Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 28, 2012

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House File 2337

H-8054

1 Amend the amendment, H-8041, to House File 2337 as
2 follows:
3 1. Page 2, after line 1 by inserting:
4 <___. Page 11, by striking lines 34 and 35.>
5 2. By renumbering as necessary.

_____
JACOBY of Johnson

House File 2336

H-8055

1 Amend House File 2336 as follows:
2 1. Page 2, line 19, by striking <15C.205> and
3 inserting <~~15C.205~~ 159A.16>
4 2. By renumbering as necessary.

DRAKE of Cass

House File 2337

H-8056

1 Amend House File 2337 as follows:
2 1. Page 2, by striking lines 27 through 29.
3 2. By renumbering as necessary.

SCHULTZ of Crawford

House File 2340

H-8057

1 Amend House File 2340 as follows:
2 1. Page 14, after line 23 by inserting:
3 <Sec. ___. 2009 Iowa Acts, chapter 169, section 4,
4 subsection 2, as amended by 2011 Acts, chapter 127,
5 section 53, is amended to read as follows:
6 2. From the moneys appropriated in this section,
7 there is transferred to the department of human rights
8 two hundred fifty thousand dollars for deposit in the
9 individual development account state match fund created
10 in section 541A.7. Notwithstanding other provisions to
11 the contrary in section 541A.3, subsection 1, moneys
12 appropriated to the individual development account
13 state match fund under this subsection ~~shall~~ may be
14 used to provide the state match to account holders
15 affected by a natural disaster for which the president
16 of the United States declared a disaster area, and who
17 have a household income that is equal to or less than
18 three hundred percent of the federal poverty level as
19 defined by the most recently revised poverty income
20 guidelines published by the United States department of
21 health and human services.>
22 2. Title page, by striking lines 7 and 8 and
23 inserting <of ownership shares, superintendent
24 management authority, individual development accounts
25 held at credit unions and other financial institutions,
26 and making penalties applicable.>

_____
IVERSON of Wright

House File 2289

H-8058

1 Amend House File 2289 as follows:
2 1. Page 2, after line 7 by inserting:
3 <Sec. ___. Section 602.1215, Subsection 1, Code
4 2011, is amended to read as follows:
5 **602.1215 Clerk of the district court.**
6 1. Subject to the provisions of section 602.1209,
7 subsection 3, ~~the district judges of each~~ chief judge
8 of the judicial ~~election~~ district, after consultation
9 with the district judges of the district, shall ~~by~~
10 ~~majority vote~~ appoint persons to serve as clerks of the
11 district court within the judicial ~~election~~ district.
12 The ~~district judges of a judicial election district~~
13 chief judge may appoint a person to serve as clerk of
14 the district court for more than one but not more than
15 four contiguous counties in the same judicial district.
16 A person does not qualify for appointment to the office
17 of clerk of the district court unless the person is at
18 the time of application a resident of the state. A
19 clerk of the district court may be removed from office
20 for cause by ~~a majority vote of the district judges~~
21 ~~of~~ the chief judge of the judicial ~~election~~ district.
22 ~~Before~~ Prior to removal, the clerk of the district
23 court shall be notified of the cause for removal.>
24 2. Title page, by striking lines 1 and 2 and
25 inserting <An Act relating to the appointment of
26 certain judicial officers and the clerks of the
27 district court.>

ANDERSON of Page

HALL of Woodbury

J. TAYLOR of Woodbury

JORGENSEN of Woodbury

House File 2320

H-8059

1 Amend House File 2320 as follows:
2 1. Page 2, by striking lines 8 through 10 and
3 inserting <designation of the existing area agencies
4 on aging and designate a new area agency on aging to
5 represent each planning and service area effective no
6 later than July 1, 2013.>

_____
JORGENSEN of Woodbury

House File 2305

H-8060

1 Amend House File 2305 as follows:
2 1. Page 4, by striking lines 12 through 17.
3 2. By renumbering as necessary.

_____
JORGENSEN of Woodbury

House Joint Resolution 2009

H-8061

1 Amend the amendment, H-8032, to House Joint
2 Resolution 2009 as follows:
3 1. Page 1, by striking lines 1 through 30 and
4 inserting:
5 <Amend House Joint Resolution 2009 as follows:
6 ___. By striking everything after the resolving
7 clause and inserting:
8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:
10 Article I of the Constitution of the State of Iowa
11 is amended by adding the following new section:
12 **Right to acquire, keep, possess, transport, carry,**
13 **transfer, and use arms.** SEC. 1A. The right of the
14 people to keep and bear arms, as herein expressed,
15 shall not be infringed.
16 The right of an individual to acquire, keep,
17 possess, transport, carry, transfer, and use arms to
18 defend life and liberty and for all other legitimate
19 purposes is fundamental and shall not be infringed
20 upon or denied. Mandatory licensing, registration, or
21 special taxation as a condition of the exercise of this
22 right is prohibited, and any other restriction shall be
23 subject to strict scrutiny.
24 Sec. 2. REFERRAL AND PUBLICATION. The foregoing
25 proposed amendment to the Constitution of the State of
26 Iowa is referred to the general assembly to be chosen
27 at the next general election for members of the general
28 assembly and the secretary of state is directed to
29 cause the same to be published for three consecutive
30 months previous to the date of that election as
31 provided by law.>
32 ___. Title page, by striking lines 1 through 3 and
33 inserting <A Joint Resolution proposing an amendment
34 to the Constitution of the State of Iowa relating
35 to an individual´s right to acquire, keep, possess,
36 transport, carry, transfer, use, and bear arms.>>
37 2. By renumbering as necessary.

_____
HORBACH of Tama

House File 2337

H-8062

1 Amend the amendment, H-8039, to House File 2337 as
2 follows:
3 1. Page 1, after line 11 by inserting:
4 <Sec. ___. 2011 Iowa Acts, chapter 130, section 61,
5 subsection 3, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. d. Of the moneys appropriated in
8 this section for the operation of field offices, the
9 department shall allocate $250,000 for the purpose
10 of funding virtual access points of field offices at
11 public libraries.>>
12 2. By renumbering, redesignating, and correcting
13 internal references as necessary.

THOMAS of Clayton

Senate Amendment to
House File 589

H-8063

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 717A.1, Code 2011, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 2A. *"Agricultural production*
8 *facility"* means an animal facility as defined in
9 subsection 4, paragraph *"a"*, or a crop operation
10 property.
11 Sec. 2. NEW SECTION. **717A.3A Agricultural**
12 **production facility fraud.**
13 1. A person is guilty of agricultural production
14 facility fraud if the person willfully does any of the
15 following:
16 *a.* Obtains access to an agricultural production
17 facility by false pretenses.
18 *b.* Makes a false statement or representation as
19 part of an application or agreement to be employed
20 at an agricultural production facility, if the
21 person knows the statement to be false, and makes
22 the statement with an intent to commit an act not
23 authorized by the owner of the agricultural production
24 facility, knowing that the act is not authorized.
25 2. A person who commits agricultural production
26 facility fraud under subsection 1 is guilty of the
27 following:
28 *a.* For the first conviction, a serious misdemeanor.
29 *b.* For a second or subsequent conviction, an
30 aggravated misdemeanor.
31 3. *a.* A person who conspires to commit
32 agricultural production facility fraud under subsection
33 1 is subject to the provisions of chapter 706. A
34 person who aids and abets in the commission of
35 agricultural production facility fraud under subsection
36 1 is subject to the provisions of chapter 703. When
37 two or more persons, acting in concert, knowingly
38 participate in committing agricultural production
39 facility fraud under subsection 1, each person is
40 responsible for the acts of the other person as
41 provided in section 703.2. A person who has knowledge
42 that agricultural production facility fraud under
43 subsection 1 has been committed and that a certain
44 person committed it, and who does not stand in the
45 relation of husband or wife to the person committing
46 the agricultural production facility fraud under
47 subsection 1, and who harbors, aids, or conceals
48 the person committing the agricultural production
49 facility fraud under subsection 1, with the intent to
50 prevent the apprehension of the person committing the

1 agricultural production facility fraud under subsection
2 1, is subject to section 703.3.
3 *b.* A trial information or an indictment relating to
4 agricultural production facility fraud under subsection
5 1 need not contain allegations of vicarious liability
6 as provided in chapter 703.
7 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
8 deemed of immediate importance, takes effect upon
9 enactment.>
10 2. Title page, line 1, by striking <offenses> and
11 inserting <an offense>
12 3. Title page, line 2, by striking <penalties and
13 remedies> and inserting <penalties, and including
14 effective date provisions>

House File 2351

H-8064

1 Amend House File 2351 as follows:
2 1. Page 15, after line 21 by inserting:
3 <Sec. ___. NEW SECTION. **9B.21B Fees —**
4 **certification.**
5 The secretary of state shall collect the following
6 fees, for use in offsetting the cost of administering
7 this chapter:
8 1. For furnishing a certified copy of any document,
9 instrument, or paper relating to a notary public, one
10 dollar per page and five dollars for the certificate.
11 2. For furnishing an uncertified copy of any
12 document, instrument, or paper relating to a notary
13 public, one dollar per page.
14 3. For certifying, under seal of the secretary
15 of state, a statement as to the status of a notary
16 commission which would not appear from a certified
17 copy of documents on file in the secretary of state's
18 office, five dollars.
19 4. For authorizing an Iowa notary public to perform
20 electronic notarization for the term of the notary's
21 commission, ten dollars.>
22 2. Title page, line 1, before <and> by inserting <,
23 providing for fees,>
24 3. By renumbering as necessary.

HAGENOW of Polk

HF2351.4445 (1) 84
-1- da/rj 1/1

House File 2290

H-8065

Amend House File 2290 as follows:

1. Page 1, by striking lines 1 through 15.

2. Page 1, by striking lines 18 through 23.

3. Page 1, after line 29 by inserting:

<NEW SUBSECTION. 25A. *"Organic law"* means a statute principally governing the internal affairs of a domestic or foreign business corporation, nonprofit corporation, or unincorporated entity.

NEW SUBSECTION. 25B. *"Organic record"* means a public organic record or private organic record.

NEW SUBSECTION. 27A. *"Private organic record"* means any record, other than a public organic record, if any, that determines the internal governance of an unincorporated entity. Where a private organic record has been amended or restated, *"private organic record"* means the private organic record as last amended or restated.

NEW SUBSECTION. 29A. *"Public organic record"* means the record, if any, that is filed of public record, to create an unincorporated entity. Where a public organic record has been amended or restated, *"public organic record"* means the public organic record as last amended or restated.

NEW SUBSECTION. 29B. *"Record"* means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.>

4. Page 2, by striking lines 7 through 13 and inserting:

<Sec. ___. Section 504.141, subsection 15, Code 2011, is amended to read as follows:>

5. By striking page 2, line 23, through page 3, line 3.

6. Page 5, line 13, by striking <~~subsection 3~~ section 504.813> and inserting <subsection 3>

7. By striking page 5, line 17, through page 6, line 31.

8. Page 7, by striking lines 22 through 35.

9. Page 8, by striking lines 24 and 25.

10. Page 9, line 33, after <~~company~~> by inserting <organic record of the surviving>

11. By striking page 9, line 35, through page 10, line 10.

12. Page 10, line 14, by striking <corporation,> and inserting <corporation>

13. Page 10, by striking lines 15 through 17 and inserting <~~liability company~~ an unincorporated entity, provided that all of the following apply>

14. Page 10, by striking line 21 and inserting <subparagraph (2), Code 2011, is amended to read as>

15. Page 10, by striking lines 24 and 25 and inserting <~~liability company~~ unincorporated entity>

16. Page 10, by striking lines 30 through 35.

17. Page 11, by striking lines 9 and 10 and inserting <country under whose law each foreign corporation is incorporated or foreign unincorporated entity is organized and each foreign>

18. By renumbering as necessary.

SWAIM of Davis

House File 2336

H-8066

1 Amend the amendment, H-8055, to House File 2336 as
2 follows:
3 1. Page 1, line 2, by striking <<15C.205>> and
4 inserting <<15G.205>>
5 2. Page 1, line 3, by striking <<~~15C.205~~>> and
6 inserting <<~~15G.205~~>>
7 3. By renumbering as necessary.

DRAKE of Cass

House File 2335

H-8067

Amend the amendment, H-8044, to House File 2335 as follows:

1. Page 1, by striking lines 2 through 17 and inserting:

<___. By striking page 8, line 4, through page 9, line 33, and inserting:

<Sec. ___. 2011 Iowa Acts, chapter 134, section 34, is amended to read as follows:

SEC. 34. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services:
..... $ ~~6,102,474~~
14,193,633

b. For the second judicial district department of correctional services:
..... $ ~~5,168,474~~
10,595,835

c. For the third judicial district department of correctional services:
..... $ ~~2,799,883~~
7,143,585

d. For the fourth judicial district department of correctional services:
..... $ ~~2,695,678~~
5,441,802

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:
..... $ ~~9,371,065~~
19,049,459

f. For the sixth judicial district department of correctional services:
..... $ ~~6,556,282~~
15,157,577

g. For the seventh judicial district department of correctional services:
..... $ ~~3,246,407~~
7,610,054

h. For the eighth judicial district department of correctional services:
..... $ ~~3,439,858~~
8,258,414

1A. As a condition of receiving an appropriation in subsection 1 and to enhance the safety of the general public, the judicial district departments of correctional services, in cooperation with the department of corrections, shall designate a facility for persons who are placed in a transitional release program under chapter 229A or discharged from commitment as a sexually violent predator under chapter 229A because the person is in need of medical treatment.

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor's office of drug control policy or any succeeding entity of the governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

5A. Authorization under section 8.39, section 35 of this division of this Act, and any other provision authorizing the transfer of moneys for fiscal year 2012-2013 are not applicable to the moneys appropriated in this section.>>

T. OLSON of Linn

House File 2221

H-8068

1 Amend House File 2221 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 441.21, Code Supplement 2011,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 13. *a.* Beginning with valuations
7 established on or after January 1, 2013, as used in
8 this section, *"residential property"* includes that
9 portion of a building or structure situated on the
10 stories above the ground floor that is used for human
11 habitation and a proportionate share of the land upon
12 which the building or structure is situated, even if
13 the use for human habitation is not the primary use
14 of the building or structure, if all of the following
15 apply:
16 (1) The building or structure consists of three or
17 fewer stories above grade.
18 (2) The ground floor of the building or structure
19 is used for commercial purposes and not for human
20 habitation except for providing access to stories above
21 the ground floor.
22 (3) The stories above the ground floor contain in
23 the aggregate two or fewer dwelling units.
24 *b.* Accordingly, the assessor may assign more than
25 one classification to a parcel of property satisfying
26 the requirements of this subsection. In no case,
27 however, shall a hotel, motel, inn, or other building
28 where rooms are usually rented for less than one
29 month, a nursing home, or a rest home be classified as
30 residential property under this subsection. Property
31 described in this subsection and located in an urban
32 renewal area for which an ordinance providing for a
33 division of revenue was adopted before July 1, 2012,
34 and is in effect on the date of the assessment shall
35 not be classified as residential property under this
36 subsection.
37 *c.* *"Dwelling unit"* means an apartment, group of
38 rooms, or single room which is occupied as separate
39 living quarters or, if vacant, is intended for
40 occupancy as separate living quarters, in which a
41 tenant can live and sleep separately from any other
42 persons in the building.>

HORBACH of Tama

House File 2335

H-8069

Amend House File 2335 as follows:

1. Page 9, after line 10 by inserting:

<1A. As a condition of receiving an appropriation in subsection 1 and to enhance the safety of the general public, the judicial district departments of correctional services, in cooperation with the department of corrections and the department of human services, shall designate a facility for persons who are placed in a transitional release program under chapter 229A or discharged from commitment as a sexually violent predator under chapter 229A because the person is in need of medical treatment.>

FRY of Clarke

House File 2335

H-8070

1 Amend the amendment, H-8044, to House File 2335 as
2 follows:
3 1. Page 1, by striking lines 2 through 17 and
4 inserting:
5 <___. Page 9, after line 10 by inserting:
6 <1A. As a condition of receiving an appropriation
7 in subsection 1 and to enhance the safety of the
8 general public, the judicial district departments
9 of correctional services, in cooperation with the
10 department of corrections and the department of human
11 services, shall designate a facility for persons who
12 are placed in a transitional release program under
13 chapter 229A or discharged from commitment as a
14 sexually violent predator under chapter 229A because
15 the person is in need of medical treatment.>>

_____
FRY of Clarke

House File 2292

H-8071

1 Amend House File 2292 as follows:
2 1. Page 1, line 10, before <A> by inserting <1.>
3 2. Page 1, after line 13 by inserting:
4 <2. Notwithstanding any other law to the contrary,
5 if a person is required to obtain a construction permit
6 for a confinement feeding operation for confining
7 fish as required under chapter 459, the person shall
8 be required to have the siting of such confinement
9 approved by the county board of supervisors as a
10 requirement for approval of a construction permit.>

_____
ISENHART of Dubuque

House File 2381 - Introduced

HOUSE FILE 2381
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 618)

A BILL FOR

1 An Act relating to the assessment of moneys on sheep and wool
2 production, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5539HV (3) 84
da/rj

H.F. 2381

1 Section 1. Section 182.1, subsection 5, Code 2011, is
2 amended by striking the subsection.
3 Sec. 2. Section 182.1, Code 2011, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 8A. *"Secretary"* means the secretary of
6 agriculture.
7 Sec. 3. NEW SECTION. **182.13B Assessment rate.**
8 1. If a majority of voters at a referendum conducted
9 pursuant to section 182.4 approve the establishment of an
10 Iowa sheep and wool promotion board and the imposition of an
11 assessment, the assessment shall be imposed on wool and sheep
12 at the following rates:
13 *a.* For wool, two cents imposed on each pound of wool sold
14 by a producer.
15 *b.* For sheep, ten cents imposed on each head of sheep sold
16 by a producer.
17 2. Notwithstanding subsection 1, upon a resolution adopted
18 by the board, the secretary shall call a special referendum for
19 voters to authorize increasing the assessment rate imposed on
20 sheep as provided in this subsection and subsection 3.
21 *a.* The special referendum shall be conducted in the same
22 manner as a referendum conducted upon receipt of a petition
23 as provided in this chapter, unless otherwise provided in the
24 board's resolution. Only producers are eligible to vote in an
25 election and each producer is entitled to one vote.
26 *b.* If a majority of voters authorize increasing the
27 assessment rate, the assessment rate shall be twenty-five cents
28 imposed on each head of sheep. If a majority of voters do not
29 authorize increasing the assessment rate, the assessment rate
30 shall be the same as provided in subsection 1.
31 3. If a majority of voters authorize increasing the
32 assessment rate imposed on sheep as provided in subsection
33 2, the assessment rate imposed on each head of sheep may be
34 increased pursuant to a resolution adopted by the board. The
35 board shall comply with all of the following:

H.F. 2381

1 *a.* The board must wait three or more years from the
2 effective date of the previous increase in order to adopt such
3 a resolution. For the first increase, the effective date is
4 the date that the voters authorized increasing the assessment
5 rate pursuant to subsection 1. For any subsequent increase,
6 the effective date is the date that the board last adopted
7 a resolution imposing an increased rate as provided in this
8 subsection.
9 *b.* The board shall not adopt a resolution until it provides
10 notice to producers of the proposed increase and an opportunity
11 for producers to submit written or oral comments to the board
12 regarding the proposed increase. The board may provide notice
13 by publication in the same manner as provided in section
14 182.3, publication on its internet site, mail bearing a United
15 States postal service postmark, electronic transmission, or
16 hand-delivery.
17 *c.* The increase in the assessment rate imposed by a
18 resolution of the board must equal five cents. However, the
19 assessment rate imposed by a resolution of the board shall not
20 equal more than fifty cents.
21 Sec. 4. Section 182.14, subsection 1, Code 2011, is amended
22 by striking the subsection.
23 Sec. 5. Section 182.14, subsection 2, unnumbered paragraph
24 1, Code 2011, is amended to read as follows:
25 ~~The~~ An assessment provided in this chapter shall be imposed
26 on the producer as follows:
27 Sec. 6. EFFECT OF ACT. The establishment of the Iowa
28 sheep and wool promotion board and the assessment on the sale
29 of sheep or wool, as established in a referendum conducted
30 pursuant to section 182.4, and in effect immediately prior
31 to the effective date of this Act, is not affected by the
32 enactment of section 182.13B, subsection 1, or the repeal of
33 section 182.14, subsection 1, as provided in this Act.
34 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

H.F. 2381

EXPLANATION

Current law provides for an assessment (a so-called checkoff) on the sale of sheep and wool to first purchasers. The assessment is ultimately expended by the Iowa sheep and wool promotion board for purposes of promoting the marketing of sheep and wool and to provide for related education and research programs. The board operates and the checkoff is imposed pursuant to a referendum approved by sheep and wool producers.

This bill authorizes the board to conduct a special referendum to increase the checkoff rate for each head of sheep from 10 cents to 25 cents, and to authorize the board to increase the rate in the future by board resolution. The bill requires that the special referendum be conducted in the same manner as the referendum establishing the board and first imposing the assessment rate, unless the board's resolution provides otherwise. However, the resolution cannot alter two provisions; only producers are eligible to vote in an election and each producer is entitled to one vote. The bill places a number of conditions upon the board's resolution to further increase the rate. First, it must wait three or more years from the effective date of the previous increase in order to adopt such a resolution. Second, it must provide notice to and an opportunity for comment by producers. Third, the increased rate must equal 5 cents. Finally, the board cannot increase the rate to more than 50 cents per head of sheep.

The bill provides that the result of moving and rewriting a provision that imposes the current assessment rate does not affect the prior establishment of the board or the prior imposition of that rate as established by referendum.

The bill takes effect upon enactment.

House File 2382 - Introduced

HOUSE FILE 2382
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HSB 648)

A BILL FOR

1 An Act relating to the amount allowable as an innovation fund
2 investment tax credit and including effective date and
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6027HV (2) 84
mm/sc

H.F. 2382

Section 1. Section 15E.52, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The amount of a tax credit allowed under this section shall equal ~~twenty percent of~~ the following percentage of the taxpayer's equity investment in an innovation fund:

a. For equity investments made in fiscal years beginning on or after July 1, 2011, and ending on or before June 30, 2014, one hundred percent.

b. For equity investments made in fiscal years beginning on or after July 1, 2014, twenty percent.

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

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to July 1, 2011, for innovation fund tax credit certificates issued on or after that date.

EXPLANATION

This bill changes the amount allowable as an innovation fund investment tax credit under Code section 15E.52. Under current law, the credit is equal to 20 percent of a taxpayer's equity investment in an innovation fund. The bill changes the credit amount to 100 percent of an equity investment made in fiscal years beginning July 1, 2011, July 1, 2012, and July 1, 2013, and 20 percent for fiscal years beginning on or after July 1, 2014.

The bill is effective upon enactment and applies retroactively to July 1, 2011, for innovation fund tax credit certificates issued on or after that date.

House File 2383 - Introduced

HOUSE FILE 2383
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2094)

A BILL FOR

1 An Act relating to mandatory reporting of school employee
2 misconduct to the board of educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5329HV (2) 84
je/nh

H.F. 2383

Section 1. Section 272.15, subsection 1, paragraphs a and c, Code Supplement 2011, are amended to read as follows:

a. (1) The board of directors of a school district or area education agency, the superintendent of a school district, the chief administrator of an area education agency, and the authorities in charge of an accredited nonpublic school shall report to the board any instance of disciplinary action taken against a licensed school employee by the board of directors of the school district or area education agency, the superintendent of the school district, the chief administrator of the area education agency, or the authorities in charge of the accredited nonpublic school for conduct constituting any of the following:

(a) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student.

(b) Falsifying student grades, test scores, or other official information or material.

(c) Converting public property or funds to the personal use of the school employee.

(d) Violations of contractual obligations, including signing an employment contract with another school or area education agency while under an employment contract and abandoning an employment contract without prior release.

(2) The board of directors of a school district or area education agency, the superintendent of a school district ~~or~~, the chief administrator of an area education agency, and the authorities in charge of ~~a~~ an accredited nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person's contract executed under sections 279.12, 279.13, 279.15 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of the ~~rules~~ standards of professional conduct and ethics adopted by the

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board ~~to implement section 272.2, subsection 14, paragraph "b", subparagraph (1)~~ in 282 IAC 25, when the board or reporting official has a good faith belief that the incident occurred or the allegation is true. The board may deny a license or revoke the license of an administrator if the board finds by a preponderance of the evidence that the administrator failed to report the termination or resignation of a school employee holding a license, certificate, statement of professional recognition, or coaching authorization, for reasons of alleged or actual misconduct, as defined by this section.

c. For purposes of this section, unless the context otherwise requires, *"misconduct"* means an action disqualifying an applicant for a license or causing the license of a person to be revoked or suspended in accordance with the ~~rules~~ standards of professional conduct and ethics adopted by the board ~~to implement section 272.2, subsection 14, paragraph "b", subparagraph (1)~~ in 282 IAC 25.

Sec. 2. Section 272.15, subsection 2, Code Supplement 2011, is amended to read as follows:

2. If, in the course of performing official duties, an employee of the department becomes aware of any alleged misconduct by an individual licensed under this chapter, the employee shall report the alleged misconduct to the board of educational examiners under rules adopted ~~pursuant to subsection 1~~ by the board.

EXPLANATION

This bill requires the board of directors of a school district or area education agency, the superintendent of a school district, the chief administrator of an area education agency, and the authorities in charge of an accredited nonpublic school to report any instance of disciplinary action taken against a licensed school employee to the board of educational examiners for conduct constituting soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student; falsifying student

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1 grades, test scores, or other official information or material;
2 converting public property or funds to the personal use of the
3 school employee; or violations of contractual obligations.
4 The bill also modifies the definition of misconduct for the
5 purposes of mandatory reporting of school employee misconduct
6 to the board of educational examiners to cite directly to the
7 standards of professional conduct and ethics set out in the
8 board´s rules.

House File 2384 - Introduced

HOUSE FILE 2384
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 647)

A BILL FOR

1 An Act concerning school district funding for excess costs of
2 instruction of children requiring special education.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6079HV (1) 84
je/rj

H.F. 2384

Section 1. Section 256B.9, subsection 7, Code 2011, is amended to read as follows:

7. The costs of special education instructional programs when contracted with a private agency include the costs of general administration, health service, attendance officers, plant operation, and plant maintenance, instructional costs, and the costs of purchase of equipment, transportation ~~equipment~~, and insurance to meet the special needs of children requiring special education with the approval of the director of the department of education. The state board of education shall adopt rules under chapter 17A ~~for the purchase of transportation equipment pursuant~~ to administer this section.

EXPLANATION

This bill adds the costs of general administration, health service, attendance officers, plant operation, and plant maintenance, instructional costs, and the costs of purchase of equipment, transportation, and insurance to the included costs that are covered by funds for school districts for excess costs of instruction of children requiring special education when contracted with a private agency. Covered costs currently include the cost of purchase of transportation equipment when contracted with an area education agency, another school district, or a private agency. The bill directs the state board of education to adopt rules to administer the bill.

House File 2385 - Introduced

HOUSE FILE 2385
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2208)

A BILL FOR

1 An Act providing for the licensure of applicants with
2 professional employment in mathematics-related or
3 science-related fields as teachers for secondary
4 school-level mathematics and science courses.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5560HV (1) 84
kh/rj

H.F. 2385

1 Section 1. Section 272.2, Code Supplement 2011, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 19. Adopt rules to license as a secondary
4 teacher endorsed to teach only mathematics or science, an
5 applicant who has not graduated from an approved practitioner
6 preparation program but who, at a minimum, holds a bachelor's
7 degree with a major course of study in mathematics or science
8 from an accredited postsecondary institution; has at least six
9 thousand hours of successful, recent, and relevant employment
10 in a mathematics-related or science-related profession; and
11 successfully passes the educational testing services' Praxis
12 II subject examination for biology and general science if
13 the endorsement sought is to teach a science course, or the
14 educational testing services' Praxis II mathematics content
15 and knowledge examination if the endorsement sought is for
16 mathematics.
17 EXPLANATION
18 This bill directs the board of educational examiners to
19 adopt rules to license as a secondary teacher endorsed to teach
20 only mathematics or science, an applicant who has not graduated
21 from an approved practitioner preparation program but who, at a
22 minimum, holds a bachelor's degree with a major in mathematics
23 or science from an accredited postsecondary institution; has
24 at least 6,000 hours of employment in a mathematics-related
25 or science-related profession; and successfully passes the
26 educational testing services' Praxis II biology and general
27 science test if the endorsement sought is to teach a science
28 course, or the educational testing services' Praxis II
29 mathematics content and knowledge test if the endorsement
30 sought is for mathematics.

House File 2386 - Introduced

HOUSE FILE 2386
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2102)

A BILL FOR

1 An Act relating to school district teaching assignments and
2 responsibilities, student advancement by a teacher or school
3 district, and providing for withholding of state aid to
4 school districts under certain conditions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5404HV (2) 84
kh/rj

H.F. 2386

Section 1. Section 256.9, subsection 52, Code Supplement 2011, is amended to read as follows:

52. Establish and maintain a process and a procedure, in cooperation with the board of educational examiners, to compare a practitioner's teaching assignment with the license and endorsements held by the practitioner. The director may report noncompliance issues identified by this process to the board of educational examiners pursuant to section 272.15, subsection 3, and may provide for the withholding of state aid to a school district pursuant to section 257.17 if the department determines that the school district is in violation of section 279.65, subsection 4 or 5.

Sec. 2. Section 257.17, Code 2011, is amended to read as follows:

257.17 Aid reduction for early school starts.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced ~~by~~ as follows under the following circumstances:

1. By one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. However, this ~~section~~ subsection does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.

2. By ten percent of the state cost per pupil for each violation of section 279.65 involving a single student as determined by the department of education in accordance with section 256.9, subsection 52.

Sec. 3. NEW SECTION. **279.65 Teacher of record — contact hours and endorsements — student advancement.**

1. The state board of education shall define the term *"teacher of record"* by rule. The definition shall provide,

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at a minimum, that the term identifies the teacher who has responsibility for providing instruction in grades six through twelve to a given student for a given subject during each semester. A student may have more than one teacher of record if the school district utilizes team teaching in a given subject or when another teacher provides supplemental instruction. The state board of education shall determine under the definition the share of instructional responsibility to be apportioned to each teacher of a subject or grade level. The definition shall establish guidelines for determining whether a teacher of record is a classroom instructor or provides supplemental education in a subject.

2. At least twice annually, a teacher of record and the teacher's supervisor shall verify and, where appropriate, correct the roster of students for whom the teacher has been assigned responsibility. The teacher of record shall have at least fifty percent of the total contact hours with a given student in a given subject, except when the coursework is offered as an online course supervised by an appropriately licensed teacher.

3. A student shall not advance to the next grade level or the next level of coursework unless the student demonstrates proficiency by successfully meeting the minimum course requirements which shall be equally administered for all students as demonstrated by the teacher of record's published standards for competency and proficiency for the grade level or course or by the school district's published standards for competency and proficiency for the grade level or course.

4. *a.* A practitioner other than the teacher of record shall not change or modify the course grade assigned to a student by the teacher of record and recorded in a student's permanent record.

b. The department of education shall include on its internet site a complaint form by which a teacher of record may file a complaint with the department regarding a violation of

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1 paragraph *"a"*.
2 *c.* If the department of education determines that a
3 practitioner changed or modified a student's grade in violation
4 of paragraph *"a"*, the department shall notify the school
5 district that the original grade must be restored in the
6 student's permanent record within thirty days. If the school
7 district does not comply within the thirty-day time period,
8 the department shall report the failure to comply to the
9 board of educational examiners and request that the board
10 review, in accordance with section 272.2, subsection 4, the
11 license of the administrator who authorized the violation.
12 Prior to initiating a licensee disciplinary investigation or
13 proceeding, or during such an investigation or proceeding, the
14 practitioner shall be given an opportunity to demonstrate to
15 the satisfaction of the board that the grade modification was
16 a good faith error or that there was good cause for the grade
17 modification.
18 5. A teacher of record, in accordance with section 272.7,
19 shall hold an endorsement for the type of service for which the
20 teacher is employed.
21 6. If the department of education determines that a school
22 district is not in compliance with this section, the department
23 shall instruct the director of the department of management to
24 withhold state aid to the school district in accordance with
25 section 257.17, subsection 2. The department of education
26 shall direct the department of management to restore the amount
27 withheld pursuant to this subsection if the department of
28 education determines that the school district is in compliance
29 with this section.
30 EXPLANATION
31 This bill establishes requirements relating to teachers who
32 have the responsibility for providing instruction in grades
33 6 through 12 to a given student for a given subject during
34 each semester, and provides for a reduction or withholding of
35 state aid to a school district if the department of education

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1 determines that the school district is in violation of the
2 requirements set forth in the bill.
3 The bill directs the state board of education to define the
4 term "teacher of record" by rule. A student may have more
5 than one teacher of record if the school district utilizes
6 team teaching. The definition shall determine the share
7 of instructional responsibility to be apportioned to each
8 teacher of a subject or grade level and establish guidelines
9 for determining whether a teacher of record is a classroom
10 instructor or provides supplemental education in a subject.
11 At least twice annually, a teacher of record and the
12 teacher's supervisor shall verify and, where appropriate,
13 correct the roster of students for whom the teacher has been
14 assigned responsibility. The teacher of record shall have
15 at least 50 percent of the total contact hours with a given
16 student in a given subject, except when the coursework is
17 offered as an online course supervised by an appropriately
18 licensed teacher.
19 A student shall not advance to the next grade level or
20 the next level of coursework unless the student demonstrates
21 proficiency by successfully meeting the minimum course
22 requirements which shall be equally administered for all
23 students as demonstrated by the teacher's or the school
24 district's published standards for competency and proficiency
25 for the grade level or course.
26 A practitioner other than the teacher of record shall not
27 change or modify the course grade assigned to a student by the
28 teacher of record and recorded in a student's permanent record.
29 The department shall include on its internet site a complaint
30 form by which a teacher of record may file a complaint with the
31 department relating to a violation of this requirement. If
32 the department determines that another practitioner changed or
33 modified a student's grade, the department shall notify the
34 school district that the original grade must be restored in
35 the student's permanent record within 30 days. If the school

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1 district does not comply within the 30-day time period, the
2 department shall report the failure to comply to the board of
3 educational examiners and request that the board review the
4 license of the administrator who authorized the violation.
5 Prior to initiating a licensee disciplinary investigation or
6 proceeding, or during such an investigation or proceeding, the
7 practitioner shall be given an opportunity to demonstrate to
8 the satisfaction of the board that the grade modification was
9 a good faith error or that there was good cause for the grade
10 modification.
11 A teacher of record shall hold an endorsement for the type of
12 service for which the teacher is employed.
13 If the department determines that a school district is
14 not in compliance with these requirements, the department
15 shall instruct the director of the department of management to
16 withhold state aid to the school district, and may direct the
17 restoration of state aid when the school district is determined
18 to be in compliance. The bill directs that state aid payments
19 made pursuant to Code section 257.16 for a fiscal year shall
20 be reduced by 10 percent of the state cost per pupil for each
21 violation involving a single student as determined by the
22 department.

House File 2387 - Introduced

HOUSE FILE 2387
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2220)

A BILL FOR

1 An Act relating to improvements to and implementation of laws
2 concerning elder abuse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5949HV (2) 84
ad/nh

H.F. 2387

1 Section 1. ELDER ABUSE REVIEW AND REPORT.
2 1. The department on aging shall work with the department of
3 inspections and appeals, the department of human services, the
4 office of the attorney general, and other affected stakeholders
5 to conduct a comprehensive review of occurrences of and laws
6 relating to the abuse, neglect, or exploitation of individuals
7 in the state who are sixty years of age or older.
8 2. The review shall include all of the following:
9 a. The current situation of abuse, neglect, and
10 exploitation of individuals in the state who are sixty years of
11 age or older.
12 b. An analysis of laws in other states related to the abuse,
13 neglect, or exploitation of individuals who are sixty years of
14 age or older.
15 c. An analysis of current state law addressing issues
16 related to abuse, neglect, or exploitation of an individual
17 who is sixty years of age or older and recommendations for
18 improvements to existing law or implementation of other laws
19 specifically addressing abuse, neglect, or exploitation of an
20 individual who is sixty years of age or older.
21 d. Other information the department on aging deems
22 relevant.
23 3. The department on aging shall, by December 15,
24 2012, submit a report of its review including findings and
25 recommendations to the governor and general assembly.
26 EXPLANATION
27 This bill relates to improvements to and implementation
28 of laws concerning elder abuse. The bill requires the
29 department on aging to work with the department of inspections
30 and appeals, the department of human services, the office
31 of the attorney general, and other affected stakeholders to
32 review issues related to abuse, neglect, or exploitation of
33 individuals in the state who are 60 years of age or older. The
34 review must include the current issues related to the abuse,
35 neglect, and exploitation of individuals in the state who are

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1 60 years of age or older, an analysis of laws in other states
2 related to abuse, neglect, or exploitation of individuals who
3 are 60 years of age or older, an analysis of current state law
4 and any recommendation for improvements to existing law or
5 the implementation of new law related to abuse, neglect, or
6 exploitation of individuals who are 60 years of age or older,
7 and any other information deemed relevant by the department on
8 aging.
9 The bill requires the department on aging to report its
10 findings and recommendations to the governor and the general
11 assembly by December 15, 2012.

