



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 12, 2013

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House File 152

H-1007

- 1 Amend House File 152 as follows:
2 1. Page 1, line 33, by striking <1> and inserting
3 <2>
4 2. By renumbering, redesignating, and correcting
5 internal references as necessary.

MAXWELL of Poweshiek



**Iowa General Assembly
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House File 160

H-1008

1 Amend House File 160 as follows:
 2 1. Page 2, after line 35 by inserting:
 3 <Sec. _____. Section 426B.3, subsection 4, as enacted
 4 by 2012 Iowa Acts, chapter 1120, section 137, is
 5 amended to read as follows:
 6 4. a. For the fiscal years beginning July 1, 2013,
 7 and July 1, 2014, a county with a county population
 8 expenditure target amount that exceeds the amount of
 9 the county's base year expenditures for mental health
 10 and disabilities services shall receive an equalization
 11 payment for the difference.
 12 b. For the following fiscal years a county with
 13 a county population expenditure target amount that
 14 is less than the amount of the county's base year
 15 expenditures for mental health and disabilities
 16 services shall receive an equalization payment for the
 17 difference, as follows:
 18 (1) For the fiscal year beginning July 1, 2013, the
 19 equalization payment shall be one hundred percent of
 20 the difference.
 21 (2) For the fiscal year beginning July 1, 2014, the
 22 equalization payment shall be seventy-five percent of
 23 the difference.
 24 ~~b.~~ c. The equalization payments determined in
 25 accordance with this subsection shall be made by the
 26 department of human services for each fiscal year as
 27 provided in appropriations made from the property tax
 28 relief fund for this purpose.>
 29 2. By renumbering as necessary.

WOLFE of Clinton



**Iowa General Assembly
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House File 160

H-1009

1 Amend House File 160 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 331.424A, subsection 7, as
4 enacted by 2012 Iowa Acts, chapter 1120, section 132,
5 is amended to read as follows:

6 7. Notwithstanding subsection 5, for the fiscal
7 years beginning July 1, 2013, and July 1, 2014, county
8 revenues from taxes levied by the county and credited
9 to the county services fund shall not exceed the lower
10 of the following amounts:

11 a. The amount of the county's base year
12 expenditures for mental health and disabilities
13 services.

14 b. The amount equal to the product of the statewide
15 per capita expenditure target for the fiscal year
16 beginning July 1, 2013, multiplied by the county's
17 general population for the same fiscal year. However,
18 if the amount in paragraph "a" is greater than the
19 amount in this paragraph and the board of supervisors
20 adopts a resolution declaring that additional funding
21 is necessary for the county to maintain the funding for
22 the service populations or for the level of services
23 specified in the county's approved management plan for
24 the county's mental health, intellectual disability,
25 and developmental disabilities services system under
26 section 331.439, the amount in paragraph "a" shall
27 apply.

28 Sec. ____ . FISCAL YEAR 2013-2014 SERVICES FUND
29 LEVIES. If this Act is enacted after a county has
30 adopted the budget and certificate of taxes for the
31 fiscal year beginning July 1, 2013, in accordance with
32 section 331.434, the county may amend the budget to
33 increase expenditures of county revenues from taxes
34 as authorized in section 331.424A, subsection 7, as
35 enacted in this Act, and recertify taxes to reflect
36 the increased amount to be credited to the county's
37 services fund, as provided in section 331.424A,
38 subsection 7, as enacted in this Act. A budget
39 amendment and tax recertification undertaken pursuant
40 to this section is not subject to the provisions of
41 section 331.435 or 331.436 or any other provision
42 in law authorizing a county to exceed or increase a
43 property tax levy limit.>

44 2. Title page, line 3, after <2012,> by inserting
45 <and revising levy requirements for the services>

46 3. By renumbering as necessary.

WOLFE of Clinton

HF160.155 (2) 85

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jp/tm

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House File 160

H-1010

1 Amend House File 160 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. CHILDREN'S HEALTH INSURANCE PROGRAM
5 — CHILD ENROLLMENT CONTINGENCY FUND — MENTAL HEALTH
6 AND DISABILITY SERVICES REDESIGN TRANSITION FUND — FY
7 2012-2013.

8 1. Of the moneys received from the federal
9 government through the child enrollment contingency
10 fund established pursuant to section 103 of the federal
11 Children's Health Insurance Program Reauthorization Act
12 of 2009, Pub. L. No. 111-3, the following amount is
13 transferred from such moneys to the department of human
14 services for the fiscal year beginning July 1, 2012,
15 and ending June 30, 2013, to be credited as follows:

16 To be credited to the mental health and disability
17 services redesign transition fund created in 2012 Iowa
18 Acts, chapter 1120, section 23:
19 \$ 11,628,317

20 2. The moneys credited to the mental health and
21 disability services redesign transition fund pursuant
22 to subsection 1 are appropriated to the department of
23 human services for allocation to counties as follows:

24 a. To those counties identified by the department
25 in scenario 1 of the department's report on the
26 transition fund submitted to the general assembly on
27 December 1, 2012, pursuant to 2012 Iowa Acts, chapter
28 1120, section 23, to be used to continue or restore
29 services as provided in the application and the
30 department's determination of the award amount:
31 \$ 11,628,317

32 b. The allocations under this subsection shall be
33 remitted to counties not later than two calendar weeks
34 following the effective date of this Act.

35 c. A county receiving an allocation under this
36 subsection shall remit to the department any unpaid
37 portion of the county's obligation for the nonfederal
38 share of undisputed medical assistance program billings
39 incurred in a fiscal year prior to FY 2012-2013. The
40 unpaid portion shall be remitted prior to June 30,
41 2013, from moneys available to the county that meet
42 federal match requirements for the medical assistance
43 program and for the child enrollment contingency fund
44 under federal Children's Health Insurance Program
45 Reauthorization Act of 2009. Such requirements include
46 but are not limited to those specified in 42 C.F.R. §
47 433.51 and 42 C.F.R. § 457.628 and a county receiving
48 an allocation under this subsection shall not use the
49 allocation in any way that supports or draws federal
50 match moneys.

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1 d. A county receiving an allocation under this
2 subsection shall enter into a formal agreement
3 with the department concerning the allocation and
4 shall comply with any audit requirements for the
5 county's expenditures relating to the allocation. The
6 department shall develop the audit requirements with
7 assistance from the office of the auditor of state.
8 The requirements shall provide for the county to bear
9 the costs of any federal audit of the county's use
10 of the allocation, including any federal repayment
11 or penalty determination resulting from the audit
12 findings. The audit requirements may be applied
13 on a selective or random basis so that the audit
14 requirements do not apply to all counties receiving an
15 allocation. Any costs relating to the performance of
16 nonfederal, state-only audit requirements established
17 by the department are the responsibility of the
18 department.

19 3. A county that applied for moneys from the
20 transition fund pursuant to 2012 Iowa Acts, chapter
21 1120, section 23, but was not identified in the
22 department's recommendation for an award in the report
23 on the transition fund shall enter into an agreement
24 with the department for remittance of any unpaid
25 portion of the county's obligation for the nonfederal
26 share of undisputed medical assistance program billings
27 incurred in a fiscal year prior to FY 2012-2013.
28 A county that did not apply for moneys from the
29 transition fund shall either remit any unpaid portion
30 of the county's obligation for such program billings by
31 the end of the fiscal year beginning July 1, 2012, or
32 shall enter into an agreement to do so. An agreement
33 under this subsection shall provide for remittance
34 of any unpaid portion by the end of the fiscal year
35 beginning July 1, 2013.

36 4. For purposes of an application for county
37 formation of a mental health and disability services
38 region submitted on or before April 1, 2013, in
39 accordance with section 331.389, subsection 4, the
40 director of human services may approve an application
41 for a region that includes a county that is not
42 contiguous with any of the other counties in the
43 region, as otherwise required under section 331.389,
44 subsection 3, paragraph "a", if the county that is not
45 contiguous has had a formal relationship for two years
46 or longer with one or more of the other counties in the
47 region for provision of mental health and disability
48 services.

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

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jp/tm

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1 enactment.>

SODERBERG of Plymouth



Iowa General Assembly
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House File 159

H-1011

- 1 Amend House File 159 as follows:
- 2 1. Page 1, line 6, by striking <White gas> and
- 3 inserting <Light or medium petroleum distillates>

BRANDENBURG of Pottawattamie



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 182 - Introduced

HOUSE FILE 182
BY S. OLSON

A BILL FOR

1 An Act concerning the authority of a micro-distilled spirits
2 permit holder to sell and serve alcohol on the premises of
3 the micro-distillery.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1412YH (2) 85
ec/nh



**Iowa General Assembly
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H.F. 182

1 Section 1. Section 123.43A, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. A micro-distillery shall not sell more than ~~one and~~
4 ~~one-half~~ nine liters per person per day, of micro-distilled
5 spirits on the premises of the micro-distillery. In addition,
6 a micro-distillery shall not directly ship micro-distilled
7 spirits for sale at retail. The micro-distillery shall
8 maintain records of individual purchases of micro-distilled
9 spirits at the micro-distillery for three years.

10 Sec. 2. Section 123.43A, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3A. A holder of a class "A" micro-distilled
13 spirits permit holder may conduct no more than fifty-two
14 special events per year on the premises of the micro-distillery
15 in which liquor that is purchased is served by a special class
16 "C" liquor control license holder with catering privileges to
17 serve liquor, wine, and beer.

18 **EXPLANATION**

19 This bill concerns the authority of a micro-distilled
20 spirits permit holder.

21 The bill increases from 1.5 to 9 liters the amount of
22 micro-distilled spirits a permit holder can sell to a person
23 per day on the premises of the micro-distillery.

24 The bill also authorizes a micro-distilled spirits permit
25 holder to conduct no more than 52 special events per year in
26 which liquor that is purchased is served on the premises by a
27 special class "C" liquor control license holder with catering
28 privileges to serve liquor, wine, and beer.



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House File 183 - Introduced

HOUSE FILE 183
BY WINCKLER,
WESSEL-KROESCHELL,
ANDERSON, THEDE,
STECKMAN, THOMAS, HUNTER,
ISENHART, WOOD, KELLEY,
LENSING, JACOBY, GAINES,
ABDUL-SAMAD, and R. OLSON

A BILL FOR

1 An Act relating to policies at public institutions of higher
2 education granting resident status for purposes of paying
3 postsecondary tuition and fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1337YH (4) 85
kh/nh



Iowa General Assembly
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H.F. 183

1 Section 1. Section 260C.14, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 24. Adopt a policy, to take effect
4 not later than January 1, 2014, relating to an additional
5 classification of students for purposes of determining tuition
6 and fees, that provides equal opportunity for granting resident
7 status to individuals who meet all of the following conditions:

8 a. Attended an accredited school in this state for at least
9 five years as of the date the individual graduated from an
10 accredited high school or received a high school equivalency
11 diploma in this state.

12 b. Is accepted for enrollment by the community college.

13 c. Was not required to pay tuition to attend a public high
14 school in this state.

15 d. Signs an affidavit, if the individual does not have a
16 social security number, stating that the individual will pursue
17 citizenship in the United States at the earliest possible time
18 the individual is able to do so.

19 Sec. 2. Section 262.9, Code 2013, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 38. Adopt a policy, to take effect
22 not later than January 1, 2014, relating to an additional
23 classification of students for purposes of determining tuition
24 and fees, that provides equal opportunity for granting resident
25 status to individuals who meet all of the following conditions:

26 a. Attended an accredited school in this state for at least
27 five years as of the date the individual graduated from an
28 accredited high school or received a high school equivalency
29 diploma in this state.

30 b. Is accepted for enrollment by a university under the
31 control of the board.

32 c. Was not required to pay tuition to attend a public high
33 school in this state.

34 d. Signs an affidavit, if the individual does not have a
35 social security number, stating that the individual will pursue

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kh/nh

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1 citizenship in the United States at the earliest possible time
2 the individual is able to do so.

3 EXPLANATION

4 This bill directs the board of directors of a community
5 college and the state board of regents to adopt policies
6 that take effect not later than January 1, 2014, relating
7 to an additional classification of students for purposes of
8 determining tuition and fees, that provide equal opportunity
9 for granting resident status to certain individuals.

10 To meet the requirements of the policy, an individual
11 must have attended an accredited school in this state for
12 at least five years or received a high school equivalency
13 diploma in this state, be accepted for enrollment by a public
14 postsecondary institution in this state, must not have been
15 required to pay tuition to attend a public high school in this
16 state, and must sign an affidavit, if the individual does not
17 have a social security number, stating that the individual
18 will pursue U.S. citizenship at the earliest possible time the
19 individual is able to do so.



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House File 184 - Introduced

HOUSE FILE 184
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 9)

A BILL FOR

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

TLSB 1369HV (2) 85
aw/sc



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H.F. 184

1 Section 1. Section 414.1, subsection 1, Code 2013, is
 2 amended to read as follows:
 3 1. a. For the purpose of promoting the health, safety,
 4 morals, or the general welfare of the community or for the
 5 purpose of preserving historically significant areas of
 6 the community, any city is hereby empowered to regulate and
 7 restrict the height, number of stories, and size of buildings
 8 and other structures, the percentage of lot that may be
 9 occupied, the size of yards, courts, and other open spaces, the
 10 density of population, and the location and use of buildings,
 11 structures, and land for trade, industry, residence, or other
 12 purposes.
 13 b. A city shall not adopt or enforce any regulation or
 14 restriction related to the occupancy of residential rental
 15 property that is based upon the existence of familial or
 16 nonfamilial relationships between the occupants of such rental
 17 property.

EXPLANATION

18
 19 This bill relates to the authority of cities to regulate and
 20 restrict the occupancy of residential rental property.
 21 The bill provides that a city shall not adopt or enforce
 22 any regulation or restriction related to the occupancy
 23 of residential rental property based upon the familial or
 24 nonfamilial relationships of occupants.



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House File 185 - Introduced

HOUSE FILE 185
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 39)

(COMPANION TO SF 153 BY
COMMITTEE ON STATE GOVERNMENT)

A BILL FOR

1 An Act relating to the title of the office of citizens' aide.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1287HV (1) 85
jr/sc



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H.F. 185

1 Section 1. Section 2.12, unnumbered paragraph 4, Code 2013,
2 is amended to read as follows:
3 There is appropriated out of any funds in the state treasury
4 not otherwise appropriated such sums as may be necessary for
5 the fiscal year budgets of the legislative services agency and
6 the ~~citizens' aide~~ ombudsman office for salaries, support,
7 maintenance, and miscellaneous purposes to carry out their
8 statutory responsibilities. The legislative services agency
9 and the ~~citizens' aide~~ ombudsman office shall submit their
10 proposed budgets to the legislative council not later than
11 September 1 of each year. The legislative council shall review
12 and approve the proposed budgets not later than December 1 of
13 each year. The budget approved by the legislative council for
14 each of its statutory legislative agencies shall be transmitted
15 by the legislative council to the department of management on
16 or before December 1 of each year for the fiscal year beginning
17 July 1 of the following year. The department of management
18 shall submit the approved budgets received from the legislative
19 council to the governor for inclusion in the governor's
20 proposed budget for the succeeding fiscal year. The approved
21 budgets shall also be submitted to the chairpersons of the
22 committees on appropriations. The committees on appropriations
23 may allocate from the funds appropriated by this section
24 the funds contained in the approved budgets, or such other
25 amounts as specified, pursuant to a concurrent resolution to be
26 approved by both houses of the general assembly. The director
27 of the department of administrative services shall issue
28 warrants for salaries, support, maintenance, and miscellaneous
29 purposes upon requisition by the administrative head of each
30 statutory legislative agency. If the legislative council
31 elects to change the approved budget for a legislative agency
32 prior to July 1, the legislative council shall transmit the
33 amount of the budget revision to the department of management
34 prior to July 1 of the fiscal year, however, if the general
35 assembly approved the budget it cannot be changed except

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1 pursuant to a concurrent resolution approved by the general
 2 assembly.

3 Sec. 2. Section 2.42, subsection 14, Code 2013, is amended
 4 to read as follows:

5 14. To hear and act upon appeals of aggrieved employees of
 6 the legislative services agency and the office of the ~~citizens'~~
 7 ~~aide~~ ombudsman pursuant to rules of procedure established by
 8 the council.

9 Sec. 3. Section 2C.2, Code 2013, is amended to read as
 10 follows:

11 **2C.2 Office established.**

12 The office of ~~citizens'~~ ombudsman is established.

13 Sec. 4. Section 2C.3, Code 2013, is amended to read as
 14 follows:

15 **2C.3 Appointment — vacancy.**

16 1. The ~~citizens'~~ ombudsman shall be appointed by the
 17 legislative council with the approval and confirmation of a
 18 constitutional majority of the senate and with the approval
 19 and confirmation of a constitutional majority of the house of
 20 representatives. The legislative council shall fill a vacancy
 21 in this office in the same manner as the original appointment.
 22 If the appointment or vacancy occurs while the general assembly
 23 is not in session, such appointment shall be reported to the
 24 senate and the house of representatives within thirty days of
 25 their convening at their next regular session for approval and
 26 confirmation.

27 2. The ~~citizens'~~ ombudsman shall employ and supervise
 28 all employees under the ~~citizens'~~ ombudsman's direction
 29 in such positions and at such salaries as shall be authorized
 30 by the legislative council. The legislative council shall hear
 31 and act upon appeals of aggrieved employees of the office of
 32 the ~~citizens'~~ ombudsman.

33 Sec. 5. Section 2C.4, Code 2013, is amended to read as
 34 follows:

35 **2C.4 Citizen of United States and resident of Iowa.**

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1 The ~~citizens' aide~~ ombudsman shall be a citizen of the
 2 United States and a resident of the state of Iowa, and shall
 3 be qualified to analyze problems of law, administration, and
 4 public policy.

5 Sec. 6. Section 2C.5, Code 2013, is amended to read as
 6 follows:

7 **2C.5 Term — removal.**

8 The ~~citizens' aide~~ ombudsman shall hold office for four
 9 years from the first day in July of the year of approval by the
 10 senate and the house of representatives, and until a successor
 11 is appointed by the legislative council, unless the ~~citizens'~~
 12 ~~aide~~ ombudsman can no longer perform the official duties, or
 13 is removed from office. The ~~citizens' aide~~ ombudsman may at
 14 any time be removed from office by constitutional majority vote
 15 of the two houses of the general assembly or as provided by
 16 chapter 66. If a vacancy occurs in the office of ~~citizens'~~
 17 ~~aide~~ ombudsman, the deputy ~~citizens' aide~~ ombudsman shall act
 18 as ~~citizens' aide~~ ombudsman until the vacancy is filled by the
 19 legislative council.

20 Sec. 7. Section 2C.6, Code 2013, is amended to read as
 21 follows:

22 **2C.6 Deputy — assistant for penal agencies.**

23 1. The ~~citizens' aide~~ ombudsman shall designate one of the
 24 members of the staff as the deputy ~~citizens' aide~~ ombudsman,
 25 with authority to act as ~~citizens' aide~~ ombudsman when the
 26 ~~citizens' aide~~ ombudsman is absent from the state or becomes
 27 disabled. The ~~citizens' aide~~ ombudsman may delegate to members
 28 of the staff any of the ~~citizens' aide's~~ authority or duties of
 29 the office except the duty of formally making recommendations
 30 to agencies or reports to the governor or the general assembly.

31 2. The ~~citizens' aide~~ ombudsman shall appoint an assistant
 32 who shall be primarily responsible for investigating complaints
 33 relating to penal or correctional agencies.

34 Sec. 8. Section 2C.7, unnumbered paragraph 1, Code 2013, is
 35 amended to read as follows:



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1 Neither the ~~citizens' aide~~ ombudsman nor any member of the
2 staff shall:

3 Sec. 9. Section 2C.8, Code 2013, is amended to read as
4 follows:

5 **2C.8 Closed files.**

6 The ~~citizens' aide~~ ombudsman may maintain secrecy in respect
7 to all matters including the identities of the complainants or
8 witnesses coming before the ~~citizens' aide~~ ombudsman, except
9 that the general assembly, any standing committee of the
10 general assembly or the governor may require disclosure of any
11 matter and shall have complete access to the records and files
12 of the ~~citizens' aide~~ ombudsman. The ~~citizens' aide~~ ombudsman
13 may conduct private hearings.

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

16 **2C.9 Powers.**

17 The ~~citizens' aide~~ ombudsman may:

18 1. Investigate, on complaint or on the ~~citizens' aide's~~
19 ombudsman's own motion, any administrative action of any
20 agency, without regard to the finality of the administrative
21 action, except that the ~~citizens' aide~~ ombudsman shall not
22 investigate the complaint of an employee of an agency in regard
23 to that employee's employment relationship with the agency
24 except as otherwise provided by this chapter. A communication
25 or receipt of information made pursuant to the powers
26 prescribed in this chapter shall not be considered an ex parte
27 communication as described in the provisions of section 17A.17.

28 2. Investigate, on complaint or on the ~~citizens' aide's~~
29 ombudsman's own motion, any administrative action of any person
30 providing child welfare or juvenile justice services under
31 contract with an agency that is subject to investigation by the
32 ~~citizens' aide~~ ombudsman. The person shall be considered to
33 be an agency for purposes of the ~~citizens' aide's~~ ombudsman's
34 investigation.

35 3. Prescribe the methods by which complaints are to be made,

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1 received, and acted upon; determine the scope and manner of
2 investigations to be made; and, subject to the requirements of
3 this chapter, determine the form, frequency, and distribution
4 of the conclusions and recommendations of the ~~citizens' aide~~
5 ombudsman.

6 4. Request and receive from each agency assistance and
7 information as necessary in the performance of the duties of
8 the office. Notwithstanding section 22.7, pursuant to an
9 investigation the ~~citizens' aide~~ ombudsman may examine any and
10 all records and documents of any agency unless its custodian
11 demonstrates that the examination would violate federal
12 law or result in the denial of federal funds to the agency.
13 Confidential documents provided to the ~~citizens' aide~~ ombudsman
14 by other agencies shall continue to maintain their confidential
15 status. The ~~citizens' aide~~ ombudsman is subject to the same
16 policies and penalties regarding the confidentiality of the
17 document as an employee of the agency. The ~~citizens' aide~~
18 ombudsman may enter and inspect premises within any agency's
19 control and may observe proceedings and attend hearings, with
20 the consent of the interested party, including those held under
21 a provision of confidentiality, conducted by any agency unless
22 the agency demonstrates that the attendance or observation
23 would violate federal law or result in the denial of federal
24 funds to that agency. This subsection does not permit the
25 examination of records or access to hearings and proceedings
26 which are the work product of an attorney under section 22.7,
27 subsection 4, or which are privileged communications under
28 section 622.10.

29 5. Issue a subpoena to compel any person to appear, give
30 sworn testimony, or produce documentary or other evidence
31 relevant to a matter under inquiry. The ~~citizens' aide~~
32 ombudsman, deputies, and assistants of the ~~citizens' aide~~
33 ombudsman may administer oaths to persons giving testimony
34 before them. If a witness either fails or refuses to obey
35 a subpoena issued by the ~~citizens' aide~~ ombudsman, the

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1 ~~citizens' aide~~ ombudsman may petition the district court having
2 jurisdiction for an order directing obedience to the subpoena.
3 If the court finds that the subpoena should be obeyed, it shall
4 enter an order requiring obedience to the subpoena, and refusal
5 to obey the court order is subject to punishment for contempt.

6 6. Establish rules relating to the operation, organization,
7 and procedure of the office of the ~~citizens' aide~~ ombudsman.
8 The rules are exempt from chapter 17A and shall be published in
9 the Iowa administrative code.

10 Sec. 11. Section 2C.10, Code 2013, is amended to read as
11 follows:

12 **2C.10 No charge for services.**

13 ~~No~~ A monetary charge or other charge shall not be levied upon
14 any person as a prerequisite to presentation of a complaint to
15 the ~~citizens' aide~~ ombudsman.

16 Sec. 12. Section 2C.11, Code 2013, is amended to read as
17 follows:

18 **2C.11 Subjects for investigations.**

19 1. An appropriate subject for investigation by the office of
20 the ~~citizens' aide~~ ombudsman is an administrative action that
21 might be:

22 a. Contrary to law or regulation.

23 b. Unreasonable, unfair, oppressive, or inconsistent with
24 the general course of an agency's functioning, even though in
25 accordance with law.

26 c. Based on a mistake of law or arbitrary in ascertainments
27 of fact.

28 d. Based on improper motivation or irrelevant consideration.

29 e. Unaccompanied by an adequate statement of reasons.

30 2. The ~~citizens' aide~~ ombudsman may also be concerned with
31 strengthening procedures and practices which lessen the risk
32 that objectionable administrative actions will occur.

33 Sec. 13. Section 2C.11A, Code 2013, is amended to read as
34 follows:

35 **2C.11A Subjects for investigations — disclosures of**



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1 **information.**

2 The office of ~~citizens' aide~~ ombudsman shall investigate
3 a complaint filed by an employee who is not a merit system
4 employee or an employee covered by a collective bargaining
5 agreement and who alleges that adverse employment action has
6 been taken against the employee in violation of section 70A.28,
7 subsection 2. A complaint filed pursuant to this section shall
8 be made within thirty calendar days following the effective
9 date of the adverse employment action. The ~~citizens' aide~~
10 ombudsman shall investigate the matter and shall issue findings
11 relative to the complaint in an expeditious manner.

12 Sec. 14. Section 2C.12, Code 2013, is amended to read as
13 follows:

14 **2C.12 Complaints investigated.**

15 1. The ~~citizens' aide~~ ombudsman may receive a complaint from
16 any source concerning an administrative action. The ~~citizens'~~
17 ~~aide~~ ombudsman shall conduct a suitable investigation into the
18 administrative actions complained of unless the ~~citizens' aide~~
19 ombudsman finds substantiating facts that:

20 *a.* The complainant has available another remedy or channel
21 of complaint which the complainant could reasonably be expected
22 to use.

23 *b.* The grievance pertains to a matter outside the ~~citizens'~~
24 ~~aide~~ ombudsman's power.

25 *c.* The complainant has no substantive or procedural interest
26 which is directly affected by the matter complained about.

27 *d.* The complaint is trivial, frivolous, vexatious, or not
28 made in good faith.

29 *e.* Other complaints are more worthy of attention.

30 *f.* The ~~citizens' aide~~ ombudsman's resources are insufficient
31 for adequate investigation.

32 *g.* The complaint has been delayed too long to justify
33 present examination of its merit.

34 2. The ~~citizens' aide~~ ombudsman may decline to investigate
35 a complaint, but shall not be prohibited from inquiring into



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1 the matter complained about or into related problems at some
2 future time.

3 Sec. 15. Section 2C.13, Code 2013, is amended to read as
4 follows:

5 **2C.13 No investigation — notice to complainant.**

6 If the ~~citizens'~~ombudsman decides not to investigate,
7 the complainant shall be informed of the reasons for
8 the decision. If the ~~citizens'~~ombudsman decides
9 to investigate, the complainant and the agency shall be
10 notified of the decision. After completing consideration
11 of a complaint, whether or not it has been investigated,
12 the ~~citizens'~~ombudsman shall without delay inform the
13 complainant of the fact, and if appropriate, shall inform the
14 agency involved. The ~~citizens'~~ombudsman shall on request
15 of the complainant, and as appropriate, report the status of
16 the investigation to the complainant.

17 Sec. 16. Section 2C.14, Code 2013, is amended to read as
18 follows:

19 **2C.14 Institutionalized complainants.**

20 A letter to the ~~citizens'~~ombudsman from a person in
21 a correctional institution, a hospital, or other institution
22 under the control of an agency shall be immediately forwarded,
23 unopened, to the ~~citizens'~~ombudsman by the institution
24 where the writer of the letter is a resident. A letter from the
25 ~~citizens'~~ombudsman to such a person shall be immediately
26 delivered, unopened, to the person.

27 Sec. 17. Section 2C.15, Code 2013, is amended to read as
28 follows:

29 **2C.15 Reports critical of agency or officer.**

30 Before announcing a conclusion or recommendation that
31 criticizes an agency or any officer or employee, the ~~citizens'~~
32 ombudsman shall consult with that agency, officer, or
33 employee, and shall attach to every report sent or made under
34 the provisions of this chapter a copy of any unedited comments
35 made by or on behalf of the officer, employee, or agency.

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1 Sec. 18. Section 2C.16, Code 2013, is amended to read as
 2 follows:

3 **2C.16 Recommendations to agency.**

4 1. The ~~citizens' aide~~ ombudsman shall state recommendations
 5 to an agency, if, after having considered a complaint and
 6 whatever material the ~~citizens' aide~~ ombudsman deems pertinent,
 7 the ~~citizens' aide~~ ombudsman finds substantiating facts for any
 8 of the following:

- 9 a. A matter should be further considered by the agency.
- 10 b. An administrative action should be modified or canceled.
- 11 c. A rule on which an administrative action is based should
- 12 be altered.
- 13 d. Reasons should be given for an administrative action.
- 14 e. Any other action should be taken by the agency.

15 2. If the ~~citizens' aide~~ ombudsman requests, the agency
 16 shall, within twenty working days notify the ~~citizens' aide~~
 17 ombudsman of any action taken on the recommendations or the
 18 reasons for not complying with them.

19 3. If the ~~citizens' aide~~ ombudsman believes that an
 20 administrative action has occurred because of laws of which
 21 results are unfair or otherwise objectionable, the ~~citizens'~~
 22 ~~aide~~ ombudsman shall notify the general assembly concerning
 23 desirable statutory change.

24 Sec. 19. Section 2C.17, Code 2013, is amended to read as
 25 follows:

26 **2C.17 Publication of conclusions.**

27 1. The ~~citizens' aide~~ ombudsman may publish the
 28 conclusions, recommendations, and suggestions and transmit
 29 them to the governor or the general assembly or any of its
 30 committees. When publishing an opinion adverse to an agency or
 31 official the ~~citizens' aide~~ ombudsman shall, unless excused by
 32 the agency or official affected, include with the opinion any
 33 unedited reply made by the agency.

34 2. Any conclusions, recommendations, and suggestions so
 35 published may at the same time be made available to the news



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1 media or others who may be concerned.

2 Sec. 20. Section 2C.18, Code 2013, is amended to read as
3 follows:

4 **2C.18 Report to general assembly.**

5 The ~~citizens' aide~~ ombudsman shall by April 1 of each year
6 submit an economically designed and reproduced report to the
7 general assembly and to the governor concerning the exercise
8 of the ~~citizens' aide~~ ombudsman functions during the preceding
9 calendar year. In discussing matters with which the ~~citizens'~~
10 ~~aide~~ ombudsman has been concerned, the ~~citizens'~~ ombudsman
11 shall not identify specific persons if to do so would cause
12 needless hardship. If the annual report criticizes a named
13 agency or official, it shall also include unedited replies made
14 by the agency or official to the criticism, unless excused by
15 the agency or official affected.

16 Sec. 21. Section 2C.19, Code 2013, is amended to read as
17 follows:

18 **2C.19 Disciplinary action recommended.**

19 If the ~~citizens' aide~~ ombudsman believes that any public
20 official, employee or other person has acted in a manner
21 warranting criminal or disciplinary proceedings, the ~~citizens'~~
22 ~~aide~~ ombudsman shall refer the matter to the appropriate
23 authorities.

24 Sec. 22. Section 2C.20, Code 2013, is amended to read as
25 follows:

26 **2C.20 Immunities.**

27 No civil action, except removal from office as provided
28 in chapter 66, or proceeding shall be commenced against the
29 ~~citizens' aide~~ ombudsman or any member of the staff for any
30 act or omission performed pursuant to the provisions of this
31 chapter unless the act or omission is actuated by malice or
32 is grossly negligent, nor shall the ~~citizens' aide~~ ombudsman
33 or any member of the staff be compelled to testify in any
34 court with respect to any matter involving the exercise of the
35 ~~citizens' aide's~~ ombudsman's official duties except as may be

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1 necessary to enforce the provisions of this chapter.

2 Sec. 23. Section 2C.21, Code 2013, is amended to read as
3 follows:

4 **2C.21 Witnesses.**

5 A person required by the ~~citizens' aide~~ ombudsman to provide
6 information shall be paid the same fees and travel allowances
7 as are extended to witnesses whose attendance has been required
8 in the district courts of this state. Officers and employees
9 of an agency shall not be entitled to such fees and allowances.
10 A person who, with or without service of compulsory process,
11 provides oral or documentary information requested by the
12 ~~citizens' aide~~ ombudsman shall be accorded the same privileges
13 and immunities as are extended to witnesses in the courts of
14 this state, and shall also be entitled to be accompanied and
15 advised by counsel while being questioned.

16 Sec. 24. Section 2C.22, Code 2013, is amended to read as
17 follows:

18 **2C.22 Penalties.**

19 A person who willfully obstructs or hinders the lawful
20 actions of the ~~citizens' aide~~ ombudsman or the ~~citizens' aide's~~
21 ombudsman's staff, or who willfully misleads or attempts to
22 mislead the ~~citizens' aide~~ ombudsman in the ~~citizens' aide's~~
23 ombudsman's inquiries, shall be guilty of a simple misdemeanor.

24 Sec. 25. Section 2C.23, Code 2013, is amended to read as
25 follows:

26 **2C.23 Citation.**

27 This chapter shall be known and may be cited as the "*Iowa*
28 *Citizens' Aide Ombudsman Act*".

29 Sec. 26. Section 8F.3, subsection 1, paragraph d, Code 2013,
30 is amended to read as follows:

31 *d.* Information regarding any policies adopted by the
32 governing body of the recipient entity that prohibit taking
33 adverse employment action against employees of the recipient
34 entity who disclose information about a service contract to
35 the oversight agency, the auditor of state, the office of the



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1 attorney general, or the office of ~~citizens' aide~~ ombudsman and
 2 that state whether those policies are substantially similar
 3 to the protection provided to state employees under section
 4 70A.28. The information provided shall state whether employees
 5 of the recipient entity are informed on a regular basis of
 6 their rights to disclose information to the oversight agency,
 7 the office of ~~citizens' aide~~ ombudsman, the auditor of state,
 8 or the office of the attorney general and the telephone numbers
 9 of those organizations.

10 Sec. 27. Section 23A.4, Code 2013, is amended to read as
 11 follows:

12 **23A.4 Relief for aggrieved persons.**

13 1. Any aggrieved person may, after pursuing remedies
 14 offered by chapter 17A, seek injunctive relief for violations
 15 of this chapter by filing an action in the district court for
 16 the county in which the aggrieved business is located.

17 2. A state agency or political subdivision found to be in
 18 violation of this chapter shall be assessed and shall pay to
 19 the aggrieved person fees and other expenses, as defined in
 20 section 625.28.

21 3. Chapter 17A and this section are the exclusive remedy
 22 for violations of this chapter. However, the office of the
 23 ~~citizens' aide~~ ombudsman may review violations of this chapter
 24 and make recommendations as provided in chapter 2C.

