



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 17, 2013

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House File 51 - Introduced

HOUSE FILE 51
BY PETTENGILL

A BILL FOR

- 1 An Act requiring notification of employers used as employment
- 2 contacts by recipients of unemployment compensation
- 3 benefits.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1130YH (1) 85
je/rj



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H.F. 51

1 Section 1. Section 96.11, subsection 6, paragraph c, Code
2 2013, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (9) An employer required by section
4 96.36.
5 Sec. 2. NEW SECTION. **96.36 Employer contact notification.**
6 The department shall notify an employer each time the
7 employer is reported to the department as an employer contact
8 by an individual claiming benefits. The notification shall
9 include the name of the individual, the date of the employer
10 contact, and any position applied for.

11 EXPLANATION

12 This bill requires the department of workforce development
13 to notify an employer each time the employer is reported to the
14 department as an employer contact by an individual claiming
15 unemployment compensation benefits. The notification is to
16 include the name of the individual, the date of the employer
17 contact, and any position applied for. The bill exempts this
18 information from the confidentiality requirements of the
19 unemployment compensation program to the extent required to
20 implement the bill.



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House File 52 - Introduced

HOUSE FILE 52
BY PETTENGILL

A BILL FOR

- 1 An Act exempting investment counseling services from the state
- 2 sales tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1331YH (1) 85
mm/sc



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H.F. 52

1 Section 1. Section 423.2, subsection 6, paragraph a, Code
2 2013, is amended to read as follows:
3 a. The sales price of any of the following enumerated
4 services is subject to the tax imposed by subsection
5 5: alteration and garment repair; armored car; vehicle
6 repair; battery, tire, and allied; ~~investment counseling;~~
7 service charges of all financial institutions, excluding
8 service charges for investment counseling; barber and beauty;
9 boat repair; vehicle wash and wax; campgrounds; carpentry;
10 roof, shingle, and glass repair; dance schools and dance
11 studios; dating services; dry cleaning, pressing, dyeing, and
12 laundering; electrical and electronic repair and installation;
13 excavating and grading; farm implement repair of all kinds;
14 flying service; furniture, rug, carpet, and upholstery
15 repair and cleaning; fur storage and repair; golf and country
16 clubs and all commercial recreation; gun and camera repair;
17 house and building moving; household appliance, television,
18 and radio repair; janitorial and building maintenance or
19 cleaning; jewelry and watch repair; lawn care, landscaping,
20 and tree trimming and removal; limousine service, including
21 driver; machine operator; machine repair of all kinds; motor
22 repair; motorcycle, scooter, and bicycle repair; oilers and
23 lubricators; office and business machine repair; painting,
24 papering, and interior decorating; parking facilities; pay
25 television; pet grooming; pipe fitting and plumbing; wood
26 preparation; executive search agencies; private employment
27 agencies, excluding services for placing a person in employment
28 where the principal place of employment of that person is
29 to be located outside of the state; reflexology; security
30 and detective services; sewage services for nonresidential
31 commercial operations; sewing and stitching; shoe repair
32 and shoeshine; sign construction and installation; storage
33 of household goods, mini-storage, and warehousing of raw
34 agricultural products; swimming pool cleaning and maintenance;
35 tanning beds or salons; taxidermy services; telephone

LSB 1331YH (1) 85
mm/sc



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1 answering service; test laboratories, including mobile testing
 2 laboratories and field testing by testing laboratories, and
 3 excluding tests on humans or animals; termite, bug, roach, and
 4 pest eradicators; tin and sheet metal repair; transportation
 5 service consisting of the rental of recreational vehicles or
 6 recreational boats, or the rental of motor vehicles subject
 7 to registration which are registered for a gross weight of
 8 thirteen tons or less for a period of sixty days or less, or
 9 the rental of aircraft for a period of sixty days or less;
 10 Turkish baths, massage, and reducing salons, excluding services
 11 provided by massage therapists licensed under chapter 152C;
 12 water conditioning and softening; weighing; welding; well
 13 drilling; wrapping, packing, and packaging of merchandise other
 14 than processed meat, fish, fowl, and vegetables; wrecking
 15 service; wrecker and towing.

16 EXPLANATION

17 This bill exempts the furnishing of investment counseling
 18 services from the state sales tax.

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



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House Study Bill 15 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act relating to the administration of the judicial branch
2 including provisions pertaining to shorthand reporters and
3 the practice of law, making appropriations, and providing
4 for a fee.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1163XD (2) 85
jm/rj



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S.F. _____ H.F. _____

1 Section 1. Section 8A.504, subsection 2, paragraph j, Code
2 2013, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) The collection entity shall remit
4 to the state court administrator, on at least a monthly basis,
5 ten percent of the amounts set off to be used by the judicial
6 branch to defray the costs of collecting unpaid court debt
7 pursuant to section 602.8107.

8 Sec. 2. Section 602.3106, subsection 2, Code 2013, is
9 amended by striking the subsection and inserting in lieu
10 thereof the following:

11 2. The fees collected are appropriated to the judicial
12 branch and shall be used to offset the expenses of the board,
13 including the costs of administering the examination.

14 Sec. 3. Section 602.8106, subsection 1, paragraph c, Code
15 2013, is amended to read as follows:

16 c. For filing and docketing a complaint or information or
17 uniform citation and complaint for parking violations under
18 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~eight~~
19 ~~dollars, effective January 1, 2004~~ thirty-five dollars. The
20 ~~court costs in cases of parking meter and overtime parking~~
21 ~~violations which are contested, and charged and collected~~
22 ~~pursuant to section 321.236, subsection 1, or pursuant to~~
23 ~~a uniform citation and complaint, are eight dollars per~~
24 ~~information or complaint or per uniform citation and complaint~~
25 ~~effective January 1, 1991.~~

26 Sec. 4. Section 602.10108, subsection 2, Code 2013, is
27 amended to read as follows:

28 2. Fees shall be collected by the board and ~~transmitted~~
29 ~~to the treasurer of state who shall deposit the fees in the~~
30 ~~general fund of the state~~ are appropriated to the judicial
31 branch and shall be used to offset the costs of administering
32 this article.

33 EXPLANATION

34 This bill relates to the administration of the judicial
35 branch.



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1 The bill requires the department of administrative
2 services and any other state agency that maintains a separate
3 accounting system and elects to establish a debt collection
4 setoff procedure, to remit to the state court administrator,
5 10 percent of the amounts set off from the collection of
6 delinquent court debt for use by the judicial branch to defray
7 the costs of collecting unpaid court debt.

8 The bill specifies that the fees assessed for shorthand
9 certification examinations are appropriated to the judicial
10 branch and shall be used to offset the expenses of the board
11 of examiners of shorthand reporters, including the costs of
12 administering examinations.

13 The bill increases the fee for filing and docketing a
14 complaint or information for state and local parking violations
15 from \$8 to \$35. The bill eliminates the court costs assessed
16 for contested local parking meter and overtime parking
17 violations.

18 The bill specifies that the fees collected for examination
19 and admission to practice law are appropriated to the judicial
20 branch and shall be used to offset the costs of administering
21 the examination and admission process to practice law.



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House Study Bill 16 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

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

TLSB 1164XD (1) 85
jm/nh



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S.F. _____ H.F. _____

1 Section 1. Section 46.14, Code 2013, is amended to read as
 2 follows:

3 **46.14 Nomination — residence.**

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

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

32 ~~2.~~ 3. A commissioner shall not be eligible for nomination
 33 by the commission during the term for which the commissioner
 34 was elected or appointed to that commission. A commissioner
 35 shall not be eligible to vote for the nomination of a family



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

8

EXPLANATION

9 This bill relates to the nomination and qualifications of
 10 district judges. The bill specifies that a district judge
 11 appointee shall be a resident of the judicial district where
 12 the nomination occurred before assuming office. If the
 13 judicial district is divided into judicial election districts,
 14 the bill specifies the appointee shall be a resident of the
 15 judicial election district where the nomination occurred before
 16 assuming office.



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House Study Bill 17 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act relating to the appointment and removal of clerks of the
2 district court.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1165XD (4) 85
rh/rj



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S.F. _____ H.F. _____

1 Section 1. Section 602.1215, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. Subject to the provisions of section 602.1209,
4 subsection 3, the ~~district judges of each~~ chief judge of
5 the judicial election district, after consultation with the
6 district judges of the judicial district, shall by majority
7 ~~vote~~ appoint persons to serve as clerks of the district court
8 within the judicial ~~election~~ district. The ~~district judges of~~
9 ~~a judicial election district~~ chief judge may appoint a person
10 to serve as clerk of the district court for more than one but
11 not more than four contiguous counties in the same judicial
12 district. A person does not qualify for appointment to the
13 office of clerk of the district court unless the person is at
14 the time of application a resident of the state. A clerk of
15 the district court may be removed from office for cause by a
16 ~~majority vote of the district judges of the~~ chief judge of
17 the judicial election district. ~~Before~~ Prior to removal, the
18 clerk of the district court shall be notified of the cause for
19 removal.

20 EXPLANATION

21 This bill relates to the appointment of the clerks of the
22 district court.
23 Under current law, a clerk of the district court is appointed
24 and may be removed by a majority vote of all district judges in
25 the judicial election district. The state court administrator
26 must approve the appointment.
27 The bill changes the method by which the clerk of the
28 district court is appointed. The amendment permits the chief
29 judge of each judicial district to appoint the clerks of the
30 district court in the judicial district after consultation with
31 the district judges of the judicial district. The amendment
32 also permits the chief judge to remove clerks of the district
33 court for cause.

LSB 1165XD (4) 85
rh/rj



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House Study Bill 18 - Introduced

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

A BILL FOR

1 An Act relating to unemployment insurance employer charges and
2 claimant misrepresentation regarding benefit overpayments,
3 providing a penalty, and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1325YC (3) 85
je/rj



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1 Section 1. Section 96.3, subsection 7, paragraph b,
2 subparagraph (1), Code 2013, is amended to read as follows:

3 (1) (a) If the department determines that an overpayment
4 has been made, the charge for the overpayment against the
5 employer's account shall be removed and the account shall
6 be credited with an amount equal to the overpayment from
7 the unemployment compensation trust fund and this credit
8 shall include both contributory and reimbursable employers,
9 notwithstanding section 96.8, subsection 5. The employer shall
10 not be relieved of charges if benefits are paid because the
11 employer or an agent of the employer failed to respond timely
12 or adequately to the department's request for information
13 relating to the payment of benefits. This prohibition
14 against relief of charges shall apply to both contributory and
15 reimbursable employers.

16 (b) However, provided the benefits were not received as the
17 result of fraud or willful misrepresentation by the individual,
18 benefits shall not be recovered from an individual if the
19 employer did not participate in the initial determination to
20 award benefits pursuant to section 96.6, subsection 2, and
21 an overpayment occurred because of a subsequent reversal on
22 appeal regarding the issue of the individual's separation
23 from employment. ~~The employer shall not be charged with the~~
24 ~~benefits.~~

25 Sec. 2. Section 96.16, subsection 4, Code 2013, is amended
26 to read as follows:

27 4. *Misrepresentation.*

28 a. An individual who, by reason of the nondisclosure or
29 misrepresentation by the individual or by another of a material
30 fact, has received any sum as benefits under this chapter
31 while any conditions for the receipt of benefits imposed by
32 this chapter were not fulfilled in the individual's case, or
33 while the individual was disqualified from receiving benefits,
34 shall, in the discretion of the department, either be liable
35 to have the sum deducted from any future benefits payable to



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1 the individual under this chapter or shall be liable to repay
2 to the department for the unemployment compensation fund, a
3 sum equal to the amount so received by the individual. If
4 the department seeks to recover the amount of the benefits by
5 having the individual pay to the department a sum equal to that
6 amount, the department may file a lien with the county recorder
7 in favor of the state on the individual's property and rights
8 to property, whether real or personal. The amount of the lien
9 shall be collected in a manner similar to the provisions for
10 the collection of past-due contributions in section 96.14,
11 subsection 3.

12 b. The department shall assess a penalty equal to fifteen
13 percent of the amount of a fraudulent overpayment. The penalty
14 shall be collected in the same manner as the overpayment. The
15 penalty shall be added to the amount of any lien filed pursuant
16 to paragraph "a" and shall not be deducted from any future
17 benefits payable to the individual under this chapter. Funds
18 received for overpayment penalties shall be deposited in the
19 unemployment trust fund.

20 Sec. 3. APPLICABILITY. The section of this Act amending
21 section 96.3, subsection 7, relating to relief of charges,
22 applies to any overpayment determination issued on or after
23 July 1, 2013.

24 Sec. 4. APPLICABILITY. The section of this Act amending
25 section 96.16, subsection 4, providing a penalty relating to
26 fraudulent overpayment, applies to any fraudulent overpayment
27 issued on or after July 1, 2013.

28 EXPLANATION

29 This bill prohibits the department of workforce development
30 from relieving an employer of charges against the employer's
31 account for an overpayment of unemployment compensation
32 benefits if the overpayment occurred because the employer or an
33 agent of the employer failed to respond timely or adequately
34 to the department's request for information relating to the
35 payment of the benefits.

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1 The bill removes the prohibition against charging an
2 employer's account for an overpayment of unemployment
3 compensation benefits when the overpayment is not recovered
4 from the claimant because the employer did not participate in
5 an initial determination to award benefits and the overpayment
6 occurred because of a subsequent reversal on appeal regarding
7 the issue of the claimant's separation from employment.

8 The bill establishes a penalty on individuals who receive
9 unemployment compensation benefits through fraud. The penalty
10 is equal to 15 percent of the amount of the overpayment and is
11 to be collected in the same manner as the overpayment but shall
12 not be collected from any future benefits.

13 The bill applies to any overpayment determination or
14 fraudulent overpayment issued on or after July 1, 2013.



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House Study Bill 19 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

- 1 An Act relating to public disclosure of the receipt of certain
- 2 gifts, bequests, and honoraria and making penalties
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1294DP (5) 85
tm/sc



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S.F. _____ H.F. _____

1 Section 1. Section 8.7, Code 2013, is amended to read as
2 follows:

3 **8.7 Reporting of gifts and bequests received.**

4 All gifts and bequests received by a department or accepted
5 by the governor on behalf of the state shall be reported
6 in an electronic format to the Iowa ethics and campaign
7 disclosure board and the general assembly's standing committees
8 on government oversight. A report shall be filed only for
9 months in which a gift or bequest is received or accepted. A
10 report shall be filed no later than the tenth day of the month
11 following the month in which a gift or bequest is received or
12 accepted. The ethics and campaign disclosure board shall, by
13 January 31 of each year, submit to the fiscal services division
14 of the legislative services agency a written report listing all
15 gifts and bequests received or accepted during the previous
16 calendar year with a value over one thousand dollars and the
17 purpose for each such gift or bequest. The submission shall
18 also include a listing of all gifts and bequests received by a
19 department from a person if the cumulative value of all gifts
20 and bequests received by the department from the person during
21 the previous calendar year exceeds one thousand dollars, and
22 the ethics and campaign disclosure board shall include, if
23 available, the purpose for each such gift or bequest. However,
24 the reports on gifts or bequests filed by the state board of
25 regents and the Iowa state fair board pursuant to section 8.44
26 shall be deemed sufficient to comply with the requirements of
27 this section.

28 Sec. 2. NEW SECTION. 68B.23A Gifts and honoraria reporting.

29 1. An official or employee of the executive branch shall
30 submit a report to the board in an electronic format for any
31 gift or series of gifts or honorarium or series of honoraria
32 received by the official, employee, or immediate family member
33 of the official or employee from a restricted donor that
34 exceeds one hundred dollars in the aggregate in a calendar
35 year.

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1 of gifts or honorarium or series of honoraria received by the
2 official, employee, or immediate family member of the official
3 or employee from a restricted donor that exceeds \$100 in the
4 aggregate in a calendar year. The bill provides for the timing
5 of such reports and the information to be included in the
6 reports. Gifts received that are not required to be disclosed
7 include those that meet the gift law exceptions relating to
8 contributions to a candidate and relating to food, beverage,
9 and entertainment received at a function qualifying under Code
10 section 68B.22, subsection 4, paragraph "s".

11 A person that knowingly and intentionally violates this
12 provision is guilty of a serious misdemeanor under Code section
13 68B.34. A serious misdemeanor is punishable by confinement for
14 no more than one year and a fine of at least \$315 but not more
15 than \$1,875.



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House Study Bill 20 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

- 1 An Act relating to the legal sufficiency review of and
- 2 notification procedures for complaints filed with the Iowa
- 3 ethics and campaign disclosure board.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1302DP (5) 85
tm/rj



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1 Section 1. Section 68B.32B, subsections 5 and 6, Code 2013,
2 are amended to read as follows:

3 5. After receiving an evaluation of the legal sufficiency
4 of the complaint, the chairperson shall ~~refer the complaint to~~
5 ~~the board for a formal determination by the board of~~ determine
6 the legal sufficiency of the allegations contained in the
7 complaint.

8 6. If the ~~board~~ chairperson determines that none of the
9 allegations contained in the complaint are legally sufficient,
10 the complaint shall be dismissed. The complainant shall be
11 sent a notice of dismissal stating the reason or reasons
12 for the dismissal. A copy of the complaint and the notice
13 of dismissal shall also be sent to every board member. If
14 a copy of the complaint was sent to the subject of the
15 complaint, a copy of the notice shall be sent to the subject
16 of the complaint. If the ~~board~~ chairperson determines
17 that any allegation contained in the complaint is legally
18 sufficient, notice of the legal sufficiency shall be sent
19 to the complainant, the subject of the complaint, and every
20 board member and the complaint shall be referred to the board
21 staff for investigation of any legally sufficient allegations.
22 The board shall reconsider whether the complaint is legally
23 sufficient if a request to reconsider is filed with the board
24 by the complainant, the subject of the complaint, or a board
25 member within thirty days of the sending of the notice of
26 dismissal or investigation.

27 EXPLANATION

28 This bill relates to the legal sufficiency review of and
29 notification procedures for complaints filed with the Iowa
30 ethics and campaign disclosure board.

31 Currently, the chairperson of the Iowa ethics and campaign
32 disclosure board refers complaints to the board for a formal
33 determination on the legal sufficiency of the allegations
34 in the complaint. If all of the allegations are found to
35 be legally insufficient, the complaint is required to be

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1 dismissed. If any of the allegations in the complaint are
2 found to be legally sufficient, the complaint is referred
3 to the board staff for investigation for probable cause
4 determinations.

5 The bill requires the chairperson of the board to make the
6 legal sufficiency determination on complaints. If a complaint
7 is dismissed, the bill requires notice to be sent to the
8 complainant and every member of the board. If a complaint
9 is referred to the board staff for investigation, the bill
10 requires notice to be sent to the complainant, the subject
11 of the complaint, and every member of the board. The bill
12 requires the board to reconsider whether a complaint is legally
13 sufficient upon a request made by the complainant, the subject
14 of the complaint, or a board member.



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House Study Bill 21 - Introduced

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

A BILL FOR

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

TLSB 1134DP (8) 85
aw/sc



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S.F. _____ H.F. _____

1 Section 1. Section 39.3, subsection 7, Code 2013, is amended
2 to read as follows:

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

9 Sec. 2. Section 43.16, Code 2013, is amended to read as
10 follows:

11 **43.16 Return of papers, additions not allowed.**

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

16 2. a. A person who has filed nomination petitions with the
17 state commissioner may withdraw as a candidate not later than
18 5:00 p.m. on the seventy-sixth day before the primary election
19 by notifying the state commissioner in writing.

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

24 3. The name of a candidate who has withdrawn or died at a
25 time in accordance with this section shall be omitted from the
26 certificate furnished by the state commissioner under section
27 43.22 and omitted from the primary election ballot.

