receive the tax credit certificates and the percentage
15 of the tax credit that is allocable to each equity holder or
16 beneficiary.
17 Sec. 93. Section 483A.24, subsection 1, Code Supplement
18 2011, is amended to read as follows:
19 1. Owners or tenants of land, and their ~~juvenile~~ minor
20 children, may hunt, fish or trap upon such lands and may shoot
21 by lawful means ground squirrels, gophers, or woodchucks upon
22 adjacent roads without securing a license so to do; except,
23 special licenses to hunt deer and wild turkey shall be required
24 of owners and tenants but they shall not be required to have a
25 special wild turkey hunting license to hunt wild turkey on a
26 hunting preserve licensed under chapter 484B.
27 Sec. 94. Section 483A.24, subsection 2, paragraph a,
28 subparagraph (3), subparagraph division (b), Code Supplement
29 2011, is amended to read as follows:
30 (b) An *"owner"* does not mean a person who owns a farm unit
31 and who employs a farm manager or third party to operate the
32 farm unit, or a person who owns a farm unit and who rents the
33 entire farm unit to a tenant who is responsible for all farm
34 operations. However, this ~~paragraph~~ subparagraph division does
35 not apply to an owner who is a parent of the tenant and who

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1 resides in this state.
2 Sec. 95. Section 496B.12, Code Supplement 2011, is amended
3 to read as follows:
4 **496B.12 Articles amended.**
5 1. The articles of incorporation of any development
6 corporation may be amended by the votes of the shareholders and
7 the members thereof voting separately by classes.
8 2. Any amendment shall require approval by the affirmative
9 vote of two-thirds of the votes to which the shareholders shall
10 be entitled and two-thirds of the votes to which the members
11 shall be entitled. No amendment, however, shall be made
12 which: ~~(1)~~
13 *a.* ~~is~~ Is inconsistent with this chapter~~;~~. ~~(2)~~
14 *b.* ~~authorizes~~ Authorizes any additional class or classes of
15 shares of capital stock~~;~~. ~~(3)~~
16 *c.* ~~eliminates~~ Eliminates or curtails the authority of the
17 authority with respect to the corporation.
18 3. Without the consent of each of the members affected, no
19 amendment shall be made which does any of the following: ~~(1)~~
20 *a.* ~~increases~~ Increases the obligation of a member to make
21 loans to the corporation~~;~~. ~~(2)~~
22 *b.* ~~makes~~ Makes any change in the principal amount, interest
23 rate, maturity date, or in the security or credit position of
24 any outstanding loan of a member to the corporation~~;~~. ~~(3)~~
25 *c.* ~~affects~~ Affects a member's right to withdraw from
26 membership, as provided herein~~, or~~. ~~(4)~~
27 *d.* ~~affects~~ Affects a member's voting rights in the
28 corporation.
29 4. Within thirty days after any meeting at which amendment
30 of any such articles has been adopted, articles of amendment
31 signed and sworn to by the president, secretary, and majority
32 of the directors, setting forth such amendment and the due
33 adoption thereof, shall be submitted to the director of the
34 authority who shall examine them, and if the director finds
35 that they conform to the requirements of this chapter, shall

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1 so certify and endorse the director's approval thereof.
2 Thereupon, the articles of amendment shall be filed in the
3 office of the secretary of state in the manner set forth and
4 as provided in the Iowa business corporation Act, chapter 490,
5 and no such amendment shall take effect until such articles of
6 amendment shall have been approved and filed as aforesaid.
7 5. Within sixty days after the effective date of any
8 legislative amendment affecting the rights and obligations
9 of the members and shareholders or otherwise affecting the
10 articles of incorporation, the approval of such legislative
11 amendments shall be voted on by the shareholders and the
12 members of the development corporation at a meeting duly
13 called for that purpose. If such legislative amendment is not
14 approved by the affirmative vote of two-thirds of the votes to
15 which such shareholders shall be entitled and two-thirds of the
16 votes to which such members shall be entitled, any such member
17 voting against the approval of such legislative amendment shall
18 have the right to withdraw from membership as provided in this
19 chapter.
20 6. Within thirty days after any meeting at which a
21 legislative amendment affecting the articles of incorporation
22 of a development corporation has been voted on, a certificate
23 filed and sworn to by the secretary or other recording officer
24 of such corporation setting forth the action taken at such
25 meeting with respect to such amendment shall be submitted to
26 the director of the authority and upon receipt of such approval
27 shall be filed in the office of the secretary of state.
28 Sec. 96. Section 501A.504, subsection 4, Code Supplement
29 2011, is amended to read as follows:
30 4. *Filing.* An amendment of the articles shall be filed with
31 the secretary as required in section 501A.201. The amendment
32 is effective as provided in subchapter II. After an amendment
33 to the articles of organization has been adopted and approved
34 in the manner required by this chapter and by the articles of
35 organization, the cooperative shall deliver to the secretary of

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1 state for filing articles of amendment which shall set forth
2 all of the following:
3 *a.* The name of the cooperative.
4 *b.* The text of each amendment adopted.
5 *c.* The date of each amendment's adoption.
6 *d.* (1) If the amendment was adopted by the directors ~~or~~
7 ~~members~~, a statement that the amendment was duly adopted in
8 the manner required by this chapter and by the articles of
9 organization and that members' adoption was not required.
10 ~~*e.*~~ (2) If an amendment required adoption by the members, a
11 statement that the amendment was duly adopted by the members
12 in the manner required by this chapter and by the articles of
13 organization.
14 Sec. 97. Section 507B.7, subsection 1, paragraph a, Code
15 Supplement 2011, is amended to read as follows:
16 *a.* Payment of a civil penalty of not more than one thousand
17 dollars for each act or violation of this subtitle, but not
18 to exceed an aggregate of ten thousand dollars, unless the
19 person knew or reasonably should have known the person was in
20 violation of this subtitle, in which case the penalty shall be
21 not more than five thousand dollars for each act or violation,
22 but not to exceed an aggregate penalty of fifty thousand
23 dollars in any one six-month period. If the commissioner finds
24 that a violation of this subtitle was directed, encouraged,
25 condoned, ignored, or ratified by the employer of the person
26 or by an insurer, the commissioner shall also assess a ~~fine~~
27 penalty to the employer or insurer.
28 Sec. 98. Section 509.3, subsection 1, paragraph d, Code
29 2011, is amended to read as follows:
30 *d.* A provision that if the insurance on a person or
31 insurance on a person and the person's dependents covered by
32 the policy ceases because of termination of employment or of
33 membership in the class, the person and the person's dependents
34 may continue their accident or health insurance under the
35 group policy ~~and may subsequently apply for a converted policy~~