25 Sec. 28. Section 70A.28, subsections 2, 6, and 8, Code 2013,
 26 are amended to read as follows:

27 2. A person shall not discharge an employee from or take
 28 or fail to take action regarding an employee's appointment or
 29 proposed appointment to, promotion or proposed promotion to,
 30 or any advantage in, a position in a state employment system
 31 administered by, or subject to approval of, a state agency as a
 32 reprisal for a failure by that employee to inform the person
 33 that the employee made a disclosure of information permitted
 34 by this section, or for a disclosure of any information by
 35 that employee to a member or employee of the general assembly,



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1 a disclosure of information to the office of ~~citizens' aide~~
 2 ombudsman, or a disclosure of information to any other public
 3 official or law enforcement agency if the employee reasonably
 4 believes the information evidences a violation of law or rule,
 5 mismanagement, a gross abuse of funds, an abuse of authority,
 6 or a substantial and specific danger to public health or
 7 safety. However, an employee may be required to inform the
 8 person that the employee made a disclosure of information
 9 permitted by this section if the employee represented that
 10 the disclosure was the official position of the employee's
 11 immediate supervisor or employer.

12 6. Subsection 2 may also be enforced by an employee through
 13 an administrative action pursuant to the requirements of this
 14 subsection if the employee is not a merit system employee or
 15 an employee covered by a collective bargaining agreement. An
 16 employee eligible to pursue an administrative action pursuant
 17 to this subsection who is discharged, suspended, demoted,
 18 or otherwise receives a reduction in pay and who believes
 19 the adverse employment action was taken as a result of the
 20 employee's disclosure of information that was authorized
 21 pursuant to subsection 2, may file an appeal of the adverse
 22 employment action with the public employment relations
 23 board within thirty calendar days following the later of the
 24 effective date of the action or the date a finding is issued
 25 to the employee by the office of the ~~citizens' aide~~ ombudsman
 26 pursuant to section 2C.11A. The findings issued by the
 27 ~~citizens' aide~~ ombudsman may be introduced as evidence before
 28 the public employment relations board. The employee has the
 29 right to a hearing closed to the public, but may request a
 30 public hearing. The hearing shall otherwise be conducted in
 31 accordance with the rules of the public employment relations
 32 board and the Iowa administrative procedure Act, chapter 17A.
 33 If the public employment relations board finds that the action
 34 taken in regard to the employee was in violation of subsection
 35 2, the employee may be reinstated without loss of pay or

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1 benefits for the elapsed period, or the public employment
2 relations board may provide other appropriate remedies.
3 Decisions by the public employment relations board constitute
4 final agency action.

5 8. The director of the department of administrative
6 services or, for employees of the general assembly or of the
7 state board of regents, the legislative council or the state
8 board of regents, respectively, shall provide procedures for
9 notifying new state employees of the provisions of this section
10 and shall periodically conduct promotional campaigns to provide
11 similar information to state employees. The information shall
12 include the toll-free telephone number of the ~~citizens' aide~~
13 ombudsman.

14 Sec. 29. Section 217.3A, subsection 3, paragraph a,
15 subparagraph (1), Code 2013, is amended to read as follows:

16 (1) Members of the advisory committee shall include at least
17 one district judge and representatives of custodial parent
18 groups, noncustodial parent groups, the general assembly,
19 the office of ~~citizens' aide~~ ombudsman, the Iowa state bar
20 association, the Iowa county attorneys association, and
21 other constituencies which have an interest in child support
22 enforcement issues, appointed by the respective entity.

23 Sec. 30. Section 236.16, subsection 1, paragraph c, Code
24 2013, is amended to read as follows:

25 c. Designate and award moneys for publicizing and staffing
26 a statewide, toll-free telephone hotline for use by victims
27 of domestic abuse. The department may award a grant to a
28 public agency or a private, nonprofit organization for the
29 purpose of operating the hotline. The operation of the
30 hotline shall include informing victims of their rights and
31 of various community services that are available, referring
32 victims to service providers, receiving complaints concerning
33 misconduct by peace officers and encouraging victims to refer
34 such complaints to the office of ~~citizens' aide~~ ombudsman,
35 providing counseling services to victims over the telephone,

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1 and providing domestic abuse victim advocacy.

2 EXPLANATION

3 This bill changes the title of the office of citizens' aide
4 to the office of ombudsman. The office is established in Code
5 chapter 2C.



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House File 186 - Introduced

HOUSE FILE 186
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 13)

A BILL FOR

1 An Act relating to the option of voting straight party at
2 certain elections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 49.37, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. For general elections, and for other elections in which
4 more than one partisan office will be filled, the ~~first section~~
5 ~~of the ballot shall be for straight party voting~~ arranged as
6 provided in this section.

7 ~~a. Each political party or organization which has~~
8 ~~nominated candidates for more than one office shall be listed.~~
9 ~~Instructions to the voter for straight party or organization~~
10 ~~voting shall be in substantially the following form:~~

11 ~~To vote for all candidates from a single party or~~
12 ~~organization, mark the voting target next to the party or~~
13 ~~organization name. Not all parties or organizations have~~
14 ~~nominated candidates for all offices. Marking a straight party~~
15 ~~or organization vote does not include votes for nonpartisan~~
16 ~~offices, judges, or questions.~~

17 ~~b. Political parties and nonparty political organizations~~
18 ~~which have nominated candidates for only one office shall~~
19 ~~be listed below the other political organizations under the~~
20 ~~following heading:~~

21 ~~Other Political Organizations. The following organizations~~
22 ~~have nominated candidates for only one office:~~

23 ~~c. 1A.~~ Offices shall be arranged in groups. Partisan
24 offices, nonpartisan offices, judges, and public measures shall
25 be separated by a distinct line appearing on the ballot.

26 Sec. 2. Section 49.57, subsection 2, Code 2013, is amended
27 to read as follows:

28 2. ~~In the area of the general election ballot for straight~~
29 ~~party voting, the party or organization names shall be printed~~
30 ~~in upper case and lower case letters using a uniform font size~~
31 ~~for each political party or nonparty political organization.~~
32 ~~The font size shall be not less than twelve point type. After~~
33 the name of each candidate for a partisan office the name of
34 the candidate's political party shall be printed in at least
35 six point type. ~~The names of political parties and nonparty~~



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1 ~~political organizations may be abbreviated on the remainder of~~
 2 ~~the ballot if both the full name and the abbreviation appear~~
 3 ~~in the "Straight Party" and "Other Political Party" areas of~~
 4 ~~the ballot.~~

5 Sec. 3. Section 49.98, Code 2013, is amended to read as
 6 follows:

7 **49.98 Counting ballots.**

8 The ballots shall be counted according to the voters' marks
 9 on them as provided in sections 49.92 ~~to 49.97~~ and 49.93,
 10 and not otherwise. If, for any reason, it is impossible
 11 to determine from a ballot, as marked, the choice of the
 12 voter for any office, the vote for that office shall not be
 13 counted. ~~When there is a conflict between a straight party or~~
 14 ~~organization vote for one political party or nonparty political~~
 15 ~~organization and the vote cast by marking the voting target~~
 16 ~~next to the name of a candidate for another political party~~
 17 ~~or nonparty political organization on the ballot, the mark~~
 18 ~~next to the name of the candidate shall be held to control,~~
 19 ~~and the straight party or organization vote in that case shall~~
 20 ~~not apply as to that office.~~ A ballot shall be rejected if
 21 the voter used a mark to identify the voter's ballot. ~~For~~
 22 ~~each voting system, the~~ The state commissioner shall, by rule
 23 adopted pursuant to chapter 17A, develop uniform definitions of
 24 what constitutes a vote.

25 Sec. 4. Section 52.26, subsection 1, paragraph f, Code 2013,
 26 is amended to read as follows:

27 *f.* Be so constructed or designed as to permit voting
 28 for candidates for nomination or election of at least seven
 29 different political parties or organizations, ~~and to permit~~
 30 ~~voting for all of the candidates of any one political party or~~
 31 ~~organization by a single mark, at any one election.~~

32 Sec. 5. REPEAL. Sections 49.94, 49.95, 49.96, and 49.97,
 33 Code 2013, are repealed.

34 **EXPLANATION**

35 This bill eliminates the option of voting straight party



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1 for all candidates of a political party or nonparty political
2 organization. The bill applies to the general election and
3 elections at which more than one partisan office is to be
4 filled.



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House File 187 - Introduced

HOUSE FILE 187

BY HUNTER, LENSING,
WESSEL-KROESCHELL,
ANDERSON, BEARINGER,
T. TAYLOR, ABDUL-SAMAD,
MASCHER, THOMAS, GAINES,
M. SMITH, KELLEY, MURPHY,
STUTSMAN, DAWSON, FORBES,
WOOD, OLDSON, MUHLBAUER,
HEDDENS, and GASKILL

A BILL FOR

- 1 An Act relating to the prevention of bullying in school
- 2 districts and accredited nonpublic schools and including
- 3 effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.9, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 63. Develop and make available to
4 school districts and accredited nonpublic schools, training
5 information and materials which schools, school employees,
6 and parents may use to recognize and appropriately address
7 harassment and bullying, including cyberbullying, as defined
8 in section 280.28. In developing the training information
9 and materials, the director shall consult with entities
10 that include but are not limited to the departments of
11 human services, public health, and public safety, education
12 stakeholders, parent-teacher organizations, and other
13 interested stakeholders. School districts shall dedicate
14 at least one day of professional development to providing
15 such training to practitioners, and shall incorporate the
16 information and materials in the school district's employee
17 training program, which shall be provided to full-time and
18 part-time school employees, to volunteers who have significant
19 contact with students, and to persons the school district
20 has contracted with to provide services to students. Such
21 information shall supplement and not supplant any bullying or
22 harassment information and materials already provided by a
23 school district, or any efforts by a school district's school
24 improvement advisory committee, or any local community campaign
25 of awareness relating to bullying and harassment. Training
26 information and materials developed and made available by the
27 director pursuant to this subsection shall include or provide
28 for the following:

29 a. Developmentally appropriate and age-appropriate
30 strategies to prevent bullying and harassment among students in
31 school and outside the school setting.

32 b. Developmentally appropriate and age-appropriate
33 strategies for immediate and effective interventions to stop
34 bullying and harassment.

35 c. Information regarding the interaction and relationship

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1 between students committing acts of bullying or harassment,
 2 students against whom such acts are directed, and witnesses of
 3 such acts.

4 *d.* Research findings on bullying and harassment, such as
 5 information about the types of students who have been shown to
 6 be at risk for bullying or harassment in the school setting.

7 *e.* Information on the frequency and nature of cyberbullying,
 8 as defined in section 280.28.

9 *f.* Internet safety issues as they relate to cyberbullying
 10 as defined in section 280.28.

11 Sec. 2. Section 256.16, subsection 1, Code 2013, is amended
 12 by adding the following new paragraph:

13 NEW PARAGRAPH. *d.* Require, beginning July 1, 2014, students
 14 to successfully complete training on how to prevent, recognize,
 15 address, and stop bullying and harassment behaviors, and
 16 provide students with information on the effects of bullying
 17 and harassment.

18 Sec. 3. Section 257.9, subsection 7, Code 2013, is amended
 19 to read as follows:

20 *7. Professional development supplement state cost per pupil.*

21 *a.* For the budget year beginning July 1, 2009, for the
 22 professional development supplement state cost per pupil, the
 23 department of management shall add together the professional
 24 development allocation made to each district for the fiscal
 25 year beginning July 1, 2008, pursuant to section 284.13,
 26 subsection 1, paragraph "d", Code 2009, and divide that sum
 27 by the statewide total budget enrollment for the fiscal year
 28 beginning July 1, 2009.

29 *b.* The professional development supplement state cost
 30 per pupil for the budget year beginning July 1, 2010, and
 31 succeeding budget years beginning before July 1, 2013, shall
 32 be the amount calculated by the department of management under
 33 this subsection for the base year plus an allowable growth
 34 amount that is equal to the professional development supplement
 35 categorical state percent of growth, pursuant to section



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1 257.8, subsection 2, for the budget year, multiplied by the
 2 amount calculated by the department of management under this
 3 subsection for the base year.

4 c. The professional development supplement state cost per
 5 pupil for the budget year beginning July 1, 2013, shall be
 6 the amount calculated by the department of management under
 7 this subsection for the base year, plus twenty dollars, plus
 8 an allowable growth amount that is equal to the professional
 9 development supplement categorical state percent of growth,
 10 pursuant to section 257.8, subsection 2, for the budget year,
 11 multiplied by the amount calculated by the department of
 12 management under this subsection for the base year.

13 d. The professional development supplement state cost
 14 per pupil for the budget year beginning July 1, 2014, and
 15 succeeding budget years, shall be the amount calculated by
 16 the department of management under this subsection for the
 17 base year plus an allowable growth amount that is equal to
 18 the professional development supplement categorical state
 19 percent of growth, pursuant to section 257.8, subsection 2, for
 20 the budget year, multiplied by the amount calculated by the
 21 department of management under this subsection for the base
 22 year.

23 Sec. 4. Section 257.10, subsection 10, paragraph a, Code
 24 2013, is amended to read as follows:

25 a. (1) For the budget year beginning July 1, 2009,
 26 the department of management shall divide the professional
 27 development allocation made to each district for the fiscal
 28 year beginning July 1, 2008, pursuant to section 284.13,
 29 subsection 1, paragraph "d", Code 2009, by the district's
 30 budget enrollment in the fiscal year beginning July 1, 2009,
 31 to determine the professional development supplement cost per
 32 pupil.

33 (2) For the budget year beginning July 1, 2010, and
 34 succeeding budget years beginning before July 1, 2013, the
 35 professional development supplement district cost per pupil

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1 for each school district for a budget year is the professional
2 development supplement district cost per pupil for the base
3 year plus the professional development supplement state
4 allowable growth amount for the budget year.

5 (3) (a) For the budget year beginning July 1, 2013, the
6 professional development supplement district cost per pupil
7 for each school district for a budget year is the professional
8 development supplement district cost per pupil for the base
9 year plus the professional development supplement state
10 allowable growth amount for the budget year, plus twenty
11 dollars.

12 (b) For purposes of determining the amount of a budget
13 adjustment pursuant to paragraph "b" of this subsection,
14 for a school district which calculated allowable growth for
15 the budget year beginning July 1, 2013, pursuant to this
16 subparagraph (3), the department of management shall subtract
17 twenty dollars from the school district's professional
18 development supplement district cost per pupil for the budget
19 year beginning July 1, 2013, prior to determining the amount
20 of the adjustment.

21 (4) For the budget year beginning July 1, 2014, and
22 succeeding budget years, the professional development
23 supplement district cost per pupil for each school district
24 for a budget year is the professional development supplement
25 district cost per pupil for the base year plus the professional
26 development supplement state allowable growth amount for the
27 budget year.

28 Sec. 5. Section 280.12, subsection 2, paragraph f, Code
29 2013, is amended to read as follows:

30 f. Harassment or bullying prevention goals, programs,
31 training, and other initiatives. Each committee shall
32 develop by July 1, 2014, a plan for counseling the victims of
33 bullying and harassment and the victims' families, and the
34 school district or school shall post the committee's plan
35 on the school district or school internet site. The school

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1 district and school shall include the plan in its comprehensive
 2 school improvement plan submitted pursuant to section 256.7,
 3 subsection 21.

4 Sec. 6. Section 280.28, subsections 1, 4, 5, 6, and 7, Code
 5 2013, are amended to read as follows:

6 1. *Purpose — findings — policy.* The state of Iowa is
 7 committed to providing all students with a safe and civil
 8 school environment in which all members of the school community
 9 are treated with dignity and respect. The general assembly
 10 finds that a safe and civil school environment is necessary
 11 for students to learn and achieve at high academic levels.
 12 Harassing and bullying behavior can seriously disrupt the
 13 ability of school employees to maintain a safe and civil
 14 environment, and the ability of students to learn and succeed.
 15 Cyberbullying is an especially insidious form of bullying that
 16 occurs most often outside school, but nonetheless affects the
 17 school process, impeding the ability of students to learn and
 18 succeed. School districts and schools should be wary of a
 19 bully’s ability to use technology to reach a broad audience,
 20 frequently anonymously. Therefore, it is the policy of the
 21 state of Iowa that school employees, volunteers, and students
 22 in Iowa schools shall not engage in harassing or bullying
 23 behavior.

24 4. *Programs encouraged.* The board of directors of a school
 25 district and the authorities in charge of each accredited
 26 nonpublic school are encouraged to establish programs designed
 27 to eliminate harassment and bullying, including cyberbullying,
 28 in schools. To the extent that funds are available for these
 29 purposes, school districts and accredited nonpublic schools
 30 shall do the following:

31 a. Provide training ~~on antiharassment and antibullying~~
 32 policies relating to the policy adopted pursuant to subsection
 33 3 to school employees and volunteers who have significant
 34 contact with students.

35 b. Develop a process to provide school employees,

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1 volunteers, and students with the skills and knowledge to
2 help reduce incidents of harassment and bullying, including
3 cyberbullying.

4 5. *Immunity.* A school employee, volunteer, or student, or
5 a student's parent or guardian who promptly, reasonably, and
6 in good faith reports an incident of harassment or bullying,
7 including but not limited to cyberbullying, in compliance with
8 the procedures in the policy adopted pursuant to this section,
9 to the appropriate school official designated by the school
10 district or accredited nonpublic school, shall be immune from
11 civil or criminal liability relating to such report and to
12 participation in any administrative or judicial proceeding
13 resulting from or relating to the report.

14 6. *Collection requirement.* The board of directors of
15 a school district and the authorities in charge of each
16 nonpublic school shall develop and maintain a system to collect
17 ~~harassment and bullying incidence data~~ on reported incidences
18 of harassment and bullying, including but not limited to
19 cyberbullying, brought to the attention of the school district
20 or school.

21 7. *Integration of policy and reporting.* The board of
22 directors of a school district and the authorities in charge
23 of each nonpublic school shall integrate ~~its antiharassment~~
24 ~~and antibullying~~ the policy adopted pursuant to subsection 3
25 into the comprehensive school improvement plan required under
26 section 256.7, subsection 21, and shall report data collected
27 under subsection 6, as specified by the department, to the
28 local community.

29 Sec. 7. Section 280.28, subsection 2, Code 2013, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. 0a. "Cyberbullying" means harassment or
32 bullying which occurs through electronic means.

33 Sec. 8. Section 280.28, subsection 2, paragraph a, Code
34 2013, is amended to read as follows:

35 a. "Electronic" means any communication involving the



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1 transmission of information by wire, radio, optical cable,
 2 electromagnetic, or other similar means. *“Electronic”* includes
 3 but is not limited to communication via electronic mail,
 4 internet-based ~~communications~~ communication, pager service,
 5 internet site, cell ~~phones~~ phone, and electronic text messaging
 6 or other social media.

7 Sec. 9. Section 280.28, subsection 2, paragraph b,
 8 unnumbered paragraph 1, Code 2013, is amended to read as
 9 follows:

10 *“Harassment”* and *“bullying”*, which shall include
 11 cyberbullying, shall be construed to mean any ~~electronic~~,
 12 written, verbal, or physical act, gesture, or conduct toward
 13 a student which is based on any actual or perceived trait or
 14 characteristic of the student and which creates an objectively
 15 hostile school environment that meets one or more of the
 16 following conditions:

17 Sec. 10. Section 280.28, subsection 3, Code 2013, is amended
 18 to read as follows:

19 3. *Policy*. On or before September 1, ~~2007~~ 2014, the board
 20 of directors of a school district and the authorities in charge
 21 of each accredited nonpublic school shall adopt a policy
 22 declaring harassment and bullying, including cyberbullying,
 23 in schools, on school property, and at any school function,
 24 or school-sponsored activity regardless of its location,
 25 in a manner consistent with this section, as against state
 26 and school policy. The policy shall specify procedures
 27 for proper reporting and investigation of allegations of
 28 harassment or bullying, including cyberbullying, based on the
 29 conditions specified in subsection 2, paragraph “b”. The
 30 board and the authorities shall make a copy of the policy
 31 available to all school employees, volunteers, students, and
 32 parents or guardians and shall take all appropriate steps to
 33 bring the policy against harassment and bullying, including
 34 cyberbullying, and the responsibilities set forth in the policy
 35 to the attention of school employees, volunteers, students, and



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1 parents or guardians. Each policy shall, at a minimum, include
2 all of the following components:

3 *a.* A statement declaring harassment and bullying, including
4 cyberbullying, to be against state and school policy. The
5 statement shall include but not be limited to the following
6 provisions:

7 (1) School employees, volunteers, and students in school,
8 on school grounds or property, or at any school function or
9 school-sponsored activity shall not engage in harassing and
10 bullying, including cyberbullying, behavior.

11 (2) School employees, volunteers, and students who are
12 not in school or on school grounds or property shall not
13 engage in harassing or bullying behavior that meets either
14 of the conditions specified in subsection 2, paragraph "b",
15 subparagraph (1) or (2).

16 ~~(2)~~ (3) School employees, volunteers, and students shall
17 not engage in reprisal, retaliation, or false accusation
18 against a victim, witness, or an individual who has reliable
19 information about such an act of harassment or bullying,
20 including cyberbullying.

21 *b.* A definition of harassment and bullying, including
22 cyberbullying, as set forth in this section.

23 *c.* A description of the type of behavior expected from
24 school employees, volunteers, parents or guardians, and
25 students relative to prevention measures, reporting, and
26 investigation of an allegation of harassment or bullying,
27 including cyberbullying.

28 *d.* The consequences and appropriate remedial action for a
29 person who violates the ~~antiharassment and antibullying~~ policy.

30 *e.* A procedure for reporting an alleged act of harassment or
31 bullying, including cyberbullying; including the identification
32 by job title of the school official responsible for ensuring
33 that the policy is implemented, and the identification of the
34 person or persons responsible for receiving reports ~~of~~ alleging
35 harassment or bullying, including cyberbullying.



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1 approval of the board of the resident district and the board
2 of the receiving district. The parent or guardian shall send
3 notification to the district of residence and the receiving
4 district that the parent or guardian seeks to enroll the
5 parent's or guardian's child in the receiving district. A
6 decision of either board to deny an application filed under
7 this subsection involving repeated acts of harassment or
8 bullying, including cyberbullying, as defined in section
9 280.28, of the student or serious health condition of the
10 student that the resident district cannot adequately address,
11 is subject to appeal under section 290.1. The state board
12 shall exercise broad discretion to achieve just and equitable
13 results that are in the best interest of the affected child or
14 children.

15 Sec. 12. Section 284.6, subsection 3, Code 2013, is amended
16 to read as follows:

17 3. A school district shall incorporate a district
18 professional development plan into the district's comprehensive
19 school improvement plan submitted to the department in
20 accordance with section 256.7, subsection 21. The district
21 professional development plan shall include a description of
22 the means by which the school district will provide access
23 to all teachers in the district to professional development
24 programs or offerings that meet the requirements of subsection
25 1. The plan shall align all professional development with
26 the school district's long-range student learning goals and
27 the Iowa teaching standards. The plan shall indicate the
28 school district's approved professional development provider
29 or providers. The plan shall provide, for the fiscal year
30 beginning July 1, 2013, and each fiscal year thereafter, an
31 amount of time for professional development equivalent to the
32 amount of time the school district provided for professional
33 development for teachers for the 2012-2013 school year plus the
34 equivalent of at least one additional contract day.

35 Sec. 13. PRACTITIONER PREPARATION PROGRAM PLANS FOR



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1 TRAINING RELATING TO BULLYING AND HARASSMENT. Each
 2 practitioner preparation program approved pursuant to section
 3 256.7, subsection 3, shall develop a plan for training that
 4 meets the requirements of section 256.16, subsection 1,
 5 paragraph "d", as enacted in this Act. The plan shall be
 6 submitted to the state board of education for approval by
 7 January 1, 2014. If the initial plan is not approved by the
 8 state board, it shall be returned to the program by March 29,
 9 2014, with a description of the plan's deficiencies. The
 10 program may submit a revised plan to the state board by April
 11 29, 2014. If the revised plan is not approved by the state
 12 board, the state board shall reevaluate its approval of the
 13 practitioner preparation program.

14 Sec. 14. EFFECTIVE DATES. The following provision or
 15 provisions of this Act take effect on the following dates:

16 1. The section of this Act amending section 257.9,
 17 subsection 7, and the section of this Act amending section
 18 257.10, subsection 10, take effect upon enactment for the
 19 computation of state school aid for budget years beginning on
 20 or after July 1, 2013.

21 2. The section of this Act amending section 280.28,
 22 subsection 3, takes effect July 1, 2014.

23 EXPLANATION

24 This bill expands current Code provisions relating to
 25 the definition of bullying and to harassment and bullying
 26 policies each school district and accredited nonpublic school
 27 is required to adopt; requires the director of the department
 28 of education to develop and make available to school districts
 29 and accredited nonpublic schools training information and
 30 materials which schools, school employees, and parents may use
 31 to recognize and appropriately address bullying and harassment,
 32 including cyberbullying; directs approved practitioner
 33 preparation programs to require, beginning July 1, 2014,
 34 students to successfully complete training on how to prevent,
 35 recognize, address, and stop bullying and harassment behaviors,

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1 and to provide students with information on the effects of
2 bullying and harassment; and provides for an additional day of
3 professional development.

4 The bill increases the professional development supplement
5 categorical state cost per pupil and the professional
6 development supplement district cost per pupil under the
7 school aid formula to provide school districts with funding
8 for an additional day of professional development which
9 school districts must include in their district professional
10 development plan. The bill also provides that for purposes
11 of determining whether a school district will receive a
12 budget adjustment based on whether its unadjusted professional
13 development supplement district cost for a budget year is less
14 than 100 percent of the base year, the department of management
15 shall subtract \$20 from the school district's professional
16 development supplement district cost per pupil for the budget
17 year beginning July 1, 2013. These provisions take effect upon
18 enactment for the computation of state school aid for budget
19 years beginning on or after July 1, 2013.

20 The additional professional development day the school aid
21 formula moneys pay for must be used to provide training on how
22 to recognize and appropriately address harassment and bullying
23 behavior, including cyberbullying.

24 In developing the training information and materials,
25 the director must consult with related state agencies and
26 education stakeholders. School districts must incorporate the
27 information and materials in their employee training programs,
28 which shall also be provided to volunteers and other service
29 providers who have significant contact with students.

30 The training information and materials must include or
31 provide for developmentally appropriate and age-appropriate
32 strategies to prevent or stop bullying and harassment among
33 students within and outside the school setting; information
34 regarding the interaction and relationship between students
35 committing acts of bullying or harassment, students against

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1 whom such acts are directed, and witnesses of such acts;
2 research findings on bullying and harassment, such as
3 information about the types of students who have been shown to
4 be at risk for bullying or harassment in the school setting;
5 and information on the frequency and nature of cyberbullying
6 and on internet safety issues.

7 School districts and accredited nonpublic schools must
8 utilize their school improvement advisory committees'
9 recommendations to determine harassment or bullying prevention
10 goals, programs, training, and other initiatives. Each
11 committee must develop by July 1, 2014, a plan for counseling
12 the victims of bullying and harassment and the victims'
13 families, and the school district or school must post the plan
14 on its internet site. The school district and school shall
15 include the plan in the annual comprehensive school improvement
16 plan it submits to the department.

17 The general assembly's findings are updated to provide that
18 cyberbullying is an especially insidious form of bullying that
19 occurs most often outside school, but nonetheless affects the
20 school process, impeding the ability of students to learn and
21 succeed.

22 The bill makes a number of changes in Code section 280.28,
23 which prohibits harassment and bullying in schools, requires
24 schools to adopt a policy, and provides for immunity for a
25 school employee, volunteer, or student, or a student's parent
26 or guardian who promptly, reasonably, and in good faith reports
27 an incident of harassment or bullying.

28 The bill modifies the definition of "harassment" and
29 "bullying" to add gestures to the behaviors which may create
30 an objectively hostile school environment, and to include
31 cyberbullying in the definition. The bill also expands
32 the definition of "electronic" to include communication
33 via internet site or other social media. The bill defines
34 "cyberbullying" as harassment or bullying by electronic means.

35 Effective July 1, 2014, the policy school districts and

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1 accredited nonpublic schools must adopt on or before September
2 1, 2014, must include cyberbullying. The bill expands policy
3 requirements to add school grounds to the areas where school
4 employees, volunteers, and students are prohibited from
5 engaging in harassing and bullying behavior, and further
6 prohibits such persons from engaging in harassment or bullying
7 behavior off school property or grounds if the behavior places
8 the student in reasonable fear of harm to the student's person
9 or property or has a substantially detrimental effect on the
10 student's physical or mental health.

11 Under the bill, the policy must also include a procedure
12 for reporting to the school district superintendent, the
13 superintendent's designee, or the authorities in charge of
14 the school, an alleged incident of cyberbullying. If an
15 electronic device provided by the school was used in an alleged
16 cyberbullying incident, the superintendent or designee or
17 the authorities may require the student suspected of the
18 cyberbullying to return the device to the school and may report
19 the incident to local law enforcement. If the alleged incident
20 did not involve a school-provided electronic device, the
21 superintendent or designee or the authorities shall report the
22 incident to local law enforcement.

23 The policy must also include a procedure for the prompt
24 investigation, by the school district superintendent, designee,
25 or the authorities in charge of the school, of an alleged
26 act of harassment or bullying; as well as a procedure for
27 recommending that available community mental health care
28 options be provided a student, if deemed appropriate, based
29 upon the results of an investigation.

30 A provision that allows a parent to appeal to the state board
31 of education a school board's denial of an open enrollment
32 application is amended to add denial of an application
33 involving repeated acts of bullying, including cyberbullying,
34 to the types of school board decisions which may be appealed.

35 Finally, the bill directs each approved practitioner

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1 preparation program to develop a plan for training students
2 on how to prevent, recognize, address, and stop bullying and
3 harassment behaviors, and provide students with information
4 on the effects of bullying and harassment. The plan must
5 be submitted to the state board for approval by January 1,
6 2014. If the initial plan is not approved by the state board,
7 it shall be returned to the program by March 29, 2014, with
8 a description of the plan's deficiencies. The program may
9 submit a revised plan to the state board by April 29, 2014.
10 If the revised plan is not approved by the state board, the
11 state board shall reevaluate its approval of the practitioner
12 preparation program.



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House File 188 - Introduced

HOUSE FILE 188
BY KAJTAZOVIC

A BILL FOR

- 1 An Act requiring new school buses purchased by school districts
- 2 to be equipped with a front and rear motion sensor system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/sc



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H.F. 188

1 Section 1. Section 321.373, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. a. A new school bus ordered for
4 purchase by a school district on or after July 1, 2015, shall
5 be equipped with a motion-activated student detection system
6 consisting of at least two exterior motion sensors mounted
7 on the front of the school bus, two exterior motion sensors
8 mounted on the rear of the school bus, and a motion-sensitive
9 alarm system.

10 b. Notwithstanding section 321.378, this subsection applies
11 only to public schools where children are transported to and
12 from school.

13 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
14 with section 25B.2, subsection 3, the state cost of requiring
15 compliance with any state mandate included in this Act shall
16 be paid by a school district from state school foundation
17 aid received by the school district under section 257.16, a
18 physical plant and equipment levy under section 298.2, or from
19 revenues from the secure an advanced vision for education
20 fund under chapter 423F. This specification of the payment
21 of the state cost shall be deemed to meet all of the state
22 funding-related requirements of section 25B.2, subsection 3,
23 and no additional state funding shall be necessary for the
24 full implementation of this Act by and enforcement of this Act
25 against all affected school districts.

26 EXPLANATION

27 This bill requires that new school buses ordered for
28 purchase by a school district on or after July 1, 2015, be
29 equipped with a motion-activated student detection system
30 consisting of at least two exterior motion sensors mounted
31 on the front of the school bus, two exterior motion sensors
32 mounted on the rear of the school bus, and a motion-sensitive
33 alarm system. The bill applies only to public schools.

34 The bill may include a state mandate as defined in Code
35 section 25B.3. The bill requires that the state cost of

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1 any state mandate included in the bill be paid by a school
2 district from state school foundation aid received by the
3 school district under Code section 257.16, a physical plant and
4 equipment levy under Code section 298.2, or from revenues from
5 the secure an advanced vision for education fund under Code
6 chapter 423F. The specification is deemed to constitute state
7 compliance with any state mandate funding-related requirements
8 of Code section 25B.2. The inclusion of this specification is
9 intended to reinstate the requirement of political subdivisions
10 to comply with any state mandates included in the bill.



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House File 189 - Introduced

HOUSE FILE 189
BY HUNTER

A BILL FOR

1 An Act concerning review of disapproval of applications for
2 liquor control licenses and permits by local authorities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ec/nh



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H.F. 189

1 Section 1. Section 123.32, subsection 6, paragraph a, Code
2 2013, is amended to read as follows:

3 a. Upon receipt of an application having been disapproved
4 by the local authority, the administrator shall notify the
5 applicant that the applicant may appeal the disapproval of the
6 application to the ~~administrator~~ district court as provided in
7 this section. The applicant shall be notified by certified
8 mail, and the application, the fee, and any bond shall be
9 returned to the applicant.

10 Sec. 2. Section 123.32, subsection 7, Code 2013, is amended
11 by striking the subsection.

12 Sec. 3. Section 123.32, subsection 8, Code 2013, is amended
13 to read as follows:

14 8. *Judicial review.*

15 a. The applicant or the local authority may seek judicial
16 review of the action of the administrator in accordance with
17 the terms of the Iowa administrative procedure Act, chapter
18 17A. Notwithstanding the terms of the Iowa administrative
19 procedure Act, chapter 17A, petitions for judicial review may
20 be filed in the district court of the county where the premises
21 covered by the application are situated.

22 b. The applicant may file an action in the district court
23 of the county where the premises covered by the application is
24 situated to seek judicial review of the action of the local
25 authority in disapproving an application.

26 EXPLANATION

27 This bill eliminates the ability of an applicant for a
28 liquor control license, wine permit, or beer permit to appeal
29 the denial of the license or permit by the applicable local
30 authority to the administrator of the alcoholic beverages
31 division of the department of commerce. Instead, the bill
32 provides that an applicant may seek judicial review of the
33 denial of the license or permit by filing an action in the
34 district court of the county where the premises covered by the
35 application is located.

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House File 190 - Introduced

HOUSE FILE 190
BY SCHULTZ

A BILL FOR

1 An Act excluding from the computation of net income for the
2 individual income tax the net capital gain from the sale of
3 bullion and including retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1467YH (2) 85
mm/sc



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H.F. 190

1 Section 1. Section 422.7, subsection 21, Code 2013, is
 2 amended by adding the following new paragraph:
 3 NEW PARAGRAPH. *f.* Net capital gain from the sale of bullion
 4 as defined in section 423.3, subsection 91.
 5 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
 6 retroactively to January 1, 2013, for tax years beginning on
 7 or after that date.

8 EXPLANATION

9 This bill excludes from the computation of net income for
 10 purposes of the individual income tax the net capital gain
 11 from the sale of bullion. Bullion means bars, ingots, or
 12 commemorative medallions of gold, silver, platinum, palladium,
 13 or a combination of these where the value of the metal depends
 14 on its content and not the form.

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



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House File 191 - Introduced

HOUSE FILE 191
BY PETTENGILL

A BILL FOR

- 1 An Act relating to a manufactured or mobile home retailer's
- 2 application to a county treasurer for a certificate of title
- 3 for a used mobile home or manufactured home.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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dea/nh



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H.F. 191

1 Section 1. Section 321.45, subsection 4, Code 2013, is
 2 amended to read as follows:

3 4. After acquiring a used mobile home or manufactured home
 4 to be titled in Iowa, a manufactured or mobile home retailer,
 5 as defined in section 103A.51, shall within thirty days apply
 6 for and obtain from the county treasurer of the ~~retailer's~~
 7 county of residence where the mobile home or manufactured home
 8 is located a new certificate of title for the mobile home
 9 or manufactured home. In the event that there is a prior
 10 lien or encumbrance to be released, as required by section
 11 321.50, subsection 5, the thirty-day time period in this
 12 subsection does not begin to run until the lien or encumbrance
 13 is released.

