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House File 208 - Introduced

HOUSE FILE 208
BY H. MILLER

A BILL FOR

- 1 An Act creating a committee to provide for greater
- 2 collaboration between urban and rural communities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2239HH (2) 85
da/nh



**Iowa General Assembly
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H.F. 208

1 Section 1. URBAN-RURAL DIALOGUE COMMITTEE.

2 1. An urban-rural dialogue committee is established to
3 improve urban, including suburban, and rural communities in
4 this state by providing for collaborative efforts.

5 2. The committee shall study existing programs administered
6 by state agencies which benefit one type of community, but
7 which could be revised or administered differently to benefit
8 both types of communities. The committee shall also study
9 methods to improve awareness, understanding, and communication
10 between urban and rural communities, including but not limited
11 to how soil and water conservation practices, pollution control
12 measures, and flood control measures may be better implemented
13 by urban residents.

14 3. The committee shall be chaired by the secretary of
15 agriculture or a designee. The committee shall also include
16 the following members:

17 a. The director of the department of natural resources, or
18 the director's designee.

19 b. The president of Iowa state university or the president's
20 designee.

21 c. Three persons appointed by the secretary of agriculture
22 who are rural residents, including two persons who are actively
23 engaged in farming.

24 d. Two persons appointed by the secretary of agriculture who
25 are urban residents.

26 4. A public member is entitled to receive reimbursement for
27 actual expenses incurred while engaged in the performance of
28 official duties under this section. However, a member of the
29 committee is not eligible to receive compensation as provided
30 in section 7E.6.

31 5. The committee shall submit a report to the general
32 assembly not later than January 1, 2014. The report shall
33 include findings and recommendations, including proposals for
34 legislation and administrative rules.

35

EXPLANATION

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1 The bill establishes an urban-rural dialogue committee to
2 improve urban, including suburban, and rural communities by
3 providing for collaborative efforts, including by reviewing
4 existing programs administered by state agencies and by
5 studying methods to improve awareness, understanding, and
6 communication between the different types of communities. The
7 committee includes state agency representatives, including
8 the department of agriculture and land stewardship, the
9 department of natural resources, and Iowa state university,
10 and public members representing urban and rural communities.
11 The committee must submit a report to the general assembly by
12 January 1, 2014.



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House File 209 - Introduced

HOUSE FILE 209
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 20)

A BILL FOR

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

TLSB 1302HV (1) 85
tm/rj



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H.F. 209

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

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

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

27 EXPLANATION

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

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

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

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



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House File 210 - Introduced

HOUSE FILE 210
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 34)

A BILL FOR

1 An Act relating to the practices and procedures of the state
2 public defender.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1171HV (2) 85
jm/rj



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H.F. 210

1 Section 1. Section 815.9, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:

3 b. If the appointed attorney is a private attorney or is
4 employed by a nonprofit organization, the state public defender
5 shall report to the clerk of the district court the amounts
6 of any approved claims for compensation and expenses paid on
7 behalf of a person receiving legal assistance after such claims
8 have been reviewed and paid by the state public defender unless
9 the appointed attorney is paid other than on an hourly rate
10 basis and the state public defender has notified the appointed
11 attorney that the attorney is responsible for reporting the
12 attorney's total hours of service plus expenses to the court.

13 Sec. 2. Section 815.9, subsection 4, Code 2013, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. c. If the appointed attorney has been
16 notified by the state public defender that the attorney is
17 responsible for reporting to the court the total hours of
18 service plus expenses incurred in providing legal assistance
19 to a person, the attorney shall submit a report to the court
20 in the same manner as a public defender submits a report
21 pursuant to paragraph "a". The amount of the attorney fees to
22 be included in the total cost of legal assistance required to
23 be reimbursed shall be calculated using the hours of service
24 stated in the report at the hourly rate of compensation
25 specified under section 815.7.

26 Sec. 3. Section 815.9, subsection 6, Code 2013, is amended
27 to read as follows:

28 6. If the person receiving legal assistance is acquitted
29 or has all charges dismissed in a criminal case or is a party
30 in a case other than a criminal case, the court shall order
31 the payment of all or a portion of the total costs and fees
32 incurred for legal assistance, to the extent the person is
33 reasonably able to pay, after an inquiry which includes notice
34 and reasonable opportunity to be heard.

35 Sec. 4. Section 815.10, subsection 4, Code 2013, is amended



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1 to read as follows:

2 4. The appointment of an attorney shall be on a rotational
3 or equalization basis, considering the experience of the
4 attorney, and the difficulty of the case, and the geographic
5 proximity of the attorney's office to the courthouse and
6 client.

7 Sec. 5. Section 815.10, Code 2013, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 7. The state public defender may adopt
10 rules setting forth additional uniform standard procedures for
11 the appointment of counsel and uniform forms for appointment.

12 Sec. 6. Section 815.10A, subsection 2, Code 2013, is amended
13 to read as follows:

14 2. Claims for compensation and reimbursement submitted
15 by an attorney ~~appointed after June 30, 2004, and claims for~~
16 any other expenses paid from the indigent defense fund are not
17 considered timely unless the claim is submitted to the state
18 public defender within forty-five days of ~~a withdrawal order,~~
19 ~~sentencing, acquittal, or dismissal, whichever is earliest,~~
20 ~~in a criminal case or the withdrawal order, final ruling, or~~
21 ~~dismissal, whichever is earliest, in any other type of case~~ the
22 date of service, as defined by the state public defender in
23 rules.

24 Sec. 7. Section 908.2A, subsection 2, Code 2013, is amended
25 to read as follows:

26 2. If the appointing authority determines counsel should be
27 appointed and all of the criteria apply in subsection 1, the
28 appointing authority shall appoint the state public defender's
29 designee pursuant to section 13B.4. If the state public
30 defender has not made a designation for the type of case or
31 the state public defender's designee is unable to handle the
32 case, a contract attorney with the state public defender may
33 be appointed to represent the alleged parole violator. If a
34 contract attorney is unavailable, an attorney who has agreed
35 to provide these services may be appointed. The appointed



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1 attorney shall apply to the state public defender for payment
2 in the manner prescribed by the state public defender.

3 EXPLANATION

4 This bill relates to the practices and procedures of the
5 state public defender.

6 If an appointed attorney is paid other than on an hourly
7 basis and the state public defender has notified the appointed
8 attorney to provide the reporting of the total hours of service
9 and expenses for each case to the court, the bill requires the
10 appointed attorney to provide such reporting to the court.

11 If an appointed attorney has been notified by the state
12 public defender that the attorney is responsible for reporting
13 to the court the total hours of service plus expenses incurred
14 in providing legal assistance to a person, the bill requires
15 the attorney to submit the report to the court in the same
16 manner as a public defender under Code section 815.9(4).

17 If an indigent person has all charges dismissed in a criminal
18 case, the bill requires the court to order payment of all or
19 a portion of the total costs and fees incurred for any legal
20 assistance to the extent the indigent person is reasonably able
21 to pay. Current law requires an indigent person to pay the
22 total costs and fees incurred to the extent the indigent person
23 is reasonably able to pay if the indigent person was acquitted
24 of the charges.

25 The bill requires the court to consider the geographic
26 proximity of the attorney's office to the courthouse and the
27 client when appointing an attorney to represent an indigent
28 person.

29 The bill allows the state public defender to adopt rules
30 setting forth additional uniform standard procedures for the
31 appointment of counsel and uniform forms for appointment.

32 The bill requires that any claims for expenses paid from
33 the indigent defense fund be submitted within 45 days of the
34 "date of service". The definition for the "date of service"
35 is found in 493 IAC 7.1. Current law only requires that claims

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1 for compensation and reimbursement be submitted within 45 days
2 of the date of service.

3 In a parole revocation case, if the appointing authority
4 determines an alleged parole violator is entitled to the
5 appointment of counsel, the bill requires that the appointing
6 authority first appoint the state public defender's designee,
7 and if the state public defender's designee is unavailable,
8 the appointing authority is required to appoint a contract
9 attorney with the state public defender. If a contract
10 attorney is unavailable, an attorney who has agreed to provide
11 representation to the alleged parole violator may be appointed.



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House File 211 - Introduced

HOUSE FILE 211
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 31)

A BILL FOR

1 An Act requiring in-state construction contracts and disputes
2 thereof to be governed by Iowa law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1607HV (2) 85
je/nh



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H.F. 211

1 Section 1. NEW SECTION. 537A.6 In-state construction
 2 contracts — Iowa law to govern.

3 1. As used in this section, "*in-state construction*
 4 *contract*" means a public, private, foreign, or domestic
 5 agreement relating to construction, alteration, repair, or
 6 maintenance of any real property in this state and includes
 7 agreements for architectural services, demolition, design
 8 services, development, engineering services, excavation, or any
 9 other improvement to real property in this state, including
 10 buildings, shafts, wells, and structures, whether on, above, or
 11 under real property in this state.

12 2. A provision of an in-state construction contract is void
 13 and unenforceable as contrary to public policy if the provision
 14 does any of the following:

15 a. Makes the in-state construction contract subject to the
 16 laws of another state.

17 b. Requires any litigation, mediation, arbitration, or
 18 other dispute resolution proceeding arising from the in-state
 19 construction contract to be conducted in another state.

20 3. Any litigation, mediation, arbitration, or other dispute
 21 resolution proceeding arising from or relating to an in-state
 22 construction contract shall be conducted in this state.

23 EXPLANATION

24 This bill provides that a provision of an in-state
 25 construction contract is void and unenforceable as contrary
 26 to public policy if the provision makes the contract subject
 27 to the laws of another state or requires any litigation,
 28 mediation, arbitration, or other dispute resolution proceeding
 29 arising from the contract to be conducted in another state.
 30 The bill also requires any litigation, mediation, arbitration,
 31 or other dispute resolution proceeding arising from or relating
 32 to an in-state construction contract to be conducted in this
 33 state.

34 "In-state construction contract", as defined in the bill,
 35 means a public, private, foreign, or domestic agreement

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1 relating to construction, alteration, repair, or maintenance
2 of any real property in this state and includes agreements
3 for architectural services, demolition, design services,
4 development, engineering services, excavation, or any
5 other improvement to real property in this state, including
6 buildings, shafts, wells, and structures, whether on, above, or
7 under real property in this state.



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House File 212 - Introduced

HOUSE FILE 212
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 8)

A BILL FOR

- 1 An Act relating to conducting condemnation proceedings.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1322HV (1) 85
md/sc



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H.F. 212

1 Section 1. Section 6B.2, subsection 1, paragraph b, Code
2 2013, is amended to read as follows:
3 b. By the county attorney, when the damages are payable from
4 funds disbursed by the county~~r~~ or by any township~~, or school~~
5 corporation.

6 EXPLANATION

7 Code chapter 6B specifies the procedure for the condemnation
8 of private property. Code section 6B.2 specifies that such
9 condemnation proceedings shall be conducted by the county
10 attorney when the damages are payable from funds disbursed by
11 a county, or by any township, or school corporation. This
12 bill strikes school corporations from the provision under
13 which the county attorney is required to conduct condemnation
14 proceedings.



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House File 213 - Introduced

HOUSE FILE 213
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 37)

A BILL FOR

1 An Act relating to the transmission of court records by the
2 clerk of the district court to the clerk of the supreme
3 court in an appeal.

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

TLSB 1491HV (1) 85
jm/nh



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H.F. 213

1 Section 1. NEW SECTION. 602.8103A **Transmission of record**
 2 **on appeal.**

3 1. *a.* The clerk of the district court shall be solely
 4 responsible for transmitting the record on appeal to the
 5 clerk of the supreme court in civil and criminal proceedings.
 6 The clerk of the district court shall only transmit the
 7 record to the clerk of the supreme court upon the request
 8 of the appellee, appellant, the attorney for the appellee or
 9 appellant, or the appellate court.

10 *b.* The requirements of paragraph "a" shall not be delegated
 11 to another party. The appellee, appellant, the attorney for
 12 the appellee or appellant, or any agent of the appellee or
 13 appellant shall not transmit any part of the appellate record
 14 to the clerk of the supreme court.

15 2. For purposes of this section, the "record on appeal"
 16 consists of the original documents and exhibits filed in
 17 district court, transcripts of the proceedings, and a certified
 18 copy of the docket and court calendar entries prepared by
 19 the clerk of the district court in the case under appeal.
 20 Exhibits of unusual size or bulk are not required to be
 21 transmitted by the clerk of the district court unless requested
 22 by the appellee, appellant, the attorney for the appellee or
 23 appellant, or the appellate court.

24 3. If a request is made pursuant to subsection 1, within
 25 seven days of the filing of the final briefs in the appeal, the
 26 clerk of the district court shall transmit any of the remaining
 27 record to the clerk of the supreme court.

28 Sec. 2. REPEAL. Section 625A.7, Code 2013, is repealed.

29 **EXPLANATION**

30 This bill relates to the transmission of court records by the
 31 clerk of the district court to the clerk of the supreme court
 32 in an appeal.

33 The bill specifies that the clerk of the district court shall
 34 be solely responsible for transmitting the record on appeal to
 35 the clerk of the supreme court. The bill requires the clerk of

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1 the district court to only transmit the record to the clerk of
2 the supreme court upon the request of the appellee, appellant,
3 the attorney for the appellee or appellant, or the appellate
4 court.

5 The bill specifies the record on appeal shall consist of
6 the original documents and exhibits filed in district court,
7 transcripts of the proceedings, and a certified copy of the
8 docket and court calendar entries prepared by the clerk of the
9 district court in the case under appeal.

10 Under the bill, exhibits of unusual size or bulk are not
11 required to be transmitted by the clerk of the district court
12 unless requested by the appellee, appellant, the attorney for
13 the appellee or appellant, or the appellate court.

14 The bill also requires that the clerk of the district court
15 transmit any of the remaining record to the clerk of the
16 supreme court within seven days after the final briefs have
17 been filed in the appeal.



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House File 214 - Introduced

HOUSE FILE 214
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 12)

A BILL FOR

1 An Act relating to the possession of alcohol by certain minors
2 and juvenile court jurisdiction, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1321HV (1) 85
rh/nh



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H.F. 214

1 Section 1. Section 123.47, subsection 3, paragraph c, Code
2 2013, is amended to read as follows:

3 c. If the person who commits a violation of this section
4 is under the age of eighteen, the matter shall be disposed
5 of in the manner provided in chapter 232. However, if the
6 juvenile court waives its jurisdiction over the person pursuant
7 to section 232.45 so that the person may be prosecuted as an
8 adult, or if the person appears in adult court for a violation
9 of this section that occurred prior to having reached the age
10 of eighteen and no transfer of jurisdiction to the juvenile
11 court is ordered pursuant to section 803.5, then the penalty
12 for a violation of this section shall be as set forth in
13 paragraphs "a" and "b".

14 EXPLANATION

15 This bill relates to the possession of alcohol by certain
16 minors and juvenile court jurisdiction and makes penalties
17 applicable.

18 Current law provides that a person who is 18, 19, or 20
19 years of age, other than a licensee or permittee under the
20 alcoholic beverages laws, who purchases, attempts to purchase,
21 or possesses alcohol commits a simple misdemeanor punishable
22 by a scheduled fine of \$200 for a first offense, a simple
23 misdemeanor punishable by a \$500 fine and a substance abuse
24 evaluation or the suspension of the person's motor vehicle
25 operating privileges for a period not to exceed one year for a
26 second offense, or a simple misdemeanor punishable by a \$500
27 fine and the suspension of the person's motor vehicle operating
28 privileges for a period not to exceed one year for a third or
29 subsequent offense. A person who is under the age of 18 who
30 commits a violation of this law is referred to juvenile court.

31 The bill provides that if the juvenile court waives its
32 jurisdiction over a person who is under the age of 18 pursuant
33 to Code section 232.45 so that the person may be prosecuted
34 as an adult, or if the person appears in adult court for a
35 violation of this law that occurred before the person turned

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1 18 and no transfer of jurisdiction to the juvenile court is
2 ordered pursuant to Code section 803.5, then the penalty for
3 such a violation is the same as for a person who is 18, 19, or
4 20 years of age who violates this law.



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House File 215 - Introduced

HOUSE FILE 215
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 4)

A BILL FOR

1 An Act relating to and providing for education reform involving
2 student, teacher, and administrator programs and activities
3 under the purview of the department of education, the state
4 board of education, the college student aid commission,
5 school districts, and accredited nonpublic schools; making
6 appropriations and providing for the establishment and
7 retention of certain fees; and including transition and
8 effective date provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1485HV (3) 85
kh/rj



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H.F. 215

1 Sec. 2. NEW SECTION. **256.95 Teach Iowa marketing and public**
2 **outreach initiative.**

3 Subject to an appropriation of sufficient funds by the
4 general assembly, the department shall develop and implement a
5 teach Iowa marketing and public outreach initiative by January
6 1, 2014. The initiative shall have the following goals:

7 1. To motivate high-performing high school and college
8 students to enter teacher preparation programs and to enter the
9 teaching profession in Iowa upon successful completion of such
10 programs.

11 2. To motivate teacher candidates, especially those in
12 science, technology, engineering, and mathematics fields, to
13 enter teacher preparation programs and to enter the teaching
14 profession in Iowa upon successful completion of such programs.

15 3. To recruit high-caliber teacher candidates to pursue
16 teaching careers in Iowa.

17 4. To encourage teacher candidates to pursue teaching
18 careers in rural Iowa.

19 5. To inform the public of the value of the teaching
20 profession and of the importance of Iowa's education system to
21 the future of Iowa.

22 Sec. 3. NEW SECTION. **256.96 Online state job posting**
23 **system.**

24 1. The department shall provide for the operation of an
25 online state job posting system. The system shall be designed
26 and implemented for the online posting of job openings offered
27 by school districts, charter schools, area education agencies,
28 the department, and accredited nonpublic schools. The system
29 shall be accessible via the department's internet site. The
30 system shall include a mechanism for the electronic submission
31 of job openings for posting on the system as provided in
32 subsection 2. The department may contract for, or partner
33 with another entity for, the use of an existing internet
34 site to operate the online state job posting system if the
35 existing internet site is more effective and economical than

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1 the department's internet site.

2 2. A school district, charter school, or area education
3 agency shall submit all of its job openings to the department
4 for posting on the system. The department shall post all of
5 its job openings on the system. An accredited nonpublic school
6 may submit job openings to the department for posting on the
7 system.

8 3. This section shall not be construed to do any of the
9 following:

10 a. Prohibit any employer from advertising job openings and
11 recruiting employees independently of the system.

12 b. Prohibit any employer from using another method of
13 advertising job openings or another applicant tracking system
14 in addition to the system.

15 c. Provide the department with any regulatory authority in
16 the hiring process or hiring decisions of any employer other
17 than the department.

18 **Sec. 4. NEW SECTION. 256.98 Teach Iowa student teaching**
19 **pilot project.**

20 1. Subject to an appropriation of sufficient funds by
21 the general assembly, the department shall establish a teach
22 Iowa student teaching pilot project in collaboration with
23 two institutions of higher education which offer teacher
24 preparation programs approved by the state board of education
25 pursuant to section 256.7, subsection 3. The two institutions
26 of higher education shall include one institution of higher
27 education under the control of the state board of regents and
28 one accredited private institution as defined in section 261.9.

29 2. The teach Iowa student teaching pilot project shall
30 provide students in teacher preparation programs with a
31 one-year student teaching experience. A student teaching
32 experience provided under the pilot project must include all
33 of the following requirements:

34 a. A participating institution of higher education
35 shall work with one or more school districts individually

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1 or collaboratively to place groups of students in a
2 student teaching experience for an entire academic year. A
3 participating institution of higher education shall take into
4 consideration geographic diversity in the selection of school
5 districts for participation in the pilot project.

6 *b.* A participating institution of higher education shall
7 supervise the student teachers in the classroom and shall
8 provide the students with weekly on-site instruction in
9 pedagogy in the participating school districts.

10 3. The state board shall adopt rules pursuant to chapter 17A
11 to administer this section.

12 Sec. 5. Section 261.2, subsection 8, Code 2013, is amended
13 to read as follows:

14 8. Submit by January 15 annually a report to the general
15 assembly which provides, by program, the number of individuals
16 who received loan forgiveness in the previous fiscal year, the
17 amount paid to individuals under sections 261.23~~7~~ and 261.73,
18 and ~~261.112~~, and the institutions from which individuals
19 graduated, and that includes any proposed statutory changes and
20 the commission's findings and recommendations.

21 Sec. 6. **NEW SECTION. 261.110 Teach Iowa scholar program.**

22 1. A teach Iowa scholar program is established to provide
23 teach Iowa scholar grants to selected high-caliber teachers.
24 The commission shall administer the program in collaboration
25 with the department of education.

26 2. An Iowa resident or nonresident applicant shall be
27 eligible for a teach Iowa scholar grant if the applicant
28 meets all of the criteria specified under, or established in
29 accordance with, subsection 3.

30 3. Criteria for eligibility shall be established by the
31 commission and shall include but are not limited to the
32 following:

33 *a.* The applicant was in the top twenty-five percent
34 academically of students exiting a teacher preparation program
35 approved by the state board of education pursuant to section



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1 256.7, subsection 3, or a similar teacher preparation program
2 in another state, or had earned other comparable academic
3 credentials.

4 *b.* The applicant is preparing to teach in fields including
5 but not limited to science, technology, engineering, or
6 mathematics; or is preparing to teach in a hard-to-staff
7 subject as identified by the department. The department shall
8 annually identify and designate hard-to-staff subjects for the
9 purpose of this paragraph.

10 4. A selected applicant who meets all of the eligibility
11 requirements of this section shall be eligible for a teach Iowa
12 scholar grant for each year of full-time employment completed
13 in this state as a teacher for a school district, charter
14 school, area education agency, or accredited nonpublic school.
15 A teach Iowa scholar grant shall not exceed four thousand
16 dollars per year per recipient. Grants awarded under this
17 section shall not exceed a total of twenty thousand dollars per
18 recipient over a five-year period.

19 5. The commission, in collaboration with the department
20 of education, shall adopt rules pursuant to chapter 17A to
21 administer this section. The rules shall include but shall not
22 be limited to a process for use by the commission to determine
23 which eligible applicants will receive teach Iowa scholar
24 grants.

25 6. A teach Iowa scholar fund is established in the state
26 treasury. The fund shall be administered by the commission and
27 shall consist of moneys appropriated by the general assembly
28 and any other moneys received by the commission for deposit
29 in the fund. The moneys in the fund are appropriated to the
30 commission for the teach Iowa scholar program. Notwithstanding
31 section 8.33, moneys in the fund at the close of the fiscal
32 year shall not revert to the general fund of the state but
33 shall remain available for expenditure for the teach Iowa
34 scholar program for subsequent fiscal years. Notwithstanding
35 section 12C.7, subsection 2, interest or earnings on moneys in

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1 marketing and public outreach initiative pursuant to section
2 256.95, if enacted, and for not more than the following
3 full-time equivalent positions:

4 \$ 1,000,000
5 FTEs 3.00

6 Notwithstanding section 8.33, moneys appropriated in this
7 subsection that remain unencumbered or unobligated at the close
8 of the fiscal year for which they were appropriated shall
9 not revert but shall be transferred to the college student
10 aid commission for deposit in the teach Iowa scholar fund
11 established pursuant to section 261.110, if enacted.

12 2. TEACH IOWA STUDENT TEACHING PILOT PROJECT

13 For purposes of developing and implementing the teach Iowa
14 student teaching pilot project pursuant to section 256.98,
15 if enacted, and for not more than the following full-time
16 equivalent positions:

17 \$ 2,000,000
18 FTEs 2.00

19 Sec. 9. REPEAL. Section 261.112, Code 2013, is repealed.

20 Sec. 10. TRANSITION FUNDING PROVISIONS. On July 1, 2014,
21 any unobligated and unencumbered moneys in the teacher shortage
22 loan forgiveness repayment fund shall revert to the general
23 fund of the state. Any remaining obligations of the teacher
24 shortage loan forgiveness program continuing on or after July
25 1, 2014, shall be met with moneys in the teach Iowa scholar
26 fund established by section 261.110.

27 Sec. 11. EFFECTIVE DATE. The following provisions of this
28 division of this Act take effect July 1, 2014:

29 1. The section of this division of this Act amending section
30 261.2.

31 2. The section of this division of this Act repealing
32 section 261.112.

33

DIVISION III

34 ASSESSMENTS — IOWA CERTIFICATE OF DISTINCTION PROGRAM

35 Sec. 12. Section 256.7, subsection 21, paragraph b, Code

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1 accomplish the following objectives if implemented by a school
2 district or accredited nonpublic school:

3 *a.* To define college- and career-ready performance
4 expectations that are aligned to national and international
5 college- and career-ready standards.

6 *b.* To compel stronger alignment of curriculum, instruction,
7 and assessment with the knowledge, skills, and abilities most
8 predictive of student success in secondary and postsecondary
9 education programs, and in careers.

10 *c.* To identify students who upon graduation from high school
11 demonstrate specific competencies aligned with college and
12 career readiness.

13 *d.* To validate that students have met specific expectations
14 and demonstrated essential competencies or skills identified
15 by the department as important across a range of education and
16 career opportunities.

17 *e.* To recognize students by awarding a certificate of
18 distinction associated with specific subjects or areas of
19 accomplishment.

20 *f.* (1) To encourage institutions of higher education
21 governed by the state board of regents and accredited private
22 institutions as defined in section 261.9 to consider the
23 certificate of distinction in assessing whether an applicant
24 meets the institution's requirements for admission.

25 (2) To encourage community colleges to exempt students
26 awarded a certificate of distinction by meeting college-
27 or career-readiness standards from additional placement or
28 readiness testing.

29 (3) To integrate the Iowa certificate of distinction in
30 career-readiness and college-readiness program with the I have
31 a plan Iowa program administered by the college student aid
32 commission, the Iowa core implementation plan, competency-based
33 education, the skilled Iowa program administered by the
34 department of workforce development, the economic development
35 authority's targeted industries program, the Iowa science,

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1 technology, engineering, and mathematics advisory council, and
2 other statewide workforce initiatives as appropriate.

3 *g.* To encourage business and industry to realize the
4 benefits of the certificate of distinction program.

5 2. The certificate of distinction program council is
6 created within the department to regularly advise and make
7 recommendations to the director and the state board on the
8 operation of the certificate of distinction program. The
9 governor shall appoint the council's members.

10 *a.* The council shall submit its findings and recommendations
11 periodically and at least annually in a report to the governor,
12 the director, and the state board. The council shall do the
13 following:

14 (1) Recommend specific academic or skill areas for which
15 an certificate of distinction may be awarded, including but
16 not limited to certificates related to college-readiness,
17 specialized academic pathways, and specialized career and
18 technical pathways including fields related to science,
19 technology, engineering, and mathematics.

20 (2) Recommend standards for certificates of distinction
21 that reflect the high quality of work a student must complete
22 throughout a significant portion of the student's secondary
23 education, and not merely during a single year.

24 (3) Recommend specific requirements and criteria for
25 awarding a certificate of distinction in each subject or area
26 of accomplishment. The requirements shall include but not be
27 limited to the demonstration of competencies in both content
28 and universal constructs through the following:

29 (a) A core course of study.

30 (b) A specialized course of study related to each area for
31 which a certificate of distinction may be awarded.

32 (c) Multiple assessments and demonstrations of competency
33 in a variety of formats including but not limited to at least
34 one standardized measure of college readiness and the national
35 career readiness certificate.



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1 (d) A capstone project portfolio demonstrating academic and
2 nonacademic skills and abilities associated with postsecondary
3 academic success. The recommendation shall include the content
4 areas in which a capstone project may be completed and an
5 optional capstone project focusing on entrepreneurship or
6 entrepreneurial education.

7 (4) Recommend, as necessary, adjustments to types or
8 categories of certificates of distinction available for award
9 based on criteria to be determined by the state board.

10 (5) Recommend a tiered implementation schedule that
11 begins July 1, 2014, has a goal of making some certificates of
12 distinction available for award to the 2015 graduating class,
13 and results in full implementation of the program by July 1,
14 2017.

15 (6) Recommend a strategy to meet the objective established
16 in subsection 1, paragraph "f".

17 (7) Recommend a strategy to encourage participating Iowa
18 businesses and industries to establish hiring preferences to
19 an applicant who was awarded a certificate of distinction,
20 including but not limited to a certificate that requires
21 attainment of a national career readiness certificate and other
22 readiness criteria.

23 b. The council shall be comprised of at least twenty
24 voting members representing the elementary and secondary
25 education community, the postsecondary education community,
26 small business employers, medium-size business employers, large
27 business employers, local government, state government, and
28 economic development entities. Members shall be appointed
29 to reflect a balance between educators and noneducators. In
30 selecting individuals for appointment to the council, the
31 governor shall seek nominations from the following entities:

- 32 (1) The Iowa business council.
33 (2) The Iowa association of business and industry.
34 (3) The Iowa chamber alliance.
35 (4) The professional developers of Iowa.

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- 1 (5) The department of workforce development.
2 (6) The economic development authority.
3 (7) An association representing individuals providing Iowa
4 career and technical education.
5 (8) An association comprised of Iowa school counselors.
6 (9) A statewide organization representing Iowa
7 municipalities.
8 (10) The Iowa council of governments.
9 (11) The state board of regents, which shall submit
10 nominations for at least three prospective members.
11 (12) An association representing accredited private
12 institutions as defined in section 261.9.
13 (13) A statewide association representing Iowa's community
14 college presidents.
15 (14) A statewide association representing Iowa school
16 administrators licensed under chapter 272.
17 (15) A statewide association representing the boards of
18 directors of Iowa school districts.
19 (16) A statewide association representing Iowa's accredited
20 nonpublic schools.
21 (17) A statewide organization made up of the Iowa school
22 districts with the largest enrollments.
23 (18) A statewide organization representing teachers
24 licensed under chapter 272.
25 *c.* Four members of the general assembly shall serve as ex
26 officio, nonvoting members of the council, with one member to
27 be appointed by each of the following: the majority leader of
28 the senate, the minority leader of the senate, the speaker of
29 the house of representatives, and the minority leader of the
30 house of representatives. A legislative member serves for a
31 term as provided in section 69.16B and is eligible for per diem
32 and expenses as provided in section 2.10.
33 3. The state board shall adopt, and may amend, standards,
34 requirements, and criteria for awarding a certificate of
35 distinction, which shall be made available to school districts



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1 and participating accredited nonpublic schools not later than
2 July 1, 2014.

3 4. By June 1, 2014, the state board shall adopt rules
4 pursuant to chapter 17A for the administration of this section,
5 including but not limited to rules establishing the minimum
6 components of the certificate of distinction program that
7 are part of the educational standards under section 256.11,
8 subsection 5. The rules shall require participating school
9 districts to note achievement of a certificate of distinction
10 on a qualifying student's high school transcript.

11 5. The authorities in charge of an accredited nonpublic
12 school may elect to participate in the certificate of
13 distinction program, and may offer students enrolled in the
14 school the opportunity to participate in the program.

15 Sec. 14. DEPARTMENT OF EDUCATION — CERTIFICATE OF
16 DISTINCTION PROGRAM. There is appropriated from the
17 general fund of the state to the department of education
18 for the following fiscal years the following amounts, or so
19 much thereof as is necessary, to be used for the purposes
20 designated:

21 For purposes of developing and implementing the certificate
22 of distinction program pursuant to section 256.27, if enacted:
23 FY 2013-2014..... \$ 200,000

24 DIVISION IV

25 TEACHER AND ADMINISTRATOR DEVELOPMENT SYSTEM

26 Sec. 15. Section 256.7, Code 2013, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 33. Adopt rules establishing a statewide
29 system of evaluation and performance review requirements for
30 teachers and a statewide system of evaluation requirements for
31 administrators. The systems shall align with Iowa teaching
32 standards or the Iowa standards for school administrators, as
33 appropriate, and shall use clear and concise evaluation and
34 performance review criteria and descriptors; provide for a
35 fair and balanced use of student outcome measures, comprised



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1 of objective, reliable measurers of student growth, classroom
 2 observations and student surveys; include a tiered evaluation
 3 or performance review system that differentiates at least
 4 three levels of teacher performance; and be applicable to
 5 all teachers and school administrators, as appropriate, in a
 6 charter school, school district, or area education agency.

7 Sec. 16. Section 256.9, subsections 46 and 51, Code 2013,
 8 are amended to read as follows:

9 46. Develop core knowledge and skill criteria, ~~based upon~~
 10 significantly shaped by the Iowa teaching standards and the
 11 interstate teacher assessment and support consortium's model
 12 core teaching standards, for the evaluation, the advancement,
 13 and for teacher career development purposes pursuant to chapter
 14 284. The criteria shall further define the characteristics of
 15 quality teaching as established by the Iowa teaching standards
 16 and the interstate teacher assessment and support consortium's
 17 model core teaching standards. The director, in consultation
 18 with the board of educational examiners, shall also develop a
 19 transition plan for implementation of the career development
 20 standards developed pursuant to section 256.7, subsection 25,
 21 with regard to licensure renewal requirements. The plan shall
 22 include a requirement that practitioners be allowed credit for
 23 career development completed prior to implementation of the
 24 career development standards developed pursuant to section
 25 256.7, subsection 25.

26 51. Develop, and periodically review and revise as
 27 necessary, Iowa standards for school administrators, including
 28 knowledge and skill criteria, and develop, based on the
 29 Iowa standards for administrators, mentoring and induction,
 30 evaluation processes, and professional development plans
 31 pursuant to chapter 284A. The criteria shall further define
 32 the characteristics of quality administrators as established by
 33 the Iowa standards for school administrators.

34 Sec. 17. Section 256.9, Code 2013, is amended by adding the
 35 following new subsection:

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1 NEW SUBSECTION. 63. Do all of the following by July 1,
2 2015, in order to develop and implement an Iowa educator
3 development system:
4 *a.* (1) Develop by July 1, 2015, additional Iowa teaching
5 standards designed specifically for purposes of chapters 279
6 and 284. The additional standards shall align with nationally
7 accepted teaching standards. Based upon the standards
8 developed pursuant to this paragraph, the director shall
9 develop core knowledge and skill criteria for the evaluation
10 and advancement of teachers, and for teacher career development
11 purposes pursuant to chapter 284. The criteria shall further
12 define the characteristics of quality teaching as significantly
13 shaped by the Iowa teaching standards and the interstate
14 teacher assessment and support consortium's model core teaching
15 standards.
16 (2) The Iowa teaching standards developed pursuant to
17 subparagraph (1) shall be based on significant input from the
18 council on educator development established and convened by the
19 director. By October 15, 2015, the director shall submit to
20 the state board and to the general assembly recommendations
21 for changes in policy or statute necessary to implement the
22 Iowa teaching standards developed pursuant to subparagraph (1).
23 This subparagraph is repealed July 1, 2016.
24 *b.* Develop and implement Iowa standards for school
25 administrators designed specifically for purposes of chapters
26 272 and 284A. The standards shall be based on significant
27 input from Iowa administrators and align with nationally
28 accepted school administrator standards.
29 *c.* Review and, where necessary, revise the standards and
30 requirements for the evaluator training program established
31 pursuant to section 284.10.
32 *d.* Develop and implement a coaching and support system for
33 teachers aligned with the Iowa teacher career paths, leadership
34 roles, and compensation framework established pursuant to
35 section 284.15, if enacted.

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1 e. Develop and implement a coaching and support system
 2 for administrators aligned with the beginning administrator
 3 mentoring and induction program created pursuant to section
 4 284A.5.

5 Sec. 18. Section 272.9A, subsection 1, Code 2013, is amended
 6 to read as follows:

7 1. ~~Beginning July 1, 2007, requirements~~ Requirements for
 8 administrator licensure beyond an initial license shall include
 9 completion of a beginning administrator mentoring and induction
 10 program and demonstration of competence on the ~~administrator~~
 11 Iowa standards for school administrators adopted pursuant to
 12 section ~~284A.3~~ 256.7, subsection 27.

13 Sec. 19. Section 279.14, subsection 1, Code 2013, is amended
 14 to read as follows:

15 1. The board shall establish written evaluation criteria
 16 and shall establish and annually implement evaluation
 17 procedures. The evaluation criteria and procedures shall be
 18 consistent with the statewide system of performance review
 19 requirements established by the state board pursuant to section
 20 256.7, subsection 33, and the provisions of chapter 284. If
 21 an exclusive bargaining representative has been certified, the
 22 board shall negotiate in good faith with respect to evaluation
 23 procedures pursuant to chapter 20.

24 Sec. 20. Section 279.23A, Code 2013, is amended to read as
 25 follows:

26 **279.23A Evaluation criteria and procedures.**

27 The board shall establish written evaluation criteria and
 28 shall establish and annually implement evaluation procedures.
 29 The evaluation criteria and procedures shall be consistent
 30 with the statewide system of evaluation requirements for
 31 administrators established by the state board pursuant to
 32 section 256.7, subsection 33, and with the provisions of
 33 chapter 284A. The board shall also establish written job
 34 descriptions for all supervisory positions.

35 Sec. 21. Section 284.3, subsections 2 and 3, Code 2013, are

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1 amended to read as follows:

2 2. A school board shall provide for the following:

3 a. For purposes of comprehensive evaluations for beginning
4 teachers required to allow beginning teachers to progress to
5 career teachers, standards and criteria that are the Iowa
6 teaching standards specified in subsection 1 and the criteria
7 for the Iowa teaching standards developed by the ~~department in~~
8 ~~accordance with section 256.9, subsection 46~~ director. These
9 standards and criteria shall be set forth in an instrument
10 provided by the department. The comprehensive evaluation
11 and instrument are not subject to negotiations or grievance
12 procedures pursuant to chapter 20 or determinations made by the
13 board of directors under section 279.14. A local school board
14 and its certified bargaining representative may negotiate,
15 pursuant to chapter 20, evaluation and grievance procedures for
16 beginning teachers that are not in conflict with this chapter.
17 If, in accordance with section 279.19, a beginning teacher
18 appeals the determination of a school board to an adjudicator
19 under section 279.17, the adjudicator selected shall have
20 successfully completed training related to the Iowa teacher
21 standards, the criteria adopted by the state board of education
22 in accordance with subsection 3, and any additional training
23 required under rules adopted by the public employment relations
24 board in cooperation with the state board of education.