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1 ~~without evidence of insurability, as provided in chapter 509B~~.
2 Sec. 99. Section 514J.108, subsection 1, paragraph c, Code
3 Supplement 2011, is amended to read as follows:
4 *c.* A final adverse determination that concerns an admission,
5 availability of care, continued stay, or health care service
6 for which the covered person received emergency services, and
7 the covered person has not been discharged from a facility.
8 Sec. 100. Section 515C.2, subsection 1, Code 2011, is
9 amended to read as follows:
10 1. An insurer, in order to qualify for writing mortgage
11 guaranty insurance, must have the same surplus to policyholders
12 as that required of a multiple line company by section ~~515.49,~~
13 ~~subsection 8~~ 515.8.
14 Sec. 101. Section 523C.13, subsection 1, Code Supplement
15 2011, is amended to read as follows:
16 1. Payment of a civil penalty of not more than one thousand
17 dollars for each and every act or violation, but not to exceed
18 an aggregate of ten thousand dollars, unless the person knew
19 or reasonably should have known the person was in violation of
20 this section, in which case the penalty shall be not more than
21 five thousand dollars for each and every act or violation, but
22 not to exceed an aggregate penalty of fifty thousand dollars
23 in any one six-month period. The commissioner shall, if it
24 finds the violations of this section were directed, encouraged,
25 condoned, ignored, or ratified by the employer of such person,
26 assess such ~~fine~~ penalty to the employer and not such person.
27 Any civil penalties collected under this subsection shall be
28 deposited as provided in section 505.7.
29 Sec. 102. Section 524.904, subsection 3, paragraph c, Code
30 Supplement 2011, is amended to read as follows:
31 *c.* Shipping documents or instruments that secure title
32 to or give a first lien on livestock. At inception, the
33 current value of the livestock securing the loans must equal
34 at least one hundred percent of the amount of the outstanding
35 loans and extensions of credit. For purposes of this section,

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1 *"livestock"* includes dairy and beef cattle, hogs, sheep, and
2 poultry, whether or not held for resale. For livestock held
3 for resale, current value means the price listed for livestock
4 in a regularly published listing or actual purchase price
5 established by invoice. For livestock not held for resale,
6 the value shall be determined by the local slaughter price.
7 The state bank must maintain in its files evidence of purchase
8 or an inspection and valuation for the livestock pledged that
9 is reasonably current, taking into account the nature and
10 frequency of turnover of the livestock to which the documents
11 relate.
12 Sec. 103. Section 524.904, subsection 5, paragraph c, Code
13 Supplement 2011, is amended to read as follows:
14 *c.* To demonstrate compliance with this subsection, a state
15 bank shall maintain in its files, at a minimum, all of the
16 following:
17 (1) Documentation demonstrating the current ownership of
18 the borrowing entity.
19 (2) Documentation identifying the persons who have voting
20 rights in the borrowing entity.
21 (3) Documentation identifying the board of directors and
22 senior management of the borrowing entity.
23 (4) The state bank's assessment of the borrowing entity's
24 means of servicing the loan or extension of credit, including
25 specific reasons in support of that assessment. The assessment
26 shall include an analysis of the borrowing entity's financial
27 history, its present and projected economic and financial
28 performance, and the significance of any financial support
29 provided to the borrowing entity by members of the borrowing
30 group and third parties.
31 Sec. 104. Section 524.904, subsection 7, paragraph m, Code
32 Supplement 2011, is amended to read as follows:
33 *m.* A renewal or restructuring of a loan as a new loan or
34 extension of credit following the exercise by a state bank of
35 reasonable efforts, consistent with safe and sound banking

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1 practices, to bring the loan into conformance with the lending
2 limit, unless new funds are advanced by the state bank to
3 the borrower or unless a new borrower replaces the original
4 borrower or unless the superintendent determines that the
5 renewal or restructuring was undertaken as a means to evade the
6 state bank's lending limit.
7 Sec. 105. Section 568.16, Code Supplement 2011, is amended
8 to read as follows:
9 **568.16 Purchase money refunded.**
10 If the grantee of the state, or the grantee's successors,
11 administrators, or assigns, shall be deprived of the land
12 conveyed by the state under this chapter by the final decree
13 of a court of record for the reason that the conveyance by
14 the state did not pass title to the land described, because
15 title to the land had previously for any reason been vested
16 in others, then the money paid ~~by~~ to the state for the land
17 shall be refunded by the state to the person or persons
18 entitled to the refund, provided the grantee, or the grantee's
19 successors, administrators, or assigns, shall file a certified
20 copy of the transcript of the final decree with the executive
21 council within one year from the date of the issuance of
22 such decree, and shall also file satisfactory proof with the
23 executive council that the action over the title to the land
24 was commenced within ten years from the date of the issuance of
25 patent or deed by the state. The amount of money to be refunded
26 under the provisions of this section shall be authorized
27 and paid by the executive council as an expense from the
28 appropriations addressed in section 7D.29.
29 Sec. 106. Section 602.9202, subsection 4, Code 2011, is
30 amended to read as follows:
31 4. *"Senior judge retirement age"* means seventy-eight years
32 of age or, if the senior judge is reappointed as a senior
33 judge for an additional ~~two-year~~ one-year term upon attaining
34 seventy-eight years of age pursuant to section 602.9203, eighty
35 years of age.

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1 Sec. 107. Section 631.17, subsection 4, Code Supplement
2 2011, is amended to read as follows:
3 4. The district court shall dismiss any case subsequently
4 brought directly or indirectly by a person subject to a bar
5 pursuant to subsection 1 in violation of that subsection and
6 shall assess all costs to that person, and the court shall
7 assess a further civil ~~fine~~ penalty of one hundred dollars
8 against that person for each such case dismissed.
9 Sec. 108. Section 633.3, subsection 8, Code Supplement
10 2011, is amended to read as follows:
11 8. *Costs of administration* — includes court costs,
12 fiduciary's fees, attorney fees, all appraisers' fees, premiums
13 on corporate surety bonds, statutory allowance for support
14 of surviving spouse and children, cost of continuation of
15 abstracts of title, recording fees, transfer fees, transfer
16 taxes, agents' fees allowed by order of court, interest
17 expense, including, but not limited to, interest payable on
18 extension of federal and state estate tax, and all other fees
19 and expenses allowed by order of court in connection with
20 the administration of the estate. Court costs shall include
21 expenses of selling property.
22 Sec. 109. Section 633A.3106, subsection 2, Code Supplement
23 2011, is amended to read as follows:
24 2. For the purposes of this section, a child born after the
25 death of the settlor who would have been entitled to a share
26 of the settlor's probate estate pursuant to section 633.267
27 shall be treated as a child of the settlor ~~for purposes of this~~
28 ~~section~~.
29 Sec. 110. Section 655A.3, subsection 1, paragraph b, Code
30 2011, is amended to read as follows:
31 *b.* The notice shall contain the following in capital letters
32 of the same type or print size as the rest of the notice:
33 WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU
34 MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE
35 WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY

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1 IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR
2 REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED ~~BY THE RULES~~
3 ~~OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES~~ IN SECTION
4 655A.4. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT
5 AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.
6 IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE
7 WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE
8 AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE
9 FORECLOSURE IS COMPLETE THE DEBT SECURED BY THE MORTGAGED
10 PROPERTY WILL BE EXTINGUISHED.
11 Sec. 111. Section 692A.118, subsections 11 and 12, Code
12 Supplement 2011, are amended to read as follows:
13 11. When the department has a reasonable basis to believe
14 that a sex offender has changed residence to an unknown
15 location, has become a fugitive from justice, or has otherwise
16 taken flight, ~~the department shall~~ make a reasonable effort to
17 ascertain the whereabouts of the offender, and if such effort
18 fails to identify the location of the offender, an appropriate
19 notice shall be made on the sex offender registry internet
20 site of this state and shall be transmitted to the national
21 sex offender registry. The department shall notify other law
22 enforcement agencies as deemed appropriate.
23 12. ~~The department shall notify~~ Notify appropriate law
24 enforcement agencies including the United States marshal
25 service to investigate and verify possible violations. The
26 department shall ensure any warrants for arrest are entered
27 into the Iowa online warrant and articles system and the
28 national crime information center and pursue prosecution of
29 stated violations through state or federal court.
30 Sec. 112. Section 714.27, subsection 2, paragraph a, Code
31 Supplement 2011, is amended to read as follows:
32 *a.* ~~The identity of~~ Identifying information for the person
33 from whom the salvaged material was received or purchased,
34 including name and address; date of birth; Iowa driver's
35 license number, Iowa nonoperator's identification card

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number, or social security number in conjunction with photo identification; sex, age, height, and race.