28 Sec. 3. Section 43.23, Code 2013, is amended to read as
29 follows:

30 **43.23 Death or withdrawal of primary candidate.**

31 1. If a person who has filed nomination papers with the
32 state commissioner as a candidate in a primary election dies
33 or withdraws ~~up to~~ before 5:00 p.m. on the seventy-sixth
34 day before the primary election, the appropriate convention
35 or central committee of that person’s political party may



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1 designate one additional primary election candidate for the
2 nomination that person was seeking, if the designation is
3 submitted to the state commissioner in writing by 5:00 p.m. on
4 the seventy-first day before the date of the primary election.
5 The name of any candidate so submitted shall be included in the
6 appropriate certificate or certificates furnished by the state
7 commissioner under section 43.22.

8 2. If a person who has filed nomination papers with the
9 commissioner as a candidate in a primary election dies or
10 withdraws ~~up to~~ before 5:00 p.m. on the sixty-seventh day
11 before the primary election, the appropriate convention
12 or central committee of that person's political party may
13 designate one additional primary election candidate for the
14 nomination that person was seeking, if the designation is
15 submitted to the commissioner in writing by 5:00 p.m. on the
16 sixty-third day before the primary election. The name of any
17 candidate so submitted shall be placed on the appropriate
18 ballot or ballots by the commissioner.

19 Sec. 4. Section 43.24, subsection 1, paragraph b, Code 2013,
20 is amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
22 vacancies in the office of representative in Congress at a
23 special election held under section 69.14 shall be filed with
24 the state commissioner not less than sixty days prior to the
25 date set for the special election.

26 Sec. 5. Section 43.24, subsection 1, paragraph b,
27 subparagraph (3), Code 2013, is amended to read as follows:

28 (3) Objections to nominations to fill vacancies in the
29 general assembly at a special election held under section
30 69.14, under which the forty-day notice of election provision
31 applies, shall be filed with the state commissioner not less
32 than fifteen days prior to the date set for the special
33 election. If the forty-day notice provision does not apply,
34 objections to nominations to fill vacancies in the general
35 assembly at a special election held under section 69.14 may be



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1 filed any time prior to the date set for the special election.

2 Sec. 6. Section 43.24, subsection 1, Code 2013, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *c.* Objections filed pursuant to this section
5 shall be filed no later than 5:00 p.m. on the final date for
6 filing.

7 Sec. 7. Section 43.24, subsection 2, paragraph b, Code 2013,
8 is amended to read as follows:

9 *b.* If an objection is filed to a nomination to fill
10 a vacancy in the general assembly at a special election
11 held under section 69.14, under which the forty-day notice
12 of election provision of section 69.14 does not apply,
13 notice of the objection shall be made to the candidate by
14 the state commissioner as soon as practicable. Under this
15 paragraph, failure to notify a candidate of an objection to the
16 candidate's nomination prior to the date set for the special
17 election does not invalidate the hearing conducted under
18 subsection 3. The hearing to an objection shall proceed as
19 quickly as possible to expedite the special election.

20 Sec. 8. Section 43.72, Code 2013, is amended to read as
21 follows:

22 **43.72 State returns filed and preserved.**

23 When the canvass is concluded, the board shall deliver
24 the original abstract returns to the state commissioner, who
25 shall file the returns in the state commissioner's office and
26 preserve the abstracts of the canvass of the state board and
27 certificates attached thereto. The state commissioner may
28 preserve the abstracts and certificates attached thereto in an
29 electronic format.

30 Sec. 9. Section 43.88, Code 2013, is amended to read as
31 follows:

32 **43.88 Certification of nominations.**

33 1. Nominations made by state, district, and county
34 conventions, shall, under the name, place of residence, and
35 post office address of the nominee, and the office to which



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1 nominated, and the name of the political party making the
2 nomination, be forthwith certified to the proper officer by
3 the chairperson and secretary of the convention, or by the
4 committee, as the case may be, and if such certificate is
5 received in time, the names of such nominees shall be printed
6 on the official ballot the same as if the nomination had been
7 made in the primary election.

8 2. Nominations made to fill vacancies in the office of
9 representative in Congress shall be certified to the state
10 commissioner not less than sixty-two days prior to the date set
11 for the special election. Nominations made to fill vacancies
12 in other offices to which this chapter applies at a special
13 election shall be certified to the proper official not less
14 than twenty-five days prior to the date set for the special
15 election. In the event the special election is to fill a
16 vacancy in the general assembly while it is in session or
17 within forty-five days of the convening of any session, the
18 nomination shall be certified not less than fourteen days
19 before the date of the special election.

20 3. Nominations certified to the proper official under this
21 section shall be accompanied by an affidavit executed by the
22 nominee in substantially the form required by section 43.67.

23 Sec. 10. Section 44.4, subsection 1, Code 2013, is amended
24 to read as follows:

25 1. Nominations made pursuant to this chapter and chapter
26 45 which are required to be filed in the office of the state
27 commissioner shall be filed in that office not more than
28 ninety-nine days nor later than 5:00 p.m. on the eighty-first
29 day before the date of the general election to be held in
30 November. Nominations made for a special election called
31 pursuant to section 69.14 to fill vacancies in the general
32 assembly shall be filed by 5:00 p.m. not less than twenty-five
33 days before the date of an election called upon at least
34 forty days' notice and not less than fourteen days before
35 the date of an election called upon at least eighteen days'



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1 notice. Nominations made to fill vacancies in the office of
 2 representatives in Congress at a special election shall be
 3 certified to the state commissioner not less than sixty-two
 4 days prior to the date set for the special election.

5 Nominations made for a special election called pursuant to
 6 section 69.14A shall be filed by 5:00 p.m. not less than
 7 twenty-five days before the date of the election. Nominations
 8 made pursuant to this chapter and chapter 45 which are required
 9 to be filed in the office of the commissioner shall be filed
 10 in that office not more than ninety-two days nor later than
 11 5:00 p.m. on the sixty-ninth day before the date of the general
 12 election. Nominations made pursuant to this chapter or chapter
 13 45 for city office shall be filed not more than seventy-two
 14 days nor later than 5:00 p.m. on the forty-seventh day before
 15 the city election with the city clerk, who shall process them
 16 as provided by law.

17 Sec. 11. Section 44.4, subsection 2, paragraph a, Code 2013,
 18 is amended by adding the following new subparagraphs:

19 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
 20 a vacancy in the office of representative in Congress at a
 21 special election held under section 69.14 shall be filed with
 22 the state commissioner not less than sixty days prior to the
 23 date set for the special election.

24 NEW SUBPARAGRAPH. (003) Objections to nominations to
 25 fill a vacancy in the general assembly at a special election
 26 held under section 69.14, under which the forty-day notice
 27 of election provision applies, shall be filed with the state
 28 commissioner not less than fifteen days prior to the date set
 29 for the special election. If the forty-day notice provision
 30 does not apply, objections to nominations to fill vacancies at
 31 a special election held under section 69.14 may be filed no
 32 later than the day before the special election.

33 Sec. 12. Section 48A.30, subsection 1, paragraph a, Code
 34 2013, is amended to read as follows:

35 a. The registered voter dies. For the purposes of this



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1 subsection, the commissioner may accept as evidence of death a
2 notice from the state registrar of vital statistics forwarded
3 by the state registrar of voters, a written statement from a
4 member of the registered voter's household, an obituary in a
5 newspaper, an obituary posted on a funeral home internet site,
6 a written statement from an election official, or a notice from
7 the county recorder of the county where the registered voter
8 died.

9 Sec. 13. Section 48A.32, Code 2013, is amended to read as
10 follows:

11 **48A.32 Destruction or removal of canceled voter registration**
12 **records.**

13 Twenty-two months after the next general election following
14 the cancellation of a person's voter registration or twenty-two
15 months after receipt of an incomplete voter registration
16 application, the commissioner may destroy all records of that
17 person's registration, including electronic records. At the
18 discretion of the commissioner, canceled records may be donated
19 to a historical society if all confidential information has
20 been removed from the records.

21 Sec. 14. Section 49.45, Code 2013, is amended to read as
22 follows:

23 **49.45 General form of ballot.**

24 Ballots referred to in section 49.43 shall be ~~substantially~~
25 in one of the following form forms:

26 Shall the following amendment to the Constitution (or public
27 measure) be adopted?

- 28 Yes
- 29 No

30 (Here insert the summary, if it is for a constitutional
31 amendment or statewide public measure, and in full the proposed
32 constitutional amendment or public measure. The number
33 assigned by the state commissioner or the letter assigned
34 by the county commissioner shall be included on the ballot
35 centered above the question, "Shall the following amendment to



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1 has access to the vote tabulating software necessary to produce
 2 the election results in an electronic format, the commissioner
 3 shall provide the election results required by this section in
 4 an electronic format. If the commissioner determines that all
 5 precincts will not report election results before the office is
 6 closed, the commissioner shall report the most complete results
 7 available prior to leaving the office at the time the office is
 8 closed as provided in section 50.11. The commissioner shall
 9 specify the number of precincts included in the report to the
 10 state commissioner of elections.

11 *b.* The state commissioner of elections shall tabulate
 12 unofficial election results as the results are received from
 13 the commissioners of elections and shall periodically make the
 14 reports of the results available to the public.

15 3. Before the day of the primary election, general election,
 16 or special election under section 69.14, the state commissioner
 17 of elections shall provide a form and instructions for
 18 reporting unofficial election results pursuant to this section.

19 Sec. 16. Section 50.48, subsection 1, paragraph b, Code
 20 2013, is amended to read as follows:

21 *b.* Immediately upon receipt of a request for a recount,
 22 the commissioner shall send a copy of the request to the
 23 apparent winner by certified mail. The commissioner shall
 24 also attempt to contact the apparent winner by telephone.
 25 If the apparent winner cannot be reached within four days,
 26 the chairperson of the political party or organization which
 27 nominated the apparent winner shall be contacted or, in the
 28 case of an election for a nonpartisan office, the entity or
 29 officer responsible for making an appointment to fill a vacancy
 30 in the office shall be contacted and shall act on behalf of the
 31 apparent winner, if necessary. ~~For~~ On behalf of candidates for
 32 partisan state or federal offices, the chairperson of the state
 33 party shall be contacted. ~~For~~ On behalf of candidates for
 34 partisan county offices, the county chairperson of the party
 35 shall be contacted.

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1 Sec. 17. Section 52.5, subsection 2, Code 2013, is amended
2 to read as follows:

3 2. The state commissioner shall formulate, with the advice
4 and assistance of the examiners, and adopt rules governing the
5 testing and examination of any optical scan voting system by
6 the board of examiners. The rules shall prescribe the method
7 to be used in determining whether the system is suitable for
8 use within the state and performance standards for voting
9 equipment in use within the state. The rules shall provide
10 that all optical scan voting systems approved for use by the
11 examiners after April 9, 2003, shall meet voting systems
12 performance and test standards, as adopted ~~by the federal~~
13 ~~election commission on April 30, 2002, and pursuant to the~~
14 provisions of or as deemed adopted by Pub. L. No. 107-252,
15 § 222. The rules shall include standards for determining when
16 recertification is necessary following modifications to the
17 equipment or to the programs used in tabulating votes, and a
18 procedure for rescinding certification if a system is found
19 not to comply with performance standards adopted by the state
20 commissioner.

21 Sec. 18. Section 53.18, subsection 2, Code 2013, is amended
22 to read as follows:

23 2. If the commissioner receives the return envelope
24 containing the completed absentee ballot by 5:00 p.m. on the
25 Saturday before the election for general and primary elections
26 and by 5:00 p.m. on the Friday before the election for all
27 other elections, the commissioner shall open the envelope to
28 review the affidavit for completeness. If the affidavit is
29 incomplete, the commissioner shall, within twenty-four hours of
30 the time the envelope was received, notify the voter of that
31 fact and that the voter may complete the affidavit in person
32 at the office of the commissioner by 5:00 p.m. on the day
33 before the election, or in the case of an election at which the
34 polls open at noon on election day, by 10:00 a.m. on the date
35 of the election, vote a replacement ballot in the manner and

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1 within the time period provided in subsection 3, or appear at
2 the voter's precinct polling place on election day and cast a
3 ballot in accordance with section 53.19, subsection 3.

4 Sec. 19. Section 53.30, Code 2013, is amended to read as
5 follows:

6 **53.30 Ballots, ballot envelopes, and other information**
7 **preserved.**

8 At the conclusion of each meeting of the absentee and special
9 voter's precinct board, the board shall securely seal all
10 ballots counted by them in the manner prescribed in section
11 50.12. The ballot envelopes, including the envelope having the
12 registered voter's affidavit on it, the return envelope, and
13 secrecy envelope ~~bearing the signatures of precinct election~~
14 ~~officials~~, as required by section 53.23, shall be preserved.
15 All applications for absentee ballots, ballots rejected without
16 being opened, absentee ballot logs, and any other documents
17 pertaining to the absentee ballot process shall be preserved
18 until such time as the documents may be destroyed pursuant to
19 section 50.19.

20 Sec. 20. Section 53.39, subsection 2, Code 2013, is amended
21 to read as follows:

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

32 Sec. 21. Section 53.40, subsection 2, Code 2013, is amended
33 to read as follows:

34 2. The commissioner shall immediately ~~on~~ after the ballots
35 are available and no later than the forty-fifth day prior to



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1 ~~administrative services state commissioner.~~

2 Sec. 23. Section 69.14, Code 2013, is amended to read as
 3 follows:

4 **69.14 Special election to fill vacancies.**

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

24 Sec. 24. Section 372.13, subsection 2, paragraph a, Code
 25 2013, is amended to read as follows:

26 a. (1) By appointment by the remaining members of the
 27 council, except that if the remaining members do not constitute
 28 a quorum of the full membership, paragraph "b" shall be
 29 followed. The appointment shall be made within forty days
 30 after the vacancy occurs and shall be for the period until the
 31 next pending election as defined in section 69.12, and shall
 32 be made within forty days after the vacancy occurs general
 33 election for a city as described in section 39.3, subsection 7,
 34 or the regular city election described in section 376.1, unless
 35 there is an intervening special election in that city, in which

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House Study Bill 22 - Introduced

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

A BILL FOR

1 An Act relating to the policy administration of election
2 and voter registration laws by the secretary of state,
3 including the voter registration age, absentee voting, the
4 provision of training space for election personnel, the
5 candidate nomination filing requirements for merged area,
6 school district, and city elections and related filing
7 requirements, the filling of vacancies in city office, and
8 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:

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1 Section 1. Section 44.4, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. Nominations made pursuant to this chapter and chapter
4 45 which are required to be filed in the office of the state
5 commissioner shall be filed in that office not more than
6 ninety-nine days nor later than 5:00 p.m. on the eighty-first
7 day before the date of the general election to be held in
8 November. Nominations made for a special election called
9 pursuant to section 69.14 shall be filed by 5:00 p.m. not less
10 than twenty-five days before the date of an election called
11 upon at least forty days' notice and not less than fourteen
12 days before the date of an election called upon at least
13 eighteen days' notice. Nominations made for a special election
14 called pursuant to section 69.14A shall be filed by 5:00 p.m.
15 not less than twenty-five days before the date of the election.
16 Nominations made pursuant to this chapter and chapter 45 which
17 are required to be filed in the office of the commissioner
18 shall be filed in that office not more than ninety-two days
19 nor later than 5:00 p.m. on the sixty-ninth day before the
20 date of the general election. Nominations made pursuant to
21 this chapter or chapter 45 for city office shall be filed not
22 more than seventy-two days nor later than 5:00 p.m. on the
23 forty-seventh day before the city election with the ~~city clerk~~
24 county commissioner of elections responsible under section 47.2
25 for conducting elections held for the city, who shall process
26 them as provided by law.

27 Sec. 2. Section 44.4, subsection 2, paragraph a,
28 subparagraphs (2) and (3), Code 2013, are amended to read as
29 follows:

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

33 (3) Those filed with the ~~city clerk~~ commissioner for an
34 elective city office, at least forty-two days before the
35 regularly scheduled or special city election. However, for



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1 those cities that may be required to hold a primary election,
2 at least sixty-three days before the regularly scheduled or
3 special city election.

4 Sec. 3. Section 44.7, Code 2013, is amended to read as
5 follows:

6 **44.7 Hearing before commissioner.**

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

16 Sec. 4. Section 44.8, Code 2013, is amended to read as
17 follows:

18 **44.8 Hearing before mayor.**

19 1. Objections filed with the city clerk pursuant to
20 section 362.4 or with the commissioner for an elective city
21 office shall be considered by the mayor and clerk and one
22 member of the council chosen by the council by ballot, and
23 a majority decision shall be final; ~~but.~~ However, if the
24 objection is to the certificate of nomination of either of
25 those city officials, that official shall not pass upon ~~said~~
26 the objection, but the official's place shall be filled by a
27 member of the council against whom no such objection exists,
28 chosen as above provided.

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

33 Sec. 5. Section 44.9, subsections 2, 3, 5, and 6, Code 2013,
34 are amended to read as follows:

35 2. In the office of the proper commissioner, at least

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1 sixty-four days before the date of the election, except as
2 otherwise provided in subsections 3, 5, and 6.

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

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

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

15 Sec. 6. Section 44.11, Code 2013, is amended to read as
16 follows:

17 **44.11 Vacancies filled.**

18 If a candidate named under this chapter withdraws before the
19 deadline established in section 44.9, declines a nomination,
20 or dies before election day, or if a certificate of nomination
21 is held insufficient or inoperative by the officer with whom
22 it is required to be filed, or in case any objection made
23 to a certificate of nomination, or to the eligibility of any
24 candidate named in the certificate, is sustained by the board
25 appointed to determine such questions, the vacancy or vacancies
26 may be filled by the convention, or caucus, or in such manner
27 as such convention or caucus has previously provided. The
28 vacancy or vacancies shall be filled not less than seventy-four
29 days before the election in the case of nominations required to
30 be filed with the state commissioner, not less than sixty-four
31 days before the election in the case of nominations required
32 to be filed with the commissioner, not less than thirty-five
33 days before the election in the case of nominations required
34 to be filed in with ~~the office of the school board secretary~~
35 commissioner for school board elections, and not less than



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1 person is registered and qualifies to vote at any election held
2 on or after that date.

3 Sec. 11. Section 48A.31, Code 2013, is amended to read as
4 follows:

5 **48A.31 Deceased persons record.**

6 The state registrar of vital statistics shall transmit
7 or cause to be transmitted to the state registrar of voters,
8 once each calendar quarter, a certified list of all persons
9 seventeen ~~and one-half~~ years of age and older in the state
10 whose deaths have been reported to the bureau of vital records
11 of the Iowa department of public health since the previous list
12 of decedents was certified to the state registrar of voters.
13 The list shall be submitted according to the specifications
14 of the state registrar of voters. The commissioner shall, in
15 the month following the end of a calendar quarter, run the
16 statewide voter registration system's matching program to
17 determine whether a listed decedent was registered to vote in
18 the county and shall immediately cancel the registration of any
19 person named on the list of decedents.

20 Sec. 12. Section 49.11, subsection 3, paragraph b,
21 subparagraph (3), Code 2013, is amended to read as follows:

22 (3) A voting center designated under this subsection is
23 subject to the requirements of section 49.21 relating to
24 accessibility to persons ~~who are elderly and persons~~ with
25 disabilities and relating to the posting of signs. The
26 location of each voting center shall be published by the county
27 commissioner of elections in the same manner as the location of
28 polling places is required to be published.