House File 2388 - Introduced

HOUSE FILE 2388
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2065)

A BILL FOR

1 An Act relating to maximizing hospital-specific
2 disproportionate share hospital payments, and providing for
3 contingent implementation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5452HV (2) 84
pf/nh

H.F. 2388

1 Section 1. DEPARTMENT OF HUMAN SERVICES — DIRECTIVE
2 REGARDING DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.
3 1. The department of human services shall recalculate the
4 hospital-specific disproportionate share hospital limits for
5 the fiscal year beginning July 1, 2012, during the hospital
6 rebasing and recalibration process, and shall utilize the
7 federal disproportionate share hospital allotment for the
8 state to the maximum extent possible, utilizing appropriate
9 local government sources for the nonfederal match, to create
10 a new disproportionate share hospital pool. The new pool
11 shall be used to provide payments to rural prospective payment
12 hospitals that are not designated as critical access hospitals
13 and that otherwise qualify to receive a medical assistance
14 disproportionate share hospital payment.
15 2. The source of funds for the required nonfederal share
16 shall be funds generated from tax levy collections of the
17 county or city in which the hospital is located, and subject to
18 the conditions specified in this section and applicable federal
19 law and regulation.
20 3. All of the following shall apply to the nonfederal share
21 funds and disproportionate share hospital payments under this
22 section:
23 a. The qualifying hospital shall annually provide a
24 disproportionate share hospitals survey to the department in
25 accordance with the time frame specified by the department, for
26 the purpose of calculating the hospital specific limit.
27 b. The disproportionate share hospital payment shall not
28 exceed the hospital-specific limit as specified pursuant to
29 federal regulations.
30 c. The nonfederal share funds shall be distributed to the
31 department of human services prior to any disproportionate
32 share hospital payment to a qualifying hospital.
33 d. The qualifying hospital shall retain one hundred percent
34 of the disproportionate share hospital payment.
35 e. The city or county providing the nonfederal share funds

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1 shall annually document and certify that the funds provided
2 as the nonfederal share were generated from tax proceeds, and
3 not from any other source including federal grants or another
4 federal funding source.
5 f. The applicable federal matching rate for the fiscal year
6 shall apply.
7 4. The department shall amend the medical assistance state
8 plan as necessary to implement this directive. The state plan
9 shall identify the specific source and amount of city or county
10 funds that will be provided as the nonfederal share funds for
11 the qualifying hospital.
12 5. Implementation of this section is contingent upon
13 receipt of approval from the centers for Medicare and Medicaid
14 services of the United States department of health and human
15 services.
16 EXPLANATION
17 This bill directs the department of human services (DHS)
18 to recalculate the hospital-specific disproportionate share
19 hospital (DSH) limits for the fiscal year beginning July
20 1, 2012, during the hospital rebasing and recalibration
21 process, and utilize the federal DSH allotment for the state
22 to the maximum extent possible, utilizing appropriate local
23 government sources for the nonfederal match, to create a new
24 DSH pool. The new pool is to be used to provide payments to
25 rural prospective payment hospitals that are not designated as
26 critical access hospitals and that otherwise qualify to receive
27 a medical assistance DSH payment.
28 Under the bill, the source of funds for the required
29 nonfederal share is to be generated from tax levy collections
30 of the county or city in which the hospital is located, and
31 the funds are subject to the conditions specified in the bill
32 and applicable federal law and regulation. Requirements for
33 the nonfederal share funds and DSH payments under the bill
34 include: the qualifying hospital must annually provide a DSH
35 survey to the department in accordance with the time frame

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1 specified by the department, for the purpose of calculating
2 the hospital-specific limit; the DSH payment shall not exceed
3 the hospital-specific limit as specified pursuant to federal
4 regulations; the nonfederal share funds shall be distributed
5 to DHS prior to any DSH payment to a qualifying hospital;
6 the qualifying hospital shall retain 100 percent of the DSH
7 payment; the city or county providing the nonfederal share
8 funds shall annually document and certify that the funds
9 provided as the nonfederal share were generated from tax
10 proceeds, and not from any other source including federal
11 grants or another federal funding source; and the applicable
12 federal matching rate for the fiscal year shall apply.
13 The bill directs DHS to amend the Medicaid state plan as
14 necessary to implement the bill and to identify in the state
15 plan the specific source and amount of city or county funds
16 that will be provided as the nonfederal share funds for the
17 qualifying hospital. Implementation of the bill is contingent
18 upon receipt of approval from the centers for Medicare and
19 Medicaid services of the United States department of health and
20 human services.

House File 2389 - Introduced

HOUSE FILE 2389
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 595)

A BILL FOR

1 An Act establishing a rural Iowa primary care loan repayment
2 program to be administered by the college student aid
3 commission, a rural Iowa primary care trust fund, and making
4 appropriations.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5456HV (2) 84
kh/nh

H.F. 2389

1 Section 1. NEW SECTION. **261.115 Rural Iowa primary care**
2 **loan repayment program — fund — appropriations.**
3 1. *Program established.* A rural Iowa primary care loan
4 repayment program is established to be administered by the
5 college student aid commission for purposes of providing loan
6 repayments for medical students who agree to practice as
7 physicians in service commitment areas for five years and meet
8 the requirements of this section.
9 2. *Eligibility.* An individual is eligible to apply to enter
10 into a program agreement with the commission if the individual
11 is enrolled full-time in and receives a recommendation
12 from the state university of Iowa college of medicine or
13 Des Moines university — osteopathic medical center in a
14 curriculum leading to a doctor of medicine degree or a doctor
15 of osteopathy degree.
16 3. *Program agreements.* A program agreement shall be
17 entered into by an eligible student and the commission when
18 the eligible student begins the curriculum leading to a doctor
19 of medicine or osteopathy degree. Under the agreement, to
20 receive loan repayments pursuant to subsection 5, an eligible
21 student shall agree to and shall fulfill all of the following
22 requirements:
23 *a.* Receive a doctor of medicine or osteopathy degree from
24 an eligible university and apply for, enter, and complete a
25 residency program approved by the commission.
26 *b.* Apply for and obtain a license to practice medicine and
27 surgery or osteopathic medicine and surgery in this state.
28 *c.* Complete their residency program requirement with an
29 Iowa-based residency program.
30 *d.* Within nine months of graduating from their residency
31 program and receiving a permanent license in accordance with
32 paragraph *"b"*, engage in the full-time practice of medicine
33 and surgery or osteopathic medicine and surgery specializing
34 in family medicine, pediatrics, psychiatry, internal medicine,
35 or general surgery for a period of sixty consecutive months

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in the service commitment area specified under subsection 6, unless the loan repayment recipient receives a waiver from the commission to complete the months of practice required under the agreement in another service commitment area pursuant to subsection 6.

4. *Priority to Iowa residents.* The commission shall give priority to eligible students who are residents of Iowa upon enrolling in the university.

5. *Loan repayment amounts.*

a. The amount of loan repayment an eligible student who enters into an agreement pursuant to subsection 3 shall receive upon fulfilling the requirements of subsection 3 shall be not more than fifty thousand dollars annually for an eligible loan.

b. The commission shall not enter into more than twenty program agreements annually. Fifty percent of the agreements shall be entered into by students attending each university described in subsection 2. However, if there are fewer than ten eligible student applicants at one university, eligible student applicants enrolled in the other university may be awarded the remaining agreements.

6. *Selection of service commitment area.* A loan repayment recipient shall notify the commission of the recipient's service commitment area prior to beginning practice in the area in accordance with subsection 3, paragraph *"d"*. The commission may waive the requirement that the loan repayment recipient practice in the same service commitment area for all sixty months.

7. *Rules for additional loan repayment.* The commission shall adopt rules to provide, in addition to loan repayment provided to eligible students pursuant to this section and subject to the availability of surplus funds, loan repayment to a physician who received a doctor of medicine or osteopathy degree from an eligible university as provided in subsection 2, obtained a license to practice medicine and surgery or osteopathic medicine and surgery in this state, completed the

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1 physician's residency program requirement with an Iowa-based
2 residency program, and is engaged in the full-time practice of
3 medicine and surgery or osteopathic medicine and surgery as
4 specified in subsection 3, paragraph *"d"*.
5 8. *Part-time practice — agreement amended.* A person who
6 entered an agreement pursuant to subsection 3 may apply to the
7 commission to amend the agreement to allow the person to engage
8 in less than the full-time practice specified in the agreement
9 and under subsection 3, paragraph *"d"*. If the commission
10 determines exceptional circumstances exist, the commission and
11 the person may consent to amend the agreement under which the
12 person shall engage in less than full-time practice of medicine
13 and surgery or osteopathic medicine and surgery specializing in
14 family medicine, pediatrics, psychiatry, internal medicine, or
15 general surgery in a service commitment area for an extended
16 period of part-time practice determined by the commission to
17 be proportional to the amount of full-time practice remaining
18 under the original agreement.
19 9. *Postponement and satisfaction of service obligation.*
20 *a.* The obligation to engage in practice in accordance with
21 subsection 3 shall be postponed for the following purposes:
22 (1) Active duty status in the armed forces, the armed forces
23 military reserve, or the national guard.
24 (2) Service in volunteers in service to America.
25 (3) Service in the federal peace corps.
26 (4) A period of service commitment to the United States
27 public health service commissioned corps.
28 (5) A period of religious missionary work conducted by an
29 organization exempt from federal income taxation pursuant to
30 section 501(c)(3) of the Internal Revenue Code.
31 (6) Any period of temporary medical incapacity during which
32 the person obligated is unable, due to a medical condition, to
33 engage in full-time practice as required under subsection 3,
34 paragraph *"d"*.
35 *b.* Except for a postponement under paragraph *"a"*,

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1 subparagraph (6), an obligation to engage in practice under an
2 agreement pursuant to subsection 3, shall not be postponed for
3 more than two years from the time the full-time practice was to
4 have commenced under the agreement.
5 *c.* An obligation to engage in full-time practice under
6 an agreement entered into pursuant to subsection 3 shall be
7 considered satisfied when any of the following conditions are
8 met:
9 (1) The terms of the agreement are completed.
10 (2) The person who entered into the agreement dies.
11 (3) The person who entered into the agreement, due to
12 a permanent disability, is unable to practice medicine and
13 surgery or osteopathic medicine and surgery.
14 10. *Trust fund established.*
15 *a.* A rural Iowa primary care trust fund is created in the
16 state treasury as a separate fund under the control of the
17 commission. The commission shall remit all repayments made
18 pursuant to this section to the rural Iowa primary care trust
19 fund. All moneys deposited or paid into the trust fund are
20 appropriated and made available to the commission to be used
21 for meeting the requirements of this section. Notwithstanding
22 section 8.33, any balance in the fund on June 30 of each fiscal
23 year shall not revert to the general fund of the state, but
24 shall be available for purposes of this section in subsequent
25 fiscal years.
26 *b.* There is appropriated from the general fund of the
27 state to the rural Iowa primary care trust fund, the following
28 amounts for the following designated fiscal years for purposes
29 of the rural Iowa primary care loan repayment program:
30 (1) For the fiscal year beginning July 1, 2012, and ending
31 June 30, 2013, the sum of one million dollars.
32 (2) For the fiscal year beginning July 1, 2013, and ending
33 June 30, 2014, the sum of two million dollars.
34 (3) For the fiscal year beginning July 1, 2014, and ending
35 June 30, 2015, the sum of three million dollars.

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1 (4) For the fiscal year beginning July 1, 2015, and each
2 fiscal year thereafter, the sum of four million dollars.
3 11. *Definitions.* For purposes of this section:
4 *a. "Eligible loan"* means the physician's total federally
5 guaranteed Stafford loan amount under the federal family
6 education loan program or the federal direct loan program,
7 including principal and interest.
8 *b. "Eligible university"* means either the state university
9 of Iowa college of medicine or Des Moines university —
10 osteopathic medical center.
11 *c. "Service commitment area"* means a city in Iowa with a
12 population of less than twenty thousand that is located more
13 than twenty miles from a city with a population of fifty
14 thousand or more and which provides a twenty thousand dollar
15 contribution for deposit in the rural Iowa primary care trust
16 fund for each physician in the community who is participating
17 in the loan repayment program.
18 EXPLANATION
19 This bill establishes a rural Iowa primary care loan
20 repayment program to be administered by the college student
21 aid commission for purposes of providing loan repayment to
22 medical students who agree to practice as physicians in service
23 commitment areas for five years, establishes a rural Iowa
24 primary care trust fund, and appropriates moneys to the fund
25 from the general fund of the state in escalating amounts of $1
26 million, $2 million, $3 million, and $4 million for each fiscal
27 year in the fiscal period beginning in FY 2012-2013 and ending
28 in FY 2015-2016, and appropriating $4 million to the fund for
29 each fiscal year thereafter.
30 An individual is eligible to apply to the commission to
31 enter into a program agreement with the commission if the
32 individual is enrolled in the university of Iowa college of
33 medicine or Des Moines university — osteopathic medical center
34 in a curriculum leading to a doctor of medicine or osteopathy
35 degree.

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1 Under the agreement, the eligible student will receive
2 up to $50,000 of loan repayment for an eligible loan if the
3 eligible student receives a doctor of medicine or osteopathy
4 degree; applies for, enters, and completes a residency program
5 approved by the commission; applies for and obtains a license
6 to practice medicine and surgery or osteopathic medicine and
7 surgery in this state; and, within nine months of receiving
8 a license, engages in the full-time practice of medicine
9 and surgery, specializing in family medicine, pediatrics,
10 psychiatry, internal medicine, or general surgery for 60
11 consecutive months in the service commitment area, unless the
12 loan repayment recipient receives a waiver from the commission
13 to complete the months of practice required under the agreement
14 in another service commitment area.
15 A service commitment area is defined to mean a city in Iowa
16 with a population of less than 20,000 that is located more than
17 20 miles from a city with a population of 50,000 or more and
18 which provides a $20,000 contribution for deposit in the fund
19 for each physician in the community who is participating in the
20 program.
21 The bill defines "eligible loan" to mean a federally
22 guaranteed Stafford loan.
23 The commission shall give priority to eligible students who
24 are residents of Iowa upon enrolling in the university.
25 Not more than 20 program agreements may be entered into
26 annually. Fifty percent of the agreements shall be entered
27 into with students attending each university, though if
28 there are fewer than 10 eligible student applicants at one
29 university, eligible student applicants enrolled in the other
30 university may be awarded the remaining agreements.
31 A person may apply to the commission to amend the agreement
32 to allow the person to engage in less than full-time practice.
33 If the commission determines exceptional circumstances
34 exist, the commission and the person may consent to amend
35 the agreement to provide for an extended period of part-time

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1 practice determined by the commission to be proportional to
2 the amount of full-time practice remaining under the original
3 agreement.
4 The obligation shall be considered satisfied when the terms
5 of the agreement are completed, the person dies, or the person,
6 due to a permanent disability, is unable to practice medicine
7 and surgery.
8 The bill directs the commission to adopt rules to provide,
9 subject to the availability of surplus funds, loan repayment
10 to a physician who did not enter into an agreement as a medical
11 student but who meets the other relevant requirements of the
12 program.

House File 2390 - Introduced

HOUSE FILE 2390
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 525)

A BILL FOR

1 An Act relating to obscene material, commercial sexual
2 activity, and human trafficking, and providing penalties and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5149HV (3) 84
jm/rj

H.F. 2390

Section 1. Section 692A.102, subsection 1, paragraph c, Code Supplement 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (032) Solicitation of commercial sexual activity in violation of section 710A.2A.

Sec. 2. Section 710A.1, subsection 4, Code 2011, is amended to read as follows:

4. *a.* *"Human trafficking"* means participating in a venture to recruit, harbor, transport, supply provisions, or obtain a person for any of the following purposes:

~~*a.*~~ (1) Forced labor or service that results in involuntary servitude, peonage, debt bondage, or slavery.

~~*b.*~~ (2) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen, the commercial sexual activity need not involve force, fraud, or coercion.

b. *"Human trafficking"* also means knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or another person engaged in human trafficking.

Sec. 3. Section 710A.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A person's ignorance of the age of the victim or a belief that the victim was older is no defense to a violation of this section.

Sec. 4. NEW SECTION. **710A.2A Solicitation of commercial sexual activity.**

A person shall not entice, coerce, or recruit, or attempt to entice, coerce, or recruit either a person under the age of eighteen or a law enforcement officer or agent representing oneself to be under the age of eighteen, to engage in a commercial sexual activity. A person who violates this section commits a class "D" felony.

Sec. 5. Section 728.1, subsection 7, paragraphs e through g, Code 2011, are amended to read as follows:

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e. Sadomasochistic abuse of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a visual depiction of the abuse.

f. Sadomasochistic abuse of a person by a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a visual depiction of the abuse.

g. Nudity of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a visual depiction of the nude minor.

Sec. 6. Section 728.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 11. *"Visual depiction"* means but is not limited to any picture, slide, photograph, digital or electronic image, negative image, undeveloped film, motion picture, videotape, digital or electronic recording, live transmission, or other pictorial or three-dimensional representation.

Sec. 7. Section 728.12, subsection 1, Code 2011, is amended to read as follows:

1. It shall be unlawful to employ, use, persuade, induce, entice, coerce, solicit, knowingly permit, or otherwise cause or attempt to cause a minor to engage in a prohibited sexual act or in the simulation of a prohibited sexual act. A person must know, or have reason to know, or intend that the act or simulated act may be photographed, filmed, or otherwise preserved in a ~~negative, slide, book, magazine, computer, computer disk, or other print or visual medium, or be preserved in an electronic, magnetic, or optical storage system, or in any other type of storage system~~ visual depiction. A person who commits a violation of this subsection commits a class "C" felony. Notwithstanding section 902.9, the court may assess a fine of not more than fifty thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

Sec. 8. Section 728.12, subsection 3, unnumbered paragraph

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1 1, Code 2011, is amended to read as follows:
2 It shall be unlawful to knowingly purchase or possess a
3 ~~negative, slide, book, magazine, computer, computer disk, or~~
4 ~~other print or visual medium, or an electronic, magnetic, or~~
5 ~~optical storage system, or any other type of storage system~~
6 ~~which depicts~~ visual depiction of a minor engaging in a
7 prohibited sexual act or the simulation of a prohibited sexual
8 act. A person who commits a violation of this subsection
9 commits an aggravated misdemeanor for a first offense and a
10 class "D" felony for a second or subsequent offense. For
11 purposes of this subsection, an offense is considered a second
12 or subsequent offense if, prior to the person's having been
13 convicted under this subsection, any of the following apply:
14 Sec. 9. Section 728.14, Code 2011, is amended to read as
15 follows:
16 **728.14 Commercial film and photographic print processor**
17 **reports of depictions of minors engaged in prohibited sexual**
18 **acts.**
19 1. A commercial film and photographic print processor
20 who has knowledge of or observes, within the scope of the
21 processor's professional capacity or employment, a ~~film,~~
22 ~~photograph, video tape, negative, or slide which depicts~~ visual
23 depiction of a minor whom the processor knows or reasonably
24 should know to be under the age of eighteen, engaged in a
25 prohibited sexual act or in the simulation of a prohibited
26 sexual act, shall report the visual depiction to the county
27 attorney immediately or as soon as possible as required in this
28 section. The processor shall not report to the county attorney
29 visual depictions involving mere nudity of the minor, but shall
30 report visual depictions involving a prohibited sexual act.
31 This section shall not be construed to require a processor
32 to review all ~~films, photographs, video tapes, negatives, or~~
33 ~~slides~~ visual depictions delivered to the processor within the
34 processor's professional capacity or employment.
35 2. For purposes of this section, *"prohibited sexual act"*

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means any of the following:

a. A sex act as defined in section 702.17.

b. An act of bestiality involving a minor.

c. Fondling or touching the pubes or genitals of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a visual depiction of the act.

d. Fondling or touching the pubes or genitals of a person by a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a visual depiction of the act.

e. Sadomasochistic abuse of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a visual depiction of the abuse.

f. Sadomasochistic abuse of a person by a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a visual depiction of the abuse.

g. Nudity of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a visual depiction of the nude minor.

~~2.~~ 3. A person who violates this section is guilty of a simple misdemeanor.

Sec. 10. Section 915.87, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The victim assisting, attempting, or committing a criminal act. This paragraph shall not apply to a victim under the age of eighteen involved in commercial sexual activity as defined in section 710A.1.

EXPLANATION

This bill relates to obscene material, commercial sexual activity, and human trafficking.

The bill modifies the definition of "human trafficking" to include knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or another person engaged in human trafficking.

The bill specifies a person's ignorance of the age of a victim or a belief that a victim was older is no defense to

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a violation relating to human trafficking under Code section 710A.2.

A person who knowingly engages in human trafficking commits a criminal offense ranging from a class "D" felony to a class "B" felony depending on the circumstances of the case in Code section 710A.2.

The bill creates the criminal offense of solicitation of commercial sexual activity. The bill prohibits a person from enticing, coercing, or recruiting, or attempting to entice, coerce, or recruit a person under the age of 18 or a law enforcement officer or agent representing oneself to be under the age of 18, to engage in commercial sexual activity.

A person who commits solicitation of commercial sexual activity is guilty of a class "D" felony and must register as a tier III sex offender.

"Commercial sexual activity" is defined in Code section 710A.1 to mean any sex act or sexually explicit performance for which anything of value is given, promised to, or received by any person and includes but is not limited to prostitution, participation in the production of pornography, and performance in strip clubs.

The bill also defines the term "visual depiction" within Code chapter 728 to include any picture, slide, photograph, digital or electronic image, negative image, undeveloped film, motion picture, videotape, digital or electronic recording, live transmission, or other pictorial or three-dimensional representation.

The bill modifies the elements of the criminal offense of sexual exploitation of a minor in Code section 728.12(1) and (3) by substituting references for a computer and other types of storage systems with the term "visual depiction" as defined by the bill. The bill also substitutes "visual depiction" for storage systems referenced in Code section 728.14 to conform with the sexual exploitation of a minor changes in Code section 728.12.

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1 In addition, the word "visual" is added before the word
2 "depiction" throughout Code chapter 728 to conform with the
3 changes made by the bill.
4 The changes in the bill to the criminal offense of sexual
5 exploitation of a minor in Code section 728.12(3) are in
6 response to State v. Muhlenbruch, 728 N.W.2d 212 (Iowa 2007).
7 The amendment to Code section 915.87 relates to compensation
8 awarded to a victim of a crime in Code section 915.86. The
9 bill specifies that compensation for an injury will be paid to
10 a victim involved in commercial sexual activity under the age
11 of 18, even if the victim assisted, attempted, or committed a
12 criminal act.

House File 2391 - Introduced

HOUSE FILE 2391
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 637)

A BILL FOR

1 An Act creating medical parole for certain persons committed to
2 the custody of the department of corrections, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6045HV (4) 84
jm/nh

H.F. 2391

1 Section 1. NEW SECTION. **217.13A Assistance for persons on**
2 **medical parole.**
3 1. If a person has been released on medical parole pursuant
4 to section 906.20 and applies for public assistance, including
5 medical assistance, the department of corrections shall forward
6 the application for assistance to the department of human
7 services, and advise the board of parole that an application
8 for assistance has been made.
9 2. The department of human services shall, within sixty days
10 of receipt of a medical parolee's application for assistance,
11 determine the eligibility of the person for public assistance,
12 medical assistance, or any other department health care
13 assistance.
14 3. If a person is released on medical parole and is in
15 need of public assistance, including medical assistance,
16 the department of human services is responsible for the
17 administrative costs of the initial and any subsequent
18 eligibility determination and for the costs of any public
19 assistance, including medical assistance, following a person's
20 release on medical parole for as long as the person is
21 eligible.
22 4. The department of corrections and the department of human
23 services shall jointly request proposals from public or private
24 vendors to provide contract services for persons released on
25 medical parole.
26 Sec. 2. NEW SECTION. **906.20 Medical parole.**
27 1. Notwithstanding any other provision of law to the
28 contrary, a person committed to the custody of the director of
29 the department of corrections shall be immediately eligible for
30 a medical parole under the following circumstances:
31 *a.* If the department of corrections makes a recommendation
32 to the board of parole with supporting medical evidence stating
33 all of the following:
34 (1) The person has an existing medical or physical condition
35 that is permanent and is physically or mentally incapacitating.

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1 (2) The person is sixty-five years of age or older.
2 *b.* After reviewing the recommendation, the board determines
3 all of the following:
4 (1) The person is eligible for medical parole under
5 paragraph *"a"*.
6 (2) A reasonable probability exists that the person can be
7 released without detriment to the community or to the person.
8 2. Prior to making a determination under subsection 1, the
9 board may request that the department of corrections provide
10 additional medical evidence supporting the recommendation or
11 that a medical examination of the person be conducted.
12 3. If the board orders the person released on medical
13 parole, the department of corrections, in cooperation with the
14 board and the judicial district department of correctional
15 services, shall determine the level of appropriate supervision
16 of the person. In addition to any other terms and conditions
17 of medical parole, supervision of a person on medical parole
18 shall consist of periodic medical evaluations at intervals to
19 be determined by the board at the time of release.
20 4. After a person is released on medical parole, earned
21 time shall not reduce the remainder of the person's sentence
22 while the person is on medical parole. The term of parole for
23 a person on medical parole shall equal the remainder of the
24 sentence of the person.
25 5. If the board finds a change in circumstances or discovers
26 new information concerning a person who has been released on
27 medical parole, the board may rescind the medical parole or
28 revise the previously granted medical parole release date.
29 6. The board shall issue its decision to release a person on
30 medical parole or deny a person's medical parole or to rescind
31 the medical parole or revise the medical parole release date of
32 the person in writing and provide a basis for the decision. A
33 copy of the decision shall be provided to the person.
34 7. The board shall adopt rules pursuant to chapter 17A which
35 are necessary to carry out the provisions of this section.

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1 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
2 2013.
3 EXPLANATION
4 This bill relates to providing medical parole to a person
5 committed to the custody of the department of corrections.
6 Under the bill, any person committed to the custody of
7 the department of corrections including offenders serving a
8 mandatory minimum sentence, an enhanced sentence, a sentence
9 which limits the person's parole eligibility, a class "A"
10 felony sentence, or a sentence under section 902.12, may be
11 eligible for medical parole. The bill provides that a person
12 committed to the custody of the department of corrections shall
13 be immediately eligible for medical parole under the following
14 circumstances: (1) the person has an existing medical or
15 physical condition which is permanent and is physically or
16 mentally incapacitating; and (2) the person is 65 years of age
17 or older.
18 If the board of parole orders the person released on medical
19 parole, the department of corrections in cooperation with the
20 board and the judicial district department of correctional
21 services shall determine the level of appropriate supervision
22 of the person. In addition to any other terms and conditions
23 of supervision, a person on medical parole shall have periodic
24 medical evaluations at intervals to be determined by the board
25 of parole at the time of release.
26 The bill also provides that if the board of parole finds a
27 change in circumstances or discovers new information concerning
28 a person who has been released on medical parole, the board may
29 rescind the medical parole or revise the previously granted
30 parole release date.
31 If a person is released on medical parole pursuant to the
32 bill and applies for public assistance, including medical
33 assistance, the department of corrections shall forward
34 the application for assistance to the department of human
35 services, and advise the board of parole that an application

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for assistance has been made.

The bill provides that the department of human services shall, within 60 days of receipt of a medical parolee's application for assistance, determine the eligibility of the person for public assistance, medical assistance, or any other type of department health care assistance.

The bill also provides that the department of human services is responsible for the administrative costs of the initial and any subsequent eligibility determination and for the costs of any public assistance, including medical assistance, following a person's release on medical parole for as long as the person is eligible.

This bill takes effect January 1, 2013.

House File 2392 - Introduced

HOUSE FILE 2392
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 657)

A BILL FOR

1 An Act to legalize and validate the proceedings preliminary to
2 and in connection with a special election held to authorize
3 the imposition of a local option sales and services tax
4 within the City of Adel, Iowa under Iowa Code Chapter 423B,
5 declaring the validity of said proceedings and the legality
6 of the local option sales and services tax authorized by the
7 special election, and providing an effective date and for
8 retroactive applicability.
9 WHEREAS, according to Iowa Code chapter 423B, a local option
10 sales and services tax election shall be submitted to the
11 voters upon the filing of motion or motions of governing bodies
12 of cities within the county or of the county representing at
13 least one half of the population of the county, or upon the
14 submission of a petition signed by eligible electors of the
15 county equal in number to five percent of the persons in the
16 whole county who voted in the last preceding state general
17 election; and
18 WHEREAS, on April 26, 2010, the City Council of Adel passed
19 Resolution No. 10-21 requesting a special election on the
20 question of imposition of a local sales and services tax in the
21 City of Adel; and
22 WHEREAS, upon receipt of said resolution, the Dallas County
23 Commissioner of Elections prepared a ballot for, published
24 notice of, and otherwise conducted a special election on August
25 3, 2010 upon the question of imposition of a local sales and
26 services tax in the City of Adel, to be effective January 1,
27 2011, although the City of Adel does not in and of itself
28 represent at least one half of the population of the county;

TLSB 6081HV (1) 84
da/rj

House File 2392 - Introduced

29 and
30 WHEREAS, at the election a majority of those voting approved
31 of the imposition of the local option sales and services tax,
32 and on August 10, 2010, the Dallas County Board of Supervisors
33 duly canvassed the results of the special election and
34 confirmed that 394 votes were cast in favor of the measure and
35 340 votes were cast against the measure; and
36 WHEREAS, on August 31, 2010, the Dallas County Code of
37 Ordinances, chapter 6A, was updated to reflect the imposition
38 of a one percent (1%) local sales and services tax in the
39 City of Adel, to be effective January 1, 2011, and thereafter
40 forwarded to the Iowa Department of Revenue; and
41 WHEREAS, the local option sales and services tax has been
42 imposed and collected in the City of Adel since January 1,
43 2011, and the City now desires to issue bonds under Chapter
44 423B payable from the proceeds of the local option sales and
45 services tax; and
46 WHEREAS, the rights of citizens in other communities in
47 Dallas County to seek imposition of a local option sales
48 and services tax in addition to the City of Adel's are not
49 jeopardized by the legalization of the City of Adel's election;
50 and
51 WHEREAS, doubts have arisen concerning the validity
52 and legal sufficiency of the proceedings preliminary to
53 the foregoing special election and the validity and legal
54 sufficiency of such election and of the local option sales and
55 services tax authorized by said election, and it is deemed
56 advisable to put such doubts and all others that may arise
57 concerning the same forever at rest; NOW THEREFORE,
58 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6081HV (1) 84
da/rj

H.F. 2392

Section 1. All acts and proceedings heretofore taken by the city council of the City of Adel and the board of supervisors and commissioner of elections of Dallas County preliminary to and in connection with the special election held in the City of Adel on August 3, 2010 on the imposition of a local option sales and services tax within the City of Adel, and the said special election and the local option sales and services tax approved by the voters at said special election, are hereby legalized, validated and confirmed, and the proceeds of such local option sales and services tax may be lawfully pledged by the City of the Adel to the payment of bonds as provided under the provisions of Iowa Code Chapter 423B.

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to August 3, 2010.

EXPLANATION

This bill relates to a resolution approved by the Adel city council to place a question on the ballot for the imposition of a local sales and services tax within the city. The city submitted the question to the Dallas county commissioner of elections who placed the question on the ballot. However, such question is required to be submitted to the registered voters of the incorporated and unincorporated areas of a county, and not only to the city adopting the resolution, and only if the city represents at least one half of the population of the county (Code section 423B.1(4)). The bill legalizes the acts and proceedings taken by the city council, the board of supervisors, and commissioner of elections of Dallas county, the election imposing the local option sales and services tax, and the local option sales and services tax approved by the city's voters.

House File 2393 - Introduced

HOUSE FILE 2393
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 632)

(COMPANION TO LSB 6031SV BY
COMMITTEE ON LOCAL GOVERNMENT)

A BILL FOR

1 An Act to legalize the proceedings of the City Council
2 of Ankeny, Iowa, including all legal notices given,
3 in connection with the making of a contract for the
4 construction of certain improvements to the NE 7th
5 Street Sanitary Sewer Improvement Project with Pirc-Tobin
6 Construction, Inc. of Alburnett, Iowa, in connection with,
7 and to legalize said contract, and authorize its performance
8 by said Council and the financing including project notes
9 issued thereof.
10 WHEREAS, on August 15, 2011, the City Council passed a
11 resolution ordering the construction of certain improvements
12 to the NE 7th Street Sanitary Sewer Improvement Project of
13 said City, and directed publication of a Notice of Hearing and
14 Letting, pursuant to the provisions of Chapters 26 and 384 of
15 the Code of Iowa, 2011; and
16 WHEREAS, on September 19, 2011, said City entered into a
17 contract for the construction of said improvements, covered by
18 the resolution ordering construction hereinabove mentioned,
19 with Pirc-Tobin Construction, Inc., which company thereafter
20 filed its performance and maintenance bond with the City; and
21 WHEREAS, said construction work has now been commenced and a
22 portion completed by said contractor, and said contractor has
23 been partially paid for such work from available bond proceeds
24 of said City; and
25 WHEREAS, doubts have arisen concerning the legality of the

TLSB 6031HV (1) 84
da/rj

House File 2393 - Introduced

26 construction contract due to the omission of the publication
27 of Notice of Hearing and Letting as required by Section 26.3
28 of the Iowa Code, and further due to said omission, doubts
29 have arisen concerning the power of the Council to order
30 disbursement of additional funds to the contractor and to
31 issue and sell bonds to pay for the remaining cost of said
32 improvements, and it is deemed advisable to put such doubts
33 forever at rest; NOW THEREFORE,
34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6031HV (1) 84
da/rj

H.F. 2393

1 Section 1. All proceedings heretofore taken by the City
2 Council of Ankeny, Iowa, including all legal notices given,
3 in connection with and pertaining to the execution of the
4 contract with Pirc-Tobin Construction, Inc. of Alburnett,
5 Iowa, on September 19, 2011, for the construction of certain
6 improvements to the NE 7th Street Sanitary Sewer Improvement
7 Project of said City and said contract itself, are hereby
8 legalized, validated and confirmed, and shall constitute full
9 authority for the said City Council to order the disbursement
10 of the funds, including notes and bond funds, of said City to
11 said contractor, and to issue and sell general obligations
12 bonds, in the manner prescribed by law, to pay for the costs
13 of said improvements, and said bonds when so issued, shall be
14 valid, legal and binding obligations of said City.
15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, shall be in full force and effect upon
17 enactment.
18 EXPLANATION
19 This bill legalizes the action of the city of Ankeny which
20 executed a contract relating to the construction of public
21 improvements pursuant to a contract executed by the city
22 without first publishing an advertisement for sealed bids in
23 the manner required pursuant to Code section 26.3. The bill
24 takes effect upon enactment.

House File 2394 - Introduced

HOUSE FILE 2394
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 569)

A BILL FOR

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

TLSB 5661HV (1) 84
aw/nh

H.F. 2394

Section 1. Section 357A.8, subsection 1, Code 2011, is amended to read as follows:

1. For an annual meeting of participating members ~~between January 1 and May 1 of~~ each year following the year of incorporation of the district, and for the mailing of written notice of the time and place of each annual meeting to each participating member and publication of the notice in a newspaper of general circulation in the district not less than ten nor more than thirty days prior to each meeting.

EXPLANATION

This bill relates to meeting requirements for rural water districts. The bill provides that the bylaws of each rural water district are required to include provisions for an annual meeting of participating members each year following the incorporation of the district. Current law requires that the annual meeting occur between January 1 and May 1 of each year.

House File 2395 - Introduced

HOUSE FILE 2395
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 651)

A BILL FOR

1 An Act relating to certain records of rural water districts,
2 city utilities, and city enterprises.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5630HV (2) 84
aw/rj

H.F. 2395

1 Section 1. NEW SECTION. **357A.11A Customer records.**
2 Notwithstanding section 22.2, subsection 1, public records
3 of a district, which shall not be examined or copied as
4 of right, include private customer information. Except as
5 required pursuant to chapter 476, *"private customer information"*
6 includes information identifying a specific customer and any
7 record of a customer account, including internet-based customer
8 account information.
9 Sec. 2. NEW SECTION. **388.9A Customer records.**
10 Notwithstanding section 22.2, subsection 1, public records
11 of a city utility or combined utility system, or a city
12 enterprise or combined city enterprise as defined in section
13 384.80, which shall not be examined or copied as of right,
14 include private customer information. Except as required
15 pursuant to chapter 476, *"private customer information"* includes
16 information identifying a specific customer and any record of
17 a customer account, including internet-based customer account
18 information.
19 EXPLANATION
20 This bill relates to the customer records of rural water
21 districts, city utilities, and city enterprises.
22 The bill provides that public records of rural water
23 districts, city utilities, and city enterprises including
24 private customer information shall not be examined or copied as
25 of right pursuant to Code section 22.2, subsection 1. The bill
26 provides a definition of "private customer information".

House File 2396 - Introduced

HOUSE FILE 2396
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 565)

A BILL FOR

1 An Act concerning the definitions of "all-terrain vehicle"
2 and "off-road utility vehicle" for purposes of provisions
3 administered by the department of natural resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5443HV (2) 84
dea/nh

H.F. 2396

Section 1. Section 321.1, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *"All-terrain vehicle"* means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. *"All-terrain vehicle"* includes off-road utility vehicles ~~as defined in section 321I.1~~, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

Sec. 2. Section 321.1, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 47A. *"Off-road utility vehicle"* means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

Sec. 3. Section 321I.1, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. *"All-terrain vehicle"* means a motorized ~~flotation-tire~~ vehicle with not less than three and not more than six ~~low-pressure~~ nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

Sec. 4. Section 321I.1, subsection 16, paragraph a, Code 2011, is amended to read as follows:

a. *"Off-road utility vehicle"* means a motorized ~~flotation-tire~~ vehicle with not less than four and not more than eight ~~low-pressure~~ nonhighway tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than ~~one~~

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1 two thousand ~~eight hundred~~ pounds and that has a seat that is
2 of bucket or bench design, not intended to be straddled by the
3 operator, and a steering wheel or control levers for control.
4 EXPLANATION
5 This bill revises the definitions of "all-terrain vehicle"
6 and "off-road utility vehicle" for purposes of Code chapter
7 321I.
8 The definition of "all-terrain vehicle" is amended to
9 include vehicles with not less than three and not more than six
10 nonhighway tires. In addition, the revised definition limits
11 the engine displacement to less than 1,000 cubic centimeters,
12 limits the dry weight to less than 1,200 pounds, and retains
13 current requirements for a seat or saddle designed to be
14 straddled by the operator and handlebars for steering control.
15 The definition of "off-road utility vehicle" is amended to
16 include vehicles with not less than four and not more than
17 eight nonhighway tires. In addition, the revised definition
18 limits the engine displacement to less than 1,500 cubic
19 centimeters, limits the total dry weight to not more than 2,000
20 pounds, and retains current requirements for a bucket or bench
21 seat and a steering wheel or control levers.
22 The bill amends the current definition of "all-terrain
23 vehicle" and adds a definition of "off-road utility vehicle"
24 to Code chapter 321 so that, for purposes of motor vehicle
25 provisions administered by the department of transportation,
26 the definitions of those two terms remain as they are under
27 current law.

House File 2397 - Introduced

HOUSE FILE 2397
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 570)

A BILL FOR

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

TLSB 5647HV (1) 84
da/nh

H.F. 2397

1 Section 1. NEW SECTION. **717.9 Injury or interference with**
2 **a police service horse.**
3 1. A person who knowingly, and willfully or maliciously
4 torments, strikes, administers a nonpoisonous desensitizing
5 substance to, or otherwise interferes with a police service
6 horse, without inflicting serious injury on the police service
7 horse, commits a serious misdemeanor.
8 2. A person who knowingly, and willfully or maliciously does
9 any of the following commits a class "D" felony:
10 *a.* Tortures a police service horse.
11 *b.* Injures, so as to disfigure or disable, a police service
12 horse.
13 *c.* Sets a booby trap device for purposes of injuring, so as
14 to disfigure or disable, or killing a police service horse.
15 *d.* Pays or agrees to pay a bounty for purposes of injury, so
16 as to disfigure or disable, or kill a police service horse.
17 *e.* Kills a police service horse.
18 *f.* Administers poison to a police service horse.
19 3. As used in this section, *"police service horse"* means a
20 horse used by a peace officer or correctional officer in the
21 performance of the officer's duties, whether or not the horse
22 is on duty.
23 4. This section does not apply to any of the following:
24 *a.* A peace officer or veterinarian who treats a police
25 service horse, if the treatment is for the purpose of
26 rehabilitating the police service horse or relieving the police
27 service horse of undue pain or suffering, and which may include
28 terminating the horse's life.
29 *b.* A person who justifiably acts in defense of self or
30 another person.
31 Sec. 2. Section 717B.9, subsection 4, Code 2011, is amended
32 by striking the subsection and inserting in lieu thereof the
33 following:
34 4. This section does not apply to any of the following:
35 *a.* A peace officer or veterinarian who treats a police

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

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

EXPLANATION

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

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

Under the bill, a person commits a class "D" felony by knowingly, and willfully or maliciously torturing, or injuring a police service horse in a manner that causes disfigurement or disability; setting a booby trap device for purposes of causing such injury or death; paying or agreeing to pay a bounty for purposes of causing such injury or death; killing a police service horse; or administering poison to a police service horse. A class "D" felony is punishable by confinement for no more than five years and a fine of at least $750 but not more than $7,500.