14 Sec. 2. Section 321.49, subsection 3, Code 2013, is amended
 15 to read as follows:

16 3. A manufactured or mobile home retailer who acquires a
 17 used mobile home or manufactured home, titled in Iowa, and who
 18 does not apply for and obtain a certificate of title from the
 19 county treasurer of the county where the manufactured or mobile
 20 home retailer's county of residence is located within thirty
 21 days of the date of acquisition, as required under section
 22 321.45, subsection 4, is subject to a penalty of ten dollars.
 23 A certificate of title shall not be issued to the manufactured
 24 or mobile home retailer until the penalty is paid.

EXPLANATION

25
 26 Under current law, a manufactured or mobile home retailer
 27 who acquires a used mobile home or manufactured home
 28 must obtain a certificate of title for the mobile home or
 29 manufactured home within 30 days of the date of acquisition.
 30 The application for title must be made to the county treasurer
 31 of the retailer's county of residence. This bill requires that
 32 the application for title must be made to the county treasurer
 33 of the county where the mobile home or manufactured home is
 34 located.



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House File 192 - Introduced

HOUSE FILE 192
BY HALL

A BILL FOR

- 1 An Act relating to the time period for property tax assessment
- 2 protests to the local board of review and including
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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md/sc



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1 Section 1. Section 441.26, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. The director of revenue shall each year prescribe
4 the form of assessment roll to be used by all assessors in
5 assessing property, in this state, also the form of pages of
6 the assessor's assessment book. The assessment rolls shall
7 be in a form that will permit entering, separately, the names
8 of all persons assessed, and shall also contain a notice in
9 substantially the following form:

10 If you are not satisfied that the foregoing assessment is
11 correct, you may file a protest against such assessment with
12 the board of review on or after April 16, to and including May 5
13 16, of the year of the assessment, such protest to be confined
14 to the grounds specified in section 441.37.

15 Dated: .. day of ... (month), .. (year)

16

17 County/City Assessor.

18 Sec. 2. Section 441.37, subsection 1, paragraph a,
19 unnumbered paragraph 1, Code 2013, is amended to read as
20 follows:

21 Any property owner or aggrieved taxpayer who is dissatisfied
22 with the owner's or taxpayer's assessment may file a protest
23 against such assessment with the board of review on or after
24 April 16, to and including May 5 16, of the year of the
25 assessment. In any county which has been declared to be a
26 disaster area by proper federal authorities after March 1 and
27 prior to May 20 of said year of assessment, the board of review
28 shall be authorized to remain in session until June 15 and the
29 time for filing a protest shall be extended to and include
30 the period from May 25 to June 5 of such year. Said protest
31 shall be in writing and signed by the one protesting or by the
32 protester's duly authorized agent. The taxpayer may have an
33 oral hearing thereon if request therefor in writing is made at
34 the time of filing the protest. Said protest must be confined
35 to one or more of the following grounds:

LSB 2012YH (1) 85

md/sc

1/2



Iowa General Assembly
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House File 193 - Introduced

HOUSE FILE 193
BY RUNNING-MARQUARDT

A BILL FOR

1 An Act relating to the time for completing real property
2 assessments and for filing property tax assessment protests
3 to the local board of review and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1499YH (2) 85
md/sc



Iowa General Assembly
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H.F. 193

1 Section 1. Section 441.23, Code 2013, is amended to read as
 2 follows:

3 **441.23 Notice of valuation.**

4 If there has been an increase or decrease in the valuation
 5 of the property, or upon the written request of the person
 6 assessed, the assessor shall, at the time of making the
 7 assessment, inform the person assessed, in writing, of the
 8 valuation put upon the taxpayer's property, and notify the
 9 person, that if the person feels aggrieved, to appear before
 10 the board of review and show why the assessment should be
 11 changed. However, if the valuation of a class of property
 12 is uniformly decreased, the assessor may notify the affected
 13 property owners by publication in the official newspapers of
 14 the county. The owners of real property shall be notified not
 15 later than April ~~15~~ 1 of any adjustment of the real property
 16 assessment.

17 Sec. 2. Section 441.26, subsection 1, Code 2013, is amended
 18 to read as follows:

19 1. The director of revenue shall each year prescribe
 20 the form of assessment roll to be used by all assessors in
 21 assessing property, in this state, also the form of pages of
 22 the assessor's assessment book. The assessment rolls shall
 23 be in a form that will permit entering, separately, the names
 24 of all persons assessed, and shall also contain a notice in
 25 substantially the following form:

26 If you are not satisfied that the foregoing assessment is
 27 correct, you may file a protest against such assessment with
 28 the board of review on or after April ~~16~~ 1, to and including May
 29 ~~5~~ 1, of the year of the assessment, such protest to be confined
 30 to the grounds specified in section 441.37.

31 Dated: .. day of ... (month), .. (year)
 32

33 County/City Assessor.

34 Sec. 3. Section 441.28, Code 2013, is amended to read as
 35 follows:

LSB 1499YH (2) 85
 md/sc



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H.F. 193

1 are required to be completed from April 15 to April 1 for each
2 assessment year and correspondingly moves the deadline for
3 notifying owners of real property of an adjustment of their
4 property assessment from April 15 to April 1.

5 Current Code section 441.37 allows any property owner or
6 aggrieved taxpayer who is dissatisfied with the owner's or
7 taxpayer's assessment to file a protest against such assessment
8 with the local board of review on or after April 16 to and
9 including May 5, of the year of the assessment. The bill
10 modifies that period to file a protest to be on or after April 1
11 to and including May 1.

12 The bill applies to assessment years beginning on or after
13 January 1, 2014.



Iowa General Assembly
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House File 194 - Introduced

HOUSE FILE 194
BY PETTENGILL

A BILL FOR

1 An Act relating to the deadline for obtaining a registration
2 fee credit for a vehicle that is sold, transferred, or
3 junked or for a motor vehicle purchased by a lessee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2038HH (2) 85
dea/nh



**Iowa General Assembly
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H.F. 194

1 Section 1. Section 321.46, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:

3 a. The credit shall be claimed within ~~thirty days~~ six months
4 from the date the vehicle for which credit is granted was sold,
5 transferred, or junked. After ~~thirty days~~ six months, all
6 credits shall be disallowed.

7 Sec. 2. Section 321.46, subsection 7, Code 2013, is amended
8 to read as follows:

9 7. If a motor vehicle is leased and the lessee purchases
10 the vehicle upon termination of the lease, the lessor shall,
11 upon claim by the lessee with the lessor within ~~thirty days~~
12 six months of the purchase, assign the annual registration fee
13 credit and registration plates for the leased motor vehicle to
14 the lessee. Credit shall be applied as provided in subsection
15 3.

EXPLANATION

17 Currently, when a person transfers ownership of a vehicle,
18 the person is entitled to a credit of the unexpired portion
19 of the annual registration fee for the vehicle that was sold,
20 transferred, or junked. The credit is processed by the county
21 treasurer and is applied to the annual registration fee for
22 a vehicle newly acquired by the person. The credit must be
23 claimed within 30 days of the date the vehicle was sold,
24 transferred, or junked. If the credit is not claimed within 30
25 days, the person has six months in which to apply to the county
26 treasurer or the department of transportation for a refund of
27 the amount of the unexpired registration fee that would have
28 otherwise been available as a credit.

29 This bill extends the period in which a person may apply for
30 a credit of unexpired registration fees to six months.

31 Currently, when a motor vehicle is purchased by the lessee
32 upon termination of a lease, the lessee has 30 days in which
33 to claim a credit from the lessor for the unexpired portion
34 of the annual registration fee and have the registration fee
35 credit and registration plates for the leased motor vehicle

LSB 2038HH (2) 85
dea/nh



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1 assigned to the lessee. The bill provides that the lessee has
2 six months in which to make the claim for the transfer of the
3 registration fee credit and the registration plates.



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House File 195 - Introduced

HOUSE FILE 195
BY HALL

A BILL FOR

1 An Act exempting from the inheritance tax a certain amount of
2 property passing to brothers, sisters, uncles, aunts, first
3 cousins, nieces, and nephews and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2035HH (2) 85
mm/sc



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H.F. 195

1 amounts exempted by operation of that subsection, the rate of
2 tax imposed on the individual share so passing shall be as
3 follows:

4 Sec. 4. Section 450.10, subsection 5, Code 2013, is amended
5 to read as follows:

6 5. When the property or any interest in property, or income
7 from property, taxable under this chapter, passes to any person
8 included under subsection 1, there shall be credited to the tax
9 imposed on the individual share so passing an amount equal to
10 the tax imposed in this state on the decedent on any property,
11 real, personal or mixed, or the proportionate share thereof on
12 property passing to the person taxed hereunder, which can be
13 identified as having been received by the decedent as a share
14 in the estate of any person who died within two years prior
15 to the death of the decedent, or which can be identified as
16 having been acquired by the decedent in exchange for property
17 so received. The credit shall not be applicable to taxes on
18 property of the decedent which was not acquired from the prior
19 estate, or taxes on property of the decedent otherwise exempt
20 from taxation under subsection 7.

21 Sec. 5. Section 450.10, Code 2013, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 7. The first one million dollars in the
24 aggregate of property, interest in property, or income passing
25 to brothers, sisters, uncles, aunts, first cousins, nieces,
26 and nephews is not taxable under this section. If the entire
27 amount of property, interest in property, and income passing
28 to all persons listed in this subsection exceeds one million
29 dollars, the exemption shall be apportioned among the persons
30 according to each person's proportionate share of the entire
31 amount of property, interest in property, and income passing to
32 all persons listed in this subsection.

33 Sec. 6. **APPLICABILITY.** This Act applies to estates of
34 decedents dying on or after July 1, 2013.

35

EXPLANATION

LSB 2035HH (2) 85
mm/sc



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H.F. 195

1 This bill exempts from the inheritance tax the first \$1
2 million in the aggregate of property passing to brothers,
3 sisters, uncles, aunts, first cousins, nieces, and nephews. If
4 the total property passing to these persons exceeds \$1 million,
5 the exemption is apportioned among the persons according to
6 their proportionate share of the property.

7 The bill also provides that the credit for prior inheritance
8 tax paid by the decedent on property passing to a brother,
9 sister, son-in-law, or daughter-in-law shall not be applicable
10 to the amounts passing to a brother or sister that are
11 otherwise exempted from tax in the bill.

12 The bill applies to estates of decedents dying on or after
13 July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 196 - Introduced

HOUSE FILE 196
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 50)

A BILL FOR

1 An Act increasing civil penalties applicable to specified
2 pipeline safety violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1099HV (1) 85
rn/sc



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 196

1 Section 1. Section 479.31, unnumbered paragraph 1, Code
2 2013, is amended to read as follows:
3 A person who violates this chapter or any rule or order
4 issued pursuant to this chapter shall be subject to a civil
5 penalty levied by the board not to exceed ~~ten~~ one hundred
6 thousand dollars for each violation. Each day that the
7 violation continues shall constitute a separate offense.
8 However, the maximum civil penalty shall not exceed ~~five~~
9 ~~hundred thousand~~ one million dollars for any related series of
10 violations. Civil penalties collected pursuant to this section
11 shall be credited to and are appropriated for the Iowa energy
12 center created in section 266.39C.

13 EXPLANATION

14 This bill increases civil penalties applicable to violations
15 of Code chapter 479, relating to pipelines and underground
16 gas storage. Currently, violations of the Code chapter, or
17 an administrative rule or order relating to the Code chapter,
18 are subject to a civil penalty levied by the Iowa utilities
19 board not to exceed \$10,000 per violation, subject to a
20 \$500,000 maximum. The bill increases these limits to \$100,000
21 and \$1 million, respectively. Civil penalties collected for
22 violations of the Code chapter are credited to and appropriated
23 for the Iowa energy center created in Code section 266.39C.



Iowa General Assembly
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House File 197 - Introduced

HOUSE FILE 197
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 102)

A BILL FOR

1 An Act relating to certification of adult day services
2 programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1256HV (1) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 12, 2013

H.F. 197

1 Section 1. Section 231D.3, subsection 7, Code 2013, is
2 amended to read as follows:

3 7. Certification of an adult day services program shall
4 be for ~~two~~ three years unless revoked for good cause by the
5 department.

6 Sec. 2. Section 231D.4, subsection 2, paragraph b,
7 subparagraphs (1) and (2), Code 2013, are amended to read as
8 follows:

9 (1) For a ~~two-year~~ three-year initial certification, seven
10 hundred fifty dollars.

11 (2) For a ~~two-year~~ three-year recertification, one thousand
12 dollars.

13 EXPLANATION

14 This bill extends the initial certification and
15 recertification periods for adult day services from two to
16 three years. However, the fee amounts for certification
17 and recertification remain the same for the three-year
18 certification and recertification as they were for the two-year
19 certification and recertification.



Iowa General Assembly
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House File 198 - Introduced

HOUSE FILE 198
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 100)

A BILL FOR

1 An Act relating to the inclusion of reasonable training costs
2 in the direct costs considered reimbursable for Medicaid
3 home and community-based services programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1274HV (1) 85
pf/nh



Iowa General Assembly
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H.F. 198

1 Section 1. HOME AND COMMUNITY-BASED SERVICES PROVIDERS
2 — REASONABLE COSTS OF STAFF TRAINING — REIMBURSEMENT AS
3 DIRECT COSTS. The department of human services shall adopt
4 rules pursuant to chapter 17A to provide that reasonable
5 costs of staff training incurred by providers of home and
6 community-based services under the medical assistance program
7 are reimbursable as direct costs. Such reimbursement shall
8 include reimbursement of the reasonable costs associated with
9 the learning management system utilized under the college of
10 direct support training program.

11 EXPLANATION

12 This bill directs the department of human services to
13 adopt administrative rules to provide that the reasonable
14 costs of staff training incurred by providers of home and
15 community-based services under the medical assistance
16 (Medicaid) program are reimbursable as direct costs. The
17 reimbursement shall include reimbursement of the reasonable
18 costs associated with the learning management system utilized
19 under the college of direct support training program.



Iowa General Assembly
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House File 199 - Introduced

HOUSE FILE 199
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 101)

A BILL FOR

1 An Act relating to the administration of the streamlined sales
2 and use tax agreement by the department of revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1260HV (1) 85
mm/sc



Iowa General Assembly
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H.F. 199

1 Section 1. Section 423.3, subsection 57, paragraph d, Code
 2 2013, is amended to read as follows:

3 *d.* "Food and food ingredients" means substances, whether
 4 in liquid, concentrated, solid, frozen, dried, or dehydrated
 5 form, that are sold for ingestion or chewing by humans and are
 6 consumed for their taste or nutritional value. "Food and food
 7 ingredients" includes beverage-grade carbon dioxide gas.

8 EXPLANATION

9 This bill relates to the administration of the sales and use
 10 taxes under the streamlined sales and use tax agreement.

11 Iowa is a member of the streamlined sales and use tax
 12 agreement, which is an effort to administer state sales and
 13 use taxes in all participating states according to the same
 14 simplified system. Under the agreement, Iowa must periodically
 15 make changes in the administration of the sales and use
 16 taxes in order to remain in compliance. The governing board
 17 of the streamlined sales and use tax agreement considers
 18 beverage-grade carbon dioxide gas to be a "food and food
 19 ingredient".

20 This bill amends the definition of "food and food
 21 ingredients" to include beverage-grade carbon dioxide gas.



Iowa General Assembly
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House File 200 - Introduced

HOUSE FILE 200
BY WOLFE

A BILL FOR

1 An Act relating to county mental health and disabilities
2 services fund levies for the fiscal year beginning July 1,
3 2013, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1573YH (2) 85
jp/sc



**Iowa General Assembly
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H.F. 200

1 Section 1. Section 331.424A, subsection 7, as enacted by
2 2012 Iowa Acts, chapter 1120, section 132, is amended to read
3 as follows:

4 7. Notwithstanding subsection 5, for the fiscal years
5 beginning July 1, 2013, and July 1, 2014, county revenues from
6 taxes levied by the county and credited to the county services
7 fund shall not exceed the lower of the following amounts:

8 a. The amount of the county's base year expenditures for
9 mental health and disabilities services.

10 b. The amount equal to the product of the statewide per
11 capita expenditure target for the fiscal year beginning July
12 1, 2013, multiplied by the county's general population for the
13 same fiscal year. However, for the fiscal year beginning July
14 1, 2013, if the amount in paragraph "a" is greater than the
15 amount in this paragraph and the board of supervisors adopts a
16 resolution declaring that additional funding is necessary for
17 the county to maintain the funding for the service populations
18 or for the level of services specified in the county's approved
19 management plan for the county's mental health, intellectual
20 disability, and developmental disabilities services system
21 under section 331.439 for the fiscal year, the amount in
22 paragraph "a" shall apply.

23 Sec. 2. FISCAL YEAR 2013-2014 SERVICES FUND LEVIES. IF
24 this Act is enacted after a county has adopted the budget
25 and certificate of taxes for the fiscal year beginning July
26 1, 2013, in accordance with section 331.434, the county may
27 amend the budget to increase expenditures of county revenues
28 from taxes as authorized in section 331.424A, subsection 7,
29 as enacted in this Act, and recertify taxes to reflect the
30 increased amount to be credited to the county's services fund,
31 as provided in section 331.424A, subsection 7, as enacted
32 in this Act. A budget amendment and tax recertification
33 undertaken pursuant to this section is not subject to the
34 provisions of section 331.435 or 331.436 or any other provision
35 in law authorizing a county to exceed or increase a property

LSB 1573YH (2) 85

-1-

jp/sc

1/2



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H.F. 200

1 tax levy limit.

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

4 EXPLANATION

5 This bill relates to the mental health and disabilities
6 services (MH/DS) fund levy for FY 2013-2014. Under Code
7 section 331.424A, as amended by 2012 Iowa Acts, chapter 1120
8 (S.F. 2315), the county levy for the MH/DS services fund for
9 FY 2013-2014 and FY 2014-2015 cannot exceed the lower of the
10 following two amounts: the county's base year expenditures for
11 MH/DS, as adjusted for state property tax relief paid in FY
12 2008-2009 or the statewide expenditure target amount of \$47.28
13 multiplied by the county's general population.

14 For FY 2013-2014 the bill allows a county that adopts a
15 resolution declaring that additional funding is necessary for
16 the county to maintain the funding for service populations or
17 for the level of services specified in the county's approved
18 management plan for the county's MH/DS services system to use
19 the higher of the two amounts.

20 The bill takes effect upon enactment. If the enactment
21 date is after a county has adopted its budget and certificate
22 of taxes for FY 2013-2014, the county may amend its budget to
23 apply the new levy limitation, and the amendment is not subject
24 to protest or to the statutory time periods otherwise applied
25 to a county budget amendment.



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House File 201 - Introduced

HOUSE FILE 201
BY WOLFE

A BILL FOR

- 1 An Act relating to state equalization payments for county
- 2 mental health and disabilities services funds.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1730YH (2) 85
jp/sc



Iowa General Assembly
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H.F. 201

1 Section 1. Section 426B.3, subsection 4, as enacted by 2012
 2 Iowa Acts, chapter 1120, section 137, is amended to read as
 3 follows:

4 4. a. For the fiscal years beginning July 1, 2013, and
 5 July 1, 2014, a county with a county population expenditure
 6 target amount that exceeds the amount of the county's base year
 7 expenditures for mental health and disabilities services shall
 8 receive an equalization payment for the difference.

9 b. For the following fiscal years a county with a county
 10 population expenditure target amount that is less than the
 11 amount of the county's base year expenditures for mental health
 12 and disabilities services shall receive an equalization payment
 13 for the difference, as follows:

14 (1) For the fiscal year beginning July 1, 2013, the
 15 equalization payment shall be one hundred percent of the
 16 difference.

17 (2) For the fiscal year beginning July 1, 2014, the
 18 equalization payment shall be seventy-five percent of the
 19 difference.

20 ~~b.~~ c. The equalization payments determined in accordance
 21 with this subsection shall be made by the department of human
 22 services for each fiscal year as provided in appropriations
 23 made from the property tax relief fund for this purpose.

24 EXPLANATION

25 This bill relates to the revenues for county mental health
 26 and disabilities services (MH/DS) funds for FY 2013-2014 and
 27 FY 2014-2015. Under Code section 331.424A, as amended by 2012
 28 Iowa Acts, chapter 1120 (S.F. 2315), the county levy for the
 29 MH/DS services fund for the two fiscal years cannot exceed
 30 the lower of the following two amounts: the county's base
 31 year expenditures for MH/DS, as adjusted for state property
 32 tax relief paid in FY 2008-2009 (current maximum levy) or the
 33 statewide expenditure target amount of \$47.28 multiplied by the
 34 county's general population (per capita target levy).

35 Currently, beginning with the levies for FY 2013-2014, a



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H.F. 201

1 county with a current maximum levy that is less than the per
2 capita target levy will receive an equalization payment for
3 the difference. A county with a current maximum levy that is
4 greater than the per capita target levy must reduce its levy
5 to the per capita target levy.

6 The bill provides that a county that is required to reduce
7 its levy to the per capita target levy amount will receive
8 an equalization payment as follows: for FY 2013-2014, a
9 payment equal to 100 percent of the reduction amount and for
10 FY 2014-2015, a payment equal to 75 percent of the reduction
11 amount.



Iowa General Assembly
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House Study Bill 119 - Introduced

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

A BILL FOR

1 An Act relating to service providers under Medicaid home and
2 community-based services waivers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1152XD (5) 85
pf/nh



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S.F. _____ H.F. _____

1 Section 1. Section 135C.6, subsection 8, paragraph c,
2 unnumbered paragraph 1, Code 2013, is amended to read as
3 follows:

4 A residential program approved by the department of human
5 services pursuant to this paragraph "c" to receive moneys
6 appropriated to the department of human services under
7 provisions of a federally approved home and community-based
8 services habilitation or waiver for persons with intellectual
9 disabilities program may provide care to not more than five
10 individuals. The department shall approve a residential
11 program under this paragraph that complies with all of the
12 following conditions:

13 Sec. 2. 2010 Iowa Acts, chapter 1031, section 351, is
14 amended to read as follows:

15 SEC. 351. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER
16 PAYMENTS UTILIZATION — REVIEW. The Beginning July 1, 2013,
17 the department of human services shall evaluate ~~payment records~~
18 utilization data and determine the proper mechanism to trigger
19 a review of payments medical necessity for services provided
20 under each home and community-based services waiver ~~that are in~~
21 ~~excess of the median amount for payments through the applicable~~
22 ~~waiver~~. Following development of the trigger mechanism, the
23 department shall require advance approval for services for
24 which payment utilization is projected to exceed the median
25 trigger mechanism as applicable to each waiver service. The
26 use of a trigger mechanism and the approval process is intended
27 to preserve necessary services while preventing overuse of
28 services.

29 EXPLANATION

30 This bill involves provisions relating to Medicaid home and
31 community-based services (HCBS) waivers.

32 The bill amends a provision in the health facilities
33 licensing chapter (Code chapter 135C) that provides an
34 exemption from licensing as a health care facility for certain
35 residential programs to which the department of human services



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1 (DHS) applies accreditation, certification, or standards of
 2 review. The bill broadens the exemption for residential
 3 programs that provide care to not more than five individuals
 4 that are approved by DHS to receive moneys under an HCBS
 5 waiver, by removing the limitation to only HCBS waivers for
 6 persons with intellectual disabilities and instead providing
 7 for application of the exemption to residential programs
 8 approved by DHS to receive moneys under HCBS habilitation or
 9 waiver programs.

10 The bill also amends a provision in 2010 Iowa Acts relating
 11 to evaluation of Medicaid HCBS waiver payments, to instead
 12 require that, beginning July 1, 2013, DHS evaluate utilization
 13 data and determine the proper mechanism to trigger a review of
 14 medical necessity for services provided under each home and
 15 community-based services waiver. Following development of the
 16 trigger mechanism, DHS is required to provide advance approval
 17 for services for which utilization is projected to exceed the
 18 trigger mechanism as applicable to each waiver service.



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House Study Bill 120 - Introduced

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

A BILL FOR

1 An Act relating to the issuance of and violations of civil
2 protective orders and criminal no-contact orders and
3 modifying penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1329YC (3) 85
rh/nh



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H.F. _____

1 Section 1. Section 664A.1, subsection 2, Code 2013, is
 2 amended to read as follows:

3 2. *“Protective order”* means a protective order issued
 4 pursuant to chapter 232, a court order or court-approved
 5 consent agreement entered pursuant to chapter 236, including a
 6 valid foreign protective order under section 236.19, subsection
 7 3, a temporary or permanent protective order or order to vacate
 8 the homestead under chapter 598, ~~or an order that establishes~~
 9 ~~conditions of release or is a protective order or sentencing~~
 10 ~~order in a criminal prosecution arising from a domestic abuse~~
 11 ~~assault under section 708.2A,~~ or a civil injunction issued
 12 pursuant to section 915.22.

13 Sec. 2. Section 664A.3, Code 2013, is amended to read as
 14 follows:

15 **664A.3 Entry of ~~temporary~~ no-contact order.**

16 1. When a person is ~~taken into custody for contempt~~
 17 ~~proceedings pursuant to section 236.11 or arrested for any~~
 18 ~~public offense referred to in section 664A.2, subsection 1,~~
 19 and the person is brought before a magistrate for initial
 20 appearance, the magistrate shall enter a no-contact order if
 21 the magistrate finds both of the following:

22 a. Probable cause exists to believe that any public offense
 23 ~~referred to in section 664A.2, subsection 1, or a violation of~~
 24 ~~a no-contact order, protective order, or consent agreement~~ has
 25 occurred.

26 b. The presence of or contact with the defendant poses a
 27 threat to the safety of the alleged victim, persons residing
 28 with the alleged victim, or members of the alleged victim’s
 29 family.

30 2. ~~Notwithstanding chapters 804 and 805, a person taken~~
 31 ~~into custody pursuant to section 236.11 or arrested pursuant to~~
 32 ~~section 236.12 may be released on bail or otherwise only after~~
 33 ~~initial appearance before a magistrate as provided in chapter~~
 34 ~~804 and the rules of criminal procedure or section 236.11,~~
 35 ~~whichever is applicable.~~



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1 ~~3.~~ 2. A no-contact order issued pursuant to this section
2 shall be issued in addition to any other conditions of release
3 imposed by a magistrate pursuant to section 811.2. The
4 no-contact order has force and effect until it is modified or
5 terminated by subsequent court action ~~in a contempt proceeding~~
6 ~~or criminal or juvenile court action~~ and is reviewable in the
7 manner prescribed in section 811.2. ~~Upon final disposition~~
8 ~~of the criminal or juvenile court action, the court shall~~
9 ~~terminate or modify the no-contact order pursuant to section~~
10 ~~664A.5.~~

11 ~~4.~~ 3. A no-contact order requiring the defendant to have
12 no contact with ~~the alleged victim's~~ a child or children shall
13 prevail over any existing custodial, visitation, or other
14 conflicting order which may be in conflict with the no-contact
15 order.

16 ~~5.~~ 4. A no-contact order ~~issued pursuant to this section~~
17 shall restrict the defendant from having contact with the
18 victim, persons residing with the victim, ~~or~~ and the victim's
19 immediate family.

20 ~~6.~~ 5. A no-contact order ~~issued pursuant to this section~~
21 shall specifically include notice that the person may be
22 required to relinquish all firearms, offensive weapons, and
23 ammunition ~~upon the issuance of a permanent no-contact order~~
24 ~~pursuant to section 664A.5.~~

25 Sec. 3. Section 664A.5, Code 2013, is amended to read as
26 follows:

27 **664A.5 Modification — entry of permanent no-contact order or**
28 **protective order.**

29 If a defendant is convicted of, receives a deferred judgment
30 for, or pleads guilty to a public offense ~~referred to in~~
31 ~~section 664A.2, subsection 1,~~ or is held in contempt for a
32 violation of a no-contact order ~~issued under section 664A.3~~
33 ~~or for a violation of a protective order issued pursuant to~~
34 ~~chapter 232, 236, 598, or 915,~~ the court shall either continue,
35 terminate, or modify the temporary no-contact order or

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1 protective order issued by the magistrate. The ~~court may enter~~
 2 a no-contact order or protective order ~~continue the no-contact~~
 3 ~~order already in effect~~ may be issued for a period of five
 4 years from the date the judgment or contempt finding is entered
 5 or the deferred judgment is granted, regardless of whether the
 6 defendant is placed on probation.

7 Sec. 4. Section 664A.6, Code 2013, is amended to read as
 8 follows:

9 **664A.6 Mandatory arrest for violation of no-contact order or**
 10 **protective order — immunity for actions.**

11 1. If a peace officer has probable cause to believe that
 12 a person has violated a no-contact order ~~issued under this~~
 13 ~~chapter~~ or a protective order, the peace officer shall take
 14 the person into custody and shall take the person without
 15 unnecessary delay before the nearest or most accessible
 16 magistrate in the judicial district in which the person was
 17 taken into custody. Notwithstanding chapters 804 and 805, a
 18 person taken into custody pursuant to this subsection may be
 19 released on bail or otherwise only after initial appearance
 20 before a magistrate as provided in chapter 804 and the rules of
 21 criminal procedure, or section 236.11, whichever is applicable.

22 2. If the peace officer is investigating a domestic abuse
 23 assault pursuant to section 708.2A, the officer shall also
 24 comply with sections 236.11 and 236.12.

25 3. A peace officer shall not be held civilly or criminally
 26 liable for acting pursuant to this section provided the peace
 27 officer acts in good faith and on reasonable grounds and the
 28 peace officer's acts do not constitute a willful or wanton
 29 disregard for the rights or safety of another.

30 Sec. 5. Section 664A.7, Code 2013, is amended to read as
 31 follows:

32 **664A.7 Violation of no-contact order or protective order —**
 33 **~~contempt or simple misdemeanor penalties.~~**

34 1. Violation of a no-contact order ~~issued under this chapter~~
 35 or a protective order ~~issued pursuant to chapter 232, 236, or~~



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1 ~~598, including a modified no-contact order,~~ is punishable by
2 ~~summary~~ contempt proceedings.

3 2. A hearing in a contempt proceeding brought pursuant to
4 this section shall be held not less than five and not more than
5 fifteen days after ~~the issuance of a rule to show cause, as~~
6 ~~determined by the court~~ the initial appearance.

7 3. If ~~convicted of or~~ held in contempt for a violation
8 of a no-contact order or a ~~modified no-contact order for a~~
9 ~~public offense referred to in section 664A.2, subsection~~
10 ~~1, or held in contempt of a no-contact order issued during~~
11 ~~a contempt proceeding brought pursuant to section 236.11~~
12 protective order, the person shall be confined in the county
13 jail for a minimum of seven days and a maximum of one hundred
14 eighty days per violation. A jail sentence imposed pursuant
15 to this subsection shall be served on consecutive days. No
16 portion of the mandatory minimum term of confinement imposed
17 by this subsection shall be deferred or suspended. A deferred
18 judgment, deferred sentence, or suspended sentence shall not
19 be entered for a violation of a no-contact order, ~~modified~~
20 ~~no-contact order,~~ or protective order and the court shall not
21 impose a fine in lieu of the minimum sentence, although a fine
22 may be imposed in addition to the minimum sentence.

23 4. If ~~convicted or~~ held in contempt for a violation of
24 a ~~civil~~ protective order referred to in section 664A.2, the
25 person shall serve a jail sentence. A jail sentence imposed
26 pursuant to this subsection shall be served on consecutive
27 days. A person who is convicted of or held in contempt for a
28 violation of a protective order referred to in section 664A.2
29 may be ordered by the court to pay the plaintiff's attorney's
30 fees and court costs.

31 5. ~~Violation of a no-contact order entered for the offense~~
32 ~~or alleged offense of domestic abuse assault in violation of~~
33 ~~section 708.2A or a violation of a protective order issued~~
34 ~~pursuant to chapter 232, 236, 598, or 915 constitutes a~~
35 ~~public offense and is punishable as a simple misdemeanor.~~

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1 ~~Alternatively, the court may hold a person in contempt of court~~
2 ~~for such a violation, as provided in subsection 3.~~

3 ~~6.~~ 5. A person shall not be held in contempt ~~or convicted~~
4 ~~of violations~~ under multiple no-contact orders, protective
5 orders, or consent agreements, for the same set of facts and
6 circumstances that constitute a single violation.

7 Sec. 6. Section 664A.8, Code 2013, is amended to read as
8 follows:

9 **664A.8 Extension of no-contact order.**

10 Upon the filing of an application by the state or by the
11 ~~victim of any public offense referred to in section 664A.2,~~
12 ~~subsection 1~~ a protected party which is filed within ninety
13 days prior to the expiration of a modified no-contact order,
14 the court shall modify and extend the no-contact order for an
15 additional period of five years, unless the court finds that
16 the defendant no longer poses a threat to the safety of the
17 victim, persons residing with the victim, or members of the
18 victim's family. The number of modifications extending the
19 no-contact order permitted by this section is not limited.

20 Sec. 7. NEW SECTION. **664A.9 Termination of no-contact**
21 **order.**

22 Upon the filing of an application by the state or a protected
23 party, the court may terminate a no-contact order if the court
24 finds that the defendant no longer poses a threat to the safety
25 of the victim, persons residing with the victim, or members of
26 the victim's family.

27 Sec. 8. Section 907.3, subsection 1, paragraph i, Code 2013,
28 is amended to read as follows:

29 *i.* The offense is a ~~conviction for or plea of guilty to a~~
30 ~~violation of section 664A.7 or a finding of contempt pursuant~~
31 to section 664A.7.

32 Sec. 9. Section 907.3, subsection 2, paragraph b, Code
33 2013, is amended to read as follows:

34 *b.* ~~Section 664A.7 or for~~ For contempt pursuant to section
35 664A.7.



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1 to mandatory arrest.

2 Under current law, if a person violates a no-contact order or
3 a protective order, the person may be charged with a criminal
4 offense (simple misdemeanor) or may be held to be in contempt
5 of court. The bill eliminates the criminal offense option
6 for violations of no-contact orders or protective orders. A
7 person held in contempt for a violation of a no-contact order
8 or a protective order is subject to confinement in the county
9 jail for a minimum of seven days and a maximum of 180 days per
10 violation. A \$500 fine may also be imposed.

11 The bill allows the court to terminate a no-contact order
12 if the court finds that the defendant no longer poses a threat
13 to the safety of the victim, persons residing with the victim,
14 or members of the victim's family upon the filing of an
15 application by the state or a protected party.

16 The bill makes conforming changes.



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House Study Bill 121 - Introduced

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

A BILL FOR

1 An Act relating to obscene material by modifying the definition
2 of material and authorizing local regulation of certain live
3 acts, performances, and exhibitions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1475YC (6) 85
md/sc



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1 Section 1. Section 728.1, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. *Material* means any book, magazine, newspaper, or
4 other printed or written material or any picture, drawing,
5 photograph, motion picture, or other pictorial representation
6 or any statue or other figure, or any recording, transcription
7 or mechanical, chemical, or electrical reproduction or any
8 other articles, equipment, machines, or materials, but does
9 not mean a live act, performance, or exhibition, including
10 those circumstances described in section 728.5, subsection 1,
11 paragraphs "a" through "c".