29 Sec. 13. NEW SECTION. **49.123A Training sites —**
30 **availability — accessibility.**

31 For a period of thirty days prior to each scheduled election,
32 and upon the application of the commissioner, the authority
33 which has control of any buildings or grounds supported by
34 taxation under the laws of this state shall make available
35 the necessary space therein for the purpose of conducting

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1 other elections as soon as the ballots are ready, but in no
 2 case shall absentee ballots be available for absentee voting in
 3 person more than forty days before an election.

4 Sec. 16. Section 53.11, subsection 1, paragraph a, Code
 5 2013, is amended to read as follows:

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

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1 satellite absentee voting petitions for a particular election
 2 shall not be counted. The commissioner shall post notice of
 3 petitions received, including the location of the requested
 4 satellite absentee voting station and the name or number of the
 5 precinct in which the station is requested to be located, on
 6 the county's internet site, if any, and at the commissioner's
 7 office.

8 Sec. 17. Section 53.11, subsection 1, Code 2013, is amended
 9 by adding the following new paragraph:

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

23 Sec. 18. Section 260C.15, subsection 3, Code 2013, is
 24 amended to read as follows:

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



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1 measure being submitted by the board of directors to the
2 electorate, to the county commissioner of elections ~~who is~~
3 responsible under section 47.2 for conducting elections held
4 for the merged area. That commissioner shall certify the names
5 of candidates, and the text and summary of any public measure
6 being submitted to the electorate, to all county commissioners
7 of elections in the merged area by the thirty-fifth day prior
8 to the election.

9 Sec. 19. Section 260C.15, subsection 4, paragraph b, Code
10 2013, 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 2013, 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 2013, is amended to read as follows:

35 *b.* The election shall be conducted as provided in section



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1 277.3, and nomination petitions shall be filed pursuant to
 2 section 277.4, except as otherwise provided in this subsection.
 3 Nomination petitions shall be filed with the ~~secretary of the~~
 4 ~~board of~~ county commissioner of elections responsible under
 5 section 47.2 for conducting elections held for the existing
 6 school district in which the candidate resides not less than
 7 twenty-eight days before the date set for the special school
 8 election. The ~~secretary of the board~~ commissioner, or the
 9 ~~secretary's~~ commissioner's designee, shall be present in the
 10 ~~secretary's~~ commissioner's office until 5:00 p.m. on the final
 11 day to file the nomination papers. The nomination papers shall
 12 be delivered to the commissioner no later than 5:00 p.m. on the
 13 twenty-seventh day before the election.

14 Sec. 22. Section 277.4, subsections 1, 3, and 4, Code 2013,
 15 are amended to read as follows:

16 1. Nomination papers for all candidates for election
 17 to office in each school district shall be filed with the
 18 ~~secretary of the school board~~ county commissioner of elections
 19 responsible under section 47.2 for conducting elections held
 20 for the school district not more than sixty-four days, nor less
 21 than forty days before the election. Nomination petitions
 22 shall be filed not later than 5:00 p.m. on the last day for
 23 filing. ~~If the school board secretary is not readily available~~
 24 ~~during normal office hours, the secretary may designate a~~
 25 ~~full-time employee of the school district who is ordinarily~~
 26 ~~available to accept nomination papers under this section.~~ On
 27 the final date for filing nomination papers the office of the
 28 ~~school secretary~~ county commissioner shall remain open until
 29 5:00 p.m.

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

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1 fill the same office at the last regular city election, but not
2 less than ten persons. However, for those cities which may be
3 required to hold a primary election, the petition must be filed
4 not more than eighty-five days and not less than sixty-eight
5 days before the date of the regular city election. Nomination
6 petitions shall be filed not later than 5:00 p.m. on the last
7 day for filing.

8 Sec. 29. Section 376.4, subsections 3, 4, and 5, Code 2013,
9 are amended to read as follows:

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

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

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

28 5A. The city clerk shall deliver ~~all nomination papers~~
29 ~~together with~~ the text of any public measure being submitted by
30 the city council to the electorate to the county commissioner
31 of elections ~~on the day following~~ no later than the last day
32 on which nomination petitions can be filed, and not later than
33 5:00 p.m. on that day.

34 Sec. 30. Section 376.11, subsections 3, 4, and 5, Code 2013,
35 are amended to read as follows:



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1 3. In city primary elections any person who receives
2 write-in votes shall execute an affidavit in substantially the
3 form required by section 45.3, and file it with the county
4 commissioner of elections ~~or the city clerk~~ not later than 5:00
5 p.m. on the day after the canvass of the primary election.
6 If any person who received write-in votes fails to file the
7 affidavit at the time required, the county commissioner shall
8 disregard the write-in votes cast for that person. A notation
9 shall be made on the abstract of votes showing which persons
10 who received write-in votes filed affidavits. The total number
11 of votes cast for each office on the ballot shall be amended by
12 subtracting the write-in votes of those candidates who failed
13 to file the affidavit. It is not necessary for a candidate
14 whose name was printed upon the ballot to file an affidavit.
15 Of the remaining candidates, those who receive the highest
16 number of votes to the extent of twice the number of unfilled
17 positions shall be placed on the ballot for the regular city
18 election as candidates for that office.

19 4. In cities in which the city council has chosen a runoff
20 election in lieu of a primary, if a person who was elected
21 by write-in votes chooses not to accept the office by filing
22 a resignation notice with the ~~city clerk~~ ~~or~~ commissioner of
23 elections not later than 5:00 p.m. on the day following the
24 canvass, all remaining persons who received write-in votes and
25 who wish to be considered candidates for the runoff election
26 shall execute an affidavit in substantially the form required
27 by section 45.3 and file it with the county commissioner ~~or~~
28 ~~the city clerk~~ not later than 5:00 p.m. of the fourth day
29 following the canvass. If a person receiving write-in votes
30 fails to file the affidavit at the time required, the county
31 commissioner of elections shall disregard the write-in votes
32 cast for that person. The abstract of votes shall be amended
33 to show that the person who was declared elected declined the
34 office and a notation shall be made next to the names of those
35 persons who did not file the affidavit. A runoff election

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1 shall be held with the remaining candidates who have the
2 highest number of votes to the extent of twice the number of
3 unfilled positions.

4 5. In a city in which the council has chosen a runoff
5 election, if no person was declared elected for an office, all
6 persons who received write-in votes shall execute an affidavit
7 in substantially the form required by section 45.3 and file it
8 with the county commissioner of elections ~~or the city clerk~~ not
9 later than 5:00 p.m. on the day following the canvass of votes.
10 If any person who received write-in votes fails to file the
11 affidavit, the county commissioner of elections shall disregard
12 the write-in votes cast for that person. The abstract of votes
13 shall be amended to note which of the write-in candidates
14 failed to file the affidavit. A runoff election shall be held
15 with the remaining candidates who have the highest number of
16 votes to the extent of twice the number of unfilled positions.

17 Sec. 31. Section 602.8102, subsection 15, Code 2013, is
18 amended to read as follows:

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

26 Sec. 32. REPEAL. Section 53.14, Code 2013, is repealed.

27 Sec. 33. EFFECTIVE DATE. The following provision or
28 provisions of this Act take effect January 1, 2014:

29 1. The section of this Act amending section 48A.5,
30 subsection 2, paragraph "c".

31 2. The section of this Act amending section 48A.14,
32 subsection 1, paragraph "b".

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

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

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1 subsection 9.

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

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

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

7 EXPLANATION

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

10 The bill requires that the county commissioner of
 11 registration accept completed voter registration forms from
 12 registrants who are at least 17 years of age. Current law
 13 requires the county commissioner of registration to accept such
 14 forms from registrants who are at least 17 and one-half years
 15 of age. These provisions of the bill take effect January 1,
 16 2014.

17 In 2008, Code section 49.21, relating to designation of
 18 polling places, eliminated language regarding accessibility to
 19 elderly persons and retained language regarding accessibility
 20 to persons with disabilities. The bill strikes the same
 21 language referring to accessibility to elderly persons at
 22 voting centers, to conform with Code section 49.21.

23 The bill requires that any authority supported by taxation
 24 under the laws of Iowa make space available for the training
 25 of precinct election officials and other election personnel
 26 upon the application of the county commissioner of elections.
 27 The bill requires that the commissioner only schedule and
 28 conduct such training courses at locations that are accessible
 29 to and functional for persons with disabilities and that such
 30 courses not interfere with previously scheduled events at those
 31 locations.

32 The bill provides that the county commissioner of elections
 33 shall not mail an absentee ballot to a person who is included
 34 within the term "armed forces of the United States" as defined
 35 in Code section 53.37 sooner than 50 days before any election.



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1 The bill retains the provision that absentee ballots shall
2 be made available for voting in person at the commissioner's
3 office not more than 40 days before an election.

4 The bill repeals a Code section that requires a voter's
5 party affiliation be designated in the voter affidavit on the
6 unsealed affidavit envelope if the enclosed ballot is a primary
7 election ballot.

8 The bill further provides that satellite absentee voting
9 stations shall not be established sooner than 40 days before
10 an election. The bill requires that a petition for the
11 establishment of a satellite absentee voting station be on a
12 form prescribed by the state commissioner of elections, and
13 as provided in the bill. The bill provides that a county
14 commissioner of elections is only required to accept one
15 valid petition for each precinct in each election. The bill
16 requires at a minimum that the county commissioner honor the
17 first valid petition for a satellite absentee voting station
18 if more than one petition is filed for a station in the same
19 precinct for the same election. The bill requires that
20 the commissioner accept an additional valid petition if the
21 commissioner determines operation of such a voting station
22 to be impracticable at the location described in the earlier
23 filed petition. The commissioner is required to post notice of
24 received petitions on the county's internet site, if any, and
25 at the commissioner's office.

26 The bill provides that any objection to a petition
27 requesting a satellite absentee voting station shall be filed
28 with the county commissioner no later than two days following
29 the petition filing deadline. The county commissioner is
30 required to provide notice to the person circulating the
31 petition upon the filing of such an objection.

32 The bill requires that nomination petitions and affidavits
33 of candidacy of candidates for member of the board of
34 directors of a merged area, objections to such nominations,
35 and withdrawals of such nominations be filed with the county

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1 commissioner of elections responsible for conducting elections
2 for the merged area, rather than with the secretary of the
3 board. The bill also requires the county commissioner,
4 rather than the secretary of the board, to attempt to notify
5 the candidate by telephone if an objection is filed if the
6 candidate provided a telephone number.

7 The bill requires that nomination petitions and affidavits
8 of candidacy for a school district elected office, withdrawals
9 of such nominations, and objections to nominations be filed
10 with the county commissioner of elections responsible for
11 conducting elections for the school district. Current
12 law requires that such nomination papers, withdrawals, and
13 objections be filed with the secretary of the school board.

14 Under current law, the remaining members of a city council
15 may fill a vacancy on the council by appointment or by special
16 election. If by appointment, the appointment must be made
17 within 40 days after the vacancy occurs. The bill requires
18 the city clerk to notify the county commissioner of elections
19 if the council fails to make such an appointment within the
20 required 40 days. Upon receipt of such notice, the county
21 commissioner of elections shall call a special election to fill
22 the vacancy at the earliest practicable date, but no sooner
23 than 32 days after receiving such notice.

24 The bill allows cities with populations of 200 or less to
25 adopt an ordinance providing that city elections be conducted
26 by absentee ballot. The bill requires the county commissioner
27 of elections responsible for conducting elections for such a
28 city to mail an absentee ballot application form by forwardable
29 mail to each active status registered voter within the city
30 no fewer than 25 days before each regular city election or
31 special election for that city. The bill requires that the
32 county commissioner of elections also enclose a postage paid
33 return envelope and a notice that in-person voting will also
34 be available at the county commissioner's office on the day of
35 the election and, if applicable, the location of the additional



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1 polling place. The bill allows the county commissioner to
2 designate one additional election day polling place for such
3 cities.

4 The bill further requires that nomination petitions and
5 affidavits of candidacy for elective city office, withdrawals
6 of such nominations, and objections to nominations be filed
7 with the county commissioner of elections responsible for
8 conducting elections for the city.



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House Study Bill 23 - Introduced

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

A BILL FOR

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

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1 amended to read as follows:

2 2. The oath required in subsection 1, paragraph "a", and
3 in paragraph "c", if applicable, shall be executed on the
4 same piece of paper and attached to the voter registration
5 application.

6 3. At any time before election day, and after the deadline
7 for registration in section 48A.9, a person who appears in
8 person at the commissioner's office or at a satellite absentee
9 voting station or whose ballot is delivered to a health care
10 facility pursuant to section 53.22 may register to vote and
11 vote an absentee ballot by following the procedure in this
12 section for registering to vote on election day. A person who
13 wishes to vote in person at the polling place on election day
14 and who has not registered to vote before the deadline for
15 registering in section 48A.9, is required to register to vote
16 at the polling place on election day following the procedure
17 in this section. However, the person may complete the voter
18 registration application at the commissioner's office and,
19 after the commissioner has reviewed the completed application,
20 may present the application to the appropriate precinct
21 election official along with proof of ~~identity and residency~~
22 identification and proof of residence.

23 Sec. 5. Section 49.53, subsection 1, Code 2013, is amended
24 to read as follows:

25 1. The commissioner shall not less than four nor more than
26 twenty days before the day of each election, except those for
27 which different publication requirements are prescribed by law,
28 publish notice of the election. The notice shall contain a
29 facsimile of the portion of the ballot containing the first
30 rotation as prescribed by section 49.31, subsection 2, and
31 shall show the names of all candidates or nominees and the
32 office each seeks, and all public questions, to be voted upon
33 at the election. The sample ballot published as a part of the
34 notice may at the discretion of the commissioner be reduced in
35 size relative to the actual ballot but such reduction shall not



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1 cause upper case letters appearing in candidates' names or in
2 summaries of public measures on the published sample ballot to
3 be less than nine point type. The notice shall also state the
4 date of the election, the hours the polls will be open, that
5 all voters will be required to show proof of identification
6 before casting a ballot, the location of each polling place at
7 which voting is to occur in the election, and the names of the
8 precincts voting at each polling place, but the statement need
9 not set forth any fact which is apparent from the portion of
10 the ballot appearing as a part of the same notice. The notice
11 shall include the full text of all public measures to be voted
12 upon at the election.

13 Sec. 6. Section 49.77, subsection 3, Code 2013, is amended
14 by striking the subsection and inserting in lieu thereof the
15 following:

16 3. a. A precinct election official shall require the voter
17 to present for inspection proof of identification before being
18 allowed to vote.

19 b. For purposes of this section, "*proof of identification*"
20 refers to a document that satisfies all of the following:

21 (1) The document shows the name of the individual to whom
22 the document was issued which shall conform to the name on the
23 election register.

24 (2) The document shows a photograph of the individual to
25 whom it was issued.

26 (3) The document was issued by the government of the
27 United States, the state of Iowa, an Iowa public or private
28 university or college, an Iowa secondary school, or a political
29 subdivision of the state of Iowa. In the case of a document
30 issued by a political subdivision, the document shall be
31 issued not later than the close of voter registration for
32 the applicable election as set forth in section 48A.9 and
33 shall meet all other requirements established by the state
34 commissioner by rule.

35 c. In lieu of paragraph "b", a person wishing to vote may



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1 establish proof of identity by written oath of the person
 2 wishing to vote and of an attesting person who provides proof
 3 of identification pursuant to paragraph "b". The oath shall be
 4 in the form prescribed by the state commissioner of elections
 5 and shall state the identity and attest to the stated identity
 6 of the person wishing to vote. The oath must be signed by the
 7 attesting person and the person wishing to vote in the presence
 8 of the appropriate precinct election official. A person who
 9 has signed an oath attesting to a person's identity as provided
 10 in this paragraph is prohibited from signing any further oaths
 11 as provided in this paragraph for the same election. The oath
 12 shall advise the person wishing to vote and the attesting
 13 person that falsely signing such an oath or falsely attesting
 14 to a voter's identity is a class "D" felony.

15 *d.* The commissioner shall, within forty-five days after
 16 each election, review all attestations received under this
 17 subsection and if any individual is found to have attested for
 18 more than one voter in a particular election, the commissioner
 19 shall immediately notify the state commissioner and the county
 20 attorney.

21 **Sec. 7.** Section 49.77, Code 2013, is amended by adding the
 22 following new subsection:

23 NEW SUBSECTION. 3A. *a.* If proof of identification is
 24 established under subsection 3, the person shall be allowed to
 25 vote.

26 *b.* If a person is unable or refuses to present proof of
 27 identification, or the precinct election official determines
 28 the proof of identification presented by the person does
 29 not qualify as proof of identification under subsection
 30 3, paragraph "b", or proof of identity under subsection 3,
 31 paragraph "c", the person shall be offered the option to vote a
 32 ballot, but only in accordance with section 49.81.

33 **Sec. 8.** Section 49.77, subsection 4, paragraph a, Code 2013,
 34 is amended to read as follows:

35 *a.* A person whose name does not appear on the election



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1 register of the precinct in which that person claims the right
 2 to vote shall not be permitted to vote, unless the person
 3 affirms that the person is currently registered in the county
 4 ~~and presents proof of identity,~~ or the commissioner informs
 5 the precinct election officials that an error has occurred
 6 and that the person is a registered voter of that precinct,
 7 and the person presents proof of identification pursuant to
 8 subsection 3. If the commissioner finds no record of the
 9 person's registration but the person insists that the person
 10 is a registered voter of that precinct, the precinct election
 11 officials shall allow the person to cast a ballot in the manner
 12 prescribed by section 49.81.

13 Sec. 9. Section 49.81, subsection 1, Code 2013, is amended
 14 to read as follows:

15 1. A prospective voter who is prohibited under section
 16 48A.8, subsection 4, section 49.77, subsection 3A, paragraph
 17 "b", section 49.77, subsection 4, section 49.80, ~~or~~ section
 18 53.19, subsection 3, or section 53.22, subsection 1, paragraph
 19 "d", from voting except under this section shall be notified by
 20 the appropriate precinct election official that the voter may
 21 cast a provisional ballot. The voter shall mark the ballot and
 22 immediately seal it in an envelope of the type prescribed by
 23 subsection 4. The voter shall deliver the sealed envelope to a
 24 precinct election official who shall deposit it in an envelope
 25 marked "provisional ballots". The ballot shall be considered
 26 as having been cast in the special precinct established by
 27 section 53.20 for purposes of the postelection canvass.

28 Sec. 10. Section 49.81, subsection 2, paragraph b, Code
 29 2013, is amended to read as follows:

30 b. If the person is casting a provisional ballot because
 31 the person ~~failed~~ was unable or refused to provide a required
 32 form of identification pursuant to section 48A.8, subsection
 33 4, section 49.77, subsection 3A, paragraph "b", section 49.77,
 34 subsection 4, or section 53.22, subsection 1, paragraph "d", a
 35 list of the types of acceptable identification and notification



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1 that the person must show identification before the ballot can
2 be counted.

3 Sec. 11. Section 49.81, Code 2013, is amended by adding the
4 following new subsection:

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

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

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

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

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

30 Sec. 12. Section 53.10, subsection 2, Code 2013, is amended
31 to read as follows:

32 2. Each person who wishes to vote by absentee ballot at
33 the commissioner's office shall first sign an application
34 for a ballot including the following information: name,
35 current address, and the election for which the ballot is

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1 requested. The person may report a change of address or other
 2 information on the person's voter registration record at that
 3 time. The person must also provide proof of identification
 4 pursuant to section 49.77, subsection 3, or be offered the
 5 option to vote a provisional ballot pursuant to section 49.77,
 6 subsection 3A, paragraph "b", before receiving an absentee
 7 ballot. Upon receipt of the absentee ballot, the registered
 8 voter shall immediately mark the ballot; enclose the ballot in
 9 a secrecy envelope, if necessary, and seal it in an affidavit
 10 envelope; subscribe to the affidavit on the reverse side of the
 11 envelope; and return the absentee ballot to the commissioner.
 12 The commissioner shall record the numbers appearing on the
 13 application and affidavit envelope along with the name of the
 14 registered voter.