The bill's definition of a police service horse mirrors the definition of a police service dog. Under the bill, a police

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

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

House File 2398 - Introduced

HOUSE FILE 2398
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 609)

A BILL FOR

1 An Act classifying certain substances as schedule I controlled
2 substances, making penalties applicable, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5298HV (2) 84
jm/rj

H.F. 2398

Section 1. Section 124.201, subsection 4, Code 2011, is amended to read as follows:

4. If any new substance is designated as a controlled substance under federal law and notice of the designation is given to the board, the board shall similarly designate as controlled the new substance under this chapter after the expiration of thirty days from publication in the Federal Register of a final order designating a new substance as a controlled substance, unless within that thirty-day period the board objects to the new designation. In that case the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing the board shall announce its decision. Upon publication of objection to a new substance being designated as a controlled substance under this chapter by the board, control under this chapter is stayed until the board publishes its decision. If a substance is designated as controlled by the board under this ~~paragraph~~ subsection the control shall be temporary and if within sixty days after the next regular session of the general assembly convenes it has not made the corresponding changes in this chapter, the temporary designation of control of the substance by the board shall be nullified.

Sec. 2. Section 124.204, subsection 4, paragraph ai, Code Supplement 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

ai. (1) Salvia divinorum.

(2) Salvinorin A.

(3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol)].

(4) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol).

(5) Unless specifically exempted or unless listed in

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1 another schedule, any material, compound, mixture, or
2 preparation which contains any quantity of cannabimimetic
3 agents, or which contains their salts, isomers, and salts of
4 isomers whenever the existence of such salts, isomers, and
5 salts of isomers is possible within the specific chemical
6 designation.
7 (a) The term *"cannabimimetic agents"* means any substance
8 that is a cannabinoid receptor type 1 (CB1 receptor) agonist as
9 demonstrated by binding studies and functional assays within
10 any of the following structural classes:
11 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
12 5-position of the phenolic ring by alkyl or alkenyl, whether or
13 not substituted on the cyclohexyl ring to any extent.
14 (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole
15 by substitution at the nitrogen atom of the indole ring,
16 whether or not further substituted on the indole ring to any
17 extent, whether or not substituted on the naphthoyl or naphthyl
18 ring to any extent.
19 (iii) 3-(1-naphthoyl)pyrrole by substitution at the
20 nitrogen atom of the pyrrole ring, whether or not further
21 substituted in the pyrrole ring to any extent, whether or not
22 substituted on the naphthoyl ring to any extent.
23 (iv) 1-(1-naphthylmethylene)indene by substitution of
24 the 3-position of the indene ring, whether or not further
25 substituted in the indene ring to any extent, whether or not
26 substituted on the naphthyl ring to any extent.
27 (v) 3-phenylacetylindole or 3-benzoylindole by substitution
28 at the nitrogen atom of the indole ring, whether or not further
29 substituted in the indole ring to any extent, whether or not
30 substituted on the phenyl ring to any extent.
31 (b) Such terms include:
32 (i) CP 47, 497 and homologues 2-[(1R, 3S)-3-
33 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
34 (ii) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.
35 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

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(iv) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone.

(v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.

(vi) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.

(vii) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.

(viii) JWH-250 1-pentyl-3-(2-methoxynaphthoyl)indole.

(ix) RCS-4 and SR-19 1-pentyl-3-[(4methoxy)-benzoyl]indole.

(x) RCS-8 and SR-18 1-cyclohexylethyl-3-(-2-methoxyphenylacety)indole.

(xi) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.

(xii) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.

(xiii) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.

(xiv) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.

(xv) Cannabicyclohexanol or CP—47,497 C8-homolog 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.

Sec. 3. Section 124.204, subsection 6, Code Supplement 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Any substance, compound, mixture or preparation which contains any quantity of any synthetic cathinone that is not approved as a pharmaceutical, including but not limited to the following:

(1) Mephedrone, also known as 4-methylmethcathinone,(RS)-2-methylamino-1-(4-methylphenyl) propan-1-one.

(2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].

(3) Methylone, also known as 3,4-methylenedioxymethcathinone.

(4) Naphthylpyrovalerone (naphyrone).

(5) 4-fluoromethcathinone(flephedrone) or a positional isomer of 4-fluoromethcathinone.

(6) 4-methoxymethcathinone (methedrone;Bk-PMMA).

(7) Ethcathinone.

(8) 3,4-methylenedioxyethcathinone(ethylone).

(9) Beta-keto-N-methyl-3,4-benzodioxyolybutanamine (butylone).

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(10) N,N-dimethylcathinone(metamfepramone).
(11) Alpha-pyrrolidinopropiophenone (alpha-PPP).
(12) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
(13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
(14) Alpha-pyrrolidinovalerophenone (alpha-PVP).
(15) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6 6-amine) (MDAI).
(16) 3-fluoromethcathinone.
(17) 4′-Methyl-a-pyrrolidinobutiophenone (MPBP).
(18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C—E).
(19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C—D).
(20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C—C).
(21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C—I).
(22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C—T—2).
(23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C—T—4).
(24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C—H).
(25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C—N).
(26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C—P).

Sec. 4. Section 124.401, subsection 1, paragraph d, Code Supplement 2011, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in section 124.204, subsection 4, paragraph *"ai"*, section 124.204, subsection 6, paragraph *"i"*, or classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana or involving flunitrazepam is a class "D" felony.

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

EXPLANATION

This bill classifies certain substances as schedule I

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1 controlled substances, and makes penalties applicable.
2 The bill adds numerous synthetic cannabinoids, also known as
3 "K2", to the list of schedule I controlled substances in Code
4 section 124.204(4)(ai).
5 The bill adds numerous substances containing any quantity of
6 any synthetic cathinone that are not approved pharmaceuticals
7 to the list of schedule I controlled substances in Code section
8 124.204(6).
9 A schedule I controlled substance is considered to have a
10 high potential for abuse and no medical purpose in treatment in
11 the United States.
12 Under the bill, it is an aggravated misdemeanor pursuant
13 to Code section 124.401(1)(d) for any unauthorized person to
14 manufacture, deliver, or possess with the intent to manufacture
15 or deliver a synthetic cannabinoid classified as a schedule I
16 controlled substance in Code section 124.204(4)(ai) including
17 its counterfeit or simulated form, or to act with, enter into
18 a common scheme or design with, or conspire with one or more
19 persons to manufacture, deliver, or possess with the intent to
20 manufacture or deliver such a schedule I controlled substance.
21 It is also an aggravated misdemeanor pursuant to Code
22 section 124.401(1)(d) under the bill for any unauthorized
23 person to manufacture, deliver, or possess with the intent to
24 manufacture or deliver a synthetic cathinone classified as a
25 schedule I controlled substance in Code section 124.204(6)(i)
26 including its counterfeit or simulated form, or to act with,
27 enter into a common scheme or design with, or conspire with one
28 or more persons to manufacture, deliver, or possess with the
29 intent to manufacture or deliver such a schedule I controlled
30 substance.
31 It is also a serious misdemeanor for a first offense
32 violation of Code section 124.401(5) for any unauthorized
33 person to possess a controlled substance classified as a
34 schedule I controlled substance.
35 An aggravated misdemeanor is punishable by confinement for

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1 no more than two years and a fine of at least $625 but not
2 more than $6,250. A serious misdemeanor is punishable by
3 confinement for no more than one year and a fine of at least
4 $315 but not more than $1,875.
5 The bill takes effect upon enactment.

House File 2399 - Introduced

HOUSE FILE 2399
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 603)

A BILL FOR

1 An Act relating to scrap metal transactions, prohibiting
2 certain sales, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6035HV (2) 84
rn/sc

H.F. 2399

1 Section 1. Section 714.27, Code Supplement 2011, is amended
2 by striking the section and inserting in lieu thereof the
3 following:
4 **714.27 Scrap metal transactions and reporting — penalties.**
5 1. For purposes of this section, and unless the context
6 otherwise requires, the following definitions shall apply:
7 *a. "Scrap metal"* means any metal suitable for reprocessing.
8 *"Scrap metal"* does not include a motor vehicle, but does include
9 a catalytic converter detached from a motor vehicle.
10 *b. "Scrap metal dealer"* means any person operating a
11 business at a fixed or mobile location that is engaged in one
12 of the following activities:
13 (1) Buying, selling, procuring, collecting, gathering,
14 soliciting, or dealing in scrap metal.
15 (2) Operating, managing, or maintaining a scrap metal yard.
16 *c. "Scrap metal yard"* means any yard, plot, space,
17 enclosure, building, mobile facility, or other place where
18 scrap metal is collected, gathered together, stored, or kept
19 for shipment, sale, or transfer.
20 2. *a.* A person shall not sell scrap metal to a scrap metal
21 dealer in this state unless the person provides to the scrap
22 metal dealer, at or before the time of sale, the person's name,
23 address, and place of business, if any, and presents to the
24 scrap metal dealer a valid driver's license or nonoperator's
25 identification card, military identification card, passport, or
26 other government-issued photo identification.
27 *b.* A scrap metal dealer shall not make an initial purchase
28 of scrap metal from a person without demanding and receiving
29 the information required by this subsection. However, after an
30 initial transaction, a scrap metal dealer may only require the
31 person's name and place of business for subsequent purchases,
32 provided the scrap metal dealer retains all information
33 received during the initial transaction.
34 3. A scrap metal dealer shall keep a confidential
35 register or log of each transaction, including a record

H.F. 2399

of the information required by subsection 2. All records and information kept pursuant to this subsection shall be retained for at least two years, and shall be provided to a law enforcement agency upon request during normal business hours when the law enforcement agency has reasonable grounds to request such information as part of a criminal investigation. A law enforcement agency shall preserve the confidentiality of the information provided under this subsection and shall not disclose it to a third party, except as may be necessary in the prosecution of a criminal violation.

4. The following scrap metal transactions are exempt from the requirements of this section:

a. Transactions in which the total sale price is fifty dollars or less, except transactions for the sale of catalytic converters.

b. Transactions for the sale of catalytic converters in which the total sale price is seventy-five dollars or less.

c. Transactions in which a scrap metal dealer is selling scrap metal.

d. Transactions in which the person selling the scrap metal is known to the scrap metal dealer purchasing the scrap metal to be the officer, employee, or agent of an established commercial or industrial business, operating from a fixed location, that may reasonably be expected to produce scrap metal during the operation of the business.

5. A person who violates this section is guilty of a simple misdemeanor punishable as a scheduled violation pursuant to section 805.8C, subsection 9. However, a person who violates this section three or more times within a two-year period is guilty of a serious misdemeanor.

Sec. 2. Section 805.8C, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 9. For first offense violations of section 714.27, the scheduled fine is two hundred fifty dollars.

EXPLANATION

H.F. 2399

This bill relates to scrap metal sales.

The bill prohibits persons from selling scrap metal to a scrap metal dealer without providing identification and certain information such as a permanent address during an initial sale. Less information is required for subsequent transactions. The bill specifically provides that scrap metal does not include a motor vehicle, but does include a catalytic converter detached from a motor vehicle.

The bill exempts certain transactions of small dollar amounts and transactions in which the person selling the scrap metal is a scrap metal dealer or in which the person selling is known to the scrap metal dealer as an established business that generates scrap metal.

The bill requires scrap metal dealers to maintain a confidential log of each transaction and keep records of transactions for at least two years and to provide that information to law enforcement agencies upon request and upon reasonable grounds.

The bill imposes criminal penalties for violations. A person who violates the Code chapter is guilty of a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days or, ordinarily, a fine of at least $65 but not more than $625 or by both. However, the bill specifies a first offense scheduled violation fine of $250. In the event a person violates the Code chapter three or more times within a two-year period, that person is guilty of a serious misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875.

House File 2400 - Introduced

HOUSE FILE 2400
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 586)

A BILL FOR

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

TLSB 5249HV (2) 84
aw/sc

H.F. 2400

Section 1. Section 39.3, subsection 7, Code 2011, is amended to read as follows:

7. *"General election"* means the biennial election for national or state officers, members of Congress and of the general assembly, county and township officers, and for the choice of other officers or the decision of questions as provided by law and, where applicable, includes the regular city election described in section 376.1.

Sec. 2. Section 44.4, subsection 1, Code 2011, is amended to read as follows:

1. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than 5:00 p.m. on the eighty-first day before the date of the general election to be held in November. Nominations made for a special election called pursuant to section 69.14 shall be filed by 5:00 p.m. not less than twenty-five days before the date of an election called upon at least forty days' notice and not less than fourteen days before the date of an election called upon at least eighteen days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by 5:00 p.m. not less than twenty-five days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than 5:00 p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than 5:00 p.m. on the forty-seventh day before the city election with the ~~city clerk~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the city, who shall process them as provided by law.

Sec. 3. Section 44.4, subsection 2, paragraph a,

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

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

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

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

44.7 Hearing before commissioner.

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

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

44.8 Hearing before mayor.

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

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

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

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

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

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

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

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

44.11 Vacancies filled.

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

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

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

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

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

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

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

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

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

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

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1 2011, is amended to read as follows:
2 *a.* Satellite absentee voting stations may be established
3 no sooner than the fortieth day before an election throughout
4 the cities and county at the direction of the commissioner
5 and shall be established upon the commissioner's receipt
6 of a petition signed by not less than one hundred eligible
7 electors ~~requesting that a satellite absentee voting station~~
8 ~~be established at a location to be described on the petition~~
9 of the jurisdiction where the requested satellite absentee
10 voting station is located. However, if a special election
11 is scheduled in the county on a date that falls between
12 the date of the regular city election and the date of the
13 city runoff election, the commissioner is not required to
14 establish a satellite absentee voting station for the city
15 runoff election. The petition shall be on a form prescribed
16 by the state commissioner. The petition form shall include
17 a space to identify the location of the requested satellite
18 absentee voting station, the name, address, and telephone
19 contact information for the person circulating the petition,
20 and the name or number of the precinct in which the station is
21 requested to be located. The petition shall also include space
22 for the petitioner's signature, residential address, including
23 house number and street, date on which the petition is signed
24 by the petitioner, and a statement that the petitioners are
25 residents of the jurisdiction conducting the election for
26 which the satellite absentee voting station is requested.
27 The commissioner shall reject signatures on petitions if
28 any information required pursuant to this paragraph is not
29 included on the petition. Each petitioner is limited to
30 signing one satellite absentee voting station petition for
31 each election. Duplicate signatures on the same or subsequent
32 satellite absentee voting petitions for a particular election
33 shall not be counted. The commissioner is only required to
34 accept one valid petition for each precinct in each election
35 scheduled for the same date. If more than one petition is

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filed for establishment of a satellite absentee voting station in a particular precinct for an election to be held on the same date, the commissioner shall, at a minimum, honor the first valid petition received. However, the commissioner shall accept an additional valid petition if the commissioner determines that operation of a satellite absentee voting station will be impracticable at the location described in the earlier filed valid petition or petitions.

Sec. 17. Section 53.11, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Objections to a petition requesting establishment of a satellite absentee voting station may be filed with the commissioner no later than the second day following the petition filing deadline set forth in subsection 2. When objections are filed, notice shall immediately be given to the person identified on the petition as the person circulating the petition. The notice shall be sent to the address provided on the petition by such person, and the notice shall include the time and place of the hearing at which the objections will be considered. The hearing shall be held not later than one week after the objection is filed. The objection process in section 44.7 shall be followed for objections filed pursuant to this section.

Sec. 18. Section 260C.15, subsection 3, Code 2011, is amended to read as follows:

3. Nomination papers on behalf of candidates for member of the board of directors of a merged area shall be filed with the ~~secretary of the board~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the merged area not earlier than sixty-four days nor later than 5:00 p.m. on the fortieth day prior to the election at which members of the board are to be elected. ~~On the day following~~ No later than the last day on which nomination petitions can be filed, and no later than 5:00 p.m. on that day, the secretary shall deliver ~~all nomination petitions so~~

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1 ~~filed, together with~~ the text of any public measure being
2 submitted by the board of directors to the electorate, to the
3 county commissioner of elections who is responsible under
4 section 47.2 for conducting elections held for the merged area.
5 That commissioner shall certify the names of candidates, and
6 the text and summary of any public measure being submitted to
7 the electorate, to all county commissioners of elections in the
8 merged area by the thirty-fifth day prior to the election.
9 Sec. 19. Section 260C.15, subsection 4, paragraph b, Code
10 2011, is amended to read as follows:
11 *b.* The objection must be filed with the ~~secretary of the~~
12 ~~board~~ county commissioner of elections responsible under
13 section 47.2 for conducting elections held for the merged area
14 at least thirty-five days before the day of the election at
15 which members of the board are elected. When objections are
16 filed, notice shall immediately be given to the candidate
17 affected, addressed to the candidate's place of residence as
18 given on the candidate's affidavit, stating that objections
19 have been made to the legal sufficiency of the petition or to
20 the eligibility of the candidate, and also stating the time and
21 place the objections will be considered. The ~~board secretary~~
22 county commissioner shall also attempt to notify the candidate
23 by telephone if the candidate provided a telephone number on
24 the candidate's affidavit.
25 Sec. 20. Section 260C.15, Code 2011, is amended by adding
26 the following new subsection:
27 NEW SUBSECTION. 4A. A candidate nominated under this
28 section may withdraw the candidate's nomination by a written
29 request filed with the county commissioner of elections
30 responsible under section 47.2 for conducting elections held
31 for the merged area at least thirty-five days before the day of
32 the election at which members of the board are elected.
33 Sec. 21. Section 275.25, subsection 1, paragraph b, Code
34 2011, is amended to read as follows:
35 *b.* The election shall be conducted as provided in section

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

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

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

3. The ~~secretary of the school board~~ county commissioner shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The ~~secretary of the school board~~ county commissioner shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary

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

4. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the ~~secretary~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the school district at any time prior to 5:00 p.m. on the thirty-fifth day before the election.

Sec. 23. Section 277.5, Code 2011, is amended to read as follows:

277.5 Objections to nominations.

1. Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the ~~secretary of the school board~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the school district at least thirty-five days before the day of the school election. When objections are filed notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

2. Objections shall be considered not later than two working days following the receipt of the objections by the president of the school board, the secretary of the school board, and one additional member of the school board chosen by ballot. If objections have been filed to the nominations of either of those school officials, that official shall not pass on the

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1 objection. The official's place shall be filled by a member
2 of the school board against whom no objection exists. The
3 replacement shall be chosen by ballot.
4 Sec. 24. Section 280.9A, subsection 3, Code 2011, is amended
5 to read as follows:
6 3. At least twice during each school year, the board of
7 directors of each local public school district operating a
8 high school and the authorities in charge of each accredited
9 nonpublic school operating a high school shall offer the
10 opportunity to register to vote to each student who is at least
11 seventeen ~~and one-half~~ years of age, as required by section
12 48A.23.
13 Sec. 25. Section 372.13, subsection 2, paragraph a, Code
14 2011, is amended to read as follows:
15 *a.* (1) By appointment by the remaining members of the
16 council, except that if the remaining members do not constitute
17 a quorum of the full membership, paragraph "*b*" shall be
18 followed. The appointment shall be made within forty days
19 after the vacancy occurs and shall be for the period until the
20 next ~~pending election as defined in section 69.12, and shall~~
21 ~~be made within forty days after the vacancy occurs~~ general
22 election for a city described in section 39.3, subsection 7, or
23 the regular city election described in section 376.1, unless
24 there is an intervening special election to fill a vacancy
25 in another elective city office in that city, in which event
26 the election for the office shall be placed on the ballot
27 at such special election. If the council fails to make an
28 appointment within forty days as required by this subsection,
29 the city clerk shall give notice of the vacancy to the county
30 commissioner and the county commissioner shall call a special
31 election to fill the vacancy at the earliest practicable date
32 but no fewer than thirty-two days after the notice is received
33 by the county commissioner.
34 (2) If the council chooses to proceed under this paragraph,
35 it shall publish notice in the manner prescribed by section

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1 362.3, stating that the council intends to fill the vacancy
2 by appointment but that the electors of the city or ward, as
3 the case may be, have the right to file a petition requiring
4 that the vacancy be filled by a special election. The council
5 may publish notice in advance if an elected official submits
6 a resignation to take effect at a future date. The council
7 may make an appointment to fill the vacancy after the notice
8 is published or after the vacancy occurs, whichever is later.
9 However, if within fourteen days after publication of the
10 notice or within fourteen days after the appointment is made,
11 there is filed with the city clerk a petition which requests a
12 special election to fill the vacancy, an appointment to fill
13 the vacancy is temporary and the council shall call a special
14 election to fill the vacancy permanently, under paragraph *"b"*.
15 The number of signatures of eligible electors of a city for a
16 valid petition shall be determined as follows:
17 ~~(1)~~ (a) For a city with a population of ten thousand or
18 less, at least two hundred signatures or at least the number of
19 signatures equal to fifteen percent of the voters who voted for
20 candidates for the office at the preceding regular election at
21 which the office was on the ballot, whichever number is fewer.
22 ~~(2)~~ (b) For a city with a population of more than ten
23 thousand but not more than fifty thousand, at least one
24 thousand signatures or at least the number of signatures equal
25 to fifteen percent of the voters who voted for candidates for
26 the office at the preceding regular election at which the
27 office was on the ballot, whichever number is fewer.
28 ~~(3)~~ (c) For a city with a population of more than fifty
29 thousand, at least two thousand signatures or at least the
30 number of signatures equal to ten percent of the voters who
31 voted for candidates for the office at the preceding regular
32 election at which the office was on the ballot, whichever
33 number is fewer.
34 ~~(4)~~ (d) The minimum number of signatures for a valid
35 petition pursuant to subparagraphs (1) through (3) shall not

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be fewer than ten. In determining the minimum number of signatures required, if at the last preceding election more than one position was to be filled for the office in which the vacancy exists, the number of voters who voted for candidates for the office shall be determined by dividing the total number of votes cast for the office by the number of seats to be filled.

Sec. 26. Section 376.1, Code 2011, is amended to read as follows:

376.1 City election held — absentee ballot elections authorized.

1. A city shall hold a regular city election on the first Tuesday after the first Monday in November of each odd-numbered year. A city shall hold regular, special, primary, or runoff city elections as provided by state law.

2. The mayor or council shall give notice of any special election to the county commissioner of elections. The county commissioner of elections shall publish notice of any city election and conduct the election pursuant to the provisions of chapters 39 to 53, except as otherwise specifically provided in chapters 362 to 392. The results of any election shall be canvassed by the county board of supervisors and certified by the county commissioner of elections to the mayor and the council of the city for which the election is held.

3. *a.* The council of a city with a population of two hundred or less according to the most recent federal decennial census may adopt an ordinance providing that elections be conducted by absentee ballot. If the city council adopts such an ordinance, the clerk shall notify the commissioner of elections of the adoption of the ordinance, and the commissioner shall mail an absentee ballot application form by forwardable mail to each registered voter within the city who is on active status pursuant to section 48A.37 no fewer than twenty-five days before each regular city election or special election for the city. The commissioner shall also

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enclose a postage paid return envelope and a notice in the form prescribed by the state commissioner informing the voter that voting in person on election day will also be available at the commissioner's office during the time the polls are open. The commissioner may designate one additional election day polling site for a city that adopts an ordinance pursuant to this subsection. The location of the additional polling site shall be included in the notice to the voter.

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

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

a. An eligible elector of a city may become a candidate for an elective city office by filing with the ~~city clerk~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the city a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing.

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

3. ~~If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section.~~ On the final date for

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filing nomination papers the office of the ~~city clerk~~ county commissioner shall remain open until 5:00 p.m.

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

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

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

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

15. Monthly, notify the county commissioner of registration and the state registrar of voters of persons seventeen ~~and one-half~~ years of age and older who have been convicted of a felony during the preceding calendar month or persons who at any time during the preceding calendar month have been legally declared to be a person who is incompetent to vote as that term is defined in section 48A.2.

Sec. 30. REPEAL. Section 53.14, Code 2011, is repealed.

Sec. 31. EFFECTIVE DATE. The following provision or provisions of this Act take effect January 1, 2014:

1. The section of this Act amending section 48A.5, subsection 2.

2. The section of this Act amending section 48A.14,

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subsection 1.

3. The section of this Act amending section 48A.23, subsection 1.

4. The section of this Act amending section 48A.26, subsection 9.

5. The section of this Act amending section 48A.31.

6. The section of this Act amending section 280.9A, subsection 3.

7. The section of this Act amending section 602.8102, subsection 15.

EXPLANATION

This bill relates to the policy administration of the election and voter registration laws by the secretary of state.

The bill amends the definition of "general election" to include certain regular city elections, where applicable.

The bill requires that the county commissioner of registration accept completed voter registration forms from registrants who are at least 17 years of age. Current law requires the county commissioner of registration to accept such forms from registrants who are at least 17 and one-half years of age. These provisions of the bill take effect January 1, 2014.

The bill requires that any authority supported by taxation under the laws of Iowa make space available for the training of precinct election officials and other election personnel upon the applications of the county commissioner of elections. The bill requires that such courses not interfere with previously scheduled events.

The bill provides that the county commissioner of elections shall not mail an absentee ballot to an applicant no sooner than 50 days before any election for ballots mailed to a location in the United States. The bill removes language which requires a voter's party affiliation be designated in the voter affidavit on the unsealed affidavit envelope if the enclosed ballot is a primary election ballot. The bill specifies that

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

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

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1 a notice that in-person voting will also be available at the
2 county commissioner's office on the day of the election and, if
3 applicable, the location of the additional polling site. The
4 bill allows the county commissioner to designate one additional
5 election day polling site for such cities.

House File 2401 - Introduced

HOUSE FILE 2401
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 2119)

A BILL FOR

1 An Act concerning allowable prizes at annual game nights
2 conducted by religious organizations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5714HV (2) 84
ec/nh

H.F. 2401

1 Section 1. Section 99B.8, subsection 6, paragraph b, Code
2 2011, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (4) A qualified organization that has
4 been licensed under this chapter prior to January 1, 2012, and
5 that is a religious organization.
6 EXPLANATION
7 Code section 99B.8, concerning annual game nights, is
8 amended to allow qualified organizations that are religious
9 organizations that have been licensed under Code chapter 99B
10 prior to January 1, 2012, to award cash or merchandise prizes
11 of up to a total of $10,000 with no more than $5,000 awarded to
12 any participant.

House File 2402 - Introduced

HOUSE FILE 2402
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HSB 641)

A BILL FOR

1 An Act permitting the temporary allocation and use of moneys
2 in the veterans trust fund for cemetery grant development
3 purposes.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6060HV (2) 84
aw/sc

H.F. 2402

1 Section 1. Section 35A.13, subsection 3, Code Supplement
2 2011, is amended to read as follows:
3 3. Moneys credited to the trust fund shall not be
4 transferred, used, obligated, appropriated, or otherwise
5 encumbered, except as provided in this section. Moneys in the
6 trust fund may be used for cash flow purposes during a fiscal
7 year provided that any moneys so allocated are returned to the
8 trust fund by the end of that fiscal year. Moneys in the trust
9 fund may also be used for cemetery grant development purposes
10 provided that any moneys so allocated are returned to the trust
11 fund upon receipt of federal funds received for such purposes.
12 EXPLANATION
13 This bill permits the commission of veterans affairs
14 to allocate and use moneys in the veterans trust fund for
15 cemetery grant development purposes, provided that such moneys
16 eventually be returned to the trust fund upon receipt of
17 federal funds received for such cemetery development purposes.

House File 2403 - Introduced

HOUSE FILE 2403
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 2236)

A BILL FOR

1 An Act relating to requirements for a commercial driver's
2 license for certain persons transitioning from military
3 service.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5904HV (2) 84
dea/nh

H.F. 2403

1 Section 1. Section 321.188, Code Supplement 2011, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 6. *a.* The department may waive the
4 requirement that an applicant pass a driving skills test
5 specified in this section for an applicant who is on active
6 duty in the military service, or who has separated from such
7 service in the last ninety days, who certifies that during
8 the two-year period immediately preceding application for a
9 commercial driver's license, all of the following apply:
10 (1) The applicant has not had more than one driver's
11 license, other than a military license.
12 (2) The applicant has not had any driver's license
13 suspended, revoked, or canceled.
14 (3) The applicant has not been convicted of an offense
15 committed while operating any type of motor vehicle that is
16 listed as a disqualifying offense in 49 C.F.R. § 383.51(b).
17 (4) The applicant has not had more than one conviction for
18 an offense committed while operating any type of motor vehicle
19 that is listed as a serious traffic violation in 49 C.F.R. §
20 383.51(c).
21 (5) The applicant has not had a conviction for a violation
22 of a state or local law relating to motor vehicle traffic
23 control, other than a parking violation, arising in connection
24 with any traffic accident and has no record of a traffic
25 accident in which the applicant was at fault.
26 *b.* An applicant for a waiver of the driving skills test
27 under this subsection shall certify and provide evidence as
28 required by the department that the following apply:
29 (1) The applicant is regularly employed or was regularly
30 employed within the last ninety days in a military position
31 requiring operation of a commercial motor vehicle.
32 (2) The applicant was exempt from commercial driver
33 licensing requirements pursuant to section 321.176A, subsection
34 3, or a comparable law of another state implementing 49 C.F.R.
35 § 383.3(c).

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1 (3) The applicant was operating a motor vehicle
2 representative of the class of motor vehicle the applicant
3 operates or expects to operate for at least two years
4 immediately preceding honorable separation from military
5 service as evidenced by the person's certificate of release or
6 discharge from active duty, commonly referred to as a DD214.
7 *c.* An applicant who obtains a skills test waiver under this
8 subsection shall take and successfully pass the knowledge test
9 required pursuant to subsection 2.
10 EXPLANATION
11 This bill authorizes the department of transportation to
12 waive the driving skills testing requirement for an applicant
13 for a commercial driver's license who is currently on active
14 military service or was separated from service within the last
15 90 days. Federal motor carrier safety regulations allow such
16 an exemption provided the applicant meets certain experience
17 and safety requirements, which are referred to in the bill.
18 To qualify for the waiver, the applicant must have been
19 employed in a military position requiring operation of a
20 commercial motor vehicle, must have been exempt from commercial
21 motor vehicle licensing requirements while operating a
22 commercial motor vehicle for military purposes, and must have
23 operated, during the two-year period immediately preceding
24 honorable separation from military service, a motor vehicle
25 representative of the class of motor vehicle the applicant will
26 operate.
27 The applicant for an exemption must certify that during the
28 preceding two years the applicant has not had more than one
29 driver's license other than a military license; has not had a
30 driver's license suspended, revoked, or canceled; has not been
31 convicted of certain disqualifying offenses committed while
32 operating any type of motor vehicle; has not had more than one
33 conviction of any serious traffic offense; and has not had a
34 conviction for a violation, other than a parking violation,
35 arising in connection with any traffic accident and has no

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1 record of a traffic accident in which the applicant was at
2 fault.
3 An applicant for whom the driving skills test requirement
4 is waived must still pass a knowledge skills test to receive
5 a commercial driver´s license.

House File 2404 - Introduced

HOUSE FILE 2404
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 2299)

A BILL FOR

1 An Act relating to the extension of the effective date of a
2 driver's license for a person serving on active duty in
3 military service.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5358HV (1) 84
dea/nh

H.F. 2404

Section 1. Section 321.198, subsection 1, Code 2011, is amended to read as follows:

1. *a.* The effective date of a valid driver's license issued under the laws of this state, held by any person at the time of entering the military service of the United States or of the state of Iowa, notwithstanding the expiration of the license according to its terms, is ~~hereby~~ extended without fee until six months following the initial separation from active duty of the person from the military service, provided the person is not suffering from physical disabilities which impair the person's competency as an operator, and provided further that the licensee shall furnish, upon demand of any peace officer, satisfactory evidence of the person's military service. However, a person entitled to the benefits of this section who is charged with operating a motor vehicle without a valid driver's license shall not be convicted if the person produces in court, within a reasonable time, a valid driver's license previously issued to that person along with satisfactory evidence of the person's military service as provided in this paragraph.

b. The department is authorized to renew any driver's license falling within the provisions and limitations of paragraph *"a"*, without examination, upon application and payment of fee made within six months following separation from the military service.

c. For purposes of this subsection, a United States department of defense common access card issued to a person is satisfactory evidence of the person's current military service, and a certificate of release or discharge from active duty, commonly referred to as a DD214, is satisfactory evidence of a person's previous military service and separation from active duty. A person who produces a valid driver's license previously issued to the person along with the person's common access card or DD214 shall not be required to produce any additional documentation to satisfy the requirements of

H.F. 2404

1 paragraph "a".
2 EXPLANATION
3 Currently, Code section 321.198 provides that the effective
4 date of a driver's license held by a person at the time of
5 entering the military service of the United States or of
6 the state of Iowa is extended without fee until six months
7 following the person's initial separation from active duty.
8 The person is required to furnish, upon demand of any peace
9 officer, satisfactory evidence of the person's military
10 service. If the person is charged with driving without a
11 valid driver's license, the person may avoid conviction by
12 producing in court, within a reasonable time, the driver's
13 license previously issued to the person along with evidence of
14 the person's military service. Form 430028, available from the
15 department of transportation, explains the statutory provisions
16 regarding military extensions. Pursuant to administrative
17 rule, the department recommends that a person who qualifies for
18 the military extension should request the form and carry it
19 with the person's driver's license for verification to peace
20 officers.
21 This bill amends Code section 321.198 to specify that
22 a person's department of defense common access card is
23 satisfactory evidence of current military service, and a
24 certificate of release or discharge from active duty, known
25 as a DD214, is satisfactory evidence of a person's previous
26 military service and discharge from active duty. The bill
27 provides that a person who produces either a common access card
28 or DD214, along with the driver's license previously issued to
29 the person, shall not be required to produce any additional
30 documentation to a peace officer or to a court in order to
31 satisfy the requirements for a military extension.

House File 589

S-5029

1 Amend the amendment, S-5004, to House File 589,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 5, through page 2, line
5 14, and inserting:
6 <<Section 1. Section 717.1A, unnumbered paragraph
7 1, Code 2011, is amended to read as follows:
8 A person is guilty of livestock abuse if the
9 person intentionally injures or destroys livestock
10 owned by another person, in any manner, including,
11 but not limited to, intentionally doing any of the
12 following: administering drugs or poisons to the
13 livestock, or disabling the livestock by using a
14 firearm or trap. A person guilty of livestock abuse
15 commits an aggravated misdemeanor. <u>However, a person</u>
16 <u>who commits livestock abuse and who also produces a</u>
17 <u>recording of the livestock abuse commits a class "D"</u>
18 <u>felony.</u> This section shall not apply to any of the
19 following:>>

ROBERT M. HOGG

House File 589

S-5030

1 Amend the amendment, S-5004, to House File 589,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 5, through page 2, line
5 14, and inserting:
6 <<Section 1. Section 717A.1, Code 2011, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 2A. *"Agricultural production*
9 *facility"* means an animal facility as defined in
10 subsection 4, paragraph *"a"*, or a crop operation
11 property.
12 Sec. 2. NEW SECTION. **717A.2A Agricultural**
13 **production facility fraud.**
14 1. A person is guilty of agricultural production
15 facility fraud if the person willfully does any of the
16 following:
17 *a.* Obtains access to an agricultural production
18 facility by false pretenses for the purpose of
19 committing an illegal act.
20 *b.* Makes a false statement or representation as
21 part of an application or agreement to be employed
22 at an agricultural production facility, if the
23 person knows the statement to be false, and makes
24 the statement with an intent to commit an act not
25 authorized by the owner of the agricultural production
26 facility.
27 2. A person is guilty of agricultural production
28 facility criminal mischief if the person is an employee
29 of the agricultural production facility and becomes
30 aware of livestock abuse as provided in section 717.1A,
31 livestock neglect as provided in section 717.2, or
32 crop operation property damage as provided in section
33 717A.3, and willfully fails to notify a local law
34 enforcement agency.
35 3. A person who commits an offense described in
36 subsection 1 or 2 commits the following:
37 *a.* For a first conviction, a serious misdemeanor.
38 *b.* For a second or subsequent conviction, an
39 aggravated misdemeanor.
40 Sec. 3. NEW SECTION. **717A.2B Agricultural**
41 **production facility recording requirements.**
42 1. An owner of an agricultural production facility
43 shall, at the owner's expense, install video monitoring
44 equipment to record activities twenty-four hours per
45 day throughout all interior and exterior areas of the
46 facility. On the first day of each month, the owner
47 shall release all recordings to the department of
48 agriculture and land stewardship, which shall make the
49 recordings available to the public via an internet site
50 or other similarly accessible format.