25 b. For purposes of performance reviews for teachers other
26 than beginning teachers, evaluations that contain, at a
27 minimum, the Iowa teaching standards ~~specified in subsection 1~~
28 and the interstate teacher assessment and support consortium's
29 model core teaching standards, as well as ~~the criteria for the~~
30 Iowa additional teaching standards developed by the department
31 ~~in accordance with section 256.9, subsection 46~~ director,
32 and a balanced use of student outcome measurers, comprised
33 of objective, reliable measures of student growth, classroom
34 observation, and student surveys. A local school board and its
35 certified bargaining representative may negotiate, pursuant

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1 follows:

2 **284A.3 Iowa standards for school ~~administrators~~ administrator**
3 **evaluations.**

4 By July 1, 2008, each school board shall provide for
5 evaluations for administrators under individual professional
6 development plans developed in accordance with section 279.23A,
7 and the Iowa standards for school administrators and related
8 criteria adopted by the state board in accordance with section
9 256.7, subsection 27. A local school board may establish
10 additional administrator standards and related criteria. This
11 section is repealed July 1, 2015.

12 Sec. 25. COUNCIL ON EDUCATOR DEVELOPMENT ESTABLISHED.

13 1. The director of the department of education shall
14 establish and convene a council on educator development
15 to review the current teacher and administrator evaluation
16 requirements and the teacher performance review requirements,
17 and to make recommendations to the director regarding
18 improvement to the evaluation and performance review
19 requirements for teachers and to the evaluation requirements
20 for administrators.

21 2. The council shall make recommendations to the director
22 concerning development of the following:

23 a. A holistic vision of teacher and administrator
24 development and dissemination of this vision to schools, school
25 districts, and area education agencies.

26 b. Methods designed to foster a culture of continuous
27 learning and improvement within schools, school districts,
28 and area education agencies with differentiated supports for
29 educators.

30 c. Iowa teaching standards and the administrator standards
31 for school administrators.

32 d. Performance review for teachers and evaluation criteria
33 for teachers and administrators.

34 e. A method for incorporating a fair and balanced use of
35 student outcome measures comprised of objective, reliable

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1 measures of student growth, classroom observation, and student
2 surveys, into teacher evaluations.

3 f. A means to differentiate levels of teacher performance.

4 3. The council shall be comprised of at least seventeen
5 voting members appointed by the director as follows:

6 a. Eight members representing education stakeholders; four
7 of whom shall be practitioners knowledgeable about the Iowa
8 core curriculum, and four of whom shall be knowledgeable about
9 current education research and practice in educator quality.

10 b. One member representing the department of education, who
11 shall serve as chairperson of the council.

12 c. One member representing the area education agencies.

13 d. One member representing a certified employee
14 organization representing teachers licensed under chapter 272.

15 e. One member representing a statewide organization
16 representing school administrators licensed under chapter 272.

17 f. One member representing rural school districts selected
18 by a statewide organization representing the boards of
19 directors of school districts.

20 g. One member representing an organization made up of Iowa
21 school districts with the largest student enrollments.

22 h. One member representing Iowa's approved teacher
23 preparation programs.

24 i. One member representing Iowa's approved administrator
25 preparation programs.

26 j. One member representing parents of Iowa elementary or
27 secondary students.

28 k. Other education stakeholders as determined by the
29 director.

30 4. Four members of the general assembly shall serve as ex
31 officio, nonvoting members of the council, with one member to
32 be appointed by each of the following: the majority leader of
33 the senate, the minority leader of the senate, the speaker of
34 the house of representatives, and the minority leader of the
35 house of representatives.



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1 5. The council shall submit its findings and
2 recommendations to the state board of education, the governor,
3 and the general assembly by January 1, 2015.

4 6. The director shall consider the findings and
5 recommendations of the council to revise evaluator training in
6 accordance with section 256.9, subsection 63; and to develop
7 a statewide system of performance review requirements for
8 teachers and a statewide system of evaluation requirements for
9 administrators which the director shall submit to the state
10 board of education for approval.

11 Sec. 26. DEPARTMENT OF EDUCATION — EDUCATOR DEVELOPMENT
12 SYSTEM. There is appropriated from the general fund of the
13 state to the department of education for the fiscal period
14 beginning July 1, 2013, and ending June 30, 2015, the following
15 amounts, or so much thereof as is necessary, to be used for the
16 purposes designated:

17 For purposes of developing and implementing an Iowa educator
18 development system pursuant to section 256.9, subsection 63,
19 if enacted, and establishing a council on educator development
20 pursuant to this Act:

21 FY 2013-2014.....	\$ 500,000
22 FY 2014-2015.....	\$ 3,500,000

23 Of the moneys appropriated each fiscal year for purposes of
24 this section, up to \$300,000 may be used by the department for
25 administrative purposes and for not more than three full-time
26 equivalent positions.

DIVISION V

IOWA TEACHER CAREER AND COMPENSATION MATTERS

29 Sec. 27. Section 257.1, subsection 2, paragraph b, Code
30 2013, is amended to read as follows:

31 b. For the budget year commencing July 1, 1999, and for each
32 succeeding budget year the regular program foundation base per
33 pupil is eighty-seven and five-tenths percent of the regular
34 program state cost per pupil. For the budget year commencing
35 July 1, 1991, and for each succeeding budget year the special

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1 base year of the governor's budget under section 8.21. The
2 establishment of the categorical state percent of growth for a
3 budget year shall be the only subject matter of the bill which
4 enacts the categorical state percent of growth for a budget
5 year. The categorical state percent of growth may include
6 state percents of growth for the teacher salary supplement, the
7 professional development supplement, ~~and~~ the early intervention
8 supplement, and the teacher leadership supplement.

9 Sec. 31. Section 257.9, Code 2013, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 11. *Teacher leadership supplement state cost*
12 *per pupil.* The teacher leadership supplement state cost per
13 pupil amount for the budget year beginning July 1, 2014, shall
14 be calculated by the department of management by dividing the
15 allocation amount for the budget year beginning July 1, 2014,
16 in section 284.13, subsection 1, paragraph "0e", subparagraph
17 (5), by one-third of the statewide total budget enrollment for
18 the fiscal year beginning July 1, 2014. The teacher leadership
19 supplement state cost per pupil for the budget year beginning
20 July 1, 2015, and succeeding budget years, shall be the teacher
21 leadership supplement state cost per pupil for the base year
22 plus an allowable growth amount that is equal to the teacher
23 leadership supplement categorical state percent of growth,
24 pursuant to section 257.8, subsection 2, for the budget year,
25 multiplied by the teacher leadership supplement state cost per
26 pupil for the base year.

27 Sec. 32. Section 257.10, subsection 8, paragraph a, Code
28 2013, is amended to read as follows:

29 *a.* Combined district cost is the sum of the regular program
30 district cost per pupil multiplied by the weighted enrollment,
31 the special education support services district cost, the total
32 teacher salary supplement district cost, the total professional
33 development supplement district cost, ~~and~~ the total early
34 intervention supplement district cost, and the total teacher
35 leadership supplement district cost, plus the sum of the

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1 additional district cost allocated to the district to fund
2 media services and educational services provided through the
3 area education agency, the area education agency total teacher
4 salary supplement district cost and the area education agency
5 total professional development supplement district cost.

6 Sec. 33. Section 257.10, Code 2013, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 12. *Teacher leadership supplement cost per*
9 *pupil and district cost.*

10 a. The teacher leadership supplement district cost per
11 pupil amount for the budget year beginning July 1, 2014, shall
12 be calculated by the department of management by dividing the
13 allocation amount for the budget year beginning July 1, 2014,
14 in section 284.13, subsection 1, paragraph "0e", subparagraph
15 (5), by one-third of the statewide total budget enrollment
16 for the fiscal year beginning July 1, 2014. For the budget
17 year beginning July 1, 2015, and succeeding budget years, the
18 teacher leadership supplement district cost per pupil for each
19 school district for a budget year is the teacher leadership
20 supplement program district cost per pupil for the base year
21 plus the teacher leadership supplement state allowable growth
22 amount for the budget year.

23 b. For the budget year beginning July 1, 2015, and
24 succeeding budget years, if the department of management
25 determines that the unadjusted teacher leadership supplement
26 district cost of a school district for a budget year is less
27 than one hundred percent of the unadjusted teacher leadership
28 supplement district cost for the base year for the school
29 district, the school district shall receive a budget adjustment
30 for that budget year equal to the difference.

31 c. (1) The unadjusted teacher leadership supplement
32 district cost is the teacher leadership supplement district
33 cost per pupil for each school district for a budget year
34 multiplied by the budget enrollment for that school district.

35 (2) The total teacher leadership supplement district cost



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1 is the sum of the unadjusted teacher leadership supplement
2 district cost plus the budget adjustment for that budget year.

3 *d.* For the budget year beginning July 1, 2014, and
4 succeeding budget years, the use of the funds calculated under
5 this subsection shall comply with the requirements of chapter
6 284 and shall be distributed to teachers pursuant to section
7 284.15. The funds shall be used only to increase the stipend
8 payment for a model, mentor, or lead teacher; to increase the
9 percentages of model, mentor, or lead teachers; to increase the
10 minimum teacher starting salary to thirty-two thousand dollars;
11 or to cover the costs for the time mentor and lead teachers are
12 not providing instruction to students in a classroom.

13 Sec. 34. Section 257.16, subsection 4, Code 2013, is amended
14 to read as follows:

15 4. Notwithstanding any provision to the contrary, if
16 the governor orders budget reductions in accordance with
17 section 8.31, the teacher salary supplement district cost,
18 the professional development supplement district cost, ~~and~~
19 the early intervention supplement district cost, and the
20 teacher leadership supplement district cost as calculated
21 under section 257.10, subsections 9, 10, ~~and 11, and 12,~~ and
22 the area education agency teacher salary supplement district
23 cost and the area education agency professional development
24 supplement district cost as calculated under section 257.37A,
25 subsections 1 and 2, shall be paid in full as calculated and
26 the reductions in the appropriations provided in accordance
27 with this section shall be reduced from the remaining moneys
28 appropriated pursuant to this section and shall be distributed
29 on a per pupil basis calculated with the weighted enrollment
30 determined in accordance with section 257.6, subsection 5.

31 Sec. 35. Section 282.18, subsection 7, Code 2013, is amended
32 to read as follows:

33 7. A pupil participating in open enrollment shall be
34 counted, for state school foundation aid purposes, in the
35 pupil's district of residence. A pupil's residence, for



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1 purposes of this section, means a residence under section
2 282.1. The board of directors of the district of residence
3 shall pay to the receiving district the state cost per
4 pupil for the previous school year, the teacher leadership
5 supplement district cost per pupil for the previous fiscal
6 year as provided in section 257.10, and the teacher leadership
7 supplement state cost per pupil for the previous fiscal year
8 as provided in section 257.9, plus any moneys received for
9 the pupil as a result of the non-English speaking weighting
10 under section 280.4, subsection 3, for the previous school
11 year multiplied by the state cost per pupil for the previous
12 year. If the pupil participating in open enrollment is also
13 an eligible pupil under section 261E.6, the receiving district
14 shall pay the tuition reimbursement amount to an eligible
15 postsecondary institution as provided in section 261E.7.

16 Sec. 36. Section 284.2, subsections 1, 7, and 8, Code 2013,
17 are amended to read as follows:

18 1. *"Beginning teacher"* means an individual serving under an
19 initial or intern license, ~~issued by the board of educational~~
20 ~~examiners~~ under chapter 272, who is assuming a position as a
21 teacher. *"Beginning teacher"* includes an individual who is
22 an initial teacher. For purposes of the beginning teacher
23 mentoring and induction program created pursuant to section
24 284.5, *"beginning teacher"* also includes preschool teachers
25 who are licensed ~~by the board of educational examiners~~ under
26 chapter 272 and are employed by a school district or area
27 education agency. *"Beginning teacher"* does not include a
28 teacher whose employment with a school district or area
29 education agency is probationary unless the teacher is serving
30 under an initial or teacher intern license issued ~~by the board~~
31 ~~of educational examiners~~ under chapter 272.

32 7. *"Mentor"* means an individual employed by a school
33 district or area education agency as a teacher or a retired
34 teacher who holds a valid license issued under chapter
35 272. The individual must have a record of ~~four~~ two years

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1 of successful teaching practice, must be employed on a
2 nonprobationary basis, and must demonstrate professional
3 commitment to both the improvement of teaching and learning and
4 the development of beginning teachers.

5 8. *“Performance review”* means a summative evaluation of
6 a teacher other than a beginning teacher ~~and that is used~~
7 to determine whether the teacher’s practice meets school
8 district expectations and the Iowa teaching standards, ~~and to~~
9 ~~determine whether the teacher’s practice meets school district~~
10 ~~expectations for career advancement~~ in accordance with section
11 ~~284.7~~ 284.8.

12 Sec. 37. Section 284.3, subsection 2, paragraph a, Code
13 2013, is amended to read as follows:

14 a. For purposes of comprehensive evaluations ~~for, standards~~
15 ~~and criteria which measure a beginning teachers required to~~
16 ~~allow beginning teachers to progress to career teachers,~~
17 ~~standards and criteria that are~~ teacher’s performance against
18 the Iowa teaching standards specified in subsection 1, and
19 the criteria for the Iowa teaching standards developed by the
20 department in accordance with section 256.9, ~~subsection 46 to~~
21 determine whether the teacher’s practice meets the requirements
22 specified for a career teacher. These standards and criteria
23 shall be set forth in an instrument provided by the department.
24 The comprehensive evaluation and instrument are not subject to
25 negotiations or grievance procedures pursuant to chapter 20 or
26 determinations made by the board of directors under section
27 279.14. A local school board and its certified bargaining
28 representative may negotiate, pursuant to chapter 20,
29 evaluation and grievance procedures for beginning teachers that
30 are not in conflict with this chapter. If, in accordance with
31 section 279.19, a beginning teacher appeals the determination
32 of a school board to an adjudicator under section 279.17, the
33 adjudicator selected shall have successfully completed training
34 related to the Iowa teacher standards, the criteria adopted by
35 the state board ~~of education~~ in accordance with subsection 3,



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1 and any additional training required under rules adopted by the
2 public employment relations board in cooperation with the state
3 board of education.

4 Sec. 38. Section 284.3A, subsection 2, paragraph a, Code
5 2013, is amended to read as follows:

6 a. For the school budget year beginning July 1, 2010,
7 and each succeeding school year, school districts and area
8 education agencies shall combine payments made to teachers
9 under sections 257.10 and 257.37A with regular wages to
10 create a combined salary. The teacher contract issued under
11 section 279.13 must include the combined salary. If a school
12 district or area education agency uses a salary schedule, a
13 combined salary schedule shall be used for regular wages and
14 for distribution of payments under sections 257.10 and 257.37A,
15 incorporating the salary minimums required in section 284.7
16 or 284.15. The combined salary schedule must use only the
17 combined salary and cannot differentiate regular salaries and
18 distribution of payments under sections 257.10 and 257.37A.

19 Sec. 39. Section 284.5, subsection 2, Code 2013, is amended
20 by striking the subsection.

21 Sec. 40. Section 284.5, subsection 4, Code 2013, is amended
22 to read as follows:

23 4. Each school district and area education agency shall
24 develop ~~an initial beginning teacher mentoring and induction~~
25 a plan for the program. A school district shall include its
26 plan in the school district's comprehensive school improvement
27 plan submitted pursuant to section 256.7, subsection 21. The
28 ~~beginning teacher mentoring and induction~~ plan shall, at a
29 minimum, provide for a two-year sequence of induction program
30 content and activities to support the Iowa teaching standards
31 and beginning teacher professional and personal needs; mentor
32 training that includes, at a minimum, skills of classroom
33 demonstration and coaching, and district expectations for
34 beginning teacher competence on Iowa teaching standards;
35 placement of mentors and beginning teachers; the process for

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1 dissolving mentor and beginning teacher partnerships; district
2 organizational support for release time for mentors and
3 beginning teachers to plan, provide demonstration of classroom
4 practices, observe teaching, and provide feedback; structure
5 for mentor selection and assignment of mentors to beginning
6 teachers; a district facilitator; and program evaluation.

7 Sec. 41. Section 284.6, subsections 6 and 8, Code 2013, are
8 amended to read as follows:

9 6. School districts, a consortium of school districts,
10 area education agencies, higher education institutions,
11 and other public or private entities including professional
12 associations may be approved by the state board to provide
13 teacher professional development. The professional development
14 program or offering shall, at minimum, meet the requirements
15 of subsection 1. ~~The state board shall adopt rules for the~~
16 ~~approval of professional development providers and standards~~
17 ~~for the district development plan.~~

18 8. For each year in which a school district receives funds
19 calculated and paid to school districts for professional
20 development pursuant to section 257.10, subsection 10, or
21 section 257.37A, subsection 2, the school district shall create
22 quality professional development opportunities. Not less than
23 thirty-six hours in the school calendar, held outside of the
24 minimum school day, shall be set aside during nonpreparation
25 time or designated professional development time to allow
26 practitioners to collaborate with each other to deliver
27 educational programs and assess student learning, ~~or to engage~~
28 ~~in peer review pursuant to section 284.8, subsection 1. The~~
29 ~~goal for the use of the funds is to provide one additional~~
30 ~~contract day or the equivalent thereof for professional~~
31 ~~development, and Priority for use of the funds is shall be~~
32 ~~to implement the professional development provisions of the~~
33 ~~teacher career paths and leadership roles specified in section~~
34 ~~284.7 or 284.15, including but not limited to providing~~
35 professional development to teachers, including additional



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1 salaries for time beyond the normal negotiated agreement; pay
2 for substitute teachers, professional development materials,
3 speakers, and professional development content; and costs
4 associated with implementing the individual professional
5 development plans. The use of the funds shall be balanced
6 between school district, attendance center, and individual
7 professional development plans, making every reasonable effort
8 to provide equal access to all teachers.

9 Sec. 42. Section 284.7, Code 2013, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 6. This section is repealed July 1, 2016.

12 Sec. 43. Section 284.8, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. A school district shall provide for an annual review of
15 each teacher's performance for purposes of assisting teachers
16 in making continuous improvement, documenting continued
17 competence in the Iowa teaching standards, or identifying
18 teachers in need of improvement, ~~or to determine whether the~~
19 ~~teacher's practice meets school district expectations for~~
20 ~~career advancement in accordance with section 284.7.~~ The
21 review shall include, at minimum, classroom observation
22 of the teacher, a balanced use of student outcome measures
23 comprised of objective, reliable measures of student growth,
24 student surveys, the teacher's progress, and implementation
25 of the teacher's individual professional development plan,
26 ~~subject to the level of resources provided to implement~~
27 ~~the plan;~~ and shall include supporting documentation from
28 parents, students, and other teachers. The first year of
29 review shall be a performance review and the second year and
30 third years of review shall be ~~conducted by a peer group of~~
31 ~~teachers~~ focused on the professional development plan developed
32 pursuant to section 284.6. ~~The peer group shall review~~
33 ~~all of the peer group members. Peer group reviews shall be~~
34 ~~formative and shall be conducted on an informal, collaborative~~
35 ~~basis that is focused on assisting each peer group member in~~



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1 ~~achieving the goals of the teacher's individual professional~~
 2 ~~development plan. Peer group reviews shall not be the basis~~
 3 ~~for recommending that a teacher participate in an intensive~~
 4 ~~assistance program, and shall not be used to determine the~~
 5 ~~compensation, promotion, layoff, or termination of a teacher,~~
 6 ~~or any other determination affecting a teacher's employment~~
 7 ~~status. However, as a result of a peer group review, a teacher~~
 8 ~~may elect to participate in an intensive assistance program.~~
 9 ~~Members of the peer group shall be reviewed every third year~~
 10 ~~by at least one evaluator certified in accordance with section~~
 11 ~~284.10.~~

12 Sec. 44. Section 284.8, subsection 3, Code 2013, is amended
 13 by striking the subsection.

14 Sec. 45. Section 284.9, subsection 4, Code 2013, is amended
 15 to read as follows:

16 4. A teacher who does not receive a recommendation from a
 17 review panel may appeal that denial to an administrative law
 18 judge located in the department of inspections and appeals.
 19 The state shall not be liable for a teacher's attorney fees,
 20 costs, or damages that may result from an appeal of a review
 21 panel's decision. ~~The state board shall adopt rules to~~
 22 ~~administer this section.~~

23 Sec. 46. Section 284.9, Code 2013, is amended by adding the
 24 following new subsection:

25 NEW SUBSECTION. 5. This section is repealed July 1, 2016.

26 Sec. 47. NEW SECTION. **284.11 State supplemental assistance**
 27 **for high-need schools.**

28 1. *Findings and intent.* The general assembly finds that
 29 students whose first language is not English, who have special
 30 needs, or who come from low-income backgrounds face potential
 31 obstacles to learning. Schools across Iowa, both urban and
 32 rural, have increasing numbers of students who face these
 33 challenges. Therefore, it is the intent of the general
 34 assembly to provide supplemental assistance to the highest-need
 35 schools in Iowa to address these challenges. This section



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1 recommendations of the commission on educator leadership
 2 and compensation submitted pursuant to section 284.15,
 3 subsection 11, relating to the use and effectiveness of the
 4 funds distributed to school districts under this section. The
 5 department shall submit its findings and recommendations in a
 6 report to the general assembly by January 15 annually.

7 3. *School district request for approval.* A school district
 8 may request on an annual basis approval from the department
 9 for additions to the list of high-need schools the department
 10 maintains pursuant to subsection 2 based upon the unique local
 11 conditions and needs of the school district. The criteria used
 12 to determine the placement of high-need schools on the list in
 13 accordance with subsection 2, does not restrict the department
 14 from adding a high-need school to the list as requested by a
 15 school district on the basis of unique local conditions and
 16 needs pursuant to this subsection.

17 4. *Moneys received and miscellaneous income.* The
 18 distribution of moneys allocated pursuant to section 284.13,
 19 subsection 1, paragraph "00e", to a school district shall be
 20 made in one payment on or about October 15 of the fiscal year
 21 for which the appropriation is made, taking into consideration
 22 the relative budget and cash position of the state resources.
 23 Such moneys shall not be commingled with state aid payments
 24 made under section 257.16 to a school district and shall be
 25 accounted for by the local school district separately from
 26 state aid payments. Payments made to school districts under
 27 this section are miscellaneous income for purposes of chapter
 28 257. A school district shall maintain a separate listing
 29 within its budget for payments received and expenditures made
 30 pursuant to this section.

31 5. *Moneys received to supplement salaries.* Moneys received
 32 by a school district pursuant to section 284.13, subsection 1,
 33 paragraph "00e", shall be used to supplement and not supplant
 34 the salary being received by a teacher in a high-need school,
 35 and shall not be considered under chapter 20 by an arbitrator

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1 or other third party in determining a comparison of the wages
2 of teachers in that high-need school with the wages of teachers
3 in other buildings or in another school district.

4 Sec. 48. Section 284.13, subsection 1, Code 2013, is amended
5 by adding the following new paragraphs:

6 NEW PARAGRAPH. *0e.* (1) For the following years, to the
7 department of education, for purposes of teacher leadership
8 supplemental aid payments to school districts for implementing
9 the career paths, leadership roles, and compensation framework
10 or comparable system approved in accordance with section
11 284.15, the following amounts:

12 (a) For the fiscal year beginning July 1, 2013, and ending
13 June 30, 2014, five million dollars.

14 (b) For the fiscal year beginning July 1, 2014, and ending
15 June 30, 2015, fifty million dollars.

16 (c) For the fiscal year beginning July 1, 2015, and ending
17 June 30, 2016, fifty million dollars.

18 (d) For the fiscal year beginning July 1, 2016, and ending
19 June 30, 2017, fifty million dollars.

20 (e) For the fiscal year beginning July 1, 2017, and for
21 each succeeding fiscal year, one million five hundred thousand
22 dollars.

23 (2) (a) For the initial school year for which a school
24 district receives department approval for and implements a
25 system in accordance with section 284.15, subsection 8, teacher
26 leadership supplement foundation aid payable to that school
27 district shall be paid from the allocation made in subparagraph
28 (1) for that school year. For that school year, the teacher
29 leadership supplement foundation aid payable to the school
30 district is the product of the teacher leadership district
31 cost per pupil for the school year multiplied by the school
32 district's budget enrollment.

33 (b) For budget years subsequent to the initial school year
34 for which a school district implemented a system and received
35 funding pursuant to subparagraph division (a), the teacher



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1 leadership supplement foundation aid payable to that school
2 district shall be paid from the appropriation made in section
3 257.16.

4 (3) Of the moneys allocated to the department for the
5 purposes of this paragraph "0e", not more than one million
6 dollars shall be used by the department for the development of
7 a delivery system implementing the career paths and leadership
8 roles specified in section 284.15 including but not limited
9 to planning grants to districts and area education agencies,
10 technical assistance for the department, technical assistance
11 for districts and area education agencies, training and staff
12 development, and the contracting of external expertise and
13 services. A portion of the moneys allocated annually to the
14 department for purposes of this subparagraph (3) may be used
15 by the department for administrative purposes and for not more
16 than five full-time equivalent positions.

17 (4) Of the moneys allocated to the department for the
18 purposes of this paragraph "0e", not more than five hundred
19 thousand dollars annually shall be used by the department to
20 provide technical assistance to school districts and area
21 education agencies in the design and implementation of the
22 teacher career paths, leadership roles, and compensation
23 framework established pursuant to section 284.15, and
24 for not more than two full-time equivalent positions. In
25 allocating and expending moneys appropriated pursuant to this
26 subparagraph, the department shall give priority to school
27 districts with certified enrollments of fewer than six hundred
28 students.

29 (5) Of the moneys allocated to the department for purposes
30 of this paragraph "0e", for each fiscal year of the fiscal
31 period beginning July 1, 2014, and ending June 30, 2017, the
32 amount remaining after the allocations in subparagraphs (3)
33 and (4) shall be payable to the school districts that have
34 an approved career path, leadership roles, and compensation
35 framework or approved comparable system as provided in section



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1 284.15.

2 (6) For each fiscal year of the fiscal period beginning
3 July 1, 2013, and ending June 30, 2017, moneys received by a
4 school district pursuant to this paragraph "0e" shall not be
5 considered under chapter 20 by an arbitrator or other third
6 party in determining a comparison of the wages of teachers in
7 that school district with the wages of teachers in another
8 school district.

9 (7) The receipt of funding by a school district for the
10 purposes of this paragraph "0e", and the need for additional
11 funding for the purposes of this paragraph "0e", or the
12 enrollment count of eligible students under this chapter,
13 shall not be considered to be unusual circumstances, create an
14 unusual need for additional funds, or qualify under any other
15 circumstances that may be used by the school budget review
16 committee to grant supplemental aid to or establish modified
17 allowable growth for a school district under section 257.31.

18 NEW PARAGRAPH. 00e. For the fiscal year beginning July 1,
19 2014, and for each subsequent fiscal year, to the department
20 of education, ten million dollars for purposes of implementing
21 the supplemental assistance for high-need schools provisions
22 of section 284.11. Annually, of the moneys allocated to
23 the department for purposes of this paragraph, up to one
24 hundred thousand dollars may be used by the department for
25 administrative purposes and for not more than one full-time
26 equivalent position.

27 Sec. 49. Section 284.13, subsection 1, paragraph e, Code
28 2013, is amended to read as follows:

29 e. Notwithstanding section 8.33, any moneys remaining
30 unencumbered or unobligated from the moneys allocated for
31 purposes of ~~paragraph paragraphs~~ "a", "b", or "c" through "00e"
32 shall not revert but shall remain available in the succeeding
33 fiscal year for expenditure for the purposes designated.
34 The provisions of section 8.39 shall not apply to the funds
35 appropriated pursuant to this subsection.

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1 Sec. 50. Section 284.13, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 3. The state board may adopt rules which
4 assure the allocation of resources under this section in a
5 manner that optimizes the fulfillment of the purposes specified
6 in sections 284.11 and 284.15.

7 Sec. 51. NEW SECTION. **284.15 Iowa teacher career paths,**
8 **leadership roles, and compensation framework.**

9 1. To promote continuous improvement in Iowa's quality
10 teaching workforce and to give Iowa teachers the opportunity
11 for career recognition that reflects the various roles teachers
12 play as educational leaders, a framework for Iowa teacher
13 career paths, leadership roles, and compensation is established
14 for teachers employed by school districts. A teacher employed
15 by an area education agency may be included in a framework
16 established by a school district if the area education agency
17 and the school district enter into a contract for such purpose.
18 The framework is designed to accomplish the following goals:

19 *a.* To attract able and promising new teachers by offering
20 competitive starting salaries and offering short-term
21 and long-term professional development and leadership
22 opportunities.

23 *b.* To retain effective teachers by providing enhanced career
24 opportunities.

25 *c.* To promote collaboration by developing and supporting
26 opportunities for teachers in schools and school districts
27 statewide to learn from each other.

28 *d.* To reward professional growth and effective teaching
29 by providing pathways for career opportunities that come with
30 increased leadership responsibilities and involve increased
31 compensation.

32 *e.* To improve student achievement by strengthening
33 instruction.

34 2. The Iowa teacher career paths, leadership roles, and
35 compensation requirements under the framework shall be as



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1 follows:

2 *a.* Initial teacher.

3 (1) The salary for an initial teacher who has successfully
4 completed an approved practitioner preparation program as
5 defined in section 272.1 or holds an initial or intern teacher
6 license issued under chapter 272, and who participates in the
7 initial teacher mentoring and induction program as provided in
8 this chapter, shall be at least thirty-two thousand dollars,
9 which shall also constitute the minimum salary for an Iowa
10 teacher.

11 (2) An initial teacher shall complete a teacher residency
12 during the first year of employment that has all of the
13 following characteristics:

14 (a) Intensive supervision or mentoring by a mentor teacher
15 or lead teacher.

16 (b) Sufficient collaboration time for the initial teacher
17 in the residency year to be able to observe and learn from
18 model teachers, mentor teachers, and lead teachers employed by
19 school districts located in this state.

20 (c) A teaching contract issued under section 279.13 that
21 establishes an employment period which is five days longer
22 than that required for career teachers employed by the school
23 district of employment. The five additional contract days
24 shall be used to strengthen instructional leadership in
25 accordance with this subsection.

26 (d) Frequent observation, evaluation, and professional
27 development opportunities.

28 *b.* Career teacher. A career teacher is a teacher who holds
29 a statement of professional recognition issued under chapter
30 272 or who meets all of the following requirements:

31 (1) Has successfully completed the initial teacher
32 mentoring and induction program and has successfully completed
33 a comprehensive evaluation.

34 (2) Has demonstrated the competencies of a career teacher as
35 determined under the school district's comprehensive evaluation

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1 of the initial teacher.

2 (3) Holds a valid license issued under chapter 272.

3 (4) Participates in teacher professional development as set
4 forth in this chapter and demonstrates continuous improvement
5 in teaching.

6 c. Model teacher. A model teacher is a teacher who meets
7 the requirements of paragraph "b", has met the requirements
8 established by the school district that employs the teacher,
9 is evaluated by the school district as demonstrating the
10 competencies of a model teacher, has participated in a rigorous
11 review process, and has been recommended for a one-year
12 assignment as a model teacher by a site-based review council
13 appointed pursuant to subsection 3. A school district shall
14 designate at least ten percent of its teachers as model
15 teachers, though the district may enter into an agreement with
16 one or more other districts or an area education agency to meet
17 this requirement through a collaborative arrangement. The
18 terms of the teaching contracts issued under section 279.13 to
19 model teachers shall exceed by five days the terms of teaching
20 contracts issued under section 279.13 to career teachers, and
21 the five additional contract days shall be used to strengthen
22 instructional leadership in accordance with this subsection. A
23 model teacher shall receive annually a salary supplement of at
24 least two thousand dollars.

25 d. Mentor teacher. A mentor teacher is a teacher who
26 is evaluated by the school district as demonstrating the
27 competencies and superior teaching skills of a mentor teacher,
28 and has been recommended for a one-year assignment as a mentor
29 teacher by a site-based review council appointed pursuant
30 to subsection 4. In addition, a mentor teacher shall hold
31 a valid license issued under chapter 272, participate in
32 teacher professional development as outlined in this chapter,
33 demonstrate continuous improvement in teaching, and possess
34 the skills and qualifications to assume leadership roles. A
35 mentor teacher shall have a teaching load of not more than

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1 seventy-five percent student instruction to allow the teacher
2 to mentor other teachers. A school district shall designate
3 at least ten percent of its teachers as mentor teachers,
4 though the district may enter into an agreement with one or
5 more other districts or an area education agency to meet this
6 requirement through a collaborative arrangement. The terms
7 of the teaching contracts issued under section 279.13 to
8 mentor teachers shall exceed by ten days the terms of teaching
9 contracts issued under section 279.13 to career teachers, and
10 the ten additional contract days shall be used to strengthen
11 instructional leadership in accordance with this subsection. A
12 mentor teacher shall receive annually a salary supplement of
13 at least five thousand dollars.

14 e. Lead teacher. A lead teacher is a teacher who holds a
15 valid license issued under chapter 272 and has been recommended
16 for a one-year assignment as a lead teacher by a site-based
17 review council appointed pursuant to subsection 4. The
18 recommendation from the council must assert that the teacher
19 possesses superior teaching skills and the ability to lead
20 adult learners. A lead teacher shall assume leadership
21 roles that may include but are not limited to the planning
22 and delivery of professional development activities designed
23 to improve instructional strategies; the facilitation of
24 an instructional leadership team within the lead teacher's
25 building, school district, or other school districts;
26 the mentoring of other teachers; and participation in the
27 evaluation of student teachers. A lead teacher shall have
28 a teaching load of not more than fifty percent student
29 instruction to allow the lead teacher to spend time on
30 co-teaching; co-planning; peer reviews; observing career
31 teachers, model teachers, and mentor teachers; and other
32 duties mutually agreed upon by the superintendent and the lead
33 teacher. A school district shall designate at least five
34 percent of its teachers as lead teachers, though the district
35 may enter into an agreement with one or more other districts

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1 or an area education agency to meet this requirement through a
2 collaborative arrangement. The terms of the teaching contracts
3 issued under section 279.13 to lead teachers shall exceed by
4 fifteen days the terms of teaching contracts issued under
5 section 279.13 to career teachers, and the fifteen additional
6 contract days shall be used to strengthen instructional
7 leadership in accordance with this subsection. A lead teacher
8 shall receive annually a salary supplement of at least ten
9 thousand dollars.

10 3. The salary supplement received by model, mentor, and lead
11 teachers shall fully cover the salary costs of the additional
12 contract days required of teachers in those leadership roles.
13 Notwithstanding any provision of law to the contrary, the
14 determinations of salary supplements paid pursuant to this
15 section are not subject to appeal.

16 4. The school board shall appoint a site-based review
17 council for the district's attendance centers. Attendance
18 centers may share a site-based review council if the
19 appointments meet the requirements specified in paragraph "a".

20 a. Each council shall be comprised of equal numbers of
21 teachers, administrators, and parents or guardians of students
22 enrolled in the attendance center.

23 b. The council shall accept and review applications
24 submitted to the school's or the school district's
25 administration for assignment or reassignment as a model,
26 mentor, or lead teacher, and shall make recommendations
27 regarding the applications to the superintendent of the school
28 district. In developing recommendations, the council shall
29 utilize measures of teacher effectiveness and professional
30 growth, consider the needs of the school district, and review
31 the performance and professional development of the applicants.
32 Any teacher recommended for assignment or reassignment as a
33 model, mentor, or lead teacher shall have demonstrated to
34 the council's satisfaction competency on the Iowa teaching
35 standards as set forth in section 284.3.

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1 *c.* An assignment as a model teacher, mentor teacher, or
2 lead teacher pursuant to this section shall be subject to
3 review by the school's or the school district's administration
4 at least annually. The review shall include peer feedback
5 on the effectiveness of the teacher's performance of duty
6 specific to the teacher's career path. A teacher who completes
7 the time period of assignment as a model, mentor, or lead
8 teacher may apply to the school's or the school district's
9 administration for assignment in a new role if appropriate or
10 for reassignment.

11 5. A teacher employed in a school district shall not receive
12 less compensation in that district than the teacher received
13 in the school year preceding participation, as set forth in
14 section 284.4, due to implementation of this Act. A teacher
15 who achieves national board for professional teaching standards
16 certification and meets the requirements of section 256.44
17 shall continue to receive the award as specified in section
18 256.44 in addition to the compensation set forth in this
19 section.

20 6. *a.* A school district may apply to the department for
21 approval to implement the career paths, leadership roles,
22 and compensation framework specified in subsection 2, or a
23 comparable system of career paths and compensation for teachers
24 that contains differentiated multiple leadership roles.

25 *b.* By March 1 of the school year preceding implementation,
26 a school district that has been approved to implement the
27 framework or a comparable system pursuant to this subsection
28 may opt out of implementation of the framework or comparable
29 system by notifying the department of its intent to withdraw
30 from implementation. The department shall notify the
31 department of management that the school district is no longer
32 approved to implement the framework or comparable system and
33 is not eligible to receive teacher leadership supplement
34 foundation aid under chapter 257 or this chapter.

35 7. The department shall establish criteria and a process

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1 for application and approval of the framework established
2 under subsection 1, and for comparable systems, which a school
3 district may implement pursuant to subsection 6 in order to
4 receive teacher leadership supplement foundation aid calculated
5 under section 257.10, subsection 12.

6 8. A school district is encouraged to utilize appropriately
7 licensed teachers emeritus in the implementation of this
8 section.

9 9. The framework or comparable system approved and
10 implemented by a school district in accordance with this
11 section shall be applicable to teachers in every attendance
12 center operated by the school district.