15 Sec. 13. Section 53.22, subsection 1, Code 2013, is amended
 16 by adding the following new paragraph:

17 NEW PARAGRAPH. *d.* Before receiving a ballot under
 18 this subsection, each applicant shall present proof of
 19 identification pursuant to section 49.77, subsection 3, to
 20 the special precinct election board members. If an applicant
 21 is unable to present proof of identification, the applicant
 22 shall have an opportunity to execute an affidavit in the form
 23 prescribed by the state commissioner of elections affirming
 24 that the voter does not have and is unable to obtain proof of
 25 identification and that the voter resides in a hospital or
 26 health care facility and is casting a ballot pursuant to this
 27 section. If the applicant refuses to execute an affidavit, the
 28 voter's ballot shall be considered a provisional ballot cast
 29 pursuant to section 49.81.

30 Sec. 14. Section 321.190, subsection 1, paragraph d, Code
 31 2013, is amended to read as follows:

32 *d.* The fee for a nonoperator's identification card shall
 33 be five dollars and the card shall be valid for a period
 34 of five years from the date of issuance. A nonoperator's
 35 identification card shall be issued without expiration

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1 to anyone age seventy or over. If an applicant for a
 2 nonoperator's identification card is a foreign national
 3 who is temporarily present in this state, the nonoperator's
 4 identification card shall be issued only for the length of time
 5 the foreign national is authorized to be present as determined
 6 by the department, not to exceed two years. An issuance fee
 7 shall not be charged for a person whose driver's license or
 8 driving privilege has been suspended under section 321.210,
 9 subsection 1, paragraph "a", subparagraph (3), or for a person
 10 obtaining an identification card to be used under section
 11 49.77, subsection 3, for voting purposes. Identification cards
 12 obtained for voting purposes shall be labeled by the department
 13 as "For Voting Purposes Only".

DIVISION II

CONFORMING PROVISIONS

16 Sec. 15. Section 48A.8, subsection 2, unnumbered paragraph
 17 1, Code 2013, is amended to read as follows:

18 An eligible elector who registers by mail and who has
 19 not previously voted in an election for federal office in
 20 the county of registration shall be required to provide
 21 additional identification documents when voting for the first
 22 time in the county, unless the registrant provided on the
 23 registration form the registrant's Iowa driver's license
 24 number, or the registrant's Iowa nonoperator's identification
 25 card number, or the last four numerals of the registrant's
 26 social security number and the driver's license, nonoperator's
 27 identification, or partial social security number matches
 28 an existing state or federal identification record with the
 29 same number, name, and date of birth. If the registrant
 30 is required to show additional identification under this
 31 subsection and votes in person at the polls, or by absentee
 32 ballot at the commissioner's office or at a satellite voting
 33 station, the registrant shall provide a current and valid
 34 photo identification card, or shall present to the appropriate
 35 election official one of the following current documents that



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1 shows the name and address of the registrant:

2 Sec. 16. Section 48A.8, subsection 4, Code 2013, is amended
3 to read as follows:

4 4. A registrant under subsection 2 who is required to
5 present additional identification when casting a ballot in
6 person shall be permitted to vote a provisional ballot if the
7 voter does not provide the required additional identification
8 documents pursuant to subsection 2. If a voter who is required
9 to present such additional identification when casting a ballot
10 votes an absentee ballot by mail, the ballot returned by the
11 voter shall be considered a provisional ballot pursuant to
12 sections 49.81 and 53.31.

13 Sec. 17. Section 48A.27, subsection 4, paragraph c,
14 subparagraph (2), Code 2013, is amended to read as follows:

15 (2) The notice shall contain a statement in substantially
16 the following form:

17 Information received from the United States postal service
18 indicates that you are no longer a resident of, and therefore
19 not eligible to vote in (name of county) County, Iowa. If this
20 information is not correct, and you still live in (name of
21 county) County, please complete and mail the attached postage
22 paid card at least ten days before the primary or general
23 election and at least eleven days before any other election at
24 which you wish to vote. If the information is correct and you
25 have moved, please contact a local official in your new area
26 for assistance in registering there. ~~If you do not mail in~~
27 ~~the card, you may be required to show identification before~~
28 ~~being allowed to vote in (name of county) County.~~ If you do not
29 return the card, and you do not vote in an election in (name
30 of county) County, Iowa, on or before (date of second general
31 election following the date of the notice) your name will be
32 removed from the list of voters in that county.

33 Sec. 18. Section 48A.29, subsection 1, paragraph b, Code
34 2013, is amended to read as follows:

35 b. The notice shall contain a statement in substantially the



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1 following form:

2 Information received from the United States postal service
3 indicates that you are no longer a resident of (residence
4 address) in (name of county) County, Iowa. If this information
5 is not correct, and you still live in (name of county) County,
6 please complete and mail the attached postage paid card at
7 least ten days before the primary or general election and at
8 least eleven days before any other election at which you wish
9 to vote. If the information is correct, and you have moved,
10 please contact a local official in your new area for assistance
11 in registering there. ~~If you do not mail in the card, you may~~
12 ~~be required to show identification before being allowed to vote~~
13 ~~in (name of county) County.~~ If you do not return the card, and
14 you do not vote in some election in (name of county) County,
15 Iowa, on or before (date of second general election following
16 the date of the notice) your name will be removed from the list
17 of voters in that county.

18 Sec. 19. Section 48A.29, subsection 3, paragraph b, Code
19 2013, is amended to read as follows:

20 *b.* The notice shall contain a statement in substantially the
21 following form:

22 Information received by this office indicates that you are no
23 longer a resident of (residence address) in (name of county)
24 County, Iowa. If the information is not correct, and you still
25 live at that address, please complete and mail the attached
26 postage paid card at least ten days before the primary or
27 general election and at least eleven days before any other
28 election at which you wish to vote. If the information is
29 correct, and you have moved within the county, you may update
30 your registration by listing your new address on the card and
31 mailing it back. If you have moved outside the county, please
32 contact a local official in your new area for assistance in
33 registering there. ~~If you do not mail in the card, you may be~~
34 ~~required to show identification before being allowed to vote in~~
35 ~~(name of county) County.~~ If you do not return the card, and you

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1 do not vote in some election in (name of county) County, Iowa,
2 on or before (date of second general election following the
3 date of the notice) your name will be removed from the list of
4 registered voters in that county.

5 DIVISION III

6 APPLICABILITY

7 Sec. 20. APPLICABILITY. This Act applies to elections held
8 on or after January 1, 2015.

9 EXPLANATION

10 This bill requires that a person provide certain proof of
11 identification at the time that the person votes and modifies
12 proof of identification and proof of residence requirements for
13 election day and in-person absentee registration.

14 Division I of the bill modifies the proof of identification
15 and proof of residence requirements for election day and
16 in-person absentee registration. The bill requires that
17 acceptable proof of identification is the same proof of
18 identification required of a voter who is already registered
19 to vote. The bill removes residential leases and property tax
20 statements from the list of acceptable documents to provide
21 proof of residence for election day and in-person absentee
22 registration.

23 The bill maintains current law allowing a person wishing
24 to register to vote on election day, or in person when voting
25 an absentee ballot, to establish proof of identity and proof
26 of residence by written oath of a person who is registered to
27 vote in the precinct, but requires that the oath of the person
28 wishing to vote and the registered voter's oath be executed on
29 the same piece of paper.

30 The bill requires that a voter provide proof of
31 identification to a precinct election official before being
32 allowed to vote, and also requires that a person wishing to
33 vote by absentee ballot at a county commissioner of elections
34 office or at a satellite absentee voting station present
35 the same proof of identification. The bill requires that

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1 acceptable proof of identification show the name of the
2 individual voter, include a photograph of the voter, and be
3 issued by the government of the United States, the state of
4 Iowa, an Iowa public or private university or college, an Iowa
5 secondary school, or a political subdivision of the state.

6 The bill provides that, in lieu of providing identification
7 in order to vote, a person may establish proof of
8 identification by written oath of the person wishing to vote
9 and of a person who provides their own proof of identification
10 and who attests to the voter's identity. The bill provides
11 that the oath shall be in the form prescribed by the state
12 commissioner of elections, and that the oath shall state the
13 identity of the person wishing to vote and shall attest to
14 the stated identity of the person wishing to vote. The bill
15 requires that the oath be signed by both the attesting person
16 and the person wishing to vote. The bill makes it a class "D"
17 felony to falsely sign an oath pursuant to this provision or to
18 falsely attest to a voter's identity. The bill requires that
19 the oath advise both persons that falsely stating or attesting
20 to a voter's identity is a class "D" felony. A class "D" felony
21 is punishable by confinement for no more than five years and
22 a fine of at least \$750 but not more than \$7,500. The bill
23 provides that an attesting person is prohibited from signing
24 any additional such oaths for the same election.

25 The bill provides that if proof of identification is
26 established the person shall then be allowed to vote. If a
27 person is unable or refuses to present proof of identification,
28 or if the precinct election official determines that the
29 proof of identification does not meet specified requirements,
30 the person shall be offered the option to vote a provisional
31 ballot. If a person is casting a provisional ballot
32 under these circumstances, the person shall receive a
33 printed statement giving notice of the types of acceptable
34 identification and notice that the person is required to show
35 acceptable identification before the provisional ballot can be

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1 counted unless the voter executes an affidavit pursuant to Code
2 section 49.81, subsection 5. If a voter casts a provisional
3 ballot for these reasons, the precinct election official shall
4 indicate on the provisional ballot that the voter is casting
5 a provisional ballot due to the voter's inability or refusal
6 to present proof of identification. The bill provides that a
7 voter casting a provisional ballot for this reason may execute
8 an affidavit in the form prescribed by the state commissioner
9 of elections, affirming that the voter is the person the voter
10 claims to be and affirming that the voter is either indigent
11 and unable to obtain proof of identification without the
12 payment of a fee or that the voter has a religious objection to
13 being photographed.

14 The bill makes it a class "D" felony to falsify an affidavit
15 that attests to identity. A class "D" felony is punishable by
16 confinement for no more than five years and a fine of at least
17 \$750 but not more than \$7,500. The bill also provides that
18 any provisional ballot cast accompanied by such an affidavit
19 shall be presumed valid unless additional written statements
20 or documents are delivered to the county commissioner of
21 elections office prior to the date that provisional ballots
22 are considered and the precinct election board determines that
23 such additional evidence successfully rebuts the presumption
24 of validity.

25 The bill also makes changes to the election notice to be
26 published by the county commissioner of elections to require
27 that election notices include a statement that all voters will
28 be required to show proof of identification before casting a
29 ballot.

30 The bill requires that certain persons residing in a
31 hospital or health care facility who apply to vote by absentee
32 ballot shall present proof of identification. If the applicant
33 is unable to present proof of identification they shall be able
34 to execute an affidavit in the form prescribed by the state
35 commissioner of elections, stating that the voter does not have



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1 and is unable to obtain proof of identification and that the
2 voter resides in a hospital or health care facility. If the
3 applicant refuses to execute such an affidavit and is unable to
4 present proof of identification, the voter is allowed to cast a
5 provisional ballot.

6 The bill also provides that a person obtaining a
7 nonoperator's identification card for the purpose of voting
8 shall not be charged for the issuance of the nonoperator's
9 identification card. The bill requires that nonoperator's
10 identification cards issued to serve as proof of identification
11 for voting be labeled by the department as "For Voting Purposes
12 Only".

13 Division II of the bill makes conforming changes to certain
14 required notices on forms related to voter registration and
15 registration by mail.

16 Division III of the bill provides that the bill applies to
17 elections held on or after January 1, 2015.



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House Study Bill 24 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

- 1 An Act relating to the military service property tax exemption
- 2 and credit by increasing the exemption amount, and including
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1469YC (3) 85
md/sc



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H.F. _____

1 Section 1. Section 426A.11, subsections 1 and 2, Code 2013,
2 are amended to read as follows:

3 1. The property, not to exceed ~~two thousand seven hundred~~
4 ~~seventy-eight~~ fourteen thousand five hundred dollars in taxable
5 value of any veteran, as defined in section 35.1, of the First
6 World War.

7 2. The property, not to exceed ~~one thousand eight hundred~~
8 ~~fifty-two~~ fourteen thousand five hundred dollars in taxable
9 value of an honorably separated, retired, furloughed to a
10 reserve, placed on inactive status, or discharged veteran, as
11 defined in section 35.1, subsection 2, paragraph "a" or "b".

12 Sec. 2. APPLICABILITY. This Act applies to property taxes
13 due and payable in fiscal years beginning on or after July 1,
14 2014.

15 EXPLANATION

16 Under current law, veterans of the First World War are
17 entitled to a property tax exemption of \$2,778 in taxable value
18 and honorably discharged veterans who served during other
19 specific time periods are entitled to a property tax exemption
20 of \$1,852 in taxable value. This bill increases the exemption
21 amount for all eligible veterans to \$14,500.

22 Under current law, the state provides funding to local
23 governments for the military service property tax exemption and
24 credit up to \$6.92 per \$1,000 of assessed value of the exempt
25 property.

26 Code section 25B.7 provides that if a state appropriation
27 made to fund the credit or exemption is not sufficient to fully
28 fund the credit or exemption, the political subdivision shall
29 be required to extend to the taxpayer only that portion of the
30 credit or exemption estimated by the department of revenue to
31 be funded by the state appropriation. The provisions of Code
32 section 25B.7 apply to the military service property tax credit
33 and exemption to the extent of \$6.92 per \$1,000 of assessed
34 value of the exempt property.

35 The bill applies to property taxes due and payable in fiscal

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1 years beginning on or after July 1, 2014.



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House Study Bill 25 - Introduced

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

A BILL FOR

1 An Act relating to the forfeiture of bail in a criminal case.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. _____

1 Section 1. Section 602.8102, subsection 131, Code 2013, is
2 amended to read as follows:

3 131. Hold the amount of forfeiture and judgment of bail in
4 the clerk's office for ~~sixty~~ ninety days as provided in section
5 811.6.

6 Sec. 2. Section 811.6, subsections 2 and 3, Code 2013, are
7 amended to read as follows:

8 2. Where a forfeiture and judgment have been entered as
9 provided in this section, and the amount of the judgment has
10 been paid to the clerk, the clerk shall hold the same as funds
11 of the clerk's office for a period of ~~sixty~~ ninety days from
12 the date of judgment.

13 3. The court may, upon application, set aside such judgment
14 if, within ~~sixty~~ ninety days from the date ~~thereof~~ of the
15 judgment, the defendant shall voluntarily surrender to the
16 sheriff of the county, or the defendant's sureties shall, at
17 their own expense, deliver the defendant to the custody of
18 the sheriff. Such judgment shall not be set aside, however,
19 unless as a condition precedent thereto, the defendant and the
20 defendant's sureties shall have paid all costs and expenses
21 incurred in connection therewith.

22 EXPLANATION

23 This bill relates to the forfeiture of bail in a criminal
24 case.

25 The bill extends the time period the court may set aside a
26 judgment (forfeited bail) against a surety when a defendant
27 fails to appear in court. Under the bill, if a defendant fails
28 to appear in court the judgment against the surety may be
29 set aside by the court if a defendant voluntarily surrenders
30 to the sheriff or the surety delivers the defendant to the
31 court within 90 days of the entry of the judgment. Current
32 law provides that the judgment against the surety may be set
33 aside by the court if a defendant voluntarily surrenders to
34 the sheriff or the surety delivers the defendant to the court
35 within 60 days of the entry of the judgment.

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1 The bill also extends the time period the clerk of the
2 district court is required to hold the forfeited bail from
3 60 days to 90 days from the date of the judgment against the
4 surety.

5 Forfeited bail is collected by the clerk of the district
6 court and distributed pursuant to Code section 602.8106.



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House Study Bill 26 - Introduced

HOUSE CONCURRENT RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON J. SMITH)

1 A Concurrent Resolution relating to the joint rules
2 governing lobbyists of the Senate and House of
3 Representatives for the Eighty-fifth General
4 Assembly.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
6 SENATE CONCURRING, That ~~Senate Resolution 4 and House~~
7 ~~Resolution 12 are superseded by this resolution and~~
8 ~~that~~ the joint rules governing lobbyists of the Senate
9 and House of Representatives for the ~~Eighty-fourth~~
10 Eighty-fifth General Assembly shall be as follows:

11 JOINT RULES GOVERNING LOBBYISTS

12 Rule 1

13 DEFINITIONS

14 As used in these rules, "client", "gift",
15 "honoraria" or "honorarium", "immediate family member",
16 and "lobbyist" have the meaning provided in chapter
17 68B of the Code. As used in these rules, the term
18 "political action committee" means a committee, but not
19 a candidate's committee, which accepts contributions,
20 makes expenditures, or incurs indebtedness in the
21 aggregate of more than seven hundred fifty dollars
22 in any one calendar year to expressly advocate the
23 nomination, election, or defeat of a candidate for
24 public office or to expressly advocate the passage or
25 defeat of a ballot issue or influencing legislative
26 action, or an association, lodge, society, cooperative,
27 union, fraternity, sorority, educational institution,



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1 civic organization, labor organization, religious
2 organization, or professional or other organization
3 which makes contributions in the aggregate of more than
4 seven hundred fifty dollars in any one calendar year
5 to expressly advocate the nomination, election, or
6 defeat of a candidate for public office or to expressly
7 advocate the passage or defeat of a ballot issue or
8 influencing legislative action.

9

Rule 2

10

REGISTRATION REQUIRED

11 1. All lobbyists shall register with the chief
12 clerk of the house and secretary of the senate on or
13 before the day their lobbying activity begins. In
14 addition, the lobbyist shall file with the chief clerk
15 of the house and secretary of the senate a statement
16 of the general subjects of legislation in which the
17 lobbyist is or may be interested, and a declaration
18 of the numbers of the bills and resolutions and the
19 bill number of study bills, if known, which will be
20 lobbied, whether the lobbyist intends to lobby for or
21 against each bill, resolution, or study bill, if known,
22 and on whose behalf the lobbyist is lobbying the bill,
23 resolution, or study bill.

24 2. A declaration on a bill, resolution, or study
25 bill shall be filed prior to the lobbyist advocating
26 for or against the bill, resolution, or study bill
27 or stating that the lobbyist's client is undecided.
28 If such a prior declaration is impracticable, a
29 declaration shall be made within one working day
30 of the commencement of advocating for or against

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1 the bill, resolution, or study bill or stating that
2 the lobbyist's client is undecided. A change to a
3 declaration for a bill, resolution, or study bill shall
4 be filed within one working day of when the change
5 becomes effective.

6 3. Registration expires upon the commencement of
7 the next regular session of the general assembly,
8 except that the chief clerk of the house and secretary
9 of the senate may adopt and implement a reasonable
10 preregistration procedure in advance of each regular
11 session during which persons may register for that
12 session and the following legislative interim.

13 4. If a lobbyist's service on behalf of a
14 particular employer, client, or cause is concluded
15 prior to the end of the calendar year, the lobbyist may
16 cancel the registration on appropriate forms supplied
17 by the chief clerk of the house and the secretary
18 of the senate. Upon cancellation of registration, a
19 lobbyist is prohibited from engaging in any lobbying
20 activity on behalf of that particular employer, client,
21 or cause until reregistering and complying with these
22 rules. A lobbyist's registration is valid for only one
23 session of a general assembly.