12 Sec. 2. Section 728.11, Code 2013, is amended to read as
13 follows:

14 **728.11 Uniform application.**

15 In order to provide for the uniform application of the
16 provisions of this chapter relating to obscene material
17 applicable to minors within this state, it is intended that the
18 sole and only regulation of obscene material shall be under
19 the provisions of this chapter, and no municipality, county,
20 or other governmental unit within this state shall make any
21 law, ordinance, or regulation relating to the availability of
22 obscene materials. All such laws, ordinances, or regulations
23 shall be or become void, unenforceable, and of no effect on
24 January 1, 1978. Nothing in this section or section 728.5
25 shall restrict the zoning authority of cities and counties
26 or the authority of cities and counties to enact ordinances
27 or rules that regulate a place of business or establishment
28 operating within the city's or county's jurisdiction that
29 permits or allows the circumstances described in section 728.5,
30 subsection 1, paragraphs "a" through "c".

31 **EXPLANATION**

32 This bill relates to Iowa's law governing obscenity.
33 Current Code section 728.1(3) defines "material" as any book,
34 magazine, newspaper, or other printed or written material or
35 any picture, drawing, photograph, motion picture, or other

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House Study Bill 122 - Introduced

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

A BILL FOR

1 An Act providing for vision screening for school children.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2014HC (2) 85
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1 Section 1. NEW SECTION. 135.39D Vision screening.

2 1. By January 1 after the start of the school year that a
3 child enrolls in kindergarten and by January 1 after the start
4 of the school year that a child enrolls in grade three, in
5 a public or nonpublic school, the parent or guardian of the
6 child shall present to school personnel certification that the
7 child within the previous twelve months has undergone an eye
8 examination, and the results of the examination.

9 2. The requirement for an eye examination may be satisfied
10 by any of the following:

11 a. A vision screening or comprehensive eye examination by a
12 licensed ophthalmologist or licensed optometrist.

13 b. An eye chart screening conducted at a pediatrician's
14 or family practice physician's office, a free clinic, or the
15 child's school.

16 c. An online vision screening through a program approved by
17 the director. An online vision screening may be conducted by
18 a child's parent or guardian.

19 3. A child shall not be prohibited from attending school
20 based upon the failure of a parent or guardian to present to
21 school personnel the documentation required by subsection 1.

22 4. The department shall establish procedures to contact
23 parents or guardians of children in need of vision correction
24 based on the results of an eye examination required under
25 subsection 1 in order to provide information on obtaining
26 necessary vision correction. The department shall consider use
27 of the statewide immunization registry or a private contractor
28 as a means of identifying and contacting the parents or
29 guardians of such children.

30 5. The department shall adopt rules to administer this
31 section.

EXPLANATION

32
33 This bill requires the parent or guardian of a child in
34 a public or nonpublic school to present certification that
35 the child within the previous 12 months has undergone an eye



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1 examination, and the results of the examination, to school
2 personnel by January 1 after the start of the school year that
3 the child enrolls in kindergarten and by January 1 after the
4 start of the school year that the child enrolls in grade three.

5 The eye examination requirement may be satisfied by a vision
6 screening or comprehensive eye examination by a licensed
7 ophthalmologist or licensed optometrist; an eye chart screening
8 conducted at a pediatrician's or family practice physician's
9 office, a free clinic, or the child's school; or an online
10 vision screening through a program approved by the director of
11 the department of public health, which may be conducted by a
12 child's parent or guardian.

13 The bill specifies that a child cannot be prohibited from
14 attending school based upon the failure of a parent or guardian
15 to present the required documentation to school personnel.

16 The bill requires the department of public health to
17 establish procedures to contact parents or guardians of
18 children in need of vision correction based on the results of
19 an eye examination required by the bill in order to provide
20 information on obtaining necessary vision correction. The
21 bill directs the department to consider use of the statewide
22 immunization registry or a private contractor as a means of
23 identifying and contacting the parents or guardians of such
24 children.



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House Study Bill 123 - Introduced

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

A BILL FOR

1 An Act relating to veterans preferences in certain appointments
2 made by counties and cities and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1442YC (1) 85
aw/sc



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1 Section 1. Section 35C.1, subsection 1, Code 2013, is
 2 amended to read as follows:
 3 1. In every public department and upon all public works in
 4 the state, and of the counties, cities, and school corporations
 5 of the state, veterans who are citizens and residents of the
 6 United States are entitled to preference in appointment and
 7 employment over other applicants of no greater qualifications.
 8 The preference in appointment and employment for deputy county
 9 sheriffs is the same as provided in section 341A.8A. The
 10 preference in appointment and employment for employees of
 11 cities under a municipal civil service is the same as provided
 12 in section 400.10. For purposes of this section, "veteran"
 13 means as defined in section 35.1 except that the requirement
 14 that the person be a resident of this state shall not apply.
 15 Sec. 2. NEW SECTION. 341A.6A Veteran eligibility.
 16 If a veteran entitled to preference pursuant to section
 17 341A.8A has been honorably discharged between forty-five
 18 days before and sixty days after an examination or test is
 19 administered under section 341A.6, the commission may allow
 20 the veteran to be subject to such examination or testing up to
 21 ninety days following the date that the original examination
 22 or testing was conducted and if appropriate shall add the
 23 veteran's name and address to the eligibility list for a vacant
 24 position pursuant to section 341A.13.
 25 Sec. 3. NEW SECTION. 341A.8A Preferences.
 26 In all examinations and appointments under this chapter,
 27 veterans who are citizens and residents of the United States,
 28 shall have five percentage points added to the veteran's
 29 grade or score attained in qualifying examinations or tests
 30 for appointment to positions and five additional percentage
 31 points added to the grade or score if the veteran has a
 32 service-connected disability or is receiving compensation,
 33 disability benefits, or pension under laws administered
 34 by the United States department of veterans affairs. An
 35 honorably discharged veteran who has been awarded the Purple

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1 before and sixty days after an examination is administered
 2 pursuant to section 400.8, the commission may allow the veteran
 3 to be subject to examination up to ninety days following
 4 the date the original examination was administered and if
 5 appropriate shall add the veteran's name to the list for
 6 original appointment pursuant to section 400.11, subsection 1.

7 EXPLANATION

8 This bill relates to military veterans preferences in
 9 certain appointments made by counties and cities.

10 The bill provides a preference of five percentage points
 11 for veterans in the appointment of deputy sheriffs under
 12 Code chapter 341A. The bill further provides an additional
 13 preference of five percentage points for veterans with
 14 service-connected disabilities and for veterans who have been
 15 awarded the Purple Heart incurred in action. The bill also
 16 provides that if a veteran is entitled to preference and has
 17 been honorably discharged between 45 days before and 60 days
 18 after an examination or a test is administered, the commission
 19 may allow the veteran to be subject to such examination or
 20 testing within 90 days following the original testing, and if
 21 appropriate shall add the veteran's name and address to the
 22 eligibility list for vacant positions.

23 The bill also provides that if a veteran is entitled to
 24 preference in city civil service employment and has been
 25 honorably discharged between 45 days before and 60 days
 26 after an examination is administered, the city civil service
 27 commission may allow the veteran to be subject to such
 28 examination within 90 days following the original examination,
 29 and if appropriate shall add the veteran's name to the list for
 30 original appointment.



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House Study Bill 124 - Introduced

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

A BILL FOR

- 1 An Act relating to absent voting in general elections by
- 2 certain military and overseas voters through electronic
- 3 means and making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1468YC (4) 85
aw/sc



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1 Section 1. Section 53.45, Code 2013, is amended to read as
2 follows:

3 **53.45 Special paper absentee ballot ballots and special**
4 **electronic absentee ballots.**

5 1. *a.* As provided in this section and section 53.46,
6 subsection 6A, the commissioner shall provide special paper
7 absentee ballots or special electronic absentee ballots to be
8 used for state general elections. A special paper absentee
9 ballot or special electronic absentee ballot shall only be
10 provided to an eligible elector who completes an application
11 stating both of the following to the best of the eligible
12 elector's belief:

13 (1) The eligible elector will be residing or stationed or
14 working outside the continental United States.

15 (2) The eligible elector will be unable to vote and return
16 a regular absentee ballot by normal mail delivery within the
17 period provided for regular absentee ballots.

18 *b.* The application for a special paper absentee ballot or
19 special electronic absentee ballot shall not be filed earlier
20 than ninety days prior to the general election. The special
21 paper absentee ballot or special electronic absentee ballot
22 shall list the offices and measures, if known, scheduled to
23 appear on the general election ballot. The eligible elector
24 may use the special paper absentee ballot or special electronic
25 absentee ballot to write in the name of any eligible candidate
26 for each office and may vote on any measure.

27 2. With any special paper absentee ballot or special
28 electronic absentee ballot issued under this section, the
29 commissioner shall include a listing of any candidates who have
30 filed before the time of the application for offices that will
31 appear on the ballot at that general election and a list of any
32 measures that have been referred to the ballot before the time
33 of the application.

34 3. Write-in votes on special paper absentee ballots or
35 special electronic absentee ballots shall be counted in the

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1 same manner provided by law for the counting of other write-in
2 votes. The commissioner shall process and canvass the special
3 paper absentee ballots or special electronic absentee ballots
4 provided under this section in the same manner as other
5 absentee ballots.

6 4. Notwithstanding the provisions of section 53.49, an
7 eligible elector who requests a special paper absentee ballot
8 or special electronic absentee ballot under this section may
9 also make application for an absentee ballot under section 53.2
10 or an armed forces absentee ballot under section 53.40. If the
11 regular absentee or armed forces absentee ballot is properly
12 voted and returned, the special paper absentee ballot or
13 special electronic absentee ballot is void and the commissioner
14 shall reject it in whole when special paper absentee ballots
15 and special electronic absentee ballots are canvassed.

16 Sec. 2. Section 53.46, Code 2013, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 6A. To develop and operate, not
19 inconsistent with federal law, a secure internet site to allow
20 a voter in the armed forces of the United States to access,
21 vote, and return a special electronic absentee ballot through
22 electronic means. The state commissioner shall prescribe and
23 direct the preparation of special electronic absentee ballots
24 to be used in connection with absent voting by voters in the
25 armed forces of the United States to be cast through electronic
26 means for any general election, if, in the discretion of
27 the state commissioner, the state commissioner determines
28 that providing such special electronic absentee ballots will
29 facilitate voting. The content of any such special electronic
30 absentee ballot shall be the same as that used for absent
31 voters generally in the particular precinct in which the
32 special electronic absentee ballot is to be cast;

33 EXPLANATION

34 This bill relates to absent voting by military and overseas
35 voters through electronic means.

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1 The bill authorizes the state commissioner of elections
2 to develop and operate, not inconsistent with federal law, a
3 secure internet site to allow a voter in the armed forces of
4 the United States or a United States citizen living outside
5 the country to access, vote, and return a special electronic
6 absentee ballot through electronic means for any general
7 election. The bill further authorizes the state commissioner
8 to prescribe and direct the preparation of special electronic
9 absentee ballots if the state commissioner determines that
10 providing special electronic absentee ballots will facilitate
11 voting by such voters. A special electronic absentee ballot
12 shall be the same as a ballot used for absent voters generally
13 in the particular precinct in which the special electronic
14 absentee ballot is to be cast. The bill provides for a special
15 electronic absentee ballot to be treated substantially the same
16 as the special paper absentee ballot provided to military and
17 overseas voters under current law.
18 Certain penalties related to elections misconduct are made
19 applicable to the provisions of the bill.



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House Study Bill 125 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act providing for an individual income tax credit for
2 the purchase of a gun safe under certain conditions
3 and including effective date and retroactive and other
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc



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1 Section 1. NEW SECTION. **422.11E Gun safe tax credit.**

2 1. The taxes imposed under this division, less the credits
3 allowed under section 422.12, shall be reduced by a gun safe
4 tax credit equal to fifty percent of the purchase price of a
5 qualified gun safe, not to exceed one thousand dollars. For
6 purposes of this section, "*qualified gun safe*" means a safe
7 specifically manufactured to store firearms and constructed of
8 steel or a material of equal or greater strength, which safe is
9 purchased new from a firearm dealer licensed under federal law,
10 or a retailer as defined in section 423.1, and which safe is
11 purchased for the personal, noncommercial use of the taxpayer.

12 2. Any credit in excess of the taxpayer's tax liability
13 for the tax year is not refundable but may be credited to the
14 tax liability for the following five years or until depleted,
15 whichever occurs first. A tax credit shall not be carried back
16 to a tax year prior to the tax year in which the taxpayer claims
17 the credit.

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

20 Sec. 3. **APPLICABILITY.** This Act applies to a qualified gun
21 safe purchased on or after the effective date of this Act.

22 Sec. 4. **RETROACTIVE APPLICABILITY.** This Act applies
23 retroactively to January 1, 2013, for tax years beginning on
24 or after that date.

25 **EXPLANATION**

26 This bill creates an individual income tax credit for the
27 purchase of a qualified gun safe. "Qualified gun safe" is
28 defined as a safe specifically manufactured to store firearms
29 and constructed of steel or a material of equal or greater
30 strength, which safe is purchased new from a firearm dealer
31 licensed under federal law, or a retailer as defined in
32 Code section 423.1, and which is purchased for the personal,
33 noncommercial use of the taxpayer.

34 The credit is equal to 50 percent of the purchase price,
35 not to exceed \$1,000. Any credit in excess of the taxpayer's



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1 liability is not refundable but may be carried forward for five
2 years or until depleted, whichever occurs first.

3 The bill takes effect upon enactment and applies to
4 qualified gun safes purchased on or after that date, and
5 applies retroactively to January 1, 2013, for tax years
6 beginning on or after that date.



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House Study Bill 126 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to the sale, operation, and possession of speed
2 detection jamming devices, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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dea/nh



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1 Section 1. Section 321.232, Code 2013, is amended to read
2 as follows:

3 **321.232 Radar Speed detection jamming devices — penalty.**

4 1. A person shall not sell, operate, or possess a radar
5 speed detection jamming device, except as otherwise provided in
6 this section, when the device is in a vehicle operated on the
7 highways of this state or the device is held for sale in this
8 state.

9 2. This section does not apply to radar speed measuring
10 devices purchased by, held for purchase for, or operated by
11 peace officers using the devices in performance of their
12 official duties.

13 3. A radar speed detection jamming device sold, operated, or
14 possessed in violation of subsection 1 may be seized by a peace
15 officer and is subject to forfeiture as provided by chapter 809
16 or 809A.

17 4. For the purposes of this section ~~“radar jamming device”~~:

18 a. “Speed detection jamming device” means any mechanism
19 ~~designed or used to transmit radio waves in the electromagnetic~~
20 ~~wave spectrum to interfere with the reception of those~~
21 ~~emitted from a device used by peace officers of this state to~~
22 ~~measure the speed of motor vehicles on the highways of this~~
23 ~~state and which is not designed for two-way transmission and~~
24 ~~cannot transmit in plain language~~ active or passive device,
25 instrument, mechanism, or equipment that is designed or
26 intended to interfere with, disrupt, or scramble the radar or
27 laser that is used by a peace officer to measure the speed
28 of motor vehicles. “Speed detection jamming device” does not
29 include equipment that is legal under federal communications
30 commission regulations, such as a citizens’ band radio, a ham
31 radio, or other similar electronic equipment.

32 b. “Speed measuring device” includes but is not limited to
33 devices commonly known as radar speed meters or laser speed
34 meters.

35 Sec. 2. Section 805.8A, subsection 14, paragraph g, Code



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1 2013, is amended to read as follows:

2 *g. Radar-jamming Speed detection jamming devices.* For a
3 violation under section 321.232, the scheduled fine is one
4 hundred dollars.

5 EXPLANATION

6 Current Iowa law prohibiting the sale, operation, or
7 possession of a radar jamming device applies only to certain
8 devices which are designed or used to interfere with radio
9 waves emitted by devices used by peace officers to measure the
10 speed of motor vehicles.

11 This bill expands the current law to apply to a broader
12 range of devices that interfere with radar speed meters and
13 laser speed meters. The bill defines "speed detection jamming
14 device" to mean any active or passive device, instrument,
15 mechanism, or equipment that is designed or intended to
16 interfere with, disrupt, or scramble the radar or laser that is
17 used by a peace officer to measure the speed of motor vehicles.
18 The definition excludes equipment that is legal under federal
19 communications commission regulations, such as a citizens' band
20 radio, a ham radio, or other similar electronic equipment.

21 The bill specifies that its provisions do not apply to
22 speed measuring devices purchased by, held for purchase for,
23 or operated by peace officers in performance of their official
24 duties.

25 Under the bill, the sale, operation, or possession of a speed
26 detection jamming device is prohibited when the device is in a
27 vehicle operated on a highway in this state or held for sale in
28 this state. A speed detection jamming device sold, operated,
29 or possessed in violation of the bill may be seized by a peace
30 officer and is subject to forfeiture, as is currently the case
31 for radar jamming devices.

32 Currently, a violation relating to radar jamming devices is
33 a simple misdemeanor punishable by a scheduled fine of \$100.
34 That same penalty applies for violations relating to speed
35 detection jamming devices under the bill.

LSB 1931YC (3) 85
dea/nh



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House Study Bill 127 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act establishing a criminal offense for removing or
2 attempting to remove a communication device from the
3 possession of a peace officer.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1927YC (2) 85
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1 Section 1. NEW SECTION. 708.12 Removal of peace officer's
 2 communication device.

3 1. A person who knowingly or intentionally removes or
 4 attempts to remove a communication device from the possession
 5 of a peace officer, as defined in section 724.2A, when the
 6 officer is in the performance of any act which is within the
 7 scope of the lawful duty or authority of that officer and the
 8 person knew or should have known the individual to be a peace
 9 officer, commits the offense of removal of a peace officer's
 10 communication device.

11 2. A person who removes or attempts to remove a peace
 12 officer's communication device is guilty of a class "D" felony.

EXPLANATION

14 This bill establishes a criminal offense for removing or
 15 attempting to remove a communication device from the possession
 16 of a peace officer.

17 Under the bill, a person commits removal of a peace officer's
 18 communication device when the person knowingly or intentionally
 19 removes or attempts to remove a communication device from the
 20 possession of a peace officer, when the officer is in the
 21 performance of the official duties of the officer and the
 22 person knew or should have known the individual to be a peace
 23 officer.

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



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House Study Bill 128 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act modifying the criminal offense of interference with
2 official acts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2049YC (1) 85
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1 Section 1. Section 719.1, subsections 1 and 2, Code 2013,
2 are amended to read as follows:

3 1. A person who knowingly resists or obstructs anyone known
4 by the person to be a peace officer, emergency medical care
5 provider under chapter 147A, or fire fighter, whether paid
6 or volunteer, in the performance of any act which is within
7 the scope of the lawful duty or authority of that officer,
8 emergency medical care provider under chapter 147A, or fire
9 fighter, whether paid or volunteer, or who knowingly resists or
10 obstructs the service or execution by any authorized person of
11 any civil or criminal process or order of any court, commits a
12 simple misdemeanor. In addition to any other penalties, the
13 punishment imposed for a violation of this subsection shall
14 include assessment of a fine of not less than two hundred fifty
15 dollars. However, if a person commits an interference with
16 official acts, as defined in this subsection, ~~and in so doing~~
17 ~~inflicts which results in~~ bodily injury ~~other than serious~~
18 ~~injury~~, that person commits an aggravated misdemeanor. If a
19 person commits an interference with official acts, as defined
20 in this subsection, ~~and in so doing inflicts or attempts~~
21 ~~to inflict~~ which results in serious injury, or displays a
22 dangerous weapon, as defined in section 702.7, or is armed with
23 a firearm, that person commits a class "D" felony.

24 2. A person under the custody, control, or supervision of
25 the department of corrections who knowingly resists, obstructs,
26 or interferes with a correctional officer, agent, employee, or
27 contractor, whether paid or volunteer, in the performance of
28 the person's official duties, commits a serious misdemeanor.
29 If a person violates this subsection and in so doing commits
30 an assault, as defined in section 708.1, the person commits an
31 aggravated misdemeanor. If a person violates this subsection
32 ~~and in so doing inflicts or attempts to inflict~~ the violation
33 results in ~~bodily injury other than serious injury~~ to another,
34 displays a dangerous weapon, as defined in section 702.7, or is
35 armed with a firearm, the person commits a class "D" felony.

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1 If a person violates this subsection and uses or attempts
2 to use a dangerous weapon, as defined in section 702.7, or
3 ~~inflicts~~ the violation results in serious injury to another,
4 the person commits a class "C" felony.

5 EXPLANATION

6 This bill relates to the criminal offense of interference
7 with official acts.

8 The bill provides that a person commits the offense of
9 interference with official acts if the violation results in
10 bodily or serious injury to a peace officer, emergency medical
11 care provider, correctional officer, or other member of a
12 protected class under Code section 719.1.

13 Current law provides that a person commits the offense
14 of interference with official acts if the person inflicts or
15 attempts to inflict bodily or serious injury.

16 Under the bill, if a person commits interference with
17 official acts that results in bodily injury to a member
18 of a protected class, the person commits an aggravated
19 misdemeanor if the injury is to a peace officer or emergency
20 medical officer, or a class "D" felony if the injury is to a
21 correctional officer.

22 If a person commits interference with official acts that
23 results in serious injury, the person commits a class "D"
24 felony if the injury is to a peace officer or emergency
25 medical officer, or a class "C" felony if the injury is to a
26 correctional officer.



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House Study Bill 129 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

A BILL FOR

1 An Act providing for the department of agriculture and land
2 stewardship's administration of programs regarding a
3 conservation practices revolving loan fund, the state
4 metrologist, and motor fuel standards.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 sale of the land on which those practices are established.

2

DIVISION II

3

WEIGHTS AND MEASURES

4 Sec. 2. Section 213.1, Code 2013, is amended to read as
5 follows:

6 **213.1 State metrologist.**

7 The department shall may designate one of its assistants to
8 act as state metrologist of weights and measures. All weights
9 and measures sealed by the state metrologist shall be impressed
10 with the word "Iowa."

11

DIVISION III

12

MOTOR FUEL STANDARDS

13 Sec. 3. Section 214A.1, subsection 23, Code 2013, is amended
14 to read as follows:

15 23. "*Standard ethanol blended gasoline*" means ethanol
16 blended gasoline for use in gasoline-powered vehicles ~~other~~
17 ~~than~~ not required to be flexible fuel vehicles, that meets the
18 requirements of section 214A.2.

19 Sec. 4. Section 214A.2, subsection 2, paragraphs a and b,
20 Code 2013, are amended by striking the paragraphs.

21 Sec. 5. Section 214A.2, subsection 3, paragraph b,
22 subparagraph (2), unnumbered paragraph 1, Code 2013, is amended
23 to read as follows:

24 Gasoline blended with ethanol must meet ~~any of the following~~
25 requirements established by rules adopted in part or in whole
26 based on A.S.T.M. international specification D4814, including
27 as follows:

28 Sec. 6. Section 214A.2, subsection 3, paragraph b,
29 subparagraph (4), Code 2013, is amended to read as follows:

30 (4) For standard ethanol blended gasoline, it must be
31 ethanol blended gasoline classified as any of the following:

32 (a) From E-9 or E-10 to E-15, if the ethanol blended
33 gasoline meets the standards for that classification as
34 otherwise provided in this paragraph "b".

35 (b) Higher than ~~E-10~~ E-15, if authorized by the department



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1 pursuant to approval for the use of that classification of
 2 ethanol blended gasoline in this state by the United States
 3 environmental protection agency, by granting a waiver or the
 4 adoption of regulations.

5 Sec. 7. Section 214A.7, Code 2013, is amended to read as
 6 follows:

7 **214A.7 Department inspection — samples tested.**

8 The department shall, from time to time, make or cause to be
 9 made tests of any motor fuel or biofuel which is being sold,
 10 or held or offered for sale within this state. A departmental
 11 inspector may enter upon the premises of a dealer and take from
 12 any container a sample of the motor fuel or biofuel, not to
 13 exceed ~~sixteen fluid ounces~~ one gallon. The sample shall be
 14 sealed and appropriately marked or labeled by the inspector and
 15 delivered to the department. The department shall make, or
 16 cause to be made, complete analyses or tests of the motor fuel
 17 or biofuel by the methods specified in section 214A.2.

18 Sec. 8. Section 214A.16, subsection 1, Code 2013, is amended
 19 to read as follows:

20 1. a. If ethanol blended gasoline is sold from a motor
 21 fuel pump, the motor fuel pump shall have affixed a decal
 22 identifying the ethanol blended gasoline.

23 b. If the motor fuel pump dispenses ethanol blended gasoline
 24 classified as E-11 to E-15 for use in gasoline-powered vehicles
 25 not required to be flexible fuel vehicles, the motor fuel pump
 26 shall have affixed a decal as prescribed by the United States
 27 environmental protection agency.

28 c. If the motor fuel pump dispenses ethanol blended gasoline
 29 classified as higher than standard ethanol blended gasoline
 30 pursuant to section 214A.2, the decal shall contain the
 31 following notice:

32 FOR FLEXIBLE FUEL VEHICLES ONLY.

33 ~~b.~~ d. If biodiesel fuel is sold from a motor fuel pump,
 34 the motor fuel pump shall have affixed a decal identifying the
 35 biodiesel fuel as provided in 16 C.F.R. pt. 306.



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1 section 214A.2). The bill provides that such gasoline is for
2 use in gasoline-powered vehicles not required to be flexible
3 fuel vehicles. It also increases the percentage of ethanol
4 allowed in standard ethanol blended gasoline to 15 percent
5 by volume (E-15). The department may still increase the
6 percentage if authorized by the department with approval by the
7 EPA.

8 The department is required to test samples of motor fuel or
9 biofuels to ensure that they comply with the standards. It
10 increases the maximum sample size from 16 fluid ounces to one
11 gallon (Code section 214A.7). The bill eliminates a provision
12 allowing a retail dealer of motor fuel to post a notice showing
13 the results of the tests (Code section 214A.9).

14 The bill amends a provision which requires a decal be affixed
15 to a motor fuel pump notifying consumers that it is dispensing
16 ethanol blended gasoline (Code section 214A.16). The bill
17 provides that a motor fuel pump dispensing ethanol blended
18 gasoline containing a percentage of ethanol ranging between 11
19 and 15 percent (E-11 to E-15) must be affixed with a decal as
20 prescribed by EPA.



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House Study Bill 130 - Introduced

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

A BILL FOR

- 1 An Act relating to the Iowa veterans home and providing for
- 2 the consideration of contributions to support as repayment
- 3 receipts.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 35D.1, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. The Iowa veterans home, located in Marshalltown, shall
4 be maintained as a long-term health care facility providing
5 ~~multiple nursing and residential~~ levels of care, ~~with attendant~~
6 ~~health care services,~~ for honorably discharged veterans and
7 their dependent spouses, ~~and for~~ surviving spouses of honorably
8 discharged veterans, and gold star parents. Eligibility
9 requirements for admission to the Iowa veterans home shall
10 coincide with the eligibility requirements for ~~hospitalization~~
11 care and treatment in a United States department of veterans
12 affairs facility pursuant to 38 U.S.C. § 1710, and regulations
13 promulgated under that section, as amended. For the purposes
14 of this subsection, "gold star parent" means a parent of a
15 deceased member of the United States armed forces who died
16 while serving on active duty during a time of military conflict
17 or who died as a result of such service.

18 Sec. 2. Section 35D.2, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. Persons described in section 35D.1 who ~~do not have~~
21 ~~sufficient means for their own support, or~~ are disabled by
22 disease, wounds injury, or old age, or otherwise and meet
23 the qualifications for nursing or residential care, and are
24 unable to earn a livelihood, and who are residents of the
25 state of Iowa on the date of the application and immediately
26 preceding the date the application is accepted, may be admitted
27 to the home as members under rules adopted by the commission.
28 Eligibility determinations are subject to approval by the
29 commandant.

30 Sec. 3. Section 35D.4, subsection 2, Code 2013, is amended
31 to read as follows:

32 2. The cottages may be made available to persons on the
33 staff of the home at a rental rate determined by the ~~commission~~
34 commandant.

35 Sec. 4. Section 35D.5, Code 2013, is amended to read as



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1 follows:

2 **35D.5 Surviving spouses of veterans.**

3 If a deceased veteran, who would be entitled to admission
 4 to the home if the deceased veteran were living, has left a
 5 surviving spouse, the spouse is entitled to admission to the
 6 home with the same rights, privileges, and benefits as if the
 7 veteran were living and a member of the home, if the spouse
 8 was married to the veteran for at least one year immediately
 9 prior to the veteran's death, is found by the commandant to
 10 be disabled, ~~does not have sufficient means for support and~~
 11 ~~maintenance~~ meets the qualifications for nursing or residential
 12 level of care, and is a resident of the state of Iowa on the
 13 date of the application and immediately preceding the date the
 14 application is accepted.

15 Sec. 5. Section 35D.6, Code 2013, is amended to read as
 16 follows:

17 **35D.6 Certificate of eligibility.**

18 Before admission, each applicant shall file with the
 19 commandant an affidavit signed by two members of the commission
 20 of veteran affairs of the county in which the person resides,
 21 stating that the person to the best of their knowledge and
 22 belief is a resident of that county and that the person is
 23 unable to earn a livelihood and the person's income, ~~exclusive~~
 24 ~~of pension, compensation, war risk insurance payments, or~~
 25 ~~pensions or annuities under the Social Security Act and the~~
 26 ~~Railroad Retirement Acts~~, is less than is sufficient to provide
 27 the type of health care necessary for the person's welfare.
 28 The affidavit is conclusive evidence of the residence of the
 29 person but is prima facie only in all other matters affecting
 30 the eligibility of the applicant and the liability of the
 31 county with respect to the expense of the person for which the
 32 county may be liable. All records of admission shall show the
 33 residence of the applicant.

34 Sec. 6. Section 35D.7, Code 2013, is amended to read as
 35 follows:



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1 **35D.7 Contributing to own support.**

2 1. Except as otherwise provided in chapter 249A and other
3 provisions of this chapter, a member of the home who receives
4 a pension, compensation, or gratuity from the United States
5 government, or income from any source of more than ~~twenty-five~~
6 one hundred forty dollars per month, shall contribute to the
7 member's own maintenance or support while a member of the home.
8 The amount of the contribution and the method of collection
9 shall be determined by the ~~director~~ commandant, but the
10 amount shall in no case exceed the actual cost of keeping and
11 maintaining the person in the home.

12 2. Sums paid to and received by the commandant for the
13 support of members of the home shall be ~~paid monthly by the~~
14 ~~commandant to the treasurer of state and~~ considered repayment
15 receipts as defined in section 8.2 and credited to the general
16 ~~fund of the state~~ Iowa veterans home account referred to in
17 section 35D.18, subsection 3.

18 3. The commandant may require ~~allow~~ any member of the home
19 to render assistance in the care of the home and its grounds as
20 the member's psychosocial and physical condition permit, as a
21 phase of that member's rehabilitation program. The commandant
22 shall compensate each member who furnishes assistance at rates
23 established ~~approved~~ by the commission.

24 Sec. 7. Section 35D.10, Code 2013, is amended to read as
25 follows:

26 **35D.10 Payment to ~~dependents~~ spouse.**

27 Except as otherwise provided in chapter 249A and other
28 provisions of this chapter, a member of the home who receives
29 a pension or compensation and who has ~~a child, as defined in~~
30 ~~section 234.1, or a spouse who is dependent upon employment or~~
31 ~~others for support~~ shall deposit with the commandant on receipt
32 of the member's pension or compensation check one-half of its
33 amount, which shall be sent by the eighth day of the month or at
34 once if any such pension or compensation is received after the
35 eighth day of the month to the spouse ~~or, if there is no spouse,~~



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1 ~~to the guardian of the child. The commandant, if satisfied~~
2 ~~that the spouse has deserted the member of the home, may pay~~
3 ~~the money deposited to the guardian of the child.~~

4 Sec. 8. Section 35D.11, subsection 1, Code 2013, is amended
5 to read as follows:

6 1. Pension money deposited with the commandant is not
7 assignable for any purpose except as provided in ~~sections~~
8 section 35D.10 and 35D.16, or in accordance with subsection 2
9 of this section.

10 Sec. 9. Section 35D.12, subsection 1, Code 2013, is amended
11 to read as follows:

12 1. a. The Iowa veterans home, for the convenience of its
13 members, may maintain a commercial account with a federally
14 insured bank for the individual personal deposits of its
15 members. The account shall be known as the Iowa veterans home
16 membership account. The commandant shall record each member's
17 personal deposits individually and shall deposit the funds in
18 the membership account, where the members' deposits shall be
19 held in the aggregate.

20 b. The Iowa veterans home may withdraw moneys from the
21 account maintained pursuant to this subsection to establish
22 certificates of deposit for the benefit of all members. The
23 commission shall adopt rules pursuant to chapter 17A for the
24 administration of this paragraph.

25 Sec. 10. Section 35D.13, subsection 2, Code 2013, is amended
26 to read as follows:

27 2. The commandant shall be a resident of the state of
28 Iowa who served in the armed forces of the United States
29 and was honorably discharged, ~~and is a licensed nursing home~~
30 ~~administrator.~~

31 Sec. 11. Section 35D.15, subsection 2, paragraph a,
32 subparagraph (3), Code 2013, is amended to read as follows:

33 (3) ~~The member's medical or life skills needs have been~~
34 ~~met to the extent possible through the services provided by~~
35 ~~the Iowa veterans home and the member no longer requires a~~



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1 residential or nursing level of care, as determined by the
 2 interdisciplinary resident care committee.

3 Sec. 12. Section 35D.15, subsection 2, paragraph g,
 4 subparagraph (2), Code 2013, is amended to read as follows:

5 (2) *“Interdisciplinary resident care committee”* means the
 6 member, a social worker, a registered nurse, a dietitian,
 7 a medical provider, and a recreation specialist, ~~and other~~
 8 ~~staff, as appropriate,~~ who are involved in reviewing a member’s
 9 assessment data and developing a collaborative care plan for
 10 the individual member.

11 Sec. 13. Section 35D.18, subsection 2, Code 2013, is amended
 12 to read as follows:

13 2. The net appropriation made to the Iowa veterans home may
 14 be used throughout the fiscal year in the manner necessary for
 15 purposes of cash flow management, ~~and for cash flow management,~~
 16 ~~the.~~ The Iowa veterans home may temporarily draw more than the
 17 amount appropriated, provided the amount appropriated is not
 18 exceeded at the close of the fiscal year.

19 Sec. 14. REPEAL. Sections 35D.8 and 35D.16, Code 2013, are
 20 repealed.

EXPLANATION

21 This bill relates the Iowa veterans home.

22 The bill makes certain changes to terminology related to
 23 the levels of care and treatment provided at the Iowa veterans
 24 home to specify the provision of nursing and residential levels
 25 of care. The bill also provides that gold star parents may be
 26 provided care at the Iowa veterans home and defines “gold star
 27 parent” as any parent of a deceased member of the United States
 28 armed forces who died while serving on active duty during a
 29 time of military conflict or who died as a result of such
 30 service.

31 The bill amends provisions relating to admissions
 32 requirements to provide that the only persons who may be
 33 admitted are persons who are disabled by disease, injury, or
 34 old age and meet qualifications for nursing or residential
 35

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1 care. The bill also makes changes to admissions provisions by
2 removing a provision allowing admission for persons who do not
3 have sufficient means for their own support. The bill makes
4 similar changes relating to admission of the surviving spouses
5 of veterans.