1 2. An owner of an agricultural production facility
2 who fails to comply with the recording requirements set
3 forth in subsection 1 commits the following:
4 *a.* For a first conviction, a serious misdemeanor.
5 *b.* For a second or subsequent conviction, an
6 aggravated misdemeanor.
7 Sec. 4. EFFECTIVE DATE. The following provision or
8 provisions of this Act take effect on January 1, 2013:
9 1. The section of this Act enacting section
10 717A.2B.>
11 ___. Title page, line 2, by striking <and providing
12 penalties and remedies> and inserting <providing
13 penalties, and including effective date provisions>>

_____
MATT McCOY

Senate File 2225

S-5031

1 Amend Senate File 2225 as follows:
2 1. Page 2, line 8, by striking <takes> and
3 inserting <treats>

_____
DARYL BEALL

Senate File 2217

S-5032

Amend Senate File 2217 as follows:

1. Page 2, line 28, by striking <necessary for the project> and inserting <, subject to the limitation in paragraph "c">

2. Page 2, after line 34 by inserting:

<*c.* A governmental entity's authority, established under paragraph "b" or other provision of law, to acquire or hold real and personal property shall for the purposes of undertaking a project under this chapter be limited to acquiring and holding that portion of such property which is necessary for infrastructure related to flood mitigation.>

3. Page 3, line 2, after <project,> by inserting <including all phases of construction or reconstruction included in the project,>

4. Page 3, by striking line 21 and inserting:

<*b.* For projects proposing to use sales tax increment revenues or approved by the board to use sales tax increment revenues, the project, or an earlier phase of the project, has been>

5. Page 8, line 23, by striking <following completion of> and inserting <after the board approved>

6. Page 11, by striking lines 30 through 32 and inserting <amount of increased sales tax revenues for each governmental entity approved to use sales tax increment revenues and the amount of such revenues to be transferred to the sales tax increment fund pursuant to section 423.2, subsection 11, paragraph "b".>

7. Page 14, by striking line 27 and inserting:

<6. *a.* Each governmental entity approved by the board to use sales tax increment revenues for a project under this chapter shall submit two reports to the board certifying the total amount of nonpublic investment, as defined in section 418.9, subsection 2, paragraph "d", that has occurred in the governmental entity's area as defined in section 418.11, subsection 3. The first report shall be submitted not later than five years after the board approved the project. The second report shall be submitted to the board not later than ten years after the board approved the project.

b. If the nonpublic investment requirements of section>

8. Page 15, line 33, after <project,> by inserting <subject to the limitation in section 418.4, subsection 1, paragraph "c",>

9. Page 17, line 16, after <solely> by inserting <and only>

10. Page 17, line 24, after <Except> by inserting <to the extent a debt service levy is authorized for the payment of a governmental entity's costs related to

bonds, notes, or other obligations>

11. Page 17, line 29, by striking <entity.> and inserting <entity, and such bonds, notes, or other obligations shall not constitute an indebtedness of any political subdivision of this state within the meaning of any constitutional or statutory debt limitation or restriction.>

12. Page 17, by striking line 33 and inserting <governmental entity or make its bonds issued under this section payable out of any>

13. Page 18, line 9, after <"c",> by inserting <but only>

14. Page 18, after line 11 by inserting:

<*c.* The sole remedy for a breach or default of a term of a bond issued under this section is a proceeding in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this chapter and of the terms of the resolution authorizing the issuance of the bonds.>

15. Page 18, line 15, by striking <twenty-five> and inserting <twenty>

16. Page 19, by striking lines 2 through 27 and inserting:

<11. *a.* All revenues arising under the operation of the provisions of this section shall be deposited into the general fund of the state.

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

(3) Subject to the limitation on the calculation and deposit of sales tax increment revenues in section 418.12, beginning the first day of the quarter following adoption of the resolution pursuant to section 418.4, subsection 3, paragraph "d", transfer to the account created in the sales tax increment fund for each governmental entity approved to use sales tax increment revenues under chapter 418, that portion of the increase in sales tax revenue, determined in section 418.11, subsection 2, paragraph "d", in the applicable area of the governmental entity, that remains after the transfer required under subparagraph (2) of this paragraph "b".>

ROBERT M. HOGG

BILL DIX

Senate File 2293

S-5033

1 Amend Senate File 2293 as follows:
2 1. Page 12, line 20, after <this> by inserting
3 <section of this>
4 2. Page 13, line 10, after <this> by inserting
5 <section of this>
6 3. Page 20, line 35, before <this> by inserting
7 <the sections of>
8 4. Page 21, line 1, after <Act> by inserting
9 <amending sections 514E.1 and 514E.2>

MATT McCOY

Senate File 2265

S-5034

1 Amend Senate File 2265 as follows:
2 1. Page 15, after line 34 by inserting:
3 <4. For authorizing an Iowa notary public to
4 perform electronic notarization for the term of the
5 notary's commission, ten dollars.>
6 2. By renumbering as necessary.

_____
PAM JOCHUM

Senate File 2300 - Introduced

SENATE FILE 2300
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3090)

A BILL FOR

1 An Act relating to the authority of cities to regulate and
2 restrict the occupancy of residential rental property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5609SV (1) 84
aw/sc

S.F. 2300

1 Section 1. Section 414.1, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. *a.* For the purpose of promoting the health, safety,
4 morals, or the general welfare of the community or for the
5 purpose of preserving historically significant areas of
6 the community, any city is hereby empowered to regulate and
7 restrict the height, number of stories, and size of buildings
8 and other structures, the percentage of lot that may be
9 occupied, the size of yards, courts, and other open spaces,
10 the density of population, the occupancy of residential rental
11 property on the basis of square footage, and the location and
12 use of buildings, structures, and land for trade, industry,
13 residence, or other purposes.
14 *b.* A city shall not adopt or enforce any regulation or
15 restriction related to the occupancy of residential rental
16 property that is based upon the existence of familial or
17 nonfamilial relationships between the occupants of such rental
18 property.
19 EXPLANATION
20 This bill relates to the authority of cities to regulate and
21 restrict the occupancy of residential rental property.
22 The bill provides that a city may regulate and restrict the
23 occupancy of residential rental property on the basis of square
24 footage. The bill also provides that a city shall not adopt or
25 enforce any regulation or restriction related to the occupancy
26 of residential rental property based upon the familial or
27 nonfamilial relationships of occupants.

Senate File 2301 - Introduced

SENATE FILE 2301
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3159)

A BILL FOR

1 An Act requiring a commercial breeder of dogs and cats to file
2 evidence of financial responsibility with the department
3 of agriculture and land stewardship, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5668SV (1) 84
da/nh

S.F. 2301

1 Section 1. Section 162.2, subsection 8, Code 2011, is
2 amended to read as follows:
3 8. *a.* *"Commercial breeder"* means a person, engaged in the
4 business of breeding dogs or cats, who sells, exchanges, or
5 leases dogs or cats in return for consideration, or who offers
6 to do so, whether or not the ~~animals~~ dogs or cats are raised,
7 trained, groomed, or boarded by the person. A person who owns
8 or harbors three or fewer breeding ~~males~~ dogs or ~~females~~ cats
9 is not a commercial breeder. However, a person who breeds
10 any number of breeding male or female greyhounds for the
11 purposes of using them for pari-mutuel wagering at a racetrack
12 as provided in chapter 99D shall be considered a commercial
13 breeder irrespective of whether the person sells, leases, or
14 exchanges the greyhounds for consideration or offers to do so.
15 *b.* A dog or cat used for breeding includes either a female
16 or male.
17 Sec. 2. Section 162.2, Code 2011, is amended by adding the
18 following new subsections:
19 NEW SUBSECTION. 15A. *"Financial institution"* means
20 a state bank as defined in section 524.103, a state bank
21 chartered under the laws of any other state, a national
22 banking association, a federally chartered savings and loan
23 association, an out-of-state state chartered savings bank, a
24 financial institution chartered by the federal home loan bank
25 board, a non-Iowa chartered savings and loan association, or
26 an association incorporated or authorized to do business under
27 chapter 534.
28 NEW SUBSECTION. 15B. *"Government entity"* means the
29 federal government, including the United States department of
30 agriculture; the state, including the department; or a local
31 government, including a city as defined in section 362.2 or a
32 county as provided in chapter 331.
33 Sec. 3. NEW SECTION. **162.8A Commercial breeder — evidence**
34 **of financial responsibility.**
35 A person applying for the issuance of an authorization as a

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1 commercial breeder as provided in section 162.8 shall provide
2 the department with evidence of financial responsibility
3 as required in this section. The evidence of financial
4 responsibility shall be provided to the department before the
5 authorization is issued.
6 1. *a.* The evidence of financial responsibility shall
7 consist of a surety bond furnished by a surety authorized to
8 do business in this state or an irrevocable letter of credit
9 issued by a financial institution.
10 *b.* The evidence of financial responsibility shall be
11 continuous in nature. The surety shall provide at least ninety
12 days' notice in writing to the person and the department
13 indicating the surety's intent to cancel the surety bond and
14 the effective date of the cancellation. The person shall have
15 sixty days from the date of receipt of the surety's notice of
16 cancellation to file a replacement.
17 2. The amount of the evidence of financial responsibility
18 shall be based on information included in the application as
19 certified by the person seeking to obtain the authorization.
20 *a.* The amount shall be based on the number of breeding dogs
21 and breeding cats owned by the person, calculated as follows:
22 (1) For a person who does not currently hold an
23 authorization as a commercial breeder, the calculation shall
24 be based on the greatest number of breeding dogs or breeding
25 cats owned by the person at any one time in the previous twelve
26 months or the greatest number of breeding dogs or breeding cats
27 that the person expects to own at any one time during the term
28 of the authorization, whichever is more.
29 (2) For a person who currently holds an authorization as
30 a commercial breeder, the calculation shall be based on the
31 greatest number of breeding dogs or breeding cats that the
32 person owned at any point during the term of the authorization.
33 *b.* Based on the calculation provided in paragraph *"a"*, the
34 amount of the evidence of financial responsibility shall be as
35 follows:

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1 (1) For owning twenty or more but not more than fifty
2 breeding dogs or breeding cats, ten thousand dollars.
3 (2) For owning more than fifty but not more than one hundred
4 breeding dogs or breeding cats, twenty thousand dollars.
5 (3) For owning more than one hundred but not more than two
6 hundred fifty breeding dogs or breeding cats, forty thousand
7 dollars.
8 (4) For owning more than two hundred fifty breeding dogs or
9 breeding cats, one hundred thousand dollars.
10 *c.* For purposes of paragraphs *"a"* and *"b"*, a person is
11 deemed to own a breeding dog or breeding cat even if the person
12 does not hold title to the breeding dog or breeding cat so long
13 as the person otherwise possesses or controls the breeding dog
14 or breeding cat.
15 3. The evidence of financial responsibility shall be
16 conditioned upon the person's compliance with the provisions
17 of this chapter applicable to commercial breeders operating
18 pursuant to an authorization, during the term of the
19 authorization.
20 4. The surety's or issuer's liability extends to any
21 person who serves as the custodian of the dog or cat for all
22 actual and necessary expenses incurred by providing for care
23 or disposition of a breeding dog or breeding cat obtained as
24 provided in this subsection.
25 *a.* The custodian incurring the expense must have obtained
26 the dog as a direct result of an enforcement action taken
27 by a government entity against the person, or a criminal or
28 civil action in which a government entity is a party. The
29 enforcement action must be brought under any of the following:
30 (1) The federal Animal Welfare Act, 7 U.S.C. § 2131 et seq.
31 (2) This chapter or chapter 717B, including section 717B.4
32 or section 717B.5.
33 *b.* A person authorized as a commercial breeder may
34 relinquish the breeding dog or breeding cat to a government
35 entity or a custodian designated or approved by the government

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1 entity. The government entity may seize the breeding dog or
2 breeding cat pursuant to an enforcement action or court order
3 as provided by federal or state law.
4 *c.* The actual or necessary expenses incurred by a custodian
5 designated or approved to provide for the care or disposition
6 of the breeding dog or breeding cat as provided in this
7 subsection include all of the following:
8 (1) Maintenance, including but not limited to providing
9 veterinary examinations or treatment, sterilization,
10 transportation, housing, and sustenance.
11 (2) Disposition, including transfer of title to another
12 person or humane destruction in the same manner as provided in
13 section 162.13.
14 *d.* Any private or public entity other than the state
15 government or the United States government may be a custodian.
16 A local government may be a custodian.
17 5. A custodian may bring a legal action in order to be
18 indemnified for all actual and necessary expenses incurred when
19 the custodian provides for the care and disposition of the dog
20 or cat as provided in subsection 4.
21 *a.* The legal action may be taken against the surety on the
22 bond or issuer of the irrevocable letter of credit in district
23 court. The custodian may also be awarded court costs and
24 reasonable attorney fees, which shall be taxed as part of the
25 costs of the legal action.
26 *b.* The surety or issuer shall not be liable to pay for the
27 amount received by the custodian as a result of an order to pay
28 for dispositional expenses as provided in section 717B.4.
29 *c.* The aggregate liability of the surety or issuer shall not
30 exceed the amount of the evidence of financial responsibility.
31 6. *a.* The department shall adopt rules as required
32 to administer this section, including but not limited to
33 rules providing for qualifications for a surety or financial
34 institution, procedures for filing evidence of financial
35 responsibility, including replacement bonds or letters of

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1 credit, requirements for the cancellation of the evidence of
2 financial responsibility, and the liability of a surety or
3 issuer after cancellation.
4 *b.* The form and submission of the evidence of financial
5 responsibility shall be prescribed by the department.
6 Sec. 4. Section 162.12, Code 2011, is amended to read as
7 follows:
8 **162.12 Denial or revocation of license or registration.**
9 1. ~~A certificate of registration may be denied~~ The
10 department may deny an application for the issuance of an
11 authorization to ~~any animal shelter, pound, or research~~
12 ~~facility and a state license may be denied to any public~~
13 ~~auction, boarding kennel, commercial kennel, pet shop,~~
14 ~~commercial breeder, or dealer, or an existing certificate of~~
15 ~~registration or state license~~ a commercial establishment and
16 the department may ~~be revoked by the secretary if, after public~~
17 ~~hearing, it is determined~~ suspend or revoke an authorization
18 issued to a commercial establishment if the department
19 determines that the housing facilities or primary enclosures
20 are inadequate under this chapter or if the feeding, watering,
21 cleaning, and housing practices ~~at the pound, animal shelter,~~
22 ~~public auction, pet shop, boarding kennel, commercial kennel,~~
23 ~~research facility, or those practices by the commercial breeder~~
24 ~~or dealer,~~ employed by the commercial establishment are not in
25 compliance with this chapter or with the rules adopted pursuant
26 to this chapter. The premises of each registrant or state
27 licensee shall be open for inspection during normal business
28 hours.
29 2. The department shall deny an application for the issuance
30 of an authorization to operate as a commercial breeder and
31 shall revoke an authorization issued to a person operating as a
32 commercial breeder, if the person fails to comply with evidence
33 of financial responsibility requirements as provided in section
34 162.8A.
35 Sec. 5. Section 717B.1, Code 2011, is amended by adding the

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following new subsection:

NEW SUBSECTION. 3A. *"Department"* means the department of agriculture and land stewardship.

Sec. 6. Section 717B.4, subsection 2, Code 2011, is amended to read as follows:

2. The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. The hearing may be part of a hearing to determine the liability of a surety who issued a surety bond or a financial institution who issued an irrevocable letter of credit pursuant to section 162.8A. ~~If~~ However, if the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of this chapter.

Sec. 7. Section 717B.4, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0c.* A local authority shall be indemnified under this section prior to bringing a claim for indemnification on a surety bond or irrevocable letter of credit submitted to the department as evidence of financial responsibility pursuant to section 162.8A.

EXPLANATION

GENERAL. Commercial breeders of dogs or cats are required to obtain a state license, or alternatively a permit if federally licensed, from the department of agriculture and land stewardship (Code section 162.2A). A license or permit is generally referred to as an authorization.

EVIDENCE OF FINANCIAL RESPONSIBILITY —— APPLICATION AS A COMMERCIAL BREEDER. This bill requires that a person who applies for an authorization to operate as a commercial breeder (either issuance or renewal of a license or permit) must provide the department with evidence of financial responsibility in the form of a surety bond or irrevocable letter of credit issued by a financial institution (e.g., a bank).

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1 FINANCIAL CONDITIONS ASSOCIATED WITH MAINTAINING AN
2 AUTHORIZATION. The bill requires a commercial breeder to
3 maintain the evidence of financial responsibility, including
4 by replacing any evidence that is canceled by the surety or
5 issuer. The amount of the evidence is based on the greatest
6 number of breeding dogs or cats owned or controlled by the
7 person at any one time during the past 12 months, ranging from
8 $10,000 to $100,000.
9 USE OF THE EVIDENCE OF FINANCIAL RESPONSIBILITY —
10 CUSTODIANS. The evidence is used when the commercial breeder
11 transfers custody of the animal to another person designated
12 as the animal's custodian. The purpose of the evidence of
13 financial responsibility is to reimburse the custodian for
14 the actual and necessary expenses incurred when providing for
15 the care and disposition of the dog or cat as a result of a
16 federal or state enforcement action. A custodian entitled
17 to be reimbursed for expenses includes any private or public
18 entity other than the state government or the United States
19 government.
20 DISPOSITIONAL PROCEEDINGS INVOLVING THREATENED ANIMALS.
21 The bill provides for cases in which there is a dispositional
22 proceeding in which a local government and the owner are
23 parties to determine the disposition of a threatened dog or cat
24 subject to alleged neglect or abuse (Code section 717B.5). The
25 dispositional proceeding may be joined with the proceeding to
26 determine the liability of the surety or issuer of irrevocable
27 letter of credit. In any case, the owner who is a party in a
28 dispositional proceeding is required to pay for the disposition
29 of the dog or cat prior to the surety or issuer.
30 DISCIPLINARY ACTION. The department is required to revoke
31 an authorization issued to a person operating as a commercial
32 breeder for failing to comply with financial responsibility
33 requirements.
34 CIVIL PENALTIES. A person who fails to maintain evidence
35 of financial responsibility is subject to a civil penalty as

S.F. 2301

1 determined by the department, not to exceed $500, with each day
2 that a violation continues constituting a separate offense.

Senate File 2302 - Introduced

SENATE FILE 2302
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SF 2215)

A BILL FOR

1 An Act relating to bidding for purchases through a competitive
2 bidding process by the state or political subdivisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5637SV (4) 84
je/nh

S.F. 2302

1 Section 1. Section 8A.311, Code Supplement 2011, is amended
2 by adding the following new subsections:
3 NEW SUBSECTION. 12A. If the lowest responsive bid received
4 by the state or a political subdivision for products or other
5 purchases is from an out-of-state business and totals less
6 than five hundred thousand dollars, and an Iowa-based business
7 submitted a bid which is within five percent or ten thousand
8 dollars of the price of the lowest bid, whichever is less, the
9 Iowa-based business which submitted the lowest responsive bid
10 shall be notified and shall be allowed to match the lowest bid
11 before a contract is awarded.
12 NEW SUBSECTION. 12B. A response to a request for bids
13 or proposals for products or other purchases by the state
14 or a political subdivision which totals less than five
15 hundred thousand dollars in value shall contain the following
16 information:
17 *a.* The percentage of the ownership of the submitting
18 business which is held by Iowa residents.
19 *b.* The percentage of the employees who will be carrying out
20 work in connection with the contract who are Iowa residents.
21 For the purposes of this paragraph, *"employee"* includes
22 part-time, temporary, contract, and substitute employees, and
23 includes employees of any contractors or subcontractors.
24 *c.* An estimate of the percentage of purchases to be made by
25 the submitting business in connection with the contract that
26 will be made from Iowa-based businesses.
27 *d.* The amount of property tax paid by the submitting
28 business during the most recently completed fiscal year for
29 which such a figure is available.
30 EXPLANATION
31 This bill provides that for purchases initiated by the
32 state or a political subdivision through a competitive bidding
33 process, if the lowest responsive bid received is from an
34 out-of-state business and totals less than $500,000, and an
35 in-state business submitted a bid which is within 5 percent or

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1 $10,000 of the price of the lowest responsive bid, whichever
2 is less, the state or political subdivision shall notify the
3 in-state business which submitted the lowest responsive bid
4 and allow it to match the lowest responsive bid from the
5 out-of-state business before a contract is awarded.
6 The bill also provides that a response to a request for
7 bid or proposal for a purchase by the state or a political
8 subdivision which is less than $500,000 in value must contain
9 certain information. The required information is the
10 percentage of the ownership of the submitting business which is
11 held by Iowa residents; the percentage of employees who will be
12 carrying out work in connection with the contract who are Iowa
13 residents; an estimate of the percentage of purchases to be
14 made by the submitting business in connection with the contract
15 that will be made from Iowa-based businesses; and the amount
16 of property tax paid by the submitting business during the
17 most recently completed fiscal year for which such a figure is
18 available. For the purposes of determining how many employees
19 carrying out work in connection with the contract will be
20 Iowa residents, "employee" includes part-time, temporary,
21 contract, and substitute employees, and includes employees of
22 any contractors or subcontractors.

Senate File 2303 - Introduced

SENATE FILE 2303
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3148)

A BILL FOR

1 An Act providing for persons associated with licensed
2 veterinarians, and providing for fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5316SV (2) 84
da/nh

S.F. 2303

1 Section 1. Section 169.3, Code 2011, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 4A. *"Certified veterinary assistant"* means
4 a person who meets all of the following requirements:
5 *a.* Has successfully completed a veterinary assistant
6 program approved by the board or has received a minimum of two
7 years of on-the-job training under the direction of a licensed
8 veterinarian as prescribed by the board.
9 *b.* Has successfully passed one or more examinations as
10 prescribed by the board.
11 *c.* Performs duties associated with the practice of
12 veterinary medicine as provided in section 169.20 and
13 prescribed by rule by the board.
14 NEW SUBSECTION. 4B. *"Certified veterinary technician"* means
15 a person who meets all of the following requirements:
16 *a.* Is a graduate of an accredited program of veterinary
17 technology approved by the board or is currently registered in
18 this state as a veterinary technician.
19 *b.* Has successfully passed one or more examinations as
20 prescribed by the board.
21 *c.* Performs duties associated with the practice of
22 veterinary medicine as provided in section 169.20 and
23 prescribed by rule by the board.
24 NEW SUBSECTION. 7A. *"Noncredentialed veterinary assistant"*
25 means a person employed by a licensed veterinarian who is not
26 a certified veterinary technician or certified veterinary
27 assistant, and who performs duties associated with the practice
28 of veterinary medicine as provided in section 169.20 and
29 prescribed by rule by the board.
30 Sec. 2. Section 169.3, subsection 12, Code 2011, is amended
31 by striking the subsection.
32 Sec. 3. Section 169.4, subsection 9, Code 2011, is amended
33 by striking the subsection and inserting in lieu thereof the
34 following:
35 9. Any certified veterinary technician, certified

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1 veterinary assistant, or noncredentialed veterinary assistant
2 employed by a licensed veterinarian from performing duties as
3 provided in section 169.20 and prescribed by rule by the board.
4 Sec. 4. Section 169.5, subsection 7, paragraph i, Code 2011,
5 is amended by striking the paragraph and inserting in lieu
6 thereof the following:
7 *i.* Adopt, amend, or repeal rules relating to certified
8 veterinary technicians, certified veterinary assistants, and
9 noncredentialed veterinary assistants, as provided in section
10 169.20. However, a veterinary technician certificate or
11 veterinary assistant certificate shall not be suspended or
12 revoked by less than a three-fifths vote of the entire board in
13 a proceeding conducted in compliance with section 17A.12.
14 Sec. 5. Section 169.20, Code 2011, is amended by striking
15 the section and inserting in lieu thereof the following:
16 **169.20 Certified veterinary technicians, certified veterinary**
17 **assistants, and noncredentialed veterinary assistants.**
18 1. A licensed veterinarian may employ one or more certified
19 veterinary technicians, certified veterinary assistants,
20 or noncredentialed veterinary assistants to perform duties
21 associated with the practice of veterinary medicine as provided
22 in this section and prescribed by rules adopted by the board.
23 A veterinarian may employ a certified veterinary assistant,
24 certified veterinary technician, or noncredentialed veterinary
25 assistant for any purpose provided by rules adopted by the
26 board, other than for diagnosis, prescription, or surgery. The
27 rules adopted by the board under this subsection shall provide,
28 at a minimum, for all of the following:
29 *a.* The qualifications and standards of conduct of a
30 certified veterinary technician, certified veterinary
31 assistant, or noncredentialed veterinary assistant.
32 *b.* The type or scope of duties that may be performed
33 by a certified veterinary technician, certified veterinary
34 assistant, or noncredentialed veterinary assistant.
35 *c.* The level of supervision required to be performed

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1 by a licensed veterinarian when employing a certified
2 veterinary technician, certified veterinary assistant, or a
3 noncredentialed veterinary assistant.
4 2. The board shall provide for the issuance of a certificate
5 to a certified veterinary technician or certified veterinary
6 assistant based on education, experience, training, or other
7 criteria established by rules adopted by the board.
8 3. The board shall regulate certified veterinary
9 technicians, certified veterinary assistants, and
10 noncredentialed veterinary assistants as provided by rules
11 adopted by the board, including but not limited to any of the
12 following:
13 *a.* Investigations.
14 *b.* Disciplinary action, including the suspension or
15 revocation of a certificate issued by the board. Any
16 disciplinary action shall be taken in the same manner as
17 provided in section 169.14. The board shall suspend or
18 revoke a certificate issued by the board under this section in
19 compliance with section 17A.12.
20 EXPLANATION
21 BACKGROUND — VETERINARY ASSISTANTS. This bill amends
22 provisions relating to the employment of a veterinary assistant
23 by a licensed veterinarian (Code section 169.20). Currently,
24 a veterinary assistant certified by the board may perform
25 services associated with the practice of veterinary medicine
26 other than diagnosis, prescription, or surgery, if acting under
27 the direct supervision of such veterinarian and in compliance
28 with rules adopted by the board of veterinary medicine (board).
29 BILL — AUTHORIZED PERSONS DESIGNATED. The bill renames
30 the term "veterinary assistant" as "certified veterinary
31 assistant" and establishes two other classes of persons who may
32 be employed by a licensed veterinarian: a certified veterinary
33 technician and a noncredentialed veterinary assistant. Under
34 the bill, a certified veterinary technician must have graduated
35 from an accredited program of technology as approved by the

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1 board and have passed one or more examinations prescribed
2 by the board. A certified veterinary assistant must have
3 completed a program approved by the board or have on-the-job
4 experience and pass an examination prescribed by the board.
5 The bill also provides for a noncredentialed veterinary
6 assistant who is someone other than a certified veterinary
7 assistant or certified veterinary technician. The bill
8 authorizes each class of person to perform duties associated
9 with the practice of veterinary medicine, but allows the board
10 to distinguish further their respective scopes of authority.
11 The bill provides that a certified veterinary assistant,
12 certified veterinary technician, or noncredentialed veterinary
13 assistant cannot provide diagnosis, prescription, or surgery.
14 The board may provide for certification fees in the same manner
15 as is currently provided for veterinary assistants (Code
16 section 169.5(9)).
17 BILL — AUTHORIZED PERSONS REGULATED. The bill authorizes
18 the board to regulate certified veterinary assistants,
19 certified veterinary technicians, and noncredentialed
20 veterinary assistants, including by conducting investigations
21 and instituting disciplinary action, including the suspension
22 or revocation of a certificate in the same manner as currently
23 applies to veterinary assistants (Code section 169.5(7)(i)).

Senate File 2304 - Introduced

SENATE FILE 2304
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3028)

A BILL FOR

1 An Act requiring an aggravated misdemeanant to submit a DNA
2 sample and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5306SV (3) 84
jm/rj

S.F. 2304

1 Section 1. Section 81.1, Code 2011, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 01. *"Aggravated misdemeanor"* means any
4 aggravated misdemeanor offense except for an aggravated
5 misdemeanor offense under section 321.561, section 714.2,
6 subsection 3, or section 714.7.
7 Sec. 2. Section 81.2, subsection 1, Code 2011, is amended
8 to read as follows:
9 1. A person who receives a deferred judgment for a
10 felony, aggravated misdemeanor, or against whom a judgment or
11 conviction for a felony or aggravated misdemeanor has been
12 entered shall be required to submit a DNA sample for DNA
13 profiling pursuant to section 81.4.
14 Sec. 3. Section 81.10, subsection 1, Code 2011, is amended
15 to read as follows:
16 1. A defendant who has been convicted of a felony or
17 aggravated misdemeanor and who has not been required to submit
18 a DNA sample for DNA profiling may make a motion to the court
19 for an order to require that DNA analysis be performed on
20 evidence collected in the case for which the person stands
21 convicted.
22 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
23 3, shall not apply to this Act.
24 Sec. 5. EFFECTIVE DATE. This Act takes effect July 1, 2013.
25 EXPLANATION
26 This bill requires an aggravated misdemeanant to submit a
27 DNA sample.
28 The bill requires a person convicted of or who receives
29 a deferred judgment for an offense that is classified as
30 an aggravated misdemeanor to submit a DNA sample for DNA
31 profiling.
32 The following aggravated misdemeanor offenses do not require
33 a person to submit a DNA sample; operating a motor vehicle as a
34 habitual offender in violation of Code section 321.561, theft
35 in the third degree in violation of Code section 714.2(3),

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1 and operating a motor vehicle without the owner's consent in
2 violation of Code section 714.7.
3 Current law provides that a person who is convicted of or
4 who receives a deferred judgment for an offense classified as a
5 felony shall submit a DNA sample for DNA profiling.
6 The bill may include a state mandate as defined in Code
7 section 25B.3. The bill makes inapplicable Code section 25B.2,
8 subsection 3, which would relieve a political subdivision from
9 complying with a state mandate if funding for the cost of
10 the state mandate is not provided or specified. Therefore,
11 political subdivisions are required to comply with any state
12 mandate included in the bill.
13 The bill takes effect July 1, 2013.

Senate File 2305 - Introduced

SENATE FILE 2305
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3135)

A BILL FOR

1 An Act relating to civil practice including liability
2 provisions and privacy rights.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5985SV (5) 84
rh/rj

S.F. 2305

1 Section 1. NEW SECTION. **632.1 Medical records access —**
2 **personal representative for decedent.**
3 Notwithstanding section 633.3, subsection 30, for purposes
4 of obtaining a decedent's medical records or asserting
5 a decedent's rights under the federal Health Insurance
6 Portability and Accountability Act of 1996, Pub. L. No.
7 104-191, a personal representative is the first of the
8 following persons who exist when the request for medical
9 records or assertion of rights is made:
10 1. The executor or administrator.
11 2. The decedent's spouse.
12 3. The decedent's adult child.
13 4. The decedent's adult sibling.
14 Sec. 2. Section 668.11, Code 2011, is amended to read as
15 follows:
16 **668.11 Disclosure of expert witnesses in liability cases**
17 **involving licensed professionals.**
18 1. A party in a professional liability case brought against
19 a licensed professional pursuant to this chapter who intends
20 to call an expert witness of their own selection, shall
21 certify to the court and all other parties the expert's name,
22 qualifications, ~~and~~ the purpose for calling the expert, and
23 the element or elements of the cause of action about which the
24 expert will testify within the following time period:
25 *a.* The plaintiff within one hundred eighty days of the
26 defendant's answer unless the court for good cause not ex parte
27 extends the time of disclosure.
28 *b.* The defendant within ninety days of plaintiff's
29 certification.
30 2. If a party fails to disclose an expert pursuant to
31 subsection 1 or does not make ~~the~~ an expert available for
32 discovery, the expert shall be prohibited from testifying in
33 the action unless leave for the expert's testimony is given by
34 the court for good cause shown.
35 3. This section does not apply to court appointed experts or

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1 to rebuttal experts called with the approval of the court.
2 EXPLANATION
3 This bill relates to civil practice including liability
4 provisions and privacy rights.
5 PERSONAL REPRESENTATIVE — HIPAA. The bill expands the
6 definition of personal representative for purposes of obtaining
7 a decedent's medical records or asserting a decedent's
8 rights under the federal Health Insurance Portability and
9 Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA) and
10 designates the personal representative under such circumstances
11 to be the first of the following persons who exist when the
12 request for medical records or assertion of rights is made:
13 the executor or administrator; the decedent's spouse; the
14 decedent's adult child; or the decedent's adult sibling.
15 DISCLOSURE OF EXPERT WITNESSES — LIABILITY CASES —
16 PROFESSIONALS. Current law requires a party in a professional
17 liability case brought against a licensed professional who
18 intends to call an expert witness to certify to the court and
19 all parties in the case the expert's name, qualifications, the
20 purpose for calling the expert within certain time frames,
21 depending upon whether the party is the plaintiff or defendant
22 in the case. The bill requires a party who intends to call
23 an expert witness to certify to the court and all parties the
24 element or elements of the cause of action about which the
25 expert will testify.

Senate File 2306 - Introduced

SENATE FILE 2306
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 335)

A BILL FOR

1 An Act relating to right to cure notices under the consumer
2 credit code.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1595SV (2) 84
rh/nh

S.F. 2306

1 Section 1. Section 537.5111, Code 2011, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6. The administrator shall adopt rules to
4 provide creditors with alternative notice forms that conform
5 with the requirements of federal law.
6 EXPLANATION
7 This bill relates to right to cure notices under the consumer
8 credit code and requires the administrator, defined in Code
9 chapter 537 as the attorney general or the attorney general's
10 designee, to adopt rules to provide creditors with alternative
11 notice forms that conform with the requirements of federal law.

Senate File 2307 - Introduced

SENATE FILE 2307
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 380)

A BILL FOR

1 An Act relating to the sealing of juvenile delinquency records.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2489SV (2) 84
jm/rj

S.F. 2307

Section 1. Section 232.150, subsection 1, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Upon application of~~ The court, on its own motion, shall schedule a hearing to be held two years after the date of the last official action, or the date the child becomes eighteen years of age, whichever is later, in a case of a person who was taken into custody for a delinquent act or was the subject of a complaint alleging delinquency or was the subject of a delinquency petition, ~~or upon the court's own motion, the court, after hearing, shall order~~ and order, if there is no objection from the county attorney, the official juvenile court records in the case including those specified in sections 232.147 and 232.149 sealed if the court finds all of the following:

Sec. 2. Section 232.150, subsection 1, paragraph a, subparagraph (1), Code 2011, is amended by striking the subparagraph.

Sec. 3. Section 692.16, Code 2011, is amended to read as follows:

692.16 Review and removal.

At least every year the division shall review and determine the current status of all Iowa arrests or takings into custody reported, which are at least four years old with no disposition data.

1. Any Iowa arrest ~~or taking of a juvenile into custody~~ of a person eighteen years of age or older recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

2. Any arrest or taking of a juvenile into custody recorded within a computer data storage system which has no disposition data after two years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

EXPLANATION

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1 This bill relates to the sealing of juvenile delinquency
2 records.
3 The bill provides that the court, on its own motion, shall
4 schedule a hearing two years after the date of the last
5 official action in a juvenile delinquency case, or after the
6 date the child becomes 18 years of age, whichever is later, and
7 order, if there is no objection from the county attorney, that
8 the delinquency records be sealed.
9 In order for juvenile records to be sealed, current
10 provisions and the bill require that the juvenile has not
11 committed any subsequent criminal violations greater than a
12 simple misdemeanor and that the juvenile has successfully
13 completed any youthful offender placement.
14 The bill also accelerates the removal of juvenile records
15 stored within the computer data storage system of the
16 department of public safety. The bill requires the department
17 of public safety to remove the records from the computer
18 data storage system of the department that relate to a
19 juvenile arrest or the taking of a juvenile into custody if
20 no disposition data has been recorded within two years of the
21 arrest or taking into custody, unless there is an outstanding
22 arrest warrant or detainer for the juvenile. Current law
23 requires the arrest or taking into custody information for a
24 juvenile information be removed from the computer data storage
25 system of the department of public safety if no disposition
26 data has been recorded within four years of the arrest or
27 taking into custody.
28 Code section 692.1 defines "disposition data" to mean
29 information pertaining to a recorded court proceeding
30 subsequent and incidental to a public offense arrest and
31 includes dismissal of the charge, suspension or deferral of
32 sentence.

Senate File 2308 - Introduced

SENATE FILE 2308
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SSB 3110)

A BILL FOR

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

TLSB 5347SV (2) 84
ad/sc

S.F. 2308

DIVISION I

HIGH QUALITY JOBS PROGRAM AND RELATED ASSISTANCE AND PROGRAMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 completion of the start-up, location, or expansion project.
2 NEW SUBSECTION. 10A. *"Project completion period"* means the
3 period of time between the date financial assistance is awarded
4 and the project completion date.
5 Sec. 3. Section 15.329, subsection 1, unnumbered paragraph
6 1, Code Supplement 2011, is amended to read as follows:
7 To be eligible to receive incentives or assistance
8 under this part, a business shall meet all of the following
9 requirements:
10 Sec. 4. Section 15.329, subsection 1, paragraph b, Code
11 Supplement 2011, is amended to read as follows:
12 *b.* (1) The business ~~has not closed or substantially~~
13 ~~reduced operations in one area of this state and relocated~~
14 ~~substantially the same operations in a community in another~~
15 ~~area of this state~~ shall not be solely relocating operations
16 from one area of the state while seeking state or local
17 incentives. A project that does not create new jobs or
18 involve a substantial amount of new capital investment shall
19 be presumed to be a relocation. In determining whether a
20 business is solely relocating operations for purposes of this
21 subparagraph, the authority shall consider a letter of support
22 for the move from the affected local community.
23 (2) The business shall not be in the process of reducing
24 operations in one community while simultaneously applying
25 for assistance under the program. For purposes of this
26 subparagraph, a reduction in operations within twelve months
27 before or after an application for assistance is submitted to
28 the authority shall be presumed to be a reduction in operations
29 while simultaneously applying for assistance under the program.
30 (3) This paragraph shall not be construed to prohibit
31 a business from expanding its operation in a community if
32 existing operations of a similar nature in this state are not
33 closed or substantially reduced.
34 Sec. 5. Section 15.329, subsection 1, paragraph c,
35 subparagraphs (1) and (2), Code Supplement 2011, are amended

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1 to read as follows:
2 (1) If the business is creating jobs, the business shall
3 demonstrate that the jobs will pay at least one hundred percent
4 of the qualifying wage threshold at the start of the project
5 completion period, at least one hundred ~~thirty~~ twenty percent
6 of the qualifying wage threshold by the project completion
7 date, and at least one hundred ~~thirty~~ twenty percent of
8 the qualifying wage threshold until the maintenance period
9 completion date.
10 (2) If the business is retaining jobs, the business
11 shall demonstrate that the jobs retained will pay at least
12 one hundred ~~thirty~~ twenty percent of the qualifying wage
13 threshold throughout both the project completion period and the
14 maintenance period.
15 Sec. 6. Section 15.329, subsection 2, Code Supplement 2011,
16 is amended by striking the subsection.
17 Sec. 7. Section 15.330, Code Supplement 2011, is amended to
18 read as follows:
19 **15.330 Agreement.**
20 A business shall enter into an agreement with the authority
21 specifying the requirements that must be met to confirm
22 eligibility pursuant to this part. The authority ~~shall~~ may
23 consult with the community during negotiations relating to the
24 agreement. The agreement shall contain, at a minimum, the
25 following provisions:
26 1. A business that is approved to receive incentives
27 or assistance under this part shall, for the length of the
28 agreement, certify annually to the authority the compliance of
29 the business with the requirements of the agreement. If the
30 business receives a local property tax exemption, the business
31 shall also certify annually to the community the compliance of
32 the business with the requirements of the agreement.
33 2. The repayment of incentives or financial assistance
34 by the business if the business does not meet any of the
35 requirements of this part or the resulting agreement.

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

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

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

6. The amount of matching funds to be received by a business from a city or county. The authority shall adopt by rule a formula for determining the amount of matching funds required under the program.

7. The business shall not be relocating or reducing operations as described in section 15.329, subsection 1, paragraph "b".