13 10. Subject to an appropriation by the general assembly for
14 purposes of this subsection, a school district may apply to the
15 department for a planning grant to design an implementation
16 strategy for the framework established pursuant to subsection
17 1 or a comparable system of career paths and compensation for
18 teachers that contains differentiated multiple leadership
19 roles. The planning grant shall be used to facilitate a
20 local decision-making process that includes representation
21 of administrators, teachers, and parents and guardians of
22 students. The department shall establish and make available an
23 application for the awarding of planning grants for purposes
24 of this subsection.

25 11. The department shall establish, and provide staffing
26 and administrative support for a commission on educator
27 leadership and compensation. The commission shall monitor
28 with fidelity the implementation of the framework established
29 by school districts pursuant to subsection 1. The commission
30 shall also evaluate and make recommendations to the department
31 on applications for approval of a comparable system submitted
32 to the department pursuant to subsection 6, and on the
33 expenditure of moneys appropriated for purposes of this
34 section. In addition, the commission shall review the use and
35 effectiveness of the funds distributed to school districts for

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1 supplemental assistance to teachers in high-need schools under
2 section 284.11.

3 *a.* The commission shall be comprised of teachers, parents
4 and guardians of children enrolled in Iowa's school districts,
5 school administrators, school board members, postsecondary
6 faculty, designees representing education-related professional
7 organizations, and business and community leaders.

8 *b.* Members shall be appointed by the governor, subject to
9 confirmation by the senate, to staggered three-year terms which
10 begin and end as provided in section 69.19. Appointments shall
11 comply with sections 69.16, 69.16A, and 69.16C. Vacancies
12 on the commission shall be filled in the same manner as the
13 original appointment. A person appointed to fill a vacancy
14 shall serve only for the unexpired portion of the term.
15 Members are entitled to reimbursement of actual expenses
16 incurred in performance of their official duties.

17 *c.* By December 15 annually, the commission shall submit its
18 findings and any recommendations, including but not limited to
19 any recommendations for changes to the framework established
20 in subsection 1 and for changes to section 284.11 relating to
21 state supplemental assistance to high-need schools, in a report
22 to the director, the state board, the governor, and the general
23 assembly.

24 12. *a.* Teacher leadership supplement foundation aid
25 calculated under section 257.10, subsection 12, shall be paid
26 as part of the state aid payments made to school districts in
27 accordance with section 257.16.

28 *b.* Notwithstanding section 284.3A, teacher leadership
29 supplement foundation aid shall not be combined with regular
30 wages to create a combined salary.

31 *c.* The teacher leadership supplement district cost as
32 calculated under section 257.10, subsection 12, is not subject
33 to a uniform reduction in accordance with section 8.31.

34 13. The provisions of this chapter shall be subject to
35 legislative review at least every three years. The review



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1 shall be based upon a status report from the commission
 2 on educator leadership and compensation, which shall be
 3 prepared with the assistance of the departments of education,
 4 management, and revenue. The status report shall review and
 5 report on the department's assignment and utilization of
 6 full-time equivalent positions, and shall include information
 7 on teacher retention, teacher compensation, academic quality
 8 of beginning teachers, teacher evaluation results, student
 9 achievement trend and comparative data, and recommendations
 10 for changes to the teacher leadership supplement foundation
 11 aid and the framework or comparable systems approved pursuant
 12 to this section. The first status report shall be submitted
 13 to the general assembly by January 15, 2017, with subsequent
 14 status reports prepared and submitted to the general assembly
 15 by January 15 at least every third year thereafter.

16 Sec. 52. ATTENDANCE CENTER PERFORMANCE RANKINGS —
 17 PERFORMANCE INDEX.

18 1. The department of education shall develop criteria and
 19 a process for school districts to use to establish specific
 20 performance goals and to evaluate the performance of each
 21 attendance center operated by the district in order to arrive
 22 at an overall performance index for each attendance center.
 23 The criteria shall include but not be limited to student
 24 academic growth, parent involvement, student attendance,
 25 employee turnover, and community activities and involvement.

26 2. The department shall develop an achievement score that
 27 calculates aggregate growth as well as aggregate proficiency
 28 of students which when combined with other academic indicators
 29 results in an overall school performance index for each
 30 attendance center in the school district. The performance
 31 index shall be used as one measure to rank and classify schools
 32 into six different performance categories: exceptional,
 33 high performing, commendable, acceptable, needs improvement,
 34 and priority. The categories may be used to define support
 35 and specialized assistance to schools classified as needs



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1 whether all of some students in a district should participate;
2 and use of best practices and latest research in the field.
3 The department shall also recommend potential funding sources
4 for the full implementation of the proposed model for extended
5 learning time pilot projects and of future sustained extended
6 time learning efforts.

7 2. The department shall submit the proposed model and
8 the department's findings and recommendations in a report to
9 the state board of education, the governor, and the general
10 assembly by December 16, 2013.

11 Sec. 59. EXTENDED LEARNING TIME PILOT PROJECT MODEL —
12 APPROPRIATION. There is appropriated from the general fund of
13 the state to the department of education for the fiscal year
14 beginning July 1, 2013, and ending June 30, 2014, the following
15 amount, or so much thereof as is necessary, to be used for the
16 purposes designated:

17 For purposes of developing an extended learning time pilot
18 project model in accordance with this division of this Act, if
19 enacted:

20 \$ 40,000

21 EXPLANATION

22 This bill relates to programs and activities under the
23 purview of the department of education, the state board
24 of education, the college student aid commission, school
25 districts, and accredited nonpublic schools. The bill makes
26 appropriations and provides for establishment and retention
27 of certain fees and includes transition and effective date
28 provisions.

29 DIVISION I — IOWA LEARNING ONLINE INITIATIVE — FEES
30 AND APPROPRIATIONS. The bill directs the department of
31 education to establish fees payable by school districts and
32 accredited nonpublic schools participating in the Iowa learning
33 online initiative established by Code section 256.42. The
34 bill provides that fees collected pursuant to the bill are
35 appropriated to the department to be used only for the purpose

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1 of administering the initiative and cannot exceed the budgeted
2 cost of administering the initiative to the extent not covered
3 by other moneys appropriated in the bill. The bill specifies
4 that providing professional development necessary to prepare
5 teachers to participate in the initiative is to be considered
6 such a cost. The bill provides that unused fees do not revert
7 but remain available in subsequent fiscal years to expand
8 coursework offered under the initiative.

9 The bill appropriates \$1,500,000 per year from the state
10 general fund for fiscal years 2013-2014, 2014-2015, and
11 2015-2016, to the department to be used for administering the
12 Iowa learning online initiative and for not more than three
13 full-time equivalent positions.

14 DIVISION II — TRAINING AND EMPLOYMENT OF TEACHERS. The bill
15 directs the department of education to develop and implement
16 a teach Iowa marketing and public outreach initiative by
17 January 1, 2014, and appropriates \$3 million from the general
18 fund of the state to the department for each of FY 2013-2014
19 and FY 2014-2015 for teach Iowa marketing, a public outreach
20 initiative, and a student teacher pilot project.

21 The bill provides five goals for the initiative: to motivate
22 high performing students to enter teacher preparation programs
23 and to enter the teaching profession in Iowa; to motivate
24 teacher candidates, especially those in science, technology,
25 engineering, and mathematics fields, to enter teacher
26 preparation programs and to enter the teaching profession in
27 Iowa; to recruit high-caliber teacher candidates to pursue
28 teaching careers in Iowa; to encourage teacher candidates to
29 pursue teaching careers in rural Iowa; and to inform the public
30 of the value of the teaching profession and of the importance
31 of Iowa's education system to the future of Iowa.

32 The bill directs the department of education to establish an
33 online state job posting system. The system must be accessible
34 via the department's internet site, although the department
35 may contract for or partner with another entity for use of



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1 an existing internet site, and must include a mechanism for
2 the electronic submission of job openings for posting on the
3 system.

4 The bill requires school districts, charter schools, and
5 area education agencies to submit all of their job openings to
6 the department of education for posting on the system. The
7 bill requires the department to post all of its job openings
8 on the system. The bill provides that accredited nonpublic
9 schools may, but are not required to, submit job openings to
10 the department for posting on the system.

11 The establishment of the online state job posting system is
12 not to be construed to prohibit any employer from advertising
13 job openings and recruiting employees independently of the
14 system, to prohibit any employer from using another method of
15 advertising job openings or another applicant tracking system
16 in addition to the system, or to provide the department of
17 education with any regulatory authority in the hiring process
18 or hiring decisions of any employer other than the department
19 itself.

20 The bill establishes a teach Iowa scholar program within the
21 college student aid commission to provide teach Iowa scholar
22 grants to selected high-caliber teachers. The commission is
23 required to administer the program in collaboration with the
24 department.

25 The bill directs the commission to establish eligibility
26 criteria for teach Iowa scholar grants that at a minimum
27 requires that an applicant must have been in the top 25 percent
28 academically of students exiting a state-approved teacher
29 preparation program, or have earned other comparable academic
30 credentials; and be preparing to teach in fields including but
31 not limited to science, technology, engineering, mathematics,
32 or a hard-to-staff subject as identified annually by the
33 department.

34 A selected applicant who has successfully completed an
35 approved practitioner preparation program is eligible for a



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1 teach Iowa scholar grant for each year of full-time employment
2 completed in Iowa as a teacher for a school district, charter
3 school, area education agency, or accredited nonpublic school.
4 The bill provides that a teach Iowa scholar grant cannot exceed
5 \$4,000 per year per recipient, and cannot exceed \$20,000 total
6 per recipient over a five-year period.

7 The bill directs the commission, in collaboration with
8 the department, to adopt rules for the teach Iowa scholar
9 program. The rules are to include a process for the commission
10 to determine which eligible applicants will receive teach Iowa
11 scholar grants.

12 The bill establishes a teach Iowa scholar fund in the state
13 treasury to be administered by the commission and to consist
14 of moneys appropriated by the general assembly and any other
15 moneys received by the commission for deposit in the fund. The
16 bill appropriates moneys in the fund to the commission for the
17 program.

18 The bill directs the department of education to establish
19 a teach Iowa student teaching pilot project subject to an
20 appropriation of sufficient funds by the general assembly.
21 The department is required to establish the pilot project in
22 collaboration with two institutions of higher education which
23 offer state-approved teacher preparation programs. The two
24 institutions must include one regents institution and one
25 accredited private institution.

26 The pilot project will provide students in teacher
27 preparation programs with a one-year student teaching
28 experience. A participating institution of higher education
29 must work with school districts to place groups of students
30 in a student teaching experience for an entire academic
31 year, taking geographic diversity into consideration in the
32 selection of school districts. A participating institution
33 of higher education must also supervise the student teachers
34 in the classroom and provide the students with weekly on-site
35 instruction in pedagogy.

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1 The bill repeals the teacher shortage loan forgiveness
2 program as of July 1, 2014. Unobligated and unencumbered
3 moneys in the teacher shortage loan forgiveness repayment
4 fund revert to the state general fund on July 1, 2014. Any
5 remaining obligations of the teacher shortage loan forgiveness
6 program continuing on or after July 1, 2014, will be met with
7 moneys in the teach Iowa scholar fund established by the bill.

8 DIVISION III — ASSESSMENTS — IOWA CERTIFICATE OF
9 DISTINCTION PROGRAM. The bill relates to student achievement,
10 including the administration of assessments to measure student
11 achievement and the establishment and implementation of
12 the Iowa certificate of distinction program for qualifying
13 graduating high school students. The bill appropriates
14 \$200,000 from the general fund of the state to the department
15 of education for FY 2013-2014 to pay for the costs of
16 developing and implementing the Iowa certificate of distinction
17 program.

18 Under current law, the state board of education is required
19 to specify by rule that the district-wide assessment of student
20 progress that school districts must administer shall be the
21 assessment utilized by school districts statewide in the school
22 year beginning July 1, 2011. The bill amends the provision
23 that the requirement may be met using a successor assessment
24 administered by the same assessment provider, but also adds
25 that, beginning July 1, 2014, subject to an appropriation by
26 the general assembly, all students enrolled in grades 3-8 and
27 11 in a school district must, in the spring, be administered an
28 assessment that is aligned to the Iowa common core standards,
29 accurately describes student achievement and growth, and
30 provides valid, reliable, and fair measures of student progress
31 toward college or career readiness.

32 The bill establishes an Iowa certificate of distinction
33 program within the department of education. The program
34 must be designed by the director of the department to define
35 college- and career-ready performance expectations that are

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1 aligned to national and international college- and career-ready
2 standards; compel stronger alignment of curriculum,
3 instruction, and assessment with the knowledge, skills, and
4 abilities most predictive of student success in secondary and
5 postsecondary education programs, and in careers; identify high
6 school graduates who demonstrate specific competencies aligned
7 with college and career readiness; validate that students
8 have met specific expectations and demonstrated essential
9 competencies or skills identified by the department as
10 important across a range of education and career opportunities;
11 recognize students by awarding a certificate associated
12 with specific subjects or areas of accomplishment; encourage
13 participating Iowa colleges and universities to consider the
14 certificate when assessing whether an applicant meets the
15 institution's admission requirements; encourage business and
16 industry to realize the program's benefits; and to integrate
17 the program with related initiatives offered by other state
18 agencies.

19 The bill also creates within the department an Iowa
20 certificate of distinction program council to regularly advise
21 and make recommendations to the director of the department and
22 the state board on the operation of the program. The governor
23 is charged with appointing the council's members.

24 The council shall submit its findings and recommendations
25 periodically and at least annually in a report to the governor,
26 the director, and the state board. The council is responsible
27 for recommending specific academic or skill areas for which a
28 certificate may be awarded; standards that reflect the high
29 quality of work a student must complete; specific requirements
30 and criteria for awarding a certificate; adjustments to types
31 or categories of certificates available for award; a tiered
32 implementation schedule that begins July 1, 2014, and results
33 in full implementation of the program by July 1, 2017; and
34 strategies to encourage Iowa colleges and universities to
35 consider the certificate during the admissions process and



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1 to encourage participating Iowa businesses and industries to
2 establish hiring preferences to an applicant who was awarded
3 a certificate.

4 The council shall be comprised of at least 20 voting
5 members representing the secondary education community; the
6 postsecondary education community; small, medium, or large
7 business employers; local government; state government; and
8 economic development entities. Members shall be appointed
9 to reflect a balance between educators and noneducators. In
10 selecting individuals for appointment to the council, the
11 governor must seek nominations from a number of business,
12 industry, and educational associations, alliances, and
13 councils; postsecondary institutions; and certain state
14 agencies.

15 Four members of the general assembly shall serve as ex
16 officio, nonvoting members of the council, and are eligible for
17 per diem and expenses.

18 The state board shall adopt, and may amend, standards,
19 requirements, and criteria for awarding a certificate, which
20 shall be made available to school districts and participating
21 accredited nonpublic schools not later than July 1, 2014; and
22 shall, by that date, adopt rules for the administration of the
23 program, including rules establishing the minimum components
24 of the program that are part of the educational standards for
25 grades 9 through 12, and requiring school districts to note
26 achievement of a certificate on a qualifying student's high
27 school transcript.

28 Accredited nonpublic schools may participate in the program
29 and offer students the opportunity to participate.

30 DIVISION IV — TEACHER AND ADMINISTRATOR DEVELOPMENT
31 SYSTEM. The bill provides for additions to the Iowa teaching
32 standards, subject to any change in statute by the general
33 assembly, and modification of the Iowa standards for school
34 administrators, for the establishment of statewide systems
35 of evaluation for teachers and administrators and for



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1 performance review requirements for teachers, and establishes
2 a council on educator development charged with reviewing
3 the current teacher and administrator evaluation systems
4 and current performance review requirements, and to make
5 recommendations to the director regarding improvement to the
6 evaluation and performance review requirements for teachers and
7 administrators, as appropriate. The bill appropriates \$500,000
8 from the general fund of the state to the department of
9 education for FY 2013-2014, and \$3.5 million for FY 2014-2015
10 for developing and implementing an Iowa educator development
11 system and for the council.

12 EVALUATION AND PERFORMANCE REVIEW. The bill directs
13 the state board of education to adopt rules establishing
14 a statewide system of evaluation and performance review
15 requirements for teachers and a statewide system of evaluation
16 requirements for administrators. The statewide systems of
17 evaluation and performance for teachers and the statewide
18 system of evaluation for administrators shall align with
19 Iowa teaching standards or the Iowa standards for school
20 administrators, as appropriate, and shall use clear and concise
21 evaluation and performance review criteria and descriptors;
22 provide for a fair and balanced use of student outcome
23 measures; include a tiered evaluation or performance review
24 system that differentiates at least three levels of teacher
25 performance; and be applicable to all teachers and school
26 administrators, as appropriate, in a charter school, school
27 district, or area education agency (AEA).

28 DIRECTOR'S DUTIES. Current law directs the director of the
29 department of education to develop Iowa standards for school
30 administrators, which the bill amends to charge the director
31 with also reviewing and revising the standards as necessary.

32 The bill also charges the director with developing, for
33 implementation by July 1, 2015, additional Iowa teaching
34 standards and Iowa standards for school administrators designed
35 specifically for purposes of Code chapters 279, 284, and 284A.

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1 The standards must be based on significant input from the
2 council on educator development and Iowa educators must align
3 with nationally accepted teaching and administrator standards.

4 The director is also charged with reviewing and, where
5 necessary, revising the standards and requirements for the
6 evaluator training program that is established in Code section
7 284.10; developing and implementing a coaching and support
8 system for teachers aligned with the Iowa teacher career
9 paths, leadership roles, and compensation framework proposed
10 by the department; and with developing and implementing a
11 coaching and support system for administrators aligned with the
12 beginning administrator mentoring and induction program that is
13 established in Code section 284A.5.

14 SCHOOL BOARD RESPONSIBILITIES. School boards are directed
15 to establish written evaluation criteria and to implement
16 annually evaluation procedures that are consistent with the
17 statewide system of evaluation for teachers and administrators
18 and with the performance review requirements for teachers
19 established by the state board, and with the requirements
20 established under the student achievement and teacher quality
21 program or the administrator quality program, as appropriate.

22 The bill provides for the repeal, effective July 1, 2015,
23 of language in Code section 284A.3 that requires school boards
24 to provide for evaluations for administrators under individual
25 professional development plans and which authorizes school
26 boards to establish additional administrator standards and
27 related criteria.

28 COUNCIL ON EDUCATOR DEVELOPMENT. The director is required
29 to convene a council on educator development. The council must
30 make recommendations to the director concerning development
31 of a holistic vision of teacher and administrator development
32 and dissemination of this vision to schools, school districts,
33 and AEAs; methods designed to foster a culture of continuous
34 learning and improvement within schools, school districts, and
35 AEAs with differentiated supports for educators; Iowa teaching

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1 standards and the Iowa standards for school administrators;
2 performance review criteria for teachers and evaluation
3 criteria for teachers and administrators; a method for
4 establishing a fair and balanced use of student outcome
5 measures; and a means to differentiate levels of teacher
6 performance.

7 The council shall be comprised of at least 17 voting
8 members appointed by the director: Eight members representing
9 education stakeholders, four of whom shall be practitioners
10 knowledgeable about the Iowa core curriculum, and four of
11 whom shall be knowledgeable about current education research
12 and practice in educator quality; one member representing the
13 department of education and who will serve as chairperson of
14 the council; one member representing the AEAs; one member
15 representing a certified employee organization representing
16 teachers; one member representing a statewide organization
17 representing school administrators; one member representing
18 rural school districts selected by a statewide organization
19 representing school boards; one member representing an
20 organization made up of Iowa school districts with the largest
21 student enrollments; one member representing Iowa's approved
22 teacher preparation programs; one member representing Iowa's
23 approved administrator preparation programs; and one member
24 representing parents of Iowa elementary or secondary students.
25 The director may appoint additional education stakeholders.
26 Four members of the general assembly shall serve as ex officio,
27 nonvoting members of the council.

28 The council shall submit its findings and recommendations
29 to the state board of education, the governor, and the general
30 assembly by January 1, 2015.

31 The director shall consider the findings and recommendations
32 of the council to revise evaluator training in accordance with
33 Code section 256.9, subsection 63; and to develop a statewide
34 evaluation system and performance review requirements for
35 teachers and a statewide system of evaluation requirements for



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1 combined district cost.

2 For the budget year beginning July 1, 2014, the teacher
3 leadership supplement district cost per pupil shall be
4 calculated by the department of management considering
5 the annual allocation of teacher leadership supplemental
6 aid and statewide student enrollment. For the budget year
7 beginning July 1, 2015, and succeeding budget years, the
8 teacher leadership supplement district cost per pupil for each
9 school district for a budget year is the teacher leadership
10 supplement program district cost per pupil for the base year
11 plus the teacher leadership supplement state allowable growth
12 amount for the budget year. Beginning July 1, 2015, if the
13 department of management determines that the unadjusted teacher
14 leadership supplement district cost of a school district for
15 a budget year is less than 100 percent of the unadjusted
16 teacher leadership supplement district cost for the base year
17 for the school district, the school district shall receive a
18 budget adjustment for that budget year equal to the difference.
19 The bill also provides that the use of the funds calculated
20 for the supplement shall comply with the requirements of the
21 student achievement and teacher quality program and shall be
22 distributed to teachers pursuant to the Code section which
23 establishes the framework.

24 By March 1 of the school year preceding implementation,
25 a school district that has been approved to implement the
26 framework or a comparable system may opt out of implementation
27 of the framework or comparable system by notifying the
28 department of its intent to withdraw from implementation. The
29 department shall notify the department of management that
30 the school district is no longer eligible to receive teacher
31 leadership supplement foundation aid.

32 Effective July 1, 2014, teacher leadership supplement
33 foundation aid for students participating in open enrollment
34 must be paid by a sending district to a receiving district.

35 FRAMEWORK AND TECHNICAL ASSISTANCE. School districts may

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1 apply to the department for approval to implement frameworks
2 or comparable systems of career paths and compensation
3 that contain differentiated multiple leadership roles. The
4 department is directed to establish criteria and a process
5 for application and approval of the framework and comparable
6 systems. The bill appropriates \$500,000 from the general fund
7 of the state annually to the department to provide technical
8 assistance with not more than two full-time equivalent
9 positions to school districts and AEAs in the design and
10 implementation of the framework. In distributing and expending
11 these moneys, the department must give priority to school
12 districts with enrollments of fewer than 600 students. A
13 teacher employed by an AEA may be included in a framework
14 established by a school district if the AEA and the school
15 district enter into a contract for such purpose.

16 PLANNING GRANTS. A school district may also apply to the
17 department for a planning grant to design an implementation
18 strategy to establish the framework established or a comparable
19 system. The application submitted to the department must
20 reflect a local decision-making process that includes
21 representation of administrators, teachers, and parents and
22 guardians of students. The department is directed to establish
23 an application for the awarding of planning grants.

24 FRAMEWORK DESIGN. The framework is designed to attract able
25 and promising new teachers by offering competitive starting
26 salaries and offering short-term and long-term professional
27 development and leadership opportunities, retain effective
28 teachers by providing enhanced career opportunities, promote
29 collaboration by developing and supporting opportunities for
30 teachers in schools and school districts statewide to learn
31 from each other, reward professional growth and effective
32 teaching by providing pathways for career opportunities that
33 involve increased leadership responsibilities and increased
34 compensation, and improve student achievement by strengthening
35 instruction.



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1 CAREER AND LEADERSHIP ROLES AND COMPENSATION. The framework
2 includes five career or leadership roles for teachers. The
3 salary established in the bill for an initial teacher who meets
4 the requirements specified in the bill is at least \$32,000,
5 which amount also constitutes the minimum teacher salary for
6 the state. An initial teacher must meet the current definition
7 in the Code for a beginning teacher, but the initial teacher
8 must also complete a teacher residency during the first year
9 of employment that includes intensive supervision or mentoring
10 by a mentor teacher or lead teacher; sufficient collaboration
11 time to be able to observe and learn from model, mentor,
12 and lead teachers; a teaching contract that establishes an
13 employment period which is five days longer than that required
14 for career teachers; and for frequent observation, evaluation,
15 and professional development opportunities.

16 The second role, career teacher, requires the same
17 conditions as that specified in the current Iowa teacher career
18 path, but the compensation level for the career teacher is
19 unspecified in the bill.

20 The third role, model teacher, is a career teacher who
21 is evaluated by the school district as demonstrating the
22 competencies of a model teacher, has participated in a rigorous
23 review process, and has been recommended for a one-year
24 assignment as a model teacher by a site-based review council.
25 The term of the model teacher's teaching contract shall exceed
26 by five days the terms of career teachers' teaching contracts.
27 A model teacher shall receive annually a salary supplement of
28 at least \$2,000.

29 The fourth role, mentor teacher, is a teacher who is
30 evaluated by the school district as demonstrating the
31 competencies and superior teaching skills of a mentor teacher,
32 and has been recommended for a one-year assignment as a mentor
33 teacher by a site-based review council. The mentor teacher
34 must also participate in teacher professional development,
35 demonstrate continuous improvement in teaching, and possess the

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1 skills and qualifications to assume leadership roles. A mentor
2 teacher shall have a teaching load of not more than 75 percent
3 student instruction to allow the teacher to mentor other
4 teachers. The mentor teacher's teaching contract shall exceed
5 by 10 days the terms of career teachers' teaching contracts. A
6 mentor teacher shall receive annually a salary supplement of at
7 least \$5,000.

8 The fifth role, lead teacher, is a teacher who has been
9 recommended for a one-year assignment as a lead teacher by a
10 site-based review council. The recommendation from the council
11 must assert that the teacher possesses superior teaching skills
12 and the ability to lead adult learners. A lead teacher must
13 assume leadership roles that may include but are not limited
14 to the planning and delivery of professional development
15 activities; the facilitation of an instructional leadership
16 team within the lead teacher's building, school district, or
17 other school districts; the mentoring of other teachers; and
18 participation in the evaluation of student teachers. A lead
19 teacher shall have a teaching load of not more than 50 percent
20 student instruction to allow the lead teacher to spend time
21 on co-teaching; co-planning; peer reviews; observing career
22 teachers, model teachers, and mentor teachers; and other
23 duties mutually agreed upon by the superintendent and the lead
24 teacher. The term of the lead teacher's teaching contract
25 must exceed by 15 days the terms of career teachers' teaching
26 contracts. A lead teacher shall receive annually a salary
27 supplement of at least \$10,000.

28 A school district shall designate at least 10 percent of its
29 teachers as model teachers, 10 percent as mentor teachers, and
30 5 percent as lead teachers, though a district may enter into
31 an agreement with one or more other districts or an AEA to meet
32 these requirements through a collaborative arrangement.

33 Additional contract days must be used to strengthen
34 instructional leadership. The salary supplement received by
35 model, mentor, and lead teachers shall fully cover the salary

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1 costs of the additional contract days. The determinations of
2 salary supplements are not subject to appeal.

3 An assignment is subject to review by the school's or the
4 school district's administration at least annually. The
5 review must include peer feedback. A teacher who completes
6 the time period of assignment as a model, mentor, or lead
7 teacher may apply to the school's or the school district's
8 administration for assignment in a new role if appropriate or
9 for reassignment.

10 SITE-BASED REVIEW COUNCIL. Each school board must appoint
11 a site-based review council for the district's attendance
12 centers that is comprised of equal numbers of teachers,
13 administrators, and parents or guardians of students enrolled
14 in the attendance center. Attendance centers may share
15 a site-based review council. The council must accept and
16 review applications submitted to the school's or the school
17 district's administration for assignment as a model, mentor,
18 or lead teacher, and make recommendations regarding the
19 applications to the school district superintendent. In
20 developing recommendations, the council must utilize measures
21 of teacher effectiveness and professional growth, consider
22 the needs of the school district, and review the performance
23 and professional development of the applicants. Any teacher
24 recommended for assignment as a model, mentor, or lead
25 teacher shall have demonstrated to the council's satisfaction
26 competency on the Iowa teaching standards.

27 FRAMEWORK IMPLEMENTATION. The bill repeals Code section
28 284.7 and a related provision in Code section 284.8, and Code
29 section 284.9, relating to establishment of a review panel for
30 advancement under the Iowa teacher career path, effective July
31 1, 2016.

32 APPROPRIATION ALLOCATIONS. From moneys that the general
33 assembly appropriates for purposes of teacher leadership
34 supplemental aid payments to school districts for the student
35 achievement and teacher quality program, the bill allocates



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1 to the department, for purposes of implementing frameworks
2 or comparable systems approved by the department, \$5 million
3 for FY 2013-2014; \$50 million for FY 2014-2015, FY 2015-2016,
4 and FY 2016-2017; and \$1.5 million for FY 2017-2018 and each
5 subsequent fiscal year.

6 Of the moneys allocated, not more than \$1 million shall be
7 used by the department for the development of a delivery system
8 implementing the career paths and leadership roles, including
9 but not limited to planning grants to districts and AEAs,
10 technical assistance for the department, technical assistance
11 for districts and AEAs, training and staff development, and the
12 contracting of external expertise and services. Annually, of
13 these funds, the department may use not more than \$500,000 for
14 administrative purposes and for not more than five full-time
15 equivalent positions.

16 For the initial school year for which a school district
17 implements an approved system, teacher leadership supplement
18 foundation aid payable to that school district shall be paid
19 from the allocation made for such purposes for that school
20 year. For that school year, the teacher leadership supplement
21 foundation aid payable to the school district is the product of
22 the teacher leadership district cost per pupil for the school
23 year multiplied by the school district's budget enrollment.

24 For budget years subsequent to the initial school year for
25 which a school district implemented a system and received
26 funding, the teacher leadership supplement foundation aid
27 payable to that school district shall be paid from the standing
28 unlimited appropriation for state foundation aid in Code
29 section 257.16.

30 The bill establishes that the receipt of funding by a
31 school district for the purposes implementing career paths and
32 leadership roles, the need for additional funding for such
33 purposes, or the enrollment of eligible students under this
34 chapter, shall not be considered to be unusual circumstances,
35 create an unusual need for additional funds, or qualify under

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1 any other circumstances that may be used by the school budget
2 review committee to grant supplemental aid to or establish
3 modified allowable growth for a school district.

4 The bill exempts teacher leadership supplement foundation
5 aid from a requirement that state aid for teacher compensation
6 be combined with regular wages to create a combined salary.

7 The teacher leadership supplement district cost is not
8 subject to a uniform reduction that may be implemented when
9 the governor determines that estimated budget resources for a
10 fiscal year are insufficient to pay all appropriations in full.

11 The state board is directed to adopt rules that assure
12 the allocation of resources in a manner that optimizes the
13 fulfillment of the purposes of providing state assistance
14 for high-need schools and for purposes of implementing the
15 framework or a comparable system.

16 COLLECTIVE BARGAINING CONSIDERATIONS. The bill prohibits,
17 from July 1, 2013, to June 30, 2017, the consideration of
18 moneys received by a school district for implementation of
19 the framework by an arbitrator or other third party under
20 collective bargaining in determining a comparison of the wages
21 of the teachers in that district with the wages of teachers in
22 another district.

23 REVERSIONS AND TRANSFERS OF MONEYS. The bill establishes
24 that moneys allocated for the student achievement and teacher
25 quality program shall not revert but shall remain available in
26 the succeeding fiscal year for expenditure for the purposes
27 designated. Such moneys may not be transferred by the
28 department for another purpose. Currently, moneys allocated
29 for the establishment of teacher development academies that
30 remain unexpended at the end of the fiscal year shall revert
31 and may be transferred for other purposes.

32 COMMISSION ON EDUCATOR LEADERSHIP AND COMPENSATION. The
33 governor shall appoint members to, and the department shall
34 provide staffing and administrative support for, a commission
35 on educator leadership and compensation. The commission shall

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1 monitor with fidelity the implementation of the framework
2 by school districts. The commission shall also evaluate
3 and make recommendations to the department on applications
4 submitted to the department for approval of comparable systems,
5 and on the expenditure of moneys appropriated for teacher
6 salary supplement and for planning grants. In addition, the
7 commission must review the use and effectiveness of state
8 assistance distributed to school districts for high-need
9 schools and, by December 15 annually, shall submit all of its
10 findings and any recommendations in a report to the director of
11 the department of education, the state board of education, the
12 governor, and the general assembly.

13 RULES. The bill directs the state board to adopt rules
14 for the administration of Code chapter 284, and makes related
15 changes. The bill includes "initial teacher" within the
16 definition of "beginning teacher".

17 MENTOR TEACHER EXPERIENCE. A teacher assigned to mentor
18 a beginning teacher through the beginning teacher mentoring
19 and induction program must under the bill have two years,
20 rather than the current requirement of four years of successful
21 teaching practice.

22 PERFORMANCE REVIEWS/PEER REVIEW GROUPS. From provisions
23 related to the performance review, which is a summative
24 evaluation of a teacher other than a beginning teacher, the
25 bill eliminates Code language that states that the review is
26 also used for purposes of career advancement. The bill also
27 eliminates a requirement that the second and third year of a
28 teacher's evaluation cycle be conducted by a peer review group.
29 The second and third year of review shall be focused on the
30 individual teacher professional development plan.

31 PROFESSIONAL DEVELOPMENT FUNDING PRIORITIES. Currently,
32 school districts and AEAs must have as a goal for the use
33 of state professional development funds the provision of one
34 additional contract day or the equivalent for professional
35 development. The bill strikes and replaces that language with



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1 funds for administrative purposes. The department is directed
2 to develop a standardized process for distributing the moneys
3 to school districts, and in determining the process for
4 distribution of the moneys, must take into consideration the
5 amount of money appropriated for the given year and the minimal
6 amount of money needed to increase the academic achievement of
7 students. A school district receiving moneys for incentives
8 must certify annually to the department how the moneys were
9 used by the school district.

10 REVIEW AND REPORT. The department must review the use and
11 effectiveness of the funds distributed to school districts
12 for supplemental assistance for high-need schools, and
13 must consider the commission on educator leadership and
14 compensation's findings and recommendations. The department
15 shall submit its findings and recommendations in a report to
16 the general assembly by January 15 annually.

17 UNIQUE LOCAL CONDITIONS AND NEEDS. A school district may
18 request on an annual basis approval from the department for
19 the addition of high-need schools based upon the unique local
20 conditions and needs of the school district. The criteria the
21 department uses to determine the placement of high-need schools
22 on its list does not restrict the department from adding a
23 high-need school as requested by a school district on the basis
24 of unique local conditions and needs.

25 LEGISLATIVE REVIEW. The provisions of Code chapter 284
26 shall be subject to legislative review at least every three
27 years. The review shall be based upon a status report from
28 the commission on educator leadership and compensation, which
29 shall be prepared with the assistance of the departments
30 of education, management, and revenue. The status report
31 shall review and report on the department's assignment and
32 utilization of full-time equivalent positions, and shall
33 include information on teacher retention, teacher compensation,
34 academic quality of beginning teachers, teacher evaluation
35 results, student achievement trend and comparative data,



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1 suspension and expulsion rates, levels of student engagement,
2 parent satisfaction, parent engagement, and staff working
3 conditions.

4 The department shall submit its findings and recommendations
5 in a report to the state board of education, the governor, and
6 the general assembly by November 15, 2013.

7 PILOT PROGRAM FOR EXTENDED LEARNING OPPORTUNITIES FOR
8 STUDENTS IN NEED. The department of education must develop
9 a pilot program plan in collaboration with three school
10 districts, utilizing evidence-based best practices, to provide
11 students in need with extended learning opportunities. The
12 department shall present the plan and any findings and
13 recommendations in a report to the state board of education,
14 the governor, and the general assembly by December 16, 2013.

15 CODE EDITOR DIRECTIVE. The bill directs the Code editor
16 to delete Code references in the bill with respect to future
17 repeals of Code provisions.

18 DIVISION VI — COMPETENCY-BASED INSTRUCTION TASK FORCE. The
19 bill adds to the duties of the competency-based instruction
20 task force established by the general assembly in 2012
21 by requiring the task force to develop a draft strategic
22 plan and proposed timeline for statewide implementation of
23 competency-based learning for consideration by the general
24 assembly. The provision takes effect upon enactment.

25 DIVISION VII — EXTENDED LEARNING TIME PILOT PROJECT MODEL
26 — APPROPRIATION. The department of education is directed to
27 develop a proposed model for an extended learning time pilot
28 project and the bill appropriates \$40,000 from the general
29 fund of the state for FY 2013-2014 for purposes of developing
30 the model. In developing the model, the department shall
31 consider the recommendations submitted in the final report
32 of the instructional time task force, as well as existing,
33 successful extended time learning opportunities offered within
34 and outside of the state. Three program proposals representing
35 school districts of varied sizes, geographical locations,

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1 and socio-economic status shall be included in the model.
2 Component measures, criteria, and associated benchmarks for
3 selecting participants and gauging success for the model are
4 specified in the bill. The department shall also recommend
5 potential funding sources for the full implementation of the
6 proposed model for extended learning time pilot projects and
7 of future sustained extended time learning efforts. The
8 department shall submit the proposed model and the department's
9 findings and recommendations in a report to the state board of
10 education, the governor, and the general assembly by December
11 16, 2013.



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House File 216 - Introduced

HOUSE FILE 216

BY HEARTSILL, WINDSCHITL,
SALMON, SCHULTZ, HUSEMAN,
COSTELLO, LANDON, FISHER,
SHEETS, SHAW, ALONS,
HAGENOW, KLEIN, WATTS, and
MAXWELL

A BILL FOR

- 1 An Act concerning driver education instruction by a teaching
- 2 parent.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1875YH (4) 85
dea/nh



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1 Section 1. NEW SECTION. 321.178A Driver education —
2 teaching parent.

3 1. *Teaching parent.* As an alternative to the driver
4 education requirements under section 321.178, a teaching parent
5 may instruct a student in a driver education course that meets
6 the requirements of this section and provide evidence that the
7 requirements under this section have been met.

8 2. *Definitions.* For purposes of this section:

9 a. *"Approved course"* means driver education curriculum
10 approved by the department pursuant to rules adopted under
11 chapter 17A. An approved course shall, at a minimum, meet
12 the requirements of subsection 3 and be appropriate for
13 teaching-parent-directed driver education and related street or
14 highway instruction. Driver education materials that meet or
15 exceed standards established by the department for an approved
16 course in driver education for a public or private school shall
17 be approved unless otherwise determined by the department. The
18 list of approved courses shall be posted on the department's
19 internet site.