24 5. If a registered lobbyist represents more than
25 one employer, client, or cause and the lobbyist's
26 services are concluded on behalf of a particular
27 employer, client, or cause after the lobbyist registers
28 but before the first day of the next legislative
29 session, the lobbyist shall file an amendment to the
30 lobbyist's registration indicating which employer,



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1 client, or cause is no longer represented by the
 2 lobbyist and the date upon which the representation
 3 concluded.

4 6. If a lobbyist is retained by one or more
 5 additional employers, clients, or causes after the
 6 lobbyist registers but before the first day of the
 7 next legislative session, the lobbyist shall file an
 8 amendment to the lobbyist's registration indicating the
 9 employer, client, or cause to be added and the date
 10 upon which the representation begins.

11 7. Amendments to a lobbyist's registration
 12 regarding changes which occur during the time that the
 13 general assembly is in session shall be filed within
 14 one working day after the date upon which the change in
 15 the lobbyist's representation becomes effective.

Rule 3

ELECTRONIC FILING

18 A lobbyist or client of a lobbyist required to
 19 file information with the chief clerk of the house
 20 or the secretary of the senate is required to make
 21 such filings in an electronic format as directed by
 22 the chief clerk of the house and the secretary of the
 23 senate.

Rule 4

LOBBYIST'S CLIENT REPORTING

26 1. Each lobbyist's client shall file the reports
 27 required under section 68B.38 with the chief clerk of
 28 the house or the secretary of the senate.

29 2. For purposes of this rule, and the report
 30 required under section 68B.38, "lobbying purposes"



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1 include but are not limited to the following:

2 a. Time spent by the lobbyist at the state capitol
3 building commencing with the first day of a legislative
4 session and ending with the day of final adjournment of
5 each legislative session as indicated by the journals
6 of the house and senate.

7 b. Time spent by the lobbyist attending meetings or
8 hearings which results in the lobbyist communicating
9 with members of the general assembly or legislative
10 employees about current or proposed legislation.

11 c. Time spent by the lobbyist researching and
12 drafting proposed legislation with the intent to submit
13 the legislation to a member of the general assembly or
14 a legislative employee.

15 d. Time spent by the lobbyist actually
16 communicating with members of the general assembly
17 and legislative employees about current or proposed
18 legislation.

19 Rule 5

20 GOVERNMENT OFFICIALS — OPPOSITION LOBBYING

21 Federal, state, and local officials who wish to
22 lobby in opposition to their departments, commissions,
23 boards, or agencies must indicate such on their
24 lobbyist registration statements.

25 Rule 6

26 PUBLIC ACCESS

27 All information filed by a lobbyist or a client
28 of a lobbyist pursuant to chapter 68B of the Code is
29 a public record and open to public inspection at any
30 reasonable time.



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1 interests of a member.

2 Rule 11

3 PERSONAL OR FINANCIAL OBLIGATION

4 A lobbyist shall not do anything with the purpose of
5 placing a member under personal or financial obligation
6 to a lobbyist or a lobbyist's principal or agent.

7 Rule 12

8 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT

9 A lobbyist shall not cause or influence the
10 introduction of any bill or amendment for the purpose
11 of being employed to secure its passage or defeat.

12 Rule 13

13 CAMPAIGN SUPPORT

14 A lobbyist shall not influence or attempt to
15 influence a member's actions by the promise of
16 financial support for the member's candidacy or threat
17 of financial support for an opposition candidate. A
18 lobbyist shall not make a campaign contribution to a
19 member or to a member's candidate's committee during
20 the time that the general assembly is in session.

21 Rule 14

22 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED

23 A lobbyist shall not communicate with a member's
24 employer for the purpose of influencing a vote of the
25 member.

26 Rule 15

27 EXCESS PAYMENTS

28 A lobbyist shall not pay or agree to pay to a member
29 a price, fee, compensation, or other consideration for
30 the sale or lease of any property or the furnishing of



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1 services which is substantially in excess of that which
 2 other persons in the same business or profession would
 3 charge in the ordinary course of business.

4 Rule 16

5 PROHIBITION AGAINST GIFTS

6 1. A lobbyist or client of a lobbyist shall not,
 7 directly or indirectly, offer or make a gift or series
 8 of gifts to any member or full-time permanent employee
 9 of the house or senate or the immediate family members
 10 of a member or full-time permanent employee of the
 11 house or senate except as otherwise provided in section
 12 68B.22 of the Code. A lobbyist or client of a lobbyist
 13 who intends or plans to give a nonmonetary item, other
 14 than food or drink consumed in the presence of the
 15 donor, which does not have a readily ascertainable
 16 value, to a member or full-time permanent employee of
 17 the house or senate, prior to giving or sending the
 18 item to the member or employee, shall seek approval
 19 of the item from the chief clerk of the house or the
 20 secretary of the senate, as applicable. A lobbyist or
 21 client of a lobbyist who seeks approval of an item from
 22 the chief clerk of the house or the secretary of the
 23 senate shall submit the item and evidence of the value
 24 of the item at the time that approval is requested.

25 2. A lobbyist shall inform each of the lobbyist's
 26 clients of the requirements of section 68B.22 of the
 27 Code and of the responsibility to seek approval prior
 28 to giving or sending a nonmonetary item which does not
 29 have a readily ascertainable value to a member or a
 30 full-time permanent employee of the house or senate.



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1 procedures for compliance with these rules, and shall
2 prepare forms for the filing of complaints and make
3 them available to any person.

4 Rule 21

5 EFFECTIVE PERIOD

6 These rules governing lobbyists and clients of
7 lobbyists shall be in effect throughout the calendar
8 year, whether or not the general assembly is in
9 session.

10 Rule 22

11 ADDITIONAL RULES

12 The senate and the house of representatives may
13 adopt rules relating to the activities of lobbyists in
14 the senate rules and house rules that supplement these
15 joint rules.



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House Study Bill 27 - Introduced

HOUSE RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON SMITH)

1 A Resolution relating to the code of ethics of the
2 House of Representatives for the Eighty-fifth
3 General Assembly.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
5 the House Code of Ethics shall be as follows:

6 HOUSE CODE OF ETHICS

7 PREAMBLE. Every legislator and legislative employee
8 has a duty to uphold the integrity and honor of the
9 general assembly, to encourage respect for the law
10 and for the general assembly, and to observe the house
11 code of ethics. The members and employees of the house
12 have a responsibility to conduct themselves so as to
13 reflect credit on the general assembly, and to inspire
14 the confidence, respect, and trust of the public. The
15 following rules are adopted pursuant to chapter 68B of
16 the Code, to assist the members and employees in the
17 conduct of their activities:

18 1. DEFINITIONS. The definitions of terms provided
19 in chapter 68B of the Code apply to the use of those
20 terms in these rules.

21 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
22 HOUSE.

23 a. *Economic or investment opportunity.* A member
24 or employee of the house shall not solicit or accept
25 economic or investment opportunity under circumstances
26 where the member or employee knows, or should know,
27 that the opportunity is being afforded with the intent



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1 to influence the member's or employee's conduct in
2 the performance of official duties. If a member
3 or employee of the house learns that an economic
4 or investment opportunity previously accepted was
5 offered with the intent of influencing the member's or
6 employee's conduct in the performance of the official
7 duties, the member or employee shall take steps to
8 divest that member or employee of that investment or
9 economic opportunity, and shall report the matter
10 in writing to the chairperson of the house ethics
11 committee.

12 b. *Excessive charges for services, goods, or*
13 *property interests.* A member or employee of the
14 house shall not charge to or accept from a person
15 known to have a legislative interest, a price, fee,
16 compensation, or other consideration for the sale or
17 lease of any property or the furnishing of services
18 which is in excess of that which the member or employee
19 would ordinarily charge another person.

20 c. *Use of confidential information.* A member or
21 employee of the house, in order to further the member's
22 or employee's own economic interests, or those of any
23 other person, shall not disclose or use confidential
24 information acquired in the course of the member's or
25 employee's official duties. For the purpose of this
26 rule, information disclosed in open session at a public
27 meeting and information that is a public record is not
28 confidential information.

29 d. *Employment.* A member or employee of the house
30 shall not accept employment, either directly or



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1 indirectly, from a political action committee. A
2 member of the house shall not act as a paid lobbyist
3 for any organization. However, this paragraph shall
4 not prohibit a member or employee of the house from
5 working for a candidate's committee, a political
6 party's action committee, or a political action
7 committee which does not expressly advocate the
8 nomination, election, or defeat of a candidate for
9 public office in this state or expressly advocate the
10 passage or defeat of a ballot issue in this state and
11 which is not interested in issues before the general
12 assembly.

13 For the purpose of this rule, a political action
14 committee means a committee, but not a candidate's
15 committee, which accepts contributions, makes
16 expenditures, or incurs indebtedness in the aggregate
17 of more than seven hundred fifty dollars in any one
18 calendar year to expressly advocate the nomination,
19 election, or defeat of a candidate for public office or
20 to expressly advocate the passage or defeat of a ballot
21 issue or for the purpose of influencing legislative
22 action.

23 e. Solicitation of employment as lobbyist. A
24 member or employee of the house shall not solicit
25 employment on behalf of the member or employee, or on
26 behalf of another legislator or employee, as a lobbyist
27 while the general assembly is in session.

28 f. Certain goods or services. A member or employee
29 of the house shall not solicit or obtain goods or
30 services from another person under circumstances where



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1 the member or employee knows or should know that the
 2 goods or services are being offered or sold with the
 3 intent to influence the member's or employee's conduct
 4 in the performance of official duties. If a member
 5 or employee of the house is afforded goods or services
 6 by another person at a price that is not available to
 7 other members or classes of members of the general
 8 public or is afforded goods or services that are not
 9 available to other members or classes of members
 10 of the general public by another person where the
 11 member or employee knows or should know that the other
 12 person intends to influence the member's or employee's
 13 official conduct, the member or employee shall not take
 14 or purchase the goods or services.

15 3. APPEARANCE BEFORE STATE AGENCY. A member or
 16 employee of the house may appear before a state agency
 17 in any representation case but shall not act as a
 18 lobbyist with respect to the passage, defeat, approval,
 19 veto, or modification of any legislation, rule, or
 20 executive order. Whenever a member or employee of
 21 the house appears before a state agency, the member
 22 or employee shall carefully avoid all conduct which
 23 might in any way lead members of the general public
 24 to conclude that the member or employee is using the
 25 member's or employee's official position to further the
 26 member's or employee's professional success or personal
 27 financial interest.

28 4. CONFLICTS OF INTEREST. In order for the general
 29 assembly to function effectively, members of the house
 30 may be required to vote on bills and participate in



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1 committee work which will affect their employment and
2 other areas in which they may have a monetary interest.
3 Action on bills and committee work which furthers a
4 member's specific employment, specific investment, or
5 other specific interest, as opposed to the interests of
6 the public in general or the interests of a profession,
7 trade, business, or other class of persons, shall be
8 avoided. In making a decision relative to a member's
9 activity on particular bills or in committee work, the
10 following factors should be considered:

11 a. Whether a substantial threat to the member's
12 independence of judgment has been created by the
13 conflict situation.

14 b. The effect of the member's participation on
15 public confidence in the integrity of the general
16 assembly.

17 c. Whether the member's participation is likely to
18 have any significant effect on the disposition of the
19 matter.

20 d. The need for the member's particular
21 contribution, such as special knowledge of the subject
22 matter, to the effective functioning of the general
23 assembly.

24 If a member decides not to participate in committee
25 work or to abstain from voting because of a possible
26 conflict of interest, the member should disclose
27 this fact to the legislative body. The member shall
28 not vote on any question in which the member has an
29 economic interest that is distinguishable from the
30 interests of the general public or a substantial class

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1 of persons.

2 5. STATUTORY REQUIREMENTS. Members and employees
3 of the house shall comply with the requirements
4 contained in chapters 68B (Government Ethics and
5 Lobbying), 721 (Official Misconduct), and 722 (Bribery
6 and Corruption), and sections 2.18 (Contempt) and 711.4
7 (Extortion) of the Code.

8 6. CHARGE ACCOUNTS. Members and employees of the
9 house shall not charge any amount or item to a charge
10 account to be paid for by a lobbyist or any client of a
11 lobbyist.

12 7. TRAVEL EXPENSES. A member or employee of the
13 house shall not charge to the state of Iowa amounts
14 for travel and expenses unless the member or employee
15 actually has incurred those mileage and expense costs.
16 Members or employees shall not file the vouchers for
17 weekly mileage reimbursement required by section 2.10,
18 subsection 1 of the Code, unless the travel expense was
19 actually incurred.

20 A member or employee of the house shall not file
21 a claim for per diem compensation for a meeting of
22 an interim study committee or a visitation committee
23 unless the member or employee attended the meeting.
24 However, the speaker may waive this provision and allow
25 a claim to be filed if the member or employee attempted
26 to attend the meeting but was unable to do so because
27 of circumstances beyond the member's or employee's
28 control.

29 8. GIFTS ACCEPTED OR RECEIVED. Members and
30 employees of the house shall comply with the



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1 restrictions relating to the receipt or acceptance
2 of gifts contained in section 68B.22 of the Code.
3 The sponsor of a function under section 68B.22,
4 subsection 4, paragraph "s", shall electronically
5 file a registration with the chief clerk of the house
6 five days prior to the function disclosing the name of
7 the sponsor, and the date, time, and location of the
8 function. The sponsor shall also electronically file a
9 report of expenditures as required pursuant to section
10 68B.22, subsection 4, paragraph "s".

11 9. HONORARIA RESTRICTIONS. Members and employees
12 of the house shall comply with the restrictions
13 relating to the receipt of honoraria contained in
14 section 68B.23 of the Code.

15 10. DISCLOSURE REQUIRED. Each member of the
16 house and the chief clerk of the house shall file the
17 personal financial disclosure statements required under
18 section 68B.35 of the Code by February 15 of each year
19 for the prior calendar year.

20 11. SEXUAL HARASSMENT. Members and employees of
21 the house shall not engage in conduct which constitutes
22 sexual harassment as defined in section 19B.12 of
23 the Code or pursuant to the sexual harassment policy
24 adopted by the house committee on administration and
25 rules.

26 12. COMPLAINTS.

27 a. *Filing of complaint.* Complaints may be filed by
28 any person believing that a member or employee of the
29 house, a lobbyist, or a client of a lobbyist is guilty
30 of a violation of the house code of ethics, the house



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1 joint rules governing lobbyists, or chapter 68B of the
2 Code.

3 b. *Complaints by committee.* The ethics committee
4 may initiate a complaint on its own motion. Committee
5 complaints may be initiated by the committee as a
6 result of a committee investigation or as a result of
7 receipt of any complaint or other information that does
8 not meet the requirements of these rules regarding the
9 form of a complaint but that contains allegations that
10 would form the basis for a valid complaint.

11 c. *Form and contents of complaint.* A complaint
12 shall be in writing.

13 Complaint forms shall be available from the chief
14 clerk of the house, but a complaint shall not be
15 rejected for failure to use the approved form if it
16 complies with the requirements of these rules. The
17 complaint shall contain a certification made by the
18 complainant, under penalty of perjury, that the facts
19 stated in the complaint are true to the best of the
20 complainant's knowledge.

21 To be valid, a complaint shall allege all of the
22 following:

23 (1) Facts, that if true, establish a violation of
24 a provision of chapter 68B of the Code, the house code
25 of ethics, or ~~house~~ joint rules governing lobbyists for
26 which penalties or other remedies are provided.

27 (2) That the conduct providing the basis for the
28 complaint occurred within three years of the filing of
29 the complaint.

30 (3) That the party charged with a violation is



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1 a party subject to the jurisdiction of the ethics
2 committee.

3 d. *Confidentiality of complaint.* The identity of
4 the parties and the contents of the complaint shall
5 be confidential until the time that the committee
6 chairperson and ranking member determine under
7 paragraph "f" that the complaint is sufficient as
8 to form, unless either the complainant or the party
9 charged in the complaint makes the identity of the
10 parties, or the information contained in the complaint,
11 public. The chief clerk of the house and the committee
12 chairperson and ranking member may communicate
13 confidentially with appropriate legislative staff
14 during any stage of the complaint process.

15 e. *Notice of complaint.* Upon receipt of the
16 complaint, the chief clerk of the house shall promptly
17 notify the chairperson and ranking member of the
18 ethics committee that a complaint has been filed and
19 provide both the chairperson and the ranking member
20 with copies of the complaint and any supporting
21 information. Within two working days, the chief clerk
22 shall send notice, either by personal delivery or by
23 certified mail, return receipt requested, to the person
24 or persons alleged to have committed the violation,
25 along with a copy of the complaint and any supporting
26 information. The notice to the accused person shall
27 contain a request that the person submit a written
28 response to the complaint within ten working days of
29 the date that the notice was sent by the chief clerk.
30 At the request of the accused person, the committee may

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1 extend the time for the response, not to exceed ten
2 additional calendar days. A response to a complaint
3 shall not be confidential.

4 f. *Hearing regarding validity of complaint.* The
5 committee chairperson and the ranking member shall
6 review the complaint and supporting information to
7 determine whether the complaint meets the requirements
8 as to form. If the complaint is deficient as to form,
9 the complaint shall be returned to the complainant
10 with instructions indicating the deficiency. If the
11 complaint is in writing, is sufficient as to form,
12 and contains the appropriate certification, as soon
13 as practicable, the chairperson shall call a meeting
14 of the committee to review the complaint to determine
15 whether the complaint meets the requirements for
16 validity and whether the committee should take action
17 on the complaint pursuant to paragraph "g" or whether
18 the committee should request that the chief justice
19 of the supreme court appoint an independent special
20 counsel to conduct an investigation to determine
21 whether probable cause exists to believe that a
22 violation of the house code of ethics, ~~house~~ joint
23 rules governing lobbyists, or chapter 68B of the Code,
24 has occurred. The sufficiency as to form determination
25 and the valid complaint requirements determination
26 shall be based solely upon the original complaint and
27 the response to the complaint. Additional documents
28 or responses shall not be filed by the parties or
29 otherwise considered by the committee prior to a
30 validity determination. The committee shall not



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1 receive or consider oral testimony in support of or
2 against a validity determination.

3 If the committee finds that a complaint does not
4 meet the content requirements for a valid complaint,
5 the committee shall dismiss the complaint and notify
6 both the complainant and the party alleged to have
7 committed the violation of the dismissal and the
8 reasons for dismissal. A dismissal for failure to meet
9 the formal requirements for the filing of a complaint
10 shall be without prejudice and the complainant may
11 refile the complaint at any time within three years
12 of the date that the alleged violation took place. If
13 the dismissal is based upon a failure to allege facts
14 and circumstances necessary for a valid complaint, the
15 dismissal shall be with prejudice and the party shall
16 not be permitted to file a complaint based upon the
17 same facts and circumstances.

18 g. Action on undisputed complaint. If the committee
19 determines a complaint is valid and determines no
20 dispute exists between the parties regarding the
21 material facts that establish a violation, the
22 committee may take action on the complaint under this
23 paragraph without requesting the appointment of an
24 independent special counsel.

25 The committee may do any of the following:

26 (1) Issue an admonishment to advise against the
27 conduct that formed the basis for the complaint and to
28 exercise care in the future.

29 (2) Issue an order to cease and desist the conduct
30 that formed the basis for the complaint.



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1 (3) Make a recommendation to the house that
2 the person subject to the complaint be censured or
3 reprimanded.