8. The proposed project shall not negatively impact other businesses in competition with the business being considered for assistance. The authority shall make a good-faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for incentives or assistance. The authority shall make a good-faith effort

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1 to determine the probability that the proposed incentives or
2 assistance will displace employees of the existing businesses.
3 In determining the impact on businesses in competition with the
4 business being considered for incentives or assistance, jobs
5 created or retained as a result of other jobs being displaced
6 elsewhere in the state shall not be considered direct jobs
7 created or retained.
8 9. A report submitted to the authority with its application
9 describing all violations of environmental law or worker
10 safety law within the last five years. If, upon review of the
11 application, the authority finds that a business has a record
12 of violations of the law, statutes, rules, or regulations that
13 tends to show a consistent pattern, the authority shall not
14 provide incentives or assistance to the business unless the
15 authority finds either that the violations did not seriously
16 affect public health, public safety, or the environment, or,
17 if such violations did seriously affect public health, public
18 safety, or the environment, that mitigating circumstances were
19 present.
20 10. That the business shall only employ individuals legally
21 authorized to work in this state. In addition to any and
22 all other applicable penalties provided by current law, all
23 or a portion of the incentives or assistance received under
24 this part by a business that is found to knowingly employ
25 individuals not legally authorized to work in this state is
26 subject to recapture by the authority or by the department of
27 revenue.
28 11. Any terms deemed necessary by the authority to effect
29 compliance with the eligibility requirements of section 15.329.
30 Sec. 8. NEW SECTION. **15.330A Maintenance of agreements.**
31 1. An eligible business receiving incentives or assistance
32 under this part shall meet all terms and obligations in an
33 agreement by the project completion date, but the board may
34 for good cause extend the project completion date or otherwise
35 amend an agreement.

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2. During the maintenance period an eligible business receiving incentives or assistance under this part shall continue to comply with the terms and obligations of an agreement entered into pursuant to section 15.330.

3. The authority may enforce the terms of an agreement as necessary and appropriate.

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

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

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

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

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

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

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

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1 ~~*c.* The county wage calculated without wage data from the~~
2 ~~largest city in the county.~~
3 ~~*d.* A qualifying wage guideline for a specific project based~~
4 ~~upon unusual economic circumstances present in the city or~~
5 ~~county.~~
6 ~~*e.* The annualized, average hourly wage paid by all~~
7 ~~businesses in the county located outside the largest city of~~
8 ~~the county.~~
9 ~~*f.* The annualized, average hourly wage paid by all~~
10 ~~businesses other than the largest employer in the entire~~
11 ~~county.~~
12 ~~4. Each calendar year, the authority shall not approve~~
13 ~~more than three million six hundred thousand dollars worth of~~
14 ~~investment tax credits for projects with qualifying investments~~
15 ~~of less than one million dollars.~~
16 ~~5.~~ 4. The authority shall negotiate the amount of
17 tax incentives provided to an applicant under the program
18 in accordance with this section ~~and section 15G.112, as~~
19 ~~applicable~~.
20 Sec. 12. NEW SECTION. **15.335B Assistance for certain**
21 **programs and projects.**
22 1. *a.* Under the authority provided in section 15.106A,
23 there shall be established one or more funds within the state
24 treasury, under the control of the authority, to be used for
25 purposes of this section.
26 *b.* A fund established for purposes of this section shall
27 consist of the moneys appropriated or otherwise provided for
28 purposes of this section.
29 *c.* Interest or earnings on moneys appropriated or provided
30 to a fund to be used for the purposes of this section, and
31 all repayments or recaptures of the assistance provided under
32 this section, shall accrue to the authority and shall be used
33 for purposes of this section, notwithstanding section 12C.7.
34 Moneys in a fund are not subject to section 8.33.
35 2. *a.* Moneys appropriated or provided pursuant to

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

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

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area" means a county that ranks among the bottom twenty-five of all Iowa counties, as measured by one of the following:

a. Average monthly unemployment level for the most recent twelve-month period.

b. Average annualized unemployment level for the most recent five-year period.

Sec. 14. Section 15A.7, subsection 3, Code Supplement 2011, is amended to read as follows:

3. That the employer shall agree to pay wages for the jobs for which the credit is taken of at least the ~~county wage or the regional~~ laborshed wage, as calculated by the authority pursuant to section ~~15G.112~~ 15.327, subsection ~~3, whichever is lower~~ 7C. Eligibility for the supplemental credit shall be based on a one-time determination of starting wages by the community college.

Sec. 15. Section 15E.193, subsection 1, paragraph b, subparagraph (1), Code Supplement 2011, is amended to read as follows:

(1) The business shall provide a sufficient package of benefits to each employee holding a created or retained job. For purposes of this paragraph, *"created job"* and *"retained job"* have the same meaning as defined in section ~~15G.101~~ 15.327.

Sec. 16. Section 15E.193, subsection 1, paragraphs c and d, Code Supplement 2011, are amended to read as follows:

c. The business shall pay a wage that is at least ninety percent of the qualifying wage threshold. For purposes of this paragraph, *"qualifying wage threshold"* has the same meaning as defined in section ~~15G.101~~ 15.327.

d. Creates or retains at least ten full-time equivalent positions and maintains them until the maintenance period completion date. For purposes of this paragraph, *"maintenance period completion date"* and *"full-time equivalent position"* have the same meanings as defined in section ~~15G.101~~ 15.327.

Sec. 17. Section 15E.231, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

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In order for an economic development region to receive ~~moneys under the economic development financial assistance program established in section 15G.112~~ assistance pursuant to section 15.335B, an economic development region's regional development plan must be approved by the authority. An economic development region shall consist of not less than three counties, unless two contiguous counties have a combined population of at least three hundred thousand based on the most recent federal decennial census. An economic development region shall establish a focused economic development effort that shall include a regional development plan relating to one or more of the following areas:

Sec. 18. Section 15E.232, subsections 1, 3, 4, 5, and 6, Code Supplement 2011, are amended to read as follows:

1. An economic development region may apply for financial assistance from ~~the economic development~~ a fund established pursuant to section 15.335B to assist with the installation of physical infrastructure needs including, but not limited to, horizontal infrastructure, water and sewer infrastructure, and telecommunications infrastructure, related to the development of fully served business and industrial sites by one or more of the region's economic development partners or for the installation of infrastructure related to a new business location or expansion. In order to receive financial assistance pursuant to this subsection, the economic development region must demonstrate all of the following:

a. The ability to provide matching moneys on a basis of a one dollar contribution of local matching moneys for every two dollars received from the economic development fund.

b. The commitment of the specific business partner including, but not limited to, a letter of intent defining a capital commitment or a percentage of equity.

c. That all other funding alternatives have been exhausted.

3. An economic development region may apply for financial assistance from ~~the economic development~~ a fund established

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1 pursuant to section 15.335B to assist an existing business
2 threatened with closure due to a potential consolidation to an
3 out-of-state location. The economic development region may
4 apply for financial assistance from the economic development
5 fund for the purchase, rehabilitation, or marketing of a
6 building that has become available due to the closing of an
7 existing business due to a consolidation to an out-of-state
8 location. In order to receive financial assistance under this
9 subsection, an economic development region must demonstrate the
10 ability to provide local matching moneys on a basis of a one
11 dollar contribution of local moneys for every three dollars
12 received from the economic development fund.
13 4. An economic development region may apply for financial
14 assistance from ~~the economic development~~ a fund established
15 pursuant to section 15.335B to establish and operate an
16 entrepreneurial initiative. In order to receive financial
17 assistance under this subsection, an economic development
18 region must demonstrate the ability to provide local matching
19 moneys on a basis of a one dollar contribution of local moneys
20 for every two dollars received from the economic development
21 fund.
22 5. *a.* An economic development region may apply for
23 financial assistance from ~~the economic development~~ a fund
24 established pursuant to section 15.335B to establish and
25 operate a business succession assistance program for the
26 region.
27 *b.* In order to receive financial assistance under this
28 subsection, an economic development region must demonstrate
29 the ability to provide local matching moneys on a basis of a
30 one dollar contribution of local moneys for every two dollars
31 received from the economic development fund.
32 6. An economic development region may apply for financial
33 assistance from ~~the economic development~~ a fund established
34 pursuant to section 15.335B to implement economic development
35 initiatives that are either unique to the region or innovative

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in design and implementation. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a one-to-one basis.

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

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

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

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

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~~economic development financial assistance program established pursuant to section 15G.112~~ section 15.335B.

Sec. 21. Section 266.19, Code Supplement 2011, is amended to read as follows:

266.19 Renewable fuel — assistance.

The university shall cooperate in assisting renewable fuel production facilities supporting livestock operations managed by persons receiving assistance pursuant to ~~the value-added agriculture component of the economic development financial assistance program established in section 15G.112~~ section 15.335B.

Sec. 22. Section 455B.104, subsection 2, Code Supplement 2011, is amended to read as follows:

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

Sec. 23. Section 455B.433, Code Supplement 2011, is amended to read as follows:

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

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

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

3. A person shall not have standing pursuant to section 455B.111 to commence a citizen suit which is based upon property that is ~~part of the infrastructure component of the economic development financial assistance program established in section 15G.112~~ receiving assistance pursuant to section 15.335B as a necessary physical infrastructure project.

Sec. 24. RULES. The economic development authority shall adopt rules for the implementation of this division of this Act.

DIVISION II

TARGETED INDUSTRIES PROGRAM

Sec. 25. Section 15.102, subsection 11, Code Supplement 2011, is amended to read as follows:

11. *"Targeted industries"* means the ~~same as defined in section 15.411, subsection 1~~ industries of advanced manufacturing, biosciences, and information technology.

Sec. 26. Section 15.106B, subsection 2, paragraph d, subparagraph (1), Code Supplement 2011, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (g) Services related to outreach and assistance to businesses for small business innovation research and technology transfer pursuant to section 15.411, subsection 5.

Sec. 27. Section 15.411, Code Supplement 2011, is amended to read as follows:

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

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

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

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1 ~~*a.*~~ *b.* *"Internship"* means temporary employment of a student
2 that focuses on providing the student with work experience in
3 the student's field of study.
4 ~~*b. "Targeted industries"* means the industries of advanced~~
5 ~~manufacturing, biosciences, and information technology.~~
6 2. The authority ~~shall, upon board approval,~~ may contract
7 with service providers on a case-by-case basis for services
8 related to statewide commercialization development ~~in the~~
9 ~~targeted industries~~ of innovative businesses. Services
10 provided shall include all of the following:
11 *a.* Assistance provided directly to businesses by experienced
12 serial entrepreneurs for all of the following activities:
13 (1) Business plan development.
14 (2) Due diligence.
15 (3) Market assessments.
16 (4) Technology assessments.
17 (5) Other planning activities.
18 *b.* Operation and coordination of various available
19 competitive seed and prototype development funds.
20 *c.* Connecting businesses to private angel investors and the
21 venture capital community.
22 *d.* Assistance in obtaining access to an experienced pool
23 of managers and operations talent that can staff, mentor, or
24 advise start-up enterprises.
25 *e.* Support and advice for accessing sources of early stage
26 financing.
27 3. The authority shall establish and administer a program
28 to provide financial and technical assistance to encourage
29 prototype and concept development activities by innovative
30 businesses that have a clear potential to lead to commercially
31 viable products or services within a reasonable period of time
32 ~~in the targeted industries~~. Financial assistance shall be
33 awarded on a per project basis upon board approval. ~~The amount~~
34 ~~of financial assistance available for a single project shall~~
35 ~~not exceed one hundred fifty thousand dollars.~~ In order to

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receive financial assistance, an applicant must demonstrate the ability to secure one dollar of nonstate moneys for every two dollars received from the authority. For purposes of this section, *"financial assistance"* means assistance provided only from the funds, rights, and assets legally available to the authority pursuant to this chapter and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty payments.

~~4. The authority shall, upon board approval, establish and administer a program to provide financial assistance for projects designed to encourage collaboration between commercial users and developers of information technology in the state for the purpose of commercializing existing software and applications technologies. Financial assistance shall not exceed one hundred thousand dollars per project. In order to receive financial assistance, an applicant must demonstrate the ability to secure two dollars of nonstate moneys for every one dollar received from the authority. Financial assistance shall be awarded to projects that will result in technologies being developed as commercial products for sale by Iowa companies rather than as custom applications for proprietary use by a participating firm.~~

~~5. The authority shall, upon board approval, establish and administer a program to provide financial assistance to businesses or departments of businesses engaged in the delivery of information technology services in the state for the purpose of upgrading the high-level technical skills of existing employees. The amount of financial assistance shall not exceed twenty-five thousand dollars for any business site. In order to receive financial assistance, an applicant must demonstrate the ability to secure two dollars of nonstate moneys for every one dollar received from the authority.~~

~~6.~~ 4. The authority shall~~, upon board approval,~~ establish and administer ~~a targeted industries~~ an innovative businesses internship program for Iowa students. For purposes of this

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1 subsection, *"Iowa student"* means a student of an Iowa community
2 college, private college, or institution of higher learning
3 under the control of the state board of regents, or a student
4 who graduated from high school in Iowa but now attends an
5 institution of higher learning outside the state of Iowa. The
6 purpose of the program is to link Iowa students to small and
7 medium sized Iowa firms ~~in the targeted industries~~ through
8 internship opportunities. An Iowa employer may receive
9 financial assistance in an amount of one dollar for every
10 two dollars paid by the employer to an intern. The amount
11 of financial assistance shall not exceed three thousand one
12 hundred dollars for any single internship, or nine thousand
13 three hundred dollars for any single employer. In order to be
14 eligible to receive financial assistance under this subsection,
15 the employer must have five hundred or fewer employees and must
16 be ~~engaged in a targeted industry~~ an innovative business. The
17 authority shall encourage youth who reside in economically
18 distressed areas, youth adjudicated to have committed a
19 delinquent act, and youth transitioning out of foster care to
20 participate in the ~~targeted industries~~ internship program.
21 ~~7. The economic development authority shall work with the~~
22 ~~department of workforce development to create a statewide~~
23 ~~supplier capacity and product database to assist the economic~~
24 ~~development authority in linking suppliers to Iowa-based~~
25 ~~companies. The economic development authority may procure~~
26 ~~technical assistance for the creation of the database from a~~
27 ~~third party through a request for proposals process.~~
28 ~~8. The technology commercialization committee created~~
29 ~~pursuant to section 15.116 shall review all applications for~~
30 ~~financial assistance and requests for proposals pursuant to~~
31 ~~this section and make recommendations to the board.~~
32 ~~9. In each fiscal year, the authority may transfer~~
33 ~~additional moneys that become available to the authority~~
34 ~~from sources such as loan repayments or recaptures of awards~~
35 ~~from federal economic stimulus funds to the innovation~~

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1 ~~and commercialization development fund created in section~~
2 ~~15.412, provided the authority spends those moneys for the~~
3 ~~implementation of the recommendations included in the separate~~
4 ~~consultant reports on bioscience, advanced manufacturing,~~
5 ~~information technology, and entrepreneurship submitted to the~~
6 ~~department in calendar years 2004, 2005, and 2006.~~
7 5. *a.* (1) The authority shall establish and administer
8 an outreach program for purposes of assisting businesses with
9 applications to the federal small business innovation research
10 and small business technology transfer programs.
11 (2) The goals of this assistance are to increase the number
12 of successful phase II small business innovation research grant
13 proposals in the state, increase the amount of such grant
14 funds awarded in the state, stimulate subsequent investment by
15 industry, venture capital, and other sources, and encourage
16 businesses to commercialize promising technologies.
17 *b.* (1) In administering the program, the authority may
18 provide technical and financial assistance to businesses.
19 Financial assistance provided pursuant to this subsection shall
20 not exceed twenty-five thousand dollars to any single business.
21 (2) The authority may require successful applicants to
22 repay the amount of financial assistance received, but shall
23 not require unsuccessful applicants to repay such assistance.
24 Any moneys repaid pursuant to this subsection may be used to
25 provide financial assistance to other applicants.
26 *c.* The authority may also provide financial assistance
27 for purposes of helping businesses meet the matching funds
28 requirements of the federal small business innovation research
29 and small business technology transfer programs.
30 *d.* The authority may contract with outside service providers
31 for assistance with the programs described in this subsection
32 or may delegate the functions to be performed under this
33 subsection to the corporation pursuant to section 15.106B.
34 ~~10.~~ 6. The board shall adopt rules pursuant to chapter 17A
35 necessary for the administration of this section.

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1 Sec. 28. Section 15.412, subsections 2 and 3, Code
2 Supplement 2011, are amended to read as follows:
3 2. Moneys in the fund are appropriated to the authority and,
4 with the approval of the board, shall be used to facilitate
5 agreements, enhance commercialization ~~in the targeted~~
6 ~~industries~~, and increase the availability of skilled workers
7 ~~within the targeted industries~~ in innovative businesses. Such
8 moneys shall not be used for the support of retail businesses,
9 health care businesses, or other businesses requiring a
10 professional license.
11 3. Moneys in the fund~~, with the approval of the board,~~ may
12 also be used for the following purposes:
13 *a.* For assistance to entities providing student internship
14 opportunities.
15 ~~*b.* For increasing career awareness training.~~
16 ~~*c.* For recruiting management talent.~~
17 ~~*d.*~~ *b.* For assistance to entities engaged in prototype and
18 concept development activities.
19 ~~*e.*~~ *c.* For developing a statewide commercialization network.
20 ~~*f.* For deploying and maintaining an Iowa entrepreneur~~
21 ~~website.~~
22 ~~*g.* For funding asset mapping and supply chain initiatives,~~
23 ~~including for identifying methods of supporting lean~~
24 ~~manufacturing practices or processes.~~
25 ~~*h.* For information technology training.~~
26 ~~*i.* For networking events to facilitate the transfer of~~
27 ~~technology among researchers and industries.~~
28 ~~*j.* For funding student competition programs.~~
29 ~~*k.* For the purchase of advanced equipment and software~~
30 ~~at Iowa community colleges in order to support training and~~
31 ~~coursework related to the targeted industries.~~
32 Sec. 29. Section 15E.52, subsection 1, paragraph c, Code
33 Supplement 2011, is amended to read as follows:
34 *c.* *"Innovative business"* means a business applying novel
35 or original methods to the manufacture of a product or the

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delivery of a service. *"Innovative business"* includes but is not limited to a business engaged in ~~a targeted industry as defined in section 15.411~~ the industries of advanced manufacturing, biosciences, and information technology.

DIVISION III

OTHER ECONOMIC DEVELOPMENT CHANGES

Sec. 30. Section 15.106A, subsection 1, paragraph o, Code Supplement 2011, is amended to read as follows:

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

Sec. 31. REPEAL. Sections 15.103 and 15.104, Code Supplement 2011, are repealed.

Sec. 32. HOUSING ENTERPRISE ZONE TAX CREDIT ISSUANCE.

1. Notwithstanding section 15E.193B, subsection 4, the authority may issue a tax credit to an eligible housing business for a project not completed within two years from the time the business began construction if a city failed to file the appropriate paperwork with the authority requesting an extension for the project pursuant to section 15E.193B, subsection 4.

2. The authorization described in subsection 1 only applies to projects for which a city failed to file an extension between January 1, 2007, and January 1, 2008, and only to benefits earned for a project between February 8, 2005, and

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1 February 8, 2008.
2 DIVISION IV
3 FILM TAX CREDIT PROGRAM
4 Sec. 33. Section 2.48, subsection 3, paragraph c,
5 subparagraph (5), Code 2011, is amended by striking the
6 subparagraph.
7 Sec. 34. Section 15.119, subsection 2, paragraph b, Code
8 Supplement 2011, is amended by striking the paragraph.
9 Sec. 35. Section 422.7, subsection 52, Code Supplement
10 2011, is amended by striking the subsection.
11 Sec. 36. Section 422.33, subsections 23 and 24, Code
12 Supplement 2011, are amended by striking the subsections.
13 Sec. 37. Section 422.35, subsection 23, Code Supplement
14 2011, is amended by striking the subsection.
15 Sec. 38. Section 422.60, subsections 10 and 11, Code
16 Supplement 2011, are amended by striking the subsections.
17 Sec. 39. Section 533.329, subsection 2, paragraphs f and g,
18 Code Supplement 2011, are amended by striking the paragraphs.
19 Sec. 40. REPEAL. Sections 15.391, 15.392, 422.11T,
20 422.11U, 432.12J, and 432.12K, Code 2011, are repealed.
21 Sec. 41. REPEAL. Section 15.393, Code Supplement 2011, is
22 repealed.
23 Sec. 42. EFFECTIVE UPON ENACTMENT. This division of this
24 Act, being deemed of immediate importance, takes effect upon
25 enactment.
26 Sec. 43. RETROACTIVE APPLICABILITY. This division of this
27 Act applies retroactively to January 1, 2012, for tax years
28 beginning on or after that date.
29 Sec. 44. APPLICABILITY. This division of this Act does not
30 apply to contracts or agreements entered into on or before the
31 effective date of this division of this Act.
32 EXPLANATION
33 This bill relates to economic development by affecting
34 programs, tax incentives, and project completion and other
35 assistance administered by the economic development authority.

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

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

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1 wage thresholds for eligible businesses. The current law
2 requires that any jobs created or retained pay at least
3 130 percent of the qualifying wage threshold at the project
4 completion date until the maintenance period completion
5 date. The bill provides that a business eligible to receive
6 incentives or assistance for creating or retaining jobs must
7 pay at least 120 percent of the qualifying wage threshold
8 at the project completion date until the maintenance period
9 completion date. The bill also eliminates a credit against
10 the qualifying wage threshold for businesses that create or
11 retain jobs with sufficient benefits packages. However, the
12 bill allows the authority to provide assistance to a business
13 paying less than 120 percent but at least 100 percent of the
14 qualifying wage threshold if the business is located in an
15 economically distressed area. An economically distressed
16 area is defined in the bill as a county that ranks among the
17 bottom 25 counties in Iowa based on either the average monthly
18 unemployment level for the most recent 12-month period, or
19 the average annualized unemployment level for the most recent
20 five-year period.
21 The bill amends Code section 15.330 to include financial
22 assistance where the statutory language provides for
23 incentives. The bill also amends Code section 15.330 to
24 eliminate references to Code chapter 15G, the economic
25 development fund and financial assistance program, which is
26 repealed on June 30, 2012.
27 The bill allows the authority to consult with the community
28 during negotiations relating to an agreement between the
29 authority and a business under the high quality jobs program.
30 The bill provides that an agreement between the business
31 and the authority that specifies the requirements to be met to
32 confirm eligibility must include the amount and type of project
33 completion assistance to be provided, the amount of matching
34 funds from a city or county, a provision that the business
35 shall not close or substantially reduce operations as those

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1 terms are modified in the bill, a provision that the proposed
2 project shall not negatively impact other businesses in
3 competition with the business being considered for assistance,
4 a report submitted to the authority describing violations of
5 environmental law or worker safety law, a provision that the
6 business shall only employ individuals legally authorized to
7 work in the state, and any terms necessary to effect compliance
8 with the eligibility requirements of Code section 15.329.
9 The bill adds a new Code section 15.330A regarding the
10 maintenance of agreements. The new Code section provides that
11 an eligible business that is receiving incentives or assistance
12 must meet the terms and obligations in the agreement by the
13 project completion date and the business must comply with the
14 agreement throughout the maintenance period. If the recipient
15 business experiences a layoff or closure within the state, the
16 authority is authorized to reduce or eliminate part or all of
17 the incentives or assistance. The business may also be subject
18 to repayment of the incentives and assistance. The bill allows
19 the authority to enforce the terms of an agreement as necessary
20 and appropriate.
21 The bill provides that a community may apply to the economic
22 development authority for a project-specific waiver from
23 the qualifying wage threshold requirement in order to seek
24 tax incentives, and the authority may grant the waiver for
25 the remainder of the calendar year if the community meets
26 the requirements of an economically distressed community as
27 provided by new Code section 15.335C. The bill eliminates
28 the county wage or regional wage calculations as a tool for
29 determining whether to grant a project-specific waiver. The
30 bill also eliminates a provision that prohibits the authority
31 from approving more than $3.6 million worth of investment tax
32 credits for projects with qualifying investments of less than
33 $1 million.
34 The bill provides that one or more funds shall be established
35 within the state treasury to be used for assistance under

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1 newly created Code section 15.335B. Moneys deposited into the
2 fund shall be used for project completion assistance, economic
3 development region financial assistance, financial assistance
4 for business accelerators, the innovation and commercialization
5 fund, financial assistance to business or communities
6 for necessary physical infrastructure projects, financial
7 assistance to businesses engaged in disaster recovery, and
8 financial assistance to Iowa's councils of governments.
9 The bill provides that the authority shall estimate the
10 revenues available for project completion and shall develop
11 a budget for the expenditure of funds each fiscal year. In
12 providing assistance, the authority shall make determinations
13 as to the amount and type of assistance that is most
14 appropriate. Each eligible business that receives assistance
15 under Code section 15.335B must enter into an agreement with
16 the authority that meets the requirements of agreements under
17 the high quality jobs program pursuant to Code sections 15.330
18 and 15.330A.
19 The bill removes references to the economic development
20 fund and financial assistance program and replaces it with the
21 assistance created by new Code section 15.335B.
22 TARGETED INDUSTRIES PROGRAM. Division II relates to the
23 targeted industries program. The term "targeted industries"
24 in Code section 15.411 is replaced with "innovative business".
25 The bill no longer requires board approval for the authority
26 to contract with service providers for services related to
27 commercialization development. The bill removes the $150,000
28 limitation on financial assistance for a single project of
29 an innovative business. The bill removes the requirement
30 that the authority administer a program to provide financial
31 assistance for projects designed to encourage collaboration
32 between commercial users and developers of information
33 technology. The bill also removes the requirement the
34 authority establish and administer a program to provide
35 financial assistance to business or business departments

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1 engaged in the delivery of information technology services
2 in the state. The bill eliminates the requirement that the
3 authority and department of workforce development create a
4 statewide supplier capacity and product database. The bill
5 provides that applications for financial assistance under the
6 innovative businesses program no longer require a review by
7 the technology commercialization committee. The bill removes
8 the transfer provisions relating to money received by the
9 authority as loan repayments or recaptures of federal economic
10 stimulus funds. The bill requires the authority to establish
11 and administer an outreach program to assist businesses with
12 applications to the federal small business innovation research
13 and small business technology transfer programs. However,
14 the authority may contract with outside service providers for
15 assistance with the program or may delegate the administration
16 of the program to the Iowa innovation corporation pursuant to
17 Code section 15.106B. The authority may provide technical
18 or financial assistance and may require that successful
19 applicants repay any financial assistance received. The
20 bill specifies that moneys appropriated to the innovation
21 and commercialization development fund shall not be used for
22 retail businesses, health care businesses, or other businesses
23 requiring a professional license. The bill also reduces the
24 number of purposes for which money in the innovation and
25 commercialization development fund may be used.
26 OTHER ECONOMIC DEVELOPMENT CHANGES. Division III of the
27 bill repeals Code sections 15.103 and 15.104, relating to the
28 economic development board, which was replaced by the economic
29 development authority board in Code section 15.105.
30 The bill provides spending authority for moneys deposited
31 in or accruing to funds established pursuant to Code section
32 15.106A for the purposes of administering economic development
33 programs in Code chapters 15 and 15E, or other programs as
34 directed by law.
35 The bill allows the authority to issue a tax credit to an

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1 eligible housing business, as defined in Code section 15E.193B,
2 when the project was not completed within two years from the
3 time the business began construction if a city failed to file
4 appropriate paperwork with the economic development authority
5 requesting an extension. The authorization to issue a tax
6 credit is limited to projects for which a city failed to file
7 an extension between January 1, 2007, and January 1, 2008, and
8 only to benefits earned for a project between February 8, 2005,
9 and February 8, 2008.
10 FILM TAX CREDIT PROGRAM. Division IV repeals the film tax
11 credit program and the tax credits provided under that program.
12 The bill makes changes corresponding to the repeal of the
13 program and the related tax credits.

Senate File 2309 - Introduced

SENATE FILE 2309
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SSB 3178)

A BILL FOR

1 An Act relating to retailers maintaining a place of business
2 in this state for purposes of the collection of sales and
3 use taxes, agreements relating to the collection of sales
4 and use taxes in the state, and sales of tangible personal
5 property and services to the state.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5408SV (2) 84
mm/sc

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1 Section 1. Section 423.1, subsection 48, Code Supplement
2 2011, is amended to read as follows:
3 48. *a.* *"Retailer maintaining a place of business in this*
4 *state"* or any like term includes any retailer having or
5 maintaining within this state, directly or by a subsidiary,
6 an office, distribution house, sales house, warehouse, or
7 other place of business, or any representative operating
8 within this state under the authority of the retailer or its
9 subsidiary, irrespective of whether that place of business or
10 representative is located here permanently or temporarily, or
11 whether the retailer or subsidiary is admitted to do business
12 within this state pursuant to chapter 490.
13 *b.* (1) A retailer shall be presumed to be maintaining a
14 place of business in this state, as defined in paragraph *"a"*, if
15 any person that has substantial nexus in this state, other than
16 a person acting in its capacity as a common carrier, does any
17 of the following:
18 (a) Sells a similar line of products as the retailer and
19 does so under the same or similar business name.
20 (b) Maintains an office, distribution facility, warehouse,
21 storage place, or similar place of business in this state to
22 facilitate the delivery of property or services sold by the
23 retailer to the retailer's customers.
24 (c) Uses trademarks, service marks, or trade names in this
25 state that are the same or substantially similar to those used
26 by the retailer.
27 (d) Delivers, installs, assembles, or performs maintenance
28 services for the retailer's customers.
29 (e) Facilitates the retailer's delivery of property to
30 customers in this state by allowing the retailer's customers to
31 take delivery of property sold by the retailer at an office,
32 distribution facility, warehouse, storage place, or similar
33 place of business maintained by the person in this state.
34 (f) Conducts any other activities in this state that
35 are significantly associated with the retailer's ability

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1 to establish and maintain a market in this state for the
2 retailer's sales.
3 (2) The presumption established in this paragraph may be
4 rebutted by a showing of proof that the person's activities in
5 this state are not significantly associated with the retailer's
6 ability to establish or maintain a market in this state for the
7 retailer's sales.
8 Sec. 2. NEW SECTION. **423.13A Administration —**
9 **effectiveness of agreements with retailers.**
10 1. Notwithstanding any provision of this chapter to the
11 contrary, any ruling, agreement, or contract, whether written
12 or oral, express or implied, entered into after the effective
13 date of this Act between a retailer and a state agency which
14 provides that a retailer is not required to collect sales and
15 use tax in this state despite the presence in this state of
16 a warehouse, distribution center, or fulfillment center that
17 is owned and operated by the retailer or an affiliate of the
18 retailer shall be null and void unless such ruling, agreement,
19 or contract is approved by a majority vote of both houses of
20 the general assembly.
21 2. For purposes of this section, *"state agency"* means
22 the executive branch, including any executive department,
23 commission, board, institution, division, bureau, office,
24 agency, or other entity of state government. *"State agency"*
25 does not mean the general assembly, or the judicial branch as
26 provided in section 602.1102.
27 Sec. 3. Section 423.36, Code 2011, is amended by adding the
28 following new subsection:
29 NEW SUBSECTION. 1A. *a.* Notwithstanding subsection 1,
30 if any person will make taxable sales of tangible personal
31 property or furnish services to any state agency, that person
32 shall, prior to the sale, apply for and receive a permit
33 to collect sales or use tax pursuant to this section. A
34 state agency shall not purchase tangible personal property
35 or services from any person unless that person has a valid,

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1 unexpired permit issued pursuant to this section and is in
2 compliance with all other requirements in this chapter imposed
3 upon retailers, including but not limited to the requirement to
4 collect and remit sales and use tax and file sales tax returns.
5 *b.* For purposes of this subsection, *"state agency"* means
6 any executive, judicial, or legislative department, commission,
7 board, institution, division, bureau, office, agency, or other
8 entity of state government.
9 EXPLANATION
10 This bill relates to the collection of sales and use taxes
11 by retailers maintaining a place of business in this state,
12 agreements relating to the collection of sales and use taxes,
13 and sales of tangible personal property and services to state
14 agencies.
15 A retailer located in this state, or maintaining a place of
16 business in this state, must collect and remit sales and use
17 taxes to the department of revenue. Currently, as defined in
18 Code section 423.1, the term "retailer maintaining a place of
19 business in this state" includes certain places of business,
20 and representatives operating under the authority of the
21 retailer.
22 The bill provides that a retailer will be presumed to be
23 maintaining a place of business in this state if any person
24 that has substantial nexus in this state, other than a common
25 carrier, engages in any of six activities specified in the
26 bill. The presumption may be rebutted by a showing of proof
27 that the person's activities are not significantly associated
28 with the retailer's ability to establish or maintain a market
29 in this state for the retailer's sales.
30 The bill provides that any ruling, agreement, or contract
31 entered into after the effective date of the bill between a
32 retailer and a state agency which provides that a retailer is
33 not required to collect sales and use tax in this state despite
34 the presence in this state of a warehouse, distribution center,
35 or fulfillment center owned and operated by the retailer or

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an affiliate shall be null and void unless it is specifically approved by a majority vote of both houses of the general assembly. For purposes of this provision of the bill, "state agency" does not include the general assembly or the judicial branch.

The bill provides that no person shall make taxable sales or furnish taxable services to a state agency unless that person obtains a sales tax permit. Also, the state is prohibited from purchasing taxable property or services from any person unless that person has a valid, unexpired sales tax permit and is in compliance with all other sales tax laws imposed upon retailers. For purposes of this provision of the bill, "state agency" includes the executive branch, the general assembly, and the judicial branch.

Senate File 2310 - Introduced

SENATE FILE 2310
BY ANDERSON

A BILL FOR

1 An Act providing for donations to the road use tax fund and
2 other related funds and creating an exemption from the
3 computation of the state individual income tax of donations
4 to such funds, and including retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5896XS (2) 84
mm/sc

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1 Section 1. Section 312.1, subsection 1, Code 2011, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *f.* Donations received pursuant to section
4 312.2A.
5 Sec. 2. NEW SECTION. **312.2A Donations to fund.**
6 1. The treasurer of state shall accept donations to the
7 road use tax fund created in section 312.1. Donations may be
8 made as a general donation to the road use tax fund or may be
9 specifically directed by the donor at the time of donation to
10 one or more of the following funds:
11 *a.* The primary road fund.
12 *b.* The secondary road fund of the counties.
13 *c.* The farm-to-market road fund.
14 *d.* The street construction fund of the cities.
15 *e.* The highway grade crossing safety fund.
16 *f.* The highway railroad grade crossing surface repair fund.
17 *g.* The living roadway trust fund.
18 *h.* The revitalize Iowa's sound economy fund.
19 *i.* The county bridge construction fund.
20 *j.* The city bridge construction fund.
21 *k.* (1) The TIME-21 fund.
22 (2) This paragraph is repealed June 30, 2028.
23 2. *a.* Notwithstanding section 312.2, or any other
24 provision of this chapter to the contrary, donations directed
25 by a donor to a specific fund shall be credited to that fund.
26 *b.* Donations directed by a donor to the secondary road fund
27 of the counties, the farm-to-market road fund, or the county
28 bridge construction fund shall be apportioned to the county of
29 choice of the donor. If the donor does not specify a county of
30 choice, the donation shall be apportioned among the counties as
31 otherwise provided in statute for apportionment of that fund.
32 *c.* Donations directed to the street construction fund
33 of the cities or the city bridge construction fund shall be
34 apportioned to the city of choice of the donor. If the donor
35 does not specify a city of choice, the donation shall be

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apportioned among the cities as otherwise provided in statute for apportionment of that fund.

d. Notwithstanding any other provision of the Code to the contrary, unobligated funds credited and apportioned under this subsection remaining on June 30 of the fiscal year shall not revert but shall remain available for expenditure in subsequent fiscal years.

3. Donations not specifically directed by a donor to a particular fund shall be considered a general donation to the road use tax fund and shall be credited and apportioned as otherwise provided in this chapter.

Sec. 3. Section 312.4, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The amount which the treasurer has received as donations and credited and apportioned pursuant to section 312.2A.

Sec. 4. Section 422.7, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 57. Subtract an amount equal to fifty percent of the amounts paid by the taxpayer as a donation to the road use tax fund or related fund pursuant to section 312.2A.

Sec. 5. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2012, for tax years beginning on or after that date:

1. The section of this Act amending section 422.7.

EXPLANATION

This bill amends provisions relating to the road use tax fund to require the treasurer of state to accept donations to the fund. A donor may make a general donation to the road use tax fund, which shall be allocated and apportioned to various related funds and parties according to current law. In the alternative, a donor may specify that donated amounts be directed to one or more of the 11 funds related to the road use tax fund, as listed in the bill.

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A donor who specifically directs a donation to the secondary road fund, the farm-to-market road fund, or the county bridge construction fund may choose the county to which the donation will be apportioned. A donor who specifically directs a donation to the street construction fund of the cities or the city bridge construction fund may choose the city to which the donation will be apportioned.

All funds that are specifically directed and apportioned by a donor shall not revert to the road use tax fund at the end of a fiscal year, but shall remain in that specified fund and shall be available for expenditure in subsequent years.

The bill requires the treasurer of state to monthly certify to the department of transportation all donations received, credited, and apportioned under the bill.

The bill creates an individual income tax exemption equal to 50 percent of the amount donated by an individual to the road use tax fund or a related fund. The individual income tax exemption applies retroactively to January 1, 2012, for tax years beginning on or after that date.