Sec. 113. Section 717F.1, subsection 5, paragraph a, subparagraph (9), Code Supplement 2011, is amended by striking the subparagraph.

Sec. 114. Section 717F.1, subsection 5, paragraph a, subparagraph (10), subparagraph division (d), Code Supplement 2011, is amended to read as follows:

(d) A member of the family elapidae, ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

Sec. 115. Section 717F.8, subsection 2, paragraph j, Code 2011, is amended to read as follows:

j. Fifty dollars for a member of the family elapidae, ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

Sec. 116. Section 805.8A, subsection 13, paragraph f, Code Supplement 2011, is amended to read as follows:

f. For violations of section 327B.1, subsection 1 or ~~2~~ 3, the scheduled fine is two hundred fifty dollars.

Sec. 117. Section 811.1, subsection 1, Code Supplement 2011, is amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony~~,~~; forcible felony as defined in section 702.11~~,~~; any class "B" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph "*a*" or "*b*"; ~~or~~ a second or subsequent offense under section 124.401, subsection 1, paragraph "*c*"; any felony punishable under section 902.9, subsection 1; any public

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1 offense committed while detained pursuant to section 229A.5;
2 or any public offense committed while subject to an order of
3 commitment pursuant to chapter 229A.
4 Sec. 118. Section 907.5, Code Supplement 2011, is amended
5 to read as follows:
6 **907.5 Standards for release on probation — written reasons.**
7 1. Before deferring judgment, deferring sentence, or
8 suspending sentence, the court first shall determine which
9 option, if available, will provide maximum opportunity for
10 the rehabilitation of the defendant and protection of the
11 community from further offenses by the defendant and others.
12 In making this determination, the court shall consider all of
13 the following:
14 *a.* The age of the defendant~~; the~~.
15 *b.* The defendant's prior record of convictions and prior
16 record of deferments of judgment if any~~; the~~.
17 *c.* The defendant's employment circumstances~~; the~~.
18 *d.* The defendant's family circumstances~~; the~~.
19 *e.* The defendant's mental health and substance abuse history
20 and treatment options available in the community and the
21 correctional system~~; the~~.
22 *f.* The nature of the offense committed~~; and such~~.
23 *g.* Such other factors as are appropriate.
24 2. The court shall file a specific written statement of
25 its reasons for and the facts supporting its decision to defer
26 judgment, to defer sentence, or to suspend sentence, and its
27 decision on the length of probation.
28 Sec. 119. REPEAL. Section 15.103, Code Supplement 2011, is
29 repealed.
30 Sec. 120. REPEAL. Section 135.160, Code 2011, is repealed.
31 Sec. 121. 2011 Iowa Acts, chapter 113, section 45, is
32 amended by striking the section and inserting in lieu thereof
33 the following:
34 SEC. 45. Section 159.20, subsection 1, paragraph j, Code
35 2011, is amended to read as follows:

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1 *j.* Provide for the promotion and expansion of renewable
2 fuels and coproducts, by doing all of the following:
3 ~~*j.*~~ (1) Assist the office of renewable fuels and coproducts
4 in administering the provisions of chapter 159A, subchapter II.
5 (2) Assist the renewable fuel infrastructure board, provide
6 for the administration of the renewable fuel infrastructure
7 programs, and provide for the management of the renewable fuel
8 infrastructure fund, as provided in chapter 159A, subchapter
9 III.
10 Sec. 122. 2011 Iowa Acts, chapter 131, section 134, is
11 amended to read as follows:
12 SEC. 134. 2011 Iowa Acts, Senate File 510, section ~~28~~ 27, if
13 enacted, is amended to read as follows:
14 ~~SEC. 28.~~ SEC. 27. EFFECTIVE DATE. The following provision
15 of this division of this Act takes effect thirty days after
16 enactment~~, notwithstanding section 3.7~~ of this Act or thirty
17 days after the enactment of 2011 Iowa Acts, Senate File 533,
18 if enacted, whichever is later:
19 The section of this division of this Act ~~amending~~ enacting
20 section 124.204, subsection 4, paragraph "ai", subparagraphs
21 (1) through (4).
22 Sec. 123. 2011 Iowa Acts, chapter 131, section 135, is
23 amended to read as follows:
24 SEC. 135. 2011 Iowa Acts, Senate File 510, section ~~29~~ 28, if
25 enacted, is amended to read as follows:
26 ~~SEC. 29.~~ SEC. 28. EFFECTIVE UPON ENACTMENT. The following
27 provision of this division of this Act, being deemed of
28 immediate importance, ~~and notwithstanding section 3.7~~ takes
29 effect upon enactment of this Act or upon enactment of 2011
30 Iowa Acts, Senate File 533, if enacted, whichever is later:
31 The section of this Act ~~amending~~ enacting section 124.204,
32 subsection 4, paragraph "ai", subparagraph (5).
33 DIVISION II
34 INTERNAL REFERENCES
35 Sec. 124. Section 7E.5A, subsection 4, Code 2011, is amended

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to read as follows:

4. As used in this section, *"vertical infrastructure"* means the same as defined in section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

Sec. 125. Section 8.22A, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The amount of revenue for the following fiscal year from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund under section 8.57, subsection ~~6~~ 5, paragraph *"e"*.