4 h. *Request for appointment of independent special*
5 *counsel.* If, after review of the complaint and any
6 response made by the party alleged to have committed
7 the violation, the committee determines that the
8 complaint meets the requirements for form and content
9 and the committee has not taken action under paragraph
10 "g", the committee shall request that the chief justice
11 of the supreme court appoint independent special
12 counsel to investigate the matter and determine whether
13 probable cause exists to believe that a violation of
14 chapter 68B of the Code, the house code of ethics, or
15 the ~~house~~ joint rules governing lobbyists has occurred.

16 i. *Receipt of report of independent special counsel.*
17 The report from the independent special counsel
18 regarding probable cause to proceed on a complaint
19 shall be filed with the chief clerk of the house.
20 Upon receipt of the report of the independent special
21 counsel, the chief clerk shall notify the chairperson
22 of the filing of the report and shall send copies of
23 the report to the members of the ethics committee. As
24 soon as practicable after the filing of the report, the
25 chairperson shall schedule a public meeting for review
26 of the report. The purpose of the public meeting
27 shall be to determine whether the complaint should be
28 dismissed, whether a formal hearing should be held on
29 the complaint, or whether other committee action is
30 appropriate. The complainant and the person alleged to

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1 have committed the violation shall be given notice of
2 the public meeting, shall have the right to be present
3 at the public meeting, and may, at the discretion
4 of the committee, present testimony in support of or
5 against the recommendations contained in the report.

6 If the committee determines that the matter should
7 be dismissed, the committee shall cause an order to
8 be entered dismissing the matter and notice of the
9 dismissal shall be given to the complainant and the
10 party alleged to have committed the violation. If
11 the committee determines that the complaint should be
12 scheduled for formal hearing, the committee shall issue
13 a charging statement which contains the charges and
14 supporting facts that are to be set for formal hearing
15 and notice shall be sent to the complainant and the
16 accused person.

17 The notice shall include a statement of the nature
18 of the charge or charges, a statement of the time and
19 place of hearing, a short and plain statement of the
20 facts asserted, and a statement of the rights of the
21 accused person at the hearing.

22 j. *Formal hearing.* Formal hearings shall be public
23 and conducted in the manner provided in section 68B.31,
24 subsection 8 of the Code. At a formal hearing the
25 accused shall have the right to be present and to
26 be heard in person and by counsel, to cross-examine
27 witnesses, and to present evidence. Members of
28 the committee shall also have the right to question
29 witnesses.

30 The committee may require, by subpoena or otherwise,



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1 the attendance and testimony of witnesses and the
2 production of such books, records, correspondence,
3 memoranda, papers, documents, and any other things it
4 deems necessary to the conduct of the inquiry.

5 Evidence at the formal hearing shall be received
6 in accordance with rules and procedures applicable to
7 contested cases under chapter 17A of the Code.

8 The committee chairperson, or the vice chairperson
9 or ranking member in the absence of the chairperson,
10 shall preside at the formal hearing and shall rule on
11 the admissibility of any evidence received. The ruling
12 of the chairperson may be overturned by a majority
13 vote of the committee. Independent special counsel
14 shall present the evidence in support of the charge
15 or charges. The burden shall be on the independent
16 special counsel to prove the charge or charges by
17 a preponderance of clear and convincing evidence.
18 Upon completion of the formal hearing, the committee
19 shall adopt written findings of fact and conclusions
20 concerning the merits of the charges and make its
21 report and recommendation to the house.

22 k. *Disqualification of member.* Members of the
23 committee may disqualify themselves from participating
24 in any investigation of the conduct of another person
25 upon submission of a written statement that the member
26 cannot render an impartial and unbiased decision
27 in a case. A member may also be disqualified by a
28 unanimous vote of the remaining eligible members of the
29 committee.

30 A member of the committee is ineligible to



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1 participate in committee meetings, as a member of the
 2 committee, in any proceeding relating to the member's
 3 own official conduct.

4 If a member of the committee is disqualified or
 5 ineligible to act, the majority or minority leader who
 6 appointed the member shall appoint a replacement member
 7 to serve as a member of the committee during the period
 8 of disqualification or ineligibility.

9 1. *Recommendations by the committee.* The committee
 10 shall recommend to the house that the complaint be
 11 dismissed, or that one or more of the following be
 12 imposed:

13 (1) That the member or employee of the house
 14 or lobbyist or client of a lobbyist be censured or
 15 reprimanded, and the recommended appropriate form of
 16 censure or reprimand be used.

17 (2) That the member of the house be suspended or
 18 expelled from membership in the house and required
 19 to forfeit the member's salary for that period, the
 20 employee of the house be suspended or dismissed from
 21 employment, or that the lobbyist's or lobbyist's
 22 client's lobbying privileges be suspended.

23 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
 24 complaint has been filed or an investigation has been
 25 initiated, a party to the complaint or investigation
 26 shall not communicate, or cause another to communicate,
 27 as to the merits of the complaint or investigation with
 28 a member of the committee, except under the following
 29 circumstances:

30 a. During the course of any meetings or other



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1 official proceedings of the committee regarding the
2 complaint or investigation.

3 b. In writing, if a copy of the writing is
4 delivered to the adverse party or the designated
5 representative for the adverse party.

6 c. Orally, if adequate prior notice of the
7 communication is given to the adverse party or the
8 designated representative for the adverse party.

9 d. As otherwise authorized by statute, the house
10 code of ethics, ~~house~~ joint rules governing lobbyists,
11 or vote of the committee.

12 14. PERMANENT RECORD. The chief clerk of the house
13 shall maintain a permanent record of all complaints
14 filed and any corresponding committee action. The
15 permanent record shall be prepared by the ethics
16 committee and shall contain the date the complaint was
17 filed, name and address of the complainant, name and
18 address of the accused person, a brief statement of the
19 charges made, any evidence received by the committee,
20 any transcripts or recordings of committee action, and
21 ultimate disposition of the complaint. The Except as
22 provided in rule 12, paragraph "d", the chief clerk
23 shall keep each complaint confidential until public
24 disclosure is made by the ethics committee.

25 15. MEETING AUTHORIZATION. The house ethics
26 committee is authorized to meet at the discretion of
27 the committee chairperson in order to conduct hearings
28 and other business that properly may come before it.
29 If the committee submits a report seeking house action
30 against a member or employee of the house or lobbyist



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1 after the second regular session of a general assembly
2 has adjourned sine die, the report shall be submitted
3 to and considered by the subsequent general assembly.

4 16. ADVISORY OPINIONS.

5 a. *Requests for formal opinions.* A request for a
6 formal advisory opinion may be filed by any person who
7 is subject to the authority of the ethics committee.
8 The ethics committee may also issue a formal advisory
9 opinion on its own motion, without having previously
10 received a formal request for an opinion, on any issue
11 that is within the jurisdiction of the committee.

12 Requests shall be filed with either the chief clerk of
13 the house or the chairperson of the ethics committee.

14 b. *Form and contents of requests.* A request for
15 a formal advisory opinion shall be in writing and
16 may pertain to any subject matter that is related to
17 application of the house code of ethics, the ~~house~~
18 joint rules governing lobbyists, or chapter 68B of the
19 Code to any person who is subject to the authority of
20 the ethics committee. Requests shall contain one or
21 more specific questions and shall relate either to
22 future conduct or be stated in the hypothetical. A
23 request for an advisory opinion shall not specifically
24 name any individual or contain any other specific
25 identifying information, unless the request relates
26 to the requester's own conduct. However, any request
27 may contain information which identifies the kind
28 of individual who may be affected by the subject
29 matter of the request. Examples of this latter kind
30 of identifying information may include references to



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1 percentage of ownership of an asset is less than 100
 2 percent, multiply your percentage of ownership by the
 3 total revenue produced to determine if you have reached
 4 the \$1,000 threshold.

5 Do not report income received by your spouse or
 6 other family members.

7 In completing this form, if insufficient space is
 8 provided for your answer, you may attach additional
 9 information/answers on full-size sheets of paper.

10 Division I. Business, Occupation, or Profession.

11 List each business, occupation, or profession in
 12 which you are engaged, the nature of the business if
 13 not evident, and your position or job title. No income
 14 threshold or time requirement applies.

15 Examples:

16 If you are employed by an individual, state the name
 17 of the individual employer, the nature of the business,
 18 and your position.

19 If you are self-employed and are not incorporated
 20 or are not doing business under a particular business
 21 name, state that you are self-employed, the nature of
 22 the business, and your position.

23 If you own your own corporation, are employed by a
 24 corporation, or are doing business under a particular
 25 business name, state the name and nature of the
 26 business or corporation and your position.

27 1 _____
 28 2 _____
 29 3 _____
 30 4 _____



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1 5 _____
 2 6 _____
 3 Division II. Commissions from Sales of Goods or
 4 Services to Political Subdivisions.
 5 This part is to be completed only by Legislators.
 6 If you received income in the form of a commission
 7 from the sale of goods or services to a political
 8 subdivision, state the name of the purchasing political
 9 subdivision. The amount of commission earned is not
 10 required to be listed.

11 1 _____
 12 2 _____
 13 3 _____
 14 4 _____
 15 5 _____
 16 6 _____

17 Division III. Sources of Gross Income.
 18 In each one of the following categories list each
 19 source which produces more than \$1,000 in annual gross
 20 income, if the revenue produced by the source was
 21 subject to federal or state income taxes last year.
 22 List the nature or type of each company, business,
 23 financial institution, corporation, partnership, or
 24 other entity which produces more than \$1,000 of annual
 25 gross income. Neither the amount of income produced
 26 nor value of the holding is required to be listed in
 27 any of the items.
 28 A. Securities: State the nature of the business of
 29 any company in which you hold stock, bonds, or other
 30 pecuniary interests that generate more than \$1,000



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1 in annual gross income. Income generated by multiple
 2 holdings in a single company are deemed received from a
 3 single source.

4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____

10 B. Instruments of Financial Institutions: State
 11 the types of institutions in which you hold financial
 12 instruments, such as certificates of deposit, savings
 13 accounts, etc., that produce annual gross income in
 14 excess of \$1,000, e.g., banks, savings and loans, or
 15 credit unions.

16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____

22 C. Trusts: State the nature or type of any trust
 23 from which you receive more than \$1,000 of gross income
 24 annually.

25 _____
 26 _____
 27 _____
 28 _____
 29 _____
 30 _____



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1 D. Real Estate: State the general nature of real
2 estate interests that generate more than \$1,000 of
3 gross income annually, e.g., residential leasehold
4 interest or farm leasehold interest. The size or
5 location of the property interest is not required to be
6 listed.

7 _____
8 _____
9 _____
10 _____
11 _____
12 _____

13 E. Retirement Systems: State the name of each
14 pension plan or other corporation or company that pays
15 you more than \$1,000 annually in retirement benefits.

16 _____
17 _____
18 _____
19 _____
20 _____
21 _____

22 F. Other Income Categories Specified in State and
23 Federal Income Tax Regulations.

24 _____
25 _____
26 _____
27 _____
28 _____
29 _____

30 (Signature of Filer) _____ (Date)



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House Study Bill 28 - Introduced

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

A BILL FOR

- 1 An Act relating to the residential landlord and tenant laws and
- 2 related forcible entry and detainer actions and providing
- 3 penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 535.2, subsection 7, Code 2013, is
2 amended to read as follows:
3 7. This section does not apply to a charge imposed for late
4 payment of rent. ~~However, in the case of a residential lease,~~
5 ~~a late payment fee shall not exceed ten dollars a day or forty~~
6 ~~dollars per month.~~
7 Sec. 2. Section 562A.4, Code 2013, is amended by adding the
8 following new subsection:
9 NEW SUBSECTION. 3. The court may, in any action on a rental
10 agreement, award reasonable attorney fees to the prevailing
11 party.
12 Sec. 3. Section 562A.6, Code 2013, is amended by adding the
13 following new subsections:
14 NEW SUBSECTION. 7A. "Presumption" means that the trier of
15 fact must find the existence of the fact presumed unless and
16 until evidence is introduced which would support a finding of
17 its nonexistence.
18 NEW SUBSECTION. 11A. "Resident" means an occupant of a
19 dwelling unit who is at least eighteen years of age.
20 Sec. 4. Section 562A.6, subsection 9, Code 2013, is amended
21 to read as follows:
22 9. "Rent" means a payment to be made to the landlord under
23 the rental agreement, including late fees pursuant to section
24 562A.9, subsection 3A, and amounts due to the landlord under
25 other provisions of this chapter.
26 Sec. 5. Section 562A.8, Code 2013, is amended to read as
27 follows:
28 **562A.8 Notice Method of notice and service of process.**
29 1. A written notice of termination as required by section
30 562A.27, subsection 1, 2, or 5, a written notice of termination
31 as required by section 562A.34, subsection 1, 2, or 3, a
32 written notice of termination and notice to quit as required by
33 section 562A.27A, or a notice to quit as required by section
34 648.3 shall be served as provided in this subsection.
35 a. A landlord shall serve notice on a tenant by one or more



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1 of the following methods:

2 (1) Personal service pursuant to rule of civil procedure
3 1.305, Iowa court rules, for the personal service of original
4 notice.

5 (2) Delivery evidenced by an acknowledgment of service
6 that is signed and dated by a resident of the dwelling unit.
7 Delivery under this subparagraph of a single notice shall be
8 deemed to provide notice to all tenants and occupants of the
9 dwelling unit.

10 (3) Posting the notice on or near a primary entrance door
11 of the subject premises and mailing by regular mail and by
12 certified mail, as defined in section 618.15, to the address of
13 the dwelling unit or to an address provided by the tenant for
14 mailing.

15 (4) A method of providing notice that results in the notice
16 actually being received by the tenant.

17 b. A tenant shall serve notice on a landlord by one or more
18 of the following methods:

19 (1) Personal service pursuant to rule of civil procedure
20 1.305, Iowa court rules, for the personal service of original
21 notice.

22 (2) Delivery evidenced by an acknowledgment of delivery
23 that is signed and dated by the landlord or the landlord's
24 agent designated under section 562A.13.

25 (3) Mailing by both regular mail and by certified mail, as
26 defined in section 618.15, to the address of the landlord's
27 business office or to an address designated by the landlord for
28 mailing.

29 (4) A method of providing notice that results in the notice
30 actually being received by the landlord.

31 ~~1-~~ 2. Notices All other notices required under this
32 chapter, except those notices identified in section 562A.29A,
33 shall be served as follows: provided in this subsection.

34 a. A landlord shall serve notice on a tenant by one or more
35 of the following methods:



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1 (1) Hand delivery to the tenant as evidenced by a written
2 confirmation of delivery signed and dated by the landlord.

3 (2) Delivery evidenced by an acknowledgment of ~~delivery~~
4 service that is signed and dated by a resident of the dwelling
5 unit who is at least eighteen years of age. Delivery under
6 this subparagraph of a single notice shall be deemed to provide
7 notice to all tenants and occupants of the dwelling unit.

8 (3) Personal service pursuant to rule of civil procedure
9 1.305, Iowa court rules, for the personal service of original
10 notice.

11 (4) Mailing by both regular mail and certified mail, as
12 defined in section 618.15, to the address of the dwelling unit
13 or to an address provided by the tenant for mailing.

14 (5) Posting on the primary entrance door of the dwelling
15 unit. ~~A notice posted according to this subparagraph shall be~~
16 ~~posted within the applicable time period for serving notice and~~
17 ~~shall include the date the notice was posted.~~

18 (6) A method of providing notice that results in the notice
19 actually being received by the tenant.

20 **b.** A tenant shall serve notice on a landlord by one or more
21 of the following methods:

22 (1) Hand delivery to the landlord or the landlord's agent
23 designated under section 562A.13 at the landlord's business
24 office, as evidenced by a written confirmation of delivery
25 signed and dated by the tenant.

26 (2) Delivery evidenced by an acknowledgment of delivery
27 that is signed and dated by the landlord or the landlord's
28 agent designated under section 562A.13.

29 (3) Personal service pursuant to rule of civil procedure
30 1.305, Iowa court rules, for the personal service of original
31 notice.

32 ~~(4) Delivery to an employee or agent of the landlord at the~~
33 ~~landlord's business office.~~

34 ~~(5)~~ (4) Mailing by both regular mail and certified mail,
35 as defined in section 618.15, to the address of the landlord's



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1 business office or to an address designated by the landlord for
2 mailing.

3 ~~(6)~~ (5) A method of providing notice that results in the
4 notice actually being received by the landlord.

5 3. If service of notice includes posting, the notice shall
6 be posted within the same time period that is applicable
7 to other methods of giving notice under the circumstances.
8 The posted notice shall set forth, on its face, the date
9 of posting. An affidavit signed by the person posting and
10 notarized or certified under penalty of perjury pursuant
11 to section 622.1 shall be evidence of service of notice by
12 posting. Service of notice by posting is deemed completed one
13 day after the notice is posted.

14 ~~2.~~ 4. Notice served by mail ~~under this section~~ is deemed
15 completed ~~four~~ three days after the notice is deposited in the
16 mail and postmarked for delivery, whether or not the recipient
17 ~~signs a receipt for the notice~~ date of the postmark.

18 5. In the case of service of notice by multiple methods, the
19 latest date of completed service shall be the day used for the
20 calculation of any time periods pertaining to the notice.

21 Sec. 6. Section 562A.9, Code 2013, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3A. A rental agreement shall not provide
24 for a late fee that exceeds twenty dollars per day or a total
25 amount equal to ten percent of the monthly rent.

26 Sec. 7. Section 562A.11, subsection 1, paragraph c, Code
27 2013, is amended to read as follows:

28 c. Agrees to pay the other party's attorney fees, except
29 that a written agreement may provide notification that attorney
30 fees may be awarded to the prevailing party in the event of
31 court action; or

32 Sec. 8. Section 562A.12, subsection 8, Code 2013, is amended
33 by striking the subsection.

34 Sec. 9. Section 562A.17, subsection 6, Code 2013, is amended
35 to read as follows:



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1 c. Posting the notice on or near a primary entrance door
 2 of the subject premises and mailing by regular mail and by
 3 certified mail, as defined in section 618.15, to the address of
 4 the dwelling unit or to an address provided by the tenant for
 5 mailing.

6 d. A method of providing notice that results in the notice
 7 actually being received by the tenant.

8 ~~1.~~ 2. Notices All other notices required under this
 9 chapter, ~~except those notices identified in section 562B.27A,~~
 10 shall be served as follows: provided in this subsection.

11 a. A landlord shall serve notice on a tenant by one or more
 12 of the following methods:

13 (1) Hand delivery to the tenant as evidenced by a written
 14 confirmation of delivery signed and dated by the landlord.

15 (2) Delivery evidenced by an acknowledgment of ~~delivery~~
 16 service that is signed and dated by a resident of the dwelling
 17 unit who is at least eighteen years of age. Delivery under
 18 this subparagraph of a single notice shall be deemed to provide
 19 notice to all tenants and occupants of the dwelling unit.

20 (3) Personal service pursuant to rule of civil procedure
 21 1.305, Iowa court rules, for the personal service of original
 22 notice.

23 (4) Mailing by both regular mail and certified mail, as
 24 defined in section 618.15, to the address of the dwelling unit
 25 or to an address provided by the tenant for mailing.

26 (5) Posting on the primary entrance door of the dwelling
 27 unit. ~~A notice posted according to this subparagraph shall be~~
 28 ~~posted within the applicable time period for serving notice and~~
 29 ~~shall include the date the notice was posted.~~

30 (6) A method of providing notice that results in the notice
 31 actually being received by the tenant.

32 b. A tenant shall serve notice on a landlord by one or more
 33 of the following methods:

34 (1) Hand delivery to the landlord or the landlord's agent
 35 designated under section 562B.14 at the landlord's business



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1 office, as evidenced by a written confirmation of delivery
2 signed and dated by the tenant.