6 The bill provides that the commandant of the veterans home
7 shall determine certain rental rates for cottages rented
8 by staff, rather than having such rates determined by the
9 commission of veterans affairs as provided under current law.

10 The bill removes certain personal income exclusions from the
11 income qualification portion of the certificate of eligibility
12 required to be signed by two members of the county commission
13 of veterans affairs.

14 The bill requires that members of the veterans home with
15 incomes of more than \$140 per month contribute to their own
16 support. Current law requires that members of the veterans
17 home with incomes of more than \$25 per month contribute to
18 their own support. The bill provides that the commandant shall
19 determine the amount of any such contributions rather than the
20 director of the department of veterans affairs as required
21 under current law. The bill also requires that the sums paid
22 for such support be considered repayment receipts and are
23 credited to the Iowa veterans home account rather than to the
24 general fund of the state as required under current law. The
25 bill makes additional changes related to assistance provided by
26 members of the veterans home.

27 The bill makes certain changes related to the payment to
28 dependents from any pension or compensation received by a
29 member of the veterans home. The bill provides that payments
30 shall be sent by the commandant to a spouse of a member by
31 the eighth day of the month or immediately if the payment or
32 compensation is received after the eighth day of the month.
33 The bill removes provisions regarding payment to certain
34 children under Code section 234.1.

35 The bill allows the Iowa veterans home to withdraw moneys



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1 from the Iowa veterans home membership account in order to
2 establish certificates of deposit for the benefit of all
3 members of the Iowa veterans home. The commission shall
4 adopt rules for the administration of any program for such
5 withdrawals.

6 The bill removes the requirement that the commandant of the
7 Iowa veterans home be a licensed nursing home administrator.
8 The bill makes certain additional changes related to
9 involuntary discharge of members and the composition of the
10 interdisciplinary resident care committee. The bill also
11 provides that the Iowa veterans home may temporarily draw
12 more than the amount appropriated from the general fund for
13 any purpose, provided the amount appropriated is not exceeded
14 at the close of the fiscal year. Under current law, the
15 veterans home is only permitted to draw more than the amount
16 appropriated for cash flow purposes.

17 The bill repeals Code sections 35D.8 and 35D.16 related
18 to conditional admittance to the home and the disposition of
19 active duty members charged with a military offense.



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Senate File 171 - Introduced

SENATE FILE 171
BY ERNST

A BILL FOR

1 An Act relating to the issuance of special purple heart vehicle
2 registration plates without fee, and providing an exemption
3 from annual vehicle registration fees for recipients of the
4 purple heart medal.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 171

1 Section 1. Section 35A.11, subsection 4, Code 2013, is
 2 amended by striking the subsection.

3 Sec. 2. Section 321.34, subsection 18, Code 2013, is amended
 4 to read as follows:

5 18. *Purple heart special plates.*

6 a. An owner referred to in subsection 12 who was awarded
 7 a purple heart medal by the United States government for
 8 wounds received in military or naval combat against an armed
 9 enemy of the United States may, upon written application to
 10 the department and presentation of satisfactory proof of the
 11 award of the purple heart medal, order special registration
 12 plates with a purple heart processed emblem. The design of the
 13 emblem shall include a representation of a purple heart medal
 14 and ribbon. Each applicant applying for special registration
 15 plates under this subsection may order only one set of
 16 registration plates under this subsection. The application
 17 is subject to approval by the department in consultation with
 18 the adjutant general. ~~The special plate fees collected by the~~
 19 ~~director under subsection 12, paragraphs "a" and "c", from the~~
 20 ~~issuance and annual validation of letter-number designated and~~
 21 ~~personalized purple heart plates shall be paid monthly to the~~
 22 ~~treasurer of state and deposited in the road use tax fund. The~~
 23 ~~treasurer of state shall transfer monthly from the statutory~~
 24 ~~allocations fund created under section 321.145, subsection 2,~~
 25 ~~to the veterans license fee fund created in section 35A.11~~
 26 ~~the amount of the special fees collected under subsection~~
 27 ~~12, paragraph "a", in the previous month for purple heart~~
 28 ~~plates. The special registration plates shall be issued at~~
 29 ~~no charge to the applicant in exchange for the registration~~
 30 ~~plates previously issued to the person, if any. A person who~~
 31 ~~is issued special plates under this subsection is exempt from~~
 32 ~~payment of any annual registration fee for the vehicle bearing~~
 33 ~~the special plates.~~

34 b. The surviving spouse of a person who was issued special
 35 plates under this subsection may continue to use ~~or apply for~~

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1 ~~and use~~ the special plates subject to registration of the
 2 special plates in the surviving spouse's name and upon payment
 3 of the ~~annual five-dollar special plate fee and~~ the regular
 4 annual registration fee for the vehicle. If the surviving
 5 spouse remarries, the surviving spouse shall return the special
 6 plates to the department and the department shall issue regular
 7 registration plates to the surviving spouse.

8 Sec. 3. Section 321.145, subsection 2, paragraph b,
 9 subparagraph (3), Code 2013, is amended to read as follows:

10 (3) The amounts required to be transferred pursuant to
 11 section 321.34 from revenues available under this subsection
 12 shall be transferred and credited as provided in section
 13 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17,
 14 ~~18,~~ 19, 20, 20A, 20B, 20C, 21, 22, 23, 24, 25, and 26 for the
 15 various purposes specified in those subsections.

16 Sec. 4. PREVIOUSLY ISSUED PURPLE HEART REGISTRATION
 17 PLATES. It is the intent of the general assembly that owners
 18 of vehicles who were issued special purple heart registration
 19 plates prior to the effective date of this Act be permitted to
 20 continue using the plates on the vehicles for which the plates
 21 were issued. The following provisions apply to the owner of
 22 one or more vehicles bearing purple heart plates issued prior
 23 to the effective date of this Act:

24 1. The owner shall be exempt from the payment of any special
 25 plate renewal fee, special personalized plate renewal fee,
 26 and annual registration fee, as provided in section 321.34,
 27 subsection 18, as amended in this Act, for one vehicle bearing
 28 purple heart registration plates at the time of renewal of
 29 the vehicle registration. The owner may transfer the special
 30 plates to another vehicle upon assignment or transfer of
 31 ownership of the vehicle for which the special plates were
 32 issued.

33 2. If the owner has one or more additional vehicles bearing
 34 purple heart plates, the owner may continue to use the special
 35 purple heart plates for the vehicle for which the plates were



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1 issued, upon payment of the regular annual registration fee
2 and, if the plate is a personalized plate, payment of the
3 five-dollar personalized plate renewal fee for the vehicle.
4 The special purple heart plates shall be surrendered in
5 exchange for regular registration plates upon assignment or
6 transfer of ownership of the vehicle for which they were
7 issued.

8 Sec. 5. APPLICABILITY. This Act applies on and after July
9 1, 2013, for new applications for purple heart registration
10 plates. For owners of vehicles bearing purple heart
11 registration plates issued prior to the effective date of this
12 Act, this Act applies at the time of registration renewal.

13 EXPLANATION

14 This bill abolishes the fees associated with special purple
15 heart vehicle registration plates and exempts purple heart
16 recipients from the payment of annual registration fees for one
17 vehicle.

18 Special purple heart registration plates are currently
19 issued to the owner of a vehicle who was awarded a purple heart
20 medal by the United States government for wounds received
21 in military or naval combat against an armed enemy of the
22 United States. Standard special plate fees currently apply
23 to purple heart plates. The fee for issuance is \$25, and the
24 annual validation fee is \$5. Both fees are in addition to the
25 regular annual registration fee for the vehicle, and the amount
26 collected from the fees is deposited in the veterans license
27 fee fund administered by the commission of veterans affairs.
28 Purple heart plates are currently available as personalized
29 plates upon payment of an additional \$25 fee for issuance,
30 and subject to an additional \$5 personalized plate renewal
31 fee. The personalized plate fees, which are in addition to
32 the special plate fees and the annual registration fee, are
33 credited to the road use tax fund.

34 The bill provides that a person who is eligible for special
35 purple heart plates may order only one set of the special

LSB 1955XS (3) 85
dea/nh



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1 plates. The purple heart plates shall be issued without fee,
2 and the owner of the vehicle bearing the special plates is
3 exempt from payment of the annual registration fee for that
4 vehicle. After the effective date of the bill, the issuance of
5 personalized purple heart plates will be discontinued.

6 Under current law, the surviving spouse of a person who was
7 issued special purple heart plates may continue to use or apply
8 for and use special purple heart plates upon payment of the
9 special plate fees and annual registration fee for the vehicle.
10 The special plates must be surrendered if the surviving spouse
11 remarries. Under the bill, a surviving spouse may continue to
12 use the one set of special purple heart plates issued without
13 fee.

14 The bill addresses previously issued purple heart plates
15 by allowing the owner of one or more vehicles bearing purple
16 heart plates issued prior to July 1, 2013, to be exempt from
17 special plate fees and the annual registration fee for one such
18 vehicle. For any additional vehicle currently bearing purple
19 heart plates, the owner may continue to use the plates, but
20 must pay the annual registration fee, and a personalized plate
21 fee if applicable, and the plates must be surrendered upon
22 assignment or transfer of ownership of the vehicle.

23 The bill applies on and after July 1, 2013, for new
24 applications for purple heart registration plates. For purple
25 heart plates issued prior to July 1, 2013, the new provisions
26 apply at the time of registration renewal.



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Senate File 172 - Introduced

SENATE FILE 172
BY ERNST

A BILL FOR

1 An Act relating to the length of on-duty periods and required
2 rest periods for drivers of rail crew transport vehicles,
3 and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1989XS (2) 85
dea/nh



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S.F. 172

1 Section 1. NEW SECTION. 321.449A Rail crew transport
2 drivers.

3 1. A driver of a motor vehicle operated for hire which is
4 designed to transport seven or more persons but fewer than
5 sixteen persons including the driver and is used to transport
6 railroad workers to or from their places of employment or
7 during the course of their employment is subject to the
8 following limitations:

9 a. The driver shall not drive such a vehicle more than ten
10 hours following eight consecutive hours of uninterrupted rest.

11 b. The driver shall not drive such a vehicle for any period
12 after having been on duty for fifteen hours following eight
13 consecutive hours of uninterrupted rest.

14 c. The driver shall not accept a call for service from the
15 driver's employer during a period of uninterrupted rest.

16 2. For purposes of this section, the following definitions
17 apply:

18 a. "Employer" means a railroad worker transportation
19 company, as defined in section 327F.39, for whom the driver
20 performs a service, either for wages or as an independent
21 contractor.

22 b. "On duty" means all time from the time a driver begins
23 work or is required to be ready to work until the time the
24 driver is relieved from work and all responsibility for
25 performing work, whether or not the driver is compensated for
26 all of the time. A driver may drive more than one assigned
27 trip, as long as the trip falls within the on-duty period. A
28 driver "begins work" when the driver enters a transport vehicle
29 to begin a trip assignment and is not "relieved from work" until
30 the driver has exited the transport vehicle for the final time.

31 c. "Uninterrupted rest" means that the employer shall not
32 communicate with the driver by telephone, pager, or in any
33 other manner that could reasonably be expected to disrupt the
34 driver's rest.

35 3. A person who violates this section commits a simple



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1 misdemeanor punishable as a scheduled violation under section
2 805.8A, subsection 13, paragraph "b".

3 Sec. 2. Section 327F.39, subsection 1, Code 2013, is amended
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. *Oc.* "Driver" means a person who operates
6 a motor vehicle for the transportation of railroad workers in
7 the motor vehicle on behalf of a railroad worker transportation
8 company, whether the person is employed by the company for
9 wages or drives for the company as an independent contractor.

10 NEW PARAGRAPH. *Og.* "Railroad worker transportation
11 company" means a person, other than a railroad corporation,
12 organized for the purpose of or engaged in the business of
13 transporting, for hire, railroad workers to or from their
14 places of employment or in the course of their employment in
15 motor vehicles designed to carry seven or more persons but
16 fewer than sixteen persons including the driver.

17 Sec. 3. Section 327F.39, Code 2013, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4A. *Rest periods for drivers.*

20 *a.* A railroad worker transportation company shall not
21 require a driver to operate a motor vehicle in violation of
22 section 321.449A. A railroad worker transportation company
23 may require a period of uninterrupted rest for a driver at
24 any time. The period of uninterrupted rest shall not be less
25 than eight hours, and shall be at least ten hours following an
26 on-duty period of more than eight hours. A railroad worker
27 transportation company shall clearly communicate to a driver
28 when a period of uninterrupted rest is to begin.

29 *b.* A railroad company shall not require a driver to operate
30 a motor vehicle in violation of section 321.449A or this
31 subsection.

32 *c.* For purposes of this subsection, "uninterrupted rest" and
33 "on duty" mean the same as defined in section 321.449A.

34 Sec. 4. Section 327F.39, subsection 6, Code 2013, is amended
35 to read as follows:



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1 with the driver in any manner that could reasonably be expected
2 to disrupt the driver's rest.

3 A driver who violates the hours-of-service restrictions
4 commits a simple misdemeanor punishable by a scheduled fine
5 of \$50. This is the same penalty that currently applies for
6 hours-of-service violations by commercial vehicle operators.

7 The bill prohibits a railroad worker transportation company
8 from requiring a driver to operate a motor vehicle in violation
9 of the hours of service requirements established under the
10 bill. A railroad worker transportation company may require a
11 period of uninterrupted rest at any time. The minimum period
12 of uninterrupted rest shall be eight hours, but if the driver
13 has been on duty for more than eight hours, the period of
14 uninterrupted rest shall be at least 10 hours. The company is
15 required to clearly communicate to a driver when a period of
16 uninterrupted rest is to begin.

17 The bill provides that a violation of the provisions of the
18 bill by a railroad worker transportation company or a railroad
19 corporation is a schedule "one" penalty, subject to a fine of
20 \$100 under current law applicable to railroads.



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Senate File 173 - Introduced

SENATE FILE 173
BY DANIELSON

A BILL FOR

1 An Act authorizing a county to impose a property tax levy
2 for the operation of cultural and scientific facilities
3 following approval at election.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1703XS (3) 85
md/sc



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S.F. 173

1 Section 1. **NEW SECTION. 331.430A Levy for cultural and**
 2 **scientific facilities — election.**

3 1. A county may certify, for the general county services
 4 fund levy, a tax not to exceed twenty-seven cents per thousand
 5 dollars of assessed value for the operation of cultural and
 6 scientific facilities, and such levy is not subject to the
 7 limit provided in section 331.423 and is in addition to any
 8 other moneys the county may wish to spend for such purposes,
 9 as follows:

10 a. Upon receipt of a petition valid under the provisions
 11 of section 331.306, or upon the board's own motion, the board
 12 shall submit to the voters at the next general election the
 13 question of whether a tax shall be levied.

14 b. If a majority approves the levy, it may be imposed.

15 c. The levy can be eliminated by the same procedure of
 16 petition and election.

17 2. A county may impose the tax authorized under subsection
 18 1 in an amount that exceeds the tax levy limit specified in
 19 that subsection if the question is submitted at a special levy
 20 election and receives a majority of the votes cast on the
 21 proposition to exceed the levy limit for the proposed budget
 22 year.

23 a. The election may be held as specified in this subsection
 24 if notice is given by the board not later than forty-six days
 25 before the first Tuesday in March to the county commissioner of
 26 elections that the election is to be held.

27 b. An election under this subsection shall be held on the
 28 first Tuesday in March and shall be conducted by the county
 29 commissioner of elections in accordance with the law.

30 c. The ballot question shall be in substantially the
 31 following form:

32 WHICH TAX LEVY SHALL BE ADOPTED FOR THE COUNTY OF?

33 (Vote for only one of the following choices.)

34 CHANGE LEVY AMOUNT ...

35 Add to the existing levy amount a tax for the purpose of

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 md/sc



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1 has been approved by voters at a special levy election.



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Senate File 174 - Introduced

SENATE FILE 174
BY DANIELSON

A BILL FOR

- 1 An Act related to the administration of the national guard
- 2 educational assistance program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1817XS (1) 85
aw/nh



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S.F. 174

1 Section 1. Section 261.86, subsection 1, paragraph f, Code
2 2013, is amended to read as follows:
3 f. Submits an application to the adjutant general of
4 Iowa, on forms prescribed by the adjutant general, who
5 shall determine eligibility and whose decision is final.
6 Notwithstanding any deadline established for the administration
7 of this paragraph, the adjutant general shall accept an
8 application submitted pursuant to this paragraph from an
9 otherwise eligible member of the national guard who was on
10 federal active duty at the time of such deadline.

11 EXPLANATION

12 This bill relates to the administration of the national
13 guard educational assistance program. The bill requires that
14 the adjutant general accept an application regardless of any
15 application deadline from an otherwise eligible member of the
16 national guard, provided that the otherwise eligible member was
17 on federal active duty at the time of such deadline.



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Senate File 175 - Introduced

SENATE FILE 175
BY CHELGREN, WHITVER, ZAUN,
SINCLAIR, ROZENBOOM,
GUTH, KAPUCIAN, SORENSON,
BERTRAND, SEGEBART,
ZUMBACH, BREITBACH,
CHAPMAN, BEHN, FEENSTRA,
ANDERSON, and SMITH

A BILL FOR

1 An Act relating to verification of social security numbers for
2 public programs under the purview of the department of human
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1920SS (2) 85
pf/nh



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S.F. 175

1 Section 1. VERIFICATION OF SOCIAL SECURITY NUMBERS —
2 DEPARTMENT OF HUMAN SERVICES PUBLIC PROGRAMS. The department
3 of human services shall adopt rules to require that any
4 program supported by public funds under the department of human
5 services shall require verification by state or local staff,
6 as applicable, of the social security number of any applicant
7 for program services. The department shall incorporate the
8 verification requirement into all application processes in the
9 most cost-effective manner.

10 EXPLANATION

11 This bill requires the department of human services to adopt
12 rules to require that any program supported by public funds
13 under the purview of the department require verification by
14 state or local staff, as applicable, of the social security
15 number of any applicant for program services. The department
16 is directed to incorporate the verification requirement into
17 all application processes in the most cost-effective manner.



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Senate File 176 - Introduced

SENATE FILE 176
BY BOLKCOM

A BILL FOR

1 An Act relating to discharge point signs under the Iowa
2 national pollutant discharge elimination system program and
3 providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2194SS (3) 85
tm/sc



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S.F. 176

1 Section 1. NEW SECTION. 455B.189 Discharge point signs —
2 penalty — exceptions.

3 1. A person paying an annual permit fee for an Iowa national
4 pollutant discharge elimination system program permit listed
5 under section 455B.197, subsection 3, shall post or erect a
6 conspicuous and legible sign of not less than eighteen inches
7 by twenty-four inches at all points of discharge to surface
8 waters. The location of the sign on the property of the permit
9 holder shall be as close in proximity to the point of discharge
10 into the surface water as is reasonably possible while ensuring
11 the maximum visibility from the surface water and shore.

12 2. At a minimum, the sign shall include all of the
13 following:

14 a. A statement containing the words "Iowa state permitted
15 discharge point permit no. (insert permit number). For
16 information on this discharge you can contact: (insert contact
17 information)".

18 b. The Iowa national pollutant discharge elimination system
19 program permit number issued by the department.

20 c. The name and telephone number of the permit holder which
21 shall be the business office repository of the permit holder.

22 d. The internet address of an internet site sponsored by the
23 department where more information may be obtained.

24 3. A permit holder shall periodically and reasonably
25 maintain the sign to ensure that the sign is still legible,
26 visible, and factually correct. A good-faith documented effort
27 by the permit holder to maintain the sign is an affirmative
28 defense in any action relating to the unauthorized absence of
29 a sign.

30 4. A person violating a provision of this section is subject
31 to a civil penalty of not more than one hundred dollars per day
32 for each day such violation continues.

33 5. The department may grant a waiver of the requirements of
34 this section if the department determines a security concern
35 may exist due to the posting of a sign under this section.

LSB 2194SS (3) 85

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tm/sc

1/2



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Senate Resolution 6 - Introduced

SENATE RESOLUTION NO. 6

BY WHITVER and FEENSTRA

1 A Resolution requesting the legislative council to
2 establish an interim study committee to study
3 elimination of the income tax in Iowa.

4 WHEREAS, the Iowa income tax creates a substantial
5 financial burden on the citizens of this state as they
6 work hard to grow businesses, educate their children,
7 and save for their future; and

8 WHEREAS, the collection and administration of the
9 income tax represents a substantial expense to the
10 state of Iowa; and

11 WHEREAS, elimination of the income tax could have
12 a positive impact on Iowa's taxpayers, economy, and
13 job growth, without limiting the state's ability to
14 provide for the protection, security, and benefit of
15 its citizens; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That the Senate
17 formally requests the legislative council to authorize
18 and establish an interim study committee, composed of
19 members of the Senate and the House of Representatives,
20 to commence meeting during the 2013 interim as soon
21 as practicable. The purpose of the interim committee
22 is to study the feasibility of eliminating the income
23 tax in Iowa and to receive and make recommendations
24 regarding elimination of the income tax, submitting the
25 study committee's conclusions and recommendations in a
26 report to the general assembly by January 1, 2014.

LSB 1670XS (3) 85

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mm/rj

1/1



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Senate Study Bill 1141 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act authorizing the college student aid commission to
2 organize a nonprofit corporation to provide Iowans with
3 postsecondary educational financial assistance.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1363XC (1) 85
kh/sc



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1 Section 1. NEW SECTION. 261.8 Corporation for educational
2 financial assistance.

3 1. *Nonprofit corporation for receiving and disbursing*
4 *funds.* The college student aid commission may organize a
5 corporation under the provisions of chapter 504 that qualifies
6 under section 501(c)(3) of the Internal Revenue Code as an
7 organization exempt from taxation for the purpose of receiving
8 and disbursing funds from public or private sources to be used
9 to provide Iowans with educational financial assistance under
10 programs administered by the commission. Unless otherwise
11 provided in this section, the corporation is subject to the
12 provisions of chapter 504.

13 2. *Incorporators.* The incorporators of the corporation
14 organized pursuant to this section shall be the chairperson of
15 the commission, the executive director of the commission, and
16 a member of the commission selected by a majority vote of the
17 commission.

18 3. *Board of directors.* The board of directors of the
19 corporation organized pursuant to this section shall be the
20 members of the commission appointed under section 261.1,
21 subsection 2, paragraph "d", or their successors in office.

22 4. *Accepting grants in aid.* The corporation organized
23 pursuant to this section may accept grants of money or property
24 from the federal government or private sources and may upon
25 its own order use its money, property, or other resources for
26 purposes of providing educational financial assistance under
27 programs administered by the commission.

28 5. *Open meetings and open records.* The corporation is
29 subject to chapters 21 and 22.

30 6. *Status.* The corporation shall collaborate with the
31 commission for the purposes specified in this section, but the
32 corporation shall not be considered, in whole or in part, an
33 agency, department, or administrative unit of the state. The
34 corporation shall not receive appropriations from the general
35 assembly. Except as provided in subsection 5, the corporation



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1 from the federal government or private sources and may upon
2 its own order use its money, property, or other resources for
3 purposes of providing educational financial assistance under
4 programs administered by the college student aid commission in
5 accordance with Code chapter 261.

6 The corporation is subject to the open meetings and open
7 records laws in Code chapters 21 and 22, but the corporation
8 shall not otherwise be required to comply with any requirements
9 that apply to a state agency, department, or administrative
10 unit and shall not exercise any sovereign power of the state.
11 The corporation shall collaborate with the commission for the
12 purposes specified in the bill, but shall not be considered an
13 agency, department, or administrative unit of the state, nor
14 shall it receive appropriations from the general assembly. The
15 corporation shall be established so that donations and bequests
16 to it qualify as tax deductible under federal and state income
17 tax laws.

18 The corporation does not have authority to pledge the credit
19 of the state, and the state shall not be liable for the debts or
20 obligations of the corporation.

21 The commission shall provide staff assistance and
22 administrative support to the corporation. The corporation
23 shall submit a written report annually of its activities and
24 operations to the governor, the general assembly, and the
25 commission.



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Senate Study Bill 1142 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to the Iowa early intervention block grant
2 program by eliminating the future repeal of the chapter
3 establishing the program and including effective date
4 provisions.

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

TLSB 1958XC (5) 85
kh/sc



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1 Section 1. REPEAL. Section 256D.9, Code 2013, is repealed.
2 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 immediate importance, takes effect upon enactment.

4 EXPLANATION
5 This bill repeals a provision that specifies a date for the
6 future repeal of Code chapter 256D, the Code chapter which
7 establishes the Iowa early intervention block grant program,
8 and makes the repeal effective upon enactment.



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Senate Study Bill 1143 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

A BILL FOR

1 An Act providing for the department of agriculture and land
2 stewardship's administration of programs regarding a
3 conservation practices revolving loan fund, the state
4 metrologist, and motor fuel standards.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1276DP (5) 85
da/nh



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1 sale of the land on which those practices are established.

2 DIVISION II
3 WEIGHTS AND MEASURES

4 Sec. 2. Section 213.1, Code 2013, is amended to read as
5 follows:

6 **213.1 State metrologist.**

7 The department ~~shall~~ may designate one of its assistants to
8 act as state metrologist of weights and measures. All weights
9 and measures sealed by the state metrologist shall be impressed
10 with the word "Iowa."

11 DIVISION III
12 MOTOR FUEL STANDARDS

13 Sec. 3. Section 214A.1, subsection 23, Code 2013, is amended
14 to read as follows:

15 23. "*Standard ethanol blended gasoline*" means ethanol
16 blended gasoline for use in gasoline-powered vehicles ~~other~~
17 ~~than~~ not required to be flexible fuel vehicles, that meets the
18 requirements of section 214A.2.

19 Sec. 4. Section 214A.2, subsection 2, paragraphs a and b,
20 Code 2013, are amended by striking the paragraphs.

21 Sec. 5. Section 214A.2, subsection 3, paragraph b,
22 subparagraph (2), unnumbered paragraph 1, Code 2013, is amended
23 to read as follows:

24 Gasoline blended with ethanol must meet ~~any of the following~~
25 requirements established by rules adopted in part or in whole
26 based on A.S.T.M. international specification D4814, including
27 as follows:

28 Sec. 6. Section 214A.2, subsection 3, paragraph b,
29 subparagraph (4), Code 2013, is amended to read as follows:

30 (4) For standard ethanol blended gasoline, it must be
31 ethanol blended gasoline classified as any of the following:

32 (a) From E-9 or E-10 to E-15, if the ethanol blended
33 gasoline meets the standards for that classification as
34 otherwise provided in this paragraph "b".

35 (b) Higher than ~~E-10~~ E-15, if authorized by the department



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1 pursuant to approval for the use of that classification of
2 ethanol blended gasoline in this state by the United States
3 environmental protection agency, by granting a waiver or the
4 adoption of regulations.

5 Sec. 7. Section 214A.7, Code 2013, is amended to read as
6 follows:

7 **214A.7 Department inspection — samples tested.**

8 The department shall, from time to time, make or cause to be
9 made tests of any motor fuel or biofuel which is being sold,
10 or held or offered for sale within this state. A departmental
11 inspector may enter upon the premises of a dealer and take from
12 any container a sample of the motor fuel or biofuel, not to
13 exceed ~~sixteen fluid ounces~~ one gallon. The sample shall be
14 sealed and appropriately marked or labeled by the inspector and
15 delivered to the department. The department shall make, or
16 cause to be made, complete analyses or tests of the motor fuel
17 or biofuel by the methods specified in section 214A.2.

18 Sec. 8. Section 214A.16, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. a. If ethanol blended gasoline is sold from a motor
21 fuel pump, the motor fuel pump shall have affixed a decal
22 identifying the ethanol blended gasoline.

23 b. If the motor fuel pump dispenses ethanol blended gasoline
24 classified as E-11 to E-15 for use in gasoline-powered vehicles
25 not required to be flexible fuel vehicles, the motor fuel pump
26 shall have affixed a decal as prescribed by the United States
27 environmental protection agency.

28 c. If the motor fuel pump dispenses ethanol blended gasoline
29 classified as higher than standard ethanol blended gasoline
30 pursuant to section 214A.2, the decal shall contain the
31 following notice:

32 FOR FLEXIBLE FUEL VEHICLES ONLY.

33 ~~b.~~ d. If biodiesel fuel is sold from a motor fuel pump,
34 the motor fuel pump shall have affixed a decal identifying the
35 biodiesel fuel as provided in 16 C.F.R. pt. 306.



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1 section 214A.2). The bill provides that such gasoline is for
2 use in gasoline-powered vehicles not required to be flexible
3 fuel vehicles. It also increases the percentage of ethanol
4 allowed in standard ethanol blended gasoline to 15 percent
5 by volume (E-15). The department may still increase the
6 percentage if authorized by the department with approval by the
7 EPA.

8 The department is required to test samples of motor fuel or
9 biofuels to ensure that they comply with the standards. It
10 increases the maximum sample size from 16 fluid ounces to one
11 gallon (Code section 214A.7). The bill eliminates a provision
12 allowing a retail dealer of motor fuel to post a notice showing
13 the results of the tests (Code section 214A.9).

14 The bill amends a provision which requires a decal be affixed
15 to a motor fuel pump notifying consumers that it is dispensing
16 ethanol blended gasoline (Code section 214A.16). The bill
17 provides that a motor fuel pump dispensing ethanol blended
18 gasoline containing a percentage of ethanol ranging between 11
19 and 15 percent (E-11 to E-15) must be affixed with a decal as
20 prescribed by EPA.



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Senate Study Bill 1144 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to absentee voting at the office of the county
2 commissioner of elections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1964XC (2) 85
aw/sc



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1 Section 1. Section 53.2, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:
3 a. Any registered voter, under the circumstances specified
4 in section 53.1, may on any day, except after 12:00 p.m. on the
5 Monday before the election and on election day, and not more
6 than seventy days prior to the date of the election, apply in
7 person for an absentee ballot at the commissioner's office or
8 at any location designated by the commissioner. ~~However, for~~
9 ~~those elections in which the commissioner directs the polls be~~
10 ~~opened at noon pursuant to section 49.73, a voter may apply in~~
11 ~~person for an absentee ballot at the commissioner's office from~~
12 ~~8:00 a.m. until 11:00 a.m. on election day.~~

EXPLANATION

14 This bill relates to absentee voting at the office of the
15 county commissioner of elections.
16 The bill removes current provisions requiring that a voter
17 be allowed to vote in person at the county commissioner's
18 office from 8:00 a.m. until 11:00 a.m. on election day for
19 those elections when the commissioner directs the polls to be
20 opened at noon.
21 The bill also provides that a voter is allowed to vote in
22 person at the county commissioner's office until noon on the
23 Monday before an election.



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Senate Study Bill 1145 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

- 1 An Act relating to voter registration deadlines.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1966XC (2) 85
aw/sc



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1 Section 1. Section 48A.9, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. Registration closes at 5:00 p.m. eleven days before each
4 election ~~except primary and general elections. For primary and~~
5 ~~general elections, registration closes at 5:00 p.m. ten days~~
6 ~~before the election.~~ An eligible elector may register during
7 the time registration is closed in the elector's precinct but
8 the registration shall not become effective until registration
9 opens again in the elector's precinct, except as otherwise
10 provided in section 48A.7A.

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

13 (2) The notice shall contain a statement in substantially
14 the following form:

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

31 Sec. 3. Section 48A.29, subsection 1, paragraph b, Code
32 2013, is amended to read as follows:

33 b. The notice shall contain a statement in substantially the
34 following form:

35 Information received from the United States postal service



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

16 Sec. 4. Section 48A.29, subsection 3, paragraph b, Code
17 2013, is amended to read as follows:

18 *b.* The notice shall contain a statement in substantially the
19 following form:

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



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1 date of the notice) your name will be removed from the list of
2 registered voters in that county.

3 EXPLANATION

4 This bill relates to voter registration deadlines by
5 requiring that voter registration closes at 5:00 p.m. 11 days
6 before all elections. The bill also makes conforming changes.
7 Current law requires that voter registration for primary and
8 general elections close at 5:00 p.m. 10 days before those
9 elections.



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Senate Study Bill 1146 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act requiring that a completed absentee ballot be received
2 in the commissioner's office before the polls close on
3 election day.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2084XC (2) 85
aw/sc



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1 Section 1. Section 53.17, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. In order for the ballot to be counted, the return
4 envelope must be received in the commissioner's office before
5 the polls close on election day ~~or be clearly postmarked by an~~
6 ~~officially authorized postal service not later than the day~~
7 ~~before the election and received by the commissioner not later~~
8 ~~than noon on the Monday following the election.~~

9 Sec. 2. Section 53.17, subsection 3, Code 2013, is amended
10 by striking the subsection.

11 Sec. 3. Section 53.22, subsection 5, paragraph b, Code 2013,
12 is amended to read as follows:

13 b. Absentee ballots voted under this subsection shall be
14 delivered to the commissioner ~~no later than the time~~ before the
15 polls are closed on election day. If the ballot is returned
16 by mail the return envelope must be received ~~by the time~~
17 before the polls close, ~~or clearly postmarked by an officially~~
18 ~~authorized postal service not later than the day before the~~
19 ~~election and received by the commissioner no later than the~~
20 ~~time established for the canvass by the board of supervisors~~
21 ~~for that~~ on election day.

22 EXPLANATION

23 This bill requires that an absentee ballot must be received
24 in the commissioner's office before the polls close on election
25 day.



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Senate Study Bill 1147 - Introduced

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

A BILL FOR

1 An Act relating to the issuance of and violations of civil
2 protective orders and criminal no-contact orders and
3 modifying penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1329XC (3) 85
rh/nh



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1 Section 1. Section 664A.1, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. *“Protective order”* means a protective order issued
4 pursuant to chapter 232, a court order or court-approved
5 consent agreement entered pursuant to chapter 236, including a
6 valid foreign protective order under section 236.19, subsection
7 3, a temporary or permanent protective order or order to vacate
8 the homestead under chapter 598, ~~or an order that establishes~~
9 ~~conditions of release or is a protective order or sentencing~~
10 ~~order in a criminal prosecution arising from a domestic abuse~~
11 ~~assault under section 708.2A,~~ or a civil injunction issued
12 pursuant to section 915.22.

13 Sec. 2. Section 664A.3, Code 2013, is amended to read as
14 follows:

15 **664A.3 Entry of ~~temporary~~ no-contact order.**

16 1. When a person is ~~taken into custody for contempt~~
17 ~~proceedings pursuant to section 236.11 or arrested for any~~
18 ~~public offense referred to in section 664A.2, subsection 1,~~
19 and the person is brought before a magistrate for initial
20 appearance, the magistrate shall enter a no-contact order if
21 the magistrate finds both of the following:

22 a. Probable cause exists to believe that any public offense
23 ~~referred to in section 664A.2, subsection 1, or a violation of~~
24 ~~a no-contact order, protective order, or consent agreement~~ has
25 occurred.

26 b. The presence of or contact with the defendant poses a
27 threat to the safety of the alleged victim, persons residing
28 with the alleged victim, or members of the alleged victim’s
29 family.