Senate File 2311 - Introduced

SENATE FILE 2311
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3140)

A BILL FOR

1 An Act revising provisions affecting the administration
2 of the department of agriculture and land stewardship,
3 including associated regulations and licensing, as it
4 relates to biofuels, weather and market information,
5 internet publications, soil and water conservation, feed,
6 vaccinations, tuberculosis, brucellosis, classical swine
7 fever, Johne's disease, treatment for sheep, branding,
8 manufactured articles, grain, pesticides, coal mining, and
9 weights and measures, making penalties applicable, and
10 including applicability provisions.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5225SV (6) 84
da/rj

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1 DIVISION I
2 GENERAL
3 Section 1. Section 159.2, subsection 1, Code 2011, is
4 amended to read as follows:
5 1. To encourage, promote, and advance the interests of
6 agriculture, including horticulture, livestock industry,
7 dairying, cheese making, poultry raising, biofuels, beekeeping,
8 production of wool, production of domesticated fur-bearing
9 animals, and other kindred and allied industries.
10 Sec. 2. Section 159.5, subsection 4, Code 2011, is amended
11 to read as follows:
12 4. Maintain a weather ~~division~~ bureau which shall, in
13 cooperation with the national weather service, collect
14 and disseminate weather and phenological statistics and
15 meteorological data, and promote knowledge of meteorology,
16 phenology, and climatology of the state. The ~~division~~ bureau
17 shall be headed by the state climatologist who shall be
18 appointed by the secretary of agriculture, and shall be an
19 officer of the national weather service, if one is detailed for
20 that purpose by the federal government.
21 Sec. 3. Section 159.5, subsection 5, Code 2011, is amended
22 by striking the subsection.
23 Sec. 4. Section 159.5, subsection 7, Code 2011, is amended
24 to read as follows:
25 7. ~~Maintain a division of agricultural statistics, which~~
26 ~~shall, in cooperation~~ Cooperate with the United States
27 department of agriculture statistical reporting service, to
28 gather, compile, and publish statistical information concerning
29 the condition and progress of crops, the production of crops,
30 livestock, livestock products, poultry, and other such related
31 agricultural statistics, as will generally promote knowledge
32 of the agricultural industry in the state of Iowa. The
33 statistics, when published, constitute official agricultural
34 statistics for the state of Iowa. ~~The division is in the~~
35 ~~charge of an administrator, who shall be appointed by the~~

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1 ~~secretary of agriculture and who shall be an officer of the~~
2 ~~United States department of agriculture statistical reporting~~
3 ~~service, if one is detailed for that purpose by the federal~~
4 ~~government.~~
5 Sec. 5. Section 159.5, subsection 8, Code 2011, is amended
6 to read as follows:
7 8. Establish and maintain a marketing news service ~~division~~
8 bureau in the department which shall, in cooperation with the
9 federal market news and grading division of the United States
10 department of agriculture, collect and disseminate data and
11 information relative to the market prices and conditions of
12 agricultural products raised, produced, and handled in the
13 state. ~~The division is in the charge of an administrator, who~~
14 ~~shall be appointed by the secretary of agriculture and shall be~~
15 ~~an officer of the federal market news and grading division of~~
16 ~~the United States department of agriculture, if one is detailed~~
17 ~~for that purpose by the federal government.~~
18 Sec. 6. Section 159.9, Code 2011, is amended to read as
19 follows:
20 **159.9 ~~Publication and distribution of rules~~ Internet access**
21 **to statutes and rules.**
22 ~~A sufficient number of pamphlets setting forth the~~ The
23 statutes relating to and rules ~~of~~ adopted by the department
24 ~~shall be published from time to time to supply the various~~
25 ~~needs for the same and shall be furnished to any resident of~~
26 ~~the state upon request~~ shall be made available on the internet.
27 Sec. 7. REPEAL. Section 159.14, Code 2011, is repealed.
28 DIVISION II
29 SOIL AND WATER CONSERVATION
30 Sec. 8. Section 159.8, Code 2011, is amended to read as
31 follows:
32 **159.8 Comprehensive management plan — highly erodible acres.**
33 1. The department shall request cooperation from the
34 federal government, including the United States department
35 of agriculture consolidated farm service agency and the

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1 United States department of agriculture natural resources
2 conservation service, to investigate methods to preserve
3 land which is highly erodible, as provided in the federal
4 Food Security Act of 1985, 16 U.S.C. § 3801 et seq., for the
5 purpose of developing with owners of the land a comprehensive
6 management plan for the land. The plan may be based on the
7 soil conservation plan of the natural resources conservation
8 service and may include a farm unit conservation plan and a
9 comprehensive agreement as provided in chapter 161A. The
10 extension services at Iowa state university of science and
11 technology shall cooperate with the department in developing
12 the comprehensive plan.
13 2. The investigation shall include methods which help
14 to preserve highly erodible land from row crop production
15 through production of alternative commodities, and financial
16 incentives. ~~The department shall report to the governor and~~
17 ~~the general assembly not later than January 15, 1990, of the~~
18 ~~department's progress in the investigation. The department~~
19 ~~shall report to the governor and the general assembly not later~~
20 ~~than January 15, 1991, on the department's recommendation for~~
21 ~~programs necessary to preserve highly erodible land from injury~~
22 ~~or destruction.~~
23 Sec. 9. Section 161A.7, subsection 3, Code 2011, is amended
24 to read as follows:
25 3. The commissioners ~~shall~~, as a condition for the receipt
26 of any state cost-sharing funds for permanent soil conservation
27 practices, shall require the owner of the land on which the
28 practices are to be established to covenant and file, in the
29 office of the soil and water conservation district of the
30 county in which the land is located, an agreement identifying
31 the particular lands upon which the practices for which state
32 cost-sharing funds are to be received will be established,
33 and providing that the project will not be removed, altered,
34 or modified so as to lessen its effectiveness without the
35 consent of the commissioners, obtained in advance and based on

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1 guidelines drawn up by the state soil conservation committee,
2 for a period ~~of~~ not to exceed twenty years after the date of
3 receiving payment. The commissioners shall assist the division
4 in the enforcement of this subsection. The agreement does not
5 create a lien on the land, but is a charge personally against
6 the owner of the land at the time of removal, alteration, or
7 modification if an administrative order is made under section
8 161A.61, subsection 3.
9 Sec. 10. Section 161A.12, Code 2011, is amended to read as
10 follows:
11 **161A.12 Statement to department of management.**
12 On or before October 1 next preceding each annual
13 legislative session, the ~~division~~ department shall submit to
14 the department of management, on official estimate blanks
15 furnished for those purposes, statements and estimates of the
16 expenditure requirements for each fiscal year, and a statement
17 of the balance of funds, if any, available to the division,
18 and the estimates of the division as to the sums needed for
19 the administrative and other expenses of the division for the
20 purposes of this chapter.
21 Sec. 11. Section 161A.42, subsection 3, Code 2011, is
22 amended by striking the subsection.
23 Sec. 12. Section 161A.42, subsection 7, Code 2011, is
24 amended to read as follows:
25 7. *"Farm unit soil conservation plan"* means a plan jointly
26 developed by the owner and, if appropriate, the operator
27 of a farm unit and the commissioners of the soil and water
28 conservation district within which that farm unit is located,
29 ~~based on the conservation folder for that farm unit and~~
30 identifying those permanent soil and water conservation
31 practices and temporary soil and water conservation practices
32 the use of which may be expected to prevent soil loss by
33 erosion from that farm unit in excess of the applicable soil
34 loss limit or limits. The plan shall if practicable identify
35 alternative practices by which this objective may be attained.

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1 Sec. 13. Section 161A.61, subsection 2, unnumbered
2 paragraph 1, Code 2011, is amended to read as follows:
3 ~~Beginning January 1, 1985, or five years after the~~
4 ~~completion of the conservation folder for a particular farm~~
5 ~~unit pursuant to this section, whichever date is later, the~~ The
6 commissioners of the soil and water conservation district in
7 which that farm unit is located may petition the district court
8 for an appropriate order with respect to that farm unit if its
9 owner or occupant has been sent a notice by the commissioners
10 under subsection 1, paragraph "*b*", for three or more consecutive
11 years. The commissioners' petition shall seek a court order
12 which states a time not more than six months after the date of
13 the order when the owner or occupant must commence, and a time
14 when the owner or occupant must complete the steps necessary
15 to comply with the order. The time allowed to complete the
16 establishment of a temporary soil and water conservation
17 practice employed to comply or advance toward compliance
18 with the court's order shall be not more than one year after
19 the date of that order, and the time allowed to complete
20 the establishment of a permanent soil and water conservation
21 practice employed to comply with the court's order shall be not
22 more than five years after the date of that order. Section
23 161A.48 applies to a court order issued under this subsection.
24 The steps required of the farm unit owner or operator by the
25 court order are those which are necessary to do one of the
26 following:
27 Sec. 14. Section 161A.62, subsection 1, Code 2011, is
28 amended by striking the subsection.
29 Sec. 15. Section 161A.62, subsection 2, Code 2011, is
30 amended to read as follows:
31 2. The commissioners of each soil and water conservation
32 district shall complete preparation of a farm unit soil
33 conservation plan for each farm unit within the district~~, not~~
34 ~~later than January 1, 1985, or five years after completion of~~
35 ~~the conservation folder for that farm unit, whichever date is~~

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1 ~~later, or~~ as soon ~~thereafter~~ as adequate funding is available
2 to permit compliance with this requirement.
3 *a.* Technical assistance in the development of the farm
4 unit soil conservation plan may be provided by the United
5 States department of agriculture natural resources conservation
6 service through the memorandum of understanding with the
7 district or by the department. The commissioners shall make
8 every reasonable effort to consult with the owner and, if
9 appropriate, with the operator of that farm unit, and to
10 prepare the plan in a form which is acceptable to that person
11 or those persons.
12 *b.* The farm unit soil conservation plan shall be drawn
13 up and completed without expense to the owner or operator of
14 the farm unit, except that the owner or operator shall not be
15 reimbursed for the value of the owner's or occupant's own time
16 devoted to participation in the preparation of the plan.
17 *c.* If the commissioners' farm unit soil conservation plan
18 is unacceptable to the owner or operator of the farm unit,
19 that person or those persons may prepare an alternative farm
20 unit soil conservation plan identifying permanent or temporary
21 soil and water conservation practices which may be expected
22 to achieve compliance with the soil loss limit or limits
23 applicable to that farm unit, and submit that plan to the soil
24 and water conservation district commissioners for their review.
25 Sec. 16. Section 161A.63, Code 2011, is amended to read as
26 follows:
27 **161A.63 Right of purchaser of agricultural land to obtain**
28 **information.**
29 A prospective purchaser of an interest in agricultural land
30 located in this state is entitled to obtain from the seller, or
31 from the office of the soil and water conservation district in
32 which the land is located, a copy of the most recently updated
33 ~~conservation folder and of any~~ farm unit soil conservation
34 plan, developed pursuant to section 161A.62, subsection 2,
35 which are applicable to the agricultural land proposed to

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be purchased. A prospective purchaser of an interest in agricultural land located in this state is entitled to obtain additional copies of either or both of the documents referred to in this section from the office of the soil and water conservation district in which the land is located, promptly upon request, at a fee not to exceed the cost of reproducing them. All persons who identify themselves to the commissioners or staff of a soil and water conservation district as prospective purchasers of agricultural land in the district shall be given information, prepared in accordance with rules of the department, which clearly explains the provisions of section 161A.76.

Sec. 17. Section 161A.73, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices. The practices must be constructed on or after June ~~1~~ 15 but not later than ~~September~~ October 15. The commissioners may also provide for the payment of moneys on a prorated basis to compensate persons for the production loss on an area disturbed by construction, according to rules which shall be adopted by the division. ~~The commissioners shall not allocate cost-share moneys to support summer construction during a fiscal year in which applications for cost-share moneys required to establish permanent soil and water conservation practices, other than established by summer construction, equal the total amount available to support the nonsummer construction practices. The financial incentives shall not exceed sixty percent of the estimated cost of establishing the practice as determined by the commissioners, or sixty percent of the actual cost of establishing the practice, whichever is less.~~

Sec. 18. Section 161A.76, subsection 1, Code 2011, is amended to read as follows:

1. It is the intent of this chapter that~~, effective~~

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1 ~~January 1, 1981,~~ each tract of agricultural land which has
2 not been plowed or used for growing row crops at any time
3 within the prior fifteen years ~~prior to that date~~, shall
4 for purposes of this section be considered classified as
5 agricultural land under conservation cover. If a tract of land
6 so classified is thereafter plowed or used for growing row
7 crops, the commissioners of the soil and water conservation
8 district in which the land is located shall not approve
9 use of state cost-sharing funds for establishing permanent
10 or temporary soil and water conservation practices on that
11 tract of land in an amount greater than one-half the amount
12 of cost-sharing funds which would be available for that land
13 if it were not considered classified as agricultural land
14 under conservation cover. The restriction imposed by this
15 section applies even if an administrative order or court order
16 has been issued requiring establishment of soil and water
17 conservation practices on that land. The commissioners may
18 waive the restriction imposed by this section if they determine
19 in advance that the purpose of plowing or row cropping land
20 classified as land under conservation cover is to revitalize
21 permanent pasture and that the land will revert to permanent
22 pasture within two years after it is plowed.
23 DIVISION III
24 ANIMAL HEALTH — GENERAL
25 Sec. 19. Section 163.7, Code 2011, is amended to read as
26 follows:
27 **163.7 State and federal rules.**
28 The rules adopted by the department regarding interstate
29 shipments of animals shall not be in conflict with the rules
30 of the ~~federal~~ United States department of agriculture, unless
31 there is an outbreak of a malignant contagious disease in any
32 locality, state, or territory, in which event the department
33 ~~shall have the right to~~ of agriculture and land stewardship may
34 place an embargo on such locality, state, or territory.
35 Sec. 20. Section 163.25, Code 2011, is amended to read as

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1 follows:
2 **163.25 Altering certificate.**
3 1. A person shall not remove or alter a tag or mark of
4 identification appearing on an animal, tested or being tested
5 for disease, if the tag or mark of identification is authorized
6 by the department or inserted by any qualified veterinarian.
7 2. A person shall not ~~alter a~~ falsify any of the following:
8 *a.* A certificate of vaccination, issued by a person
9 authorized to vaccinate the animal.
10 *b.* A certificate of veterinary inspection.
11 Sec. 21. Section 163.26, Code 2011, is amended to read as
12 follows:
13 **163.26 Definition.**
14 For the purposes of this subchapter, *"garbage"* means
15 putrescible animal and vegetable wastes resulting from the
16 handling, preparation, cooking, and consumption of foods,
17 including animal carcasses or parts~~, and~~. *"Garbage"* includes
18 all waste material, by-products of a kitchen, restaurant,
19 hotel, or slaughterhouse, every refuse accumulation of animal,
20 fruit, or vegetable matter, liquids or otherwise, ~~except~~ or
21 grain not consumed, that is collected from hog sales pen
22 floors in public stockyards ~~and fed under the control of the~~
23 ~~department of agriculture and land stewardship~~. Animals or
24 parts of animals, which are processed by slaughterhouses or
25 rendering establishments, and which as part of the processing
26 are heated to not less than 212 degrees F. for thirty minutes,
27 are not garbage for purposes of this chapter.
28 Sec. 22. Section 163.27, Code 2011, is amended to read as
29 follows:
30 **163.27 Boiling garbage.**
31 1. ~~It shall be unlawful for any person, firm, partnership,~~
32 ~~or corporation to feed garbage~~ Garbage shall not be fed to
33 ~~animals~~ an animal unless such garbage has been heated to a
34 temperature of two hundred twelve degrees Fahrenheit for thirty
35 minutes, or other acceptable method, as provided by rules

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1 ~~promulgated~~ adopted by the department~~, provided~~. However, this
2 requirement shall not apply to an individual who feeds to the
3 individual's own animals only the garbage obtained from the
4 individual's own household. ~~It shall be unlawful for any~~
5 2. A person~~, firm, partnership, or corporation to~~ shall not
6 feed ~~any~~ public or commercial garbage to swine ~~after September~~
7 ~~1, 1970~~.
8 Sec. 23. Section 163.28, unnumbered paragraph 4, Code 2011,
9 is amended to read as follows:
10 The license fee for each processing plant shall be fifty
11 dollars, except that the first license fee may be prorated on a
12 monthly basis as prescribed by the department. The secretary
13 shall not issue a license which would permit the processing of
14 any garbage for swine feeding ~~after September 1, 1970~~.
15 Sec. 24. Section 163.30, subsection 11, Code Supplement
16 2011, is amended to read as follows:
17 11. ~~All~~ Any swine found by a registered veterinarian to have
18 any infectious or contagious disease after delivery to ~~any~~ a
19 livestock sale barn or auction market for resale, other than
20 for slaughter, shall be immediately returned to the consignor's
21 premises to be quarantined separate and apart for fifteen
22 days. Such swine shall not be moved from such premises for
23 any purpose unless a certificate of veterinary inspection
24 accompanies the swine's movement or unless ~~they~~ the swine are
25 sent to slaughter. ~~This subsection shall in no way supersede~~
26 ~~the requirements of sections 163A.2 and 163A.3.~~
27 Sec. 25. Section 163.61, subsection 3, paragraph a, Code
28 2011, is amended to read as follows:
29 *a.* A person who falsifies a certificate of vaccination or
30 certificate of veterinary inspection shall be subject to a
31 civil penalty of not more than five thousand dollars for each
32 reference to an animal falsified on the certificate. However,
33 a person who falsifies a certificate issued pursuant to chapter
34 166D shall be subject to a civil penalty as provided in this
35 section or section 166D.16, but not both. A person shall not

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be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of animals falsified on the certificate.

DIVISION IV

ANIMAL HEALTH — BOVINE TUBERCULOSIS

Sec. 26. Section 165.1, Code 2011, is amended to read as follows:

165.1 Cooperation.

The ~~state~~ department ~~of agriculture and land stewardship~~ is ~~hereby~~ authorized to cooperate with the ~~federal~~ United States department of agriculture for the purpose of eradicating tuberculosis from the dairy and beef breeds of cattle in the state.

Sec. 27. Section 165.2, Code 2011, is amended to read as follows:

165.2 State as accredited area.

1. The state of Iowa is ~~hereby~~ declared to be and is ~~hereby~~ established as an accredited area for the eradication of bovine tuberculosis from the dairy and breeding cattle of the state. It shall be the duty of the department ~~of agriculture and land stewardship~~ to eradicate bovine tuberculosis in all of the counties of the state in the manner provided by law as it appears in this chapter. ~~Said~~ The department shall proceed with the examination, including the tuberculin test, of all such cattle as rapidly as practicable and as is consistent with efficient work, and as funds are available for paying the indemnities as provided by law.

2. An owner of dairy or breeding cattle in the state shall conform to and abide by the rules ~~laid down~~ adopted by the department and rules promulgated by the ~~federal~~ United States department of agriculture ~~and~~. The owner shall follow ~~their~~ instructions of the department of agriculture and land stewardship and the United States department of agriculture designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

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1 Sec. 28. Section 165.3, Code 2011, is amended to read as
2 follows:
3 **165.3 Appraisal.**
4 Before being tested, such animals shall be appraised
5 at their cash value for breeding, dairy, or beef purposes
6 by the owner and a representative of the department, or a
7 representative of the ~~federal~~ United States department of
8 agriculture, or by the owner and both of such representatives.
9 If these parties cannot agree as to the amount of the
10 appraisal, there shall be appointed three competent and
11 disinterested persons, one by the department, one by the owner,
12 and the third by the first two appointed, to appraise such
13 animals, which appraisal shall be final. Every appraisal shall
14 be under oath or affirmation and the expense of the same shall
15 be paid by the state, except as provided in this chapter.
16 Sec. 29. Section 165.12, Code 2011, is amended to read as
17 follows:
18 **165.12 Tuberculosis-free herds.**
19 The department shall establish rules for determining when
20 a herd of cattle, tested and maintained under the provisions
21 of this chapter, the laws of the United States, and the rules
22 of the ~~state~~ department ~~of agriculture and land stewardship~~
23 and regulations of the ~~federal~~ United States department of
24 agriculture, shall be considered as tuberculosis-free. When
25 any herd meets such requirements, the owner shall be entitled
26 to a certificate from the department of agriculture and land
27 stewardship showing that the herd is a tuberculosis-free
28 accredited herd. Such certificate shall be revoked whenever
29 the herd no longer meets the necessary requirements for
30 an accredited herd, but the herd may be reinstated as
31 an accredited herd upon subsequent compliance with such
32 requirements.
33 Sec. 30. Section 165.15, Code 2011, is amended to read as
34 follows:
35 **165.15 Accredited veterinarian.**

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An accredited veterinarian is one who has successfully passed an examination set by the department and the ~~federal~~ United States department of agriculture and may make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

DIVISION V

ANIMAL HEALTH — BRUCELLOSIS CONTROL IN SWINE

Sec. 31. Section 163A.6, Code 2011, is amended to read as follows:

163A.6 Exhibition swine.

~~All Iowa~~ Any breeding swine four months of age and over for exhibition within ~~the~~ this state ~~of Iowa~~ shall meet all requirements for exhibition purposes ~~and shall also be accompanied by an official brucellosis test report showing the swine to have been negative to the brucellosis test conducted within sixty days of date of exhibition unless such swine are from validated brucellosis-free herds~~.

Sec. 32. REPEAL. Sections 163A.2, 163A.3, 163A.4, and 163A.11, Code 2011, are repealed.

DIVISION VI

ANIMAL HEALTH — CLASSICAL SWINE FEVER

Sec. 33. Section 159.6, subsection 4, Code 2011, is amended to read as follows:

4. ~~Hog-cholera~~ Classical-swine-fever virus and classical-swine-fever serum, chapter 166.

Sec. 34. Section 163.2, subsection 5, Code Supplement 2011, is amended to read as follows:

5. *"Infectious or contagious disease"* means glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, ~~hog cholera,~~ classical swine fever, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, avian influenza or Newcastle disease as provided in chapter 165B, pseudorabies as provided in chapter 166D, or any other

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1 transmissible, transferable, or communicable disease so
2 designated by the department.
3 Sec. 35. Section 163.30, subsections 7 and 10, Code
4 Supplement 2011, are amended to read as follows:
5 7. The department may require issuance of movement
6 permits on certain categories of swine moved, prior to their
7 movement, pursuant to ~~departmental rule~~ rules adopted by the
8 department. The ~~rule~~ rules shall be ~~promulgated~~ adopted when
9 in the judgment of the secretary, such ~~movements~~ movement would
10 otherwise threaten or imperil the eradication of ~~hog cholera~~
11 classical swine fever in Iowa.
12 10. The use of ~~anti-hog-cholera~~ anti-classical-swine-fever
13 serum or antibody concentrate shall be in accordance with rules
14 ~~issued~~ adopted by the department.
15 Sec. 36. Section 166.1, subsection 1, Code 2011, is amended
16 to read as follows:
17 1. ~~The words "*biological*~~ "*Biological* *products*" shall
18 include and be deemed to embrace only ~~anti-hog-cholera~~
19 anti-classical-swine-fever serum and viruses which are either
20 virulent or nonvirulent, alive or dead.
21 Sec. 37. Section 166.16, unnumbered paragraph 1, Code 2011,
22 is amended to read as follows:
23 ~~No~~ A person shall not sell, distribute, use, or offer
24 to sell, distribute, or use virulent blood or virus from
25 ~~cholera-infected hogs~~ classical-swine-fever-infected swine
26 except for one or more of the following purposes:
27 Sec. 38. Section 166.16, subsection 4, Code 2011, is amended
28 to read as follows:
29 4. For the purpose of manufacturing any biological products
30 or for the purpose of producing immune ~~hogs~~ swine to be used in
31 the production of ~~hog-cholera~~ anti-classical-swine-fever serum.
32 Sec. 39. Section 166.41, Code 2011, is amended to read as
33 follows:
34 **166.41 ~~Hog-cholera~~ Classical-swine-fever vaccine prohibited**
35 **— emergency.**

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The sale or use of ~~hog-cholera~~ classical-swine-fever vaccine, except as provided in section 166.16, is prohibited and ~~it~~ a person shall ~~be unlawful to~~ not use such ~~products~~ a product in ~~the~~ this state ~~of Iowa, except that~~. However, in the case of an emergency as defined in section 166.42, a special permit for the use of vaccines may be issued by the secretary.

Sec. 40. Section 166.42, Code 2011, is amended to read as follows:

166.42 Biological products reserve — use.

1. The secretary may establish a reserve supply of biological products of approved modified live virus ~~hog-cholera~~ classical-swine-fever vaccine and of ~~anti-hog-cholera~~ anti-classical-swine-fever serum or its equivalent in antibody concentrate to be used as directed by the secretary in the event of an emergency resulting from a ~~hog-cholera~~ classical-swine-fever outbreak. Vaccine and serum or antibody concentrate from the reserve supply, if used for such an emergency, shall be made available to swine producers at a price which will not result in a profit. Payment shall be made by the producer to the department and such vaccine shall be administered by a licensed practicing veterinarian. The secretary may cooperate with other states in the accumulation, maintenance and disbursement of such reserve supply of biological products. The secretary, with the advice and written consent of the state veterinarian, and the advice and written consent of the veterinarian-in-charge for Iowa of the animal and plant health inspection service — veterinary services, United States department of agriculture, shall determine when an emergency resulting from a ~~hog-cholera~~ classical-swine-fever outbreak exists.

2. The secretary is authorized to sell or otherwise dispose of ~~such~~ classical-swine-fever vaccine and serum at such time as the state is declared a ~~hog-cholera-free~~ classical-swine-fever-free state by the United States

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1 department of agriculture, or if the potency of such vaccine
2 and serum is in doubt. Money received under provisions of this
3 section shall be paid into the state treasury.
4 Sec. 41. Section 166B.1, Code 2011, is amended by adding the
5 following new subsection:
6 NEW SUBSECTION. 01. *"Classical swine fever"* means the
7 contagious, infectious, and communicable disease of swine
8 commonly known as hog cholera.
9 Sec. 42. Section 166B.1, subsection 3, Code 2011, is amended
10 by striking the subsection.
11 Sec. 43. Section 166B.2, Code 2011, is amended to read as
12 follows:
13 **166B.2 General authority.**
14 The department may destroy or require the destruction of any
15 swine which the state veterinarian knows to be, or suspects is,
16 affected with or exposed to ~~hog cholera~~ classical swine fever,
17 whenever the department finds such destruction to be necessary
18 to prevent or reduce the danger of the spread of ~~hog cholera~~
19 classical swine fever. Disposal of condemned swine shall
20 be under the supervision of a regulatory employee. Salvage
21 of apparently healthy marketable swine is permissible as a
22 minimum provision and may be discontinued in favor of total
23 herd disposition with indemnification as necessary and without
24 such salvage in any case or at any time when it is determined by
25 the department and the United States department of agriculture
26 that the procedure would constitute an undue threat to the
27 eradication program. Before being condemned and ordered to
28 be destroyed, a positive diagnosis of ~~hog cholera~~ classical
29 swine fever affecting the herd must be confirmed by a state or
30 federal laboratory or personnel approved by the department and
31 the United States department of agriculture.
32 Sec. 44. Section 166B.4, Code 2011, is amended to read as
33 follows:
34 **166B.4 Institution of indemnification.**
35 It is hereby recognized and declared that indemnification

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1 for destruction of swine infected with or exposed to ~~hog~~
2 ~~cholera~~ classical swine fever is an expression of the public
3 policy of this state but employed only in the final stages
4 of eradication of the disease, or as a means of preventing
5 or minimizing its recurrence. The department ~~of agriculture~~
6 ~~and land stewardship~~ shall not therefore institute an initial
7 program of indemnification pursuant to the chapter until it is
8 mutually agreed between the ~~state~~ department ~~of agriculture~~
9 ~~and land stewardship~~ and the United States department of
10 agriculture that such action is necessary in order to carry out
11 the ~~hog-cholera~~ classical-swine-fever eradication program.
12 Sec. 45. Section 166B.5, Code 2011, is amended to read as
13 follows:
14 **166B.5 Cooperation with United States.**
15 The department may cooperate with the United States, or
16 any department, agency or officer thereof, in the control and
17 eradication of ~~hog cholera~~ classical swine fever, including the
18 sharing in payment of indemnities for swine destroyed.
19 DIVISION VII
20 ANIMAL HEALTH — DAIRY CATTLE
21 AFFECTED WITH JOHNE'S DISEASE
22 Sec. 46. Section 165A.1, subsection 3, Code 2011, is amended
23 to read as follows:
24 3. *"Infected"* means infected with ~~paratuberculosis~~ Johne's
25 disease as provided in section 165A.3.
26 Sec. 47. Section 165A.1, subsection 4, Code 2011, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:
29 4. *"Johne's disease"* means a disease caused by the bacterium
30 mycobacterium paratuberculosis, and which is also referred to
31 as paratuberculosis disease.
32 Sec. 48. Section 165A.3, Code 2011, is amended to read as
33 follows:
34 **165A.3 Determination of infection.**
35 The department shall adopt rules providing methods and

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1 procedures to determine whether cattle are infected, which
2 may include detection and analysis of ~~paratuberculosis~~
3 Johne's disease using techniques approved by the United States
4 department of agriculture.
5 Sec. 49. Section 165A.4, Code 2011, is amended to read as
6 follows:
7 **165A.4 Infected cattle.**
8 ~~The owner of infected cattle shall mark the cattle by~~
9 ~~punching the letter "C" through the right ears of the cattle~~
10 ~~as required by the department.~~ Cattle infected with Johne's
11 disease shall be accompanied by an owner-shipper statement. A
12 person shall not sell infected cattle other than directly to
13 a slaughtering establishment, or to a concentration point for
14 sale directly to a slaughtering establishment, for immediate
15 slaughter. Cattle ~~marked with a letter "C"~~ infected with
16 Johne's disease that are kept at a concentration point shall be
17 kept separate and apart.
18 DIVISION VIII
19 ANIMAL HEALTH — TREATMENT FOR SHEEP
20 Sec. 50. Section 166A.1, Code 2011, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 10. *"Treatment"* includes but is not limited
23 to administering medication.
24 Sec. 51. Section 166A.4, Code 2011, is amended to read as
25 follows:
26 **166A.4 ~~Dipping~~ Treatment.**
27 All breeding and feeding sheep offered for sale or exchange
28 or otherwise moved or released from any premises, vehicle,
29 or conveyance, shall, within ten days prior to exchange,
30 release, or movement, be ~~dipped~~ treated in an approved ~~dip~~
31 manner under the supervision of the department or the animal
32 and plant health inspection service of the United States
33 department of agriculture. When sheep are moved within or from
34 a certified scabies-free area in this state, the sheep must
35 be accompanied by a certificate of veterinary inspection as

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provided in chapter 163. The ~~dipping~~ treatment shall not be required prior to such movement. Sheep may be moved from a premises to an approved facility for the purpose of ~~dipping~~ treatment under such conditions as may be required by the rules of the department or the regulations of the animal and plant health inspection service of the United States department of agriculture. In addition, sheep are not required to be ~~dipped~~ treated if moved to a livestock auction market until after sale. Sheep are not required to be ~~dipped~~ treated if consigned directly for slaughter.

Sec. 52. Section 166A.6, Code 2011, is amended to read as follows:

166A.6 Records kept.

Market operators and dealers in sheep shall use satisfactory ~~dipping facilities~~ treatment, approved by the department ~~and~~. Market operators and dealers shall maintain records which show the true origin of the sheep including name and address of the seller or consignor, number, date of receipt, date of ~~dipping~~ treatment, and including all certificates, permits, waybills, and bills of lading for each consignment of sheep consigned to and leaving the market or dealer's premises. All records shall be retained for a period of one year and made available upon demand by a representative of the department.

Sec. 53. Section 166A.7, Code 2011, is amended to read as follows:

166A.7 Slaughter without ~~dipping~~ treatment.

Animals may be sold for slaughter without ~~dipping~~ treatment. Sheep when inspected at the market or dealer's premises and found free of scabies or no known exposure thereto, may be sold for slaughter purposes without ~~dipping~~ treatment if consigned directly and immediately on a slaughter affidavit to a slaughtering establishment operating under federal, state or municipal meat inspection service. ~~Such sheep shall be identified with the letter "K" in red branding paint at least four inches high on their back except those consigned to such~~

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1 ~~slaughtering establishment by the original owner.~~
2 Sec. 54. Section 166A.8, Code 2011, is amended to read as
3 follows:
4 **166A.8 Quarantine of infected sheep.**
5 1. Sheep found to be infected with or exposed to scabies
6 shall be immediately ~~dipped~~ treated, as directed by and under
7 the supervision of the department, at owner's expense. Such
8 sheep shall remain under quarantine until released by the
9 department, except that sheep infected with or exposed to
10 scabies may be moved, without ~~dipping~~ treatment, directly to
11 a slaughter establishment under federal inspection, under
12 permit from the department. No sheep shall be moved into or
13 within the state of Iowa for any purpose except as provided
14 in this chapter and the ~~regulations~~ rules of the department,
15 provided sheep may be moved without ~~dipping~~ treatment between
16 properties owned or rented by the owner of ~~said~~ the sheep, if
17 not moved from a noncertified scabies-free area to a certified
18 scabies-free area.
19 2. Any person may sell or exchange sheep on the farm between
20 November 1 and April 1 without ~~dipping~~ treatment if accompanied
21 by a certificate from a licensed veterinarian that ~~they~~ the
22 sheep are free from scabies issued within ten days prior to
23 such sale or exchange until such time as the county is declared
24 a scabies-free area.
25 Sec. 55. Section 166A.10, Code 2011, is amended to read as
26 follows:
27 **166A.10 Restraint of movement.**
28 Sheep from noncertified scabies-free areas within this state
29 shall not enter certified scabies-free areas unless they have
30 been ~~dipped~~ treated in an approved ~~dip~~ manner under supervision
31 within ten days preceding movement and satisfactory evidence
32 of ~~dipping~~ treatment accompanies the shipment. However,
33 such sheep may be moved into certified scabies-free areas if
34 consigned directly to a stockyard market, auction market, or
35 slaughter establishment, under federal inspection, provided the

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sheep are accompanied by a certificate of veterinary inspection stating number, description, consignor, and consignee.

Sec. 56. Section 166A.11, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. ~~Dipped~~ Treated in an approved ~~dip~~ manner within ten days prior to movement.

Sec. 57. REPEAL. Section 166A.5, Code 2011, is repealed.

DIVISION IX

ANIMAL HEALTH — CHRONIC WASTING DISEASE AFFECTING FARM DEER

Sec. 58. Section 170.1, subsection 1, Code 2011, is amended to read as follows:

1. *"Chronic wasting disease"* means the animal disease afflicting deer, ~~and~~ elk, or moose that is a transmissible disease of the nervous system resulting in distinctive lesions in the brain and that belongs to the group of diseases that is known as transmissible spongiform encephalopathies (TSE).

Sec. 59. Section 170.1, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. *"Farm deer"* means an animal belonging to the cervidae family and classified as part of the dama species of the dama genus, commonly referred to as fallow deer; part of the elaphus species of the cervus genus, commonly referred to as red deer or elk; part of the virginianus species of the odocoileus genus, commonly referred to as whitetail; part of the hemionus species of the odocoileus genus, commonly referred to as mule deer; ~~or~~ part of the nippon species of the cervus genus, commonly referred to as sika; or part of the alces species of the alces genus, commonly referred to as moose.

DIVISION X

ANIMAL INDUSTRY

Sec. 60. Section 169A.11, Code 2011, is amended to read as follows:

169A.11 Publication of brands list.

The secretary from time to time shall ~~cause to be published~~

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1 ~~in book form~~ publish on the internet a list of all brands on
2 record at the time of the publication. ~~The secretary may~~
3 ~~supplement the lists from time to time.~~ The publication shall
4 contain a facsimile of all brands recorded and the owner's name
5 and post office address. The records shall be arranged in
6 convenient form for reference. ~~The secretary shall deliver one~~
7 ~~copy of the brand book and supplements to the sheriff of each~~
8 ~~county. The books and supplements shall be delivered without~~
9 ~~cost to the county. The books and supplements shall be public~~
10 ~~records as provided in chapter 22. The secretary may sell the~~
11 ~~books and supplements to the general public at the cost of~~
12 ~~printing and mailing each book.~~
13 Sec. 61. Section 172A.1, subsection 2, Code 2011, is amended
14 to read as follows:
15 2. *"Animals"* or *"livestock"* includes cattle, calves, swine,
16 ~~or~~ sheep, goats, turkeys, chickens, or horses.
17 DIVISION XI
18 AGRICULTURAL MARKETING — GENERAL
19 Sec. 62. Section 189.1, unnumbered paragraph 1, Code 2011,
20 is amended to read as follows:
21 For the purpose of this subtitle, ~~excluding chapters~~
22 ~~203, 203C, 203D, 207, and 208,~~ unless the context otherwise
23 requires:
24 Sec. 63. Section 189.1, subsections 1, 4, and 6, Code 2011,
25 are amended to read as follows:
26 1. *"Article"* ~~includes~~ means food, commercial feed,
27 agricultural seed, commercial fertilizer, drug, ~~insecticide,~~
28 ~~fungicide,~~ pesticide, and paint, ~~linseed oil, turpentine, and~~
29 ~~illuminating oil,~~ in the sense in which they are defined in the
30 various provisions of this subtitle~~, excluding chapters 203,~~
31 ~~203C, 203D, 207, and 208~~.
32 4. *"Package"* or *"container"*, unless otherwise defined,
33 includes wrapper, box, carton, case, basket, ~~hamper,~~ can,
34 bottle, jar, tube, cask, vessel, tub, ~~firkin,~~ keg, jug, barrel,
35 tank, tank car, and other receptacles of a like nature; and

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the expression *"offered or exposed for sale or sold in package or wrapped form"* means the offering or exposing for sale, or selling of an article which is contained in a package or container as defined in this section.

6. *"Person"* includes a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in that capacity shall also be liable for violations of this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208~~.

Sec. 64. Section 189.2, Code 2011, is amended to read as follows:

189.2 Duties.

The department shall do all of the following:

1. Execute and enforce this subtitle~~, except chapter 205~~.

2. ~~Make and publish~~ Adopt all necessary rules, not inconsistent with law, for enforcing the provisions of this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208~~.

3. Provide educational measures and exhibits, and conduct educational campaigns as are deemed advisable in fostering and promoting the production and sale of the articles dealt with in this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ in accordance with the rules adopted pursuant to this subtitle.

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208~~. These bulletins shall be ~~printed in such numbers as may be approved by the director of the department of administrative services and shall be distributed to the newspapers of the state and to all interested persons~~ posted on the department's internet site.

Sec. 65. Section 189.3, Code 2011, is amended to read as follows:

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189.3 Procuring samples.

The department shall, for the purpose of examination or analysis, procure from time to time, or whenever the department has occasion to believe any of the provisions of this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208,~~ are being violated, samples of the articles dealt with in these provisions which have been shipped into this state, offered or exposed for sale, or sold in the state.

Sec. 66. Section 189.4, Code 2011, is amended to read as follows:

189.4 Access to factories and buildings.

The department shall have full access to all places, factories, buildings, stands, or premises, and to all wagons, auto trucks, vehicles, or cars used in the preparation, production, distribution, transportation, offering or exposing for sale, or sale of any article dealt with in this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208~~.

Sec. 67. Section 189.5, Code 2011, is amended to read as follows:

189.5 Dealer to furnish samples.

Upon request and tender of the selling price by the department any person who prepares, manufactures, offers or exposes for sale, or delivers to a purchaser any article dealt with in this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208,~~ shall furnish, within business hours, a sample of the same, sufficient in quantity for a proper analysis or examination as shall be provided by the rules of the department.