20 b. *"Student"* means a person between the ages of fourteen
21 and twenty-one years who is within the custody and control of
22 the teaching parent and who satisfies preliminary licensing
23 requirements of the department.

24 c. *"Teaching parent"* means a parent, guardian, or legal
25 custodian of a student who is currently providing competent
26 private instruction to the student pursuant to section
27 299A.2 or 299A.3 and who provided such instruction to the
28 student during the previous year; who has a valid driver's
29 license, other than a motorized bicycle license or a temporary
30 restricted license, that permits unaccompanied driving; and
31 who has maintained a clear driving record for the previous two
32 years. For purposes of this paragraph, *"clear driving record"*
33 means the individual has not been identified as a candidate
34 for suspension or revocation of a driver's license under the
35 habitual violator or habitual offender provisions of the

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1 department's regulations; is not subject to a driver's license
2 suspension, revocation, denial, cancellation, disqualification,
3 or bar; and has no record of a conviction for a moving traffic
4 violation determined to be the cause of a motor vehicle
5 accident.

6 3. *Course of instruction.*

7 a. An approved course administered by a teaching parent
8 shall consist of but not be limited to the following:

9 (1) Thirty clock hours of classroom instruction.

10 (2) Forty hours of street or highway driving including
11 four hours of driving after sunset and before sunrise while
12 accompanied by the teaching parent.

13 (3) Four hours of classroom instruction concerning
14 substance abuse.

15 (4) A minimum of twenty minutes of instruction concerning
16 railroad crossing safety.

17 (5) Instruction relating to becoming an organ donor under
18 the revised uniform anatomical gift Act as provided in chapter
19 142C.

20 (6) Instruction providing an awareness about sharing the
21 road with bicycles and motorcycles.

22 b. The content of the course of instruction required under
23 this subsection shall be equivalent to that required under
24 section 321.178. However, reference and study materials,
25 physical classroom requirements, and extra vehicle safety
26 equipment required for instruction under section 321.178 shall
27 not be required for the course of instruction provided under
28 this section.

29 4. *Course completion and certification.* Upon application
30 by a student for an intermediate license, the teaching parent
31 shall provide evidence showing the student's completion
32 of an approved course and substantial compliance with the
33 requirements of subsection 3 by affidavit signed by the
34 teaching parent on a form to be provided by the department.
35 The evidence shall include all of the following:

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- 1 *a.* Documentation that the instructor is a teaching parent as
2 defined in subsection 2.
- 3 *b.* Documentation that the student is receiving competent
4 private instruction under section 299A.2 or the name of
5 the school district within which the student is receiving
6 instruction under section 299A.3.
- 7 *c.* The name of the approved course completed by the student.
- 8 *d.* An affidavit attesting to satisfactory completion of
9 course work and street or highway driving instruction.
- 10 *e.* Copies of written tests completed by the student.
- 11 *f.* A statement of the number of classroom hours of
12 instruction.
- 13 *g.* A log of completed street or highway driving instruction
14 including the dates when the lessons were conducted, the
15 student's and the teaching parent's name and initials noted
16 next to each entry, notes on driving activities including a
17 list of driving deficiencies and improvements, and the duration
18 of the driving time for each session.
- 19 5. *Intermediate license.* Any student who successfully
20 completes an approved course as provided in this section,
21 passes a driving test to be administered by the department,
22 and is otherwise qualified under section 321.180B, subsection
23 2, shall be eligible for an intermediate license pursuant
24 to section 321.180B. Twenty of the forty hours of street
25 or highway driving instruction required under subsection 3,
26 paragraph "a", subparagraph (2), may be used to satisfy the
27 requirement of section 321.180B, subsection 2.
- 28 6. *Full license.* A student must comply with section
29 321.180B, subsection 4, to be eligible for a full driver's
30 license pursuant to section 321.180B.
- 31 Sec. 2. Section 321.180B, subsection 2, paragraph a, Code
32 2013, is amended to read as follows:
- 33 *a.* The department may issue an intermediate driver's
34 license to a person sixteen or seventeen years of age who
35 possesses an instruction permit issued under subsection 1 or

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1 driving including night driving. The course of instruction
2 must be a course approved by the department of transportation
3 by rule and use driver education materials that meet or exceed
4 standards established for driver education courses approved for
5 public or private schools. A list of approved courses is to be
6 posted on the transportation department's website.

7 In order for the student to qualify for an intermediate
8 driver's license, the teaching parent is required to document
9 substantial compliance with the driver education course
10 requirements and furnish an affidavit attesting to the
11 student's satisfactory completion of the course work and street
12 or highway driving to the department of education.



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House File 217 - Introduced

HOUSE FILE 217
BY HEATON

A BILL FOR

1 An Act relating to the creation of a mental health advocate
2 division in the department of inspections and appeals and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 substance-related disorder and persons found not guilty
 2 by reason of insanity, if such additions or expansions are
 3 authorized and funded.

4 5. Developing and implementing a case weight system for use
 5 in appointing and compensating advocates.

6 6. Administering case reviews and audits.

7 Sec. 3. TRANSITION.

8 1. The department of inspections and appeals shall commence
 9 organizational activities during the fiscal year beginning July
 10 1, 2013, as necessary to fully implement this division and
 11 assume responsibility for mental health advocates as provided
 12 in this division and division II of this Act on July 1, 2014.

13 2. If necessary for the purposes of subsection 1, the
 14 department of inspections and appeals may adopt emergency
 15 rules under section 17A.4, subsection 3, and section 17A.5,
 16 subsection 2, paragraph "b", to implement the provisions of
 17 division II of this Act on July 1, 2014, and the rules shall
 18 be effective immediately upon filing unless a later date is
 19 specified in the rules. Any rules adopted in accordance with
 20 this section shall also be published as a notice of intended
 21 action as provided in section 17A.4.

DIVISION II

IMPLEMENTATION

24 Sec. 4. Section 225C.4, subsection 1, paragraph m, Code
 25 2013, is amended to read as follows:

26 *m.* Provide consultation and technical assistance to
 27 patients' mental health advocates appointed pursuant to
 28 section 229.19, in cooperation with the judicial branch and
 29 the department of inspections and appeals, and to the resident
 30 advocate committees appointed for health care facilities
 31 pursuant to section 135C.25.

32 Sec. 5. Section 226.31, Code 2013, is amended to read as
 33 follows:

34 **226.31 Examination by court — notice.**

35 Before granting the order authorized in section 226.30



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1 the court or judge shall investigate the allegations of the
 2 petition and before proceeding to a hearing on the allegations
 3 shall require notice to be served on the attorney who
 4 represented the patient in any prior proceedings under sections
 5 229.6 to 229.15 ~~or the~~ and to any mental health advocate
 6 appointed for the patient under section 229.19, or in the case
 7 of a patient who entered the hospital voluntarily, on any
 8 relative, friend, or guardian of the person in question of the
 9 filing of the application. At the hearing the court or judge
 10 shall appoint a guardian ad litem for the person, if the court
 11 or judge deems such action necessary to protect the rights
 12 of the person. The guardian ad litem shall be a practicing
 13 attorney.

14 Sec. 6. Section 229.2, subsection 1, paragraph b,
 15 subparagraph (6), Code 2013, is amended to read as follows:

16 (6) Upon approval of the admission of a minor over the
 17 minor's objections, the juvenile court shall appoint an
 18 individual to act as ~~an~~ the mental health advocate ~~representing~~
 19 ~~the interests of~~ for the minor ~~in the same manner as an~~
 20 ~~advocate representing the interests of patients involuntarily~~
 21 ~~hospitalized pursuant to~~ in accordance with section 229.19.

22 Sec. 7. Section 229.9A, Code 2013, is amended to read as
 23 follows:

24 **229.9A Advocate Mental health advocate informed — hearings.**

25 The court shall direct the clerk to furnish the office
 26 of the mental health advocate ~~of the respondent's county of~~
 27 ~~legal settlement~~ designated for the court by the department
 28 of inspections and appeals with a copy of application and any
 29 order issued pursuant to section 229.8, subsection 3. The
 30 mental health advocate designated for the court may attend
 31 ~~the hospitalization~~ any court hearing of any involving the
 32 respondent ~~for whom the advocate has received notice of a~~
 33 ~~hospitalization hearing.~~

34 Sec. 8. Section 229.12, subsection 2, Code 2013, is amended
 35 to read as follows:



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1 2. All persons not necessary for the conduct of the
2 proceeding shall be excluded, except that the court may admit
3 persons having a legitimate interest in the proceeding and
4 shall permit the mental health advocate ~~from the respondent's~~
5 ~~county of legal settlement~~ designated for the court by the
6 department of inspections and appeals to attend the hearing.
7 Upon motion of the county attorney, the judge may exclude
8 the respondent from the hearing during the testimony of any
9 particular witness if the judge determines that witness's
10 testimony is likely to cause the respondent severe emotional
11 trauma.

12 Sec. 9. Section 229.14A, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. With respect to a chief medical officer's report made
15 pursuant to section 229.14, subsection 1, paragraph "b", "c",
16 or "d", or any other provision of this chapter related to
17 involuntary commitment for which the court issues a placement
18 order or a transfer of placement is authorized, the court shall
19 provide notice to the respondent, ~~and~~ the respondent's attorney
20 ~~or~~, and any mental health advocate appointed for the respondent
21 pursuant to section 229.19 concerning the placement order
22 and the respondent's right to request a placement hearing to
23 determine if the order for placement or transfer of placement
24 is appropriate.

25 Sec. 10. Section 229.14A, subsection 5, paragraph c, Code
26 2013, is amended to read as follows:

27 c. If the respondent's attorney has withdrawn ~~pursuant to~~
28 ~~section 229.19~~, the court shall appoint an attorney for the
29 respondent in the manner described in section 229.8, subsection
30 1.

31 Sec. 11. Section 229.15, subsection 6, Code 2013, is amended
32 to read as follows:

33 6. Upon receipt of any report required or authorized by
34 this section the court shall furnish a copy to the patient's
35 attorney, ~~or alternatively~~ and to the mental health advocate



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1 appointed ~~as required by section 229.19~~ for the patient. The
2 court shall examine the report and take the action thereon
3 which it deems appropriate. Should the court fail to receive
4 any report required by this section or section 229.14 at the
5 time the report is due, the court shall investigate the reason
6 for the failure to report and take whatever action may be
7 necessary in the matter.

8 Sec. 12. Section 229.19, Code 2013, is amended to read as
9 follows:

10 **229.19 Advocates Mental health advocates — duties —**
11 **compensation — state and county liability.**

12 1. a. ~~In each county with a population of three hundred~~
13 ~~thousand or more inhabitants the board of supervisors shall~~
14 ~~appoint an individual who has demonstrated by prior activities~~
15 ~~an informed concern for the welfare and rehabilitation of~~
16 ~~persons with mental illness, and who is not an officer or~~
17 ~~employee of the department of human services nor of any agency~~
18 ~~or facility providing care or treatment to persons with mental~~
19 ~~illness, to act as an advocate representing the interests of~~
20 ~~patients involuntarily hospitalized by the court, in any matter~~
21 ~~relating to the patients' hospitalization or treatment under~~
22 ~~section 229.14 or 229.15. In each county with a population of~~
23 ~~under three hundred thousand inhabitants, the chief judge of~~
24 ~~the judicial district encompassing the county shall appoint~~
25 ~~the advocate. For the purposes of this section, "division"~~
26 ~~means the mental health advocate division of the department of~~
27 ~~inspections and appeals.~~

28 ~~b. The court or, if the advocate is appointed by the county~~
29 ~~board of supervisors, the board shall assign the advocate~~
30 ~~appointed from a patient's county of legal settlement to~~
31 ~~represent the interests of the patient. If a patient has~~
32 ~~no county of legal settlement, the court or, if the advocate~~
33 ~~is appointed by the county board of supervisors, the board~~
34 ~~shall assign the advocate appointed from the county where the~~
35 ~~hospital or facility is located to represent the interests of~~



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1 ~~the patient.~~

2 ~~c. The advocate's responsibility with respect to any patient~~
3 ~~shall begin at whatever time the attorney employed or appointed~~
4 ~~to represent that patient as respondent in hospitalization~~
5 ~~proceedings, conducted under sections 229.6 to 229.13, reports~~
6 ~~to the court that the attorney's services are no longer~~
7 ~~required and requests the court's approval to withdraw as~~
8 ~~counsel for that patient. However, if~~

9 b. If the patient is found to be seriously mentally impaired
10 at the hospitalization hearing, the attorney representing the
11 patient shall automatically be relieved of responsibility in
12 the case and an a mental health advocate shall be assigned to
13 appointed for the patient at the conclusion of the hearing
14 unless the attorney indicates an intent to continue the
15 attorney's services and. The court shall appoint the advocate
16 from a list of qualified persons provided to the court by the
17 administrator of the division of mental health advocates of
18 the department of inspections and appeals in accordance with
19 section 10A.902. The advocate's responsibility with respect
20 to a patient shall begin when the advocate is appointed for
21 the patient. The attorney representing the patient shall
22 automatically be relieved of responsibility at the conclusion
23 of the hearing unless the attorney requests to continue
24 representation and the court so directs authorizes the attorney
25 to remain on the case. If the court directs the attorney to
26 remain on the case, the attorney shall assume all the duties
27 of an advocate cooperate with the advocate appointed for the
28 patient. The clerk shall furnish the advocate with a copy of
29 the court's order approving the withdrawal or continuation of
30 the attorney and shall inform the patient of the name of the
31 patient's advocate.

32 ~~d. c.~~ c. With regard to each patient whose interests the
33 for whom a mental health advocate is required to represent
34 appointed pursuant to this section, the advocate's duties shall
35 include all of the following:

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1 (1) To review each report submitted pursuant to sections
2 229.14 and 229.15.

3 (2) ~~If the advocate is not an attorney, to~~ To advise the
4 court at any time it appears that the services of an attorney
5 are required to properly safeguard the patient's interests.

6 (3) To be readily accessible to communications from the
7 patient and to originate communications with the patient within
8 five days of the patient's commitment.

9 (4) To visit the patient within fifteen days of the
10 patient's commitment and periodically thereafter.

11 (5) To communicate with medical personnel treating the
12 patient and to review the patient's medical records pursuant
13 to section 229.25.

14 (6) To file with the court and the division quarterly
15 reports, and additional reports as the advocate feels necessary
16 or as required by the court or the division, in a form
17 prescribed by the court or the division, as applicable. The
18 reports shall state what actions the advocate has taken with
19 respect to each patient and the amount of time spent.

20 (7) To utilize the related best practices for the duties
21 identified in this paragraph ~~"d"~~ "c" developed and promulgated
22 by the judicial council.

23 ~~e.~~ d. ~~An~~ Subject to the availability of funding
24 appropriated for this purpose, a mental health advocate may
25 also be appointed pursuant to this section for an individual
26 who has been diagnosed with a co-occurring mental illness and
27 ~~substance-related~~ substance-related disorder.

28 2. The hospital or facility to which a patient is committed
29 shall grant all reasonable requests of the patient's mental
30 health advocate to visit the patient, to communicate with
31 medical personnel treating the patient, and to review the
32 patient's medical records pursuant to section 229.25. An
33 advocate shall not disseminate information from a patient's
34 medical records to any other person unless done for official
35 purposes in connection with the advocate's duties pursuant to

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1 Sec. 14. TRANSITION OF EMPLOYEE RIGHTS OF FORMER COUNTY
2 EMPLOYEES.

3 1. If appointed by the director of the department of
4 inspections and appeals as a mental health advocate pursuant
5 to section 10A.902, county employees paid for mental health
6 advocate services under section 229.19 shall become employees
7 of the department of inspections and appeals effective July
8 1, 2014, and the department shall assume all costs associated
9 with the functions of the employees on that date. Employees
10 who were paid salaries by the counties immediately prior to
11 becoming state employees as a result of this Act shall not
12 forfeit accrued vacation, accrued sick leave, or benefits
13 related to longevity of service, except as provided in this
14 section.

15 2. The department of inspections and appeals, after
16 consulting with the department of administrative services,
17 shall adopt rules to provide for the following:

18 a. A person referred to in subsection 1 shall have to the
19 person's credit as a state employee commencing on the date of
20 becoming a state employee the number of accrued vacation days
21 that was credited to the person as a county employee as of the
22 end of the day prior to becoming a state employee.

23 b. Each person referred to in subsection 1 shall have to
24 the person's credit as a state employee commencing on the
25 date of becoming a state employee the number of accrued days
26 of sick leave that was credited to the person as a county
27 employee as of the end of the day prior to becoming a state
28 employee. However, the number of days of sick leave credited
29 to a person under this subsection and eligible to be taken
30 when sick or eligible to be received upon retirement shall not
31 respectively exceed the maximum number of days, if any, or the
32 maximum dollar amount as provided in section 70A.23 that state
33 employees generally are entitled to accrue or receive according
34 to rules in effect as of the date the person becomes a state
35 employee.

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1 c. Commencing on the date of becoming a state employee, each
2 person referred to in subsection 1 is entitled to claim the
3 person's most recent continuous period of service in full-time
4 county employment as full-time state employment for purposes
5 of determining the number of days of vacation which the person
6 is entitled to earn each year. The actual vacation benefit,
7 including the limitation on the maximum accumulated vacation
8 leave, shall be determined as provided in section 70A.1
9 according to rules in effect for state employees of comparable
10 longevity, irrespective of any greater or lesser benefit as a
11 county employee.

12 3. Persons referred to in subsection 1 who were covered
13 by county employee life insurance and accident and health
14 insurance plans prior to becoming state employees in accordance
15 with this section shall be permitted to apply prior to becoming
16 state employees for life insurance and health and accident
17 insurance plans that are available to state employees so that
18 those persons do not suffer a lapse of insurance coverage as
19 a result of this section. The department of inspections and
20 appeals, after consulting with the department of administrative
21 services, shall prescribe rules and distribute application
22 forms and take other actions as necessary to enable those
23 persons to elect to have insurance coverage that is in effect
24 on the date of becoming state employees. The actual insurance
25 coverage available to a person shall be determined by the plans
26 that are available to state employees, irrespective of any
27 greater or lesser benefits that may have been available to the
28 person as a county employee.

29 4. Commencing on the date of becoming a state employee, each
30 person referred to in subsection 1 is entitled to claim the
31 person's most recent continuous period of service in full-time
32 county employment as full-time state employment for purposes of
33 determining disability benefits as provided in section 70A.20
34 according to rules in effect for state employees of comparable
35 longevity, irrespective of any greater or lesser benefit that

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1 may have been available to the person as a county employee.
2 Sec. 15. EFFECTIVE DATE. This division of this Act takes
3 effect July 1, 2014.

4 EXPLANATION

5 This bill creates a mental health advocate division in
6 the department of inspections and appeals in order for the
7 department to become the administrative agency for mental
8 health advocates. Under current law, except for one county
9 with a population of 300,000 or more inhabitants where the
10 advocate is appointed by the county, mental health advocates
11 are appointed by the chief judge of a judicial district and all
12 advocate positions are funded by the counties. The bill is
13 organized into divisions.

14 DEPARTMENTAL RESPONSIBILITY FOR MENTAL HEALTH ADVOCATES.
15 This division establishes a mental health advocate division in
16 the department of inspections and appeals and specifies duties
17 for the division administrator. A transition provision directs
18 the department to commence organizational activities during FY
19 2013-2014 as necessary to fully implement the new departmental
20 division and all of the bill's division II provisions on July
21 1, 2014. The department is granted emergency rulemaking
22 authority if necessary to achieve the implementation date.

23 This division takes effect July 1, 2013.

24 IMPLEMENTATION. This division provides for implementation
25 of the change in administration of the mental health advocates
26 on July 1, 2014, including conforming changes to various Code
27 sections.

28 Code section 225C.4, relating to the duties of the
29 administrator of the mental health and disability services
30 division of the department of human services, is amended to
31 correct a reference to mental health advocates and to include
32 the department of inspections and appeals in a duty for
33 providing consultation and technical assistance to advocates.

34 Code section 226.31, relating to an application for a court
35 order for transfer of a dangerous patient from a state mental



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1 health institute, is amended to correct a reference to the
2 advocate to be included in a notice of a hearing.

3 Code section 229.2, relating to admissions of juvenile
4 mental health patients, is amended to correct a reference to
5 the appointment of a mental health advocate for juveniles
6 involuntarily committed.

7 Code section 229.9A, relating to requirements for the clerk
8 of court to notify a mental health advocate of application
9 and order information, is amended to correct a reference to
10 the advocate, to eliminate a reference to county of legal
11 settlement, and to authorize the advocate to attend any court
12 hearing involving the respondent.

13 Code section 229.12, relating to the procedure for
14 hospitalization hearings, is amended to correct a reference to
15 the advocate and to eliminate a reference to county of legal
16 settlement.

17 Code section 229.14A, relating to notice requirements
18 for involuntary commitment placement orders and transfers,
19 is amended to require notice to correct a reference to the
20 advocate and to eliminate a reference to a procedure for
21 withdrawal of an attorney that is revised by the bill.

22 Code section 229.15, relating to the periodic reports
23 required when hospitalization of a patient is continued by
24 court order, is amended to require the report to be provided to
25 the advocate.

26 Code section 229.19, the primary Code provision for
27 mental health advocates, is extensively revised to insert
28 the new department of inspections and appeals division in
29 place of the counties. The advocate is to be appointed by
30 the court from a list of qualified persons provided by the
31 division administrator. A procedure for continuation of the
32 respondent's attorney when a patient is found to be seriously
33 mentally impaired is revised to require the attorney to
34 cooperate with the patient's advocate instead of assuming the
35 duties of an advocate. Responsibility for compensation of

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1 the mental health advocate is shifted to the division and the
2 division is required to recover the costs of the mental health
3 advocate if the person is not indigent.

4 Code section 229.25, relating to exceptions for release of
5 medical records maintained by a hospital or other treatment
6 facility, is amended to correct a reference to the advocate
7 regarding the release of the records to the advocate when the
8 patient has signed a waiver.

9 The bill includes a transition section outlining sick time,
10 vacation leave, and health, life, and disability insurance
11 rights of county employees who become employees of the
12 department of inspections and appeals in accordance with the
13 bill.

14 This division takes effect July 1, 2014.



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House File 218 - Introduced

HOUSE FILE 218
BY RUNNING-MARQUARDT

A BILL FOR

1 An Act relating to criminal and abuse registry background
2 checks for health-related employment and the requirements
3 for requesting Iowa criminal history data.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135C.33, subsection 1, paragraph b, Code
 2 2013, is amended to read as follows:

3 b. Prior to employment of a person in a facility, the
 4 facility shall request that the department of public safety
 5 perform a criminal history check and the department of human
 6 services perform child and dependent adult abuse record checks
 7 of the person in this state. Each of the departments shall
 8 complete the record check and respond to the facility within
 9 ten business days of receiving the request. A facility
 10 shall inform all persons prior to employment regarding the
 11 performance of the record checks and shall obtain, from
 12 the persons, a signed acknowledgment of the receipt of the
 13 information. A facility shall include the following inquiry in
 14 an application for employment:

15 Do you have a record of founded child or dependent adult abuse
 16 or have you ever been convicted of a crime other than a simple
 17 misdemeanor offense relating to motor vehicles and laws of the
 18 road under chapter 321 or equivalent provisions, in this state
 19 or any other state?

20 Sec. 2. Section 692.2, subsection 1, paragraph b,
 21 subparagraph (2), Code 2013, is amended to read as follows:

22 (2) The request must identify a specific person by name,
 23 social security number, and date of birth. Fingerprints of the
 24 person named may be required.

25 Sec. 3. STUDY OF BACKGROUND CHECK IMPROVEMENTS. The
 26 department of inspections and appeals, in conjunction with
 27 the departments of human services, public health, and public
 28 safety, shall study the potential for applying new technologies
 29 and other improvements that may be implemented for expediting
 30 the current processes of performing and evaluating child and
 31 dependent adult abuse and criminal record checks of persons
 32 providing health care services. The study shall identify
 33 options which would allow employers to conduct the checks in
 34 real time. In addition, the study shall identify processes
 35 which would allow the record check results and any evaluations



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1 of results to be more portable for the persons who are subject
2 to the record checks. The department shall submit a report
3 with findings and recommendations to the governor and general
4 assembly on or before December 15, 2013.

5 EXPLANATION

6 This bill relates to criminal and abuse registry checks for
7 health-related employment and requests for criminal history
8 data.

9 Code section 135C.33, relating to criminal and child or
10 dependent adult abuse record checks of employees of health
11 care facilities and certified nurse aide student trainees, is
12 amended. The record check requirement applies to prospective
13 employees of nursing facilities, residential care facilities,
14 and intermediate care facilities for persons with mental
15 illness or a developmental disability, various in-home service
16 providers, hospices, Medicaid waiver service providers, elder
17 group homes, and assisted living programs. The requirement
18 also applies to nurse aide students pursuant to Code section
19 152.4(3)(d). Upon the request of an employer, the department
20 of public safety performs the criminal record checks and the
21 department of human services performs the abuse registry
22 checks. The records checked are in this state. The bill
23 requires both departments to complete the record checks and
24 respond to the requester within 10 business days of receiving
25 the request.

26 Under Code section 692.2, any person or public or private
27 agency may request information from the criminal history
28 data maintained by the department of public safety, subject
29 to various restrictions. One of the restrictions in current
30 law requires identification of a specific person by name and
31 date of birth. The form utilized by the department for such
32 requests recommends inclusion of a social security number. The
33 bill requires inclusion of the social security number.

34 The department of inspections and appeals, in conjunction
35 with the departments of human services, public health,

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1 and public safety, is required to study the potential for
2 applying new technologies and other improvements that may be
3 implemented for expediting the current processes of performing
4 and evaluating child and dependent adult abuse and criminal
5 record checks of persons providing health care services and for
6 making other improvements in the processes. The department is
7 required to report with findings and recommendations to the
8 governor and general assembly on or before December 15, 2013.



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House File 219 - Introduced

HOUSE FILE 219

BY KAUFMANN, JACOBY, KRESSIG,
LENSING, BYRNES, WOOD,
STUTSMAN, MUHLBAUER, LYKAM,
MOORE, HIGHFILL, SHAW, J.
SMITH, HESS, HEARTSILL,
VANDER LINDEN, GARRETT,
SANDS, FISHER, SALMON,
BEARINGER, HUSEMAN, HEIN,
SCHULTZ, R. OLSON, LANDON,
GRASSLEY, HAGENOW, and
ANDERSON

A BILL FOR

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

TL5B 1757YH (5) 85
md/sc



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

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

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

18 Sec. 2. Section 6A.19, Code 2013, is amended to read as
19 follows:

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

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

28 Sec. 3. Section 6A.22, subsection 2, paragraph c,
29 subparagraph (1), Code 2013, is amended to read as follows:

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

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1 water source prior to making a determination that such
2 lake development or creation is reasonable and necessary.
3 Development or creation of a lake as a surface drinking water
4 source includes all of the following:
5 (i) Construction of the dam, including sites for suitable
6 borrow material and the auxiliary spillway.
7 (ii) The water supply pool.
8 (iii) The sediment pool.
9 (iv) The flood control pool.
10 (v) The floodwater retarding pool.
11 (vi) The surrounding area upstream of the dam no higher in
12 elevation than the top of the dam's elevation.
13 (vii) The appropriate setback distance required by state or
14 federal laws and regulations to protect drinking water supply.
15 (b) For purposes of this subparagraph (1), "*number of acres*
16 *justified as reasonable and necessary for a surface drinking*
17 *water source*" means according to guidelines of the United
18 States natural resource conservation service and according to
19 analyses of ~~surface~~ drinking water capacity needs conducted by
20 one or more registered professional engineers. The registered
21 professional engineers may, if appropriate, employ standards
22 or guidelines other than the guidelines of the United States
23 natural resource conservation service when determining the
24 number of acres justified as reasonable and necessary for
25 a surface drinking water source. The data and information
26 used by the registered professional engineers shall include
27 data and information relating to population and commercial
28 enterprise activity for the area from the two most recent
29 federal decennial censuses unless the district court of the
30 county in which the property is situated has determined by
31 a preponderance of the evidence that such data would not
32 accurately predict the population and commercial enterprise
33 activity of the area in the future.
34 (c) A second review or analysis of the drinking water
35 capacity needs shall be performed upon receipt by the acquiring



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

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

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

20 Sec. 6. Section 364.4, subsection 1, paragraph a,
21 unnumbered paragraph 1, Code 2013, is amended to read as
22 follows:

23 Acquire, hold, and dispose of property outside the city in
24 the same manner as within. However, the power of a city to
25 acquire property outside the city does not include the power
26 to acquire property outside the city by eminent domain, except
27 if viable alternatives do not exist within the city and the
28 acquisition of the property is necessary for the following,
29 subject to the provisions of chapters 6A and 6B:

30 Sec. 7. Section 403.7, subsection 1, unnumbered paragraph
31 1, Code 2013, is amended to read as follows:

32 A municipality shall have the right to acquire by
33 condemnation any interest in real property, including a fee
34 simple title thereto, which it may deem necessary for or in
35 connection with an urban renewal project under this chapter,

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1 subject to the limitations on eminent domain authority
 2 in ~~chapter~~ chapters 6A and 6B. However, a municipality
 3 shall not condemn agricultural land included within an
 4 economic development area for any use unless the owner of
 5 the agricultural land consents to condemnation or unless ~~the~~
 6 ~~municipality determines that the land is necessary or useful~~
 7 viable alternatives to the condemnation of agricultural land do
 8 not exist and the acquisition of the property is necessary for
 9 any of the following:

10 Sec. 8. NEW SECTION. 423B.11 Use of revenues — limitation.

11 The revenue raised by a local sales and services tax imposed
 12 under this chapter by a county shall not be expended for any
 13 purpose related to a project that includes the condemnation of
 14 private property for the creation of a lake according to the
 15 requirements of section 6A.22, subsection 2, paragraph “c”,
 16 subparagraph (1), if the local sales and services tax has not
 17 been approved at election in the area where the property to be
 18 condemned is located.

19 Sec. 9. Section 455A.5, Code 2013, is amended by adding the
 20 following new subsection:

21 NEW SUBSECTION. 7. The authority granted to the commission
 22 to acquire real property for purposes of carrying out a
 23 duty related to development or maintenance of the recreation
 24 resources of the state, including planning, acquisition, and
 25 development of recreational projects, and areas and facilities
 26 related to such projects, shall not include the authority to
 27 acquire real property by eminent domain.

28 Sec. 10. Section 456A.24, subsection 2, unnumbered
 29 paragraph 1, Code 2013, is amended to read as follows:

30 Acquire by purchase, ~~condemnation~~, lease, agreement,
 31 gift, and devise lands or waters suitable for the purposes
 32 hereinafter enumerated, and rights-of-way thereto, and to
 33 maintain the same for the following purposes, ~~to-wit:~~

34 Sec. 11. Section 456A.24, Code 2013, is amended by adding
 35 the following new subsection:



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1 **NEW SUBSECTION.** 15. The authority granted the department
2 to acquire real property for any statutory purpose relating to
3 the development or maintenance of the recreation resources of
4 the state, including planning, acquisition, and development
5 of recreational projects, and areas and facilities related to
6 such projects, shall not include the authority to acquire real
7 property by eminent domain.

8 Sec. 12. Section 461A.7, Code 2013, is amended to read as
9 follows:

10 **461A.7 Eminent domain Purchase of lands — public parks.**

11 The commission may purchase ~~or condemn~~ lands from willing
12 sellers for public parks. ~~No~~ A contract for the purchase of
13 such public parks shall not be made to an amount in excess of
14 funds appropriated therefor by the general assembly.

15 Sec. 13. Section 461A.10, Code 2013, is amended to read as
16 follows:

17 **461A.10 Title to lands.**

18 The title to all lands purchased, ~~condemned,~~ or donated,
19 hereunder, for park ~~or highway~~ purposes and the title to all
20 lands purchased, condemned, or donated hereunder for highway
21 purposes, shall be taken in the name of the state and if
22 thereafter it shall be deemed advisable to sell any portion of
23 the land so purchased or condemned, the proceeds of such sale
24 shall be placed to the credit of the ~~said~~ public state parks
25 fund to be used for such park purposes.

26 Sec. 14. Section 463C.8, subsection 1, paragraph k, Code
27 2013, is amended to read as follows:

28 k. The power to acquire, own, hold, administer, and dispose
29 of property, except that such power is not a grant of authority
30 to acquire property by eminent domain.

31 Sec. 15. REPEAL. Sections 461A.9 and 461A.75, Code 2013,
32 are repealed.

33 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed
34 of immediate importance, takes effect upon enactment.

35 Sec. 17. APPLICABILITY. This Act applies to projects or



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1 condemnation proceedings pending or commenced on or after the
 2 effective date of this Act.

3 EXPLANATION

4 This bill makes changes relating to eminent domain authority
 5 and procedures.

6 The bill provides that property listed on the state register
 7 of historic places shall not be removed from the register
 8 solely for the purpose of allowing the property to be acquired
 9 by condemnation unless the condemnation is undertaken by
 10 the department of transportation. The bill also provides
 11 that property on the state register of historic places may
 12 not be condemned unless a joint resolution authorizing the
 13 condemnation is approved by a vote of at least two-thirds
 14 of each house of the general assembly and signed by the
 15 governor. This approval procedure, however, does not apply to
 16 a condemnation undertaken by the department of transportation.

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

22 The bill makes changes relating to eminent domain authority
 23 in relation to development or creation of a lake. The bill
 24 provides that when determining the number of acres justified as
 25 reasonable and necessary for a surface drinking water source,
 26 the registered professional engineers may, if appropriate,
 27 employ standards or guidelines other than the guidelines of
 28 the United States natural resource conservation service. The
 29 bill requires the data and information used by the registered
 30 professional engineers to include data and information relating
 31 to population and commercial enterprise activity for the area
 32 from the two most recent federal decennial censuses unless the
 33 district court of the county in which the property is situated
 34 has determined by a preponderance of the evidence that such
 35 data would not accurately predict the population and commercial



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1 enterprise activity of the area in the future.

2 The bill also provides that a second review or analysis
3 of the drinking water capacity needs shall be performed upon
4 receipt by the acquiring agency of a petition signed by not
5 less than 25 percent of the affected property owners. The
6 registered professional engineer to perform the second review
7 or analysis shall be selected by a committee appointed by the
8 affected property owners and comprised of at least 50 percent
9 property owners affected by the proposed condemnation action.

10 The bill further provides that the acquiring agency shall
11 pay for the services of such an engineer. The bill provides
12 that if private property is to be condemned for development
13 or creation of a lake, the plans, analyses, applications,
14 including any application for funding, and other planning
15 activities of the acquiring agency shall not include or provide
16 for the use of the lake for recreational purposes.

17 The bill adds reasonable attorney fees and reasonable costs
18 that are attributable to certain condemnation proceedings
19 relating to the creation of a lake, up to \$100,000, to the list
20 of expenses reimbursable by an acquiring agency to a property
21 owner.

22 The bill provides that when two years have elapsed since
23 property was condemned for the creation of a lake and the
24 property has not been used for or construction has not
25 progressed substantially for the purpose stated in the
26 application, and the acquiring agency has not taken action to
27 dispose of the property pursuant to Code section 6B.56, the
28 acquiring agency shall, within 60 days, adopt a resolution
29 offering the property for sale to the prior owner at a price
30 as provided in Code section 6B.56. If the acquiring agency
31 has not adopted a resolution within the 60-day time period,
32 the prior owner may petition the acquiring agency to offer the
33 property for sale to the prior owner at a price as provided in
34 Code section 6B.56. The bill requires the acquiring agency to
35 give written notice to the owner at the time damages are paid

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md/sc

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1 to the owner of the right to purchase the property under such
2 circumstances.

3 The bill adds a condition to the circumstances in which a
4 city may condemn land outside the city limits to provide that
5 condemnation may occur if viable alternatives do not exist
6 within the city and the acquisition of the land is necessary
7 for the purposes stated in current law. The bill also amends
8 urban renewal law relating to the circumstances in which a
9 municipality may condemn agricultural land within an economic
10 development urban renewal area to provide that condemnation may
11 occur if viable alternatives do not exist and the acquisition
12 of the land is necessary for the purposes stated in current
13 law.

14 The bill provides that the revenue raised by a local sales
15 and services tax imposed under Code chapter 423B by a county
16 shall not be expended for any purpose related to a project
17 that includes the condemnation of private property for the
18 creation of a lake if the local sales and services tax has not
19 been approved at election in the area where the property to be
20 condemned is located.

21 The bill provides that the department of natural resources
22 and the natural resource commission shall not exercise eminent
23 domain authority to acquire real property for purposes of
24 carrying out a duty related to development or maintenance of
25 the recreation resources of the state, including planning,
26 acquisition, and development of recreational projects, and
27 areas and facilities related to such projects. The bill
28 retains the department's authority to acquire property through
29 condemnation for highway purposes.

30 The bill takes effect upon enactment and applies to projects
31 or condemnation proceedings pending or commenced on or after
32 that date.



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House File 220 - Introduced

HOUSE FILE 220
BY R. OLSON

A BILL FOR

- 1 An Act relating to the assessment of court costs and
- 2 administrative fees upon dismissal of a citation for driving
- 3 without proof of financial liability coverage.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1633YH (3) 85
dea/nh



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1 Section 1. Section 321.20B, subsection 4, paragraph b,
2 subparagraph (1), subparagraph divisions (a) and (b), Code
3 2013, are amended to read as follows:

4 (a) If the person was cited pursuant to paragraph "a",
5 subparagraph (3), the owner or driver shall provide a copy of
6 the receipt to the county treasurer of the county in which the
7 motor vehicle is registered, and the owner shall be assessed a
8 fifteen dollar administrative fee by the county treasurer who
9 shall issue new license plates and registration to the person
10 after payment of the fee.