Sec. 126. Section 8.57A, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *a.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

b. There is appropriated from the rebuild Iowa infrastructure fund each fiscal year for the period beginning July 1, 2010, and ending June 30, 2012, the sum of thirty-three million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of thirty-five million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

Sec. 127. Section 8.57C, subsection 3, paragraphs b through d, Code Supplement 2011, are amended to read as follows:

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of seventeen million five hundred thousand dollars, and for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of fourteen

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1 million five hundred twenty-five thousand dollars to the
2 technology reinvestment fund, notwithstanding section 8.57,
3 subsection ~~6~~ 5, paragraph *"c"*.
4 *c.* There is appropriated from the rebuild Iowa
5 infrastructure fund for the fiscal year beginning July 1, 2010,
6 and ending June 30, 2011, the sum of ten million dollars to the
7 technology reinvestment fund, notwithstanding section 8.57,
8 subsection ~~6~~ 5, paragraph *"c"*.
9 *d.* There is appropriated from the rebuild Iowa
10 infrastructure fund for the fiscal year beginning July 1,
11 2011, and ending June 30, 2012, the sum of fifteen million,
12 five hundred forty-one thousand dollars to the technology
13 reinvestment fund, notwithstanding section 8.57, subsection ~~6~~
14 5, paragraph *"c"*.
15 Sec. 128. Section 8A.123, subsection 1, Code 2011, is
16 amended to read as follows:
17 1. Activities of the department shall be accounted
18 for within the general fund of the state, except that the
19 director may establish and maintain internal service funds in
20 accordance with generally accepted accounting principles, as
21 defined in section 8.57, subsection ~~5~~ 4, for activities of
22 the department which are primarily funded from billings to
23 governmental entities for services rendered by the department.
24 The establishment of an internal service fund is subject to
25 the approval of the director of the department of management
26 and the concurrence of the auditor of state. At least ninety
27 days prior to the establishment of an internal service fund
28 pursuant to this section, the director shall notify in writing
29 the general assembly, including the legislative council,
30 legislative fiscal committee, and the legislative services
31 agency.
32 Sec. 129. Section 12.87, subsection 1, paragraph b,
33 subparagraph (1), Code Supplement 2011, is amended to read as
34 follows:
35 (1) On or after July 1, 2009, the treasurer of state may

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1 issue and sell bonds in amounts which provide aggregate net
2 proceeds of not more than one hundred eighty-five million
3 dollars for capital projects which qualify as vertical
4 infrastructure projects as defined in section 8.57, subsection
5 ~~6~~ 5, paragraph *"c"*, to the extent practicable in any fiscal year
6 and without limiting other qualifying capital expenditures.
7 Sec. 130. Section 12.89, subsection 2, paragraph b, Code
8 2011, is amended to read as follows:
9 *b.* The revenues required to be deposited into the fund
10 pursuant to section 8.57, subsection ~~6~~ 5, paragraph *"e"*,
11 subparagraphs (1) and (2).
12 Sec. 131. Section 12.89A, subsection 2, paragraph a, Code
13 Supplement 2011, is amended to read as follows:
14 *a.* The revenues required to be deposited in the fund
15 pursuant to section 8.57, subsection ~~6~~ 5, paragraph *"e"*,
16 subparagraphs (1) and (2).
17 Sec. 132. Section 12E.12, subsection 1, paragraph b,
18 subparagraphs (1) and (2), Code 2011, are amended to read as
19 follows:
20 (1) The tax-exempt bond proceeds restricted capital funds
21 account. The net proceeds of tax-exempt bonds issued to
22 provide funds for capital projects, certain debt service, and
23 attorney fees related to the master settlement agreement which
24 the state treasurer is authorized and directed to deposit on
25 behalf of the state shall be deposited in the account and shall
26 be used to fund capital projects, certain debt service, and
27 the payment of attorney fees related to the master settlement
28 agreement. With respect to capital projects, it is the
29 intent of the general assembly to fund capital projects that
30 qualify as vertical infrastructure projects as defined in
31 section 8.57, subsection ~~6~~ 5, paragraph *"c"*, to the extent
32 practicable in any fiscal year and without limiting other
33 qualifying capital expenditures considered and approved by a
34 constitutional majority of each house of the general assembly
35 and the governor.

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1 (2) The FY 2009 tax-exempt bond proceeds restricted
2 capital funds account. The net proceeds of tax-exempt bonds
3 issued after July 1, 2008, as a result of the securitization
4 of any remaining tobacco settlement payments to provide
5 funds for capital projects which the treasurer of state is
6 authorized and directed to deposit on behalf of the state
7 shall be deposited in the account and shall be used to fund
8 capital projects. With respect to capital projects, it is
9 the intent of the general assembly to fund capital projects
10 that qualify as vertical infrastructure projects as defined
11 in section 8.57, subsection ~~6~~ 5, paragraph *"c"*, to the extent
12 practicable in any fiscal year and without limiting other
13 qualifying capital expenditures considered and approved by a
14 constitutional majority of each house of the general assembly
15 and the governor.
16 Sec. 133. Section 15G.110, Code Supplement 2011, is amended
17 to read as follows:
18 **15G.110 Appropriation.**
19 For the fiscal year beginning July 1, 2011, and ending June
20 30, 2012, there is appropriated to the economic development
21 authority fifteen million dollars from the rebuild Iowa
22 infrastructure fund for deposit in the economic development
23 fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph
24 *"c"*.
25 Sec. 134. Section 16.193, subsection 2, Code Supplement
26 2011, is amended to read as follows:
27 2. For the period beginning July 1, 2009, and ending June
28 30, 2011, two hundred thousand dollars of the moneys deposited
29 in the rebuild Iowa infrastructure fund shall be allocated
30 each fiscal year to the Iowa finance authority for purposes of
31 administering the Iowa jobs program and Iowa jobs II program,
32 notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.
33 Sec. 135. Section 99G.39, subsection 3, paragraph a, Code
34 2011, is amended to read as follows:
35 *a.* Notwithstanding subsection 1, if gaming revenues under

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1 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
2 meet the total amount of such revenues directed to be deposited
3 in the vision Iowa fund and the school infrastructure fund
4 during the fiscal year pursuant to section 8.57, subsection ~~6~~
5 5, paragraph *"e"*, the difference shall be paid from lottery
6 revenues prior to deposit of the lottery revenues in the
7 general fund. If lottery revenues are insufficient during the
8 fiscal year to pay the difference, the remaining difference
9 shall be paid from lottery revenues in subsequent fiscal years
10 as such revenues become available.
11 Sec. 136. Section 123.53, subsection 3, Code Supplement
12 2011, is amended to read as follows:
13 3. Notwithstanding subsection 2, if gaming revenues under
14 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
15 meet the total amount of such revenues directed to be deposited
16 in the revenue bonds debt service fund and the revenue bonds
17 federal subsidy holdback fund during the fiscal year pursuant
18 to section 8.57, subsection ~~6~~ 5, paragraph *"e"*, the difference
19 shall be paid from moneys deposited in the beer and liquor
20 control fund prior to transfer of such moneys to the general
21 fund pursuant to subsection 2 and prior to the transfer of such
22 moneys pursuant to subsections 5 and 6. If moneys deposited in
23 the beer and liquor control fund are insufficient during the
24 fiscal year to pay the difference, the remaining difference
25 shall be paid from moneys deposited in the beer and liquor
26 control fund in subsequent fiscal years as such moneys become
27 available.
28 Sec. 137. Section 260G.6, subsection 2, Code Supplement
29 2011, is amended to read as follows:
30 2. Projects funded pursuant to this section shall be for
31 vertical infrastructure as defined in section 8.57, subsection
32 ~~6~~ 5, paragraph *"c"*.
33 Sec. 138. Section 324A.6A, Code 2011, is amended to read as
34 follows:
35 **324A.6A Public transit infrastructure grant fund.**

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A public transit infrastructure grant fund is established within the department. Moneys in the fund shall be awarded to public transit systems within the state for construction and infrastructure projects that meet the definition of *"vertical infrastructure"* in section 8.57, subsection ~~6~~ 5, paragraph *"c"*. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. In awarding grant assistance, the office of public transit within the department shall, by rule, specify certain criteria that must be included in a grant application, which shall include but not be limited to information on the feasibility of completion of an individual infrastructure project. Notwithstanding section 8.33, moneys in the public transit infrastructure grant fund shall not revert to the fund from which they are appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 139. Section 461A.3A, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The department shall establish a restore the outdoors program. The purpose of the program is to provide funding for projects involving existing vertical infrastructure as defined in section 8.57, subsection ~~6~~ 5, paragraph *"c"*, or the construction of new vertical infrastructure if the new construction is required due to increased demand for facilities at the park or if it is not cost-effective to repair or renovate the existing vertical infrastructure. Projects shall be limited to existing state parks and other public facilities managed by the department.