30 2. ~~Notwithstanding chapters 804 and 805, a person taken~~
31 ~~into custody pursuant to section 236.11 or arrested pursuant to~~
32 ~~section 236.12 may be released on bail or otherwise only after~~
33 ~~initial appearance before a magistrate as provided in chapter~~
34 ~~804 and the rules of criminal procedure or section 236.11,~~
35 ~~whichever is applicable.~~



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1 ~~3.~~ 2. A no-contact order issued pursuant to this section
2 shall be issued in addition to any other conditions of release
3 imposed by a magistrate pursuant to section 811.2. The
4 no-contact order has force and effect until it is modified or
5 terminated by subsequent court action ~~in a contempt proceeding~~
6 ~~or criminal or juvenile court action~~ and is reviewable in the
7 manner prescribed in section 811.2. ~~Upon final disposition~~
8 ~~of the criminal or juvenile court action, the court shall~~
9 ~~terminate or modify the no-contact order pursuant to section~~
10 ~~664A.5.~~

11 ~~4.~~ 3. A no-contact order requiring the defendant to have
12 no contact with ~~the alleged victim's~~ a child or children shall
13 prevail over any existing custodial, visitation, or other
14 conflicting order which may be in conflict with the no-contact
15 order.

16 ~~5.~~ 4. A no-contact order ~~issued pursuant to this section~~
17 shall restrict the defendant from having contact with the
18 victim, persons residing with the victim, ~~or~~ and the victim's
19 immediate family.

20 ~~6.~~ 5. A no-contact order ~~issued pursuant to this section~~
21 shall specifically include notice that the person may be
22 required to relinquish all firearms, offensive weapons, and
23 ammunition ~~upon the issuance of a permanent no-contact order~~
24 ~~pursuant to section 664A.5.~~

25 Sec. 3. Section 664A.5, Code 2013, is amended to read as
26 follows:

27 **664A.5 Modification — entry of permanent no-contact order or**
28 **protective order.**

29 If a defendant is convicted of, receives a deferred judgment
30 for, or pleads guilty to a public offense ~~referred to in~~
31 ~~section 664A.2, subsection 1,~~ or is held in contempt for a
32 violation of a no-contact order ~~issued under section 664A.3~~
33 ~~or for a violation of a protective order issued pursuant to~~
34 ~~chapter 232, 236, 598, or 915,~~ the court shall either continue,
35 terminate, or modify the ~~temporary~~ no-contact order or



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1 protective order issued by the magistrate. The ~~court may enter~~
 2 a no-contact order or protective order ~~continue the no-contact~~
 3 ~~order already in effect~~ may be issued for a period of five
 4 years from the date the judgment or contempt finding is entered
 5 or the deferred judgment is granted, regardless of whether the
 6 defendant is placed on probation.

7 Sec. 4. Section 664A.6, Code 2013, is amended to read as
 8 follows:

9 **664A.6 Mandatory arrest for violation of no-contact order or**
 10 **protective order — immunity for actions.**

11 1. If a peace officer has probable cause to believe that
 12 a person has violated a no-contact order ~~issued under this~~
 13 ~~chapter~~ or a protective order, the peace officer shall take
 14 the person into custody and shall take the person without
 15 unnecessary delay before the nearest or most accessible
 16 magistrate in the judicial district in which the person was
 17 taken into custody. Notwithstanding chapters 804 and 805, a
 18 person taken into custody pursuant to this subsection may be
 19 released on bail or otherwise only after initial appearance
 20 before a magistrate as provided in chapter 804 and the rules of
 21 criminal procedure, or section 236.11, whichever is applicable.

22 2. If the peace officer is investigating a domestic abuse
 23 assault pursuant to section 708.2A, the officer shall also
 24 comply with sections 236.11 and 236.12.

25 3. A peace officer shall not be held civilly or criminally
 26 liable for acting pursuant to this section provided the peace
 27 officer acts in good faith and on reasonable grounds and the
 28 peace officer's acts do not constitute a willful or wanton
 29 disregard for the rights or safety of another.

30 Sec. 5. Section 664A.7, Code 2013, is amended to read as
 31 follows:

32 **664A.7 Violation of no-contact order or protective order —**
 33 **~~contempt or simple misdemeanor penalties.~~**

34 1. Violation of a no-contact order ~~issued under this chapter~~
 35 or a protective order ~~issued pursuant to chapter 232, 236, or~~



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1 ~~598, including a modified no-contact order,~~ is punishable by
 2 ~~summary~~ contempt proceedings.

3 2. A hearing in a contempt proceeding brought pursuant to
 4 this section shall be held not less than five and not more than
 5 fifteen days after ~~the issuance of a rule to show cause, as~~
 6 ~~determined by the court~~ the initial appearance.

7 3. If ~~convicted of or~~ held in contempt for a violation
 8 of a no-contact order or a ~~modified no-contact order for a~~
 9 ~~public offense referred to in section 664A.2, subsection~~
 10 ~~1, or held in contempt of a no-contact order issued during~~
 11 ~~a contempt proceeding brought pursuant to section 236.11~~
 12 protective order, the person shall be confined in the county
 13 jail for a minimum of seven days and a maximum of one hundred
 14 eighty days per violation. A jail sentence imposed pursuant
 15 to this subsection shall be served on consecutive days. No
 16 portion of the mandatory minimum term of confinement imposed
 17 by this subsection shall be deferred or suspended. A deferred
 18 judgment, deferred sentence, or suspended sentence shall not
 19 be entered for a violation of a no-contact order, ~~modified~~
 20 ~~no-contact order,~~ or protective order and the court shall not
 21 impose a fine in lieu of the minimum sentence, although a fine
 22 may be imposed in addition to the minimum sentence.

23 4. If ~~convicted or~~ held in contempt for a violation of
 24 a ~~civil~~ protective order referred to in section 664A.2, the
 25 person shall serve a jail sentence. A jail sentence imposed
 26 pursuant to this subsection shall be served on consecutive
 27 days. A person who is convicted of or held in contempt for a
 28 violation of a protective order referred to in section 664A.2
 29 may be ordered by the court to pay the plaintiff's attorney's
 30 fees and court costs.

31 5. ~~Violation of a no-contact order entered for the offense~~
 32 ~~or alleged offense of domestic abuse assault in violation of~~
 33 ~~section 708.2A or a violation of a protective order issued~~
 34 ~~pursuant to chapter 232, 236, 598, or 915 constitutes a~~
 35 ~~public offense and is punishable as a simple misdemeanor.~~

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EXPLANATION

1
2 This bill relates to the issuance of and violations of civil
3 protective orders and criminal no-contact orders, and modifies
4 penalties.

5 Current law defines a no-contact order as a court order
6 issued in a criminal proceeding requiring a defendant to have
7 no contact with the alleged victim, persons residing with the
8 alleged victim, or members of the alleged victim's immediate
9 family, and to refrain from harassing the alleged victim,
10 persons residing with the alleged victim, or members of the
11 alleged victim's family. A protective order is defined as a
12 protective order issued pursuant to Code chapter 232 (juvenile
13 justice), a court order or court-approved consent agreement
14 entered pursuant to Code chapter 236 (civil domestic abuse),
15 including a valid foreign protective order, a temporary or
16 permanent protective order or order to vacate the homestead
17 under Code chapter 598 (dissolution of marriage and domestic
18 relations), an order that establishes conditions of release
19 or is a protective order or sentencing order in a criminal
20 prosecution arising from a domestic abuse assault (criminal
21 domestic abuse), or a civil injunction issued to restrain
22 harassment or intimidation of victims or witnesses in a
23 criminal case. The bill amends the definition of protective
24 order to eliminate language allowing for the issuance of a
25 protective order in criminal proceedings. The bill amends a
26 related provision allowing the court to issue a no-contact
27 order as a result of a violation of a protective order.

28 Current law allows a court to issue a temporary no-contact
29 order and a permanent no-contact order. The bill eliminates
30 the distinction between temporary and permanent no-contact
31 orders.

32 Current law provides for a mandatory arrest procedure for
33 violations of no-contact orders but not for violations of
34 protective orders. The bill amends this provision to provide
35 that a person who violates a protective order is also subject

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1 to mandatory arrest.

2 Under current law, if a person violates a no-contact order or
3 a protective order, the person may be charged with a criminal
4 offense (simple misdemeanor) or may be held to be in contempt
5 of court. The bill eliminates the criminal offense option
6 for violations of no-contact orders or protective orders. A
7 person held in contempt for a violation of a no-contact order
8 or a protective order is subject to confinement in the county
9 jail for a minimum of seven days and a maximum of 180 days per
10 violation. A \$500 fine may also be imposed.

11 The bill allows the court to terminate a no-contact order
12 if the court finds that the defendant no longer poses a threat
13 to the safety of the victim, persons residing with the victim,
14 or members of the victim's family upon the filing of an
15 application by the state or a protected party.

16 The bill makes conforming changes.



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Senate Study Bill 1148 - Introduced

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

A BILL FOR

1 An Act relating to the regulation of vehicles of excessive size
2 and weight, establishing fees, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1290DP (7) 85
dea/nh



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1 Section 1. Section 321.473, Code 2013, is amended to read
2 as follows:

3 **321.473 ~~Limiting trucks — rubbish vehicles~~ Limitations on**
4 **trucks by local authorities.**

5 1. Local authorities with respect to highways under their
6 jurisdiction may also, by ordinance or resolution, prohibit the
7 operation of trucks or other commercial vehicles, or may impose
8 limitations as to the weight thereof, on designated highways,
9 which prohibitions and limitations shall be designated by
10 appropriate signs placed on such highways.

11 ~~2. The department may issue annual special permits for~~
12 ~~the operation of compacted rubbish vehicles and vehicles~~
13 ~~which transport compacted rubbish from a rubbish collection~~
14 ~~point to a landfill area, exceeding the weight limitation of~~
15 ~~section 321.463, but not exceeding a rear axle gross weight~~
16 ~~for two axle vehicles of twenty two thousand pounds for the~~
17 ~~period commencing July 1, 1978 and ending June 30, 1986 and~~
18 ~~twenty thousand pounds commencing July 1, 1986 and thereafter,~~
19 ~~and for tandem axle vehicles or transferable auxiliary axle~~
20 ~~vehicles not exceeding a gross weight on the rear axles of~~
21 ~~thirty six thousand pounds. Annual special permits for the~~
22 ~~operation on secondary roads shall be approved by the county~~
23 ~~engineer. Annual special permits for a particular vehicle~~
24 ~~shall not be issued by the department unless prior approval~~
25 ~~is given by the county engineer of the county in which the~~
26 ~~vehicle will be operated. Annual special permits for operation~~
27 ~~on primary roads shall be approved by the state department~~
28 ~~of transportation. Compacted rubbish vehicles and vehicles~~
29 ~~which transport compacted rubbish from a rubbish collection~~
30 ~~point to a landfill area operated pursuant to an annual special~~
31 ~~permit shall be operated only over routes designated by the~~
32 ~~local authority. Annual special permits for a particular~~
33 ~~vehicle shall not be issued by the department unless approved~~
34 ~~by the local authority responsible for the roads over which~~
35 ~~the vehicle will be operated. Annual special permits approved~~

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1 ~~by the issuing authority shall be issued upon payment of an~~
 2 ~~annual fee, in addition to other registration fees imposed,~~
 3 ~~of one hundred dollars to be paid to the department for all~~
 4 ~~nongovernmental vehicles.~~

5 ~~3. Any person who violates the provisions of the ordinance~~
 6 ~~or resolution shall, upon conviction or a plea of guilty, be~~
 7 ~~subject to a fine determined by dividing the difference between~~
 8 ~~the actual weight and the maximum weight established by the~~
 9 ~~ordinance or resolution by one hundred, and multiplying the~~
 10 ~~quotient by two dollars. The fine for violation of a special~~
 11 ~~permit issued pursuant to this section shall be based upon the~~
 12 ~~difference between the actual weight of the vehicle and load~~
 13 ~~and the maximum weight allowed by the permit in accordance with~~
 14 ~~section 321.463.~~

15 ~~4. 2.~~ Local authorities may issue special permits, during
 16 periods such restrictions are in effect, to permit limited
 17 operation of vehicles upon specified routes with loads in
 18 excess of any restrictions imposed under this section, but not
 19 in excess of load restrictions imposed by any other provision
 20 of this chapter, and such authorities shall issue such permits
 21 upon a showing that there is a need to move to market farm
 22 produce or to move to any farm, feeds or fuel for home heating
 23 purposes.

24 3. a. A person who violates the provisions of an ordinance
 25 or resolution adopted pursuant to subsection 1 shall, upon
 26 conviction or a plea of guilty, be subject to a fine determined
 27 by dividing the difference between the actual weight and the
 28 maximum weight established by the ordinance or resolution by
 29 one hundred, and multiplying the quotient by two dollars.

30 b. The fine for violation of a special permit issued
 31 pursuant to subsection 2 shall be based upon the difference
 32 between the actual weight of the vehicle and load and the
 33 maximum weight allowed by the permit in accordance with section
 34 321.463.

35 Sec. 2. Section 321E.1, Code 2013, is amended to read as



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1 follows:

2 **321E.1 Permits by department and local authorities.**

3 1. The department and local authorities may in their
 4 discretion and upon application and with good cause ~~being~~ shown
 5 issue permits for the movement of ~~construction machinery or~~
 6 ~~asphalt repavers~~ special mobile equipment being temporarily
 7 moved on streets, roads, or highways and for vehicles with
 8 indivisible loads which exceed the maximum dimensions and
 9 weights specified in sections 321.452 through 321.466, but not
 10 to exceed the limitations imposed in this section and sections
 11 321E.2 through 321E.15 except as provided in section 321E.29.

12 2. Vehicles permitted to transport indivisible loads may do
 13 any of the following:

14 a. Exceed the width and length limitations specified in
 15 sections 321.454 and 321.457 for the purpose of picking up an
 16 indivisible load or returning from delivery of the indivisible
 17 load. Vehicles with retractable body extensions used to
 18 support cargo must be reduced to legal dimensions unless the
 19 vehicle is loaded and the extension is in use.

20 b. Move indivisible special mobile equipment which does not
 21 otherwise exceed the maximum dimensions and weights specified
 22 in sections 321.452 through 321.466 if the vehicle has an
 23 overall width not to exceed nine feet and all other conditions
 24 of the vehicle's permit are met.

25 3. ~~Permits issued may be single-trip, multi-trip, or annual~~
 26 ~~permits.~~ Permits A permit issued under this chapter shall be
 27 in writing or in an electronic format and shall be carried in
 28 the cab of the vehicle for which the permit has been issued
 29 ~~and shall be available for inspection at all times.~~ The
 30 ~~vehicle and load for~~ Permits issued under this chapter and the
 31 vehicle for which the permit has been issued shall be open to
 32 inspection at all times by a any peace officer or an authorized
 33 agent of a ~~permit-granting~~ any permit-issuing authority.

34 4. When in the judgment of the ~~issuing~~ permit-issuing
 35 authority ~~in cities and counties~~ the movement of a vehicle



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1 with an indivisible load or ~~construction machinery~~ special
 2 mobile equipment which exceeds the maximum dimensions and
 3 weights will be unduly hazardous to public safety or will cause
 4 undue damage to ~~streets, avenues, boulevards, thoroughfares,~~
 5 ~~highways, curbs, sidewalks, trees,~~ infrastructure or other
 6 public or private property, the permit shall be denied and
 7 the reasons for denial endorsed on the application. Permits
 8 shall designate the days when and routes upon which loads and
 9 ~~construction machinery~~ special mobile equipment may be moved
 10 within a county on other than primary roads.

11 5. ~~Local authorities~~ A permit-issuing authority may allow
 12 persons requesting permits under this chapter to do so ~~by means~~
 13 ~~of a telephone or in person,~~ through the internet, by facsimile
 14 machine, or by telephone, authorizing payment for the permits
 15 to be made upon receipt of an invoice sent to the persons by the
 16 ~~local authorities~~ permit-issuing authority.

17 Sec. 3. Section 321E.2, Code 2013, is amended to read as
 18 follows:

19 **321E.2 Permit-issuing authorities.**

20 1. ~~Annual, multi-trip, and single-trip permits~~ Permits
 21 issued under this chapter shall be issued by the authority
 22 responsible for the maintenance of the system of highways or
 23 streets. However, the department may issue permits on primary
 24 road extensions in cities in conjunction with movements on
 25 the rural primary road system. The department may issue an
 26 ~~all-system~~ all-systems permit under section 321E.8 which is
 27 valid for movements on all highways or streets under the
 28 jurisdiction of either the state or those local authorities
 29 ~~which that have indicated to the department in writing to the~~
 30 ~~department,~~ including by means of electronic communication,
 31 those streets or highways for which an ~~all-system~~ all-systems
 32 permit is not valid. The department may issue annual permits
 33 pursuant to section 321E.8A valid only for operation on
 34 noninterstate highways in counties stipulated in the permit.

35 2. At the request of a local authority, the department shall



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1 ~~issue annual, multi-trip, and single-trip~~ permits under this
 2 chapter for highways or streets that are under the jurisdiction
 3 of the local authority if the local authority has indicated to
 4 the department in writing, including by means of electronic
 5 communication, those streets or highways for which a permit is
 6 not valid.

7 Sec. 4. Section 321E.7, subsections 1 and 2, Code 2013, are
 8 amended to read as follows:

9 1. The gross weight on any axle of any vehicle or
 10 combination of vehicles traveling under a permit issued in
 11 accordance with ~~the provisions of~~ this chapter shall not exceed
 12 the maximum axle load prescribed in section 321.463~~7~~, except
 13 ~~that cranes~~ for the following:

14 a. Cranes being temporarily moved on streets, roads, or
 15 highways may have a gross weight of twenty-four thousand pounds
 16 on any single axle; ~~and construction machinery.~~

17 b. (1) Special mobile equipment other than cranes being
 18 temporarily moved on streets, roads, or highways may have a
 19 maximum gross weight of thirty-six thousand pounds on any
 20 single axle equipped with flotation pneumatic tires with a
 21 minimum size of twenty-six point five-inch by twenty-five-inch
 22 ~~flotation pneumatic tires~~ five inches by twenty-five inches and
 23 a maximum gross weight of twenty thousand pounds on any single
 24 axle equipped with flotation pneumatic tires with a minimum
 25 size eighteen-inch by twenty-five-inch flotation pneumatic
 26 ~~tires, with the~~ of eighteen inches by twenty-five inches.

27 (2) The department is authorized to adopt rules to permit
 28 the use of tire sizes and weights within the minimum and
 29 maximum specifications provided in ~~this section~~ subparagraph
 30 (1), provided that the total gross weight of the vehicle or
 31 a combination of vehicles does not exceed a ~~maximum of one~~
 32 ~~hundred twenty-six thousand pounds; and except that a.~~

33 (3) A manufacturer of machinery or equipment manufactured
 34 or assembled in Iowa may be granted a permit for the movement
 35 of such machinery or equipment mounted on pneumatic tires



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1 paragraph "c", subparagraph (1), a total gross weight not to
2 exceed eighty thousand pounds, may be moved as follows:

3 *a.* Vehicles with indivisible loads, or manufactured or
4 mobile homes including appurtenances, having an overall width
5 not to exceed twelve feet five inches, an overall length not
6 to exceed one hundred twenty feet zero inches, and an overall
7 height not to exceed thirteen feet ten inches may be moved for
8 unlimited distances without route approval from the ~~permitting~~
9 permit-issuing authority.

10 *b.* Vehicles with indivisible loads, or manufactured or
11 mobile homes including appurtenances, having an overall width
12 not to exceed fourteen feet six inches, an overall length not
13 to exceed one hundred twenty feet zero inches, and an overall
14 height not to exceed fifteen feet five inches may be moved
15 on the interstate highway system and primary highways with
16 more than one lane traveling in each direction for unlimited
17 distances and no more than fifty miles from the point of origin
18 on all other highways without route approval from the ~~permit~~
19 issuing permit-issuing authority.

20 *c.* All other vehicles with indivisible loads operating under
21 this subsection shall obtain route approval from the ~~permitting~~
22 permit-issuing authority.

23 *d.* Vehicles with indivisible loads may operate under an
24 all-systems permit in compliance with paragraph "a", "b", or
25 "c".

26 2. Vehicles with indivisible loads, or manufactured or
27 mobile homes including appurtenances, having an overall width
28 not to exceed thirteen feet five inches and an overall length
29 not to exceed one hundred twenty feet zero inches may be
30 moved on highways specified by the ~~permitting~~ permit-issuing
31 authority for unlimited distances if the height of the vehicle
32 and load does not exceed fifteen feet five inches and the
33 total gross weight of the vehicle does not exceed one hundred
34 fifty-six thousand pounds.

35 a. The vehicle owner or operator shall verify with the



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1 ~~permitting~~ permit-issuing authority prior to movement of the
 2 load that highway conditions have not changed so as to prohibit
 3 movement of the vehicle.

4 b. Any cost to repair damage to highways or highway
 5 structures shall be borne by the owner or operator of the
 6 vehicle causing the damage.

7 c. Permitted vehicles under this subsection shall not be
 8 allowed to travel on any portion of the interstate highway
 9 system.

10 d. Vehicles with indivisible loads operating under the
 11 permit provisions of this subsection may operate under the
 12 permit provisions of subsection 1 provided the vehicle and load
 13 comply with the limitations described in subsection 1.

14 3. Notwithstanding any other provision of law to the
 15 contrary, cranes exceeding the maximum gross weight on any axle
 16 as prescribed in section 321.463 or 321E.7 and used in the
 17 construction of alternative energy facilities may be moved with
 18 approval from the ~~permit-issuing~~ permit-issuing authority.

19 Sec. 6. Section 321E.9, Code 2013, is amended to read as
 20 follows:

21 **321E.9 Single-trip permits.**

22 Subject to the discretion and judgment provided for in
 23 section 321E.1, single-trip permits, which may include a round
 24 trip to and from a job or delivery site, shall be issued in
 25 accordance with the following provisions:

26 1. ~~Vehicles with indivisible loads having an overall width~~
 27 ~~not to exceed forty feet, zero inches, an overall length not to~~
 28 ~~exceed one hundred twenty feet, zero inches, or a total gross~~
 29 ~~weight not to exceed one hundred thousand pounds may be moved,~~
 30 ~~provided the gross weight on any one axle shall not exceed~~
 31 ~~the maximum prescribed in section 321.463, pursuant to rules~~
 32 ~~adopted pursuant to chapter 17A. The height of the vehicles~~
 33 ~~and loads shall be limited only to height limitations of~~
 34 ~~underpasses, bridges, power lines and other established height~~
 35 ~~restrictions on the specified route. The maximum height,~~



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1 width, length, and weight of vehicles and loads operating under
 2 permits authorized by this section shall be limited to the
 3 maximum physical limitations and clearances of the roadway and
 4 infrastructure of the intended route of travel, provided that
 5 the gross weight on any one axle does not exceed the maximum
 6 prescribed in section 321.463, pursuant to rules adopted
 7 pursuant to chapter 17A. The permit-issuing authority shall
 8 make the final determination regarding the issuance of a permit
 9 and the suitability of the intended route based upon known
 10 roadway clearances and capacities. Permits shall be authorized
 11 only when the movement will not cause undue stress or damage to
 12 highway pavement, bridges, or other highway infrastructure. In
 13 addition to the dimension and weight limitations of an intended
 14 route, a permit-issuing authority shall consider the interests
 15 of public safety and, at the discretion of the permit-issuing
 16 authority, may deny the issuance of a permit when the intended
 17 movement of any vehicle or load poses a potential risk to the
 18 public.

19 2. ~~Vehicles with indivisible loads exceeding the width,~~
 20 ~~length, and total gross weight provided in subsection 1,~~ may
 21 be moved in special or emergency situations, provided the
 22 ~~permitting~~ permit-issuing authority has reviewed the route and
 23 has approved the movement of the vehicle and load. The ~~issuing~~
 24 permit-issuing authority may impose any special restrictions on
 25 movements as deemed necessary ~~on movements~~ or exempt movements
 26 from the restrictions of section 321E.11 by permit under this
 27 subsection.

28 3. ~~Cranes exceeding the maximum gross weight on any axle~~
 29 ~~as prescribed in section 321.463 but not exceeding twenty-four~~
 30 ~~thousand pounds may be moved in accordance with rules adopted~~
 31 ~~pursuant to chapter 17A.~~ Notwithstanding any other provision
 32 of law to the contrary, cranes exceeding the maximum gross
 33 weight on any axle as prescribed in section 321.463 or
 34 321E.7 and used in the construction of alternative energy
 35 facilities may be moved with approval from the ~~permit-issuing~~

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1 The department or local authorities may upon application
 2 issue annual ~~trip~~ permits for the movement of ~~truck~~
 3 semitrailers and trailers manufactured or assembled in this
 4 state that exceed the maximum length specified in section
 5 321.457 and the maximum width specified in section 321.454.
 6 Movement of the ~~truck~~ semitrailers and trailers shall be solely
 7 for the purpose of delivery or transfer from the point of
 8 manufacture or assembly to another point of manufacture or
 9 assembly within the state or to a point outside the state;
 10 shall be only on roadways of twenty-four feet or more in width
 11 or on four-lane highways; shall be on the most direct route
 12 necessary for such movement; and shall display the special
 13 plates designated in section 321.57. All ~~truck~~ semitrailers
 14 and trailers under permit for such movement shall not contain
 15 freight or additional load. A vehicle or combination of two or
 16 more vehicles inclusive of front and rear bumpers, including
 17 towing units, involved in the movement of ~~truck~~ semitrailers
 18 and trailers shall not exceed an overall width of ten feet.
 19 ~~Vehicles or combinations shall be distinctly marked on both~~
 20 ~~the front and rear of the unit in a manner the director of~~
 21 ~~transportation designates to indicate that the vehicles or~~
 22 ~~combinations are being moved for delivery or transfer purposes~~
 23 ~~only.~~

24 ~~Permits issued under the provisions of this section shall be~~
 25 ~~in writing and shall be carried in the cabs of the vehicles for~~
 26 ~~which the permits have been issued and shall be available for~~
 27 ~~inspection at all times. The vehicles for which the permits~~
 28 ~~have been issued shall be open to inspection by any peace~~
 29 ~~officer or to any authorized agent of any permit granting~~
 30 ~~authority.~~

31 Sec. 10. Section 321E.11, Code 2013, is amended to read as
 32 follows:

33 ~~321E.11 Daylight movement only — exceptions — holidays~~
 34 Movement under permit — penalty.

35 1. Movements by under permit in accordance with this chapter



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1 shall be permitted only during the hours from thirty minutes
 2 prior to sunrise to thirty minutes following sunset unless the
 3 ~~issuing~~ permit-issuing authority determines that the movement
 4 can be better accomplished at another period of time because
 5 of traffic volume or other roadway-related conditions or the
 6 vehicle subject to the permit qualifies for nighttime movement
 7 as specified in subsection 2.

8 2. A permitted vehicle which has an overall length not
 9 to exceed one hundred feet, an overall width not to exceed
 10 eleven feet, and an overall height not to exceed fourteen
 11 feet, ~~four six inches, and the permit requires the vehicle to~~
 12 ~~operate only on those highways designated by the department~~
 13 may operate under permit from thirty minutes following sunset
 14 to thirty minutes prior to sunrise on primary and nonprimary
 15 highway system roadways that are at least twenty-two feet in
 16 total width with at least eleven feet of lane width. Vehicles
 17 operating under the provisions of this subsection shall be
 18 equipped with operating projecting-load lighting devices which
 19 are in addition to the required vehicle lighting and the signs,
 20 flags, and warning lights required for vehicles operating under
 21 permit. Additional safety lighting and escorts may be required
 22 for movement at night as determined by the permit-issuing
 23 authority.

24 ~~2-~~ 3. Except as provided in section 321.457, no movement
 25 ~~by under~~ permit shall be permitted on holidays, after ~~twelve~~
 26 ~~o'clock~~ 12:00 noon on days preceding holidays and holiday
 27 weekends, or special events when abnormally high traffic
 28 volumes can be expected. Such restrictions shall not be
 29 applicable to urban transit systems as defined in section
 30 321.19, subsection 2.

31 ~~3-~~ 4. For the purposes of this chapter, "holidays" shall
 32 include Memorial Day, Independence Day, and Labor Day.

33 ~~4-~~ 5. A person who violates this section commits a simple
 34 misdemeanor.

35 Sec. 11. Section 321E.12, Code 2013, is amended to read as



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1 follows:

2 **321E.12 Registration must be consistent.**

3 1. A vehicle traveling under permit shall be ~~properly~~
4 registered for the gross weight of the vehicle and load. A
5 trip permit issued according to section 326.23 shall not be
6 used in lieu of the registration provided for in this section.
7 ~~A person owning special mobile equipment may use a transport~~
8 ~~vehicle registered for the gross weight of the transport~~
9 ~~without a load.~~

10 2. A private carrier who is not for hire may transport
11 special mobile equipment on a vehicle registered for the gross
12 weight of the transport vehicle and cargo, minus the weight of
13 the special mobile equipment, when the special mobile equipment
14 is owned, leased, or rented and under exclusive control of the
15 private carrier.

16 3. Vehicles, while being used for the transportation of
17 buildings, ~~except~~ other than mobile homes and factory-built
18 structures, may be registered for the combined gross weight of
19 the vehicle and load on a single-trip basis. The fee is five
20 cents per ton exceeding the weight registered under section
21 321.122 per mile of travel. Fees shall not be prorated for
22 fractions of miles. This provision does not exempt these
23 vehicles from any other provision of this chapter.

24 Sec. 12. Section 321E.13, Code 2013, is amended to read as
25 follows:

26 **321E.13 Financial responsibility.**

27 Prior to the issuance of any permit, the applicant
28 for a permit shall be required to file proof of financial
29 responsibility or ~~to~~ post a bond with the ~~issuing~~
30 permit-issuing authority. The amount of the bond shall be
31 determined by the ~~issuing~~ permit-issuing authority and shall be
32 used as security for repair or replacement of official signs,
33 signals, and roadway foundations, surfaces, or structures which
34 may be damaged or destroyed during the movement of a vehicle
35 and load operating under the permit. The duration of the bond



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1 shall be determined by the issuing permit-issuing authority for
2 a period not to exceed one year.

3 Sec. 13. Section 321E.14, Code 2013, is amended to read as
4 follows:

5 **321E.14 Fees for permits.**

6 1. Permit-issuing authorities may charge the following
7 fees:

8 1. a. ~~The department or local authorities issuing permits~~
9 ~~shall charge a fee of twenty-five~~ Twenty-five dollars for
10 an annual permit issued ~~under~~ pursuant to section 321E.8,
11 ~~subsection 1, a fee of three.~~

12 b. Three hundred dollars for an annual permit issued ~~under~~
13 pursuant to section 321E.8, subsection 2, ~~a fee of two.~~

14 c. Two hundred dollars for a multi-trip permit issued ~~under~~
15 pursuant to section 321E.9A, ~~a fee of six.~~

16 d. Six hundred dollars for a special alternative energy
17 multi-trip permit issued ~~under~~ pursuant to section 321E.9B, ~~and~~
18 ~~a fee of ten.~~

19 e. Ten dollars for a single-trip permit, ~~and shall determine~~
20 ~~charges for special permits~~ issued pursuant to section 321E.9.

21 f. Twenty-five dollars for an annual permit for special
22 mobile equipment, as defined in section 321.1, subsection
23 75, issued pursuant to section 321E.7, subsection 3, with a
24 combined gross weight of not more than eighty thousand pounds.

25 g. Twenty-five dollars for a permit issued pursuant to
26 section 321E.29 ~~by rules adopted pursuant to chapter 17A or~~
27 321E.29A.

28 h. One hundred dollars for a permit issued pursuant to
29 section 321E.30.

30 i. One hundred twenty dollars for an annual all-systems
31 permit issued pursuant to section 321E.8, which shall be
32 deposited in the road use tax fund.

33 2. Fees for the movement of buildings, parts of buildings,
34 or unusual vehicles or loads may be increased to cover the
35 costs of inspections by the issuing permit-issuing authority.



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1 3. A fee not to exceed two hundred fifty dollars per day or
2 a prorated fraction of that fee per person and car for escort
3 service may be charged when requested or when required under
4 this chapter. Proration of escort fees between state and
5 local authorities when more than one governmental authority
6 provides or is required to provide escort for a movement during
7 the period of a day shall be determined by rule under section
8 321E.15.

9 4. The department and local authorities may charge a
10 permit applicant for the cost of trimming trees and removal
11 and replacement of natural obstructions or official signs and
12 signals or other public or private property required to be
13 removed during the movement of a vehicle and load. ~~In addition~~
14 ~~to the fees provided in this section, the annual fee for a~~
15 ~~permit for special mobile equipment, as defined in section~~
16 ~~321.1, subsection 75, operated pursuant to section 321E.7,~~
17 ~~subsection 3, with a combined gross weight up to and including~~
18 ~~eighty thousand pounds shall be twenty five dollars and for a~~
19 ~~combined gross weight exceeding eighty thousand pounds, fifty~~
20 ~~dollars.~~

21 ~~2.~~ ~~The annual fee for an all-system permit is one hundred~~
22 ~~twenty dollars which shall be deposited in the road use tax~~
23 ~~fund.~~

24 Sec. 14. Section 321E.16, Code 2013, is amended to read as
25 follows:

26 **321E.16 Violations — penalties.**

27 1. A person who violates a provision of a permit issued
28 pursuant to this chapter or rules adopted under section
29 321E.15, other than a provision relating to weight, shall be
30 subject to a scheduled fine under section 805.8A, subsection
31 12, paragraph “f”.

32 2. The fine for violation of the weight allowed by a
33 permit shall be based upon the difference between the actual
34 weight of the vehicle and load and the maximum allowable by
35 permit in accordance with section 321.463. If a vehicle with

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1 an indivisible load traveling under permit is found to be in
2 violation of weight limitations, the vehicle operator shall be
3 allowed a reasonable amount of time to remove any ice, mud,
4 snow, and other weight attributable to climatic conditions
5 accumulated along the route prior to application of the
6 penalties prescribed in section 321.463.

7 3. A person operating a civilian escort vehicle in violation
8 of rules adopted pursuant to section 321E.15 shall be subject
9 to a scheduled fine under section 805.8A, subsection 12,
10 paragraph "f".

11 Sec. 15. Section 321E.17, Code 2013, is amended to read as
12 follows:

13 **321E.17 ~~Five or more~~ Serious violations.**

14 Proof of imposition of ~~penalties on five or more occasions a~~
15 penalty for a violation of sections section 321.256, 321.454,
16 321.456, 321.457, 321.463, 321.471, 321.474, or 321E.16 or
17 any combination of penalties for violation of ~~said those~~
18 sections totaling five or more incurred during any twelve month
19 period with respect to the operation of one or more vehicles
20 by any one permit holder, whether operated personally or
21 through agents, servants, or employees of the permit holder,
22 shall constitute prima facie evidence that the permit holder
23 has willfully operated or caused to be operated a vehicle or
24 vehicles in violation of this chapter.

25 Sec. 16. Section 321E.18, Code 2013, is amended to read as
26 follows:

27 **321E.18 Overall operations considered.**

28 In any proceeding brought under this chapter, the ~~issuing~~
29 permit-issuing authority shall consider evidence relating to
30 ~~the character and gravity~~ nature and severity of the violations
31 and the extent of the operations of any vehicles by or on
32 behalf of the permit holder upon the public highways of this
33 state, which did not involve any violations.