11 (b) If the person was cited pursuant to paragraph "a",
12 subparagraph (4), the owner or driver, after the owner
13 provides proof of financial liability coverage to the clerk
14 of court, may claim the motor vehicle after such person pays
15 any applicable fine and the costs of towing and storage for
16 the motor vehicle, and the. The owner or driver provides
17 shall provide a copy of the receipt and the owner pays to the
18 county treasurer of the county in which the motor vehicle is
19 registered a fifteen dollar administrative fee, and the county
20 treasurer shall issue new license plates and registration to
21 the person.

22 Sec. 2. Section 321.20B, subsection 4, paragraph c, Code
23 2013, is amended to read as follows:

24 c. An owner or driver cited for a violation of subsection
25 1, who produces to the clerk of court prior to the date of the
26 person's court appearance as indicated on the citation proof
27 that financial liability coverage was in effect for the motor
28 vehicle at the time the person was stopped and cited, shall
29 not be convicted of such violation and the citation issued
30 shall be dismissed by the court. Upon dismissal, the court or
31 clerk of court shall assess the costs of the action against the
32 defendant named on the citation.

33 Sec. 3. Section 321.20B, subsection 5, paragraph b, Code
34 2013, is amended to read as follows:

35 b. Issue a citation. An owner or driver who produces

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1 to the clerk of court prior to the date of the person's
2 court appearance as indicated on the citation proof that the
3 financial liability coverage was in effect for the motor
4 vehicle at the time the person was stopped and cited, or if
5 the driver is not the owner of the motor vehicle, proof that
6 liability coverage was in effect for the driver with respect
7 to the motor vehicle being driven at the time the driver was
8 stopped and cited in the same manner as if the motor vehicle
9 were owned by the driver, shall be given a receipt indicating
10 that proof was provided, and the citation issued shall be
11 dismissed by the court. ~~Upon dismissal, the court or clerk~~
12 ~~of court shall assess the costs of the action against the~~
13 ~~defendant named on the citation.~~

14 EXPLANATION

15 Under current law, when a peace officer stops a motor
16 vehicle and the driver is unable to provide proof of financial
17 liability coverage for the vehicle, the peace officer
18 may issue a warning or a citation to the driver; issue a
19 citation and remove the motor vehicle's license plates and
20 registration receipt; or issue a citation, remove the plates
21 and registration receipt, and impound the motor vehicle. If
22 the person receives a citation and then produces to the clerk
23 of court prior to the date of the person's court appearance
24 proof that financial liability coverage was in effect for the
25 motor vehicle at the time the person was stopped and cited, the
26 court is required to dismiss the citation, but the costs of the
27 action are assessed against the defendant. In addition, if the
28 peace officer who issued the citation removed the vehicle's
29 license plates and registration receipt or ordered the vehicle
30 impounded, the owner of the vehicle is required to pay a
31 \$15 administrative fee to the county treasurer to obtain new
32 license plates and registration. If the vehicle was impounded,
33 the cost of towing and storage must also be paid. This bill
34 strikes the requirement that court costs be assessed against a
35 defendant whose citation is dismissed and the requirement that

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1 the owner pay an administrative fee for the issuance of new
2 license plates and registration if the citation is dismissed.



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House File 221 - Introduced

HOUSE FILE 221
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 30)

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 1471HV (1) 85
mm/sc



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H.F. 221

1 Section 1. Section 422.7, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 31A. *a.* Subtract, to the extent included,
4 retirement pay received by a resident taxpayer from the federal
5 government for military service performed in the armed forces,
6 the armed forces military reserve, or national guard.
7 *b.* The exclusion of retirement pay under this subsection is
8 in addition to any exclusion provided under subsection 31.
9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2013, for tax years beginning on
11 or after that date.

12 EXPLANATION

13 This bill exempts from the individual income tax all
14 retirement pay of an Iowa resident from federal military
15 service in the armed forces, the military reserve, or national
16 guard. The exemption is in addition to the general pension
17 exclusion.
18 The bill applies retroactively to January 1, 2013, for tax
19 years beginning on or after that date.



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House File 222 - Introduced

HOUSE FILE 222
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 53)

A BILL FOR

1 An Act relating to the confidentiality of information filed
2 with the court for the purpose of securing an arrest
3 warrant.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1259HV (2) 85
rh/nh



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House File 223 - Introduced

HOUSE FILE 223
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 12)

A BILL FOR

1 An Act concerning issuance of a license or users permit for
2 specified activities regarding explosives.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1336HV (2) 85
rn/sc



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H.F. 223

1 Section 1. Section 101A.2, Code 2013, is amended to read as
 2 follows:

3 **101A.2 Commercial license — how issued — violation.**

4 1. The state fire marshal shall issue commercial licenses
 5 for the manufacture, importation, distribution, sale, and
 6 commercial use of explosives to persons who, in the state fire
 7 marshal's discretion are of good character and sound judgment,
 8 and have sufficient knowledge of the use, handling, and storage
 9 of explosive materials to protect the public safety. Licenses
 10 shall be issued for a period of ~~one year~~ three years, but may be
 11 issued for shorter periods, and may be revoked or suspended by
 12 the state fire marshal for any of the following reasons:

13 a. Falsification of information submitted in the application
 14 for a license.

15 b. Proof that the licensee has violated any provisions of
 16 this chapter or any rules prescribed by the state fire marshal
 17 pursuant to the provisions of this chapter.

18 c. The results of a national criminal history check
 19 conducted pursuant to subsection 3.

20 2. Licenses shall be issued by the state fire marshal upon
 21 payment of a fee of sixty dollars, valid for a period of ~~one~~
 22 three calendar year years, commencing on January 1 of the first
 23 year and terminating on December 31; ~~however~~ of the third year.
 24 However, an initial license may be issued during any a calendar
 25 year for the number of months remaining in such calendar year
 26 and the following two years, computed to the first day of the
 27 month when the application for the license is approved. The
 28 license fee shall be charged on a pro rata basis for the number
 29 of months remaining in the year period of issue. Applications
 30 for renewal of licenses shall be submitted within thirty days
 31 prior to the license expiration date and shall be accompanied
 32 by payment of the prescribed ~~annual~~ fee.

33 3. Prior to the issuance of a license pursuant to this
 34 chapter, an applicant shall be subject to a national criminal
 35 history check through the federal bureau of investigation.

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1 The applicant shall provide fingerprints to the department of
 2 public safety for submission through the state criminal history
 3 repository to the federal bureau of investigation. Upon
 4 application for renewal of a license, the national criminal
 5 history check shall be repeated to determine the occurrence
 6 of criminal violations occurring during the previous period
 7 of licensure. Fees for the national criminal history check
 8 shall be paid by the applicant or the applicant's employer.
 9 The results of a criminal history check conducted pursuant to
 10 this subsection shall be considered a confidential record under
 11 chapter 22.

12 ~~3.~~ 4. Except as permitted in section 101A.3 and sections
 13 101A.9 to 101A.11, it shall be unlawful for any person to
 14 willfully manufacture, import, store, detonate, sell, or
 15 otherwise transfer any explosive materials unless such person
 16 is the holder of a valid license issued pursuant to this
 17 section.

18 ~~4.~~ 5. Commercial dealers having a federal firearms license
 19 shall be exempt from the requirement or the commercial license
 20 requirement of this chapter for importation, distribution,
 21 sale, transportation, storage and possession of smokeless
 22 powder propellants or black sporting powder propellants
 23 provided that such dealer must conform and comply to rules,
 24 or ordinances of federal, state, or city authorities having
 25 jurisdiction of such powder.

26 Sec. 2. Section 101A.3, subsection 1, Code 2013, is amended
 27 to read as follows:

28 1. User's permits to purchase, possess, transport, store,
 29 and detonate explosive materials shall be issued by the sheriff
 30 of the county or the chief of police of a city of ten thousand
 31 population or more where the possession and detonation will
 32 occur. If the possession and detonation are to occur in more
 33 than one county or city, then such permits must be issued by
 34 the sheriff or chief of police of each of such counties or
 35 cities, except in counties and cities in which the explosives

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1 are possessed for the sole purpose of transporting them
 2 through such counties and cities. A permit shall not be issued
 3 unless the sheriff or chief of police having jurisdiction is
 4 satisfied that possession and detonation of explosive materials
 5 is necessary to the applicant's business or to improve the
 6 applicant's property. Permits shall be issued only to persons
 7 who, in the discretion of the sheriff or chief of police, are
 8 of good character and sound judgment, and have sufficient
 9 knowledge of the use and handling of explosive materials to
 10 protect the public safety. Applicants shall be subject to the
 11 criminal history check provisions of section 101A.2, subsection
 12 3. The state fire marshal shall prescribe, have printed, and
 13 distribute permit application forms to all local permit issuing
 14 authorities.

15 Sec. 3. Section 101A.14, subsection 1, Code 2013, is amended
 16 to read as follows:

17 1. Any person who violates the provisions of section 101A.2,
 18 subsection 3 4, or section 101A.3, subsection 4, commits a
 19 public offense and, upon conviction, shall be guilty of a class
 20 "C" felony.

EXPLANATION

21 This bill concerns licensing and permitting requirements
 22 applicable to explosives.

23 The bill changes the current period of licensure from
 24 one to three years. The bill additionally provides that
 25 prior to the issuance or renewal of a license, or issuance
 26 of a user's permit, an applicant shall be subject to a
 27 national criminal history check through the federal bureau of
 28 investigation. The bill specifies that fees for the national
 29 criminal history check shall be paid by the applicant or the
 30 applicant's employer, and that the results shall be considered
 31 a confidential record under Code chapter 22. The bill further
 32 provides that the results of the national criminal history
 33 check may be reason for the state fire marshal to revoke or
 34 suspend a license and, by operation of law, an explosive

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1 materials user's permit by the issuer of the permit.



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House File 224 - Introduced

HOUSE FILE 224
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 67)

A BILL FOR

1 An Act relating to privileged communications between certain
2 peer support group counselors and officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1039HV (4) 85
rh/nh



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H.F. 224

1 Section 1. NEW SECTION. **80.7A Peer support group counselor.**
2 The commissioner may designate a peer support group
3 counselor as provided in section 622.10, subsection 9.
4 Sec. 2. Section 622.10, Code 2013, is amended by adding the
5 following new subsection:
6 NEW SUBSECTION. 9. a. A peer support group counselor
7 who obtains information from an officer by reason of the
8 counselor's capacity as a peer support group counselor
9 shall not be allowed, in giving testimony, to disclose any
10 confidential communication properly entrusted to the counselor
11 by the officer while receiving counseling.
12 b. The prohibition in this subsection does not apply where
13 the officer has consented to the disclosure of the information
14 specified in paragraph "a".
15 c. For purposes of this subsection:
16 (1) "Officer" means a peace officer, certified law
17 enforcement officer, fire fighter, emergency medical
18 technician, corrections officer, detention officer, jailer,
19 probation or parole officer, communications officer, or
20 any other law enforcement officer certified by the Iowa law
21 enforcement academy and employed by a municipality, county, or
22 state agency.
23 (2) "Peer support group counselor" means either of the
24 following:
25 (a) A law enforcement officer, fire fighter, civilian
26 employee of a law enforcement agency, or civilian employee of a
27 fire department, who has received training to provide emotional
28 and moral support and counseling to an officer who needs those
29 services as a result of an incident in which the officer was
30 involved while acting in the officer's official capacity.
31 (b) A nonemployee counselor who has been designated by the
32 commissioner of public safety to provide emotional and moral
33 support and counseling to an officer who is a peace officer as
34 defined in section 80.7A who needs those services as a result
35 of an incident in which the officer was involved while acting

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rh/nh

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1 in the officer's official capacity.

2 EXPLANATION

3 This bill relates to certain public safety peer support
4 group counselors and privileged communications between such
5 counselors and officers.

6 The bill provides that a peer support group counselor
7 who obtains information from an officer by reason of the
8 counselor's capacity as a peer support group counselor
9 shall not be allowed, in giving testimony, to disclose any
10 confidential communications properly entrusted to the counselor
11 by the officer while receiving counseling. The bill creates an
12 exception in cases where the officer has given the officer's
13 consent to the disclosure of such information.

14 The bill defines "officer" to mean a peace officer,
15 certified law enforcement officer, fire fighter, emergency
16 medical technician, corrections officer, detention officer,
17 jailer, probation or parole officer, communications officer,
18 or any other law enforcement officer certified by the Iowa law
19 enforcement academy and employed by a municipality, county, or
20 state agency.

21 The bill defines a "peer support group counselor" as a
22 law enforcement officer, fire fighter, civilian employee of
23 a law enforcement agency, or civilian employee of a fire
24 department, who has received training to provide emotional and
25 moral support and counseling to an officer who needs those
26 services as a result of an incident in which the officer
27 was involved while acting in the officer's official capacity
28 or a nonemployee counselor who has been designated by the
29 commissioner of public safety to provide such support and
30 counseling to a peace officer under the same circumstances.
31 The bill gives the commissioner the authority to designate a
32 peer support counselor.



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House File 225 - Introduced

HOUSE FILE 225
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 73)

A BILL FOR

1 An Act relating to pollution prevention and waste management
2 assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1196HV (2) 85
tm/nh



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1 Section 1. Section 455B.481, subsections 1 through 3, Code
2 2013, are amended to read as follows:

3 1. The purpose of this part is to promote the proper and
4 ~~safe storage, treatment, and disposal~~ management of solid,
5 hazardous, and low-level radioactive wastes in Iowa. The
6 ~~management of these wastes generated within Iowa is the~~
7 ~~responsibility of Iowans. It is the intent of the general~~
8 ~~assembly that Iowans assume this responsibility to the extent~~
9 ~~consistent with the protection of public health, safety, and~~
10 ~~the environment, and that Iowans insure that waste management~~
11 ~~practices, as alternatives to land disposal, including source~~
12 ~~reduction, recycling, compaction, incineration, and other forms~~
13 ~~of waste reduction, are employed.~~

14 2. ~~It is also the intent of the general assembly that a~~
15 ~~comprehensive waste management plan be established by the~~
16 ~~department which includes: the determination of need and~~
17 ~~adequate regulatory controls prior to the initiation of site~~
18 ~~selection; the process for selecting a superior site determined~~
19 ~~to be necessary; the establishment of a process for a site~~
20 ~~community to submit or present data, views, or arguments~~
21 ~~regarding the selection of the operator and the technology~~
22 ~~that best ensures proper facility operation; the prohibition~~
23 ~~of shallow land burial of hazardous and low-level radioactive~~
24 ~~wastes; the establishment of a regulatory framework for a~~
25 ~~facility; and the establishment of provisions for the safe~~
26 ~~and orderly development, operation, closure, postclosure, and~~
27 ~~long-term monitoring and maintenance of the facility.~~

28 3. 2. ~~In order to meet capacity assurance requirements~~
29 ~~of section 104k of the federal Superfund Amendments and~~
30 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
31 ~~the objectives of waste minimization, the The department, in~~
32 ~~cooperation with the small business assistance center at the~~
33 ~~university of northern Iowa Iowa waste reduction center for~~
34 ~~safe and economic management of solid waste and hazardous~~
35 ~~substances established in section 268.4, shall work with~~

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1 generators of hazardous wastes in the state to develop and
 2 implement aggressive waste minimization programs. ~~The goal~~
 3 ~~of these programs is to reduce the volume of hazardous waste~~
 4 ~~generated in the state as a whole by twenty-five percent of~~
 5 ~~the amount generated as of January 1, 1987, as reported in the~~
 6 ~~biennial reports collected by the United States environmental~~
 7 ~~protection agency. The twenty-five percent reduction goal~~
 8 ~~shall be reached as expeditiously as possible and no later than~~
 9 ~~July 1, 1994. In meeting the reduction goal, elements "a"~~
 10 ~~through "d" of the hazardous waste management hierarchy shall~~
 11 ~~be utilized. The department, in cooperation with the small~~
 12 ~~business assistance center, shall reassess the twenty-five~~
 13 ~~percent reduction goal in 1994. The department shall promote~~
 14 ~~research and development, provide and promote educational~~
 15 ~~and informational programs, promote and encourage provide~~
 16 confidential, voluntary technical assistance to hazardous waste
 17 generators, promote assistance by the ~~small business assistance~~
 18 Iowa waste reduction center, and promote other voluntary
 19 activities by the public and private sectors that support ~~this~~
 20 goal. ~~In the promotion of the goal, the following hazardous~~
 21 ~~waste management~~ pollution prevention hierarchy, in descending
 22 order of preference, ~~is established by the department:~~

- 23 a. Source reduction for waste elimination.
- 24 b. Reuse.
- 25 c. On-site recycling.
- 26 ~~e.~~ d. Off-site recycling.
- 27 ~~d.~~ e. Waste treatment.
- 28 ~~e.~~ f. Incineration Combustion with energy recovery.
- 29 ~~f.~~ g. Land disposal.

30 Sec. 2. Section 455B.481, subsections 4 and 5, Code 2013,
 31 are amended by striking the subsections.

32 Sec. 3. Section 455B.482, Code 2013, is amended by adding
 33 the following new subsection:

34 NEW SUBSECTION. 7A. "Pollution prevention" means employment
 35 of a practice that reduces the industrial use of toxic



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1 substances or reduces the environmental and health hazards
2 associated with an environmental waste without diluting or
3 concentrating the waste before the release, handling, storage,
4 transport, treatment, or disposal of the waste.

5 Sec. 4. Section 455B.484, Code 2013, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 1A. Implement the waste management policy
8 provided in section 455B.481.

9 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and
10 10, Code 2013, are amended by striking the subsections.

11 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code
12 2013, is amended to read as follows:

13 *c.* "Assistance program" means the ~~waste reduction assistance~~
14 pollution prevention program of the department or of the Iowa
15 waste reduction center for safe and economic management of
16 solid waste and hazardous substances conducted pursuant to
17 section 268.4.

18 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2013,
19 are amended by striking the subsections.

20 Sec. 8. Section 455B.486, subsection 1, Code 2013, is
21 amended by striking the subsection.

22 Sec. 9. Section 455B.487, subsection 1, Code 2013, is
23 amended to read as follows:

24 1. The commission shall adopt rules establishing criteria
25 for the identification of land areas or sites which are
26 suitable for the operation of facilities for the management
27 of ~~hazardous and~~ low-level radioactive wastes. Upon request,
28 the department shall assist in locating suitable sites for the
29 location of a facility. The commission may purchase or condemn
30 land to be leased or used for the operation of a facility
31 subject to chapter 6A. Consideration for a contract for
32 purchase of land shall not be in excess of funds appropriated
33 by the general assembly for that purpose. The commission may
34 lease land purchased under this section to any person including
35 the state or a state agency. This section authorizes the state



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1 to own or operate ~~hazardous waste facilities and~~ low-level
 2 radioactive waste facilities, subject to the approval of the
 3 general assembly.

4 Sec. 10. Section 455B.487, subsection 8, Code 2013, is
 5 amended by striking the subsection.

6 Sec. 11. Section 455C.12, subsection 1, Code 2013, is
 7 amended to read as follows:

8 1. Any person violating the provisions of section 455C.2,
 9 455C.3, or 455C.5, ~~and 455C.8~~, or a rule adopted under this
 10 chapter, shall be guilty of a simple misdemeanor.

11 Sec. 12. Section 455D.1, subsections 3, 5, and 7, Code 2013,
 12 are amended by striking the subsections.

13 Sec. 13. Section 455D.1, Code 2013, is amended by adding the
 14 following new subsection:

15 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
 16 any of the following practices employed by the user of a toxic
 17 substance:

18 a. Input substitution, which is the replacement of a toxic
 19 substance or raw material used in a production process with a
 20 nontoxic or less toxic substance.

21 b. Product reformulation, which is the substitution of an
 22 end product which is nontoxic or less toxic upon use or release
 23 for an existing end product.

24 c. Production process redesign or modification, which is
 25 the development and use of production processes of a different
 26 design other than those currently in use.

27 d. Production process modernization, which is the upgrading
 28 or replacing of existing production process equipment or
 29 methods with other equipment or methods based on the same
 30 production process.

31 e. Improved operation and maintenance of existing production
 32 process equipment and methods, which is the modification or
 33 addition to existing equipment or methods, including but not
 34 limited to such techniques as improved housekeeping practices,
 35 system adjustments, product and process inspections, and



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1 production process control equipment or methods.

2 *f.* Recycling, reuse, or extended use of toxic substances by
3 using equipment or methods that become an integral part of the
4 production process.

5 Sec. 14. Section 455D.3, subsections 1 and 3, Code 2013, are
6 amended to read as follows:

7 1. ~~Year 1994 and 2000 goals~~ Waste reduction goals.

8 *a.* The goal of the state is to reduce the amount of
9 materials in the waste stream, existing as of July 1, 1988, by
10 an intermediate goal of twenty-five percent by July 1, 1994,
11 and by a final goal of at least fifty percent by July 1, 2000,
12 through the practice of waste volume reduction at the source
13 and through recycling. For the purposes of this section, "waste
14 stream" means the disposal of solid waste as "solid waste" is
15 defined in section 455B.301.

16 *b.* Notwithstanding section 455D.1, subsection 6, facilities
17 which employ combustion of solid waste with energy recovery
18 and refuse-derived fuel, which are included in an approved
19 comprehensive plan, may include these processes in the
20 definition of recycling for the purpose of meeting the state
21 goal if at least thirty-five percent of the fifty percent waste
22 reduction goal, ~~required to be met by July 1, 2000, pursuant~~
23 ~~to this section,~~ is met through volume reduction at the source
24 and recycling and reuse, as established pursuant to section
25 455B.301A, subsection 1, paragraphs "a" and "b".

26 3. Departmental monitoring.

27 *a.* ~~By October 31, 1994, a planning area shall submit to~~
28 ~~the department a solid waste abatement table which is updated~~
29 ~~through June 30, 1994. By April 1, 1995, the department shall~~
30 ~~report to the general assembly on the progress that has been~~
31 ~~made by each planning area on attainment of the July 1, 1994,~~
32 ~~twenty-five percent goal.~~

33 ~~(1)~~ If at any time the department determines that a planning
34 area has met or exceeded the twenty-five percent goal, but has
35 not met or exceeded the fifty percent goal, a planning area

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1 shall subtract sixty cents from the total amount of the tonnage
2 fee imposed pursuant to section 455B.310. If at any time the
3 department determines that a planning area has met or exceeded
4 the fifty percent goal, a planning area shall subtract fifty
5 cents from the total amount of the tonnage fee imposed pursuant
6 to section 455B.310. The reduction in tonnage fees pursuant
7 to this ~~subparagraph~~ paragraph shall be taken from that
8 portion of the tonnage fees which would have been allocated for
9 funding alternatives to landfills pursuant to section 455E.11,
10 subsection 2, paragraph "a", subparagraph (1).

11 ~~(2)~~ b. If the department determines that a planning area
12 has failed to meet the ~~July 1, 1994,~~ twenty-five percent
13 goal, the planning area shall, ~~at a minimum, implement the~~
14 ~~solid waste management techniques as listed in subsection~~
15 ~~4. Evidence of implementation of the solid waste management~~
16 ~~techniques shall be documented in subsequent comprehensive~~
17 ~~plans submitted to the department~~ remit fifty cents per
18 ton to the department. The moneys shall be deposited in
19 the groundwater protection fund created in section 455E.11,
20 subsection 2, paragraph "a", and credited to the solid waste
21 account of the fund to be used for funding alternatives to
22 landfills pursuant to section 455E.11, subsection 2, paragraph
23 "a", subparagraph (1). Moneys shall continue to be remitted
24 pursuant to this paragraph until such time as evidence of
25 attainment of the twenty-five percent goal is documented in
26 subsequent plans submitted to the department.

27 ~~b. (1) By October 31, 2000, a planning area shall submit to~~
28 ~~the department, a solid waste abatement table which is updated~~
29 ~~through June 30, 2000. By April 1, 2001, the department shall~~
30 ~~report to the general assembly on the progress that has been~~
31 ~~made by each planning area on attainment of the July 1, 2000,~~
32 ~~fifty percent goal.~~

33 ~~(2)~~ c. If at any time the department determines that a
34 planning area has met or exceeded the fifty percent goal, the
35 planning area shall subtract fifty cents from the total amount



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1 of the tonnage fee imposed pursuant to section 455B.310. This
2 amount shall be in addition to any amount subtracted pursuant
3 to paragraph "a". The reduction in tonnage fees pursuant
4 to this ~~subparagraph~~ paragraph shall be taken from that
5 portion of the tonnage fees which would have been allocated to
6 funding alternatives to landfills pursuant to section 455E.11,
7 subsection 2, paragraph "a", subparagraph (1). ~~Except for fees~~
8 ~~required under subsection 4, paragraph "a",~~ a A planning area
9 failing to meet the fifty percent goal is not required to remit
10 any additional tonnage fees to the department.

11 Sec. 15. Section 455D.3, subsections 2 and 4, Code 2013, are
12 amended by striking the subsections.

13 Sec. 16. Section 455D.6, subsections 1, 6, and 7, Code 2013,
14 are amended to read as follows:

15 1. Unless otherwise specified in this chapter, recommend
16 rules to the commission which are necessary to implement
17 this chapter. ~~Initial recommendations shall be made to the~~
18 ~~commission no later than July 1, 1991.~~

19 6. Develop a strategy and recommend to the commission the
20 adoption of rules necessary to implement a strategy for white
21 goods and waste oil ~~by January 1, 1990.~~

22 7. Develop a strategy and recommend to the commission
23 the adoption of rules necessary to implement ~~by January 1,~~
24 ~~2004,~~ a strategy for the recycling of electronic goods and
25 the disassembling and removing of toxic parts from electronic
26 goods.

27 Sec. 17. Section 455D.6, subsections 2, 5, 8, 9, and 10,
28 Code 2013, are amended by striking the subsections.

29 Sec. 18. Section 455D.7, subsection 1, Code 2013, is amended
30 to read as follows:

31 1. Unless otherwise specified in this chapter, adopt rules
32 necessary to implement this chapter pursuant to chapter 17A.
33 ~~Initial rules shall be adopted no later than April 1, 1992.~~

34 Sec. 19. Section 455D.7, subsection 4, Code 2013, is amended
35 by striking the subsection.



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1 Sec. 20. Section 455D.9, subsections 1, 2, 3, and 6, Code
2 2013, are amended to read as follows:

3 1. ~~Beginning January 1, 1991, land~~ Land disposal of yard
4 waste as defined by the department is prohibited. However,
5 yard waste which has been separated at its source from other
6 solid waste may be accepted by a sanitary landfill for the
7 purposes of soil conditioning or composting.

8 2. The department shall assist local communities in the
9 development of collection systems for yard waste generated
10 from residences and shall assist in the establishment of
11 local composting facilities. ~~Within one hundred twenty days~~
12 ~~of the adoption of rules by the department regarding yard~~
13 ~~waste, each~~ Each city and county shall, by ordinance, require
14 persons within the city or county to separate yard waste from
15 other solid waste generated. ~~Municipalities which provide~~
16 ~~a collection system for solid waste shall provide for a~~
17 ~~collection system for yard waste which is not composted.~~

18 3. The department shall ~~develop~~ adopt rules which define
19 yard waste and provide for the safe and proper method of
20 composting. ~~The rules adopted for a composting facility to be~~
21 ~~located on property owned by an applicant for a permit prior~~
22 ~~to July 1, 1992, when the property is located within twenty~~
23 ~~miles of a metropolitan area of two hundred fifty thousand or~~
24 ~~more, shall require that prior to the issuance of a permit for~~
25 ~~a composting facility, the applicant shall submit an economic~~
26 ~~impact statement to the department. For the purpose of this~~
27 ~~subsection, "economic impact statement" means an estimate of~~
28 ~~the economic impact of the siting of a composting facility at a~~
29 ~~specific location on affected property owners~~ yard waste and
30 other organic materials.

31 6. This section prohibits the ~~incineration~~ open burning of
32 yard waste within the permitted boundary at a sanitary disposal
33 project.

34 Sec. 21. Section 455D.12, subsection 2, unnumbered
35 paragraph 1, Code 2013, is amended to read as follows:

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1 ~~Beginning July 1, 1992,~~ a person shall not distribute,
 2 sell, or offer for sale in this state a plastic bottle or rigid
 3 plastic container unless the product is labeled with a code
 4 indicating the plastic resin used to produce the bottle or
 5 container. Rigid plastic bottles or rigid plastic containers
 6 with labels and basecups of a different material shall be coded
 7 by their basic material. The code shall consist of a number
 8 placed within a triangle of arrows and letters placed below the
 9 triangle of arrows. The triangle shall be equilateral, formed
 10 by three arrows with the apex of each point of the triangle
 11 at the midpoint of each arrow, rounded with a short radius.
 12 The arrowhead of each arrow shall be at the midpoint of each
 13 side of the triangle with a short gap separating the pointer
 14 from the base of the adjacent arrow. The triangle, formed by
 15 the three arrows curved at their midpoints, shall depict a
 16 clockwise path around the code number. The numbers and letters
 17 used shall be as follows:

18 Sec. 22. Section 455D.12, subsection 3, Code 2013, is
 19 amended by striking the subsection.

20 Sec. 23. Section 455D.15, subsection 2, Code 2013, is
 21 amended by striking the subsection and inserting in lieu
 22 thereof the following:

23 2. The fund shall be utilized by the department for
 24 providing technical assistance to Iowa businesses in developing
 25 and implementing pollution prevention techniques.

26 Sec. 24. Section 455D.15, subsection 3, Code 2013, is
 27 amended by striking the subsection.

28 Sec. 25. Section 455E.8, subsections 2 and 3, Code 2013, are
 29 amended by striking the subsections.

30 Sec. 26. REPEAL. Sections 455B.516, 455B.517, 455B.518,
 31 455C.8, and 455C.15, Code 2013, are repealed.

EXPLANATION

33 This bill relates to pollution prevention and waste
 34 management assistance.

35 The bill amends the waste management assistance provisions



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1 of Code chapter 455B by updating the waste management policy.
2 The bill includes reuse and combustion with energy recovery in
3 the pollution prevention hierarchy and removes incineration
4 from the hierarchy.

5 The bill includes a new definition for "pollution
6 prevention" and uses the term to replace "hazardous waste
7 management" and "waste reduction assistance". The bill
8 eliminates references to hazardous waste throughout Code
9 chapter 455B, division IV, part 9, including duties of the
10 department and the environmental protection commission relating
11 to hazardous waste and the location, acquisition, and operation
12 of hazardous waste management facilities.

13 The bill eliminates certain definitions from Code chapter
14 455D for terms no longer used in the chapter.

15 Currently, the waste stream reduction goals include a 25
16 percent reduction by July 1, 1994, and 50 percent reduction by
17 July 1, 2000. The goals are based on the waste stream existing
18 as of July 1, 1988. The bill eliminates the references to July
19 1, 1994, and July 1, 2000, but retains the 25 and 50 percent
20 goals as intermediate and final goals. The bill eliminates
21 provisions related to the date-specific goals. The bill
22 eliminates mandatory solid waste management techniques for
23 planning areas that fail to meet the 25 percent reduction goal.

24 The bill eliminates many of the duties of the department in
25 relation to waste management and includes a new general duty to
26 implement the waste management policy.

27 The bill eliminates certain duties of the director of the
28 department of natural resources. The bill eliminates redundant
29 language relating to the duty of the director to receive moneys
30 for deposit in the waste reduction and recycling trust fund.
31 The bill eliminates duties including the providing of financial
32 assistance for certain waste reduction and recycling markets
33 and industries; the study of technology for the reclamation
34 and recycling of refrigerant; and the identification of
35 products made from recycled or recovered materials. The bill



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1 also eliminates certain expired deadlines and other outdated
2 requirements.

3 The bill eliminates two duties of the environmental
4 protection commission in relation to waste management policy.
5 The duties relate to budget requests and approval of certain
6 contracts and agreements.

7 The bill eliminates a duty of the commission to recommend
8 to the general assembly, annually, the imposition of waste
9 abatement fees, rebates, and deposits.

10 The bill eliminates certain municipal requirements related
11 to yard waste. The bill eliminates certain rules requirements
12 for composting related to economic impact statements. The bill
13 expands the definition of composting to include yard waste and
14 other organic materials.

15 The bill eliminates a requirement that the department
16 maintain a list of label codes for plastic containers.

17 The bill amends provisions related to the waste volume
18 reduction and recycling fund. The bill eliminates a
19 requirement that grants from the fund be awarded based on the
20 solid waste management hierarchy. The bill provides that the
21 fund shall be utilized for purposes of providing technical
22 assistance to Iowa businesses in developing and implementing
23 pollution prevention techniques.

24 The bill eliminates two duties of the director of the
25 department relating to groundwater reporting requirements.

26 The bill repeals Code sections 455B.516, 455B.517, and
27 455B.518, which relate to the toxics pollution prevention
28 program. The bill repeals Code section 455C.8, relating to the
29 prohibition against snap-top cans, and Code section 455C.15,
30 relating to the prohibition against plastic cans.



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House Joint Resolution 8 - Introduced

HOUSE JOINT RESOLUTION 8
BY HEATON

HOUSE JOINT RESOLUTION

1 A Joint Resolution to nullify administrative rules of the
2 department of human services concerning respite care
3 provider rates and providing an effective date.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1250HH (1) 85
jr/rj



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H.J.R. 8

1 Section 1. The portions of 441 Iowa administrative code,
2 rule 79.1, subrule 2, which restrict respite care provider
3 reimbursement rates to those rates in effect on November 30,
4 2009, are nullified.

5 Sec. 2. EFFECTIVE UPON ENACTMENT. This joint resolution,
6 being deemed of immediate importance, takes effect upon
7 enactment.

8

EXPLANATION

9 This joint resolution nullifies portions of an
10 administrative rule adopted by the department of human services
11 limiting reimbursement rates for all types of respite care
12 providers to those rates in effect on November 30, 2009.

13 The joint resolution takes effect upon enactment.



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House Resolution 13 - Introduced

HOUSE RESOLUTION NO. 13

BY KELLEY

1 A Resolution in support of extending the federal
2 production tax credit for wind energy.
3 WHEREAS, Iowa is the third largest producer of wind
4 energy in the nation; and
5 WHEREAS, Iowa leads the nation in wind generation as
6 a percentage of total power output; and
7 WHEREAS, it has been estimated that 75 percent of
8 Iowa is suitable for wind energy development with an
9 estimated total wind resource of 570,000 megawatts; and
10 WHEREAS, 1,000 megawatts of energy can power 250,000
11 homes and is equivalent to removing the emissions
12 placed in the atmosphere by 682,000 cars in the state
13 in one year's time; and
14 WHEREAS, the wind energy industry in Iowa currently
15 employs several thousand full-time workers in
16 manufacturing, operations, and maintenance with a
17 substantial annual payroll; and
18 WHEREAS, the federal production tax credit for wind
19 energy provides a 2.2 percent per kilowatt-hour tax
20 credit for the first 10 years of electricity production
21 from utility-scale wind turbines; and
22 WHEREAS, the production tax credit has repeatedly
23 been allowed to sunset and then extended since
24 its original enactment, which has contributed to
25 a boom-bust cycle of development that has been
26 detrimental to the wind industry; and
27 WHEREAS, the federal production tax credit for
28 wind energy is currently set to expire at the end of

LSB 2212HH (2) 85

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rn/nh

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H.R. 13

1 2013; NOW THEREFORE,

2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
3 the House of Representatives supports the extension of
4 the federal production tax credit applicable to wind
5 energy for an additional two years; and

6 BE IT FURTHER RESOLVED, That copies of this
7 resolution be sent to the members of Iowa's
8 congressional delegation and to the President of the
9 United States.



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House Resolution 14 - Introduced

HOUSE RESOLUTION NO. 14

BY L. MILLER

1 A Resolution honoring the March of Dimes Foundation for
2 its multifaceted and ongoing role in protecting the
3 health of mothers, infants, and children.

4 WHEREAS, the March of Dimes Foundation was a pioneer
5 in improving the health of infants and women of
6 childbearing age by preventing birth defects, premature
7 birth, and infant mortality; and

8 WHEREAS, the March of Dimes was founded by President
9 Franklin D. Roosevelt in 1938 to fight polio, and
10 funded the development of two vaccines that virtually
11 eliminated the crippling disease; and

12 WHEREAS, in 1958, the March of Dimes, having
13 achieved its initial mission, shifted its attention
14 from polio to the prevention of birth defects, and
15 through federal and state advocacy led the way in
16 establishing a nationwide network of birth defects
17 monitoring programs and research centers; and

18 WHEREAS, the March of Dimes has undertaken
19 decades of groundbreaking research in maternal and
20 child health, which has led to the discovery of
21 lifesaving products and tests such as surfactant
22 therapy for premature infants and tests to identify
23 life-threatening birth defects; and

24 WHEREAS, the March of Dimes was a pioneer in the
25 support of newborn screening, urging Congress to pass
26 and fund the Newborn Screening Saves Lives Act, which
27 established national guidelines on the conditions
28 states should include in newborn programs, and through



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1 state advocacy ensured that every state screens all
2 newborns for that core set of conditions; and

3 WHEREAS, the March of Dimes is a long-time advocate
4 for access to health care for women of childbearing
5 age, infants, children, and families, ensuring they
6 have access to private and public health coverage; and

7 WHEREAS, in 2003, the March of Dimes launched
8 the prematurity campaign to address the crisis of
9 premature birth and help families have full-term,
10 healthy babies, and authored the Prematurity Research
11 Expansion and Education for Mothers who Deliver Infants
12 Early (PREEMIE) Act, to expand research, education, and
13 services to fight premature births; and

14 WHEREAS, the March of Dimes has set a national goal
15 of reducing preterm births to 9.6 percent in every
16 state by 2020, which will result in a healthier start
17 in life for tens of thousands of infants; and

18 WHEREAS, the March of Dimes sponsors numerous
19 programs to support healthy pregnancies and infants,
20 such as its collaborative work with the Iowa Department
21 of Public Health and the Iowa Healthcare Collaborative
22 to prevent early elective deliveries and the Blank
23 Children's Hospital Neonatal Intensive Care Unit Family
24 Support program; and

25 WHEREAS, the March of Dimes and its volunteers
26 continue to advocate for national and state health
27 policies and programs that affect Iowa women of
28 childbearing age, infants, children, and families,
29 including funding to support the hawk-i program and
30 the Center for Congenital and Inherited Disorders

LSB 2075HH (5) 85

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jr/nh

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1 Registry; NOW THEREFORE,
2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
3 That the House of Representatives congratulates the
4 March of Dimes Iowa Chapter on its observance of the
5 75th anniversary of the March of Dimes and urges all
6 residents of Iowa to celebrate this year by supporting
7 the efforts of the March of Dimes through programs of
8 research, education, community services, and advocacy
9 to give every child a healthy start in life.