Sec. 68. Section 189.6, Code 2011, is amended to read as follows:

189.6 Taking of samples.

The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in

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1 possession in violation of the provisions of this subtitle,
2 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ in order to
3 secure a sample for analysis or examination, and the sample and
4 damage to container shall be paid for at the current market
5 price out of the contingent fund of the department.
6 Sec. 69. Section 189.7, Code 2011, is amended to read as
7 follows:
8 **189.7 Preservation of sample.**
9 After the sample is taken, it shall be carefully sealed
10 ~~with the seal of the department~~ and labeled with the name or
11 brand of the article, the name of the party from whose stock
12 it was taken, and the date and place of taking such sample.
13 Upon request a duplicate sample, sealed and labeled in the
14 same manner, shall be delivered to the person from whose stock
15 the sample was taken. The label and duplicate shall be signed
16 by the person taking the same. The method of taking samples
17 of particular articles may be prescribed by the rules of the
18 department.
19 Sec. 70. Section 189.8, Code 2011, is amended to read as
20 follows:
21 **189.8 Witnesses.**
22 In the enforcement of the provisions of this subtitle,
23 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ the
24 department shall have power to issue subpoenas for witnesses,
25 enforce their attendance, and examine them under oath. The
26 witnesses shall be allowed the same fees as witnesses in
27 district court. The fees shall be paid out of the contingent
28 fund of the department.
29 Sec. 71. Section 189.9, subsection 1, unnumbered paragraph
30 1, Code 2011, is amended to read as follows:
31 All articles in package or wrapped form which are required
32 by this subtitle~~, excluding chapters 203, 203C, 203D, 207,~~
33 ~~and 208,~~ to be labeled, unless otherwise provided, shall be
34 conspicuously marked in the English language in legible letters
35 ~~of not less than eight point heavy gothic caps~~ on the principal

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label with the following items:

Sec. 72. Section 189.11, Code 2011, is amended to read as follows:

189.11 Labeling of mixtures — federal requirements.

1. In addition to the requirements of section 189.9, unless otherwise provided, articles which are mixtures, compounds, combinations, blends, or imitations shall be marked as such and immediately followed, without any intervening matter and in the same size and style of type, by the names of all the ingredients contained therein, beginning with the one present in the largest proportion.

2. Notwithstanding any other requirements of this chapter or of chapter 190, ~~foods and~~ food or food products, or pesticides, labeled in conformance with the labeling requirements of the government of the United States shall be deemed to be labeled in conformance with the laws of the state of Iowa.

Sec. 73. Section 189.13, Code 2011, is amended to read as follows:

189.13 False labels — defacement.

A person shall not use any label required by this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208,~~ which bears any representations of any kind which are deceptive as to the true character of the article or the place of its production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208~~.

Sec. 74. Section 189.14, subsection 1, Code 2011, is amended to read as follows:

1. A person shall not knowingly introduce into this state, solicit orders for, deliver, transport, or have in possession with intent to sell, any article which is labeled in any other manner than that prescribed by this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208,~~ for the label of the article when offered or exposed for sale, or sold in package

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1 or wrapped form in this state.
2 Sec. 75. Section 189.15, Code 2011, is amended to read as
3 follows:
4 **189.15 Adulterated articles.**
5 A person shall not knowingly manufacture, introduce into
6 the state, solicit orders for, sell, deliver, transport, have
7 in possession with the intent to sell, or offer or expose
8 for sale, any article which is adulterated according to the
9 provisions of this subtitle~~, excluding chapters 203, 203C,~~
10 ~~203D, 207, and 208~~.
11 Sec. 76. Section 189.19, unnumbered paragraph 1, Code 2011,
12 is amended to read as follows:
13 The following provisions apply to all licenses issued or
14 authorized under this subtitle~~, excluding chapters 203, 203C,~~
15 ~~203D, 207, and 208~~:
16 Sec. 77. Section 189.19, subsection 2, Code 2011, is amended
17 to read as follows:
18 2. *Refusal and revocation.* For good and sufficient grounds
19 the department may refuse to grant a license to any applicant;
20 and ~~it~~ the department may revoke a license for a violation
21 of any provision of this subtitle~~, excluding chapters 203,~~
22 ~~203C, 203D, 207, and 208,~~ or for the refusal or failure of any
23 licensee to obey the lawful directions of the department.
24 Sec. 78. Section 189.20, Code 2011, is amended to read as
25 follows:
26 **189.20 Injunction.**
27 Any person engaging in any business for which a license is
28 required by this subtitle, ~~excluding chapters 203, 203C, 203D,~~
29 ~~207, and 208,~~ without obtaining such license, may be restrained
30 by injunction, and shall pay all costs made necessary by such
31 procedure.
32 Sec. 79. Section 189.21, Code 2011, is amended to read as
33 follows:
34 **189.21 Penalty.**
35 Unless otherwise provided, any person violating any

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provision of this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208,~~ or any rule adopted by the department pursuant to such a provision, is guilty of a simple misdemeanor.

Sec. 80. Section 189.23, Code 2011, is amended to read as follows:

189.23 Common carrier.

The penalties provided in this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208,~~ shall not be imposed upon any common carrier for introducing into the state, or having in its possession, any article which is adulterated or improperly labeled according to the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ when the same was received by the carrier for transportation in the ordinary course of its business and without actual knowledge of its true character.

Sec. 81. Section 189.24, Code 2011, is amended to read as follows:

189.24 Report of violations.

When it appears that any of the provisions of this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208,~~ have been violated, the department ~~shall at once~~ may certify the facts to the proper county attorney~~,~~. The certification shall be accompanied with a copy of the results of any analysis, examination, or inspection the department may have made, duly authenticated by the proper person under oath, and with any additional evidence which may be in possession of the department.

Sec. 82. Section 189.28, Code 2011, is amended to read as follows:

189.28 Goods for sale in other states.

Any person may keep articles specifically set apart in the person's stock for sale in other states which do not comply with the provisions of this subtitle~~, excluding chapters 203, 203C, 203D, 207, and 208,~~ as to standards, purity, or labeling.

Sec. 83. Section 189.29, Code 2011, is amended to read as

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1 follows:
2 **189.29 Reports by dealers.**
3 Every person who deals in or manufactures any of the articles
4 dealt with in this subtitle~~, excluding chapters 203, 203C,~~
5 ~~203D, 207, and 208,~~ shall make upon blanks furnished by the
6 department such reports and furnish such statistics as may be
7 required by the department and certify to the correctness of
8 the same.
9 Sec. 84. CODE EDITOR DIRECTIVE. The Iowa Code editor shall
10 eliminate footnotes in Code chapter 189 which refer to the
11 movement of chapters 203, 203C, 203D, 207, and 208 to title V,
12 subtitle 4.
13 DIVISION XII
14 AGRICULTURAL MARKETING — GRAIN DEALER REGULATION
15 Sec. 85. Section 203.1, subsection 9, Code 2011, is amended
16 by striking the subsection and inserting in lieu thereof the
17 following:
18 9. *"Grain"* means any grain for which the United States
19 department of agriculture has established standards pursuant to
20 the United States Grain Standards Act, 7 U.S.C. ch. 3.
21 Sec. 86. Section 203.1, Code 2011, is amended by adding the
22 following new subsection:
23 NEW SUBSECTION. 13A. *"United States Warehouse Act"* means
24 the United States Warehouse Act, 7 U.S.C. ch. 10.
25 Sec. 87. Section 203.2A, Code 2011, is amended to read as
26 follows:
27 **203.2A ~~Notice requirement for grain~~ Grain purchasers who are**
28 **not licensed grain dealers — special notice requirements.**
29 1. ~~A~~ This section applies to a person ~~shall not purchase~~
30 who is not required to be issued a license as a grain dealer
31 pursuant to section 203.3. The person shall not purchase grain
32 from a producer for purposes of resale, milling, feeding, or
33 processing~~, unless one of the following applies:~~.
34 ~~1.~~ 2. ~~The person is a grain dealer licensed pursuant~~
35 ~~to section 203.3.~~ Subsection 1 does not apply to any of the

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following:

~~2.~~ *a.* ~~The~~ A person ~~has purchased~~ who purchases less than fifty thousand bushels of grain from all producers in the twelve months prior to purchasing grain from the producer.

~~3. *a.*~~ *b.* ~~The~~ A person ~~provides~~ who provides notice to the producer as provided in subsection 3.

3. *a.* The notice ~~shall~~ must be in the following form:

~~ATTENTION TO PRODUCERS:~~
~~THE PERSON PURCHASING THIS GRAIN IS NOT A LICENSED GRAIN DEALER AND THIS IS NOT A COVERED TRANSACTION ELIGIBLE FOR INDEMNIFICATION FROM THE GRAIN DEPOSITORS AND SELLERS INDEMNITY FUND AS PROVIDED IN IOWA CODE SECTION 203D.3~~

Attention to Producers:
The person purchasing this grain is not a licensed grain dealer and this is not a covered transaction eligible for indemnification from the grain dealers and sellers indemnity fund as provided in Iowa Code section 203D.3

b. The notice ~~shall~~ must be provided to the producer prior to or at the time of the purchase. The notice may appear on a separate statement or as part of a document received by the producer, including a contract or receipt, as required by the department.

c. ~~The form of the notice shall be prescribed by the department.~~ The notice ~~shall~~ must appear in a printed boldface font in at least ten point type.

Sec. 88. Section 203.5, subsection 7, Code 2011, is amended to read as follows:

7. ~~If~~ The department may deny a license to an applicant, if the applicant has had a license issued under this chapter or chapter 203C revoked ~~for cause~~ within the past three years, ~~or~~ the applicant has been convicted of a felony involving ~~violations~~ a violation of this chapter or chapter 203C, or ~~is~~ the applicant is owned or controlled by a person who has had a license so revoked or who has been so convicted~~, the department may deny a license to the applicant~~.

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1 Sec. 89. Section 203.9, Code 2011, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 4. The department may suspend or revoke
4 the license of a grain dealer for failing to consent to a
5 departmental inspection or cooperate with the department during
6 an inspection as provided in this chapter.
7 Sec. 90. Section 203.10, Code 2011, is amended to read as
8 follows:
9 **203.10 ~~Suspension or revocation of~~ Action affecting a**
10 **license.**
11 1. The cessation of a grain dealer's license occurs from any
12 of the following:
13 *a.* The revocation of the license by the department as
14 provided in subsection 2.
15 *b.* The cancellation of the license as provided in section
16 203.5.
17 *c.* The expiration of the license according to the terms
18 of the license as provided in this chapter, including a rule
19 adopted in accordance with this chapter, pursuant to chapter
20 17A.
21 2. The department may issue an order to suspend or revoke
22 the license of a grain dealer who violates a provision of this
23 chapter, including a rule adopted ~~under~~ in accordance with
24 this chapter, ~~as provided in~~ pursuant to chapter 17A. ~~If a~~
25 ~~grain dealer fails to consent to a departmental inspection~~
26 ~~or cooperate with the department during an inspection as~~
27 ~~provided in section 203.9, the department may issue an order~~
28 ~~to immediately suspend or revoke the grain dealer's license~~
29 ~~pursuant to section 17A.18.~~
30 Sec. 91. Section 203.12, Code 2011, is amended to read as
31 follows:
32 **203.12 Claims — cessation of a license and notice of license**
33 **revocation.**
34 1. Upon ~~revocation, termination, or~~ the cessation of a
35 grain dealer license by revocation, cancellation, ~~of a grain~~

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1 ~~dealer license~~ or expiration, any claim for the purchase price
2 of grain against the grain dealer shall be made in writing
3 and filed with the grain dealer and with the issuer of a
4 deficiency bond or of an irrevocable letter of credit and with
5 the department within one hundred twenty days after ~~revocation,~~
6 ~~termination, or cancellation~~ the date of the cessation.
7 ~~Failure~~ A failure to make this timely claim relieves the issuer
8 and the grain depositors and sellers indemnity fund provided in
9 chapter 203D of all obligations to the claimant.
10 2. Upon the revocation of a grain dealer license, the
11 department shall cause notice of the revocation to be published
12 once each week for two consecutive weeks in a newspaper of
13 general circulation within the state of Iowa and in a newspaper
14 of general circulation within the county of the grain dealer's
15 principal place of business when that dealer's principal place
16 of business is located in the state of Iowa. The notice
17 shall state the name and address of the grain dealer and the
18 effective date of revocation. The notice shall also state that
19 any claims against the grain dealer shall be made in writing
20 and sent by ordinary mail or delivered personally within one
21 hundred twenty days after revocation to the grain dealer, to
22 the issuer of a deficiency bond or of an irrevocable letter of
23 credit, and to the department, and the notice shall state that
24 the failure to make a timely claim does not relieve the grain
25 dealer from liability to the claimant.
26 Sec. 92. Section 203.12A, subsection 5, Code 2011, is
27 amended to read as follows:
28 5. The Iowa grain indemnity fund board, ~~shall~~ upon written
29 demand of the grain dealer, shall file a termination statement
30 with the secretary of state, if ~~the license of the grain dealer~~
31 ~~is not revoked, terminated, or canceled~~ after one hundred
32 eighty days from the date that the lien is perfected the grain
33 dealer's license has not ceased by revocation, cancellation, or
34 expiration. Upon filing the termination statement, the lien
35 becomes unperfected. The board shall also deliver a copy of

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1 the termination statement to the grain dealer.
2 Sec. 93. Section 203.12B, subsection 7, paragraph c, Code
3 2011, is amended to read as follows:
4 *c.* Not have had a grain dealer's license issued pursuant
5 to section 203.3 suspended or revoked as provided in section
6 203.10.
7 Sec. 94. Section 203.15, subsection 3, Code 2011, is amended
8 to read as follows:
9 3. Title to all grain sold by a credit-sale contract is
10 in the purchasing grain dealer as of the time the contract is
11 executed, unless the contract provides otherwise. The contract
12 must be signed and dated by both parties and executed in
13 duplicate. One copy shall be retained by the grain dealer and
14 one copy shall be delivered to the seller. Upon ~~revocation,~~
15 ~~termination, or cancellation~~ the cessation of the grain
16 dealer's license by revocation, cancellation, or expiration,
17 the payment date for all credit-sale contracts shall be
18 advanced to a date not later than thirty days after the
19 effective date of the ~~revocation, termination, or cancellation~~
20 cessation, and the purchase price for all unpriced grain
21 shall be determined as of the effective date of ~~revocation,~~
22 ~~termination, or cancellation~~ the cessation in accordance with
23 all other provisions of the contract. However, if the business
24 of the grain dealer is sold to another licensed grain dealer,
25 credit-sale contracts may be assigned to the purchaser of the
26 business.
27 Sec. 95. Section 203.15, subsection 4, paragraph b, Code
28 2011, is amended to read as follows:
29 *b.* A grain dealer who is also a warehouse operator
30 licensed by the department under chapter 203C or the United
31 States department of agriculture under the United States
32 Warehouse Act, ~~7 U.S.C. § 241 et seq.,~~ and who does not have
33 a sufficient quantity or quality of grain to satisfy the
34 warehouse operator's obligations based on an examination by
35 the department or the United States department of agriculture

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1 shall not purchase grain on credit-sale contract to correct the
2 shortage of grain.
3 Sec. 96. Section 203.15, subsection 4, paragraph c,
4 subparagraph (2), subparagraph division (c), Code 2011, is
5 amended to read as follows:
6 (c) If an adequate replacement bond is not received by the
7 department within sixty days of the issuance of the notice
8 of cancellation, the department shall ~~automatically~~ suspend
9 the grain dealer's license. The department shall cause an
10 inspection of the licensed grain dealer immediately at the
11 end of the sixty-day period. If a replacement bond is not
12 filed within another thirty days following the suspension, the
13 department shall revoke the grain ~~dealer~~ dealer's license ~~shall~~
14 ~~be automatically revoked~~.
15 Sec. 97. Section 203.15, subsection 5, unnumbered paragraph
16 1, Code 2011, is amended to read as follows:
17 The department may ~~adopt rules to~~ suspend the right of a
18 grain dealer to purchase grain by credit-sale contract based on
19 any of the following conditions:
20 Sec. 98. Section 203.15, subsection 5, paragraphs a and b,
21 Code 2011, are amended to read as follows:
22 *a.* The grain dealer who is also a warehouse operator
23 licensed by the department under chapter 203C or the United
24 States department of agriculture under the United States
25 Warehouse Act~~, 7 U.S.C. § 241 et seq.,~~ does not have a
26 sufficient quantity or quality of grain to satisfy the
27 warehouse operator's obligations based on an examination by the
28 department or the United States department of agriculture.
29 *b.* The grain dealer who is also a warehouse operator
30 licensed by the department under chapter 203C or the United
31 States department of agriculture under the United States
32 Warehouse Act~~, 7 U.S.C. § 241 et seq.,~~ issues back to the
33 grain dealer a warehouse receipt for purposes of providing
34 collateral, if the grain which is the subject of the warehouse
35 receipt was purchased on credit and is unpaid for by the grain

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dealer.

DIVISION XIII

AGRICULTURAL MARKETING — WAREHOUSE OPERATOR REGULATION

Sec. 99. Section 203C.1, subsection 11, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

11. *"Grain"* means the same as defined in section 203.1.

Sec. 100. Section 203C.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 25A. *"United States Warehouse Act"* means the same as defined in section 203.1.

Sec. 101. Section 203C.1, subsection 26, Code 2011, is amended to read as follows:

26. *"Unlicensed warehouse operator"* means a warehouse operator who retains grain in the warehouse not to exceed thirty days and is not licensed under the provisions of this chapter or ~~Tit. VII, U.S.C.~~ the United States Warehouse Act.

Sec. 102. Section 203C.6, subsection 7, Code 2011, is amended to read as follows:

7. ~~If~~ The department may deny a license to an applicant, if the applicant has had a license issued under chapter 203 or this chapter revoked ~~for cause~~ within the past three years, ~~or~~ the applicant has been convicted of a felony involving violations of chapter 203 or this chapter, or the applicant is owned or controlled by a person who has had a license so revoked or who has been so convicted~~, the department may deny a license to the applicant~~.

Sec. 103. Section 203C.10, Code 2011, is amended to read as follows:

203C.10 ~~Suspension or revocation of~~ Action affecting a license.

1. The cessation of a warehouse operator's license occurs from any of the following:

a. The revocation of the license by the department as provided in subsection 2.

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b. The cancellation of the license as provided in section 203C.37.

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter, pursuant to chapter 17A.

2. The department may issue an order to suspend or revoke the license of a warehouse operator who violates a provision of this chapter, including a rule adopted ~~under~~ in accordance with this chapter, ~~as provided in~~ pursuant to chapter 17A.

3. ~~If~~ The department may suspend or revoke the license of a warehouse operator ~~fails~~ for failing to consent to a departmental inspection ~~during an inspection as provided in section 203C.2, the department may issue an order to immediately suspend or revoke the grain dealer's license pursuant to section 17A.18~~ or cooperate with the department during an inspection as provided by this chapter.

Sec. 104. Section 203C.11, subsection 1, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

1. The department shall proceed under section 203C.15 if it has cause to believe that a licensed warehouse operator does not provide for and carry an insurance policy as required in that section.

Sec. 105. Section 203C.12A, subsection 5, Code 2011, is amended to read as follows:

5. The Iowa grain indemnity fund board shall upon written demand of the warehouse operator file a termination statement with the secretary of state, if ~~the license of the warehouse operator is not revoked, terminated, or canceled~~ after one hundred eighty days from the date that the lien is perfected the warehouse operator's license has not ceased by revocation, cancellation, or expiration. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the warehouse

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1 operator.
2 Sec. 106. Section 203C.13, subsection 3, Code 2011, is
3 amended to read as follows:
4 3. A bond, deficiency bond, or irrevocable letter of credit
5 on agricultural products other than bulk grain shall not be
6 canceled by the issuer on less than one hundred twenty days'
7 notice by certified mail to the department and the principal.
8 When the department receives notice from an issuer that it has
9 canceled the bond, deficiency bond, or irrevocable letter of
10 credit on agricultural products other than bulk grain of a
11 warehouse operator, the department shall ~~automatically~~ suspend
12 the warehouse operator's authorization to store or accept for
13 storage agricultural products other than bulk grain if a new
14 bond, deficiency bond, or irrevocable letter of credit is not
15 received by the department within sixty days of the issuance of
16 the notice of cancellation. The department shall conduct an
17 inspection of the licensee's warehouse immediately at the end
18 of the sixty-day period. If a new bond, deficiency bond, or
19 irrevocable letter of credit is not provided within ninety days
20 of the issuance of the notice of cancellation, the department
21 shall revoke the warehouse operator's authorization to store
22 or accept for storage agricultural products other than bulk
23 grain. The department shall conduct a further inspection of
24 the licensee's warehouse after the ninety-day period. When
25 an authorization to store or accept for storage agricultural
26 products other than bulk grain is revoked, the department
27 shall give notice of the revocation to all known persons who
28 have agricultural products other than bulk grain in storage,
29 and shall notify them that the agricultural products other
30 than bulk grain must be removed from the warehouse not later
31 than one hundred twenty days after the issuance of the notice
32 of cancellation. The revocation notice shall be sent by
33 ordinary mail to the last known address of each person having
34 agricultural products other than bulk grain in storage. The
35 department shall cause a final inspection of the licensee's

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warehouse after the end of the one hundred twenty-day period.

Sec. 107. Section 203C.14, Code 2011, is amended to read as follows:

203C.14 Suit — claims — notice of revocation.

1. A person injured by the breach of an obligation of a warehouse operator, for the performance of which a bond on agricultural products other than bulk grain, a deficiency bond, or an irrevocable letter of credit has been given under any of the provisions of this chapter, may sue on the bond on agricultural products other than bulk grain, deficiency bond, or irrevocable letter of credit in the person's own name in a court of competent jurisdiction to recover any damages the person has sustained by reason of the breach.

2. Upon ~~revocation, termination, or cancellation of a warehouse license, a~~ the cessation of a warehouse operator's license due to revocation, cancellation, or expiration, a claim against the warehouse operator arising under this chapter shall be made in writing with the warehouse operator, with the issuer of a bond on agricultural products other than bulk grain, a deficiency bond, or an irrevocable letter of credit, and, if the claim relates to bulk grain, with the department. The claim must be made within one hundred twenty days after ~~revocation, termination, or cancellation~~ the cessation of the license. ~~Failure~~ The failure to make a timely claim relieves the issuer and, if the claim relates to bulk grain, the grain depositors and sellers indemnity fund provided in chapter 203D of all obligations to the claimant.

3. Upon revocation of a warehouse license, the department shall cause notice of the revocation to be published once each week for two consecutive weeks in a newspaper of general circulation in each of the counties in which the licensee maintains a business location and in a newspaper of general circulation within the state. The notice shall state the name and address of the warehouse operator and the effective date of revocation. The notice shall also state that any claims

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1 against the warehouse operator shall be made in writing and
2 sent by ordinary mail to the warehouse operator, to the issuer
3 of a bond on agricultural products other than bulk grain,
4 deficiency bond, or an irrevocable letter of credit, and to the
5 department within one hundred twenty days after revocation,
6 and the notice shall state that the failure to make a timely
7 claim does not relieve the warehouse operator from liability to
8 the claimant. This paragraph does not apply if a receiver is
9 appointed as provided in this chapter pursuant to a petition
10 which is filed by the department prior to the expiration of
11 one hundred twenty days after revocation, termination, or
12 cancellation of the license.
13 Sec. 108. Section 203C.15, subsection 1, unnumbered
14 paragraph 1, Code 2011, is amended to read as follows:
15 ~~All~~ A warehouse operator shall maintain insurance coverage
16 as provided in this section. In order to maintain insurance
17 coverage, all agricultural products in storage in a licensed
18 warehouse and all agricultural products which have been
19 deposited temporarily in a licensed warehouse pending storage
20 or for purposes other than storage, shall be kept fully insured
21 by the warehouse operator as provided in this section for the
22 current value of the agricultural products against loss by
23 fire, inherent explosion, ~~or~~ windstorm, or any other similar
24 catastrophe designated by rules which may be adopted by the
25 department.
26 Sec. 109. Section 203C.15, subsection 1, paragraphs a and b,
27 Code 2011, are amended by striking the paragraphs.
28 Sec. 110. Section 203C.15, Code 2011, is amended by adding
29 the following new subsections:
30 NEW SUBSECTION. 1A. The insurance coverage required
31 in subsection 1 shall be carried by one or more insurance
32 companies. Such an insurance company must be all of the
33 following:
34 *a.* Organized or operating under the laws of this state or
35 authorized by the laws of this state to do business in this

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1 state.
2 *b.* An insurer of agricultural products in this state as
3 provided in subsection 1.
4 NEW SUBSECTION. 1B. Insurance coverage may be terminated by
5 its expiration without renewal, or canceled by the insurance
6 company on its own volition or as a result of an action or
7 inaction by the insured licensed warehouse operator.
8 NEW SUBSECTION. 1C. A licensed warehouse operator shall
9 be responsible for providing the department with all of the
10 following:
11 *a.* Evidence of insurance coverage as required in subsection
12 1A that is an insurance policy or other document approved by
13 the department which evidences property and casualty insurance.
14 *b.* Proof of insurance which verifies that evidence of
15 insurance coverage submitted by a licensed warehouse operator
16 complies with subsection 1.
17 NEW SUBSECTION. 1D. A warehouse operator must submit
18 evidence of insurance coverage with the department as required
19 by the department. The department must approve the evidence of
20 insurance coverage before the department files it. A warehouse
21 operator shall not be issued a license or retain a license
22 unless evidence of insurance coverage is on file with the
23 department.
24 NEW SUBSECTION. 1E. The department may demand proof
25 of insurance coverage by the licensed warehouse operator,
26 regardless of whether the department has previously approved
27 proof of insurance or approved or filed evidence of insurance
28 coverage. The demand must be in writing and must explain the
29 department's enforcement action resulting from the warehouse
30 operator's noncompliance.
31 *a.* The licensed warehouse operator may comply to the demand
32 by doing any of the following:
33 (1) Assuring the department that existing evidence of
34 insurance coverage filed with the department complies with the
35 requirements of this section.

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1 (2) Obtaining additional or new insurance coverage. The
2 licensed warehouse operator must submit and the department must
3 approve and file the supplemental or new evidence of insurance
4 coverage necessary to comply with the requirements of this
5 section.
6 *b.* If the licensed warehouse operator fails to comply with
7 the requirements of the demand letter as set out in paragraph
8 *"a"*, the department shall take enforcement action as follows:
9 (1) Thirty days after delivering the demand letter to the
10 licensed warehouse operator, the department shall suspend the
11 warehouse license.
12 (2) Forty days after delivering the demand letter to the
13 licensed warehouse operator, the department shall revoke the
14 warehouse license.
15 *c.* The department may inspect a licensed warehouse at any
16 time.
17 *d.* The department shall terminate an enforcement action as
18 provided in paragraph *"b"*, if the licensed warehouse operator
19 submits any proof of insurance or supplemental or new evidence
20 of insurance which the department approves. However, this
21 paragraph *"d"* applies only if the licensed warehouse operator
22 submits the proof of insurance or evidence of insurance prior
23 to the effective date of the revocation.
24 NEW SUBSECTION. 1F. An insurance company shall not cancel
25 insurance coverage unless any of the following applies:
26 *a.* The insurance company provides the department and the
27 licensed warehouse operator with at least ninety days' notice
28 of cancellation by mail.
29 *b.* The insurance coverage is renewed or replaced by the
30 licensed warehouse operator, and the department has approved
31 and filed the evidence of insurance coverage at the time
32 that the department would have received the mailed notice of
33 cancellation.
34 NEW SUBSECTION. 1G. The department shall take enforcement
35 action against a licensed warehouse whose insurance coverage

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has been terminated by cancellation or expiration.

a. The department shall suspend the warehouse license. The suspension shall take effect on the date that the insurance coverage terminates. However, the department shall terminate the suspension if the licensed warehouse operator submits proof of insurance or any renewed or new evidence of insurance coverage to the department. In addition, all of the following requirements apply:

(1) The department must receive the proof of insurance or evidence of insurance coverage within ten days after the effective date of the suspension.

(2) The department must approve the proof of insurance or evidence of insurance coverage.

b. The department shall revoke the warehouse license. The revocation shall take effect eleven days after the effective date of the suspension, unless the suspension is terminated as provided in paragraph *"a"*.

Sec. 111. Section 203C.16, subsection 1, Code 2011, is amended to read as follows:

1. The acceptance and storage of bulk grain by a person bonded and licensed under the ~~provisions of a federal law, to the extent that the person is authorized under federal law to accept and store bulk grain~~ United States Warehouse Act. ~~However, the person shall comply with all other provisions of this chapter which do not conflict with such federal law.~~

Sec. 112. Section 203C.17, subsection 8, paragraphs a and c, Code 2011, are amended to read as follows:

a. ~~Every~~ At least once each year, a licensed warehouse operator shall~~, on or before July 1 of each year,~~ send a statement ~~for~~ to each holder of a warehouse receipt covering grain ~~held~~ stored at the licensed warehouse operator's licensed warehouse for more than one year ~~at that warehouse to~~. The statement shall be delivered in person or mailed to the holder's last known address. The statement shall show the amount of all grain ~~held~~ stored pursuant to a warehouse receipt

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for such warehouse receipt holder and the amount of any storage charges held by the licensed warehouse operator against that grain. ~~However, a licensed warehouse operator need not prepare this annual statement for a holder of a warehouse receipt, if the licensed warehouse operator prepares such statements monthly, quarterly or for any other period more frequent than annually.~~

c. ~~Violation~~ A violation of this section shall not constitute grounds for the suspension~~,~~ or revocation~~, or modification~~ of ~~the~~ a warehouse operator's license ~~of anyone licensed under this chapter~~.

Sec. 113. Section 203C.18, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. A statement that the receipt is issued subject to ~~the Iowa warehouse Act and the rules and regulations prescribed pursuant to~~ this chapter.

Sec. 114. Section 203C.18, subsection 3, Code 2011, is amended to read as follows:

3. ~~Forms~~ A form for a warehouse ~~receipts~~ receipt shall only be printed by a person approved by the department. A form for a warehouse receipt shall be printed in accordance with specifications set forth by the department. A ~~form~~ warehouse operator shall surrender to the department all forms for ~~a~~ warehouse ~~receipt~~ receipts that ~~is~~ are unused at the time that ~~a~~ the warehouse operator's license is ~~canceled,~~ suspended~~, revoked, or terminated shall be surrendered to the department~~or ceases due to revocation, cancellation, or expiration. The warehouse operator shall surrender the warehouse receipts in a manner required by the department.

Sec. 115. Section 203C.30, Code 2011, is amended to read as follows:

203C.30 Inspecting and grading.

Grain~~, flaxseed,~~ or any other fungible agricultural product stored in a warehouse licensed under this chapter for which no separate compartment is provided, and its identity preserved,

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1 shall be inspected and graded.
2 Sec. 116. Section 203C.39, Code 2011, is amended to read as
3 follows:
4 **203C.39 Grain stored in another warehouse.**
5 A licensed warehouse operator may store grain in ~~any other~~ an
6 alternative warehouse located in Iowa ~~licensed in accordance~~
7 ~~with section 203C.6 or the United States Warehouse Act, 7~~
8 ~~U.S.C. ch. 10, subject to the following conditions:~~ or another
9 state as provided in this section.
10 1. *a.* The alternative warehouse located in Iowa must be
11 another licensed warehouse or a warehouse licensed pursuant to
12 the United States Warehouse Act.
13 *b.* The alternative warehouse located in another state must
14 be licensed pursuant to the applicable laws of the state in
15 which the alternative warehouse is located or the United States
16 Warehouse Act. A warehouse operator shall not store grain
17 in an alternative warehouse located in another state, unless
18 approved in writing by the department in a manner required by
19 the department.
20 2. In storing grain in an alternative warehouse under
21 subsection 1, all of the following requirements apply:
22 *a.* The warehouse operator must obtain from such warehouse
23 operator a nonnegotiable warehouse receipt and such receipt
24 must show clearly the following notation:
25 ~~"Held~~ Held in trust for depositors ~~of"~~ of (name of original
26 receiving warehouse).
27 ~~2.~~ *b.* When the licensed warehouse operator begins to use
28 the ~~additional facilities described in this section~~ alternative
29 warehouse, the licensed warehouse operator must have sufficient
30 net worth under section 203C.6 or provide a deficiency bond or
31 an irrevocable letter of credit to cover the increase in the
32 licensed warehouse operator's gross capacity.
33 3. A licensed warehouse operator may transfer grain for
34 storage to another licensed warehouse operator while the
35 warehouse operator receiving such grain has grain stored

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elsewhere under the provisions of this section.

Sec. 117. REPEAL. Section 203C.27, Code 2011, is repealed.

DIVISION XIV

AGRICULTURAL MARKETING — GRAIN DEPOSITORS AND SELLERS INDEMNITY FUND

Sec. 118. Section 203D.1, subsection 7, Code Supplement 2011, is amended by striking the subsection and inserting in lieu thereof the following:

7. *"Grain"* means the same as defined in section 203.1.

Sec. 119. Section 203D.6, subsection 2, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) The ~~revocation, termination, or cancellation~~ cessation of the license of the grain dealer as described in section 203.10 or warehouse operator as described in section 203C.10.

DIVISION XV

PESTICIDE REGULATION — CERTIFICATION

Sec. 120. Section 206.2, subsection 25, Code 2011, is amended to read as follows:

25. *a.* *"Public applicator"* means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency.

b. ~~This term~~ *"Public applicator"* does not include ~~employees~~ an employee who ~~work~~ works only under the direct supervision of a public applicator.

Sec. 121. Section 206.5, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. A commercial applicator shall ~~choose between a one-year certification for which the applicator shall pay a thirty dollar fee or a three-year certification for which the applicator shall~~ pay a seventy-five dollar fee for a three-year certification. ~~A public applicator shall choose between a one-year certification for which the applicator shall pay a ten dollar fee or a three-year certification for which the applicator shall pay a fifteen dollar fee.~~ A public applicator or a private applicator shall pay a fifteen dollar fee for a

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1 three-year certification.
2 Sec. 122. Section 206.5, subsection 7, paragraph b,
3 unnumbered paragraph 1, Code 2011, is amended to read as
4 follows:
5 The department shall adopt rules providing for the
6 program requirements which ~~shall at least~~ may include the
7 safe handling, application, and storage of pesticides, the
8 correct calibration of equipment used for the application of
9 pesticides, and the effects of pesticides upon the groundwater.
10 Sec. 123. Section 206.5, subsection 7, paragraph c, Code
11 2011, is amended by striking the paragraph.
12 Sec. 124. Section 206.6, subsection 5, paragraph c, Code
13 2011, is amended to read as follows:
14 *c.* The secretary shall issue a commercial applicator
15 license limited to the classifications for which the applicant
16 is qualified, which shall expire ~~at the end of the calendar~~
17 ~~year of issue~~ as provided in section 206.5, unless it has
18 been revoked or suspended by the secretary for cause. The
19 secretary may limit the license of the applicant to the use of
20 certain pesticides, or to certain areas, or to certain types of
21 equipment if the applicant is only so qualified. If a license
22 is not issued as applied for, the secretary shall inform the
23 applicant in writing of the reasons.
24 Sec. 125. APPLICABILITY — CURRENT CERTIFICATIONS.
25 Notwithstanding section 206.5, as amended in this division of
26 this Act, a certification issued to a commercial applicator
27 or a public applicator prior to the effective date of this
28 division of this Act shall expire according to section 206.5,
29 Code 2011, as that section existed immediately prior to the
30 effective date of this division of this Act.
31 DIVISION XVI
32 PESTICIDE REGULATION — LICENSURE
33 Sec. 126. Section 206.6, subsection 5, paragraph a,
34 subparagraph (3), Code 2011, is amended to read as follows:
35 (3) An applicant applying for a license to engage in

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aerial application of pesticides must ~~meet all of~~ demonstrate compliance with the requirements of the federal aviation administration, the United States department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application.

Sec. 127. Section 206.8, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~A~~ The annual license fee for a pesticide dealer ~~shall pay~~ is due and payable by June 30 of each year to the department ~~an~~. The annual license fee is based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

Sec. 128. Section 206.10, Code 2011, is amended to read as follows:

206.10 License renewals — delinquent fee.

1. If the application for renewal of a license provided for in this chapter~~, other than a pesticide dealer license,~~ is not filed prior to the first of January in any year, a delinquent fee of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license is issued. A delinquent fee does not apply if the applicant furnishes an affidavit certifying that the applicant has not applied pesticides after the expiration of the applicant's license. All licenses issued under this chapter expire December 31 each year.

2. ~~However, a~~ Subsection 1 does not apply to any of the following:

a. A license issued to a pesticide dealer that expires as provided in section 206.8.

b. A certificate issued to a certified applicator that expires as provided in section 206.5.

Sec. 129. Section 206.13, Code 2011, is amended to read as follows:

206.13 Evidence of financial responsibility required by commercial applicator.

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1 1. The department shall not issue a commercial applicator's
2 license as required in section 206.6 until the applicant
3 has furnished evidence of financial responsibility with the
4 department. The evidence of financial responsibility shall
5 consist of a surety bond, a liability insurance policy,
6 or an irrevocable letter of credit issued by a financial
7 institution. The department may accept a certification
8 of the evidence of financial responsibility. The evidence
9 of financial responsibility shall pay the amount that the
10 beneficiary is legally obligated to pay as damages caused
11 by the pesticide operations of the applicant. However, the
12 evidence of financial responsibility does not apply to damages
13 or an injury which is expected or intended from the standpoint
14 of the beneficiary. A liability insurance policy shall be
15 subject to the insurer's policy provisions filed with and
16 approved by the commissioner of insurance. The evidence of
17 financial responsibility need not apply to damages or injury to
18 agricultural crops, plants, or land being worked upon by the
19 applicant.
20 2. The amount of the evidence of financial responsibility
21 as provided for in this section shall be not less than two
22 hundred fifty thousand dollars for property damage and
23 public liability insurance, each separately. The evidence
24 of financial responsibility shall be maintained at not less
25 than that amount at all times during the licensed period. The
26 department shall be notified ten days prior to any reduction in
27 the surety bond or liability insurance made at the request of
28 the applicant or cancellation of the surety bond by the surety
29 or the liability insurance by the insurer. The department
30 shall be notified ninety days prior to any reduction of the
31 amount of the irrevocable letter of credit at the request of
32 the applicant or the cancellation of the irrevocable letter of
33 credit by the financial institution. The total and aggregate
34 liability of the surety, insurer, or financial institution for
35 all claims shall be limited to the face of the surety bond,

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liability insurance policy, or irrevocable letter of credit.

DIVISION XVII

PESTICIDE REGULATION — REGISTRATION

Sec. 130. Section 139A.21, subsection 7, Code 2011, is amended by striking the subsection.

Sec. 131. Section 206.2, subsection 28, Code 2011, is amended to read as follows:

28. *"State restricted use pesticide"* means a pesticide which is restricted for sale, use, or distribution under section ~~455B.491~~ 206.20.

Sec. 132. Section 206.11, subsection 1, paragraph e, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Any pesticide which contains any substance or substances in quantities highly toxic to humans; determined as provided in section ~~206.6~~ 206.12, unless the label shall bear, in addition to any other matter required by this chapter:

Sec. 133. Section 206.12, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* The secretary shall provide for a three-month grace period for registration.

Sec. 134. Section 206.12, subsection 2, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 135. Section 206.12, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 136. Section 206.21, subsection 2, Code 2011, is amended to read as follows:

2. *a.* ~~For the purpose of carrying out the provisions and the requirements of this chapter and the rules made and notices given pursuant thereto, the~~ The secretary ~~or~~, including the secretary's authorized agents, inspectors, or employees, may enter into or upon any place during reasonable business hours in order to ~~take~~ do any of the following:

(1) Take periodic random samples for chemical examinations of pesticides and devices ~~and to open~~.