Sec. 140. Section 473.19A, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The building energy management fund shall be limited to a maximum of one million dollars. Amounts in excess of this maximum limitation shall be transferred to and deposited in the rebuild Iowa infrastructure fund created in section 8.57, subsection ~~6~~ 5.

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1 DIVISION III
2 EFFECTIVE DATE AND APPLICABILITY PROVISIONS
3 Sec. 141. EFFECTIVE UPON ENACTMENT. The provisions in
4 division I of this Act, being deemed of immediate importance,
5 take effect upon enactment:
6 1. The section of this Act amending section 42.4, subsection
7 8.
8 2. The section of this Act amending section 15E.120.
9 3. The section of this Act amending 2011 Iowa Acts, chapter
10 113, section 45.
11 4. The section of this Act amending 2011 Iowa Acts, chapter
12 131, section 134.
13 5. The section of this Act amending 2011 Iowa Acts, chapter
14 131, section 135.
15 Sec. 142. EFFECTIVE DATE — CONTINGENT REPEAL. The section
16 of this Act amending section 321.18, Code 2011, by striking
17 subsection 9, takes effect on June 30, 2012, or on the date
18 that chapter 322E is repealed, whichever date is the latest.
19 Sec. 143. RETROACTIVE APPLICABILITY. The section of this
20 Act amending section 42.4, subsection 8, applies retroactively
21 to January 1, 2011.
22 Sec. 144. RETROACTIVE APPLICABILITY. The following
23 provision or provisions of this Act apply retroactively to July
24 1, 2011:
25 1. The section of this Act amending 15E.120.
26 2. The section of this Act amending 2011 Iowa Acts, chapter
27 113, section 45.
28 Sec. 145. RETROACTIVE APPLICABILITY. The provision in
29 division I of this Act amending 2011 Iowa Acts, chapter 131,
30 section 134, applies retroactively to the date which is 30 days
31 after July 29, 2011.
32 Sec. 146. RETROACTIVE APPLICABILITY. The provision in
33 division I of this Act amending 2011 Iowa Acts, chapter 131,
34 section 135, applies retroactively to July 29, 2011.
35 EXPLANATION

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1 This bill contains statutory corrections that adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities. The Code
6 sections amended include the following:
7 DIVISION I. Code sections 8.55 and 8.57: Strikes language,
8 providing for appropriation of general fund surplus revenue
9 to the senior living trust fund, pursuant to the terms of
10 paragraph "d" of Code section 8.57 that provides for the
11 repeal of the language when the aggregate amount in the trust
12 fund equals $300 million. The fund reached that milestone in
13 2011. References to the rebuild Iowa infrastructure fund in
14 renumbered subsection 5 of Code section 8.57 are also changed
15 to distinguish references to that fund from references to other
16 infrastructure funds in that subsection. Internal references
17 to Code section 8.57 are also corrected in division II of this
18 bill.
19 Code section 8A.317: Strikes references to definitions
20 of "biobased material" and "biobased product" contained in
21 former Code section 469.31 and inserts language from the former
22 definitions provision into this Code section relating to state
23 purchases of biobased products. Code chapter 469 was repealed
24 by 2011 Iowa Acts, ch. 118, section 49, effective July 18,
25 2011, and applicable on July 1, 2011.
26 Code section 11.2: Corrects a textual internal reference to
27 auditor of state review requirements for investment companies,
28 banks, savings and loan associations, or credit unions employed
29 by the state board of regents.
30 Code section 11.5A: Adds the words "or examinations" to
31 this provision governing the payment of costs of audits or
32 examinations of state agencies by the auditor of state to
33 conform with similar changes made elsewhere in Code chapter 11
34 by 2011 Iowa Acts, ch. 75.
35 Code section 15.103: Repeals this Code section toward the

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1 end of the bill which establishes the Iowa economic development
2 board of the former department of economic development. This
3 provision was superseded by the enactment of Code section
4 15.105 by 2011 Iowa Acts, ch. 118, section 5, which creates the
5 economic development authority that replaces the department of
6 economic development and is governed by a board of 11 voting
7 members.
8 Code section 15.107: Strikes redundant language in a
9 provision relating to the purpose for which the Iowa innovation
10 corporation is established.
11 Code section 15.202: Strikes "with the approval of the
12 director" within this provision relating to the acceptance of
13 funds by the economic development authority to conform to the
14 hierarchy established for the administration of the economic
15 development programs and funds by the economic development
16 authority by 2011 Iowa Acts, ch. 118.
17 Code section 15.272: Clarifies in language relating to the
18 initial establishment of the statewide welcome center program
19 that the former department of economic development was the
20 entity responsible for program planning and development.
21 Code section 15.292: Replaces the word "board" with the word
22 "authority" in language relating to the entity responsible for
23 decisions relating to applications for financial assistance
24 from the brownfield redevelopment fund because, after the
25 enactment of 2011 Iowa Acts, ch. 118, what was once the "board"
26 under prior law is now the "economic development authority".
27 Code section 15.293A: Strikes the words "and the board"
28 and "with the approval of the board" from language relating
29 to review of applications for redevelopment tax credits by
30 the authority because, after the enactment of 2011 Iowa Acts,
31 ch. 118, what was once the "board" under prior law is now the
32 "economic development authority".
33 Code section 15.294: Replaces the word "board" with the
34 word "authority" in language relating to the brownfield
35 redevelopment advisory council because, after the enactment of

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1 2011 Iowa Acts, ch. 118, what was once the "board" under prior
2 law is now the "economic development authority".
3 Code section 15.301: Adds references to the former
4 department of economic development in the save our small
5 businesses fund and program language in provisions which relate
6 to activities which took place prior to the enactment of 2011
7 Iowa Acts, ch. 118, which established the economic development
8 authority.
9 Code section 15.331A: Clarifies that the department
10 of revenue is the entity which is responsible for the
11 administration of the refunding of sales or use tax imposed
12 on gas, electricity, water or sewer utility services, goods,
13 wares, or merchandise or on certain services rendered relating
14 to the construction or equipping of a facility under the high
15 quality jobs program.
16 Code section 15.411: Clarifies that it was the department
17 of economic development that received reports on bioscience,
18 advanced manufacturing, information technology, and
19 entrepreneurship in calendar years 2004, 2005, and 2006 as part
20 of the program for targeted industries development.
21 Code section 15E.64: Adds the word "board" in language
22 relating to the incorporators of the Iowa capital investment
23 corporation. 2011 Iowa Acts, ch. 118, provides, in the
24 amendments to Code section 15.105, that the economic
25 development authority is governed by a board.
26 Code section 15E.120: Substitutes, retroactive to July 1,
27 2011, for the date "July 18, 2011", "July 1" of that year to
28 reflect the retroactive applicability date for 2011 Iowa Acts,
29 ch. 118, in this provision relating to the administration of
30 loan repayments under the former Iowa community development
31 loan program.
32 Code section 15E.193: Strikes redundant language that
33 resulted from the application of directives by 2011 Iowa Acts,
34 ch. 118, in this provision regarding benefits required in
35 enterprise zones in order for a business to be eligible to