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House Resolution 15 - Introduced

HOUSE RESOLUTION NO. 15

BY HALL and MAXWELL

1 A Resolution honoring the Grinnell College Men's
2 Basketball Team.
3 WHEREAS, for more than a century, Grinnell College
4 has been known as an outstanding institution of
5 academic achievement and intellectual prowess; and
6 WHEREAS, Grinnell may now claim a sports legend as
7 well, as sophomore point guard Jack Taylor scored 138
8 points in a November 20, 2012, basketball game; and
9 WHEREAS, Mr. Taylor finished that game making 52
10 of 108 shots from the floor, including 27 of 71 from
11 three-point range; and
12 WHEREAS, Mr. Taylor's effort shattered collegiate
13 basketball's NCAA single-game scoring record set in
14 1954; NOW THEREFORE,
15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
16 the House of Representatives congratulates Jack Taylor,
17 the members of the Grinnell College Men's Basketball
18 Team, and Head Coach David Arseneault for a remarkable
19 athletic performance.



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House Resolution 16 - Introduced

HOUSE RESOLUTION NO. 16

BY UPMEYER, PAULSEN, GRASSLEY, DRAKE, J. SMITH,
LOFGREN, DEYOE, MUHLBAUER, MASCHER, WINCKLER,
THOMAS, and RIDING

1 A Resolution recognizing the sesquicentennial of the
2 American Veterinary Medical Association and honoring
3 the work of America's veterinarians.

4 WHEREAS, the American Veterinary Medical Association
5 was founded in 1863 as the United States Veterinary
6 Medical Association in New York City; and

7 WHEREAS, the year 2013 will mark the 150th
8 anniversary of organized veterinary medicine in the
9 United States; and

10 WHEREAS, veterinarians have played an integral role
11 in discovering the causes of numerous diseases that
12 affect our state's citizens such as salmonellosis, West
13 Nile infection, yellow fever, and malaria; and

14 WHEREAS, veterinarians provide valuable public
15 health services through preventive medicine, control of
16 zoonotic diseases, and scientific research; and

17 WHEREAS, veterinarians have advanced human and
18 animal health by inventing and refining techniques and
19 instrumentations such as artificial hips, bone plates,
20 splints, and arthroscopy; and

21 WHEREAS, veterinarians play an integral role in
22 protecting the quality and security of our national
23 herd and food supply; and

24 WHEREAS, military veterinarians provide crucial
25 support to our nation's military and assistance to the
26 agricultural independence of developing nations around



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1 the world; and

2 WHEREAS, disaster relief veterinarians provide
3 public health services and veterinary medical support
4 to animals and humans displaced and ravaged by
5 disasters; and

6 WHEREAS, veterinarians are dedicated to preserving
7 the human-animal bond and promoting the highest
8 standards of science-based, ethical animal welfare; and

9 WHEREAS, veterinarian colleagues from around the
10 world will join veterinarians in the United States to
11 celebrate this momentous occasion; NOW THEREFORE,

12 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
13 That the House of Representatives expresses deep
14 appreciation for the contributions that the veterinary
15 profession and the American Veterinary Medical
16 Association have made and continue to make to animal
17 health, public health, animal welfare, and food safety
18 in Iowa.



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House Study Bill 142 - Introduced

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

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 2095HC (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.

29 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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House Study Bill 143 - Introduced

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

A BILL FOR

1 An Act relating to business corporations, including by
2 providing for their organization and operation; providing
3 for the relationship between shareholders, directors, and
4 officers; and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1488YC (2) 85
da/nh



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1 includes any writing or written instrument.
 2 *b.* An electronic record.
 3 NEW SUBSECTION. 7B. "*Domestic unincorporated entity*" means
 4 an unincorporated entity whose internal affairs are governed by
 5 the laws of this state.
 6 NEW SUBSECTION. 8A. "*Electronic*" means relating to
 7 technology having electrical, digital, magnetic, wireless,
 8 optical, electromagnetic, or similar capabilities.
 9 NEW SUBSECTION. 8B. "*Electronic record*" means information
 10 that is stored in an electronic or other medium and is
 11 retrievable in paper form through an automated process used in
 12 conventional commercial practice, unless otherwise authorized
 13 in accordance with section 490.141, subsection 10.
 14 NEW SUBSECTION. 11A. "*Expenses*" means reasonable expenses
 15 of any kind that are incurred in connection with a matter.
 16 NEW SUBSECTION. 21B. "*Qualified director*" means the same
 17 as defined in section 490.143.
 18 NEW SUBSECTION. 32. "*Writing*" or "*written*" means any
 19 information in the form of a document.
 20 Sec. 3. Section 490.141, Code 2013, is amended to read as
 21 follows:
 22 **490.141 Notice or other communication.**
 23 1. Notice under this chapter must be in writing unless oral
 24 notice is reasonable ~~under~~ in the circumstances. ~~Notice by~~
 25 ~~electronic transmission is written notice.~~ Unless otherwise
 26 agreed between the sender and the recipient, words in a notice
 27 or other communication under this chapter must be in English.
 28 2. ~~Notice~~ A notice or other communication may be
 29 ~~communicated in person; by mail or other given or sent by~~
 30 any method of delivery; or by telephone, voice mail, or
 31 other, except that electronic means transmissions must be in
 32 accordance with this section. If these forms of personal
 33 notice methods of delivery are impracticable, a notice or
 34 other communication may be communicated by a newspaper of
 35 general circulation in the area where published; or by radio,



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1 television, or other form of public broadcast communication.
2 ~~3. Written notice by a domestic or foreign corporation to~~
3 ~~its shareholder, if in a comprehensible form, is effective~~
4 ~~according to one of the following:~~
5 ~~a. Upon deposit in the United States mail, if mailed~~
6 ~~postpaid and correctly addressed to the shareholder's address~~
7 ~~shown in the corporation's current record of shareholders.~~
8 ~~b. When electronically transmitted to the shareholder in a~~
9 ~~manner authorized by the shareholder.~~
10 4. Written notice Notice or other communication to a
11 domestic or foreign corporation authorized to transact business
12 in this state may be addressed delivered to its registered
13 agent at its registered office or to the secretary of the
14 corporation or its secretary at its principal office shown in
15 its most recent biennial report or, in the case of a foreign
16 corporation that has not yet delivered a biennial report, in
17 its application for a certificate of authority.
18 4. Notice or other communications may be delivered by
19 electronic transmission if consented to by the recipient or if
20 authorized by subsection 10.
21 5. Any consent under subsection 4 may be revoked by the
22 person who consented by written or electronic notice to the
23 person to whom the consent was delivered. Any such consent is
24 deemed revoked if all of the following apply:
25 a. The corporation is unable to deliver two consecutive
26 electronic transmissions given by the corporation in accordance
27 with such consent.
28 b. Such inability becomes known to the secretary or an
29 assistant secretary of the corporation or to the transfer
30 agent, or other person responsible for the giving of notice
31 or other communications; provided, however, the inadvertent
32 failure to treat such inability as a revocation shall not
33 invalidate any meeting or other action.
34 6. Unless otherwise agreed between the sender and the
35 recipient, an electronic transmission is received when all of



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1 the following apply:
 2 a. The electronic transmission enters an information
 3 processing system that the recipient has designated or uses
 4 for the purposes of receiving electronic transmissions or
 5 information of the type sent, and from which the recipient is
 6 able to retrieve the electronic transmission.
 7 b. The electronic transmission is in a form capable of being
 8 processed by that system.
 9 7. Receipt of an electronic acknowledgment from an
 10 information processing system described in subsection 6,
 11 paragraph "a", establishes that an electronic transmission was
 12 received but, by itself, does not establish that the content
 13 sent corresponds to the content received.
 14 8. An electronic transmission is received under this
 15 section even if no individual is aware of its receipt.
 16 ~~5.~~ 9. Except as provided in subsection 3, written notice,
 17 Notice or other communication if in a comprehensible form or
 18 manner, is effective at the earliest of any of the following:
 19 a. When received. If in physical form, the earliest of
 20 when it is actually received or when it is left at any of the
 21 following:
 22 (1) A shareholder's address shown on the corporation's
 23 record of shareholders maintained by the corporation under
 24 section 490.1601, subsection 3.
 25 (2) A director's residence or usual place of business.
 26 (3) The corporation's principal place of business.
 27 b. Five days after its deposit in the United States mail,
 28 if If mailed postpaid by United States mail postage prepaid
 29 and correctly addressed to a shareholder, upon deposit in the
 30 United States mail.
 31 c. On the date shown on the If mailed by United States
 32 mail postage prepaid and correctly addressed to a recipient
 33 other than a shareholder, the earliest of when it is actually
 34 received or as follows:
 35 (1) If sent by registered or certified mail, return receipt



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1 ~~requested, if sent by registered or certified mail, return~~
2 ~~receipt requested, and the date shown on the return receipt is~~
3 signed by or on behalf of the addressee.

4 ~~6. Oral notice is effective when communicated if~~
5 ~~communicated in a comprehensible manner.~~

6 (2) Five days after it is deposited in the United States
7 mail.

8 d. If an electronic transmission, when it is received as
9 provided in subsection 6.

10 e. If oral, when communicated.

11 10. A notice or other communication may be in the form of
12 an electronic transmission that cannot be directly reproduced
13 in paper form by the recipient through an automated process
14 used in conventional commercial practice only if all of the
15 following apply:

16 a. The electronic transmission is otherwise retrievable in
17 perceivable form.

18 b. The sender and the recipient have consented in writing to
19 the use of such form of electronic transmission.

20 ~~7.~~ 11. If this chapter prescribes notice requirements for
21 notices or other communications in particular circumstances,
22 those requirements govern. If articles of incorporation or
23 bylaws prescribe notice requirements for notices or other
24 communications, not inconsistent with this section or other
25 provisions of this chapter, those requirements govern. The
26 articles of incorporation or bylaws may authorize or require
27 delivery of notices of meetings of directors by electronic
28 transmission.

29 Sec. 4. NEW SECTION. 490.143 Qualified director.

30 1. For purposes of this chapter, a "qualified director"
31 is a director who takes action under any of the following
32 provisions, if at the time action is to be taken any of the
33 following applies:

34 a. Under section 490.744, the director does not have any of
35 the following:



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- 1 (1) A material interest in the outcome of the proceeding.
2 (2) A material relationship with a person who has such an
3 interest.
4 b. Under section 490.853 or 490.855, all of the following
5 apply:
6 (1) The director is not a party to the proceeding.
7 (2) The director is not a director as to whom a transaction
8 is a director's conflicting interest transaction or who sought
9 a disclaimer of the corporation's interest in a business
10 opportunity under section 490.870, which transaction or
11 disclaimer is challenged in the proceeding.
12 (3) The director does not have a material relationship with
13 a director described in either subparagraph (1) or (2).
14 c. Under section 490.862, the director is not any of the
15 following:
16 (1) A director as to whom the transaction is a director's
17 conflicting interest transaction.
18 (2) A director who has a material relationship with another
19 director as to whom the transaction is a director's conflicting
20 interest transaction.
21 d. Under section 490.870, the director would be a qualified
22 director under paragraph "c", if the business opportunity was a
23 director's conflicting interest transaction.
24 2. For purposes of this section, all of the following apply:
25 a. "Material interest" means an actual or potential
26 benefit or detriment, other than one which would devolve on
27 the corporation or the shareholders generally, that would
28 reasonably be expected to impair the objectivity of the
29 director's judgment when participating in the action to be
30 taken.
31 b. "Material relationship" means a familial, financial,
32 professional, employment, or other relationship that would
33 reasonably be expected to impair the objectivity of the
34 director's judgment when participating in the action to be
35 taken.



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1 3. The presence of one or more of the following
2 circumstances shall not automatically prevent a director from
3 being a qualified director:

4 *a.* Nomination or election of the director to the current
5 board by any director who is not a qualified director with
6 respect to the matter, or by any person that has a material
7 relationship with that director, acting alone or participating
8 with others.

9 *b.* Service as a director of another corporation of which a
10 director who is not a qualified director with respect to the
11 matter, or any individual who has a material relationship with
12 that director, is or was also a director.

13 *c.* With respect to action to be taken under section 490.744,
14 status as a named defendant, as a director against whom action
15 is demanded, or as a director who approved the conduct being
16 challenged.

17 Sec. 5. NEW SECTION. **490.144 Householding.**

18 1. A corporation has delivered written notice or any
19 other report or statement under this chapter, the articles of
20 incorporation, or the bylaws to all shareholders who share a
21 common address if all of the following apply:

22 *a.* The corporation delivers one copy of the notice, report,
23 or statement to the common address.

24 *b.* The corporation addresses the notice, report, or
25 statement to those shareholders either as a group or to each
26 of those shareholders individually or to the shareholders in a
27 form to which each of those shareholders has consented.

28 *c.* Each of those shareholders consents to delivery of
29 a single copy of such notice, report, or statement to the
30 shareholders' common address. Any such consent shall be
31 revocable by any of such shareholders who deliver written
32 notice of revocation to the corporation. If such written
33 notice of revocation is delivered, the corporation shall begin
34 providing individual notices, reports, or other statements
35 to the revoking shareholder no later than thirty days after



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1 delivery of the written notice of revocation.

2 2. Any shareholder who fails to object by written notice
 3 to the corporation, within sixty days of written notice by the
 4 corporation of its intention to send single copies of notices,
 5 reports, or statements to shareholders who share a common
 6 address as permitted by subsection 1, shall be deemed to have
 7 consented to receiving such single copy at the common address.

8 Sec. 6. Section 490.502, subsection 2, Code 2013, is amended
 9 to read as follows:

10 2. ~~If a registered agent changes the street address of the~~
 11 a registered agent's business office changes, the registered
 12 agent may change the street address of the registered office of
 13 any corporation for which the person is the registered agent by
 14 notifying delivering a signed written notice of the change to
 15 ~~the corporation in writing of the change and signing, either~~
 16 ~~manually or in facsimile,~~ and delivering to the secretary of
 17 state for filing a signed statement that complies with the
 18 requirements of subsection 1 and recites that the corporation
 19 has been notified of the change.

20 Sec. 7. Section 490.620, subsection 4, Code 2013, is amended
 21 to read as follows:

22 4. If a subscriber defaults in payment of money or
 23 property under a subscription agreement entered into before
 24 incorporation, the corporation may collect the amount owed
 25 as any other debt. Alternatively, unless the subscription
 26 agreement provides otherwise, the corporation may rescind the
 27 agreement and may sell the shares if the debt remains unpaid
 28 more than twenty days after the corporation sends a written
 29 demand for payment to the subscriber.

30 Sec. 8. Section 490.624, Code 2013, is amended by adding the
 31 following new subsection:

32 NEW SUBSECTION. 3. The board of directors may authorize one
 33 or more officers to do all of the following:

34 a. Designate the recipients of rights, options, warrants,
 35 or other equity compensation awards that involve the issuance



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1 of shares.

2 *b.* Determine, within an amount and subject to any other
3 limitations established by the board and, if applicable, the
4 stockholders, the number of such rights, options, warrants,
5 or other equity compensation awards and the terms thereof to
6 be received by the recipients, provided that an officer shall
7 not use such authority to designate the officer or any other
8 persons the board of directors may specify as a recipient of
9 such rights, options, warrants, or other equity compensation
10 awards.

11 Sec. 9. Section 490.701, subsection 1, Code 2013, is amended
12 to read as follows:

13 1. ~~A~~ Unless directors are elected by written consent in
14 lieu of an annual meeting as permitted by section 490.704, a
15 corporation shall hold annually, at a time stated in or fixed
16 in accordance with the bylaws, a meeting of shareholders;
17 provided, however, that if a corporation's articles of
18 incorporation authorize shareholders to cumulate their votes
19 when electing directors pursuant to section 490.728, directors
20 shall not be elected by less than unanimous consent.

21 Sec. 10. Section 490.703, Code 2013, is amended to read as
22 follows:

23 **490.703 Court-ordered meeting.**

24 1. The district court of the county where a corporation's
25 principal office, or, if none in this state, its registered
26 office, is located may summarily order a meeting to be held
27 ~~either:~~ pursuant to any of the following:

28 *a.* On application of any shareholder of the corporation
29 entitled to participate in an annual meeting if an annual
30 meeting was not held or action by written consent in lieu
31 thereof did not become effective within the earlier of six
32 months after the end of the corporation's fiscal year or
33 fifteen months after its last annual meeting.

34 *b.* On application of a shareholder who signed a demand for
35 a special meeting valid under section 490.702 if ~~either~~ any of



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1 have been delivered to the corporation. A written consent
 2 may be revoked by a writing to that effect delivered to the
 3 corporation before unrevoked written consents sufficient in
 4 number to take the corporate action are delivered to the
 5 corporation.

6 4. A consent signed ~~under~~ pursuant to the provisions of this
 7 section has the effect of a meeting vote and may be described
 8 as such in any document. Unless the articles of incorporation,
 9 bylaws, or a resolution of the board of directors provides for
 10 a reasonable delay to permit tabulation of written consents,
 11 the action taken by written consent shall be effective when
 12 written consents signed by sufficient shareholders to take the
 13 action are delivered to the corporation.

14 ~~5. If this chapter requires that notice of proposed action~~
 15 ~~be given to shareholders not entitled to vote and the action~~
 16 ~~is to be taken by consent of the voting shareholders, the~~
 17 ~~corporation must give all shareholders written notice of the~~
 18 ~~proposed action at least ten days before the action is taken.~~
 19 ~~The notice must contain or be accompanied by the same material~~
 20 ~~that, under this chapter, would have been required to be sent~~
 21 ~~to shareholders not entitled to vote in a notice of meeting~~
 22 ~~at which the proposed action would have been submitted to the~~
 23 ~~shareholders for action.~~

24 ~~6. Prompt notice of the taking of corporate action without~~
 25 ~~a meeting by less than unanimous written consent shall be given~~
 26 ~~to those shareholders who have not consented in writing. If~~
 27 ~~the taking of that corporate action requires the giving of~~
 28 ~~notice under section 490.1320, subsection 2, the notice of~~
 29 ~~the action shall set forth the matters described in section~~
 30 ~~490.1322.~~

31 5. a. If this chapter requires that notice of a proposed
 32 action be given to nonvoting shareholders and the action is
 33 to be taken by written consent of the voting shareholders,
 34 the corporation must give its nonvoting shareholders written
 35 notice of the action not more than ten days after any of the



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1 following:

2 (1) Written consents sufficient to take the action have been
 3 delivered to the corporation.

4 (2) Such later date that tabulation of consents is completed
 5 pursuant to an authorization under subsection 4.

6 b. The notice must reasonably describe the action taken and
 7 contain or be accompanied by the same material that, under any
 8 provision of this chapter, would have been required to be sent
 9 to nonvoting shareholders in a notice of a meeting at which the
 10 proposed action would have been submitted to the shareholders
 11 for action.

12 6. a. If action is taken by less than unanimous written
 13 consent of the voting shareholders, the corporation must give
 14 its nonconsenting voting shareholders written notice of the
 15 action not more than ten days after any of the following:

16 (1) Written consents sufficient to take the action have been
 17 delivered to the corporation.

18 (2) Such later date that tabulation of consents is completed
 19 pursuant to an authorization under subsection 4.

20 b. The notice must reasonably describe the action taken
 21 and contain or be accompanied by the same material that, under
 22 any provision of this chapter, would have been required to be
 23 sent to voting shareholders in a notice of a meeting at which
 24 the action would have been submitted to the shareholders for
 25 action.

26 7. The notice requirements in subsections 5 and 6 shall not
 27 delay the effectiveness of actions taken by written consent,
 28 and a failure to comply with such notice requirements shall
 29 not invalidate actions taken by written consent, provided that
 30 this subsection shall not be deemed to limit judicial power
 31 to fashion any appropriate remedy in favor of a shareholder
 32 adversely affected by a failure to give such notice within the
 33 required time period.

34 Sec. 12. Section 490.705, subsections 1 and 5, Code 2013,
 35 are amended to read as follows:

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1 1. A corporation shall notify shareholders of the date,
2 time, and place of each annual and special shareholders'
3 meeting no fewer than ten nor more than sixty days before
4 the meeting date. The notice shall include the record date
5 for determining the shareholders entitled to vote at the
6 meeting, if such date is different than the record date for
7 determining shareholders entitled to notice of the meeting. If
8 the board of directors has authorized participation by means
9 of remote communication pursuant to section 490.709 for any
10 class or series of shareholders, the notice to such class or
11 series of shareholders shall describe the means of remote
12 communication to be used. Unless this chapter or the articles
13 of incorporation require otherwise, the corporation is required
14 to give notice only to shareholders entitled to vote at the
15 meeting as of the record date for determining the shareholders
16 entitled to notice of the meeting.

17 5. Unless the bylaws require otherwise, if an annual or
18 special shareholders' meeting is adjourned to a different date,
19 time, or place, notice need not be given of the new date,
20 time, or place if the new date, time, or place is announced at
21 the meeting before adjournment. If a new record date for the
22 adjourned meeting is or must be fixed under section 490.707,
23 however, notice of the adjourned meeting must be given under
24 this section to ~~persons who are~~ shareholders ~~as of the new~~
25 ~~record date~~ entitled to vote at such adjourned meeting as of
26 the record date fixed for notice of such adjourned meeting.

27 Sec. 13. Section 490.707, Code 2013, is amended to read as
28 follows:

29 **490.707 Record date.**

30 1. The bylaws may fix or provide the manner of fixing
31 the record date or dates for one or more voting groups in
32 order to determine the shareholders entitled to notice of a
33 shareholders' meeting, to demand a special meeting, to vote,
34 or to take any other action. If the bylaws do not fix or
35 provide for fixing a record date, the board of directors of the



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1 may vote at such a meeting if the corporation has implemented
2 reasonable measures to do all of the following:

3 a. Verify that each person participating remotely is a
4 shareholder.

5 b. Provide such shareholders a reasonable opportunity to
6 participate in the meeting and to vote on matters submitted to
7 the shareholders, including an opportunity to communicate, and
8 to read or hear the proceedings of the meeting, substantially
9 concurrently with such proceedings.

10 Sec. 15. Section 490.720, Code 2013, is amended to read as
11 follows:

12 **490.720 Shareholders' list for meeting.**

13 1. After fixing a record date for a meeting, a corporation
14 shall prepare an alphabetical list of the names of all its
15 shareholders who are entitled to notice of a shareholders'
16 meeting. ~~The~~ If the board of directors fixes a different
17 record date under section 490.707, subsection 5, to determine
18 the shareholders entitled to vote at the meeting, a corporation
19 also shall prepare an alphabetical list of the names of all
20 its shareholders who are entitled to vote at the meeting. A
21 list must be arranged by voting group and within each voting
22 group by class or series of shares, and show the address of and
23 number of shares held by each shareholder.

24 2. The shareholders' list for notice must be available for
25 inspection by any shareholder beginning two business days after
26 notice of the meeting is given for which the list was prepared
27 and continuing through the meeting, at the corporation's
28 principal office or at a place identified in the meeting notice
29 in the city where the meeting will be held. A shareholders'
30 list for voting must be similarly available for inspection
31 promptly after the record date for voting. A shareholder,
32 or a shareholder's agent or attorney, is entitled on written
33 demand to inspect and, subject to the requirements of section
34 490.1602, subsection 3 ~~4~~, to copy ~~the~~ a list, during regular
35 business hours and at the person's expense, during the period



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1 it is available for inspection.

2 3. The corporation shall make the ~~shareholders'~~ list of
3 shareholders entitled to vote available at the meeting, and any
4 shareholder, or a shareholder's agent or attorney, is entitled
5 to inspect the list at any time during the meeting or any
6 adjournment.

7 4. If the corporation refuses to allow a shareholder, or a
8 shareholder's agent or attorney, to inspect ~~the~~ a shareholders'
9 list before or at the meeting, or copy ~~the~~ a list as permitted
10 by subsection 2, the district court of the county where a
11 corporation's principal office or, if none in this state,
12 its registered office, is located, on application of the
13 shareholder, may summarily order the inspection or copying at
14 the corporation's expense and may postpone the meeting for
15 which the list was prepared until the inspection or copying is
16 complete.

17 5. Refusal or failure to prepare or make available ~~the~~ a
18 shareholders' list does not affect the validity of action taken
19 at the meeting.

20 Sec. 16. Section 490.722, subsection 2, Code 2013, is
21 amended by striking the subsection.

22 Sec. 17. Section 490.724, subsection 4, Code 2013, is
23 amended to read as follows:

24 4. The corporation and its officer or agent who accepts
25 or rejects a vote, consent, waiver, or proxy appointment in
26 good faith and in accordance with the standards of this section
27 ~~or section 490.722, subsection 2,~~ are not liable in damages
28 to the shareholder for the consequences of the acceptance or
29 rejection.

30 Sec. 18. Section 490.728, Code 2013, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 4. Shares otherwise entitled to vote
33 cumulatively shall not be voted cumulatively at a particular
34 meeting unless any of the following applies:

35 a. The meeting notice or proxy statement accompanying



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1 the notice states conspicuously that cumulative voting is
2 authorized.

3 *b.* A shareholder who has the right to cumulate the
4 shareholder's votes gives notice to the corporation not less
5 than forty-eight hours before the time set for the meeting of
6 the shareholder's intent to cumulate votes during the meeting,
7 and if one shareholder gives this notice all other shareholders
8 in the same voting group participating in the election are
9 entitled to cumulate their votes without giving further notice.

10 Sec. 19. Section 490.742, subsection 2, Code 2013, is
11 amended to read as follows:

12 2. Ninety days have expired from the date delivery of
13 the demand was made, unless the shareholder has earlier been
14 notified that the demand has been rejected by the corporation
15 or unless irreparable injury to the corporation would result by
16 waiting for the expiration of the ninety-day period.

17 Sec. 20. Section 490.744, Code 2013, is amended to read as
18 follows:

19 **490.744 Dismissal.**

20 1. A derivative proceeding shall be dismissed by the court
21 on motion by the corporation if one of the groups specified
22 in subsection 2 or ~~6~~ 5 has determined in good faith after
23 conducting a reasonable inquiry upon which its conclusions are
24 based that the maintenance of the derivative proceeding is
25 not in the best interests of the corporation. A corporation
26 moving to dismiss on this basis shall submit in support of the
27 motion a short and concise statement of the reasons for its
28 determination.

29 2. Unless a panel is appointed pursuant to subsection ~~6~~ 5,
30 the determination in subsection 1 shall be made by ~~one~~ any of
31 the following:

32 *a.* A majority vote of ~~independent~~ qualified directors
33 present at a meeting of the board of directors if the
34 ~~independent~~ qualified directors constitute a quorum.

35 *b.* A majority vote of a committee consisting of two or more

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1 ~~independent~~ qualified directors appointed by majority vote of
2 ~~independent~~ qualified directors present at a meeting of the
3 board of directors, whether or not such ~~independent~~ qualified
4 directors constitute a quorum.

5 ~~3. None of the following shall by itself cause a director to~~
6 ~~be considered not independent for purposes of this section:~~

7 ~~a. The nomination or election of the director by persons~~
8 ~~who are defendants in the derivative proceeding or against whom~~
9 ~~action is demanded.~~

10 ~~b. The naming of the director as a defendant in the~~
11 ~~derivative proceeding or as a person against whom action is~~
12 ~~demanded.~~

13 ~~c. The approval by the director of the act being challenged~~
14 ~~in the derivative proceeding or demand if the act resulted in~~
15 ~~no personal benefit to the director.~~

16 ~~4. 3. a.~~ If a derivative proceeding is commenced
17 after a determination has been made rejecting a demand by a
18 shareholder, the complaint shall allege with particularity
19 facts establishing ~~one~~ any of the following:

20 (1) That a majority of the board of directors did not
21 consist of ~~independent~~ qualified directors at the time the
22 determination was made.

23 (2) That the requirements of subsection 1 have not been met.

24 ~~b.~~ All discovery and other proceedings shall be stayed
25 during the pendency of any motion to dismiss unless the
26 court finds upon the motion of any party that particularized
27 discovery is necessary to preserve evidence or prevent undue
28 prejudice to that party.

29 ~~5. 4.~~ If a majority of the board of directors ~~does not~~
30 ~~consist~~ consisted of ~~independent~~ qualified directors at the
31 time the determination ~~is~~ was made, the ~~corporation~~ plaintiff
32 shall have the burden of proving that the requirements of
33 subsection 1 have not been met; if not, the corporation shall
34 have the burden of proving that the requirements of subsection
35 1 have been met. ~~If a majority of the board of directors~~

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1 ~~consists of independent directors at the time the determination~~
 2 ~~is made, the plaintiff shall have the burden of proving that~~
 3 ~~the requirements of subsection 1 have not been met.~~

4 ~~6.~~ 5. The court may appoint a panel of one or more
 5 independent persons upon motion by the corporation to make
 6 a determination whether the maintenance of the derivative
 7 proceeding is in the best interests of the corporation. In
 8 such case, the plaintiff shall have the burden of proving that
 9 the requirements of subsection 1 have not been met.

10 Sec. 21. Section 490.746, Code 2013, is amended to read as
 11 follows:

12 **490.746 Payment of expenses.**

13 On termination of the derivative proceeding, the court may
 14 do either any of the following:

15 1. Order the corporation to pay the plaintiff's ~~reasonable~~
 16 ~~expenses, including attorney fees~~ incurred in the proceeding,
 17 if it finds that the proceeding has resulted in a substantial
 18 benefit to the corporation.

19 2. Order the plaintiff to pay any defendant's ~~reasonable~~
 20 ~~expenses, including attorney fees~~ incurred in defending the
 21 proceeding, if it finds that the proceeding was commenced or
 22 maintained without reasonable cause or for an improper purpose.

23 Sec. 22. NEW SECTION. **490.748 Shareholder action to appoint**
 24 **custodian or receiver.**

25 1. The district court may appoint one or more persons
 26 to be custodians, or, if the corporation is insolvent, to
 27 be receivers, of and for a corporation in a proceeding by a
 28 shareholder where it is established that any of the following
 29 applies:

30 a. The directors are deadlocked in the management of
 31 the corporate affairs, the shareholders are unable to break
 32 the deadlock, and irreparable injury to the corporation is
 33 threatened or being suffered.

34 b. The directors or those in control of the corporation are
 35 acting fraudulently and irreparable injury to the corporation



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1 is threatened or being suffered.

2 2. *a.* The district court may issue injunctions, appoint a
3 temporary custodian or temporary receiver with all the powers
4 and duties the court directs, take other action to preserve the
5 corporate assets wherever located, and carry on the business of
6 the corporation until a full hearing is held.

7 *b.* The district court shall hold a full hearing, after
8 notifying all parties to the proceeding and any interested
9 persons designated by the court, before appointing a custodian
10 or receiver.

11 *c.* The district court has jurisdiction over the corporation
12 and all of its property, wherever located.

13 3. The district court may appoint an individual or domestic
14 or foreign corporation, authorized to transact business in this
15 state, as a custodian or receiver and may require the custodian
16 or receiver to post bond, with or without sureties, in an
17 amount the court directs.

18 4. The district court shall describe the powers and duties
19 of the custodian or receiver in its appointing order, which may
20 be amended from time to time. Among other powers, all of the
21 following apply:

22 *a.* A custodian may exercise all of the powers of the
23 corporation, through or in place of its board of directors, to
24 the extent necessary to manage the business and affairs of the
25 corporation.

26 *b.* A receiver may do any of the following:

27 (1) Dispose of all or any part of the assets of the
28 corporation wherever located, at a public or private sale, if
29 authorized by the district court.

30 (2) Sue and defend in the receiver's own name as receiver in
31 all courts of this state.

32 5. The district court during a custodianship may
33 redesignate the custodian as a receiver, and during a
34 receivership may redesignate the receiver as a custodian, if
35 doing so is in the best interests of the corporation.

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1 6. The district court from time to time during the
2 custodianship or receivership may order compensation paid and
3 expense disbursements or reimbursements made to the custodian
4 or receiver from the assets of the corporation or proceeds from
5 the sale of its assets.

6 Sec. 23. Section 490.801, Code 2013, is amended to read as
7 follows:

8 **490.801 Requirement for and ~~duties~~ functions of board of**
9 **directors.**

10 1. Except as provided in section 490.732, each corporation
11 must have a board of directors.

12 2. All corporate powers shall be exercised by or under the
13 authority of the board of directors of the corporation, and
14 the business and affairs of the corporation shall be managed
15 by or under the direction, and subject to the oversight, of
16 its board of directors, subject to any limitation set forth in
17 the articles of incorporation, or in an agreement authorized
18 under section 490.732.

19 Sec. 24. Section 490.807, Code 2013, is amended to read as
20 follows:

21 **490.807 Resignation of directors.**

22 1. A director may resign at any time by delivering a
23 ~~notice~~ resignation to the board of directors, ~~or its~~
24 ~~chairperson~~ chair, or to the secretary of the corporation.

25 2. A resignation is effective when the ~~notice~~ resignation
26 is delivered unless the ~~notice~~ resignation specifies a
27 later effective date or an effective date determined upon
28 the happening of an event or events. A resignation that is
29 conditioned upon failing to receive a specified vote for
30 election as a director may provide that it is irrevocable.

31 Sec. 25. Section 490.810, subsection 2, Code 2013, is
32 amended to read as follows:

33 2. If the vacant office was held by a director elected by
34 a voting group of shareholders, only the holders of shares of
35 that voting group are entitled to vote to fill the vacancy



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1 corporation under section ~~490.832~~ 490.861, subsection 2,
2 paragraph "c", alter the burden of proving the fact or lack of
3 fairness otherwise applicable.

4 b. Alter the fact or lack of liability of a director
5 under another section of this chapter, such as the provisions
6 governing the consequences of an unlawful distribution under
7 section 490.833 or a transactional interest under section
8 ~~490.832~~ 490.861.

9 Sec. 30. Section 490.841, Code 2013, is amended to read as
10 follows:

11 **490.841 Duties Functions of officers.**

12 Each officer has the authority and shall perform the ~~duties~~
13 functions set forth in the bylaws or, to the extent consistent
14 with the bylaws, the ~~duties~~ functions prescribed by the board
15 of directors or by direction of an officer authorized by the
16 board of directors to prescribe the ~~duties~~ functions of other
17 officers.

18 Sec. 31. Section 490.842, subsection 1, unnumbered
19 paragraph 1, Code 2013, is amended to read as follows:

20 An officer when performing in such capacity ~~shall~~ has the
21 duty to act in conformity with all of the following:

22 Sec. 32. Section 490.850, subsection 2, Code 2013, is
23 amended to read as follows:

24 2. "Director" or "officer" means an individual who is or
25 was a director or officer, respectively, of a corporation or
26 who, while a director or officer of the corporation, is or was
27 serving at the corporation's request as a director, officer,
28 partner, trustee, employee, or agent of another domestic
29 or foreign corporation, partnership, joint venture, trust,
30 employee benefit plan, or other entity. A director or officer
31 is considered to be serving an employee benefit plan at the
32 corporation's request if the ~~director's~~ individual's duties to
33 the corporation also impose duties on, or otherwise involve
34 services by, ~~that director~~ the individual to the plan or to
35 participants in or beneficiaries of the plan. "Director" or



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1 *"officer"* includes, unless the context requires otherwise, the
2 estate or personal representative of a director or officer.

3 Sec. 33. Section 490.850, subsections 3 and 4, Code 2013,
4 are amended by striking the subsections.

5 Sec. 34. Section 490.850, subsection 5, Code 2013, is
6 amended to read as follows:

7 5. *"Liability"* means the obligation to pay a judgment,
8 settlement, penalty, fine, including an excise tax assessed
9 with respect to an employee benefit plan, or reasonable
10 expenses incurred with respect to a proceeding.

11 Sec. 35. Section 490.853, Code 2013, is amended to read as
12 follows:

13 **490.853 Advance for expenses.**

14 1. A corporation may, before final disposition of
15 a proceeding, advance funds to pay for or reimburse the
16 reasonable expenses incurred in connection with the proceeding
17 ~~by a director~~ an individual who is a party to a the proceeding
18 ~~because the person is a director if the person that individual~~
19 is a member of the board of directors if the director delivers
20 all of the following to the corporation:

21 *a.* A signed written affirmation of the director's good
22 faith belief that the ~~director has met the~~ relevant standard
23 of conduct described in section 490.851 has been met by the
24 director or that the proceeding involved conduct for which
25 liability has been eliminated under a provision of the articles
26 of incorporation as authorized by section 490.202, subsection
27 2, paragraph "d".

28 *b.* ~~The director's~~ A signed written undertaking of the
29 director to repay any funds advanced if the director is not
30 entitled to mandatory indemnification under section 490.852 and
31 it is ultimately determined under section 490.854 or ~~section~~
32 490.855 that the director has not met the relevant standard of
33 conduct described in section 490.851.

34 2. The undertaking required by subsection 1, paragraph "b",
35 must be an unlimited general obligation of the director but



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1 *b.* By special legal counsel selected in one of the following
2 manners:

3 (1) Selected in the manner prescribed in paragraph "a".

4 (2) If there are fewer than two ~~disinterested~~ qualified
5 directors, selected by the board of directors, in which
6 selection directors who ~~do not qualify as disinterested~~ are not
7 qualified directors may participate.

8 *c.* By the shareholders, but shares owned by or voted under
9 the control of a director who at the time ~~does not qualify as a~~
10 ~~disinterested~~ is not a qualified director shall not be voted on
11 the determination.