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1 (2) Open any bundle, package or other container containing
2 or believed to contain a pesticide in order to determine
3 whether the pesticide or device complies with the requirements
4 of this chapter.
5 (3) Monitor the use of or review the pesticide application.
6 *b.* Methods of analysis shall be those currently used by the
7 association of official agricultural chemists.
8 DIVISION XVIII
9 COAL MINING
10 Sec. 137. Section 207.2, subsection 10, Code 2011, is
11 amended to read as follows:
12 10. *"Prime farmland"* ~~has~~ means the same ~~meaning~~ as
13 prescribed by the United States ~~secretary~~ department of
14 agriculture ~~and published in the federal register on January~~
15 ~~31, 1978~~ pursuant to 7 C.F.R. § 567.5(a).
16 DIVISION XIX
17 WEIGHTS AND MEASURES — GENERAL
18 Sec. 138. Section 215.1, Code 2011, is amended to read as
19 follows:
20 **215.1 ~~Duty to inspect~~ Inspections.**
21 The department shall regularly inspect all commercial
22 weighing and measuring devices, and when a complaint is made to
23 the department that any false or incorrect weights or measures
24 are being made, the department shall inspect the commercial
25 weighing and measuring devices which caused the complaint.
26 The department may inspect prepackaged goods to determine the
27 accuracy of their recorded weights.
28 Sec. 139. Section 215.4, Code 2011, is amended to read as
29 follows:
30 **215.4 Tag for inaccurate or incorrect device — reinspection**
31 **— fee.**
32 A commercial weighing and measuring device found to be
33 inaccurate or incorrect upon inspection by the department
34 shall be rejected or tagged "condemned until repaired" and
35 the "licensed for commercial use" inspection sticker shall be

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removed. If notice is received by the department that the device has been repaired and upon reinspection the device is found to be accurate or correct, the license fee shall not be charged for the reinspection. However, a second license fee shall be charged if upon reinspection the device is found to be inaccurate. The device shall be tagged "condemned" and removed from service if a third reinspection fails.

Sec. 140. Section 215.7, Code 2011, is amended to read as follows:

215.7 Transactions by false weights or measures.

~~Any~~ A person shall be deemed to have violated the provisions of this chapter and shall be punished as provided in chapter 189, if any of the following apply:

1. ~~If such~~ The person ~~sell~~ sells, ~~trade~~ trades, ~~deliver~~ delivers, ~~charge~~ charges for or ~~claim~~ claims to have delivered to a purchaser an amount of any commodity which is less in weight or measure than that which is asked for, agreed upon, claimed to have been delivered, or noted on the delivery ticket.

2. ~~If such~~ The person ~~make~~ makes a settlement for or ~~enter~~ enters credit, based upon any false weight or measurement, for any commodity purchased.

3. ~~If such~~ The person ~~make~~ makes a settlement for or ~~enter~~ enters a credit, based upon any false weight or measurement, for any labor where the price of producing or mining is determined by weight or measure.

4. ~~If such~~ The person ~~record~~ records a false weight or measurement upon the weight ticket or book.

Sec. 141. Section 215.9, Code 2011, is amended to read as follows:

215.9 Power of ~~cities~~ political subdivision limited.

~~Commodities~~ A commodity weighed upon any scale bearing ~~the inspection card,~~ a sticker issued by the department, shall not be required to be reweighed as required by ~~any~~ ordinance of any political subdivision including but not limited to a city, nor

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1 shall ~~their~~ a commodity's sale, at the weights so ascertained,
2 and because thereof, be, by such ordinance, prohibited or
3 restricted.
4 Sec. 142. Section 215.14, subsection 3, Code 2011, is
5 amended to read as follows:
6 3. ~~After~~ Before approval by the department, the
7 specifications for a commercial weighing and measuring
8 device shall be furnished to the purchaser of the device
9 by the manufacturer. The approval shall be based upon the
10 recommendation of the United States national institute of
11 standards and technology.
12 Sec. 143. Section 215.26, subsection 1, Code 2011, is
13 amended to read as follows:
14 1. *"Commercial weighing and measuring device"* means a weight
15 or measure or weighing or measuring device used to establish
16 size, quantity, area or other quantitative measurement of a
17 commodity sold by weight or measurement, or where the price to
18 be paid for producing the commodity is based upon the weight or
19 measurement of the commodity. The term includes an accessory
20 attached to or used in connection with a commercial weighing or
21 measuring device when the accessory is so designed or installed
22 that its operation may affect the accuracy of the device.
23 *"Commercial weighing and measuring device"* includes a public
24 scale or a commercial scanner.
25 Sec. 144. Section 215.26, Code 2011, is amended by adding
26 the following new subsection:
27 NEW SUBSECTION. 1A. *"Department"* means the department of
28 agriculture and land stewardship.
29 DIVISION XX
30 WEIGHTS AND MEASURES — STATE METROLOGIST
31 Sec. 145. Section 213.2, Code 2011, is amended to read as
32 follows:
33 **213.2 Physical standards.**
34 Weights and measures, which conform to the standards of the
35 United States national institute of standards and technology

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existing as of January 1, 1979, that are traceable to the United States standards supplied by the federal government or approved as being in compliance with its standards by the national bureau of standards shall be the state primary standard of weights and measures. Such weights and measures shall be verified upon initial receipt of same and as often as deemed necessary by the secretary of agriculture. The secretary may provide for the alteration in the state primary standard of weights and measures in order to maintain traceability with the standard of the United States national ~~bureau~~ institute of standards and technology. All such alterations shall be made pursuant to rules promulgated by the secretary in accordance with chapter 17A.

DIVISION XXI

WEIGHTS AND MEASURES — FUEL

Sec. 146. Section 214.1, subsection 3, Code 2011, is amended to read as follows:

3. *"Motor fuel blender pump"* or *"blender pump"* means a motor fuel ~~pump~~ meter that dispenses a type of motor fuel that is blended from two or more different types of motor fuels and which may dispense more than one type of blended motor fuel.

Sec. 147. Section 214.1, subsection 4, Code 2011, is amended to read as follows:

4. *"Motor fuel pump"* means a ~~pump,~~ meter~~,~~ or similar commercial weighing and measuring device used to measure and dispense motor fuel originating from a motor fuel storage tank, on a retail basis.

Sec. 148. Section 214.11, Code 2011, is amended to read as follows:

214.11 Inspections — recalibrations — penalty.

1. The department ~~of agriculture and land stewardship~~ shall provide for annual inspections of all motor fuel pumps, including but not limited to motor fuel blender pumps, licensed under this chapter. Inspections shall be for the purpose of determining the accuracy of the pumps' measuring mechanisms,

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1 and for such purpose the department's inspectors may enter upon
2 the premises of any wholesale dealer or retail dealer, as they
3 are defined in section 214A.1, of motor fuel or fuel oil within
4 this state. Upon completion of an inspection, the inspector
5 shall affix the department's seal to the measuring mechanism
6 of the motor fuel pump. The seal shall be appropriately
7 marked, dated, and recorded by the inspector. If the owner
8 of an inspected and sealed motor fuel pump is registered
9 with the department as a servicer in accordance with section
10 215.23, or employs a person so registered as a servicer, the
11 owner or other servicer may open the motor fuel pump, break
12 the department's seal, recalibrate the measuring mechanism
13 if necessary, and reseal the motor fuel pump as long as the
14 department is notified of the recalibration within forty-eight
15 hours, on a form provided by the department.
16 2. A person violating a provision of this section is, upon
17 conviction, guilty of a simple misdemeanor.
18 EXPLANATION
19 INTRODUCTION. This bill amends a number of provisions
20 relating to the powers and duties of the department of
21 agriculture and land stewardship.
22 GENERAL. The bill amends provisions relating to the general
23 powers and duties of the department (Code chapter 159). It
24 recognizes that the department promotes biofuels; revises the
25 administration of its weather and statistical units; and allows
26 the department to make statutes and rules available to the
27 public via the internet in lieu of printed publications. It
28 also eliminates a requirement that a departmental employee who
29 handles state funds provide a bond.
30 SOIL AND WATER CONSERVATION. The bill amends provisions
31 relating to soil conservation (Code chapter 161A). It
32 eliminates an outdated reporting requirement relating to
33 comprehensive management plans. It provides that an owner
34 of land may be required to maintain a permanent soil and
35 conservation practice for less than 20 years. It requires

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1 the department rather than the soil conservation division to
2 submit annual fiscal reports to the department of management.
3 It eliminates references to a conservation folder that must be
4 part of a farm unit conservation plan developed by a landowner
5 and a soil and water conservation district identifying soil and
6 water conservation practices. It extends the period for the
7 summer construction of soil and water conservation practices,
8 and eliminates restrictions upon how much cost-share moneys may
9 be expended to support such construction. It also eliminates
10 a provision which prohibits the allocation of cost-share
11 moneys to support summer construction projects when moneys
12 are not available to fund applications to establish permanent
13 cost-share practices.
14 ANIMAL HEALTH REGULATION. The bill amends a number of
15 provisions relating to animal health.
16 Generally, the bill prohibits a person from falsifying a
17 certificate of vaccination or a certificate of veterinary
18 inspection. The civil penalty for a violation is up to $5,000
19 per each animal certificate falsified (Code chapter 163).
20 The bill updates references to the United States department
21 of agriculture and the department of agriculture and land
22 stewardship to comply with the general assembly's modern
23 drafting style (Code chapters 163 and 165).
24 In regard to swine, the bill eliminates a requirement that
25 the department oversee the feeding of garbage to animals, and
26 eliminates a reference to old dates after which garbage cannot
27 be fed to swine (Code chapter 163). It eliminates requirements
28 for testing brucellosis in swine that are sold for breeding
29 purposes and for exhibition (Code chapter 163A). It also
30 changes the name of "hog cholera" to "classical swine fever"
31 (Code chapters 159, 163, 166, and 166B).
32 In regard to dairy cattle, the bill changes the term
33 "paratuberculosis" to "Johne's disease", and eliminates a
34 requirement that infected dairy cattle be marked with a letter
35 "C" (Code chapter 165A).

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1 In regard to sheep, the bill changes references to dipping
2 sheep to treating sheep and eliminates a requirement that
3 treated sheep be marked with the letter "K"(Code chapter 166A).
4 In regard to farm deer, the bill adds moose to the species of
5 farm deer that are kept in captivity and regulated to prevent
6 outbreaks of chronic wasting disease (Code chapter 170).
7 The term "farm deer" is used throughout the Code including
8 provisions relating to agricultural landholding restrictions
9 (Code chapter 10), the marking and branding of livestock (Code
10 chapter 169A), trespassing or stray livestock (Code chapter
11 169C), meat and poultry inspection (Code chapter 189A), sales
12 taxes and exemptions (Code chapter 423), wildlife conservation
13 (Code chapter 481A), hunting preserves (Code chapter 484B),
14 preserve whitetail (Code chapter 484C), damage to property
15 (Code chapter 716), and injury to livestock (Code chapter 717).
16 ANIMAL INDUSTRY. The bill provides that the department must
17 publish branding lists on the internet in lieu of in a book
18 (Code chapter 169A). It also amends licensing and bonding
19 requirements for persons associated with slaughtering animals
20 (livestock) by specifically including goats, turkeys, chickens,
21 and horses (Code chapter 172A).
22 AGRICULTURAL MARKETING. The bill amends a number of
23 provisions which regulate the marketing of agricultural-related
24 products and activities (Code chapter 189).
25 In Code 1993, the Iowa Code editor reorganized a number of
26 Code chapters throughout the Code, including by transferring
27 Code chapters relating to grain regulation (now codified
28 in Code chapters 203, 203C, and 203D), and coal mining
29 regulation (now codified in Code chapters 207 and 208) to
30 title V, subtitle 4. As a result, the Code editor placed
31 Code chapter references in a number of Code sections to
32 exempt those Code chapters from the general provisions of Code
33 chapter 189 until the general assembly expressly acknowledged
34 their applicability, including the applicability of certain
35 penalties. The bill eliminates those references.

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1 The bill also amends terms such as "article" and "package" as
2 applied throughout the subtitle. It allows the department to
3 publish certain bulletins on its internet site rather than in a
4 printed format. It removes a specification regarding the size
5 of type that must appear on certain packaging.
6 The bill provides that regardless of what state law
7 requires, pesticides labeled in conformance with federal
8 standards comply with state law (see Code chapter 206).
9 AGRICULTURAL MARKETING — GRAIN REGULATION. The bill amends
10 a number of provisions regulating grain dealer and warehouse
11 operators required to be licensed by the department (Code
12 chapters 203 and 203C). The bill also amends corresponding
13 Code sections affecting the grain depositors and sellers
14 indemnity fund (Code chapter 203D).
15 The bill amends the definition of "grain" by referring
16 to the United States Grain Standards Act. The bill rewrites
17 provisions to enhance readability and provides consistency
18 in terminology. A number of provisions referring to
19 administrative actions are amended to provide for "cessation"
20 which includes revocation, cancellation, or expiration
21 of a license. The bill also removes terminology such as
22 an "automatic" suspension or revocation of a license.
23 Emergency adjudicatory proceedings are covered under the Iowa
24 administrative procedures Acts (Code section 17A.18A).
25 AGRICULTURAL MARKETING — WAREHOUSE OPERATOR REGULATION.
26 The bill defines the United States Warehouse Act and eliminates
27 legal citations. The bill numbers paragraphs in order to
28 be consistent with the general assembly's style. The bill
29 extensively amends Code section 203C.15 which requires a
30 warehouse operator to maintain insurance coverage. It allows
31 the department to define catastrophes for purposes of coverage
32 in addition to the statutory requirements (for example, the
33 provision refers to fire or wind but not flood). Under current
34 law a warehouse operator must have on file with the department
35 evidence of insurance coverage (e.g., an insurance policy).

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1 The bill expressly authorizes the department to demand proof
2 of insurance verifying that the evidence of insurance coverage
3 is correct. The bill still requires an insurance company
4 to notify the department of a cancellation and allows the
5 department to suspend or revoke a license for a failure to
6 maintain insurance. It sets out the procedure for taking
7 action based on the termination of coverage, either because
8 the warehouse operator fails to provide proof of coverage or
9 the insurance company has canceled the coverage. The bill
10 eliminates a reference to the "Iowa warehouse Act" which does
11 not exist. The bill amends a provision which allows a licensed
12 warehouse to store grain in another warehouse, which the
13 bill refers to as an alternative warehouse. The alternative
14 warehouse must be approved by the department. The bill
15 rewrites the provision to enhance its readability.
16 PESTICIDE REGULATION. The bill amends provisions which
17 regulate the certification of pesticide applicators, the
18 licensure of persons engaged in the business of application and
19 pesticide dealers, and the registration of pesticides by its
20 manufacturers (Code chapter 206).
21 For regulations relating to certification, the bill
22 eliminates an option for commercial and public applicators to
23 pay the department a certification fee each year rather than
24 each three years. The amount of the fee is not changed. It
25 provides that the department is no longer required to adopt
26 rules for the educational program requirements that specify
27 the handling, application, and storage of pesticides; the
28 calibration of application equipment; and the effects of
29 pesticides upon the groundwater. It eliminates a transitional
30 provision that adjusted fees for certifications issued prior to
31 July 1, 1989.
32 For regulations relating to licensure, the bill requires
33 an applicant engaging in aerial application to demonstrate
34 compliance with federal law. It requires a pesticide dealer
35 to pay a license fee when due. It provides that the general

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1 renewal fee and delinquency penalty do not apply to an
2 applicator required to be issued a certificate. It increases
3 the amount of evidence of financial responsibility required
4 to be submitted by a commercial applicator from $50,000 to
5 $250,000. For regulations relating to registration, the bill
6 allows the department to provide a three-month grace period.
7 The bill changes the definition of a state restricted use
8 pesticide to mean a pesticide which is restricted according
9 to classifications established by department of agriculture
10 and land stewardship instead of the department of natural
11 resources' environmental protection commission.
12 The bill eliminates provisions requiring a manufacturer
13 to submit an ingredient statement and an inert ingredient
14 statement to the department. It eliminates a provision which
15 requires the department to submit a copy of the ingredient
16 statement and inert ingredient statement to the department
17 of natural resources or the center for health effects of
18 environmental contamination. It eliminates a provision which
19 requires DALS to adopt rules specifying the requirements for
20 the operation of an emergency information system operated by
21 persons required to register a pesticide or device.
22 COAL MINING REGULATION. The bill updates a reference to
23 federal law (Code chapter 207).
24 WEIGHTS AND MEASURES. The bill amends a number of provisions
25 relating to the department's authority to regulate weights and
26 measures, including commercial weighing and measuring devices.
27 It amends provisions relating to the general authority to the
28 department (Code chapter 215), provisions requiring special
29 regulation of devices measuring weather (Code chapter 213), and
30 devices measuring fuel including motor fuel pumps (Code chapter
31 214).
32 Generally, the bill authorizes the department to inspect
33 prepackaged goods to determine the accuracy of a device.
34 It authorizes the department to condemn a device that it
35 determines to be incorrect. It revises statutory language for

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1 readability. It authorizes the department to use a sticker
2 in lieu of a card when verifying inspection and prohibits
3 other political subdivisions and not just cities from adopting
4 ordinances for reweighing. It requires that specifications for
5 a device be furnished to a purchaser before rather than after
6 departmental approval. It provides that a commercial scanner
7 is considered a device subject to departmental inspection
8 requirements.
9 For devices that measure weather activity, the bill
10 updates the name of the federal agency responsible for setting
11 standards.
12 For devices that measure and dispense fuel, the bill amends
13 several provisions by referring to meters rather than pumps and
14 expressly providing for the regulation of motor fuel blender
15 pumps.

Senate File 2312 - Introduced

SENATE FILE 2312
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3137)

A BILL FOR

1 An Act relating to persons with mental health illnesses and
2 substance-related disorders.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5422SV (4) 84
rh/rj

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1 Section 1. Section 80B.11, subsection 1, paragraph c, Code
2 2011, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (3) In-service training under this
4 paragraph "c" shall include the requirement that all law
5 enforcement officers complete a course on mental health at
6 least once every four years. In developing the requirements
7 for this training, the director shall seek input from mental
8 health care providers and mental health care consumers.
9 Sec. 2. Section 125.91, subsection 1, Code Supplement 2011,
10 is amended to read as follows:
11 1. The procedure prescribed by this section shall only be
12 used for an intoxicated person who has threatened, attempted,
13 or inflicted physical self-harm or harm on another, and is
14 likely to inflict physical self-harm or harm on another unless
15 immediately detained, or who is incapacitated by a chemical
16 substance, if ~~that person cannot be taken into immediate~~
17 ~~custody under sections 125.75 and 125.81 because immediate~~
18 ~~access to the court is not possible~~ an application has not been
19 filed naming the person as the respondent pursuant to section
20 125.75 and the person cannot be ordered into immediate custody
21 and detained pursuant to section 125.81.
22 Sec. 3. Section 135C.3, subsection 1, Code 2011, is amended
23 to read as follows:
24 1. A licensed nursing facility shall provide an organized
25 twenty-four-hour program of services commensurate with the
26 needs of its residents and under the immediate direction
27 of a licensed nurse. Medical and nursing services must be
28 provided under the direction of either a house physician or an
29 individually selected physician. Surgery or obstetrical care
30 shall not be provided within the facility. An admission to
31 the nursing facility must be based on a physician's written
32 order certifying that the individual being admitted requires
33 no greater degree of nursing care than the facility to which
34 the admission is made is licensed to provide and is capable
35 of providing. The nursing facility is not required to admit

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1 an individual through court order, referral, or other means
2 without the express prior approval of the administrator of the
3 nursing facility.
4 Sec. 4. Section 135C.4, Code 2011, is amended to read as
5 follows:
6 **135C.4 Residential care facilities.**
7 1. Each facility licensed as a residential care facility
8 shall provide an organized continuous twenty-four-hour program
9 of care commensurate with the needs of the residents of the
10 home and under the immediate direction of a person approved
11 and certified by the department whose combined training
12 and supervised experience is such as to ensure adequate and
13 competent care.
14 2. All admissions to residential care facilities shall be
15 based on an order written by a physician certifying that the
16 individual being admitted does not require nursing services or
17 that the individual's need for nursing services can be avoided
18 if home and community-based services, other than nursing care,
19 as defined by this chapter and departmental rule, are provided.
20 3. For the purposes of this section, the home and
21 community-based services to be provided shall be limited to the
22 type included under the medical assistance program provided
23 pursuant to chapter 249A, shall be subject to cost limitations
24 established by the department of human services under the
25 medical assistance program, and except as otherwise provided by
26 the department of inspections and appeals with the concurrence
27 of the department of human services, shall be limited in
28 capacity to the number of licensed residential care facilities
29 and the number of licensed residential care facility beds in
30 the state as of December 1, 2003.
31 4. A residential care facility is not required to admit
32 an individual through court order, referral, or other means
33 without the express prior approval of the administrator of the
34 residential care facility.
35 Sec. 5. Section 228.1, subsection 6, Code 2011, is amended

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1 by striking the subsection and inserting in lieu thereof the
2 following:
3 6. *"Mental health professional"* means an individual who has
4 either of the following qualifications:
5 *a.* The individual meets all of the following requirements:
6 (1) The individual holds at least a master's degree in a
7 mental health field, including but not limited to psychology,
8 counseling and guidance, nursing, and social work, or is an
9 advanced registered nurse practitioner, a physician assistant,
10 or a physician and surgeon or an osteopathic physician and
11 surgeon.
12 (2) The individual holds a current Iowa license if
13 practicing in a field covered by an Iowa licensure law.
14 (3) The individual has at least two years of post-degree
15 clinical experience, supervised by another mental health
16 professional, in assessing mental health needs and problems and
17 in providing appropriate mental health services.
18 *b.* The individual holds a current Iowa license if
19 practicing in a field covered by an Iowa licensure law and is
20 a psychiatrist, an advanced registered nurse practitioner who
21 holds a national certification in psychiatric mental health
22 care registered by the board of nursing, a physician assistant
23 practicing under the supervision of a psychiatrist, or an
24 individual who holds a doctorate degree in psychology and is
25 licensed by the board of psychology.
26 Sec. 6. Section 229.1, Code Supplement 2011, is amended by
27 adding the following new subsection:
28 NEW SUBSECTION. 8A. *"Mental health professional"* means the
29 same as defined in section 228.1.
30 Sec. 7. Section 229.1, subsection 14, Code Supplement 2011,
31 is amended by striking the subsection.
32 Sec. 8. Section 229.1, subsection 16, Code Supplement 2011,
33 is amended to read as follows:
34 16. *"Serious emotional injury"* is an injury which does not
35 necessarily exhibit any physical characteristics, but which can

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be recognized and diagnosed by a licensed physician or other ~~qualified~~ mental health professional and which can be causally connected with the act or omission of a person who is, or is alleged to be, mentally ill.

Sec. 9. NEW SECTION. **229.5A Preapplication screening assessment — program.**

Prior to filing an application for involuntary hospitalization pursuant to section 229.6, the clerk of the district court or the clerk's designee shall inform the interested person referred to in section 229.6, subsection 1, about the option of requesting a preapplication screening assessment through a preapplication screening assessment program. The state court administrator shall prescribe practices and procedures for implementation of the preapplication screening assessment program.

Sec. 10. Section 229.6, Code 2011, is amended to read as follows:

229.6 Application for order of involuntary hospitalization.

1. Proceedings for the involuntary hospitalization of an individual may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located, or which is the respondent's place of residence. The clerk, or the clerk's designee, shall assist the applicant in completing the application. The application shall:

~~1.~~ *a.* State the applicant's belief that the respondent is seriously mentally impaired.

~~2.~~ *b.* State any other pertinent facts.

~~3.~~ *c.* Be accompanied by any of the following:

~~*a.*~~ (1) A written statement of a licensed physician in support of the application~~; or~~.

~~*b.*~~ (2) One or more supporting affidavits otherwise corroborating the application~~; or~~.

~~*c.*~~ (3) Corroborative information obtained and reduced to writing by the clerk or the clerk's designee, but only when

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1 circumstances make it infeasible to comply with, or when the
2 clerk considers it appropriate to supplement the information
3 supplied pursuant to, either ~~paragraph "a" or paragraph "b" of~~
4 ~~this subsection~~ subparagraph (1) or (2).
5 2. Prior to the filing of an application pursuant to this
6 section, the clerk or the clerk's designee shall inform the
7 interested person referred to in subsection 1 about the option
8 of requesting a preapplication screening assessment pursuant
9 to section 229.5A.
10 Sec. 11. Section 229.10, subsection 1, paragraph b, Code
11 2011, is amended to read as follows:
12 *b.* Any licensed physician conducting an examination pursuant
13 to this section may consult with or request the participation
14 in the examination of any ~~qualified~~ mental health professional,
15 and may include with or attach to the written report of the
16 examination any findings or observations by any ~~qualified~~
17 mental health professional who has been so consulted or has so
18 participated in the examination.
19 Sec. 12. Section 229.12, subsection 3, paragraph b, Code
20 2011, is amended to read as follows:
21 *b.* The licensed physician or ~~qualified~~ mental health
22 professional who examined the respondent shall be present at
23 the hearing unless the court for good cause finds that the
24 licensed physician's or ~~qualified~~ mental health professional's
25 presence or testimony is not necessary. The applicant,
26 respondent, and the respondent's attorney may waive the
27 presence or the telephonic appearance of the licensed physician
28 or ~~qualified~~ mental health professional who examined the
29 respondent and agree to submit as evidence the written
30 report of the licensed physician or ~~qualified~~ mental health
31 professional. The respondent's attorney shall inform the
32 court if the respondent's attorney reasonably believes that
33 the respondent, due to diminished capacity, cannot make an
34 adequately considered waiver decision. *"Good cause"* for finding
35 that the testimony of the licensed physician or ~~qualified~~

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1 mental health professional who examined the respondent is not
2 necessary may include but is not limited to such a waiver.
3 If the court determines that the testimony of the licensed
4 physician or ~~qualified~~ mental health professional is necessary,
5 the court may allow the licensed physician or the ~~qualified~~
6 mental health professional to testify by telephone.
7 Sec. 13. Section 229.19, subsection 1, paragraph d, Code
8 2011, is amended by adding the following new subparagraph:
9 NEW SUBPARAGRAPH. (7) To utilize the related best practices
10 for the duties identified in this paragraph *"d"* developed and
11 promulgated by the judicial council.
12 Sec. 14. Section 229.19, subsection 1, Code 2011, is amended
13 by adding the following new paragraph:
14 NEW PARAGRAPH. *e.* An advocate may also be appointed
15 pursuant to this section for an individual who has
16 been diagnosed with a co-occurring mental illness and
17 substance-related disorder.
18 Sec. 15. Section 229.22, subsection 1, Code Supplement
19 2011, is amended to read as follows:
20 1. The procedure prescribed by this section shall ~~not~~ be
21 used ~~unless~~ when it appears that a person should be immediately
22 detained due to serious mental impairment, but ~~that person~~
23 ~~cannot be immediately detained by the procedure prescribed~~
24 ~~in sections 229.6 and 229.11 because there is no means of~~
25 ~~immediate access to the district court~~ an application has not
26 been filed naming the person as the respondent pursuant to
27 section 229.6, and the person cannot be ordered into immediate
28 custody and detained pursuant to section 229.11.
29 Sec. 16. Section 602.1209, Code 2011, is amended by adding
30 the following new subsection:
31 NEW SUBSECTION. 15A. Prescribe practices and procedures
32 for the implementation of the preapplication screening
33 assessment program referred to in section 229.5A.
34 Sec. 17. CONTINUATION OF WORKGROUP BY JUDICIAL BRANCH AND
35 DEPARTMENT OF HUMAN SERVICES — CONSOLIDATION OF SERVICES —

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1 PATIENT ADVOCATE. The judicial branch and department of human
2 services shall continue the workgroup implemented pursuant
3 to 2010 Iowa Acts, chapter 1192, section 24, subsection
4 2, and extended pursuant to 2011 Iowa Acts, chapter 121,
5 section 2, to study and make recommendations relating to the
6 consolidation of the processes for involuntary commitment
7 for persons with substance-related disorders under chapter
8 125, for intellectual disability under chapter 222, and for
9 serious mental illness under chapter 229. The workgroup
10 shall also include representatives from the department of
11 public health. The workgroup shall also study and make
12 recommendations concerning the feasibility of establishing an
13 independent statewide patient advocate program for qualified
14 persons representing the interests of patients suffering from
15 mental illness, intellectual disability, or a substance-related
16 disorder and involuntarily committed by the court, in any
17 matter relating to the patients' hospitalization or treatment
18 under chapters 125, 222, and 229, and shall also include
19 recommendations for a patient advocate representing the
20 interests of patients found not guilty of a crime by reason of
21 insanity. The workgroup shall also consider the implementation
22 of consistent reimbursement standards for patient advocates
23 supported by a state-funded system and shall also consider the
24 role of the advocate for a person who has been diagnosed with
25 a co-occurring mental illness and substance-related disorder.
26 The workgroup shall solicit input from current mental health
27 advocates and mental health and substance-related disorder care
28 providers and individuals receiving services whose interests
29 would be represented by an independent statewide advocate
30 program and shall submit a report on the study and make
31 recommendations to the governor and the general assembly by
32 December 1, 2012.
33 Sec. 18. COMPREHENSIVE JAIL DIVERSION PROGRAM —— MENTAL
34 HEALTH COURTS —— STUDY. The division of criminal and juvenile
35 justice planning of the department of human rights shall

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1 conduct a study regarding the possible establishment of a
2 comprehensive statewide jail diversion program, including the
3 establishment of mental health courts, for nonviolent criminal
4 offenders who suffer from mental illness. The division
5 shall solicit input from the department of human services,
6 the department of corrections, and other members of the
7 criminal justice system including but not limited to judges,
8 prosecutors, and defense counsel, and mental health treatment
9 providers and consumers. The division shall establish the
10 duties, scope, and membership of the study commission and shall
11 also consider the feasibility of establishing a demonstration
12 mental health court. The division shall submit a report on the
13 study and make recommendations to the governor and the general
14 assembly by December 1, 2012.
15 Sec. 19. PRIOR LAW ENFORCEMENT MENTAL HEALTH TRAINING. A
16 law enforcement officer who has completed academy-approved
17 mental health training within the twelve-month period prior to
18 the effective date of this Act, either through in-service or
19 academy-approved basic training, shall be considered to have
20 met the first four-year mental health training requirement of
21 section 80B.11, subsection 1, paragraph "c", subparagraph (3),
22 as enacted in this Act.
23 EXPLANATION
24 This bill relates to persons with mental health illnesses
25 and substance-related disorders.
26 MENTAL HEALTH TRAINING —— LAW ENFORCEMENT. The bill
27 requires all law enforcement officers to complete a course
28 on mental health at least once every four years and requires
29 the director of the law enforcement academy, subject to
30 the approval of the Iowa law enforcement council, to adopt
31 rules relating to mental health training for law enforcement
32 officers, with input from mental health care providers and
33 mental health care consumers. A law enforcement officer who
34 has completed academy-approved mental health training within
35 the 12-month period prior to the effective date of the bill

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1 will be considered to have met the first four-year mental
2 health training requirement prescribed in the bill.
3 RESIDENTIAL CARE FACILITIES AND LICENSED NURSING FACILITIES
4 — ADMITTANCE. The bill provides that a nursing facility
5 or residential care facility is not required to admit an
6 individual through court order, referral, or other means
7 without the express prior approval of the administrator of the
8 residential care facility.
9 EMERGENCY DETENTION AND HOSPITALIZATION — PERSONS WITH
10 SUBSTANCE-RELATED DISORDERS AND MENTAL HEALTH ILLNESSES.
11 The bill amends Code sections 125.91 and 229.22 relating to
12 after-hours access to emergency detention and hospitalization
13 procedures for an intoxicated person who has threatened,
14 attempted, or inflicted physical self-harm or harm on another,
15 and is likely to inflict physical self-harm or harm on another
16 unless immediately detained, or who is incapacitated by a
17 chemical substance, or for a seriously mentally impaired
18 person. Current law provides for the immediate custody of such
19 persons in an emergency situation only after an application
20 for involuntary commitment or hospitalization has been filed,
21 which is an option only during regular court hours. The bill
22 amends the current emergency detention and hospitalization
23 procedures available for such persons to apply only when there
24 is no immediate access to the district court to allow access to
25 emergency detention and treatment services, at all times, even
26 if an application for involuntary commitment or hospitalization
27 has not been filed.
28 QUALIFIED MENTAL HEALTH PROFESSIONAL. The bill amends
29 the definition of "mental health professional" in Code
30 chapter 228 (relating to the disclosure of mental health and
31 psychological information). The bill eliminates the definition
32 of "qualified mental health professional" in Code chapter 229
33 (hospitalization of persons with mental illness) and adopts the
34 new definition of "mental health professional" in the bill for
35 purposes of Code chapter 229.

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1 PREAPPLICATION SCREENING ASSESSMENT. The bill provides that
2 prior to filing an application for involuntary hospitalization
3 pursuant to Code section 229.6, the clerk of the district court
4 or the clerk's designee is required to inform the interested
5 person referred to in Code section 229.6, subsection 1,
6 about the option of requesting a preapplication screening
7 assessment through a preapplication screening assessment
8 program. The bill requires the state court administrator to
9 prescribe practices and procedures for implementation of the
10 preapplication screening assessment program.
11 A conforming change is made to Code section 229.6 requiring
12 the district court clerk or the clerk's designee to inform
13 the interested person about the option of requesting a
14 preapplication screening assessment of the proposed respondent
15 prior to the filing of an application for involuntary
16 commitment. A conforming change is also made to Code
17 section 602.1209 relating to the duties of the state court
18 administrator.
19 MENTAL HEALTH ADVOCATE. The bill provides that a mental
20 health advocate shall utilize the related best practices for
21 the mental health advocate's duties identified in Code section
22 229.19 developed and promulgated by the judicial council.
23 The bill allows a mental health advocate to be appointed by
24 the appropriate appointing authority for an individual who
25 has been diagnosed with a co-occurring mental illness and
26 substance-related disorder.
27 CONTINUATION OF WORKGROUP BY JUDICIAL BRANCH AND
28 DEPARTMENT OF HUMAN SERVICES —— CONSOLIDATION OF SERVICES
29 —— PATIENT ADVOCATE. The bill requires the judicial branch
30 and department of human services to continue the workgroup
31 implemented pursuant to 2010 Iowa Acts, chapter 1192, section
32 24, subsection 2, and extended pursuant to 2011 Iowa Acts,
33 chapter 121, section 2, to study and make recommendations
34 relating to the consolidation of the processes for involuntary
35 commitment for persons with substance-related disorders under

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1 Code chapter 125, for intellectual disability under Code
2 chapter 222, and for serious mental illness under Code chapter
3 229. The workgroup shall also include representatives from
4 the department of public health. The workgroup shall also
5 study and make recommendations concerning the feasibility of
6 establishing an independent statewide patient advocate program
7 for qualified persons representing the interests of patients
8 suffering from mental illness, intellectual disability, or a
9 substance-related disorder and involuntarily committed by the
10 court, and shall also include recommendations for a patient
11 advocate representing the interests of patients found not
12 guilty of a crime by reason of insanity. The workgroup shall
13 also consider the implementation of consistent reimbursement
14 standards for patient advocates and the role of the advocate
15 for a person who has been diagnosed with a co-occurring mental
16 illness and substance-related disorder. The workgroup shall
17 submit a report on the study and make recommendations to the
18 governor and the general assembly by December 1, 2012.
19 COMPREHENSIVE JAIL DIVERSION PROGRAM —— MENTAL HEALTH
20 COURTS —— STUDY. The bill directs the division of criminal and
21 juvenile justice planning of the department of human rights
22 to conduct a study regarding the possible establishment of a
23 comprehensive statewide jail diversion program, including the
24 establishment of mental health courts, for nonviolent criminal
25 offenders who suffer from mental illness. The division
26 shall solicit input from the department of human services,
27 the department of corrections, and other members of the
28 criminal justice system including but not limited to judges,
29 prosecutors, and defense counsel, and mental health treatment
30 providers and consumers. The division shall establish the
31 duties, scope, and membership of the study commission and shall
32 also consider the feasibility of establishing a demonstration
33 mental health court. The division shall submit a report on the
34 study and make recommendations to the governor and the general
35 assembly by December 1, 2012.

Senate Resolution 114 - Introduced

SENATE RESOLUTION NO. 114
BY ZAUN, McKINLEY, KETTERING, SORENSON, BOETTGER, BACON, HAHN, ERNST, BERTRAND, ANDERSON, BEHN, SEYMOUR, JOHNSON, WHITVER, HAMERLINCK, CHELGREN, GREINER, KAPUCIAN, and FEENSTRA

1 A Resolution supporting a free, independent, and secure
2 Israel.
3 WHEREAS, Israel has been granted her lands under
4 and through the oldest recorded deed as reported in
5 the Old Testament, a tome of scripture held sacred and
6 reverenced by Jew and Christian, alike, as the acts and
7 words of God; and
8 WHEREAS, as the Grantor of said lands, God stated
9 to the Jewish people in the Old Testament in Leviticus
10 20:24: "Ye shall inherit their land, and I will give
11 it unto you to possess it, a land that floweth with
12 milk and honey"; and
13 WHEREAS, God has never rescinded his grant of said
14 lands; and
15 WHEREAS, along with the grant of said lands to
16 the Jewish people, God provided for the non-Jewish
17 residents of the land in commanding that governance
18 must be in one law for all without drawing distinction
19 between Jewish and non-Jewish citizens, as contained in
20 Leviticus 24:22; and
21 WHEREAS, the Nation of Israel declared its
22 independent control and governance of said lands
23 on May 14, 1948, with the goal of reestablishing
24 their God-given lands as a homeland for the Jewish
25 people; and

S.R. 114

1 WHEREAS, the United States of America, having been
2 the first country to recognize Israel as an independent
3 nation and as Israel´s principal Mideast ally, has
4 enjoyed a close and mutually beneficial relationship
5 with Israel and her people; and
6 WHEREAS, indeed, Israel is the United States of
7 America´s closest friend in the Mideast; and
8 WHEREAS, the roots of Israel and the roots of the
9 United States of America are so intertwined that it is
10 difficult to separate one from the other under the word
11 and protection of almighty God; and
12 WHEREAS, there are those in the Middle East who
13 have sought to destroy Israel from its inception as a
14 nation; and
15 WHEREAS, those same enemies of Israel also seek to
16 destroy the United States of America; and
17 WHEREAS, the United States of America and the nation
18 of Israel have enjoyed cordial and mutually beneficial
19 relations since 1948, a friendship that should continue
20 to strengthen with each passing year; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate
22 recognizes the sovereign nation of Israel as a friend
23 and ally of the United States of America and the people
24 of Iowa; and
25 BE IT FURTHER RESOLVED, That on behalf of the people
26 of Iowa, the Senate recognizes the right of the nation
27 of Israel to exist, defend itself, and secure its
28 borders.