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1 receive economic development incentives.
2 Code section 15E.208: Adds references to the former
3 department of economic development in this provision regarding
4 Iowa agriculture industry finance loans in language which
5 relates to activities which took place prior to the enactment
6 of 2011 Iowa Acts, ch. 118, which established the economic
7 development authority.
8 Code section 15E.351: Strikes the redundant words "economic
9 development" from a reference to the "economic development
10 authority" in this provision establishing the business
11 accelerator program. The term "authority" is defined for
12 Code chapter 15E, in Code section 15E.1, to mean the economic
13 development authority.
14 Code sections 15G.111, 15G.112, 15G.113, and 15G.114:
15 Strikes redundant references to approval or recommendations
16 by the economic development authority that resulted from the
17 application of directives by 2011 Iowa Acts, ch. 118, in these
18 provisions regarding financial assistance awards made by the
19 authority under the economic development financial assistance
20 program.
21 Code section 15G.115: Strikes a redundant reference to the
22 economic development authority and a reference to the former
23 due diligence committee in this provision relating to financial
24 assistance under the economic development financial assistance
25 program. The due diligence committee was eliminated by 2011
26 Iowa Acts, ch. 118, section 73.
27 Code section 15H.3: Adds the word "nonvoting" after a
28 reference to the ex officio members in language regarding the
29 membership of the volunteer service commission to conform to
30 other references to those members in this Code section.
31 Code sections 28N.2 and 256I.3: Changes the word
32 "departments" to "agencies" in these provisions establishing
33 the membership of a state council and a state board to account
34 for the replacement of the department of economic development
35 by the economic development authority in 2011 Iowa Acts, ch.

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1 118.
2 Code sections 29C.20B, 135.141, 331.427, and 331.653:
3 Deletes redundant language and conforms these provisions
4 relating to disaster care management, comprehensive emergency
5 plans, and local emergency management commissions to changes
6 made by 2011 Acts, ch. 69, and 2011 Iowa Acts, ch. 129.
7 Code section 42.4: Replaces, retroactively to January
8 1, 2011, the word "first" with the word "third" in language
9 describing the date on which an incumbent senator, who resigns
10 for purposes of allowing another senator to serve a full
11 four-year term, must submit the senator's resignation to
12 reflect language appearing later in this same provision and
13 to conform to the date specified for resignation of incumbent
14 senators under these circumstances in 2011 Iowa Acts, ch. 76,
15 section 3.
16 Code section 46.2A: Strikes the obsolete subsection
17 that requires the repeal of the subsection if the number of
18 congressional districts established following the 2010 federal
19 decennial census and described in chapter 40 of the Code is not
20 equal to four.
21 Code sections 123.135, 123.180, 252B.9, 507B.7, 523C.13,
22 and 631.17: Conforms language relating to civil sanctions
23 imposed by the court or administrative agencies, by striking
24 the word "fine" or "fines" and inserting the word "penalty" or
25 "penalties", to other references to civil penalties throughout
26 the Code.
27 Code section 125.2: Adds the word "mental" within language
28 describing the type of certification that a psychiatric
29 advanced registered nurse practitioner must possess in the Code
30 chapter relating to treatment of substance abusers to conform
31 to changes made by 2011 Iowa Acts, ch. 121, section 52, to the
32 same definition within the Code chapter on civil commitment.
33 This portion of 2011 Iowa Acts, ch. 121, is effective July 1,
34 2012.
35 Code section 125.10: Changes references to "substance

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1 abuse" to "substance misuse" to conform to changes made in this
2 Code section, effective July 1, 2012, by 2011 Iowa Acts, ch.
3 121, section 30.
4 Code sections 125.43A and 125.83: Changes "substance abuse
5 treatment" to "treatment of a substance-related disorder" in
6 these two provisions relating to involuntary hospitalizations
7 of persons with substance misuse disorders to conform to
8 similar terminology changes made by 2011 Iowa Acts, ch. 121,
9 effective July 1, 2012.
10 Code section 125.91: Changes references from "examining"
11 physician to "attending" physician and restores a reference
12 to "the facility" in language relating to emergency
13 hospitalization of persons with substance misuse disorders to
14 conform to and clarify changes made in this Code section by
15 2011 Iowa Acts, ch. 121, effective July 1, 2012.
16 Code section 135.160: Repeals, toward the end of the bill,
17 this definitional section for the division of Code chapter 135
18 that pertained to prevention and chronic care management. The
19 other Code sections in the division, to which the definitions
20 pertained, were repealed by 2011 Iowa Acts, ch. 129, sections
21 81 and 82 and 2011 Iowa Acts, ch. 63, section 35.
22 Code section 142A.3: Strikes tobacco retailers from the
23 membership of an advisory council to the commission on tobacco
24 use prevention and control to conform to changes made in Code
25 chapter 142A by 2011 Iowa Acts, ch. 63.
26 Code section 152.12: Changes the word "county" to "country"
27 to correct an apparent typographical error in language relating
28 to disclosure of nursing licensure examination results to other
29 nurse licensing entities at the state or national level.
30 Code section 173.11: Redrafts language relating to
31 administration of the state fair foundation fund by the
32 treasurer of the Iowa state fair foundation to clarify that the
33 state fair board is acting as the board of the foundation.
34 Code section 226.9C: Strikes a redundant instance of the
35 word "certified" in language added, effective July 1, 2012,

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1 by 2011 Iowa Acts, ch. 121, to describe the qualifications
2 of persons conducting treatment prescreening of persons with
3 substance misuse disorders.
4 Code section 230A.106: Replaces the word "such" with a
5 listing of types of services that comprise one of the groups of
6 core services that must be provided at community mental health
7 centers, to be consistent with the style and format of the rest
8 of the Code section, effective July 1, 2012.
9 Code section 232.103: Clarifies the relationship between a
10 reference to Code section 232.50, which governs dispositional
11 hearings for juvenile delinquents or youthful offenders, to
12 this provision relating to hearings regarding changes in level
13 of care for a child who is subject to a dispositional order for
14 out-of-home placement.
15 Code sections 236.18 and 331.756: Redirects references
16 to criminal penalties under Code chapter 236 to refer to the
17 provisions within Code chapter 664A to conform to the transfer
18 of the criminal penalties from Code chapter 236 to Code chapter
19 664A by 2006 Iowa Acts, ch. 1101.
20 Code section 249H.3: Substitutes, for an internal reference
21 in this definition, the language used in Code section 225B.2 to
22 define "disability". Code chapter 225B is to be repealed on
23 July 1, 2012, pursuant to Code section 225B.8.
24 Code section 256.32: Strikes from the ex officio membership
25 of the advisory council for agricultural education language
26 referring to the young farmer educational association
27 president. The association is a national organization and
28 there are no Iowa chapters or members who could possibly serve
29 on the council.
30 Code section 256I.5: Rewrites language relating to the
31 commitment of various state entities, in a reference back to
32 entities enumerated in this provision relating to collaboration
33 and integration of a comprehensive early care, education,
34 health, and human services system, to accommodate a changeover
35 in the entity responsible for the administration of economic

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development programs made by 2011 Iowa Acts, ch. 118.