34 Sec. 17. Section 321E.19, Code 2013, is amended to read as
35 follows:



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1 **321E.19 Permit ~~suspended, changed, or revoked~~ denial, change,**
2 **suspension, or revocation.**

3 ~~Upon complaint by local authorities or on the department's~~
4 ~~own initiative and after notice and hearing before one or~~
5 ~~more members of the permit issuing body in the case of local~~
6 ~~authorities or the department of inspections and appeals for~~
7 ~~permits issued by the state department of transportation,~~
8 ~~permit privileges under this chapter may be suspended, changed,~~
9 ~~or revoked in whole or in part by the issuing authority for~~
10 ~~willful failure to comply with a provision of this chapter,~~
11 ~~a rule adopted under this chapter, or a term, condition, or~~
12 ~~limitation of the permit. The permit-issuing authority may~~
13 ~~deny, change, suspend, or revoke any permit issued by the~~
14 ~~authority pursuant to this chapter for good cause. A decision~~
15 ~~of the department may be appealed in accordance with chapter~~
16 ~~17A, and a decision of a local authority may be appealed in~~
17 ~~accordance with the appeal procedures of the local authority.~~

18 Sec. 18. Section 321E.20, Code 2013, is amended to read as
19 follows:

20 **321E.20 Suspension period.**

21 Whenever the ~~issuing~~ permit-issuing authority finds from the
22 evidence adduced at hearing that a permit holder has willfully
23 operated or caused to be operated a vehicle or vehicles in
24 violation of this chapter, the permit-issuing authority may
25 enter an order suspending, modifying, or revoking the permit
26 in whole or in part at its discretion for a period not to
27 exceed one hundred eighty days. If the ~~issuing~~ permit-issuing
28 authority finds in a subsequent proceeding within twelve months
29 from the date of the initial suspension, modification, or
30 revocation that a permit holder has again willfully operated in
31 violation of this chapter, the ~~issuing~~ permit-issuing authority
32 shall order suspension, modification, or revocation of permit
33 privileges in whole or in part for a period not to exceed two
34 years.

35 Sec. 19. Section 321E.24, Code 2013, is amended by striking



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1 the section and inserting in lieu thereof the following:

2 **321E.24 Warning and lighting devices on oversize loads.**

3 The department shall adopt rules pursuant to chapter 17A
4 regarding oversize load signs, warning flags, warning lights,
5 and projecting-load lights.

6 Sec. 20. Section 321E.25, Code 2013, is amended to read as
7 follows:

8 **321E.25 Use of highways of interstate system.**

9 Use of the national system of interstate and defense
10 highways under the provisions of this chapter shall be
11 restricted by regulation and other appropriate action of the
12 department in such a manner as to not be in conflict with the
13 applicable provisions of ~~section 127, Tit. 23, United States~~
14 ~~Code 23 U.S.C. § 127.~~

15 Sec. 21. Section 321E.29, Code 2013, is amended to read as
16 follows:

17 **321E.29 Excess size divisible load permits.**

18 1. Vehicles or a combination of vehicles with divisible
19 loads in excess of the width, length, or height requirements
20 of chapter 321 may be moved on the highways of this state if
21 the department or ~~issuing~~ permit-issuing authority determines
22 there is a special or emergency situation which warrants the
23 issuance of a special permit. The combined gross weight or
24 gross weight on any one axle or group of axles may exceed the
25 limits established in section 321.463, subject to the limits
26 and routes established by the ~~issuing~~ permit-issuing authority.
27 ~~Permits~~

28 2. Annual permits may be issued for vehicles with divisible
29 loads of hay, straw or stover without a finding of special or
30 emergency situations, if the movement meets the requirements of
31 this chapter.

32 Sec. 22. Section 321E.29A, Code 2013, is amended to read as
33 follows:

34 **321E.29A Raw milk transporters.**

35 ~~The department or a local~~ A permit-issuing authority may



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1 issue annual permits authorizing a raw milk transporter to
 2 transport by motor truck raw milk to or from a milk plant,
 3 receiving station, or transfer station. The combined gross
 4 weight or gross weight on any axle or ~~groups~~ group of axles of
 5 the motor truck shall not exceed the limits established under
 6 section 321.463. The ~~issuing~~ permit-issuing authority may
 7 specify weight limits or routes for each raw milk transporter
 8 or establish weight limits or routes under section 321E.8.

9 **Sec. 23. NEW SECTION. 321E.30 Compacted rubbish**
 10 **transporters.**

11 1. A permit-issuing authority may issue annual permits for
 12 the operation of compacted rubbish vehicles and vehicles which
 13 transport compacted rubbish from a rubbish collection point to
 14 a landfill area, exceeding the weight limitation of section
 15 321.463 but not exceeding twenty thousand pounds per axle,
 16 and for tandem axle vehicles or transferrable axle vehicles,
 17 not exceeding a gross weight on the rear axles of thirty-six
 18 thousand pounds.

19 2. Vehicles operated pursuant to an annual permit
 20 issued under this section shall be operated only over routes
 21 designated by the permit-issuing authority.

22 3. Annual permits approved by the permit-issuing authority
 23 shall be issued upon payment of an annual fee, in addition
 24 to other registration fees imposed, to be paid to the
 25 permit-issuing authority for all nongovernmental vehicles.

26 **Sec. 24. Section 321E.32, Code 2013, is amended to read as**
 27 **follows:**

28 **321E.32 Movement of structures and other loads on dolly**
 29 **axles.**

30 ~~The weight limits on axles used for the movement of physical~~
 31 ~~structures and buildings shall be subject to the same weight~~
 32 ~~limits which are placed on all other axles. However, when~~
 33 ~~physical structures or buildings are moved and the axles~~
 34 ~~under the load are five feet or more apart, each axle shall~~
 35 ~~be considered a separate axle in determining the axle weight~~



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1 ~~limitations provided by law. The movement of structures and~~
 2 ~~other indivisible loads on dolly axles shall be subject to the~~
 3 ~~same weight limits that apply to all other indivisible loads.~~
 4 ~~However, when an indivisible load is moved and the transverse~~
 5 ~~dolly axles under the load have a clear inside spacing of five~~
 6 ~~feet or more, each axle shall be considered a separate axle in~~
 7 ~~determining the axle weight limitations provided by law.~~

8 Sec. 25. Section 321E.34, Code 2013, is amended to read as
 9 follows:

10 **321E.34 Escort requirements.**

11 1. ~~An~~ The operator of an escort vehicle, serving as an
 12 escort in the movement of vehicles and loads of excess size
 13 and weight under permits required by this chapter shall have
 14 a driver's license as defined in section 321.1 valid for the
 15 operation of the escort vehicle.

16 2. ~~Vehicles under permit, the width of which, including any~~
 17 ~~load, exceeds that prescribed in section 321.454 but does not~~
 18 ~~exceed fourteen feet six inches including appurtenances, may be~~
 19 ~~moved on two-lane highways of this state without an escort if~~
 20 ~~the highway being traversed has a minimum lane width of twelve~~
 21 ~~feet and a sufficient shoulder width and if an amber revolving~~
 22 ~~light or strobe light is displayed on the power unit and on the~~
 23 ~~rear extremity of the vehicle or load. In addition, vehicles~~
 24 ~~moving under permit, including any load, with an overall width~~
 25 ~~not exceeding sixteen feet six inches may be moved on an~~
 26 ~~interstate or four-lane highway of this state without an escort~~
 27 ~~if an amber revolving light or strobe light is displayed on the~~
 28 ~~power unit and on the rear extremity of the vehicle or load.~~

29 ~~3.~~ 2. The department shall adopt rules pursuant to chapter
 30 17A for all escort requirements ~~other than those exempted in~~
 31 ~~subsection 2.~~ The rules shall include ~~escorting requirements~~
 32 ~~for annual permits, single-trip permits, multi-trip permits,~~
 33 ~~special or emergency situations, length, height, and weight~~
 34 ~~operator requirements; escort vehicle requirements; and length,~~
 35 ~~height, width, and weight requirements for the load or vehicle~~



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1 being moved under an annual or single-trip permit or in a
2 special or emergency situation.

3 Sec. 26. Section 331.362, subsection 9, Code 2013, is
4 amended to read as follows:

5 9. A county may regulate traffic on and use of the secondary
6 roads, in accordance with sections 321.236 to 321.250, 321.254,
7 321.255, 321.285, subsection 4, sections 321.352, 321.471
8 to 321.473, and other applicable provisions of chapter 321,
9 chapter 321E, and sections 321G.9, 321I.10, and 327G.15.

10 Sec. 27. REPEAL. Sections 321E.21, 321E.22, 321E.23,
11 321E.28, 321E.31, and 321E.33, Code 2013, are repealed.

12 Sec. 28. TRANSFER OF SECTIONS. The Code editor is requested
13 to transfer section 321E.27 to section 321E.1; to transfer
14 section 321E.1, as amended in this Act, to section 321E.2; to
15 transfer section 321E.2, as amended in this Act, to section
16 321E.3; and to correct internal references as necessary.

17 EXPLANATION

18 This bill contains provisions concerning the movement of
19 vehicles of excessive size and weight on Iowa roads.

20 Code section 321.473 is amended by striking provisions
21 relating to annual permits for the operation of compact rubbish
22 vehicles, which are moved to new Code section 321E.30.

23 Code section 321E.1 is amended to provide that if a vehicle
24 permitted to transport indivisible loads has a retractable body
25 extension, the extension must be reduced to legal dimensions
26 unless the vehicle is loaded and the extension is in use. The
27 bill allows persons requesting permits to do so in person,
28 through the internet, by facsimile machine, or by telephone.

29 Currently, Code section 321E.2 allows the department of
30 transportation to issue all-systems permits for movements on
31 all highways or streets under the jurisdiction of either the
32 state or local authorities that have indicated in writing those
33 streets or highways for which an all-systems permit is not
34 valid. Under the bill, at the request of a local authority,
35 the department shall also issue other types of permits for



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1 streets under local jurisdiction if the local authority
 2 has indicated to the department in writing those streets or
 3 highways where a permit is not valid. The bill stipulates that
 4 "in writing" includes electronic communication.

5 Code section 321E.7, which relates to load limits per axle,
 6 is amended by making technical revisions to existing language
 7 and by including the axle and gross weight limitations for raw
 8 milk transporters and compact rubbish vehicles by reference
 9 to those provisions, which are found elsewhere in the Code
 10 chapter.

11 Code section 321E.8, which provides for the issuance of
 12 annual permits, is amended to provide that certain commercial
 13 vehicles other than special trucks, which are currently
 14 allowed to operate at weight limits of up to 90,000 pounds
 15 with six axles, and up to 96,500 pounds with seven axles, are
 16 exempt from permitting requirements based on weight in excess
 17 of 80,000 pounds. Currently, cranes that are used in the
 18 construction of alternative energy facilities and which exceed
 19 the 20,000 weight limit established under Code chapter 321 on
 20 any one axle may be moved with approval of the permit-issuing
 21 authority, without the requirement of an annual permit. The
 22 bill allows such cranes to exceed the 24,000 pound weight limit
 23 established under Code section 321E.7 for any one axle. The
 24 exemption is also allowed for such cranes operating under a
 25 single-trip permit.

26 Currently, Code section 321E.9 provides that a vehicle
 27 with an indivisible load, having an overall width of 40 feet,
 28 overall length of 120 feet, or a total gross weight of 100,000
 29 pounds may be moved under a single-trip permit provided the
 30 gross weight on any one axle does not exceed maximum weight
 31 limits. The height of vehicles and loads is currently limited
 32 by the height of underpasses, bridges, power lines, and other
 33 restrictions on the route specified in the permit. The bill
 34 strikes those provisions and instead provides that maximum
 35 height, width, length, and weight of vehicles and loads

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1 operating under single-trip permits shall be limited to the
2 maximum physical limitations and clearances of the roadway
3 and infrastructure of the intended route. Permit-issuing
4 authorities are authorized to make the final determination
5 regarding the issuance of single-trip permits, based on whether
6 the movement will cause undue stress or damage to pavement,
7 bridges, or other highway infrastructure, and taking into
8 consideration the interest of public safety.

9 The bill amends Code section 321E.9A to limit the maximum
10 height allowed for a vehicle with an indivisible load moved
11 under a multi-trip permit to 15 feet, 5 inches. Current law
12 does not provide a height restriction.

13 Code section 321E.9B is amended by making technical
14 changes to the language in the Code section to conform to the
15 terminology used throughout the Code chapter.

16 Code section 321E.10 currently relates to requirements
17 for annual trip permits for trucks and trailers manufactured
18 in Iowa that exceed length and width limits and are moved
19 from the point of manufacture or assembly to another point of
20 manufacture or assembly. The bill amends the Code section
21 by limiting its applicability to semitrailers and trailers.
22 Current requirements for the marking of vehicles being moved
23 for delivery or transfer purposes and accessibility to peace
24 officers' inspections are stricken.

25 Code section 321E.11 provides for movements under permit
26 during daylight hours, with certain exceptions, and on
27 holidays. The Code section is amended to specify that a
28 permitted vehicle with an overall length of not more than 100
29 feet and an overall width of not more than 14 feet, 6 inches,
30 may operate from 30 minutes after sunset to 30 minutes before
31 sunrise on primary and nonprimary highway system roadways that
32 are at least 22 feet in total width with at least 11 feet of
33 lane width. The bill requires such vehicles to be equipped
34 with projecting-load lights which are operating in addition
35 to signs, flags, and warning lights required for vehicles

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1 operating under permit. The permit-issuing authority may
2 impose additional lighting and escort requirements for night
3 movement.

4 Code section 321E.12 provides that, with certain exceptions,
5 a vehicle traveling under permit must be registered for the
6 gross weight of the vehicle and load. A current exception
7 exists to allow the owner of special mobile equipment
8 registered for the gross weight of the vehicle without the
9 load. The bill amends that exception to provide that a private
10 carrier who is not for hire may transport special mobile
11 equipment on a vehicle registered for the gross weight of the
12 transport vehicle and cargo, minus the weight of the special
13 mobile equipment, when the special mobile equipment is owned,
14 leased, or rented and under exclusive control of the private
15 carrier.

16 Code section 321E.13 is amended by making technical
17 changes to the language in the Code section to conform to the
18 terminology used throughout the Code chapter.

19 Code section 321E.14 contains a schedule of fees for permits
20 currently issued by the department or local authorities. The
21 Code section is amended to include all permit fees in one Code
22 section. The specified fees are as follows:

23 \$25 for an annual permit issued under Code section 321E.8,
24 subsection 1.

25 \$300 for an annual permit issued under Code section 321E.8,
26 subsection 2.

27 \$200 for a multi-trip permit issued under Code section
28 321E.9A.

29 \$600 for a special alternative energy multi-trip permit.

30 \$10 for a single-trip permit issued under Code section
31 321E.9.

32 \$25 for an annual permit for special mobile equipment with a
33 combined gross weight of not more than 80,000 pounds.

34 \$25 for a vehicle of excessive size with a divisible load.

35 \$25 for a raw milk transporter permit.



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Senate Study Bill 1149 - Introduced

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

A BILL FOR

1 An Act enhancing the criminal penalty for an assault on a
2 public transit bus operator, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2095SC (2) 85
jm/nh



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1 Section 1. Section 708.3A, subsections 1 through 4, Code
2 2013, are amended to read as follows:

3 1. A person who commits an assault, as defined in section
4 708.1, against a peace officer, jailer, correctional staff,
5 member or employee of the board of parole, health care
6 provider, employee of the department of human services,
7 employee of the department of revenue, public transit bus
8 operator, or fire fighter, whether paid or volunteer, with the
9 knowledge that the person against whom the assault is committed
10 is a peace officer, jailer, correctional staff, member or
11 employee of the board of parole, health care provider, employee
12 of the department of human services, employee of the department
13 of revenue, public transit bus operator, or fire fighter and
14 with the intent to inflict a serious injury upon the peace
15 officer, jailer, correctional staff, member or employee of
16 the board of parole, health care provider, employee of the
17 department of human services, employee of the department of
18 revenue, public transit bus operator, or fire fighter, is
19 guilty of a class "D" felony.

20 2. A person who commits an assault, as defined in section
21 708.1, against a peace officer, jailer, correctional staff,
22 member or employee of the board of parole, health care
23 provider, employee of the department of human services,
24 employee of the department of revenue, public transit bus
25 operator, or fire fighter, whether paid or volunteer, who knows
26 that the person against whom the assault is committed is a
27 peace officer, jailer, correctional staff, member or employee
28 of the board of parole, health care provider, employee of the
29 department of human services, employee of the department of
30 revenue, public transit bus operator, or fire fighter and who
31 uses or displays a dangerous weapon in connection with the
32 assault, is guilty of a class "D" felony.

33 3. A person who commits an assault, as defined in section
34 708.1, against a peace officer, jailer, correctional staff,
35 member or employee of the board of parole, health care



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1 provider, employee of the department of human services,
 2 employee of the department of revenue, public transit bus
 3 operator, or fire fighter, whether paid or volunteer, who knows
 4 that the person against whom the assault is committed is a
 5 peace officer, jailer, correctional staff, member or employee
 6 of the board of parole, health care provider, employee of the
 7 department of human services, employee of the department of
 8 revenue, public transit bus operator, or fire fighter, and
 9 who causes bodily injury or mental illness, is guilty of an
 10 aggravated misdemeanor.

11 4. Any other assault, as defined in section 708.1, committed
 12 against a peace officer, jailer, correctional staff, member
 13 or employee of the board of parole, health care provider,
 14 employee of the department of human services, employee of the
 15 department of revenue, public transit bus operator, or fire
 16 fighter, whether paid or volunteer, by a person who knows that
 17 the person against whom the assault is committed is a peace
 18 officer, jailer, correctional staff, member or employee of
 19 the board of parole, health care provider, employee of the
 20 department of human services, employee of the department of
 21 revenue, public transit bus operator, or fire fighter, is a
 22 serious misdemeanor.

23 Sec. 2. Section 708.3A, subsection 5, Code 2013, is amended
 24 by adding the following new paragraph:

25 NEW PARAGRAPH. *f.* "Public transit bus operator" means a
 26 person who is operating a bus or other vehicle as part of a
 27 public transit system as defined in section 324A.1 at the time
 28 of the assault.

EXPLANATION

30 This bill enhances the criminal penalty for an assault on a
 31 public transit bus operator. The bill adds a public transit
 32 bus operator to the list of occupations covered under Code
 33 section 708.3A.

34 Under the bill, if a person assaults a public transit bus
 35 operator with the intent to inflict serious injury or uses a



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1 dangerous weapon in connection with the assault, that person
2 commits a class "D" felony. If a person assaults a public
3 transit bus operator and causes bodily injury or mental
4 illness, that person commits an aggravated misdemeanor and
5 if the person commits any other type of assault, that person
6 commits a serious misdemeanor.

7 The bill defines "public transit bus operator" to mean a
8 person who is operating a bus or other vehicle as part of a
9 public transit system as defined in Code section 324A.1 at the
10 time of the assault.

11 Similar assaults without the enhanced penalties are
12 punishable as provided in Code section 708.2.

13 A serious misdemeanor is punishable by confinement for no
14 more than one year and a fine of at least \$315 but not more than
15 \$1,875. An aggravated misdemeanor is punishable by confinement
16 for no more than two years and a fine of at least \$625 but
17 not more than \$6,250. A class "D" felony is punishable by
18 confinement for no more than five years and a fine of at least
19 \$750 but not more than \$7,500.



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Senate Study Bill 1150 - Introduced

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

A BILL FOR

1 An Act concerning prescription drug or controlled substance
2 medication defenses in operating-while-intoxicated cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1413XC (5) 85
rh/nh



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1 The bill provides that a person asserting an affirmative
2 prescription drug defense is required to provide notice to
3 the state not later than 40 days after arraignment. At the
4 time notice is provided, the person is required to provide a
5 list of witnesses and shall allow the state to inspect and
6 copy any records or statements upon which the witnesses will
7 rely in testifying. Failure to comply with these requirements
8 bars introduction of any evidence of impairment caused by
9 a prescription drug or any evidence of the presence of a
10 controlled substance in a prescribed drug, except the testimony
11 of the person, without leave of the court for good cause shown.

12 The bill provides that a person asserting an affirmative
13 defense directly relating to the person's prescription or
14 prescriptions waives the confidentiality privilege pursuant to
15 Code section 622.10 (confidential professional communications)
16 and any privilege or nondisclosure requirement under state or
17 federal privacy laws.



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Senate Study Bill 1151 - Introduced

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

A BILL FOR

1 An Act relating to the placement of a juvenile on youthful
2 offender status and the prosecution of a juvenile in
3 juvenile or district court, and access to child abuse
4 records by a juvenile court intake officer.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1117XC (5) 85
jm/rj



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1 Section 1. Section 232.8, subsection 1, paragraph c, Code
2 2013, is amended to read as follows:

3 c. Violations by a child, aged sixteen or older, which
4 subject the child to the provisions of section 124.401,
5 subsection 1, paragraph "e" or "f", or violations of section
6 723A.2 which involve a violation of chapter 724, or violation
7 of chapter 724 which constitutes a felony, or violations
8 which constitute a forcible felony are excluded from the
9 jurisdiction of the juvenile court and shall be prosecuted as
10 otherwise provided by law unless the district court transfers
11 jurisdiction of the child to the juvenile court upon motion
12 and for good cause pursuant to section 803.6. ~~A child over~~
13 ~~whom jurisdiction has not been transferred to the juvenile~~
14 ~~court, and who is convicted of a violation excluded from the~~
15 ~~jurisdiction of the juvenile court under this paragraph,~~
16 ~~shall be sentenced pursuant to section 124.401B, 902.9, or~~
17 ~~903.1.~~ Notwithstanding any other provision of the Code to
18 the contrary, the district court may accept from a child in
19 district court a plea of guilty, or may instruct the jury
20 on a lesser included offense to the offense excluded from
21 the jurisdiction of the juvenile court under this ~~section~~
22 paragraph, in the same manner as regarding an adult. The
23 judgment and sentence of a child in district court shall be as
24 provided in section 901.5. However, the juvenile court shall
25 have exclusive original jurisdiction in a proceeding concerning
26 an offense of animal torture as provided in section 717B.3A
27 alleged to have been committed by a child under the age of
28 seventeen.

29 Sec. 2. Section 232.8, subsection 3, paragraph a, Code 2013,
30 is amended to read as follows:

31 a. The juvenile court, after a hearing and in accordance
32 with the provisions of section 232.45, may waive jurisdiction
33 of a child alleged to have committed a public offense so that
34 the child may be prosecuted as an adult or youthful offender
35 for such offense in another court. If the child, ~~except a~~



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1 ~~child being prosecuted as a youthful offender,~~ pleads guilty
 2 or is found guilty of a public offense other than a class
 3 "A" felony in another court of this state, that court may
 4 suspend the sentence or, with the consent of the child, defer
 5 judgment or sentence and, without regard to restrictions placed
 6 upon deferred judgments or sentences for adults, place the
 7 child on probation for a period of not less than one year
 8 upon such conditions as it may require. Upon fulfillment of
 9 the conditions of probation, a child who receives a deferred
 10 judgment shall be discharged without entry of judgment. A
 11 child prosecuted as a youthful offender shall be sentenced
 12 pursuant to section 907.3A.

13 Sec. 3. Section 232.28, subsection 3, paragraph b, Code
 14 2013, is amended to read as follows:

15 b. Check existing records of the court, law enforcement
 16 agencies, ~~and~~ public records of other agencies, and child abuse
 17 records as provided in section 235A.15, subsection 2, paragraph
 18 "e".

19 Sec. 4. Section 232.45, subsection 6, unnumbered paragraph
 20 1, Code 2013, is amended to read as follows:

21 At the conclusion of the waiver hearing the court may waive
 22 its jurisdiction over the child for the alleged commission of
 23 the public offense for the purpose of prosecution of the child
 24 as an adult if all of the following apply:

25 Sec. 5. Section 232.45, subsection 7, paragraph a,
 26 subparagraph (1), Code 2013, is amended to read as follows:

27 (1) The child is twelve through fifteen years of age or
 28 younger the child is ten or eleven years of age and has been
 29 charged with a public offense that would be classified as a
 30 class "A" felony if committed by an adult.

31 Sec. 6. Section 232.45A, subsections 2 and 3, Code 2013, are
 32 amended to read as follows:

33 2. Once a child sixteen years of age or older has been
 34 ~~waived to and convicted of an aggravated misdemeanor or a~~
 35 ~~felony in~~ by the juvenile court to the district court, all



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1 subsequent criminal proceedings against the child for any
 2 aggravated misdemeanor or felony occurring subsequent to
 3 the date of the conviction of the child for any delinquent
 4 act committed after the date of the waiver by the juvenile
 5 court shall begin in district court, notwithstanding sections
 6 232.8 and 232.45. A copy of the findings required by section
 7 232.45, subsection 10, shall be made a part of the record
 8 in the district court proceedings. However, upon acquittal
 9 or dismissal in district court of all waived offenses and
 10 all lesser included offenses of the waived offenses, the
 11 proceedings for any delinquent act committed by the child
 12 subsequent to such acquittal or dismissal shall begin in
 13 juvenile court. Any proceedings initiated in district court
 14 for a public offense committed by the child subsequent to the
 15 waiver by the juvenile court, but prior to any acquittal or
 16 dismissal of all waived offenses and lesser included offenses
 17 in district court, shall remain in district court.

18 3. If proceedings against a child ~~for an aggravated~~
 19 ~~misdemeanor or a felony~~ sixteen years of age or older who
 20 has previously been waived to and ~~convicted of an aggravated~~
 21 ~~misdemeanor or a felony in the~~ district court are mistakenly
 22 begun in the juvenile court, the matter shall be transferred
 23 to district court upon the discovery of the prior waiver and
 24 conviction, notwithstanding sections 232.8 and 232.45.

25 Sec. 7. Section 232.50, subsection 1, Code 2013, is amended
 26 to read as follows:

27 1. As soon as practicable following the entry of an order of
 28 adjudication pursuant to section 232.47 or notification that
 29 the child has ~~received a youthful offender deferred sentence~~
 30 been placed on youthful offender status pursuant to section
 31 907.3A, the court shall hold a dispositional hearing in order
 32 to determine what disposition should be made of the matter.

33 Sec. 8. Section 232.52, subsection 1, Code 2013, is amended
 34 to read as follows:

35 1. Pursuant to a hearing as provided in section 232.50, the



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1 court shall enter the least restrictive dispositional order
 2 appropriate in view of the seriousness of the delinquent act,
 3 the child's culpability as indicated by the circumstances of
 4 the particular case, the age of the child, the child's prior
 5 record, or the fact that the child has ~~received a youthful~~
 6 ~~offender deferred sentence~~ been placed on youthful offender
 7 status under section 907.3A. The order shall specify the
 8 duration and the nature of the disposition, including the type
 9 of residence or confinement ordered and the individual, agency,
 10 department, or facility in ~~whom~~ which custody is vested. In
 11 the case of a child who has ~~received a youthful offender~~
 12 ~~deferred sentence~~ been placed on youthful offender status, the
 13 initial duration of the dispositional order shall be until the
 14 child reaches the age of eighteen.

15 Sec. 9. Section 232.54, subsection 1, paragraph g, Code
 16 2013, is amended to read as follows:

17 g. With respect to a juvenile court dispositional order
 18 entered regarding a child who has ~~received a youthful offender~~
 19 ~~deferred sentence~~ been placed on youthful offender status under
 20 section 907.3A, the dispositional order may be terminated
 21 prior to the child reaching the age of eighteen upon motion
 22 of the child, the person or agency to whom custody of the
 23 child has been transferred, or the county attorney following
 24 a hearing before the juvenile court if it is shown by clear
 25 and convincing evidence that it is in the best interests of
 26 the child and the community to terminate the order. The
 27 hearing may be waived if all parties to the proceeding
 28 agree. The dispositional order regarding a child who has
 29 ~~received a youthful offender deferred sentence~~ been placed on
 30 youthful offender status may also be terminated prior to the
 31 child reaching the age of eighteen upon motion of the county
 32 attorney, if the waiver of the child to district court was
 33 conditioned upon the terms of an agreement between the county
 34 attorney and the child, and the child violates the terms of
 35 the agreement after the waiver order has been entered. The



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1 district court shall discharge the child's youthful offender
2 status upon receiving a termination order under this section.

3 Sec. 10. Section 232.54, subsection 1, paragraph h,
4 unnumbered paragraph 1, Code 2013, is amended to read as
5 follows:

6 With respect to a dispositional order entered regarding a
7 child who has ~~received a youthful offender deferred sentence~~
8 been placed on youthful offender status under section 907.3A,
9 the juvenile court may, in the case of a child who violates the
10 terms of the order, modify or terminate the order in accordance
11 with the following:

12 Sec. 11. Section 232.55, subsection 3, Code 2013, is amended
13 to read as follows:

14 3. This section does not apply to dispositional orders
15 entered regarding a child who has ~~received a youthful offender~~
16 ~~deferred sentence~~ been placed on youthful offender status under
17 section 907.3A who is not discharged from probation before or
18 upon the child's eighteenth birthday.

19 Sec. 12. Section 232.56, Code 2013, is amended to read as
20 follows:

21 **232.56 Youthful offenders — transfer to district court**
22 **supervision.**

23 The juvenile court shall deliver a report, which includes
24 an assessment of the child by a juvenile court officer
25 after consulting with the judicial district department of
26 correctional services, to the district court prior to the
27 eighteenth birthday of a child who has ~~received a youthful~~
28 ~~offender deferred sentence~~ been placed on youthful offender
29 status under section 907.3A. A hearing shall be held in
30 the district court in accordance with section 907.3A to
31 determine whether the child should be discharged from youthful
32 offender status or whether the child shall continue under the
33 supervision of the district court after the child's eighteenth
34 birthday.

35 Sec. 13. Section 235A.15, subsection 2, paragraph e, Code



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1 2013, is amended by adding the following new subparagraph:
 2 NEW SUBPARAGRAPH. (24) To an intake officer making a
 3 preliminary inquiry pursuant to section 232.28, subsection 3.
 4 Sec. 14. Section 901.5, Code 2013, is amended by adding the
 5 following new subsection:
 6 NEW SUBSECTION. 14. Notwithstanding any provision in
 7 section 907.3 or any other provision of law prescribing a
 8 mandatory minimum sentence for the offense, if the defendant
 9 is guilty of a public offense other than a class "A" felony,
 10 and was under the age of eighteen at the time the offense was
 11 committed, the court may suspend the sentence in whole or in
 12 part, including any mandatory minimum sentence, or with the
 13 consent of the defendant, defer judgment or sentence, and place
 14 the defendant on probation upon such conditions as the court
 15 may require.
 16 Sec. 15. Section 907.3A, Code 2013, is amended to read as
 17 follows:
 18 **907.3A Youthful offender ~~deferred sentence~~ — youthful**
 19 **offender status.**
 20 1. Notwithstanding section 907.3 but subject to any
 21 conditions of the waiver order, the trial court shall, upon
 22 a plea of guilty or a verdict of guilty, ~~defer sentence of a~~
 23 ~~youthful offender~~ place the juvenile over whom the juvenile
 24 court has waived jurisdiction pursuant to section 232.45,
 25 subsection 7, ~~and place the juvenile~~ on youthful offender
 26 status. The court shall transfer supervision of the youthful
 27 offender to the juvenile court for disposition in accordance
 28 with section 232.52. An adjudication of delinquency entered
 29 by the juvenile court at disposition for a public offense
 30 shall not be deemed a conviction and shall not preclude
 31 the subsequent entry of a deferred judgment or sentence,
 32 conviction, or sentence by the district court. The court shall
 33 require supervision of the youthful offender in accordance with
 34 section 232.54, subsection 1, paragraph "h", or subsection 2
 35 of this section. ~~Notwithstanding section 901.2, a presentence~~

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jm/rj

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1 ~~investigation shall not be ordered by the court subsequent to~~
 2 ~~an entry of a plea of guilty or verdict of guilty or prior to~~
 3 ~~deferral of sentence of a youthful offender under this section.~~
 4 2. The court shall hold a hearing prior to a youthful
 5 offender's eighteenth birthday to determine whether the
 6 youthful offender shall continue on youthful offender status
 7 after the youthful offender's eighteenth birthday ~~under the~~
 8 ~~supervision of the court or be discharged.~~ Notwithstanding
 9 section 901.2, the court may order a presentence investigation
 10 report including a report for an offense classified as a class
 11 "A" felony. The court shall review the report of the juvenile
 12 court regarding the youthful offender ~~and prepared pursuant to~~
 13 section 232.56, and any presentence investigation report, if
 14 ordered by the court. The court shall hear evidence by or on
 15 behalf of the youthful offender, by the county attorney, and
 16 by the person or agency to ~~whom~~ which custody of the youthful
 17 offender was transferred. The court shall make its decision,
 18 pursuant to the judgment and sentencing options available in
 19 subsection 3, after considering the services available to the
 20 youthful offender, the evidence presented, the juvenile court's
 21 report, the presentence investigation report if ordered by the
 22 court, the interests of the youthful offender, and interests
 23 of the community.

24 3. a. Notwithstanding any provision of the Code which
 25 prescribes a mandatory minimum sentence for the offense
 26 committed by the youthful offender, following transfer of the
 27 youthful offender from the juvenile court back to the court
 28 having jurisdiction over the criminal proceedings involving the
 29 youthful offender, the court ~~may continue the youthful offender~~
 30 ~~deferred sentence or enter a sentence, which may be a suspended~~
 31 ~~sentence.~~ shall order one of the following sentencing options:

32 (1) Defer judgment and place the youthful offender on
 33 probation, upon the consent of the youthful offender.

34 (2) Defer the sentence and place the youthful offender
 35 on probation upon such terms and conditions as the court may



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1 disposition data for cases of founded child abuse relating to
2 the juvenile who is the subject of the complaint. "Report
3 data" and "disposition data" are defined in Code section
4 235A.13.

5 Current law provides that if a child who has committed
6 a delinquent act is over 14 years of age and certain other
7 circumstances apply the child may be waived from juvenile
8 to district court for prosecution as an adult. Children 15
9 years of age or younger who commit certain felony offenses may
10 also currently be waived to district court for purposes of
11 prosecution as a youthful offender.

12 A youthful offender who has been waived from juvenile court
13 for purposes of prosecution in district court is, after a
14 guilty plea or conviction, transferred by the district court
15 for disposition and supervision by juvenile court until the
16 age of 18. Upon the youthful offender attaining the age of
17 18, under current law, the district court is required to hold
18 a hearing regarding the youthful offender's status and has
19 discretion to discharge the youthful offender or continue
20 supervision of the youthful offender in district court as
21 provided in Code section 907.3A.

22 The bill redefines when a child may be considered for
23 youthful offender prosecution and sentencing. The bill limits
24 use of the option to situations in which the child is 12
25 through 15 years of age and has committed offenses which would
26 be less than a class "A" felony if committed by an adult. For
27 offenses which would be classified as a class "A" felony, the
28 bill permits children who are 10 or 11 years of age to also be
29 prosecuted and sentenced as a youthful offender.

30 The bill standardizes the sentencing options and procedures
31 for a juvenile who is prosecuted as an adult either because
32 the offense is excluded from juvenile court jurisdiction or
33 because the juvenile is waived to district court, and for any
34 juvenile prosecuted as a youthful offender upon the youthful
35 offender attaining the age of 18. The bill provides that once

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jm/rj

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1 a juvenile has been waived to district court for prosecution
2 as an adult and convicted, all subsequent proceedings for any
3 delinquent act committed by that juvenile are to be commenced
4 in district court. The bill further provides that if a
5 juvenile has been waived to district court for prosecution as
6 an adult but is not convicted, subsequent proceedings for any
7 delinquent act committed by that juvenile are to be commenced
8 in juvenile court. The bill also allows the district court to
9 defer judgment, defer sentence, suspend a sentence and place
10 the juvenile or youthful offender on probation upon such terms
11 and conditions as the court may require, even if those options
12 are not available to adults for the offense. Current law
13 limits the sentencing options for certain offenses that are
14 excluded from juvenile court jurisdiction and does not allow
15 the district court to defer the sentence of a juvenile who has
16 been waived to district court pursuant to Code section 232.45
17 for prosecution as an adult or youthful offender.