3 (2) Delivery evidenced by an acknowledgment of delivery
4 that is signed and dated by the landlord or the landlord's
5 agent designated under section 562B.14.

6 (3) Personal service pursuant to rule of civil procedure
7 1.305, Iowa court rules, for the personal service of original
8 notice.

9 ~~(4) Delivery to an employee or agent of the landlord at the~~
10 ~~landlord's business office.~~

11 ~~(5)~~ (4) Mailing by both regular mail and certified mail,
12 as defined in section 618.15, to the address of the landlord's
13 business office or to an address designated by the landlord for
14 mailing.

15 ~~(6)~~ (5) A method of providing notice that results in the
16 notice actually being received by the landlord.

17 3. If service of notice includes posting, the notice shall
18 be posted within the same time period that is applicable
19 to other methods of giving notice under the circumstances.
20 The posted notice shall set forth, on its face, the date
21 of posting. An affidavit signed by the person posting and
22 notarized or certified under penalty of perjury pursuant
23 to section 622.1 shall be evidence of service of notice by
24 posting. Service of notice by posting is deemed completed one
25 day after the notice is posted.

26 ~~2- 4.~~ Notice served by mail ~~under this section~~ is deemed
27 completed ~~four~~ three days after the notice is deposited in the
28 mail and postmarked for delivery, ~~whether or not the recipient~~
29 ~~signs a receipt for the notice~~ date of the postmark.

30 5. In the case of service of notice by multiple methods, the
31 latest date of completed service shall be the day used for the
32 calculation of any time periods pertaining to the notice.

33 Sec. 15. Section 648.3, Code 2013, is amended to read as
34 follows:

35 **648.3 Notice to quit.**



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1 The posted notice shall set forth, on its face, the date of
 2 the posting. An affidavit signed by the person posting and
 3 notarized or certified under penalty of perjury pursuant
 4 to section 622.1 shall be evidence of service of notice by
 5 posting. Service of notice by posting is deemed completed one
 6 day after the notice is posted.

7 3. ~~A notice to quit~~ Notice served by mail under this
 8 ~~section~~ is deemed completed ~~four~~ three days after the notice
 9 ~~is deposited in the mail and postmarked for delivery, whether~~
 10 ~~or not the recipient signs a receipt for the notice~~ date of the
 11 postmark.

12 4. In the case of service of notice by multiple methods, the
 13 latest date of completed service shall be the day used for the
 14 calculation of any time periods pertaining to the notice.

15 Sec. 16. Section 648.5, subsection 2, paragraphs a and c,
 16 Code 2013, are amended to read as follows:

17 a. Delivery evidenced by an acknowledgment of service that
 18 is signed and dated by a resident of the premises who is at
 19 least eighteen years of age. Delivery under this paragraph
 20 of a single notice shall be deemed to provide notice to all
 21 ~~tenants or residents~~ and occupants of the premises. Service
 22 of original notice under this paragraph is invalid if the
 23 acknowledgment of service is signed and dated less than three
 24 days prior to the hearing.

25 c. If service cannot be made following two attempts using
 26 a method specified under paragraph "a" or "b", by posting
 27 on or near the primary entrance door of the premises and
 28 mailing by both regular mail and certified mail, as defined
 29 in section 618.15, to the address of the premises or to the
 30 defendant's last known address, if different from the address
 31 of the premises. An original notice posted according to this
 32 paragraph shall be posted not less than three days prior to
 33 the hearing and shall include the date the original notice was
 34 posted. Service of original notice by mailing shall occur not
 35 less than three days prior to the hearing.

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1 Sec. 17. Section 648.5, subsection 3, Code 2013, is amended
2 to read as follows:

3 3. Service of original notice by mail is deemed completed
4 ~~four~~ three days after the notice is ~~deposited in the mail and~~
5 postmarked for delivery, whether or not the recipient signs a
6 receipt for the original notice.

7 Sec. 18. Section 714H.4, subsection 1, Code 2013, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. 1. A rental agreement or other
10 landlord-tenant relationship as set forth in chapter 562A.

11 Sec. 19. REPEAL. Sections 562A.29A and 562B.27A, Code 2013,
12 are repealed.

EXPLANATION

13
14 This bill makes changes to the residential landlord and
15 tenant laws in Code chapters 562A and 562B, and related
16 provisions in Code chapter 648 (forcible entry and detainer).

17 The bill strikes language regarding maximum fees for late
18 payment of rent in Code section 535.2, and the substance of
19 the provision is transferred to Code section 562A.9, except
20 that the bill increases the maximum payment that may be imposed
21 for late payment of rent from \$10 a day or \$40 per month to an
22 amount not to exceed \$20 per day or a total amount equal to 10
23 percent of the monthly rent.

24 The bill amends Code section 562A.6 regarding general
25 definitions for Code chapter 562A. The bill strikes language in
26 Code section 562A.36, concerning the meaning of "presumption",
27 and transfers the substance of the provision to Code section
28 562A.6. The bill defines "resident" as an occupant of a
29 dwelling unit who is at least 18 years of age. The bill amends
30 the definition of "rent" to state that rent also means a
31 payment to be made to the landlord pursuant to Code chapter
32 562A, including late fees as provided in Code section 562A.9.

33 The bill amends Code sections 562A.8 and 562B.9, regarding
34 method of notice and service of process, to transfer and
35 modify the provisions contained in Code sections 562A.29A and



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1 person posting and notarized or certified under penalty of
2 perjury constitutes evidence of the service of notice. Service
3 of notice by posting is complete one day after notice is
4 posted. Notice served by certified mail is deemed completed
5 three days after date of postmark rather than four days after
6 notice is deposited and postmarked. The bill also provides
7 in Code section 648.3 that when notice is served by multiple
8 methods, the latest date of service is the day used for the
9 calculation of any time periods stated in the notice.

10 The bill amends Code section 648.5 to provide that service by
11 mail of original notice of a forcible entry and detainer action
12 is deemed completed three days after the notice is postmarked
13 for delivery, rather than four days after the mail is deposited
14 and postmarked for delivery.

15 The bill amends Code section 714H.4 to provide that the
16 consumer fraud chapter regarding private actions does not apply
17 to a rental agreement or other landlord-tenant relationship
18 under Code chapter 562A.



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House Study Bill 29 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act creating veterans bonus funds for military service
2 during certain military conflicts in Lebanon, Grenada, and
3 Panama, and for service during certain military conflicts in
4 the Persian Gulf, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 35A.8, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. *a.* The executive director shall
4 provide for the administration of the bonuses authorized
5 in this subsection. The department shall adopt rules,
6 pursuant to chapter 17A, as necessary to administer this
7 subsection including but not limited to application procedures,
8 investigation, approval or disapproval, and payment of claims.

9 *b.* A Lebanon, Grenada, and Panama veterans bonus fund
10 is created in the state treasury. The Lebanon, Grenada,
11 and Panama veterans bonus fund shall consist of all moneys
12 appropriated to the fund to pay the bonus compensation
13 authorized in section 35A.8B. Notwithstanding section 12C.7,
14 interest or earnings on investments or time deposits of the
15 moneys in the Lebanon, Grenada, and Panama veterans bonus
16 fund shall be credited to the bonus fund. Section 8.33 does
17 not apply to moneys appropriated to the Lebanon, Grenada, and
18 Panama veterans bonus fund.

19 *c.* A Persian Gulf veterans bonus fund is created in the
20 state treasury. The Persian Gulf veterans bonus fund shall
21 consist of all moneys appropriated to the fund to pay the bonus
22 compensation authorized in section 35A.8C. Notwithstanding
23 section 12C.7, interest or earnings on investments or time
24 deposits of the moneys in the Persian Gulf veterans bonus fund
25 shall be credited to the bonus fund. Section 8.33 does not
26 apply to moneys appropriated to the Persian Gulf veterans bonus
27 fund.

28 Sec. 2. NEW SECTION. **35A.8B Lebanon, Grenada, and Panama**
29 **veterans bonus — limited residency requirement — penalty.**

30 1. *a.* A person who served on active duty for not less
31 than one hundred twenty days in the armed forces of the United
32 States at any time between August 24, 1982, and July 31, 1984,
33 both dates inclusive, or between December 20, 1989, and January
34 31, 1990, both dates inclusive, and who was inducted into
35 federal active duty from the state of Iowa and was honorably

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1 discharged or separated from federal active duty, or is still
 2 on active duty in an honorable status, or has been retired,
 3 or has been furloughed to a reserve, or has been placed on
 4 inactive status is entitled to receive from moneys appropriated
 5 for that purpose the sum of seventeen dollars and fifty cents
 6 for each month that the person was on federal active duty
 7 in a conflict service area, within the dates specified in
 8 this paragraph. Compensation under this paragraph shall not
 9 exceed a total sum of five hundred dollars. Compensation for a
 10 fraction of a month shall not be considered unless the fraction
 11 is sixteen days or more, in which case the fraction shall be
 12 computed as a full month.

13 *b.* A person otherwise qualified under paragraph "a", except
 14 that the person was not present in a conflict service area
 15 during the period between August 24, 1982, and July 31, 1984,
 16 both dates inclusive, or between December 20, 1989, and January
 17 31, 1990, both dates inclusive, is entitled to receive from
 18 moneys appropriated for that purpose the sum of twelve dollars
 19 and fifty cents for each month that the person was on federal
 20 active duty, within the dates specified in paragraph "a".
 21 Compensation under this paragraph shall not exceed a total sum
 22 of three hundred dollars. Compensation for a fraction of a
 23 month shall not be considered unless the fraction is sixteen
 24 days or more, in which case the fraction shall be computed as
 25 a full month.

26 *c.* The department shall adopt rules pursuant to chapter 17A
 27 providing for the definition of a conflict service area.

28 2. A person otherwise eligible to receive compensation
 29 pursuant to subsection 1 shall be entitled to compensation
 30 pursuant to this section if all of the following requirements
 31 are met:

32 *a.* The person has not received a bonus or compensation
 33 similar to that provided in this section from this state or
 34 another state.

35 *b.* The person was on active duty service after August



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1 24, 1982, and the person did not refuse on conscientious,
2 political, religious, or other grounds, to be subject to
3 military discipline.

4 c. The person files an application for compensation under
5 this section in a manner determined by the department of
6 veterans affairs by July 1, 2015.

7 3. The surviving unremarried widow or widower, child or
8 children, mother, father, or person standing in loco parentis,
9 in the order named and none other, of any deceased person shall
10 be paid the compensation that the deceased person would be
11 entitled to pursuant to this section, if living. However,
12 if any person has died or shall die, or is disabled, from
13 service-connected causes incurred during the period and in the
14 area from which the person is entitled to receive compensation
15 pursuant to this section, the person or the first survivor as
16 designated by this subsection, and in the order named, shall be
17 paid five hundred dollars or three hundred dollars, whichever
18 maximum amount would have applied pursuant to subsection 1,
19 paragraph "a" or "b", regardless of the length of service.

20 4. A person who knowingly makes a false statement relating
21 to a material fact in supporting an application under this
22 section is guilty of a serious misdemeanor. A person convicted
23 pursuant to this section shall forfeit all benefits to which
24 the person may have been entitled under this section.

25 5. All payments and allowances made under this section shall
26 be exempt from taxation, levy, and sale on execution.

27 6. The bonus compensation authorized under this section
28 shall be paid from moneys in the Lebanon, Grenada, and Panama
29 veterans bonus fund.

30 7. The executive director of the department of veterans
31 affairs shall provide for the administration of the bonus
32 authorized in this section. The department shall adopt rules,
33 pursuant to chapter 17A, as necessary to administer this
34 section including but not limited to application procedures,
35 investigation, approval or disapproval, and payment of claims.

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1 The department may expend up to one percent of the moneys
2 appropriated for the bonus compensation authorized under
3 this section for administrative costs associated with the
4 requirements of this section.

5 8. This section is repealed June 30, 2016.

6 Sec. 3. NEW SECTION. **35A.8C Persian Gulf veterans bonus —**
7 **limited residency requirement — penalty.**

8 1. a. A person who served on active duty for not less
9 than one hundred twenty days in the armed forces of the United
10 States at any time between January 31, 1990, and February
11 28, 1991, both dates inclusive, and who was inducted into
12 federal active duty from the state of Iowa and was honorably
13 discharged or separated from federal active duty, or is still
14 on active duty in an honorable status, or has been retired,
15 or has been furloughed to a reserve, or has been placed on
16 inactive status is entitled to receive from moneys appropriated
17 for that purpose the sum of seventeen dollars and fifty cents
18 for each month that the person was on federal active duty
19 in the conflict service area, within the dates specified in
20 this paragraph. Compensation under this paragraph shall not
21 exceed a total sum of five hundred dollars. Compensation for a
22 fraction of a month shall not be considered unless the fraction
23 is sixteen days or more, in which case the fraction shall be
24 computed as a full month.

25 b. A person otherwise qualified under paragraph "a", except
26 that the person was not present in a conflict service area
27 during the period between January 31, 1990, and February 28,
28 1991, both dates inclusive, is entitled to receive from moneys
29 appropriated for that purpose the sum of twelve dollars and
30 fifty cents for each month that the person was on federal
31 active duty, within the dates specified in paragraph "a".
32 Compensation under this paragraph shall not exceed a total sum
33 of three hundred dollars. Compensation for a fraction of a
34 month shall not be considered unless the fraction is sixteen
35 days or more, in which case the fraction shall be computed as



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1 a full month.

2 c. The department shall adopt rules pursuant to chapter 17A
3 providing for the definition of a conflict service area.

4 2. A person otherwise eligible to receive compensation
5 pursuant to subsection 1 shall be entitled to compensation
6 pursuant to this section if all of the following requirements
7 are met:

8 a. The person has not received a bonus or compensation
9 similar to that provided in this section from this state or
10 another state.

11 b. The person was on federal active duty after January
12 31, 1990, and the person did not refuse on conscientious,
13 political, religious, or other grounds, to be subject to
14 military discipline.

15 c. The person files an application for compensation under
16 this section in a manner determined by the department of
17 veterans affairs by July 1, 2015.

18 3. The surviving unremarried widow or widower, child or
19 children, mother, father, or person standing in loco parentis,
20 in the order named and none other, of any deceased person shall
21 be paid the compensation that the deceased person would be
22 entitled to pursuant to this section, if living. However,
23 if any person has died or shall die, or is disabled, from
24 service-connected causes incurred during the period and in the
25 area from which the person is entitled to receive compensation
26 pursuant to this section, the person or the first survivor as
27 designated by this subsection, and in the order named, shall be
28 paid five hundred dollars or three hundred dollars, whichever
29 maximum amount would have applied pursuant to subsection 1,
30 paragraph "a" or "b", regardless of the length of service.

31 4. A person who knowingly makes a false statement relating
32 to a material fact in supporting an application under this
33 section is guilty of a serious misdemeanor. A person convicted
34 pursuant to this section shall forfeit all benefits to which
35 the person may have been entitled under this section.

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1 creates a separate bonus fund for service during the conflict
2 in the Persian Gulf. The bill provides certain dates for the
3 periods of these conflicts. The bill provides that veterans
4 who served in conflict service areas during these periods will
5 receive a larger bonus for their service than veterans who did
6 not serve in a conflict service area. The bill provides for
7 the computation of such payments based upon months of service
8 either in or outside of a conflict service area. A person who
9 served in a conflict service area will not receive more than a
10 \$500 bonus and a person who did not serve in a conflict service
11 area will not receive more than a \$300 bonus from the funds.

12 The bill requires that a veteran must meet additional
13 requirements to qualify for a bonus. The person must not have
14 received a similar bonus from this state or any other state.
15 The person must not have refused to be subject to military
16 discipline on certain grounds. The bill also requires that the
17 person file an application by January 1, 2015, for the bonuses
18 from these funds in order to qualify.

19 Certain other persons including a surviving unremarried
20 widow or widower, child or children, mother, father, or person
21 standing in loco parentis of any deceased person shall be paid
22 the compensation that the deceased person would have been
23 entitled to. Payments for such compensation may be made to the
24 first survivor in the order named and none other. The bill
25 provides that upon certain service-related death or disability
26 that the veteran or first survivor will be paid the highest
27 possible contribution permitted to that individual allowed by
28 the funds.

29 The bill provides that knowingly making a false statement of
30 material fact supporting an application to receive these funds
31 is a serious misdemeanor. A serious misdemeanor is punishable
32 by confinement for no more than one year and a fine of at least
33 \$315 but not more than \$1,875. The bill also provides that a
34 conviction on such a charge would result in forfeiture of any
35 rights to collect from the funds.

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1 Moneys received from the funds are exempt from taxation,
2 levy, and sale on execution. The director of the department of
3 veterans affairs is to administer the fund and adopt rules as
4 necessary for the fund's administration.



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House Study Bill 30 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act exempting federal retirement pay of a resident received
2 for military service from the state individual income tax
3 and including retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 422.7, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 31A. *a.* Subtract, to the extent included,
4 retirement pay received by a resident taxpayer from the federal
5 government for military service performed in the armed forces,
6 the armed forces military reserve, or national guard.

7 *b.* The exclusion of retirement pay under this subsection is
8 in addition to any exclusion provided under subsection 31.

9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2013, for tax years beginning on
11 or after that date.

12 EXPLANATION

13 This bill exempts from the individual income tax all
14 retirement pay of an Iowa resident from federal military
15 service in the armed forces, the military reserve, or national
16 guard. The exemption is in addition to the general pension
17 exclusion.

18 The bill applies retroactively to January 1, 2013, for tax
19 years beginning on or after that date.



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Senate File 16 - Introduced

SENATE FILE 16
BY HATCH

A BILL FOR

- 1 An Act relating to body piercing, body modification, and
- 2 tattooing, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1341SS (2) 85
jr/nh



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1 Section 1. Section 135.37, Code 2013, is amended to read as
2 follows:

3 135.37 Tattooing, body piercing, body modification — permit
4 requirement — parental consent — penalty.

5 1. A person shall not own, control and lease, act as
6 an agent for, conduct, manage, or operate an establishment
7 to practice the art of tattooing, body piercing, or body
8 modification, or engage in the practice of tattooing, body
9 piercing, or body modification, without first applying for and
10 receiving a permit from the Iowa department of ~~public health~~.

11 2. A minor shall not obtain a tattoo, or undergo a body
12 piercing or body modification, and a person shall not provide a
13 tattoo, body piercing, or body modification to a minor unless
14 parental consent has first been obtained. For the purposes of
15 this section, "minor" means an unmarried person who is under the
16 age of eighteen years. The department shall develop parental
17 consent forms and procedures for verification of the consent
18 by rule.

19 3. For the purposes of this section:

20 a. "Body modification" means for commercial purposes the
21 permanent or semipermanent deliberate altering of the human
22 body for nonmedical reasons. "Body modification" does not
23 include tattooing or body piercing.

24 b. "Body piercing" means for commercial purposes the
25 act of penetrating the skin to make a hole, mark, or scar.
26 "Body piercing" does not include the use of a mechanized,
27 presterilized, ear-piercing system that penetrates the outer
28 perimeter or lobe of the ear, or both.

29 c. "Minor" means an unmarried person who is under the age
30 of eighteen years.

31 ~~3.~~ 4. A person who fails to meet the requirements of
32 subsection 1 or a person providing a tattoo, body piercing,
33 or body modification to a minor is guilty of ~~a serious an~~
34 aggravated misdemeanor.

35 ~~4.~~ 5. The Iowa department of ~~public health~~ shall:



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1 tattooing, body piercing, or body modification, without having
2 received a permit from the Iowa department of public health.
3 Additionally, a minor shall not obtain a tattoo, or undergo
4 a body piercing or body modification, and a person shall not
5 provide a tattoo, body piercing, or body modification to a
6 minor unless parental consent has first been obtained. The
7 bill provides that parental consent forms and procedures shall
8 be established by the department by rule.