Code section 260C.18A: Strikes this paragraph which references job retention projects under former Code section 260F.9, which was repealed effective June 30, 2010, pursuant to 2003 Iowa Acts, 1st extraordinary session, ch. 2, section 93.

Code section 261E.8: Replaces the term "eligible postsecondary institution" with the term "community college" in this Code chapter relating to enrollment of students from a school district, accredited nonpublic schools, and students receiving competent private instruction in community college programs for concurrent high school and college credit under the senior year plus program.

Code section 267A.2: Changes the word "section" to "chapter" in the lead-in phrase to the definitions section for the local food and farm program Code chapter.

Code sections 282.1 and 282.10: Clarifies an internal reference to Code section 282.7 in these provisions relating to student attendance and whole grade sharing between school districts.

Code section 282.18: Changes the term "laboratory school" to "research and development school" in language relating to open enrollment of students from public school districts to the Price laboratory school to reflect the terminology used to refer to the school under Code chapter 256G, which governs the development and funding of that school.

Code sections 306D.2 and 465A.2: Replaces references to the economic development authority with references to the former department of economic development in these provisions regarding Iowa's open space plans in language which relates to activities which took place prior to the enactment of 2011 Iowa Acts, ch. 118, which established the economic development authority.

Code section 321.18: Strikes subsection 9, effective on June 30, 2012, or when Code chapter 322E is repealed, whichever is later, which provides an exemption to motor vehicle

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1 registration provision to motor homes purchased at a motor home
2 manufacturer's club rally by a nonresident and which is driven
3 on a highway solely for the purpose of removing the motor home
4 from the state. Code chapter 322E is currently scheduled for
5 repeal on June 30, 2012.
6 Code section 321.180B: Adds the word "a" within a series to
7 conform to other similar language in a provision enumerating
8 the list of persons who can accompany a person under the age
9 of 18 who has not yet been issued a full driver's license but
10 has been issued a permit or other intermediate license and is
11 lawfully operating a motor vehicle.
12 Code section 321.186: Strikes language relating to
13 applicants for a commercial driver's license from an exemption
14 permitting a license applicant to file a vision report in
15 lieu of passing a vision text administered by the department
16 of transportation to conform to changes made to Code section
17 321.186A by 2011 Iowa Acts, ch. 38.
18 Code section 419.4: Renumbers and adds an internal
19 reference to language relating to municipal bonding authority.
20 Code section 422.5: Corrects an internal reference to
21 computations of tax upon married persons' income in language
22 relating to computation of the alternative minimum tax.
23 Code section 422.7: Strikes, within the list of items to be
24 subtracted from adjusted gross income in the computation of net
25 income, a reference to a Vietnam Conflict veterans' bonus under
26 Code section 35A.8A, which was repealed June 30, 2011, pursuant
27 to the terms of the statute.
28 Code section 422.11S: Strikes contingency language from a
29 definition of the term "total approved tax credits" within this
30 provision relating to school tuition organization tax credits
31 because the amendment to Code section 257.8 that is referenced
32 in the contingency language was enacted in 2011 Iowa Acts, ch.
33 131, sections 122 and 123.
34 Code sections 422.11T and 422.11U: Changes "credit" to
35 "credits" in language relating to reduction of income tax by

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1 the tax credits allow under Code section 422.12 to conform to
2 similar language in surrounding provisions and because Code
3 section 422.12 provides for more than one tax credit.
4 Code section 437A.14: Adds the words "of revenue" after
5 references to "department" in language relating to refunding
6 of replacement taxes on electricity and natural gas providers.
7 While the term "director" is defined within Code chapter 437A
8 to mean the director of revenue, the term "department" is not
9 defined.
10 Code section 445.5: Changes the word "of" to "for", in
11 language relating to receipts for payments of property taxes
12 which are paid in part or in full for the given year, to clarify
13 the relationship between the receipt and the payment of the
14 amount.
15 Code section 452A.3: Renumbers to eliminate unnumbered
16 paragraphs within this provision relating to payment of tax on
17 motor and special fuels.
18 Code section 455B.487: Reorganizes and renumbers to
19 eliminate unnumbered paragraphs in this provision relating to
20 criteria established by the environmental protection commission
21 for identification of land suitable for the operation of
22 radioactive waste facilities.
23 Code section 459.501: Replaces, in subsection 5, paragraph
24 "b", the word "allocated" with the words "authorized for
25 payment" to conform to the changes made relating to the
26 authorizations for payment made by the executive council
27 pursuant to paragraph "a" of the same subsection by 2011 Iowa
28 Acts, ch. 131, section 35.
29 Code section 459.502: Clarifies that the fund in which the
30 department is to deposit indemnity fee moneys assessed on the
31 construction of confinement feeding operations is the livestock
32 remediation fund. The term "fund" is not defined for Code
33 chapter 459.
34 Code section 461A.80: Reorganizes and renumbers to
35 eliminate unnumbered paragraphs in this provision relating to

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1 the public outdoor recreation and resources appropriations
2 advisory council.
3 Code section 462A.2: Moves language relating to vessels
4 which are under way to clarify that the language applies to
5 sailboats that are not powered by a motor, but which do have
6 sails hoisted, in this definition of the term "operate".
7 Code section 466B.3: Strikes language including the
8 director of the rebuild Iowa office from the membership of the
9 water resources coordinating council. The rebuild Iowa office
10 was repealed on June 30, 2011, pursuant to 2009 Iowa Acts, ch.
11 169, section 10.
12 Code section 468.221: Changes a textual reference from
13 "paragraph" to "section" in a definition of the term "local
14 government" because the term is used elsewhere in this Code
15 section relating to drainage district communications with a
16 state agency or with local government.
17 Code section 473.1: Strikes, in two definitions in this
18 Code chapter relating to energy development and conservation,
19 references to definitions of terms from former Code section
20 469.31 which was repealed by 2011 Iowa Acts, ch. 118, section
21 49, and adds the text of the same definitions from that former
22 Code section.
23 Code section 473.7: Strikes, as redundant, the words "The
24 authority shall" from subsection 2 to conform to the style of
25 this Code section relating to duties of the authority under the
26 energy development and conservation Code chapter.
27 Code section 473.10: Replaces a reference to the director
28 with a reference to the economic development authority in
29 language relating to rulemaking authority. The economic
30 development authority is the entity made responsible for
31 rulemaking under 2011 Iowa Acts, ch. 118.
32 Code section 476.1C: Restructures, by renumbering to
33 eliminate unanchored unnumbered paragraphs and by striking
34 redundant language, in this provision relating to gas public
35 utilities with fewer than 2,000 customers.