18 Under the bill and in current law, upon the youthful
19 offender attaining the age of 18, the district court retains
20 the power to defer the sentence and place the youthful offender
21 on probation; sentence the youthful offender to a term of
22 confinement, or terminate the order placing the youthful
23 offender on youthful offender status and discharge the youthful
24 offender.

25 A "deferred judgment" means a sentencing option where the
26 adjudication of guilt and the imposition of a sentence are
27 deferred by the court. However, the court retains the power
28 to pronounce judgment and impose sentence subject to the
29 defendant's compliance with conditions set by the court as a
30 requirement of the deferred judgment.

31 A "deferred sentence" means a sentencing option where the
32 court enters an adjudication of guilt but does not impose a
33 sentence. The court does retain the power to sentence the
34 defendant to any sentence it originally could have imposed
35 subject to the defendant's compliance with conditions set by

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1 the court as a requirement of the deferred sentence.
2 A "suspended sentence" means a sentencing option whereby
3 the court pronounces judgment and imposes a sentence and then
4 suspends execution of the sentence subject to the defendant's
5 compliance with conditions set by the court as a requirement of
6 the suspended sentence. Revocation of the suspended sentence
7 results in the execution of the sentence already pronounced.



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Senate Study Bill 1152 - Introduced

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

A BILL FOR

1 An Act prohibiting certain agreements for the apportionment
2 of water utility or enterprise charges under the uniform
3 residential landlord and tenant Act and including
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1454XC (1) 85
aw/sc



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S.F. _____

1 Section 1. Section 562A.11, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. Agrees to the apportionment of water
4 utility or enterprise charges that are separately billed
5 to a tenant of a building where the dwelling units are not
6 separately metered by the utility or enterprise.

7 Sec. 2. APPLICABILITY. This Act applies to residential
8 lease agreements entered into on or after July 1, 2013.

9 EXPLANATION

10 This bill prohibits residential lease agreements from
11 incorporating provisions for the apportionment of water utility
12 or enterprise charges that are separately billed to a tenant of
13 buildings where the dwelling units are not separately metered.

14 Under current law, if a landlord willfully uses a rental
15 agreement containing prohibited provisions, which are known
16 by the landlord to be prohibited, a tenant may recover actual
17 damages sustained by the tenant and not more than three months'
18 periodic rent and reasonable attorney fees. The bill applies
19 to residential lease agreements entered into on or after July
20 1, 2013.



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Senate Study Bill 1153 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

- 1 An Act relating to agreements to access electronic documents or
- 2 records maintained by the governing board of a county land
- 3 record information system.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1724SC (2) 85
aw/sc



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S.F. _____

1 Section 1. Section 331.603, subsection 5, Code 2013, is
 2 amended to read as follows:

3 5. a. (1) The governing board of the county land record
 4 information system ~~shall not~~ may enter into an agreement to
 5 provide access to electronic documents or records on a batch
 6 basis and may collect reasonable fees for providing such
 7 access.

8 (2) The county recorder may collect reasonable fees for
 9 providing access to electronic documents and records pursuant
 10 to an agreement.

11 (3) The fees collected pursuant to this paragraph "a"
 12 shall not exceed the actual cost of providing access to the
 13 electronic documents and records. "Actual cost" means only
 14 those expenses directly attributable to providing access to
 15 electronic documents and records. "Actual cost" shall not
 16 include costs such as employment benefits, depreciation,
 17 maintenance, electricity, or insurance associated with the
 18 administration of the office of the county recorder or the
 19 county land record information system.

20 b. Electronic documents and records made available under
 21 this subsection by accessing an internet site operated
 22 by a political subdivision of this state or by political
 23 subdivisions of this state under an agreement entered
 24 into pursuant to chapter 28E shall not include personally
 25 identifiable information and shall be subjected to a redaction
 26 process prior to the transfer of the electronic documents
 27 or records to another person pursuant to an agreement under
 28 paragraph "a". Electronic documents and records made available
 29 under this subsection through other means are not required to
 30 be subjected to a redaction process prior to transfer of the
 31 electronic documents or records by the recorder or the board
 32 to another person or business pursuant to an agreement under
 33 paragraph "a".

34 EXPLANATION

35 This bill relates to agreements to access electronic

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1 documents or records maintained by the governing board of the
2 county land record information system and the county recorder.

3 The bill provides that the board of the county land record
4 information system may enter into an agreement to provide
5 access to electronic documents or records on a batch basis
6 for a reasonable fee. Current law prohibits the board of the
7 county land record information system from entering into such
8 agreements.

9 The bill provides that electronic documents and records made
10 available by accessing internet sites operated by political
11 subdivisions shall not include personally identifiable
12 information and shall be subjected to a redaction process prior
13 to transfer. The bill provides that electronic documents and
14 records made available through other means are not required
15 to be subjected to a redaction process prior to transfer.
16 Current law provides that all electronic documents and records
17 transferred under an agreement entered into with the recorder
18 shall be subjected to a redaction process prior to transfer.



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Senate Study Bill 1154 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

- 1 An Act relating to the fee charged for the issuance of
- 2 duplicate driver's licenses and nonoperator's identification
- 3 cards.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2056SC (1) 85
dea/nh



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S.F. _____

1 Section 1. Section 321.189, subsection 8, Code 2013, is
2 amended to read as follows:

3 8. *Veterans status.* ~~Beginning no later than July 1,~~
4 ~~2013, a~~ A licensee who is an honorably discharged veteran of
5 the armed forces of the United States ~~seeking to obtain a~~
6 ~~license, other than a replacement license, pursuant to this~~
7 ~~section~~ may request that ~~such a~~ the license be marked to
8 reflect the licensee's veteran status. Upon such a request,
9 the word "VETERAN" shall be marked prominently on the face
10 of the license. Such a license shall be issued only upon
11 receipt of satisfactory proof of veteran status pursuant to
12 procedures established by the department in consultation with
13 the department of veterans affairs. ~~This subsection shall~~
14 ~~not apply to duplicate or substitute licenses or nonoperator~~
15 ~~identification cards obtained pursuant to section 321.195.~~

16 Sec. 2. Section 321.195, Code 2013, is amended to read as
17 follows:

18 **321.195 Duplicate Replacement of driver's licenses and**
19 **nonoperator's identification cards.**

20 A fee of ten dollars shall be charged for the replacement of
21 a driver's license or nonoperator's identification card. If a
22 driver's license or nonoperator's identification card issued
23 under this chapter is lost or destroyed, the person to whom the
24 license or card was issued ~~may, upon payment of a fee of three~~
25 ~~dollars for a driver's license or nonoperator's identification~~
26 ~~card, obtain a duplicate, or substitute, upon furnishing must~~
27 furnish proof satisfactory to the department that the driver's
28 license or nonoperator's identification card has been lost
29 or destroyed in order to obtain a replacement. ~~A fee of one~~
30 ~~dollar shall be charged for the voluntary replacement of a~~
31 ~~driver's license or nonoperator's identification card.~~

32 EXPLANATION

33 Currently, under Code section 321.195, the fee for
34 replacement of a driver's license or nonoperator's
35 identification card that was lost or destroyed is \$3, and

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1 the fee for voluntary replacement of a driver's license or
2 nonoperator's identification card is \$1. The bill establishes
3 a single replacement fee of \$10.

4 In addition, the bill amends a provision which allows
5 honorably discharged veterans of the armed forces to have their
6 veteran status noted on the face of their driver's licenses.
7 Currently, that option is available at the time a veteran is
8 applying for a new license or for renewal of a license, but
9 not for a replacement license. Under the bill, a licensee may
10 obtain a replacement license marked with the word "VETERAN".
11 The replacement license is subject to the \$10 replacement
12 fee provided for in the bill. The same provisions apply for
13 veterans with nonoperator's identification cards.



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Senate Study Bill 1155 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to the enforcement of weight limitations for
2 vehicles with retractable axles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1428SC (1) 85
dea/nh



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S.F. _____

1 Section 1. Section 321.463, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12A. *a.* A vehicle or combination of
4 vehicles equipped with a retractable axle may raise the
5 axle when necessary to negotiate a turn, provided that the
6 retractable axle is lowered within one thousand feet following
7 completion of the turn. This paragraph does not apply to a
8 vehicle or combination of vehicles operated on an interstate
9 highway, including a ramp to or from an interstate highway, or
10 on a bridge.

11 *b.* A vehicle or combination of vehicles operated with a
12 retractable axle raised as permitted under paragraph "*a*" is
13 exempt from the weight limitations of this section as long as
14 the vehicle or combination of vehicles is in compliance with
15 the weight limitations of this section when the retractable
16 axle is lowered.

17 *c.* This subsection does not prohibit the operation of a
18 vehicle or combination of vehicles equipped with a retractable
19 axle from operating with the retractable axle raised when the
20 vehicle or combination of vehicles is in compliance with the
21 weight limitations of this section with the retractable axle
22 raised.

23 **EXPLANATION**

24 This bill allows a vehicle or combination of vehicles to
25 raise a retractable axle when necessary to negotiate a turn,
26 provided the retractable axle is lowered within one thousand
27 feet of completing the turn. The vehicle or combination of
28 vehicles is exempt from axle weight limitations while making
29 the turn with a raised retractable axle, so long as the vehicle
30 is in compliance when the retractable axle is lowered. The
31 exemption does not apply on an interstate highway, including a
32 ramp leading to or from the interstate, or on a bridge.



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Senate Study Bill 1156 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to the period of validity of driver's licenses
2 and nonoperator's identification cards and to associated
3 fees, and including effective date and applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2139SC (2) 85
dea/nh



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S.F. _____

1 Section 1. Section 321.190, subsection 1, paragraph d, Code
 2 2013, is amended to read as follows:

3 d. The fee for a nonoperator's identification card shall
 4 be ~~five~~ eight dollars and the card shall be valid for a
 5 period of ~~five~~ eight years from the date of issuance. A
 6 ~~nonoperator's identification card shall be issued without~~
 7 ~~expiration to anyone age seventy or over.~~ If an applicant
 8 for a nonoperator's identification card is a foreign national
 9 who is temporarily present in this state, the nonoperator's
 10 identification card shall be issued only for the length of time
 11 the foreign national is authorized to be present as determined
 12 by the department, not to exceed two years. ~~An issuance fee~~
 13 ~~shall not be charged for a person whose driver's license or~~
 14 ~~driving privilege has been suspended under section 321.210,~~
 15 ~~subsection 1, paragraph "a", subparagraph (3).~~

16 Sec. 2. Section 321.196, subsection 1, Code 2013, is amended
 17 to read as follows:

18 1. Except as otherwise provided, a driver's license, other
 19 than an instruction permit, chauffeur's instruction permit, or
 20 commercial driver's instruction permit issued under section
 21 321.180, expires ~~five~~ eight years from the licensee's birthday
 22 anniversary occurring in the year of issuance if the licensee
 23 is between the ages of seventeen years eleven months and
 24 seventy years on the date of issuance of the license. If the
 25 licensee is under the age of seventeen years eleven months or
 26 age seventy or over, the license is effective for a period of
 27 two years from the licensee's birthday anniversary occurring in
 28 the year of issuance. A licensee whose license is restricted
 29 due to vision or other physical deficiencies may be required
 30 to renew the license every two years. If a licensee is a
 31 foreign national who is temporarily present in this state,
 32 the license shall be issued only for the length of time the
 33 foreign national is authorized to be present as verified by the
 34 department, not to exceed two years.

35 Sec. 3. EMERGENCY RULES. The department of transportation



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1 may adopt emergency rules under section 17A.4, subsection 3,
2 and section 17A.5, subsection 2, paragraph "b", to implement
3 section 321.190, subsection 1, paragraph "d", as amended in
4 this Act, and section 321.196, subsection 1, as amended in
5 this Act, and the rules shall be effective immediately upon
6 filing unless a later date is specified in the rules. Any
7 rules adopted in accordance with this section shall also be
8 published as a notice of intended action as provided in section
9 17A.4. The rules established under this authority may provide
10 for a transition from five-year to eight-year renewal periods
11 for driver's licenses and nonoperator's identification cards.
12 During the transition, the department may issue driver's
13 licenses and nonoperator's identification cards valid for
14 periods of five, six, seven, or eight years to equalize renewal
15 periods and applicants over succeeding years.

16 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill concerns the period of validity of driver's
20 licenses and nonoperator's identification cards issued by the
21 department of transportation.

22 The bill amends Code section 321.190 to extend the validity
23 of nonoperator's identification cards from five years to eight
24 years, with a corresponding fee increase from \$5 to \$8. The
25 bill eliminates the current fee exemption for the issuance
26 of a nonoperator's identification card to a person whose
27 driver's license is suspended due to the person's physical or
28 mental inability to drive. In addition, the current provision
29 that provides for issuance of a nonexpiring nonoperator's
30 identification card to a person age 70 or over is stricken.

31 Code section 321.196 is amended to extend the validity of a
32 driver's license from five years to eight years for licenses
33 issued to persons between the ages of 17 years, 11 months, and
34 70 years. Pursuant to current law, the fee for a driver's
35 license is based on the years of validity; that does not change



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1 under the bill.

2 The department is authorized to adopt emergency rules to
3 implement the driver's license and nonoperator's identification
4 card renewal provisions and to provide for a transition from
5 five-year to eight-year renewal periods. The bill takes effect
6 upon enactment.



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Senate Study Bill 1157 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

1 An Act relating to the Iowa veterans home and providing for
2 the consideration of contributions to support as repayment
3 receipts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2039SC (2) 85
aw/nh



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1 Section 1. Section 35D.1, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. The Iowa veterans home, located in Marshalltown, shall
4 be maintained as a long-term health care facility providing
5 ~~multiple nursing and residential~~ levels of care, ~~with attendant~~
6 ~~health care services,~~ for honorably discharged veterans and
7 their dependent spouses, ~~and for~~ surviving spouses of honorably
8 discharged veterans, and gold star parents. Eligibility
9 requirements for admission to the Iowa veterans home shall
10 coincide with the eligibility requirements for ~~hospitalization~~
11 care and treatment in a United States department of veterans
12 affairs facility pursuant to 38 U.S.C. § 1710, and regulations
13 promulgated under that section, as amended. For the purposes
14 of this subsection, "gold star parent" means a parent of a
15 deceased member of the United States armed forces who died
16 while serving on active duty during a time of military conflict
17 or who died as a result of such service.

18 Sec. 2. Section 35D.2, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. Persons described in section 35D.1 who ~~do not have~~
21 ~~sufficient means for their own support, or~~ are disabled by
22 disease, wounds injury, or old age, ~~or otherwise~~ and meet
23 the qualifications for nursing or residential care, and are
24 unable to earn a livelihood, and who are residents of the
25 state of Iowa on the date of the application and immediately
26 preceding the date the application is accepted, may be admitted
27 to the home as members under rules adopted by the commission.
28 Eligibility determinations are subject to approval by the
29 commandant.

30 Sec. 3. Section 35D.4, subsection 2, Code 2013, is amended
31 to read as follows:

32 2. The cottages may be made available to persons on the
33 staff of the home at a rental rate determined by the ~~commission~~
34 commandant.

35 Sec. 4. Section 35D.5, Code 2013, is amended to read as



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1 follows:

2 **35D.5 Surviving spouses of veterans.**

3 If a deceased veteran, who would be entitled to admission
 4 to the home if the deceased veteran were living, has left a
 5 surviving spouse, the spouse is entitled to admission to the
 6 home with the same rights, privileges, and benefits as if the
 7 veteran were living and a member of the home, if the spouse
 8 was married to the veteran for at least one year immediately
 9 prior to the veteran's death, is found by the commandant to
 10 be disabled, ~~does not have sufficient means for support and~~
 11 ~~maintenance~~ meets the qualifications for nursing or residential
 12 level of care, and is a resident of the state of Iowa on the
 13 date of the application and immediately preceding the date the
 14 application is accepted.

15 Sec. 5. Section 35D.6, Code 2013, is amended to read as
 16 follows:

17 **35D.6 Certificate of eligibility.**

18 Before admission, each applicant shall file with the
 19 commandant an affidavit signed by two members of the commission
 20 of veteran affairs of the county in which the person resides,
 21 stating that the person to the best of their knowledge and
 22 belief is a resident of that county and that the person is
 23 unable to earn a livelihood and the person's income, ~~exclusive~~
 24 ~~of pension, compensation, war risk insurance payments, or~~
 25 ~~pensions or annuities under the Social Security Act and the~~
 26 ~~Railroad Retirement Acts~~, is less than is sufficient to provide
 27 the type of health care necessary for the person's welfare.
 28 The affidavit is conclusive evidence of the residence of the
 29 person but is prima facie only in all other matters affecting
 30 the eligibility of the applicant and the liability of the
 31 county with respect to the expense of the person for which the
 32 county may be liable. All records of admission shall show the
 33 residence of the applicant.

34 Sec. 6. Section 35D.7, Code 2013, is amended to read as
 35 follows:



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1 **35D.7 Contributing to own support.**

2 1. Except as otherwise provided in chapter 249A and other
3 provisions of this chapter, a member of the home who receives
4 a pension, compensation, or gratuity from the United States
5 government, or income from any source of more than ~~twenty-five~~
6 one hundred forty dollars per month, shall contribute to the
7 member's own maintenance or support while a member of the home.
8 The amount of the contribution and the method of collection
9 shall be determined by the ~~director~~ commandant, but the
10 amount shall in no case exceed the actual cost of keeping and
11 maintaining the person in the home.

12 2. Sums paid to and received by the commandant for the
13 support of members of the home shall be ~~paid monthly by the~~
14 ~~commandant to the treasurer of state and~~ considered repayment
15 receipts as defined in section 8.2 and credited to the general
16 ~~fund of the state~~ Iowa veterans home account referred to in
17 section 35D.18, subsection 3.

18 3. The commandant may require ~~allow~~ any member of the home
19 to render assistance in the care of the home and its grounds as
20 the member's psychosocial and physical condition permit, as a
21 phase of that member's rehabilitation program. The commandant
22 shall compensate each member who furnishes assistance at rates
23 established ~~approved~~ by the commission.

24 Sec. 7. Section 35D.10, Code 2013, is amended to read as
25 follows:

26 **35D.10 Payment to ~~dependents~~ spouse.**

27 Except as otherwise provided in chapter 249A and other
28 provisions of this chapter, a member of the home who receives
29 a pension or compensation and who has ~~a child, as defined in~~
30 ~~section 234.1, or a spouse who is dependent upon employment or~~
31 ~~others for support~~ shall deposit with the commandant on receipt
32 of the member's pension or compensation check one-half of its
33 amount, which shall be sent by the eighth day of the month or at
34 once if any such pension or compensation is received after the
35 eighth day of the month to the spouse ~~or, if there is no spouse,~~



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1 ~~to the guardian of the child. The commandant, if satisfied~~
2 ~~that the spouse has deserted the member of the home, may pay~~
3 ~~the money deposited to the guardian of the child.~~

4 Sec. 8. Section 35D.11, subsection 1, Code 2013, is amended
5 to read as follows:

6 1. Pension money deposited with the commandant is not
7 assignable for any purpose except as provided in ~~sections~~
8 section 35D.10 and 35D.16, or in accordance with subsection 2
9 of this section.

10 Sec. 9. Section 35D.12, subsection 1, Code 2013, is amended
11 to read as follows:

12 1. a. The Iowa veterans home, for the convenience of its
13 members, may maintain a commercial account with a federally
14 insured bank for the individual personal deposits of its
15 members. The account shall be known as the Iowa veterans home
16 membership account. The commandant shall record each member's
17 personal deposits individually and shall deposit the funds in
18 the membership account, where the members' deposits shall be
19 held in the aggregate.

20 b. The Iowa veterans home may withdraw moneys from the
21 account maintained pursuant to this subsection to establish
22 certificates of deposit for the benefit of all members. The
23 commission shall adopt rules pursuant to chapter 17A for the
24 administration of this paragraph.

25 Sec. 10. Section 35D.13, subsection 2, Code 2013, is amended
26 to read as follows:

27 2. The commandant shall be a resident of the state of
28 Iowa who served in the armed forces of the United States
29 and was honorably discharged, ~~and is a licensed nursing home~~
30 ~~administrator.~~

31 Sec. 11. Section 35D.15, subsection 2, paragraph a,
32 subparagraph (3), Code 2013, is amended to read as follows:

33 (3) ~~The member's medical or life skills needs have been~~
34 ~~met to the extent possible through the services provided by~~
35 ~~the Iowa veterans home and the member no longer requires a~~



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1 residential or nursing level of care, as determined by the
2 interdisciplinary resident care committee.

3 Sec. 12. Section 35D.15, subsection 2, paragraph g,
4 subparagraph (2), Code 2013, is amended to read as follows:

5 (2) *“Interdisciplinary resident care committee”* means the
6 member, a social worker, a registered nurse, a dietitian,
7 a medical provider, and a recreation specialist, ~~and other~~
8 ~~staff, as appropriate,~~ who are involved in reviewing a member’s
9 assessment data and developing a collaborative care plan for
10 the individual member.

11 Sec. 13. Section 35D.18, subsection 2, Code 2013, is amended
12 to read as follows:

13 2. The net appropriation made to the Iowa veterans home may
14 be used throughout the fiscal year in the manner necessary for
15 purposes of cash flow management, ~~and for cash flow management,~~
16 ~~the.~~ The Iowa veterans home may temporarily draw more than the
17 amount appropriated, provided the amount appropriated is not
18 exceeded at the close of the fiscal year.

19 Sec. 14. REPEAL. Sections 35D.8 and 35D.16, Code 2013, are
20 repealed.

EXPLANATION

21 This bill relates the Iowa veterans home.

22 The bill makes certain changes to terminology related to
23 the levels of care and treatment provided at the Iowa veterans
24 home to specify the provision of nursing and residential levels
25 of care. The bill also provides that gold star parents may be
26 provided care at the Iowa veterans home and defines “gold star
27 parent” as any parent of a deceased member of the United States
28 armed forces who died while serving on active duty during a
29 time of military conflict or who died as a result of such
30 service.

31 The bill amends provisions relating to admissions
32 requirements to provide that the only persons who may be
33 admitted are persons who are disabled by disease, injury, or
34 old age and meet qualifications for nursing or residential
35



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1 care. The bill also makes changes to admissions provisions by
2 removing a provision allowing admission for persons who do not
3 have sufficient means for their own support. The bill makes
4 similar changes relating to admission of the surviving spouses
5 of veterans.

6 The bill provides that the commandant of the veterans home
7 shall determine certain rental rates for cottages rented
8 by staff, rather than having such rates determined by the
9 commission of veterans affairs as provided under current law.

10 The bill removes certain personal income exclusions from the
11 income qualification portion of the certificate of eligibility
12 required to be signed by two members of the county commission
13 of veterans affairs.

14 The bill requires that members of the veterans home with
15 incomes of more than \$140 per month contribute to their own
16 support. Current law requires that members of the veterans
17 home with incomes of more than \$25 per month contribute to
18 their own support. The bill provides that the commandant shall
19 determine the amount of any such contributions rather than the
20 director of the department of veterans affairs as required
21 under current law. The bill also requires that the sums paid
22 for such support be considered repayment receipts and are
23 credited to the Iowa veterans home account rather than to the
24 general fund of the state as required under current law. The
25 bill makes additional changes related to assistance provided by
26 members of the veterans home.

27 The bill makes certain changes related to the payment to
28 dependents from any pension or compensation received by a
29 member of the veterans home. The bill provides that payments
30 shall be sent by the commandant to a spouse of a member by
31 the eighth day of the month or immediately if the payment or
32 compensation is received after the eighth day of the month.
33 The bill removes provisions regarding payment to certain
34 children under Code section 234.1.

35 The bill allows the Iowa veterans home to withdraw moneys



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1 from the Iowa veterans home membership account in order to
2 establish certificates of deposit for the benefit of all
3 members of the Iowa veterans home. The commission shall
4 adopt rules for the administration of any program for such
5 withdrawals.

6 The bill removes the requirement that the commandant of the
7 Iowa veterans home be a licensed nursing home administrator.
8 The bill makes certain additional changes related to
9 involuntary discharge of members and the composition of the
10 interdisciplinary resident care committee. The bill also
11 provides that the Iowa veterans home may temporarily draw
12 more than the amount appropriated from the general fund for
13 any purpose, provided the amount appropriated is not exceeded
14 at the close of the fiscal year. Under current law, the
15 veterans home is only permitted to draw more than the amount
16 appropriated for cash flow purposes.

17 The bill repeals Code sections 35D.8 and 35D.16 related
18 to conditional admittance to the home and the disposition of
19 active duty members charged with a military offense.



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Senate Study Bill 1158 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

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:

TLSB 2169XC (2) 85
mm/sc



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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.

EXPLANATION

12
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 Study Bill 1159 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act providing for vision screening for school children.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2014SC (2) 85
je/nh



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1 Section 1. NEW SECTION. 135.39D Vision screening.

2 1. By January 1 after the start of the school year that a
3 child enrolls in kindergarten and by January 1 after the start
4 of the school year that a child enrolls in grade three, in
5 a public or nonpublic school, the parent or guardian of the
6 child shall present to school personnel certification that the
7 child within the previous twelve months has undergone an eye
8 examination, and the results of the examination.

9 2. The requirement for an eye examination may be satisfied
10 by any of the following:

11 a. A vision screening or comprehensive eye examination by a
12 licensed ophthalmologist or licensed optometrist.

13 b. An eye chart screening conducted at a pediatrician's
14 or family practice physician's office, a free clinic, or the
15 child's school.

16 c. An online vision screening through a program approved by
17 the director. An online vision screening may be conducted by
18 a child's parent or guardian.

19 3. A child shall not be prohibited from attending school
20 based upon the failure of a parent or guardian to present to
21 school personnel the documentation required by subsection 1.

22 4. The department shall establish procedures to contact
23 parents or guardians of children in need of vision correction
24 based on the results of an eye examination required under
25 subsection 1 in order to provide information on obtaining
26 necessary vision correction. The department shall consider use
27 of the statewide immunization registry or a private contractor
28 as a means of identifying and contacting the parents or
29 guardians of such children.

30 5. The department shall adopt rules to administer this
31 section.

EXPLANATION

32
33 This bill requires the parent or guardian of a child in
34 a public or nonpublic school to present certification that
35 the child within the previous 12 months has undergone an eye



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1 examination, and the results of the examination, to school
2 personnel by January 1 after the start of the school year that
3 the child enrolls in kindergarten and by January 1 after the
4 start of the school year that the child enrolls in grade three.

5 The eye examination requirement may be satisfied by a vision
6 screening or comprehensive eye examination by a licensed
7 ophthalmologist or licensed optometrist; an eye chart screening
8 conducted at a pediatrician's or family practice physician's
9 office, a free clinic, or the child's school; or an online
10 vision screening through a program approved by the director of
11 the department of public health, which may be conducted by a
12 child's parent or guardian.

13 The bill specifies that a child cannot be prohibited from
14 attending school based upon the failure of a parent or guardian
15 to present the required documentation to school personnel.

16 The bill requires the department of public health to
17 establish procedures to contact parents or guardians of
18 children in need of vision correction based on the results of
19 an eye examination required by the bill in order to provide
20 information on obtaining necessary vision correction. The
21 bill directs the department to consider use of the statewide
22 immunization registry or a private contractor as a means of
23 identifying and contacting the parents or guardians of such
24 children.



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Senate Study Bill 1160 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

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

TLSB 2140SC (4) 85
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1 Section 1. NEW SECTION. **8A.454A Health insurance plans —**
 2 **benefits and modifications.**

3 Benefits and modifications to benefits under a health
 4 insurance plan established for state employees pursuant to
 5 chapter 509A shall be determined by a state employee
 6 organization through the collective bargaining process.

PART 5

IOWA HEALTH CARE COVERAGE PARTNERSHIP PROGRAM

8 Sec. 2. NEW SECTION. **8A.471 Definitions.**

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

11 1. "*Nonprofit employer*" means a nonprofit corporation that
 12 is either of the following and does not include a nonstate
 13 public employer:

14 a. A corporation subject to chapter 504.

15 b. A corporation which qualifies under 26 U.S.C. §
 16 501(c)(3).

17 2. "*Nonstate public employee*" means any employee or elected
 18 official of a nonstate public employer.

19 3. "*Nonstate public employer*" means a political subdivision
 20 of the state, including a quasi-public agency.

21 4. "*Political subdivision of the state*" means a political
 22 subdivision of the state or its offices or units, including but
 23 not limited to a county, city, community college, or school
 24 district.

25 5. "*State health or medical group insurance plan*" or "*state*
 26 *plan*" means a health or medical group insurance plan for
 27 employees of the state.

28 Sec. 3. NEW SECTION. **8A.472 Nonstate public employees —**
 29 **coverage.**

30 1. Nonstate public employees may obtain coverage under the
 31 state plan in accordance with this section.

32 2. A nonstate public employer may submit an application
 33 to the department for coverage under the state plan of all
 34 of such employer's nonstate public employees. If a nonstate
 35 public employer submits such an application for coverage, the



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1 department shall provide such coverage no later than the first
2 day of the third calendar month following such application.

3 3. Notwithstanding any other provisions of state law,
4 initial participation in the state plan shall be a permissive
5 subject of collective bargaining and shall be subject to
6 binding arbitration only if the employee organization and
7 the nonstate public employer mutually agree to bargain over
8 such initial participation. Such mutual agreement shall be
9 in writing and signed by the authorized representatives of
10 the employee organization and the nonstate public employer.
11 Continuation in the state plan, after initial participation,
12 shall be a mandatory subject of bargaining, and shall be
13 subject to binding arbitration in accordance with the same
14 procedures and standards that apply to any other mandatory
15 subject of bargaining pursuant to state law.

16 4. Premium rates for nonstate public employers shall be the
17 total premium rate paid by the state inclusive of any premiums
18 paid by state employees for the particular state health care
19 product offered by the state plan.

20 **Sec. 4. NEW SECTION. 8A.473 Employees of nonprofit**
21 **employers — coverage.**

22 1. Employees of nonprofit employers may obtain coverage
23 under the state plan in accordance with this section.

24 2. A nonprofit employer may submit an application to the
25 department for coverage under the state plan of all of such
26 employer's employees. If a nonprofit employer submits such an
27 application for coverage, the department shall provide such
28 coverage no later than the first day of the third calendar
29 month following such application. However, the department
30 shall not approve an application for coverage under the
31 state plan if the department determines that approval of such
32 coverage would cause the state plan to be subject to the
33 requirements of the federal Employee Retirement Income Security
34 Act of 1974, as codified at 29 U.S.C. § 1001 et seq. If the
35 department determines that the state plan is compliant with



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1 such federal requirements, the department shall resume approval
2 of applications for coverage under the state plan as provided
3 in this section.

4 3. Premium rates for nonprofit employers shall be the total
5 premium rate paid by the state inclusive of any premiums paid
6 by state employees for the particular state health care product
7 offered by the state plan.

8 Sec. 5. NEW SECTION. **8A.474 Premium payments —**
9 **administrative fees.**

10 1. A nonstate public employer or nonprofit employer
11 participating in the state plan shall pay the monthly amount
12 determined by the department, for coverage of its employees
13 or elected officials as appropriate under the state plan. A
14 nonstate public employer or nonprofit employer may require each
15 covered employee or elected official to contribute a portion
16 of the cost of such coverage under the state plan, subject
17 to any collective bargaining obligation applicable to such
18 employer. If any payment due by a nonstate public employer or
19 nonprofit employer under this section is not timely paid, after
20 the due date interest shall be added to such payment at the
21 prevailing rate of interest, as determined by the department.
22 Such interest shall be paid by the nonstate public employer or
23 nonprofit employer.

24 2. The department shall charge a nonstate public employer
25 or nonprofit employer participating in the state plan an
26 administrative fee calculated on a per-month basis per covered
27 employee or elected official.

28 3. Payments made pursuant to this section shall be deposited
29 in the Iowa health care coverage partnership program trust fund
30 created in section 8A.475. Moneys deposited in the Iowa health
31 care coverage partnership program trust fund shall be expended
32 for payment of insurance premiums and administrative fees for
33 employees and elected officials covered under the state plan.

34 4. If a nonstate public employer fails to make premium
35 payments as required under this section, the department may



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1 direct the treasurer of state, or any other office of the state
2 that is the custodian of any moneys made available by reason of
3 any grant, allocation, or appropriation by the state or state
4 agencies payable to the nonstate public employer at any time
5 subsequent to the failure of the nonstate public employer, to
6 pay such premiums and interest that are due and unpaid and
7 to withhold payment of moneys payable to the nonstate public
8 employer until the amount of the premiums and interest then
9 due and unpaid by the nonstate public employer has been paid
10 to the state or until the treasurer of state determines that
11 arrangements, satisfactory to the treasurer of state, have been
12 made for the payment of such premiums and interest. However,
13 such moneys shall not be withheld from a nonstate public
14 employer if such withholding will adversely affect the receipt
15 of any federal grant or aid in connection with such moneys.

16 5. If a nonprofit employer fails to make premium payments,
17 the department may terminate the nonprofit employer's employee
18 participation in the state plan and request the attorney
19 general to recover any premiums and interest due and unpaid.

20 **Sec. 6. NEW SECTION. 8A.475 Iowa health care coverage**
21 **partnership program trust fund.**

22 1. A separate, special Iowa health care coverage
23 partnership program trust fund is created in the state treasury
24 under the control of the department. The trust fund shall
25 consist of all moneys deposited in the fund and other assets
26 that must be held in trust and shall be used for the exclusive
27 benefit of employees and elected officials covered under the
28 state plan as provided in section 8A.474.

29 2. The director is the trustee of the fund and shall
30 administer the fund. Any loss to the fund shall be charged
31 against the trust and the director shall not be personally
32 liable for such loss.

33 3. Moneys in the fund are not subject to section 8.33.
34 Notwithstanding section 12C.7, subsection 2, interest or
35 earnings on moneys in the fund shall be credited to the fund.

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1 of state to withhold grants, allocations, or appropriations
2 payable to the nonstate public employer, until the premium
3 payments are made. If a nonprofit employer fails to make
4 premium payments, DAS may terminate participation of that
5 employer's employees in the state plan and request the attorney
6 general to recover the unpaid premiums and interest.

7 For purposes of the program, a "nonstate public employer" is
8 a political subdivision of the state, including but not limited
9 to counties, cities, community colleges, quasi-public agencies,
10 and school districts. A "nonprofit employer" is a corporation
11 organized or recognized as a nonprofit corporation under state
12 or federal law.

13 The department of administrative services shall, by rule,
14 adopt procedures to implement and administer the provisions of
15 the bill.

16 The bill may cause a state agency or political subdivision to
17 offer for sale to the public a service or product that competes
18 with private enterprise.

19 The bill takes effect January 1, 2014.



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Senate Study Bill 1161 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act concerning the reimbursement for personal items of
2 department of public safety employees damaged or destroyed
3 during their employment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2133XC (2) 85
ec/nh