9 The bill provides definitions of "body modification", "body
10 piercing", and "minor" and provides that body piercing does not
11 refer to the use of a mechanized, presterilized, ear-piercing
12 system that penetrates the outer perimeter or lobe of the ear,
13 or both.

14 The bill provides that a person who violates the provisions
15 relating to ownership or operation of an establishment, or
16 who provides a tattoo, body piercing, or body modification to
17 a minor, is guilty of an aggravated misdemeanor. Currently,
18 the corresponding penalty applicable to tattooing is a serious
19 misdemeanor. An aggravated misdemeanor is punishable by
20 confinement for no more than two years and a fine of at least
21 \$625 but not more than \$6,250.

22 The bill extends existing provisions relating to rulemaking,
23 establishment of minimum safety and sanitation criteria,
24 and issuance of an order against an establishment to not
25 operate pending corrective action by the department concerning
26 tattooing to body piercing and body modification. The bill
27 also adds a penalty of confiscation of commercial property in
28 the event of continued operation in violation of the order.



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Senate File 17 - Introduced

SENATE FILE 17
BY HATCH

A BILL FOR

- 1 An Act establishing a self-employment assistance program
- 2 for recipients of unemployment compensation benefits and
- 3 providing a termination date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1042XS (2) 85
je/rj



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1 Section 1. NEW SECTION. **96.45 Self-employment assistance**
2 **program.**

3 1. *Definitions.* As used in this section, unless the context
4 otherwise requires:

5 a. *"Self-employment assistance activities"* means activities
6 approved by the director in which an individual participates
7 for the purpose of establishing a business and becoming
8 self-employed. Self-employment assistance activities include
9 but are not limited to entrepreneurial training, business
10 counseling, and technical assistance.

11 b. *"Self-employment assistance allowance"* means an amount
12 payable in lieu of regular benefits under this chapter to
13 an individual participating in self-employment assistance
14 activities in accordance with this section. Self-employment
15 assistance allowance amounts shall be paid from the
16 unemployment compensation fund.

17 2. *Self-employment assistance allowance — amount.* The
18 weekly amount of the self-employment assistance allowance
19 payable to an individual is equal to the weekly regular benefit
20 amount. The sum of the self-employment assistance allowance
21 paid under this section and the regular benefits paid under
22 this chapter with respect to any benefit year shall not
23 exceed the maximum benefit amount payable under section 96.3,
24 subsection 5, with respect to that benefit year.

25 3. *Eligibility requirements.* The following eligibility
26 requirements apply to the payment of a self-employment
27 assistance allowance under this section.

28 a. An individual may receive a self-employment assistance
29 allowance if the following requirements are met:

30 (1) The individual is eligible to receive regular benefits
31 or would be eligible to receive regular benefits except for the
32 requirements described in paragraph "b", subparagraphs (1) and
33 (2).

34 (2) The individual is identified by a worker profiling
35 system as an individual likely to exhaust regular benefits.



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1 (3) The individual has submitted an application form and an
2 initial business plan as prescribed by the director.

3 (4) The individual's initial business plan has been
4 reviewed for feasibility and financial viability by the
5 department in consultation with a small business development
6 center associated with Iowa state university of science and
7 technology, business accelerators, business incubators, or
8 the John Pappajohn entrepreneurial centers. An individual
9 shall not be approved for a self-employment assistance
10 allowance unless the department finds the individual's initial
11 business plan feasible and financially viable. Upon request,
12 the department shall advise an individual as to resources
13 available in the state to aid in the development of a feasible,
14 financially viable, initial business plan.

15 (5) The individual has obtained any occupational
16 certification or license necessary to carry out the
17 individual's initial business plan prior to the submission of
18 an application form and an initial business plan.

19 (6) The individual has filed a weekly claim for the
20 self-employment assistance allowance and provides a log of
21 self-employment activities and any other information the
22 director prescribes.

23 *b.* The self-employment assistance allowance shall be payable
24 to an individual at the same intervals and on the same terms
25 and conditions as regular benefits under this chapter except
26 for the following:

27 (1) The provisions of this chapter regarding being
28 available for work, actively seeking work, and refusing to
29 accept suitable work are not applicable to such an individual.

30 (2) The requirements of this chapter relating to
31 disqualifying income are not applicable to income earned from
32 self-employment by such an individual.

33 *c.* An individual who meets the requirements of this section
34 shall be considered to be totally unemployed under section
35 96.19, subsection 38, paragraph "a".

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1 assistance activities are intended to enable an individual
2 to establish a business and become self-employed and include
3 entrepreneurial training, business counseling, technical
4 assistance, and any other activities approved by the director
5 of the department of workforce development. The bill provides
6 that the weekly self-employment assistance allowance payable to
7 an individual is equal to the weekly benefit amount for regular
8 unemployment benefits and the maximum yearly allowance is the
9 same as the maximum yearly, regular unemployment benefits
10 currently allowable. Charges to employers are made in the
11 same manner as charges to employers for regular unemployment
12 benefits.

13 The bill establishes eligibility requirements for an
14 individual's acceptance into the self-employment assistance
15 program. An individual must be identified by a worker
16 profiling system as an individual likely to exhaust regular
17 unemployment compensation benefits. An individual must
18 submit an application form and an initial business plan. The
19 department of workforce development, in consultation with
20 a small business development center associated with Iowa
21 state university, business accelerators, business incubators,
22 or the John Pappajohn entrepreneurial centers, must review
23 the individual's initial business plan for feasibility and
24 financial viability. An individual's initial business plan
25 must be found feasible and financially viable in order for the
26 individual to be accepted into the program. Upon request, the
27 department is required to advise an individual as to resources
28 available in the state to aid in the development of a feasible,
29 financially viable, initial business plan. An individual
30 must have obtained any occupational certification or license
31 necessary to carry out the individual's initial business
32 plan prior to applying for the program. An individual must
33 also file a weekly claim for the self-employment assistance
34 allowance and provide a log of self-employment activities as
35 well as any other information required by the director of the

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1 department of workforce development.

2 The bill provides that the requirements to receive regular
3 unemployment benefits relating to availability for work, active
4 search for work, refusal to accept work, and self-employment
5 income do not apply to an individual otherwise eligible to
6 receive a self-employment assistance allowance. The bill
7 provides that an individual who fails to actively engage in
8 self-employment assistance activities full-time is ineligible
9 to receive the self-employment assistance allowance for each
10 week such a failure occurs.

11 The bill provides that the maximum number of individuals
12 eligible for the program at any one time is equal to 5 percent
13 of the individuals receiving regular unemployment benefits.

14 The bill directs the director of the department of workforce
15 development to administer the bill in consultation with a
16 small business development center associated with Iowa state
17 university, business accelerators, business incubators, and
18 the John Pappajohn entrepreneurial centers. The bill also
19 directs the director to comply with the rules and policies of
20 the United States department of labor, where practicable, when
21 adopting rules to implement the bill.

22 The bill is void if federal authorization for the program
23 ends.



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Senate File 18 - Introduced

SENATE FILE 18
BY HOGG

A BILL FOR

1 An Act authorizing a contingent appropriation from the Iowa
2 economic emergency fund and the cash reserve fund to prevent
3 a deficit in the general fund of the state.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1102XS (2) 85
jp/rj



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S.F. 18

1 Section 1. Section 8.55, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:

3 a. Except as provided in paragraphs "b", "Oc", "c", and
4 "d", the moneys in the Iowa economic emergency fund shall
5 only be used pursuant to an appropriation made by the general
6 assembly. An appropriation shall only be made for the fiscal
7 year in which the appropriation is made. The moneys shall
8 only be appropriated by the general assembly for emergency
9 expenditures.

10 Sec. 2. Section 8.55, subsection 3, Code 2013, is amended by
11 adding the following new paragraph:

12 NEW PARAGRAPH. Oc. There is appropriated from the Iowa
13 economic emergency fund to the general fund of the state an
14 amount sufficient to reduce or prevent an overdraft on or
15 deficit in the general fund of the state for the fiscal year
16 in which the appropriation is made. The appropriation made in
17 this paragraph shall not exceed an amount equal to ten percent
18 of the combined unobligated and unencumbered balances in the
19 Iowa economic emergency fund and the cash reserve fund on the
20 date the appropriation is made or one hundred million dollars,
21 whichever is less, and is contingent upon all of the following
22 having occurred:

23 (1) The governor projects that the appropriation is
24 necessary to preclude implementation of or to reduce the amount
25 of the uniform reductions in appropriations otherwise required
26 pursuant to section 8.31 to prevent an overdraft on or deficit
27 in the general fund of the state.

28 (2) The governor projects that without the appropriation,
29 the balance of the general fund of the state at the close of the
30 fiscal year will be negative.

31 (3) The general assembly is not in regular or extraordinary
32 session.

33 (4) The governor has issued an official proclamation and
34 has notified the co-chairpersons of the fiscal committee of
35 the legislative council and the legislative services agency



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1 verifying the contingencies addressed in subparagraphs (1)
 2 through (3) and outlining the reasons why the appropriation
 3 authorized in this paragraph "0c" is necessary to reduce or
 4 prevent an overdraft on or deficit in the general fund of the
 5 state. The appropriation amount shall be identified in the
 6 proclamation. The effective date of the appropriation is the
 7 date the proclamation is published in the Iowa administrative
 8 bulletin.

9 If the balance in the Iowa economic emergency fund is
 10 insufficient to fund the entire amount of the appropriation
 11 made pursuant to this paragraph "0c", there is transferred from
 12 the cash reserve fund to the Iowa economic emergency fund the
 13 amount of the insufficiency.

14 **EXPLANATION**

15 This bill authorizes a contingent appropriation from the
 16 Iowa economic emergency fund and the cash reserve fund to
 17 prevent a deficit in the general fund of the state.

18 The bill amends the Iowa economic emergency fund
 19 provisions in Code section 8.55 to authorize a new contingent
 20 appropriation of up to 10 percent of the available combined
 21 balances of the Iowa economic emergency fund and the cash
 22 reserve fund or \$100 million, whichever is less, to the general
 23 fund of the state. An existing contingent appropriation for a
 24 similar purpose in Code section 8.55, subsection 3, paragraph
 25 "c", may only be made at the close of the fiscal year. The new
 26 appropriation is contingent upon the following: the governor
 27 projecting that the appropriation is necessary to preclude
 28 the governor from ordering an across-the-board appropriation
 29 reduction in accordance with Code section 8.31, the governor
 30 projecting that without the appropriation the balance of the
 31 general fund will be negative at the close of the fiscal
 32 year, the general assembly is not in regular or extraordinary
 33 session, and the governor verifies these contingencies in
 34 an official proclamation which states the reasons why the
 35 appropriation is necessary to prevent an overdraft on or

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1 deficit in the general fund of the state.
2 The proclamation is required to identify the amount of
3 the appropriation and the appropriation takes effect on the
4 date the proclamation is published in the Iowa administrative
5 bulletin.
6 If the balance in the Iowa economic emergency fund is
7 insufficient to fund the entire amount of the contingent
8 appropriation, the bill provides for a transfer from the cash
9 reserve fund to the Iowa economic emergency fund in the amount
10 of the insufficiency.



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Senate Study Bill 1053 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF EDUCATION/BOARD OF
EDUCATIONAL EXAMINERS BILL)

A BILL FOR

1 An Act relating to complaints filed with the board of
2 educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1101DP (2) 85
je/nh



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S.F. _____ H.F. _____

1 Section 1. Section 272.2, subsection 15, Code 2013, is
 2 amended to read as follows:
 3 15. Adopt rules that require specificity in written
 4 complaints that are filed by individuals who have personal
 5 knowledge of an alleged violation and which are accepted by
 6 the board, provide that the jurisdictional requirements as set
 7 by the board in administrative rule are met on the face of the
 8 complaint before initiating an investigation of allegations,
 9 provide that any investigation be limited to the allegations
 10 contained on the face of the complaint, provide for an adequate
 11 interval between the receipt of a complaint and public notice
 12 of the complaint, permit parties to a complaint to mutually
 13 agree to a resolution of the complaint filed with the board,
 14 allow the respondent the right to review any investigative
 15 report upon a finding of probable cause for further action
 16 by the board, require that the conduct providing the basis
 17 for the complaint occurred within three years of discovery of
 18 the event by the complainant unless good cause can be shown
 19 for an extension of this limitation, and require the board to
 20 complete its investigation of complaints to be resolved and
 21 determination of probable cause within one hundred eighty days
 22 unless criminal charges relevant to the complaint are pending
 23 against the respondent or other good cause can be shown for an
 24 extension of this limitation.

25 EXPLANATION

26 The board of educational examiners is required to adopt
 27 rules providing that complaints filed with the board must be
 28 resolved within 180 days unless good cause can be shown to
 29 extend the deadline. This bill strikes that requirement.
 30 The bill instead requires the board to adopt rules providing
 31 that the board must complete its investigation of complaints
 32 and determination of probable cause within 180 days unless
 33 criminal charges relevant to the complaint are pending against
 34 the respondent or other good cause can be shown to extend the
 35 deadline.

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Senate Study Bill 1054 - Introduced

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

A BILL FOR

- 1 An Act relating to certificate of merit affidavits and
- 2 noneconomic damages in medical malpractice actions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1483XL (4) 85
rh/rj



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S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 147.140 **Expert certificate of merit**
 2 **affidavit — health care providers — requirements.**

3 1. For purposes of this section and section 147.141, “*health*
 4 *care provider*” means a physician and surgeon, osteopathic
 5 physician and surgeon, dentist, podiatric physician,
 6 optometrist, pharmacist, chiropractor, physician assistant, or
 7 nurse licensed pursuant to this chapter, a hospital licensed
 8 pursuant to chapter 135B, or a health care facility licensed
 9 pursuant to chapter 135C.

10 2. *a.* In any action for personal injury or wrongful
 11 death against any health care provider based upon the alleged
 12 negligence of the licensee in the practice of that profession
 13 or occupation, or upon the alleged negligence of the hospital
 14 or health care facility in patient care, which includes a cause
 15 of action for which expert testimony is necessary to establish
 16 a prima facie case, the plaintiff shall, within one hundred
 17 eighty days of the defendant’s answer, serve upon the defendant
 18 an expert’s certificate of merit affidavit for each expert
 19 listed pursuant to section 668.11 who will testify with respect
 20 to the issues of breach of standard of care or causation.

21 *b.* A certificate of merit affidavit must be signed by the
 22 expert. The affidavit must certify the purpose for calling the
 23 expert by providing under the oath of the expert all of the
 24 following:

25 (1) The expert’s statement of familiarity with the
 26 applicable standard of care.

27 (2) The expert’s statement that the standard of care was
 28 breached by the health care provider named in the petition.

29 (3) The expert’s statement of the actions that the health
 30 care provider failed to take or should have taken to comply
 31 with the standard of care.

32 (4) The expert’s statement of the manner by which the breach
 33 of the standard of care was the cause of the injury alleged in
 34 the petition.

35 *c.* A plaintiff shall serve a separate affidavit on each



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1 defendant named in the petition.

2 *d.* Answers to interrogatories may serve as an expert's
3 certificate of merit affidavit in lieu of a separately executed
4 affidavit if the interrogatories satisfy the requirements of
5 this subsection and are signed by the plaintiff's attorney and
6 by each expert listed in the answers to interrogatories and
7 served upon the defendant within one hundred eighty days of the
8 defendant's answer.

9 3. The expert's certificate of merit affidavit does not
10 preclude additional discovery and supplementation of the
11 expert's opinions in accordance with the rules of civil
12 procedure.

13 4. The parties by agreement or the court for good cause
14 shown and in response to a motion filed prior to the expiration
15 of the time limits specified in subsection 2 may provide
16 for extensions of the time limits specified in subsection
17 2. Good cause shall include the inability to timely obtain
18 a plaintiff's medical records from medical providers when
19 requested prior to filing the petition and not produced.

20 5. If the plaintiff is acting pro se, the plaintiff shall
21 sign the affidavit or answers to interrogatories referred to
22 in this section and shall be bound by those provisions as if
23 represented by an attorney.

24 6. *a.* Failure to comply with subsection 2 shall result,
25 upon motion, in dismissal with prejudice of each cause of
26 action as to which expert testimony is necessary to establish a
27 prima facie case.

28 *b.* A written notice of deficiency may be served upon the
29 plaintiff for failure to comply with subsection 2 because of
30 deficiencies in the affidavit or answers to interrogatories.
31 The notice shall state with particularity each deficiency of
32 the affidavit or answers to interrogatories. The plaintiff
33 shall have twenty days to cure the deficiency. Failure to
34 comply within the twenty days shall result, upon motion, in
35 mandatory dismissal with prejudice of each action as to which



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1 expert's statement that the standard of care was breached by
 2 the health care provider named in the petition, the expert's
 3 statement of the actions that the health care provider should
 4 have taken or failed to take to have complied with the standard
 5 of care, and the expert's statement of the manner by which the
 6 breach of the standard of care was the cause of the injury
 7 alleged in the petition.

8 The bill provides that a plaintiff shall serve a separate
 9 affidavit on each defendant named in the petition and that
 10 answers to interrogatories may serve as an expert's certificate
 11 of merit affidavit in lieu of a separately executed affidavit
 12 if the interrogatories satisfy the requirements previously
 13 noted and are signed by the plaintiff's attorney and by each
 14 expert listed in the answers to interrogatories and served upon
 15 the defendant within 180 days of the defendant's answer.

16 The bill provides that a certificate of merit affidavit
 17 does not preclude additional discovery and that the parties by
 18 agreement or the court for good cause shown may provide for
 19 extensions of the time limits provided in the bill. If the
 20 plaintiff is acting pro se, the plaintiff is required to sign
 21 the affidavit or answers to interrogatories and shall be bound
 22 by those provisions as if represented by an attorney.

23 The bill provides that failure to comply with the
 24 requirements of the bill shall result, upon motion, in
 25 dismissal with prejudice of each cause of action as to which
 26 expert testimony is necessary to establish a prima facie case.
 27 A written notice of deficiency may be served upon the plaintiff
 28 for failure to comply with the requirements of the bill because
 29 of deficiencies in the affidavit or answers to interrogatories.
 30 The plaintiff shall have 20 days to cure the deficiency and
 31 failure to comply within the 20 days shall result, upon motion,
 32 in mandatory dismissal with prejudice of each action as to
 33 which expert testimony is necessary to establish a prima facie
 34 case. A party resisting a motion for mandatory dismissal under
 35 the bill has the right to request a hearing on the motion.

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1 NONECONOMIC DAMAGES. The bill provides that an award of
2 noneconomic damages in any action for personal injury or
3 wrongful death against any health care provider (defined in
4 the bill) based upon the alleged negligence of the licensee
5 in the practice of that profession or occupation, or upon the
6 alleged negligence of the hospital or health care facility in
7 patient care, in which liability is admitted or established,
8 shall not exceed \$1 million. "Noneconomic damages" is defined
9 as nonpecuniary losses that would not have occurred but for the
10 injury or death giving rise to the cause of action, including
11 pain and suffering, inconvenience, physical impairment, mental
12 anguish, loss of capacity for enjoyment of life, and any other
13 nonpecuniary losses.

14 For purposes of the bill, "health care provider" means a
15 physician and surgeon, osteopathic physician and surgeon,
16 dentist, podiatric physician, optometrist, pharmacist,
17 chiropractor, physician assistant, or nurse licensed pursuant
18 to Code chapter 147, a hospital licensed pursuant to Code
19 chapter 135B, or a health care facility licensed pursuant to
20 Code chapter 135C.