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1 Code section 476C.4: Adds, within a subparagraph, the
2 word "equity" before references to holders of interests in
3 business entities which have applied for renewable electricity
4 production tax credits to conform to language contained in the
5 immediately preceding subparagraph of subsection 2 of this Code
6 section.
7 Code section 483A.24: Conforms terminology and corrects an
8 internal reference to clarify the applicability of an exclusion
9 from the exception in the definition of "owner" of a farm unit
10 under this Code section governing when a hunting, fishing, or
11 trapping license is not required before a person may engage in
12 those activities.
13 Code section 496B.12: Renumbers and conforms the internal
14 numbering and format of this Code section pertaining to
15 economic development corporations to the numbering and format
16 of other Code sections.
17 Code section 501A.504: Restructures language in subsection
18 4 relating to the filing of amendments to articles of
19 organization of a cooperative to highlight the alternative
20 nature of the adoption methods by members and directors and
21 conforms language relating to the adoption of an amendment by
22 directors to the requirements for amendments by directors that
23 is specified in subsection 3 of this Code section.
24 Code section 509.3: Strikes language referring to
25 applications for converted policies under Code chapter 509B
26 from a provision that describes one of the required components
27 of a group accident or health insurance policy or combination
28 group accident or health insurance policy. Code section
29 509B.4, which provided for the conversion of group policies was
30 repealed by 2006 Iowa Acts, ch. 1117, section 127.
31 Code section 514J.108: Adds the words "the covered person"
32 to language describing one of the instances in which a covered
33 person or a covered person's authorized representative may make
34 a request for an expedited external review of a health care
35 cover decision, to conform to other language within the same

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1 Code section.
2 Code section 515C.2: Corrects an internal reference to
3 the Code section establishing surplus requirements required
4 of mortgage guaranty insurers. Former subsection 8 of Code
5 section 515.49 was stricken when the Code section was rewritten
6 by 1988 Iowa Acts, ch. 1112, section 403.
7 Code section 524.904: Adds the word "state" before the word
8 "bank" in multiple locations to conform to other text within
9 this provision relating to loans and extensions of credit by a
10 state bank to a borrower.
11 Code section 568.16: Changes the word "by" to the word
12 "to" in language relating to the refunding of moneys by the
13 state back to grantees of land conveyed by the state, when
14 the grantee or the grantee's heirs or assigns did not receive
15 title to the land conveyed because title resided in some other
16 person.
17 Code section 602.9202: Conforms language relating to the
18 length of the terms that may be served by senior judges who
19 have reached the age of 78 to changes made to Code section
20 602.9203 by 2011 Iowa Acts, ch. 78.
21 Code section 633.3: Adds the words "and state" in a
22 provision defining what is included within the costs of
23 administration of an estate to clarify that interest on state
24 estate tax as well as federal estate tax are included. This
25 conforms with changes made by 2010 Iowa Acts, ch. 1138, and
26 2011 Iowa Acts, ch. 34.
27 Code section 633A.3106: Deletes a redundant phrase in
28 this provision relating to children born or adopted after the
29 execution of a revocable trust.
30 Code section 655A.3: Conforms the language that describes
31 the manner of service of a notice of rejection of a notice of
32 foreclosure to reflect the changes made to Code section 655A.4
33 by 2009 Iowa Acts, ch. 51. That Act changed the manner of
34 service of a notice of rejection under Code section 655A.4 from
35 service in the manner provided for service of original notices

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1 to service by ordinary or electronic mail.
2 Code section 692A.118: Strikes language in two subsections
3 within this Code section establishing the duties of the
4 department of public safety regarding the sex offender registry
5 to conform to the style of other subsections.
6 Code section 714.27: Changes "the identity of" to
7 "identifying information for" to conform to the nature of the
8 descriptive list of the types of information that a salvage
9 dealer must maintain under a copper theft ordinance regarding a
10 person who brings in salvaged materials.
11 Code sections 717F.1 and 717F.8: Strikes subparagraph (9)
12 of subsection 5, paragraph "a", which is a duplicate of the
13 language found in subparagraph (10), subparagraph division (a),
14 in Code section 717F.1, and corrects a typographical error in
15 the spelling of the family name of certain types of snakes in
16 language enumerating the types of animals considered to be
17 dangerous wild animals in Code sections 717F.1 and 717F.8.
18 Code section 805.8A: Corrects an internal reference to
19 the provisions within a Code section relating to registration
20 of motor carriers that contain language prohibiting certain
21 conduct. Subsection 2 relates to state department of
22 transportation participation in the federal unified carrier
23 registration plan and agreement for regulated motor carriers.
24 Code section 811.1: Changes two commas to semicolons and
25 strikes a redundant "or" in language to conform the punctuation
26 and format of the series that describes the types of felonies
27 and public offenses for which a defendant, awaiting judgment of
28 conviction and sentencing after a plea or verdict of guilty,
29 shall not be admitted to bail.
30 Code section 907.5: Enumerates the criteria the court must
31 consider before deferring judgment or sentence or suspending
32 a defendant's sentence as lettered paragraphs and numbers
33 the balance of the provision to enhance readability of the
34 provision.
35 2011 Iowa Acts, chapter 113, section 45: Corrects

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1 retroactively to July 1, 2011, by striking and replacing this
2 section of 2011 Iowa Acts, ch. 113, numeric references to two
3 subchapters in Code chapter 159A, that according to the text
4 of the language, should refer to the provisions administered
5 by the office of renewable fuels and coproducts and provisions
6 establishing the renewable fuel infrastructure programs and
7 fund.
8 2011 Iowa Acts, chapter 131, sections 134 and 135: Corrects
9 incorrect references within an Act to provisions within another
10 Act. The first correction takes effect upon enactment and
11 applies retroactively to the date which is 30 days after July
12 29, 2011. The second correction takes effect upon enactment
13 and applies retroactively to July 29, 2011.

Senate Study Bill 3154 - Introduced

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

A BILL FOR

1 An Act relating to the criminal offense of solicitation to
2 commit murder and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5230SC (1) 84
jm/rj

S.F. _____

1 Section 1. NEW SECTION. **707.3A Solicitation to commit**
2 **murder.**
3 1. A person who commands, entreats, or otherwise attempts to
4 persuade another to commit murder as defined in section 707.1,
5 with the intent that such act be done and under circumstances
6 which corroborate that intent by clear and convincing evidence,
7 solicits another to commit that murder.
8 2. Renunciation, as provided for in section 705.2, is a
9 defense to a prosecution for solicitation under this section.
10 3. A person who solicits another to commit murder commits a
11 class "C" felony.
12 EXPLANATION
13 This bill creates a criminal offense relating to the
14 solicitation to commit murder.
15 Under the bill, a person who commands, entreats, or
16 otherwise attempts to persuade another to commit murder as
17 defined in Code section 707.1, with the intent that such act be
18 done and under circumstances which corroborate that intent by
19 clear and convincing evidence, solicits another to commit that
20 murder.
21 The bill provides that a person who commits solicitation to
22 commit murder commits a class "C" felony. A class "C" felony
23 is punishable by confinement for no more than 10 years and a
24 fine of at least $1,000 but not more than $10,000.
25 A general solicitation criminal offense is found in Code
26 section 705.1.
27 Code section 705.2 establishes renunciation as a defense to
28 solicitation.