12 3. Authorization of indemnification shall be made in
13 the same manner as the determination that indemnification
14 is permissible, except that if there are fewer than two
15 ~~disinterested~~ qualified directors or if the determination is
16 made by special legal counsel, authorization of indemnification
17 shall be made by those entitled ~~under subsection 2, paragraph~~
18 ~~"b"~~, to select special legal counsel under subsection 2,
19 paragraph "b", subparagraph (2).

20 Sec. 37. Section 490.858, Code 2013, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 1A. A right of indemnification or to
23 advances for expenses created by this division or under
24 subsection 1 and in effect at the time of an act or omission
25 shall not be eliminated or impaired with respect to such act
26 or omission by an amendment of the articles of incorporation
27 or bylaws or a resolution of the directors or shareholders,
28 adopted after the occurrence of such act or omission, unless,
29 in the case of a right created under subsection 1, the
30 provision creating such right and in effect at the time of
31 such act or omission explicitly authorizes such elimination or
32 impairment after such act or omission has occurred.

33 Sec. 38. Section 490.858, subsection 3, Code 2013, is
34 amended to read as follows:

35 3. A Subject to subsection 1A, a corporation may, by a



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1 4. *“Material financial interest”* means a financial interest
2 in a transaction that would reasonably be expected to impair
3 the objectivity of the director’s judgment when participating
4 in action on the authorization of the transaction.

5 5. *“Related person”* means any of the following:

6 a. The director’s spouse.

7 b. A child, stepchild, grandchild, parent, stepparent,
8 grandparent, sibling, step sibling, half sibling, aunt, uncle,
9 niece, or nephew, or spouse of any thereof, of the director or
10 of the director’s spouse.

11 c. An individual living in the same home as the director.

12 d. An entity, other than the corporation or an entity
13 controlled by the corporation, controlled by the director or
14 any person specified in this subsection.

15 e. A domestic or foreign person who is any of the following:

16 (1) A business or nonprofit corporation, other than the
17 corporation or an entity controlled by the corporation, of
18 which the director is a director.

19 (2) An unincorporated entity of which the director is a
20 general partner or a member of the governing body.

21 (3) An individual, trust, or estate for whom or of which the
22 director is a trustee, guardian, personal representative, or
23 like fiduciary.

24 f. A person that is, or an entity that is controlled by, an
25 employer of the director.

26 6. *“Relevant time”* means any of the following:

27 a. The time at which directors’ action respecting the
28 transaction is taken in compliance with section 490.862.

29 b. If the transaction is not brought before the board of
30 directors of the corporation, or its committee, for action
31 under section 490.862, at the time the corporation, or an
32 entity controlled by the corporation, becomes legally obligated
33 to consummate the transaction.

34 7. *“Required disclosure”* means disclosure of all of the
35 following:



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1 this section.

2 4. Where directors' action under this section does not
3 satisfy a quorum or voting requirement applicable to the
4 authorization of the transaction by reason of the articles of
5 incorporation, the bylaws, or a provision of law, independent
6 action to satisfy those authorization requirements must be
7 taken by the board of directors or a committee, in which action
8 directors who are not qualified directors may participate.

9 Sec. 42. NEW SECTION. 490.863 Shareholders' action.

10 1. a. Shareholders' action respecting a director's
11 conflicting interest transaction is effective for purposes of
12 section 490.861, subsection 2, paragraph "b", if a majority of
13 the votes cast by the holders of all qualified shares are in
14 favor of the transaction after all of the following occur:

15 (1) Notice to shareholders describing the action to be taken
16 respecting the transaction.

17 (2) Provision to the corporation of the information
18 referred to in subsection 2.

19 (3) Communication to the shareholders entitled to vote
20 on the transaction of the information that is the subject of
21 required disclosure, to the extent the information is not known
22 by them.

23 b. In the case of shareholders' action at a meeting, the
24 shareholders entitled to vote shall be determined as of the
25 record date for notice of the meeting.

26 2. A director who has a conflicting interest respecting
27 the transaction shall, before the shareholders' vote, inform
28 the secretary or other officer or agent of the corporation
29 authorized to tabulate votes, in writing, of the number of
30 shares that the director knows are not qualified shares under
31 subsection 3, and the identity of the holders of those shares.

32 3. For purposes of this section, all of the following apply:

33 a. "Holder" means and "held by" refers to shares held by
34 both a record shareholder, as defined in section 490.1301,
35 subsection 7, and a beneficial shareholder, as defined in



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1 490.1301, subsection 2.

2 *b. "Qualified shares"* means all shares entitled to be
3 voted with respect to the transaction except for shares that
4 the secretary or other officer or agent of the corporation
5 authorized to tabulate votes either knows, or under subsection
6 2 is notified, are held by any of the following:

7 (1) A director who has a conflicting interest respecting the
8 transaction.

9 (2) A related person of the director, excluding a person
10 described in section 490.860, subsection 5, paragraph "f".

11 4. A majority of the votes entitled to be cast by the
12 holders of all qualified shares constitutes a quorum for
13 purposes of compliance with this section. Subject to the
14 provisions of subsection 5, shareholders' action that otherwise
15 complies with this section is not affected by the presence of
16 holders, or by the voting, of shares that are not qualified
17 shares.

18 5. If a shareholders' vote does not comply with subsection
19 1 solely because of a director's failure to comply with
20 subsection 2, and if the director establishes that the failure
21 was not intended to influence and did not in fact determine the
22 outcome of the vote, the court may take such action respecting
23 the transaction and the director, and may give such effect,
24 if any, to the shareholders' vote, as the court considers
25 appropriate in the circumstances.

26 6. Where shareholders' action under this section does
27 not satisfy a quorum or voting requirement applicable to the
28 authorization of the transaction by reason of the articles of
29 incorporation, the bylaws, or a provision of law, independent
30 action to satisfy those authorization requirements must be
31 taken by the shareholders, in which action shares that are not
32 qualified shares may participate.

33 Sec. 43. Section 490.870, subsection 1, paragraphs a and b,
34 Code 2013, are amended to read as follows:

35 *a.* Action by qualified directors disclaiming the



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1 corporation's interest in the opportunity is taken in
2 compliance with the procedures set forth in section ~~490.832~~
3 490.862, as if the decision being made concerned a director's
4 conflicting interest transaction.

5 **b.** Shareholders' action disclaiming the corporation's
6 interest in the opportunity is taken in compliance with the
7 procedure set forth in section ~~490.832~~ 490.863, as if the
8 decision being made concerned a director's conflicting interest
9 transaction; except that, rather than making the disclosure
10 "required disclosure" as ~~required~~ defined in section ~~490.832~~
11 490.860, in each case the director shall have made prior
12 disclosure to those acting on behalf of the corporation of all
13 material facts concerning the business opportunity that are
14 then known to the director.

15 Sec. 44. Section 490.1003, subsection 2, Code 2013, is
16 amended to read as follows:

17 2. a. Except as provided in sections 490.1005, 490.1007,
18 and 490.1008, after adopting the proposed amendment, the board
19 of directors must submit the amendment to the shareholders for
20 their approval. The board of directors must also transmit to
21 the shareholders a recommendation that the shareholders approve
22 the amendment, unless any of the following apply:

23 (1) The board of directors makes a determination that
24 because of conflicts of interest or other special circumstances
25 it should not make such a recommendation, in which case the

26 (2) Section 490.826 applies.

27 b. If paragraph "a", subparagraph (1) or (2), applies, the
28 board of directors must transmit to the shareholders the basis
29 for the determination so proceeding.

30 Sec. 45. Section 490.1104, subsection 2, Code 2013, is
31 amended to read as follows:

32 2. a. Except as provided in subsection 7 and in section
33 490.1105, after adopting the plan of merger or share exchange
34 the board of directors must submit the plan to the shareholders
35 for their approval. The board of directors must also transmit



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1 a resolution by the board of directors authorizing the
2 disposition. After adoption of such a resolution, the board
3 of directors shall submit the proposed disposition to the
4 shareholders for their approval. The board of directors shall
5 also transmit to the shareholders a recommendation that the
6 shareholders approve the proposed disposition, unless ~~the~~ any
7 of the following apply:

8 (1) The board of directors makes a determination that
9 because of conflicts of interest or other special circumstances
10 it should not make such a recommendation, ~~in which case.~~

11 (2) Section 490.826 applies.

12 b. If paragraph "a", subparagraph (1) or (2), applies, the
13 board of directors shall transmit to the shareholders the basis
14 for that determination so proceeding.

15 Sec. 49. Section 490.1301, Code 2013, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 5A. "Interested transaction" means a
18 corporate action described in section 490.1302, subsection 1,
19 other than a merger pursuant to section 490.1105, involving an
20 interested person in which any of the shares or assets of the
21 corporation are being acquired or converted. As used in this
22 definition, all of the following apply:

23 a. "Beneficial owner" means any person who, directly
24 or indirectly, through any contract, arrangement, or
25 understanding, other than a revocable proxy, has or shares the
26 power to vote, or to direct the voting of, shares; except that
27 a member of a national securities exchange is not deemed to be
28 a beneficial owner of securities held directly or indirectly
29 by it on behalf of another person solely because the member is
30 the record holder of the securities if the member is precluded
31 by the rules of the exchange from voting without instruction
32 on contested matters or matters that may affect substantially
33 the rights or privileges of the holders of the securities to
34 be voted. When two or more persons agree to act together for
35 the purpose of voting their shares of the corporation, each



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1 member of the group formed thereby is deemed to have acquired
2 beneficial ownership, as of the date of the agreement, of all
3 voting shares of the corporation beneficially owned by any
4 member of the group.

5 *b. "Excluded shares"* means shares acquired pursuant to an
6 offer for all shares having voting power if the offer was made
7 within one year prior to the corporate action for consideration
8 of the same kind and of a value equal to or less than that paid
9 in connection with the corporate action.

10 *c. "Interested person"* means a person, or an affiliate of a
11 person, who at any time during the one-year period immediately
12 preceding approval by the board of directors of the corporate
13 action was or had any of the following:

14 (1) Was the beneficial owner of twenty percent or more of
15 the voting power of the corporation, other than as owner of
16 excluded shares.

17 (2) Had the power, contractually or otherwise, other than as
18 owner of excluded shares, to cause the appointment or election
19 of twenty-five percent or more of the directors to the board of
20 directors of the corporation.

21 (3) Was a senior executive or director of the corporation
22 or a senior executive of any affiliate thereof, and that
23 senior executive or director will receive, as a result of the
24 corporate action, a financial benefit not generally available
25 to other shareholders as such, other than any of the following:

26 (a) Employment, consulting, retirement, or similar benefits
27 established separately and not as part of or in contemplation
28 of the corporate action.

29 (b) Employment, consulting, retirement, or similar benefits
30 established in contemplation of, or as part of, the corporate
31 action that are not more favorable than those existing before
32 the corporate action or, if more favorable, that have been
33 approved on behalf of the corporation in the same manner as is
34 provided in section 490.862.

35 (c) In the case of a director of the corporation who will,



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1 in the corporate action, become a director of the acquiring
2 entity in the corporate action or one of its affiliates, rights
3 and benefits as a director that are provided on the same basis
4 as those afforded by the acquiring entity generally to other
5 directors of such entity or such affiliate.

6 Sec. 50. Section 490.1302, subsection 2, paragraph a, Code
7 2013, is amended by striking the paragraph and inserting in
8 lieu thereof the following:

9 a. Appraisal rights shall not be available for the holders
10 of shares of any class or series of shares which is any of the
11 following:

12 (1) A covered security under section 18(b)(1)(A) or (B) of
13 the federal Securities Act of 1933, as amended.

14 (2) Traded in an organized market and has at least two
15 thousand shareholders and a market value of at least twenty
16 million dollars, exclusive of the value of such shares held by
17 the corporation's subsidiaries, senior executives, directors,
18 and beneficial shareholders owning more than ten percent of
19 such shares.

20 (3) Issued by an open-end management investment company
21 registered with the United States securities and exchange
22 commission under the federal Investment Company Act of 1940 and
23 may be redeemed at the option of the holder at net asset value.

24 Sec. 51. Section 490.1302, subsection 2, paragraph b,
25 subparagraph (1), Code 2013, is amended to read as follows:

26 (1) The record date fixed to determine the shareholders
27 entitled to receive notice of, ~~and to vote at,~~ the meeting
28 of shareholders to act upon the corporate action requiring
29 appraisal rights.

30 Sec. 52. Section 490.1302, subsection 2, paragraph d, Code
31 2013, is amended by striking the paragraph and inserting in
32 lieu thereof the following:

33 d. Paragraph "a", shall not be applicable and appraisal
34 rights shall be available pursuant to subsection 1 for the
35 holders of any class or series of shares where the corporate



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1 action is an interested transaction.

2 Sec. 53. Section 490.1302, subsection 2, paragraph e, Code
 3 2013, is amended by striking the paragraph.

4 Sec. 54. Section 490.1302, subsection 4, Code 2013, is
 5 amended by striking the subsection.

6 Sec. 55. Section 490.1320, Code 2013, is amended to read as
 7 follows:

8 **490.1320 Notice of appraisal rights.**

9 1. ~~If~~ Where any proposed corporate action described
 10 specified in section 490.1302, subsection 1, is to be submitted
 11 to a vote at a shareholders' meeting, the meeting notice must
 12 state that the corporation has concluded that the shareholders
 13 are, are not, or may be entitled to assert appraisal rights
 14 under this part. If the corporation concludes that appraisal
 15 rights are or may be available, a copy of this part must
 16 accompany the meeting notice sent to those record shareholders
 17 entitled to exercise appraisal rights.

18 2. In a merger pursuant to section 490.1105, the parent
 19 corporation must notify in writing all record shareholders of
 20 the subsidiary who are entitled to assert appraisal rights
 21 that the corporate action became effective. Such notice must
 22 be sent within ten days after the corporate action became
 23 effective and include the materials described in section
 24 490.1322.

25 3. Where any corporate action specified in section
 26 490.1302, subsection 1, is to be approved by written consent
 27 of the shareholders pursuant to section 490.704, all of the
 28 following apply:

29 a. Written notice that appraisal rights are, are not, or may
 30 be available must be sent to each record shareholder from whom
 31 a consent is solicited at the time consent of such shareholder
 32 is first solicited and, if the corporation has concluded that
 33 appraisal rights are or may be available, must be accompanied
 34 by a copy of this chapter.

35 b. Written notice that appraisal rights are, are not, or



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1 may be available must be delivered together with the notice to
 2 nonconsenting and nonvoting shareholders required by section
 3 490.704, subsections 5 and 6, may include the materials
 4 described in section 490.1322 and, if the corporation has
 5 concluded that appraisal rights are or may be available, must
 6 be accompanied by a copy of this chapter.

7 4. Where corporate action described in section 490.1302,
 8 subsection 1, is proposed, or a merger pursuant to section
 9 490.1105 is effected, the notice referred to in subsection 1
 10 or 3, if the corporation concludes that appraisal rights are
 11 or may be available, and in subsection 2 shall be accompanied
 12 by all of the following:

13 a. The annual financial statements specified in section
 14 490.1620, subsection 1, of the corporation that issued the
 15 shares that may be subject to appraisal, which shall be as of
 16 a date ending not more than sixteen months before the date of
 17 the notice and shall comply with section 490.1620, subsection
 18 2; provided that, if such annual financial statements are not
 19 reasonably available, the corporation shall provide reasonably
 20 equivalent financial information.

21 b. The latest available quarterly financial statements of
 22 such corporation, if any.

23 5. The right to receive the information described in
 24 subsection 4 may be waived in writing by a shareholder before
 25 or after the corporate action.

26 **Sec. 56. Section 490.1321, Code 2013, is amended to read as**
 27 **follows:**

28 **490.1321 Notice of intent to demand payment.**

29 **1. If ~~proposed a~~ corporate action ~~requiring appraisal~~**
 30 **~~rights under~~ specified in section 490.1302, subsection 1, is**
 31 **submitted to a vote at a shareholders' meeting, a shareholder**
 32 **who wishes to assert appraisal rights with respect to any class**
 33 **or series of shares must do all of the following:**

34 **a. Deliver to the corporation before the vote is taken**
 35 **written notice of the shareholder's intent to demand payment if**



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1 the proposed action is effectuated.

2 *b.* Not vote, or cause or permit to be voted, any shares of
3 such class or series in favor of the proposed action.

4 2. If a corporate action specified in section 490.1302,
5 subsection 1, is to be approved by less than unanimous written
6 consent, a shareholder who wishes to assert appraisal rights
7 with respect to any class or series of shares must not sign a
8 consent in favor of the proposed action with respect to that
9 class or series of shares.

10 3. A shareholder who ~~does not~~ fails to satisfy the
11 requirements of subsection 1 or 2, is not entitled to payment
12 under this part.

13 Sec. 57. Section 490.1322, subsection 1, Code 2013, is
14 amended to read as follows:

15 1. If proposed corporate action requiring appraisal rights
16 under section 490.1302, subsection 1, becomes effective, the
17 corporation must ~~deliver~~ send a written appraisal notice
18 and the form required by subsection 2, paragraph "a", to
19 all shareholders who satisfied the requirements of section
20 490.1321, subsection 1, or section 490.1321, subsection 2. In
21 the case of a merger under section 490.1105, the parent must
22 deliver ~~a written~~ an appraisal notice and form to all record
23 shareholders who may be entitled to assert appraisal rights.

24 Sec. 58. Section 490.1322, subsection 2, unnumbered
25 paragraph 1, Code 2013, is amended to read as follows:

26 The appraisal notice must be ~~sent~~ delivered no earlier than
27 the date the corporate action specified in section 490.1302,
28 subsection 1, became effective and no later than ten days after
29 such date and must do all of the following:

30 Sec. 59. Section 490.1322, subsection 2, paragraph a, Code
31 2013, is amended to read as follows:

32 *a.* ~~Be accompanied by~~ Supply a form that specifies does all
33 of the following:

34 (1) Specifies the first date of any announcement to
35 shareholders made prior to the date the corporate action became



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1 ~~effective of the first announcement to shareholders of the~~
2 ~~principal terms of the proposed corporate action and requires,~~
3 ~~if any.~~

4 (2) If such announcement was made, requires the shareholder
5 asserting appraisal rights to certify whether beneficial
6 ownership of those shares for which appraisal rights are
7 asserted was acquired before that date.

8 (3) Requires the shareholder asserting appraisal rights to
9 ~~certify whether or not beneficial ownership of those shares for~~
10 ~~which appraisal rights are asserted was acquired before that~~
11 ~~date, and that the such shareholder did not vote for or consent~~
12 ~~to the transaction.~~

13 Sec. 60. Section 490.1322, subsection 2, paragraph b,
14 subparagraph (2), Code 2013, is amended to read as follows:

15 (2) A date by which the corporation must receive the form,
16 which date shall not be fewer than forty nor more than sixty
17 days after the date the appraisal notice ~~and form are~~ is sent
18 under subsection 1, and state that the shareholder shall have
19 waived the right to demand appraisal with respect to the
20 shares unless the form is received by the corporation by such
21 specified date.

22 Sec. 61. Section 490.1323, subsections 1 and 3, Code 2013,
23 are amended to read as follows:

24 1. A shareholder who receives notice pursuant to section
25 490.1322 and who wishes to exercise appraisal rights must
26 ~~certify on~~ sign and return the form sent by the corporation
27 and, in the case of certificated shares, deposit the
28 shareholder's certificates in accordance with the terms of
29 the notice by the date referred to in the notice pursuant to
30 section 490.1322, subsection 2, paragraph "b", subparagraph
31 (2). In addition, if applicable, the shareholder must certify
32 on the form whether the beneficial owner of such shares
33 acquired beneficial ownership of the shares before the date
34 required to be set forth in the notice pursuant to section
35 490.1322, subsection 2, paragraph "a". If a shareholder fails



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1 to make this certification, the corporation may elect to
 2 treat the shareholder's shares as after-acquired shares under
 3 section 490.1325. In addition, a shareholder who wishes to
 4 exercise appraisal rights must execute and return the form and,
 5 in a case of certificated shares, deposit the shareholder's
 6 certificates in accordance with the terms of the notice
 7 by the date referred to in the notice pursuant to section
 8 490.1322, subsection 2, paragraph "b", subparagraph (2). Once
 9 a shareholder deposits that shareholder's certificates or, in
 10 the case of uncertificated shares, returns the ~~executed~~ signed
 11 forms, that shareholder loses all rights as a shareholder,
 12 unless the shareholder withdraws pursuant to subsection 2.

13 3. A shareholder who does not ~~execute~~ sign and return the
 14 form and, in the case of certificated shares, deposit the
 15 shareholder's share certificates where required, each by the
 16 date set forth in the notice described in section 490.1322,
 17 subsection 2, shall not be entitled to payment under this
 18 division.

19 Sec. 62. Section 490.1324, subsection 2, paragraph a, Code
 20 2013, is amended to read as follows:

21 a. (1) Financial ~~The annual financial statements specified~~
 22 in section 490.1620, subsection 1, of the corporation that
 23 issued the shares to be appraised, consisting of a balance
 24 sheet as of the end of a fiscal year which shall be of a date
 25 ending not more than sixteen months before the date of payment,
 26 an income statement for that year, a statement of changes
 27 in shareholders' equity for that year, and the shall comply
 28 with section 490.1620, subsection 2; provided that, if such
 29 annual financial statements are not reasonably available, the
 30 corporation shall provide reasonably equivalent financial
 31 information.

32 (2) The latest available interim quarterly financial
 33 statements of such corporation, if any.

34 Sec. 63. Section 490.1325, subsection 1, Code 2013, is
 35 amended to read as follows:

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1 1. A corporation may elect to withhold payment required
2 by section 490.1324 from any shareholder who was required to,
3 but did not certify that beneficial ownership of all of the
4 shareholder's shares for which appraisal rights are asserted
5 was acquired before the date set forth in the appraisal notice
6 sent pursuant to section 490.1322, subsection 2, paragraph "a".

7 Sec. 64. Section 490.1331, Code 2013, is amended to read as
8 follows:

9 **490.1331 Court costs and ~~counsel fees~~ expenses.**

10 1. The court in an appraisal proceeding commenced under
11 section 490.1330 shall determine all court costs of the
12 proceeding, including the reasonable compensation and expenses
13 of appraisers appointed by the court. The court shall assess
14 the court costs against the corporation, except that the court
15 may assess court costs against all or some of the shareholders
16 demanding appraisal, in amounts the court finds equitable, to
17 the extent the court finds such shareholders acted arbitrarily,
18 vexatiously, or not in good faith with respect to the rights
19 provided by this division.

20 2. The court in an appraisal proceeding may also assess the
21 ~~fees and expenses of counsel and experts~~ for the respective
22 parties, in amounts the court finds equitable, for ~~either~~ any
23 of the following:

24 a. Against the corporation and in favor of any or all
25 shareholders demanding appraisal if the court finds the
26 corporation did not substantially comply with the requirements
27 of section 490.1320, 490.1322, 490.1324, or 490.1325.

28 b. Against either the corporation or a shareholder demanding
29 appraisal, in favor of any other party, if the court finds that
30 the party against whom the ~~fees and~~ expenses are assessed acted
31 arbitrarily, vexatiously, or not in good faith with respect to
32 the rights provided by this chapter.

33 3. If the court in an appraisal proceeding finds that the
34 ~~services of counsel for~~ expenses incurred by any shareholder
35 were of substantial benefit to other shareholders similarly



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1 conflicting interest transaction.

2 *d.* Is approved by less than unanimous consent of the
3 voting shareholders pursuant to section 490.704, if all of the
4 following apply:

5 (1) The challenge to the corporate action is brought by a
6 shareholder who did not consent and as to whom notice of the
7 approval of the corporate action was not effective at least ten
8 days before the corporate action was effected.

9 (2) The proceeding challenging the corporate action is
10 commenced within ten days after notice of the approval of the
11 corporate action is effective as to the shareholder bringing
12 the proceeding.

13 Sec. 66. Section 490.1402, subsection 2, paragraph a, Code
14 2013, is amended to read as follows:

15 *a.* (1) The board of directors must recommend dissolution to
16 the shareholders unless ~~the~~ any of the following apply:

17 (a) ~~The~~ board of directors determines that because of
18 conflict of interest or other special circumstances it should
19 make no recommendation ~~and communicates.~~

20 (b) Section 490.826 applies.

21 (2) ~~If paragraph "a", subparagraph (1) or (2), applies,~~
22 it must communicate the basis for ~~its determination to the~~
23 shareholders so proceeding.

24 Sec. 67. Section 490.1430, Code 2013, is amended to read as
25 follows:

26 **490.1430 Grounds for judicial dissolution.**

27 1. The district court may dissolve a corporation in any of
28 the following ways:

29 ~~1-~~ a. A proceeding by the attorney general, if it is
30 established that ~~either~~ any of the following apply:

31 ~~a-~~ (1) The corporation obtained its articles of
32 incorporation through fraud.

33 ~~b-~~ (2) The corporation has continued to exceed or abuse the
34 authority conferred upon it by law.

35 ~~2-~~ b. A proceeding by a shareholder if it is established



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1 that any of the following conditions exist:

2 ~~a.~~ (1) The directors are deadlocked in the management of
3 the corporate affairs, the shareholders are unable to break the
4 deadlock, and either irreparable injury to the corporation is
5 threatened or being suffered, or the business and affairs of
6 the corporation can no longer be conducted to the advantage of
7 the shareholders generally, because of the deadlock.

8 ~~b.~~ (2) The directors or those in control of the corporation
9 have acted, are acting, or will act in a manner that is
10 illegal, oppressive, or fraudulent.

11 ~~c.~~ (3) The shareholders are deadlocked in voting power
12 and have failed, for a period that includes at least two
13 consecutive annual meeting dates, to elect successors to
14 directors whose terms have expired.

15 ~~d.~~ (4) The corporate assets are being misapplied or wasted.

16 ~~3.~~ c. A proceeding by a creditor if it is established that
17 ~~either~~ any of the following apply:

18 ~~a.~~ (1) The creditor's claim has been reduced to judgment,
19 the execution on the judgment returned unsatisfied, and the
20 corporation is insolvent.

21 ~~b.~~ (2) The corporation has admitted in writing that the
22 creditor's claim is due and owing and the corporation is
23 insolvent.

24 ~~4.~~ d. A proceeding by the corporation to have its voluntary
25 dissolution continued under court supervision.

26 e. A proceeding by a shareholder if the corporation has
27 abandoned its business and has failed within a reasonable time
28 to liquidate and distribute its assets and dissolve.

29 2. Subsection 1, paragraph "b", shall not apply in the
30 case of a corporation that, on the date of the filing of the
31 proceeding, has shares which are any of the following:

32 a. Listed on the New York stock exchange, the American stock
33 exchange, or on any exchange owned or operated by the NASDAQ
34 stock market, l.l.c., or listed or quoted on a system owned or
35 operated by the national association of securities dealers,

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2 b. Not so listed or quoted, but are held by at least three
3 hundred shareholders and the shares outstanding have a market
4 value of at least twenty million dollars, exclusive of the
5 value of such shares held by the corporation's subsidiaries,
6 senior executives, directors, and beneficial shareholders
7 owning more than ten percent of such shares.

8 3. As used in this section, "beneficial shareholder" has the
9 meaning specified in section 490.1301, subsection 2.

10 Sec. 68. Section 490.1431, subsection 4, Code 2013, is
11 amended to read as follows:

12 4. Within ten days of the commencement of a proceeding
13 ~~under section 490.1430, subsection 2,~~ to dissolve a corporation
14 ~~that has no shares listed on a national securities exchange or~~
15 ~~regularly traded in a market maintained by one or more members~~
16 ~~of a national securities exchange~~ under section 490.1430,
17 subsection 1, paragraph "b", the corporation must send to all
18 shareholders, other than the petitioner, a notice stating that
19 the shareholders are entitled to avoid the dissolution of the
20 corporation by electing to purchase the petitioner's shares
21 under section 490.1434, and a copy of section 490.1434.

22 Sec. 69. Section 490.1432, subsections 1 and 5, Code 2013,
23 are amended to read as follows:

24 1. ~~A~~ Unless an election to purchase has been filed under
25 section 490.1434, a court in a judicial proceeding brought to
26 dissolve a corporation may appoint one or more receivers to
27 wind up and liquidate, or one or more custodians to manage,
28 the business and affairs of the corporation. The court shall
29 hold a hearing, after notifying all parties to the proceeding
30 and any interested persons designated by the court, before
31 appointing a receiver or custodian. The court appointing a
32 receiver or custodian has exclusive jurisdiction over the
33 corporation and all its property wherever located.

34 5. The court from time to time during the receivership
35 or custodianship may order compensation paid and ~~expense~~



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1 ~~disbursements or reimbursements made~~ expenses paid or
 2 reimbursed to the receiver or custodian ~~and the receiver's~~
 3 ~~or custodian's counsel~~ from the assets of the corporation or
 4 proceeds from the sale of the assets.

5 Sec. 70. Section 490.1434, subsections 1, 2, 4, and 5, Code
 6 2013, are amended to read as follows:

7 1. In a proceeding under section 490.1430, subsection ~~2~~ 1,
 8 paragraph "b", to dissolve a corporation ~~that has no shares~~
 9 ~~listed on a national securities exchange or regularly traded~~
 10 ~~in a market maintained by one or more members of a national or~~
 11 ~~affiliated securities association~~, the corporation may elect
 12 or, if it fails to elect, one or more shareholders may elect to
 13 purchase all shares owned by the petitioning shareholder at the
 14 fair value of the shares. An election pursuant to this section
 15 shall be irrevocable unless the court determines that it is
 16 equitable to set aside or modify the election.

17 2. An election to purchase pursuant to this section may
 18 be filed with the court at any time within ninety days after
 19 the filing of the petition under section 490.1430, subsection
 20 2 1, paragraph "b", or at such later time as the court in its
 21 discretion may allow. If the election to purchase is filed
 22 by one or more shareholders, the corporation shall, within
 23 ten days thereafter, give written notice to all shareholders,
 24 other than the petitioner. The notice must state the name
 25 and number of shares owned by the petitioner and the name and
 26 number of shares owned by each electing shareholder and must
 27 advise the recipients of their right to join the election to
 28 purchase shares in accordance with this section. Shareholders
 29 who wish to participate must file notice of their intention
 30 to join in the purchase no later than thirty days after
 31 the effective date of the notice to them. All shareholders
 32 who have filed an election or notice of their intention to
 33 participate in the election to purchase thereby become parties
 34 to the proceeding and shall participate in the purchase in
 35 proportion to their ownership of shares as of the date the



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1 first election was filed, unless they otherwise agree or the
2 court otherwise directs. After an election has been filed by
3 the corporation or one or more shareholders, the proceeding
4 under section 490.1430, subsection 2 1, paragraph "b", shall
5 not be discontinued or settled, nor shall the petitioning
6 shareholder sell or otherwise dispose of the shareholder's
7 shares, unless the court determines that it would be equitable
8 to the corporation and the shareholders, other than the
9 petitioner, to permit such discontinuance, settlement, sale, or
10 other disposition.

11 4. If the parties are unable to reach an agreement as
12 provided for in subsection 3, the court, upon application of
13 any party, shall stay the section 490.1430, subsection 2 1,
14 paragraph "b", proceedings and determine the fair value of the
15 petitioner's shares as of the day before the date on which the
16 petition under section 490.1430, subsection 2 1, paragraph
17 "b", was filed or as of such other date as the court deems
18 appropriate under the circumstances.

19 5. Upon determining the fair value of the shares, the
20 court shall enter an order directing the purchase upon such
21 terms and conditions as the court deems appropriate, which may
22 include payment of the purchase price in installments, where
23 necessary in the interests of equity, provision for security
24 to assure payment of the purchase price and any additional
25 costs, fees, and expenses as may have been awarded, and, if
26 the shares are to be purchased by shareholders, the allocation
27 of shares among them. In allocating petitioner's shares among
28 holders of different classes of shares, the court shall attempt
29 to preserve the existing distribution of voting rights among
30 holders of different classes insofar as practicable and may
31 direct that holders of a specific class or classes shall not
32 participate in the purchase. Interest may be allowed at the
33 rate and from the date determined by the court to be equitable,
34 but if the court finds that the refusal of the petitioning
35 shareholder to accept an offer of payment was arbitrary or

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1 2. The application for transfer of authority shall be
2 delivered to the secretary of state for filing and shall take
3 effect at the effective time provided in section 490.123.

4 3. Upon the effectiveness of the application for transfer of
5 authority, the authority of the corporation under this chapter
6 to transact business in this state shall be transferred without
7 interruption to the converted entity which shall thereafter
8 hold such authority subject to the provisions of the laws of
9 this state applicable to that type of unincorporated entity.

10 Sec. 73. Section 490.1601, subsection 4, Code 2013, is
11 amended to read as follows:

12 4. A corporation shall maintain its records in ~~written~~
13 the form of a document, including an electronic record, or in
14 another form capable of conversion into ~~written paper~~ form
15 within a reasonable time.

16 Sec. 74. Section 490.1602, Code 2013, is amended to read as
17 follows:

18 **490.1602 Inspection of records by shareholders.**

19 1. A shareholder of a corporation is entitled to
20 inspect and copy, during regular business hours at the
21 corporation's principal office, any of the records of the
22 corporation described in section 490.1601, subsection 5, if the
23 shareholder gives the corporation signed written notice of the
24 shareholder's demand at least five business days before the
25 date on which the shareholder wishes to inspect and copy.

26 2. For any meeting of shareholders for which the record date
27 for determining shareholders entitled to vote at the meeting
28 is different than the record date for notice of the meeting,
29 any person who becomes a shareholder subsequent to the record
30 date for notice of the meeting and is entitled to vote at
31 the meeting is entitled to obtain from the corporation upon
32 request the notice and any other information provided by the
33 corporation to shareholders in connection with the meeting,
34 unless the corporation has made such information generally
35 available to shareholders by posting it on its internet site or



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1 by other generally recognized means. Failure of a corporation
 2 to provide such information does not affect the validity of
 3 action taken at the meeting.

4 3. A shareholder of a corporation is entitled to inspect and
 5 copy, during regular business hours at a reasonable location
 6 specified by the corporation, any of the following records
 7 of the corporation if the shareholder meets the requirements
 8 of subsection ~~3~~ 4 and gives the corporation a signed written
 9 notice of the shareholder's demand at least five business days
 10 before the date on which the shareholder wishes to inspect and
 11 copy any of the following:

12 *a.* Excerpts from minutes of any meeting of the board of
 13 ~~directors, records of any action of or~~ or a committee of the board
 14 of directors while acting in place of the board of directors
 15 on behalf of the corporation, minutes of any meeting of the
 16 shareholders, and records of action taken by the shareholders,
 17 ~~or~~ board of directors, or a committee of the board without
 18 a meeting, to the extent not subject to inspection under
 19 subsection 1 ~~of this section.~~

20 *b.* Accounting records of the corporation.

21 *c.* The record of shareholders.

22 ~~3-~~ 4. A shareholder may inspect and copy the records
 23 described in subsection 2 3 only if all of the following apply:

24 *a.* The shareholder's demand is made in good faith and for
 25 a proper purpose.

26 *b.* The shareholder describes with reasonable particularity
 27 the shareholder's purpose and the records the shareholder
 28 desires to inspect.

29 *c.* The records are directly connected with the shareholder's
 30 purpose.

31 ~~4-~~ 5. The right of inspection granted by this section shall
 32 not be abolished or limited by a corporation's articles of
 33 incorporation or bylaws.

34 ~~5-~~ 6. This section does not affect ~~either~~ any of the
 35 following:



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1 *a.* The right of a shareholder to inspect records under
2 section 490.720 or, if the shareholder is in litigation with
3 the corporation, to the same extent as any other litigant.

4 *b.* The power of a court, independently of this chapter, to
5 compel the production of corporate records for examination.

6 7. For purposes of this section, "shareholder" includes a
7 beneficial owner whose shares are held in a voting trust or by
8 a nominee on the shareholder's behalf.

9 Sec. 75. Section 490.1603, subsection 3, Code 2013, is
10 amended to read as follows:

11 3. The corporation may comply at its expense with a
12 shareholder's demand to inspect the record of shareholders
13 under section 490.1602, ~~subsection 2, paragraph "c",~~ by
14 providing the shareholder with a list of shareholders that was
15 compiled no earlier than the date of the shareholder's demand.

16 Sec. 76. Section 490.1604, subsection 2, Code 2013, is
17 amended to read as follows:

18 2. If a corporation does not within a reasonable time
19 allow a shareholder to inspect and copy any other records, the
20 shareholder who complies with section 490.1602, ~~subsections 2~~
21 ~~and 3~~ may apply to the district court in the county where the
22 corporation's principal office or, if none in this state, its
23 registered office is located for an order to permit inspection
24 and copying of the records demanded. The court shall dispose
25 of an application under this subsection on an expedited basis.

26 Sec. 77. Section 490.1606, subsection 1, Code 2013, is
27 amended to read as follows:

28 1. Whenever notice ~~is~~ would otherwise be required to be
29 given under any provision of this chapter to any a shareholder,
30 such notice shall need not be required to be given if either
31 any of the following applies apply:

32 *a.* Notice Notices to the shareholders of two consecutive
33 annual meetings, and all notices of meetings during the period
34 between such two consecutive annual meetings, have been sent to
35 such shareholder at such shareholder's address as shown on the



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1 3. Within one hundred twenty days after the close of each
2 fiscal year, the corporation shall send the annual financial
3 statements to each shareholder. Thereafter, on written
4 request from a shareholder to whom the statements were not
5 sent, the corporation shall send the shareholder the latest
6 financial statements. A public corporation may fulfill its
7 responsibilities under this section by delivering the specified
8 financial statements, or otherwise making them available, in
9 any manner permitted by the applicable rules and regulations of
10 the United States securities and exchange commission.

11 Sec. 79. Section 490.1703, Code 2013, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 3. In the event that any provision of this
14 chapter is deemed to modify, limit, or supersede the federal
15 Electronic Signatures in Global and National Commerce Act, 15
16 U.S.C. § 7001 et seq., the provisions of this chapter shall
17 control to the maximum extent permitted by section 102(a)(2) of
18 that federal Act.

19 Sec. 80. REPEAL. Section 490.832, Code 2013, is repealed.

20 Sec. 81. EFFECTIVE DATE. This division of this Act takes
21 effect January 1, 2014.

DIVISION II

FUTURE PROVISIONS

22
23
24 Sec. 82. Section 490.140, subsection 21A, Code 2013, is
25 amended by striking the subsection and inserting in lieu
26 thereof the following:

27 21A. *"Public corporation"* means a corporation that
28 has a class of voting stock that is listed on a national
29 securities exchange or held of record by more than two thousand
30 shareholders.

31 Sec. 83. Section 490.732, subsection 4, Code 2013, is
32 amended by striking the subsection and inserting in lieu
33 thereof the following:

34 4. An agreement authorized by this section shall cease to be
35 effective when the corporation becomes a public corporation.



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1 If the agreement ceases to be effective for any reason, the
2 board of directors may, if the agreement is contained or
3 referred to in the corporation's articles of incorporation or
4 bylaws, adopt an amendment to the articles of incorporation or
5 bylaws, without shareholder action, to delete the agreement and
6 any references to it.

7 Sec. 84. EFFECTIVE DATE. This division of this Act takes
8 effect upon the repeal of 2011 Iowa Acts, chapter 2, as
9 provided in section 9, subsection 1, of that Act.

10 EXPLANATION

11 BACKGROUND. The "Iowa Business Corporation Act" (Code
12 chapter 490), a model Act adopted by the American Bar
13 Association, governs the requirements for the creation,
14 organization, and operation of corporations and the
15 relationship between shareholders, directors, and officers of
16 the corporation. Generally, the Act's provisions establish
17 default requirements and procedures which may be modified by a
18 corporation's articles of incorporation or bylaws.

19 PUBLIC CORPORATIONS. A public corporation is a corporation
20 that has a class of voting stock that is listed on a national
21 securities exchange or held of record by more than 2,000
22 shareholders (Code section 490.140). The bill amends the
23 definition to eliminate the reference to a class of shares
24 or number of shareholders. It provides that a corporation
25 is public if traded in a market maintained by a member of
26 the national securities association. The bill also amends
27 a provision regulating shareholder agreements that govern a
28 corporation's corporate affairs including by eliminating or
29 restricting the powers of its board of directors (Code section
30 490.732). Specifically, the bill provides that a shareholder
31 agreement is automatically terminated when the corporation
32 becomes public. These provisions take effect January 1, 2015.

33 NOTICES, DOCUMENTS, AND COMMUNICATION. A notice must be
34 in writing unless oral notice is reasonable (Code section
35 490.141). The bill requires that notices be in English.

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1 It provides for the electronic transmission and receipt
2 and acknowledgment of information. The bill replaces the
3 requirement that documents be executed with a requirement
4 that they be signed, including documents associated with
5 the adoption or abandonment of articles of merger or share
6 exchange (Code sections 490.1106 and 490.1108). The bill also
7 authorizes a corporation to keep its records in an electronic
8 form so long as it can be converted into a paper form (Code
9 section 490.1601). The corporation is required to deliver a
10 written notice, report, or statement to shareholders who share
11 a common address, complies with delivery requirements, by
12 delivering to that address, unless a shareholder makes a timely
13 objection (Code section 490.144).

14 QUALIFIED DIRECTORS. In a number of circumstances a
15 director must be considered "disinterested" when taking an
16 action affecting the welfare of the corporation. The bill
17 eliminates the term "disinterested" and replaces it with
18 "qualified" (Code section 490.143; see Code sections 490.853
19 and 490.855). The bill requires a director to be qualified
20 under different circumstances which may involve board action
21 or court proceedings. For purposes of dismissing a derivative
22 proceeding by a court based on a good-faith determination of
23 directors (Code section 490.744), directors are qualified if
24 they do not have a material interest in the outcome of the
25 proceeding or a material relationship with a person who has
26 such an interest. For purposes of advancing expenses to a
27 board member before the disposition of a case (Code section
28 490.853) or later indemnifying a director (Code section
29 490.855), the authorization must be made by directors who are
30 qualified because they are not parties to the proceeding, do
31 not have a conflicting interest in the related transaction,
32 and do not have a material relationship with a director
33 who is a party or has a conflicting interest. For purposes
34 of voting to excuse a director from a conflicting interest
35 transaction (Code section 490.862), the vote must be taken



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1 ELECTIONS AND VOTING. The bill also provides that in the
 2 case of a director's vacancy, where a director was elected
 3 by a voting group of shareholders, and the vacancy is to be
 4 filled by the remaining directors, only directors elected by
 5 that voting group may vote to fill the vacancy (Code section
 6 490.810).

7 RIGHT OF SHAREHOLDERS TO VOTE. The bill provides that a
 8 corporation may agree to submit a matter to a vote of its
 9 shareholders even if the board determines not to recommend
 10 the matter (Code section 490.826). It expressly authorizes
 11 such vote on an amendment to the corporation's articles of
 12 incorporation (Code section 490.1003), an action on a plan of
 13 merger or share exchange (Code section 490.1104), the approval
 14 of a plan of merger or share exchange (Code section 490.1106),
 15 and the dissolution of the corporation (Code section 490.1402).

16 PROCEEDINGS — ADVANCING FUNDS TO A DIRECTOR OR INDEMNIFYING
 17 A DIRECTOR FOR EXPENSES. A corporation may advance funds to a
 18 director or indemnify the director for legal expenses incurred
 19 in the course of a director's defense of an act or omission
 20 (Code sections 490.850, 490.853, 490.855, and 490.858). The
 21 bill provides that in the case of advances, writings required
 22 to be submitted to the board (e.g., an affirmation that the
 23 director acted in compliance with applicable standards of
 24 conduct or a promise to repay advanced funds) must be in
 25 writing (Code section 490.853). It also provides that when
 26 the board authorizes an advance or indemnification, the voting
 27 directors must be qualified rather than disinterested (Code
 28 sections 490.853 and 490.854). Finally, the bill provides that
 29 the defending director's right to an advance or indemnification
 30 in effect prior to the director's act or omission cannot be
 31 eliminated or impaired after the conduct occurred, unless that
 32 right was expressly qualified in the authorization (i.e., in
 33 the articles of incorporation, bylaws, or board's resolution)
 34 (Code section 490.858).

35 DIRECTOR'S CONFLICT OF INTEREST — GENERAL. Generally, a



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1 director is prohibited from taking action on a matter which
 2 would be detrimental to the interests of the corporation. The
 3 bill replaces the current provision addressing a director's
 4 conflict of interest (Code section 490.832) with four
 5 provisions (Code sections 490.860 through 490.863) that
 6 govern conflicting interest transactions. In order to be so
 7 classified, a transaction must be effectuated or proposed to
 8 be effectuated by the corporation or an entity controlled
 9 by the corporation. In addition, the director must be in a
 10 special position to take personal advantage of the transaction,
 11 as a party to the transaction or by virtue of the fact that
 12 the director, or a related person, has a material financial
 13 interest in the transaction. The bill provides that a director
 14 is related to a person if the person is a close family member,
 15 an individual who lives in the same home, or another entity
 16 controlled by the director. The bill provides that in order
 17 for a court to invalidate a transaction or otherwise provide a
 18 legal or equitable remedy, such conduct must fall within the
 19 statutory parameters (Code section 490.861). The definition
 20 of "director's conflicting interest transaction" requires
 21 knowledge of the transaction, except where the director is a
 22 party. In addition, the transaction must occur at a relevant
 23 time, meaning the time at the which the director's action is
 24 required (e.g., a board vote) or when the director's action
 25 somehow consummates the transaction (Code section 490.862).

26 DIRECTOR'S CONFLICT OF INTEREST — EXCUSED TRANSACTIONS
 27 (SAFE HARBOR EXCEPTION). The bill excuses a director's
 28 conduct, and consequently validates the transaction, even if
 29 there exists a conflicting interest transaction (Code section
 30 490.861), sometimes referred to as "safe harbor", in certain
 31 circumstances. First, it may be excused if a majority of
 32 qualified directors (but not less than two) vote to approve
 33 the transaction or the action is approved by an authorized
 34 committee in which all members are qualified directors (Code
 35 section 490.862). The director who has the conflict must

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1 disclose information regarding the conflict to the extent that
2 the information is not required to be protected under law or
3 some ethical rule of confidentiality (Code section 490.862).
4 The transaction is excused if the shareholders later ratify
5 the transaction according to specific procedural requirements
6 (Code section 490.863) after disclosure (but no provision for
7 limited disclosure). Finally, the transaction is excused if
8 the transaction is fair to the corporation, although neither
9 directors' nor shareholders' action was taken. The bill
10 provides that in any legal action attacking a director, the
11 plaintiff has the burden of proof (Code section 490.831).

12 DIRECTOR'S BUSINESS OPPORTUNITY (SAFE HARBOR EXCEPTION).
13 An analogous situation to a conflicting interest transaction
14 is when a director seeks a corporation's permission prior to
15 the director's action. The bill allows qualified directors
16 or shareholders to disclaim the corporation's interest before
17 the director proceeds in taking advantage of the business
18 opportunity (see Code section 490.870). Instead of making a
19 "required disclosure" as provided for conflicts (Code sections
20 490.860 and 490.862), the director must provide the corporation
21 material facts concerning the business opportunity then
22 known. The qualified directors or shareholders disclaiming
23 the corporation's interest must be done in the same manner
24 as if the matter concerned a director's conflicting interest
25 transaction (Code sections 490.862 and 490.863). However, a
26 director's decision not to use the procedures for disclaimer
27 does not create a negative inference or alter a burden of
28 proof in a subsequent action alleging an improper taking of a
29 corporate opportunity.

30 SHAREHOLDER APPRAISAL RIGHTS — GENERAL RULE. A number of
31 corporate actions may trigger the right of a shareholder to
32 obtain an appraisal of the corporation and obtain fair payment
33 of shares, including mergers, share exchanges, disposition
34 of assets, amendments to the articles of incorporation, and
35 conversion of the corporation to another entity (Code section



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1 490.1302). A corporation must pay shareholders the amount the
2 corporation estimates to be the fair value of the shares plus
3 interest (Code section 490.1324).

4 SHAREHOLDER APPRAISAL RIGHTS — LIMITATION ON THE GENERAL
5 RULE (MARKET-OUT EXCEPTION). The general rule is limited in
6 the case where there are at least 2,000 shareholders and the
7 market value of the shares equals at least \$20 million (the
8 so-called "market-out" exception), presumably because the true
9 value for the shares can be obtained on the market. However,
10 the amount does not include shares held by the corporation's
11 subsidiaries, senior executives, directors, and beneficial
12 shareholders owning more than 10 percent of the shares.
13 "Beneficial ownership" refers to the control of shares by a
14 person who does not own them including the power to vote, or to
15 direct the voting of the shares (Code section 490.1302).

16 SHAREHOLDER APPRAISAL RIGHTS — NEW MARKET-OUT EXCEPTIONS.
17 The bill provides two new categories under the market-out
18 exception: (1) when the shares are classified as a covered
19 security regulated by the United States securities exchange
20 commission under the federal Securities Act of 1933, and (2)
21 when the shares are issued by an open-end management investment
22 company registered by the securities and exchange commission
23 under the federal Investment Company Act of 1940 (Code section
24 490.1302).

25 SHAREHOLDER APPRAISAL RIGHTS — LIMITATIONS ON THE
26 MARKET-OUT EXCEPTIONS. The bill eliminates a provision
27 which allows shareholder appraisal rights notwithstanding
28 the market-out exception in cases where the corporation's
29 shares or assets are being acquired or converted, whether by
30 merger, share exchange, or otherwise (Code section 490.1302).
31 Instead, the bill allows such rights in cases where the
32 corporate action involves an interested transaction, which is a
33 corporate action, other than a merger, involving an interested
34 person in which the shares or assets of the corporation are
35 being acquired or converted. A person is "interested" if

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1 subsidiaries, senior executives, directors, and beneficial
2 shareholders owning more than 10 percent of the shares (Code
3 section 490.1302).

4 FOREIGN CORPORATIONS — TRANSFER OF AUTHORITY. The bill
5 provides for the conversion of a foreign business corporation
6 authorized to do business in this state into a domestic
7 corporation by applying to the secretary of state (Code section
8 490.1523).

9 REPLACEMENT OF FUTURE REPEALED PROVISIONS. In 2011, the
10 general assembly enacted SF 325 (2011 Iowa Acts, chapter
11 2), carving out a special provision which provided for the
12 staggered terms of directors of public corporations and
13 providing for the repeal of the Act on December 31, 2014.
14 The Act took effect on March 23, 2011. The effect of the
15 repeal is to restore the provisions to their March 22, 2011
16 effective date. This bill amends two provisions affected by SF
17 325. First, it reenacts a definition of "public corporation"
18 which is repealed on December 31, 2014 (Code section 490.140).
19 Second, it rewrites a provision which provides that a
20 shareholder agreement is nullified when a corporation becomes a
21 public corporation (Code section 490.732).



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House Study Bill 144 - Introduced

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

A BILL FOR

- 1 An Act relating to the duties and responsibilities of insurance
- 2 producers under insurance policies or contracts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 522B.1, Code 2013, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 7A. "*Intended beneficiary*" means a person
4 who is not listed as a beneficiary of an insurance policy or
5 contract in the records of the insurer.

6 NEW SUBSECTION. 12A. "*Policy owner*" means the person who
7 is identified as the legal owner of an insurance policy or
8 contract under the terms of the insurance policy or contract,
9 or who is otherwise vested with legal title to the insurance
10 policy or contract through a valid assignment completed in
11 accordance with the terms of the insurance policy or contract
12 and is properly recorded as the legal owner of the policy or
13 contract in the records of the insurer. "*Policy owner*" does
14 not include a person who has a mere beneficial interest in an
15 insurance policy or contract.

16 Sec. 2. Section 522B.11, subsection 7, Code 2013, is amended
17 by striking the subsection and inserting in lieu thereof the
18 following:

19 7. a. Unless otherwise specified in this chapter, the
20 duties and responsibilities of an insurance producer are
21 limited to using reasonable care, diligence, and judgment in
22 procuring the insurance requested of the insurance producer by
23 the policy owner.

24 b. An insurance producer has no duty to change the
25 beneficiary of an insurance policy or contract unless clear
26 written evidence of the policy owner's intent to name an
27 intended beneficiary as a beneficiary of the policy or contract
28 is presented to the insurance producer or insurer in the manner
29 required by the policy or contract, prior to the payment of any
30 insurance benefits under the policy or contract. Such evidence
31 shall be provided in the same manner as a claim for benefits
32 under the policy or contract.

33 c. An insurance producer is not in the business of supplying
34 information to others and has no duty to provide advice or
35 information unless the insurance producer holds oneself out as



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1 producer or insurer in the manner required in the policy or
2 contract, prior to the payment of insurance benefits. The
3 evidence must be provided in the same manner as a claim for
4 benefits.

5 The bill provides that an insurance producer is not in the
6 business of providing information to others and has no duty to
7 provide advice or information unless the insurance producer
8 holds oneself out as an insurance specialist, consultant,
9 or counselor and receives compensation for consultation
10 and advice apart from commissions paid by an insurer. An
11 insurance producer may agree to accept additional duties and
12 responsibilities pursuant to a written agreement signed by the
13 insurance producer and the policy owner.

14 The bill declares the intent of the general assembly to
15 abrogate the holdings of two recent cases decided by the Iowa
16 supreme court to the extent that those holdings impose higher
17 or greater duties and responsibilities on insurance producers
18 than those set forth in the bill.



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House Study Bill 145 - Introduced

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

A BILL FOR

1 An Act authorizing specified electric utility customers to
2 engage in agricultural aggregate net metering.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 476.42, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *0a. "Aggregate net metering"* means deducting
4 or offsetting electricity produced by an alternate energy
5 production facility against the electricity which would
6 otherwise be purchased from an electric utility as measured on
7 more than one utility meter.

8 Sec. 2. NEW SECTION. **476.49 Agricultural aggregate net**
9 **metering.**

10 1. An electric utility customer who is an authorized farm
11 corporation, authorized limited liability company, authorized
12 trust, family farm corporation, family farm limited liability
13 company, family farm limited partnership, or family trust, as
14 defined in section 9H.1, may engage in aggregate net metering
15 with regard to the electricity produced by an alternate
16 energy production facility of up to five hundred kilowatts of
17 nameplate generating capacity owned by the customer against the
18 aggregate electricity purchased from the electric utility in a
19 given month as measured on all meters used by that customer on
20 a single parcel of land or on contiguous parcels of land.

21 2. An electric utility customer engaging in aggregate
22 net metering pursuant to subsection 1 shall not sell any
23 electricity, gas, or useful thermal energy produced by the
24 alternate energy production facility and not used by the
25 customer to any other utility customer. The customer may,
26 however, enter into a power purchase agreement with an electric
27 utility with regard to excess electricity produced at rates
28 determined pursuant to section 476.43. Notwithstanding the
29 maximum purchase provisions of section 476.44, an electric
30 utility shall enter into a power purchase agreement with a
31 customer meeting the requirements of this section and shall
32 otherwise facilitate aggregate net metering as provided in this
33 section.

34 **EXPLANATION**

35 This bill authorizes specified agricultural electric

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1 utility customers to engage in aggregate net metering. The
2 bill defines "aggregate net metering" to mean deducting
3 or offsetting electricity produced by an alternate energy
4 production facility against the electricity which would
5 otherwise be purchased from an electric utility as measured on
6 more than one utility meter.

7 The bill provides that an electric utility customer who is
8 an authorized farm corporation, authorized limited liability
9 company, authorized trust, family farm corporation, family farm
10 limited liability company, family farm limited partnership,
11 or family trust, as defined in Code section 9H.1, may engage
12 in aggregate net metering with regard to the electricity
13 produced by an alternate energy production facility of up to
14 500 kilowatts of nameplate generating capacity owned by the
15 customer against the aggregate electricity purchased from
16 the electric utility in a given month as measured on all
17 meters used by that customer on a single parcel of land or on
18 contiguous parcels of land. The bill prohibits the customer
19 from selling any electricity, gas, or useful thermal energy
20 produced by the alternate energy production facility and not
21 used by the customer to any other utility customer. The bill
22 states that the customer may enter into a power purchase
23 agreement with an electric utility with regard to excess
24 electricity produced at rates determined pursuant to Code
25 section 476.43. The bill directs an electric utility to enter
26 into such an agreement and otherwise facilitate aggregate net
27 metering as provided in the bill.



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House Study Bill 146 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF COMMERCE/ALCOHOLIC
BEVERAGES DIVISION BILL)

A BILL FOR

1 An Act concerning applications for liquor control licenses and
2 micro-distilled spirits, beer, and wine permits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 123.32, Code 2013, is amended by adding
 2 the following new subsections:
 3 NEW SUBSECTION. 1A. *Misrepresentation of material fact on*
 4 *application.* A person who makes a false statement of material
 5 fact on an application for a liquor license, micro-distilled
 6 spirits permit, wine permit, or beer permit, or who has been a
 7 party to the preparation or submission of any false application
 8 for such a license or permit, may be denied the license or
 9 permit on the grounds of the false statement or submission.
 10 NEW SUBSECTION. 1B. *Criminal history record checks.*
 11 *a.* The division may request and obtain criminal history
 12 data from the department of public safety for an applicant for
 13 a liquor license, micro-distilled spirits permit, wine permit,
 14 or beer permit under this chapter and any other person required
 15 to be listed on the application pursuant to section 123.31,
 16 subsection 3 for the purpose of evaluating an applicant's
 17 fitness to hold such license or permit.
 18 *b.* The division may also require that a full set of
 19 fingerprints be provided by an applicant for a liquor license,
 20 micro-distilled spirits permit, wine permit, or beer permit
 21 issued pursuant to this chapter and by any other person
 22 required to be listed on the application pursuant to section
 23 123.31, subsection 3 for purposes of conducting a national
 24 criminal history check. The division shall provide the
 25 fingerprints to the department of public safety for submission
 26 through the state criminal history repository to the federal
 27 bureau of investigation for the national criminal history
 28 check.
 29 *c.* Persons subject to a criminal history check conducted
 30 pursuant to this subsection shall authorize release of
 31 the results of the criminal history check to the division.
 32 Failure of the applicant or any other person subject to the
 33 requirements of this subsection to fully cooperate in the
 34 conduct of a criminal history check shall be grounds to deny
 35 the license or permit application.

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1 *d.* Criminal history data obtained by the division pursuant
2 to this subsection is confidential and shall not be considered
3 a public record under chapter 22. The division may, however,
4 use such information in a license or permit denial proceeding
5 or other regulatory proceeding brought under this chapter.

6 *e.* The division shall pay the actual cost of all
7 fingerprinting and criminal history checks conducted pursuant
8 to this subsection, if any.

9 Sec. 2. Section 123.32, subsections 2, 7, and 9, Code 2013,
10 are amended to read as follows:

11 2. *Action by local authorities.* The local authority shall
12 either approve or disapprove the issuance of a liquor control
13 license, micro-distilled spirits permit, retail wine permit, or
14 retail beer permit, shall endorse its approval or disapproval
15 on the application and shall forward the application with
16 the necessary fee and bond, if required, to the division.
17 There is no limit upon the number of liquor control licenses,
18 micro-distilled spirits permits, retail wine permits, or retail
19 beer permits which may be approved for issuance by local
20 authorities.

21 7. *Appeal to administrator.* An applicant for a liquor
22 control license, micro-distilled spirits permit, wine
23 permit, or beer permit may appeal from the local authority's
24 disapproval of an application for a license or permit to the
25 administrator. In the appeal the applicant shall be allowed
26 the opportunity to demonstrate in an evidentiary hearing
27 conducted pursuant to chapter 17A that the applicant complies
28 with all of the requirements for holding the license or permit.
29 The administrator may appoint a member of the division or may
30 request an administrative law judge from the department of
31 inspections and appeals to conduct the evidentiary hearing
32 and to render a proposed decision to approve or disapprove
33 the issuance of the license or permit. The administrator may
34 affirm, reverse, or modify the proposed decision. If the
35 administrator determines that the applicant complies with

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1 background checks of applicants for licenses and permits and
2 any other person required to be listed on the application for
3 that license or permit. The bill authorizes the division
4 to obtain criminal history data from the department of
5 public safety and to require applicants to provide a set of
6 fingerprints for purposes of conducting a national criminal
7 history check. The bill provides that criminal history data
8 obtained pursuant to this new provision is confidential but
9 may be used in a license or permit denial or other regulatory
10 proceeding brought by the division. The bill also provides
11 that the division pay the cost of all fingerprinting and
12 criminal history checks conducted pursuant to this new
13 provision.

14 Code section 123.32 is also amended to provide that the
15 requirements and procedures for applications for liquor
16 control licenses and wine and beer permits also apply to
17 micro-distilled spirits permits.



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House Study Bill 147 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF COMMERCE/ALCOHOLIC
BEVERAGES DIVISION BILL)

A BILL FOR

- 1 An Act concerning the alcoholic beverages division of the
- 2 department of commerce and alcoholic beverage control, and
- 3 making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 each applicant shall ~~file with~~ submit to the division
 2 electronically, or in a manner prescribed by the administrator,
 3 the name and address of its authorized agent for service of
 4 process which shall remain effective until changed for another,
 5 and a list of names and addresses of all representatives,
 6 employees, or attorneys whom the applicant has appointed in the
 7 state of Iowa to represent it for any purpose. The listing
 8 shall be amended from time to time by the certificate holder as
 9 necessary to keep the listing current with the division.

10 Sec. 3. Section 123.31, unnumbered paragraph 1, Code 2013,
 11 is amended to read as follows:

12 Verified applications for the original issuance or the
 13 renewal of liquor control licenses shall be ~~filed at the~~
 14 ~~time and in the number of copies as the administrator shall~~
 15 ~~prescribe, on forms~~ submitted electronically, or in a manner
 16 prescribed by the administrator, and shall set forth under oath
 17 the following information:

18 Sec. 4. Section 123.32, subsection 1, Code 2013, is amended
 19 to read as follows:

20 1. *Filing of application.* An application for a class "A",
 21 class "B", class "C", or class "E" liquor control license, for
 22 a class "A" micro-distilled spirits permit, for a retail beer
 23 permit as provided in sections 123.128 and 123.129, or for a
 24 class "B", class "B" native, or class "C" native retail wine
 25 permit as provided in section 123.178, 123.178A, or 123.178B,
 26 accompanied by the necessary fee and bond, if required, shall
 27 be filed with the appropriate city council if the premises for
 28 which the license or permit is sought are located within the
 29 corporate limits of a city, or with the board of supervisors
 30 if the premises for which the license or permit is sought are
 31 located outside the corporate limits of a city. An application
 32 for a class "D" liquor control license and for a class "A"
 33 beer or class "A" wine permit, accompanied by the necessary
 34 fee and bond, if required, shall be ~~filed with~~ submitted to
 35 the division electronically, or in a manner prescribed by the



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1 administrator, which shall proceed in the same manner as in the
2 case of an application approved by local authorities.

3 Sec. 5. Section 123.33, Code 2013, is amended to read as
4 follows:

5 **123.33 Records.**

6 Every holder of a liquor control license shall keep a
7 daily record, in printed or electronic format, of the gross
8 receipts of the holder's business. The records required and
9 the premises of the licensee shall be accessible and open to
10 inspection pursuant to section 123.30, subsection 1, during
11 normal business hours of the licensee.

12 Sec. 6. Section 123.41, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. ~~Upon Each~~ application ~~in the prescribed form to obtain~~
15 ~~or renew a manufacturer's license shall be submitted to the~~
16 division electronically, or in a manner prescribed by the
17 administrator, and shall be accompanied by a fee of three
18 hundred fifty dollars, the payable to the division. The
19 administrator may in accordance with this chapter grant and
20 issue a manufacturer's license, valid for a one-year period
21 after date of issuance, to a manufacturer which shall allow
22 the manufacture, storage, and wholesale disposition and sale
23 of alcoholic liquors to the division and to customers outside
24 of the state.

25 Sec. 7. Section 123.42, subsection 1, Code 2013, is amended
26 to read as follows:

27 1. Prior to representing or promoting a distiller's
28 alcoholic liquor products in the state, the broker shall
29 ~~make submit an~~ application to the ~~administrator on forms~~
30 provided division electronically, or in a manner prescribed
31 by the ~~division~~ administrator, for a broker's permit. The
32 administrator may in accordance with this chapter issue a
33 broker's permit which shall be valid for one year from the
34 date of issuance unless it is sooner suspended or revoked
35 for a violation of this chapter. A broker's permit is valid



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1 throughout the state, and a broker who represents more than one
2 distiller is required to obtain only one broker's permit.

3 Sec. 8. Section 123.127, subsection 1, paragraph a,
4 unnumbered paragraph 1, Code 2013, is amended to read as
5 follows:

6 Submits ~~a written~~ an application ~~for such permit~~
7 electronically, or in a manner prescribed by the administrator,
8 which ~~application~~ shall state under oath:

9 Sec. 9. Section 123.127, subsection 1, paragraph c, Code
10 2013, is amended to read as follows:

11 c. Furnishes a bond ~~in the form~~ a manner prescribed and
12 ~~to be furnished~~ by the ~~division~~ administrator, with good
13 and sufficient sureties to be approved by the administrator
14 conditioned upon the faithful observance of this chapter, in
15 the ~~penal~~ sum of five thousand dollars, payable to the state.

16 Sec. 10. Section 123.128, subsection 1, unnumbered
17 paragraph 1, Code 2013, is amended to read as follows:

18 Submits ~~a written~~ an application ~~for such permit~~
19 electronically, or in a manner prescribed by the administrator,
20 which ~~application~~ shall state under oath:

21 Sec. 11. Section 123.129, subsection 2, paragraph a, Code
22 2013, is amended to read as follows:

23 a. Submits ~~a written~~ an application ~~for such permit~~
24 electronically, or in a manner prescribed by the administrator,
25 which ~~application~~ shall state under oath all the information
26 required of a class "A" applicant by section 123.127,
27 subsection 1, paragraph "a".

28 Sec. 12. Section 123.135, subsections 1 and 3, Code 2013,
29 are amended to read as follows:

30 1. A manufacturer, brewer, bottler, importer, or vendor
31 of beer or any agent thereof desiring to ship or sell beer,
32 or have beer brought into this state for resale by a class
33 "A" permittee shall first make application for and be issued
34 a brewer's certificate of compliance by the administrator
35 for that purpose. The certificate of compliance expires at



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1 amended to read as follows:

2 4. When a class "B" or class "B" native wine permittee who
3 also holds a class "E" liquor control license sells wine to a
4 class "A", class "B", or class "C" liquor control licensee, the
5 liquor control licensee shall sign a report attesting to the
6 purchase. The class "B" or class "B" native wine permittee who
7 also holds a class "E" liquor control license shall submit a
8 report to the division electronically, ~~on forms supplied by the~~
9 ~~division~~ or in a manner prescribed by the administrator, not
10 later than the tenth of each month ~~a report~~ stating each sale
11 of wine to class "A", class "B", and class "C" liquor control
12 licensees during the preceding month, the date of each sale,
13 and the brands and numbers of bottles with each sale. A class
14 "B" permittee who holds a class "E" liquor control license
15 may sell to class "A", class "B", or class "C" liquor control
16 licensees only if the licensed premises of the liquor control
17 licensee is located within the geographic territory of the
18 class "A" wine permittee from which the wine was originally
19 purchased by the class "B" wine permittee.

20 Sec. 15. Section 123.175, subsection 1, unnumbered
21 paragraph 1, Code 2013, is amended to read as follows:

22 Submits ~~a written~~ an application electronically, or in a
23 manner prescribed by the administrator, for the permit ~~and~~
24 ~~states on the application which shall state~~ under oath:

25 Sec. 16. Section 123.175, subsection 3, Code 2013, is
26 amended to read as follows:

27 3. Submits, in the case of a class "A" wine permit, a bond
28 in the amount of five thousand dollars in ~~the form~~ a manner
29 ~~prescribed and furnished~~ by the ~~division~~ administrator with
30 good and sufficient sureties to be approved by the division
31 conditioned upon compliance with this chapter.

32 Sec. 17. Section 123.180, subsection 1, Code 2013, is
33 amended to read as follows:

34 1. A manufacturer, vintner, bottler, importer, or vendor
35 of wine or an agent thereof desiring to ship, sell, or have



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1 wine brought into this state for resale by the division or for
 2 sale at wholesale by a class "A" permittee shall first make
 3 application for and shall be issued a vintner's certificate
 4 of compliance by the administrator for that purpose. The
 5 vintner's certificate of compliance shall expire at the end of
 6 one year from the date of issuance and shall be renewed for
 7 a like period upon application to the administrator unless
 8 otherwise revoked for cause. Each application for a vintner's
 9 certificate of compliance or renewal of a certificate shall
 10 be submitted electronically, or in a manner prescribed by the
 11 administrator, and shall be accompanied by a fee of one hundred
 12 dollars payable to the division. Each holder of a vintner's
 13 certificate of compliance shall furnish the information
 14 required by the administrator in the form the administrator
 15 requires. A vintner or wine bottler whose plant is located in
 16 Iowa and who otherwise holds a class "A" wine permit to sell
 17 wine at wholesale is exempt from the fee, but not the other
 18 terms and conditions. The holder of a vintner's certificate of
 19 compliance may also hold a class "A" wine permit.

20 Sec. 18. Section 123.184, Code 2013, is amended to read as
 21 follows:

22 **123.184 Report of gallonage sales — penalty.**

23 Each class "A" wine permit holder on or before the tenth
 24 day of each calendar month commencing on the tenth day of the
 25 calendar month following the month in which the person is
 26 issued a permit, shall make a report under oath to the division
 27 upon forms to be furnished by the division electronically, or
 28 in a manner prescribed by the administrator, showing the exact
 29 number of gallons of wine and fractional parts of gallons, sold
 30 by that permit holder during the preceding calendar month.
 31 The report also shall state whatever reasonable additional
 32 information the administrator requires. The permit holder
 33 at the time of filing this report shall pay to the division
 34 the amount of tax due at the rate fixed in section 123.183.
 35 A penalty of ten percent of the amount of the tax shall be



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1 assessed and collected if the report is not filed and the tax
2 paid within the time required by this section.

3 Sec. 19. Section 123.187, subsection 2, paragraph a, Code
4 2013, is amended to read as follows:

5 a. The administrator shall issue a wine direct shipper
6 license to a wine manufacturer who submits ~~a written~~ an
7 application for the license ~~on a form to be established~~
8 electronically, or in a manner prescribed by the administrator
9 ~~by rule~~, accompanied by a true copy of the manufacturer's
10 current alcoholic beverage license or permit and a copy of the
11 manufacturer's winery license issued by the federal alcohol and
12 tobacco tax and trade bureau.

13 DIVISION II

14 COMMISSION AND DIVISION DUTIES — BONDS, PAYMENTS, AND REPORTS

15 Sec. 20. Section 123.10, unnumbered paragraph 1, Code 2013,
16 is amended to read as follows:

17 The governor shall appoint the administrator of the
18 alcoholic beverages division, subject to confirmation by the
19 senate, to a four-year term. A vacancy in an unexpired term
20 shall be filled in the same manner as a full-term appointment
21 is made. The administrator shall not be a member of the
22 commission. The administrator's salary shall be fixed by the
23 general assembly. The administrator shall be qualified to
24 perform the administrator's duties by managerial ability and
25 experience as a business executive. ~~The administrator shall~~
26 ~~post a bond paid from the state general fund in an amount~~
27 ~~established by the governor to insure proper discharge of the~~
28 ~~administrator's duties.~~

29 Sec. 21. Section 123.24, subsections 2 and 3, Code 2013, are
30 amended to read as follows:

31 2. a. The division may accept from a class "E" liquor
32 control licensee ~~a cashier's check which shows the licensee~~
33 ~~is the remitter or a check issued by the licensee~~ electronic
34 funds transferred by automated clearing house, wire transfer,
35 or another method deemed acceptable by the administrator,



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1 in payment of alcoholic liquor. If a ~~check~~ payment is
 2 subsequently dishonored, the division shall cause a notice
 3 of nonpayment and penalty to be served upon the class "E"
 4 liquor control licensee or upon any person in charge of the
 5 licensed premises. The notice shall state that if payment
 6 or satisfaction for the dishonored ~~check~~ payment is not made
 7 within ten days of the service of notice, the licensee's liquor
 8 control license may be suspended under section 123.39. The
 9 notice of nonpayment and penalty shall be in a form prescribed
 10 by the administrator, and shall be sent by certified mail.

11 *b.* If upon notice and hearing under section 123.39 and
 12 pursuant to the provisions of chapter 17A concerning a
 13 contested case hearing, the administrator determines that
 14 the class "E" liquor control licensee failed to satisfy the
 15 obligation for which the ~~check~~ payment was issued within ten
 16 days after the notice of nonpayment and penalty was served on
 17 the licensee as provided in paragraph "a" of this subsection,
 18 the administrator may suspend the licensee's class "E" liquor
 19 control license for a period not to exceed ten days.

20 3. The administrator may refuse to sell alcoholic liquor
 21 to a class "E" liquor control licensee who tenders a ~~check~~
 22 ~~or electronic funds transfer~~ payment which is subsequently
 23 dishonored until the outstanding obligation is satisfied.

24 Sec. 22. Section 123.55, unnumbered paragraph 1, Code 2013,
 25 is amended to read as follows:

26 The commission shall cause to be prepared an annual report to
 27 the governor of the state, ending with June 30 of each fiscal
 28 year, showing fully the results of on the operations operation
 29 and financial position of the division covering the period
 30 since the last previous report for the preceding fiscal year.
 31 ~~Such~~ The report shall show include but is not limited to the
 32 following information:

33 Sec. 23. REPEAL. Section 123.8, Code 2013, is repealed.

34 DIVISION III
 35 BEER AND WINE PROVISIONS

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1 or contents of any box, barrel, or other vessel or package
2 containing such ~~liquors~~ liquor, wine, or beer; or shall refuse
3 to give correct and truthful information as to the contents of
4 any such box, barrel, or other vessel or package so sought to
5 be transported or conveyed; or shall falsely mark, brand, or
6 label such box, barrel, or other vessel or package in order to
7 conceal the fact that the same contains intoxicating ~~liquors~~
8 liquor, wine, or beer; or shall by any device or concealment
9 procure or attempt to procure the conveyance or transportation
10 of such ~~liquors~~ liquor, wine, or beer as herein prohibited, the
11 person shall be guilty of a simple misdemeanor.

12 Sec. 26. Section 123.100, Code 2013, is amended to read as
13 follows:

14 **123.100 Packages in transit.**

15 Any peace officer of the county under process or warrant to
16 the peace officer directed shall have the right to open any
17 box, barrel, or other vessel or package for examination, if
18 the peace officer has reasonable ground for believing that it
19 contains intoxicating ~~liquors~~ liquor, wine, or beer, either
20 before or while the same is being so transported or conveyed.

21 Sec. 27. Section 123.101, Code 2013, is amended to read as
22 follows:

23 **123.101 Record of shipments.**

24 It shall be the duty of all common carriers, or corporations,
25 or persons who shall for hire carry any intoxicating ~~liquors~~
26 liquor, wine, or beer into the state, or from one point to
27 another within the state, for the purpose of delivery, and
28 who shall deliver such intoxicating liquor, wine, or beer to
29 any person, company, or corporation, to ~~keep, at each station~~
30 ~~or office where it employs an agent or other person to make~~
31 ~~delivery of freight and keep records relative thereto, a record~~
32 ~~book, wherein such carrier shall, promptly upon receipt and~~
33 ~~prior to delivery, enter in ink, in legible writing, in full,~~
34 maintain a proper record of the name of the consignor of each
35 shipment of intoxicating liquor ~~to be delivered from or through~~

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1 ~~such station, wine, or beer~~ from where shipped, the date of
2 arrival, the quantity and kind of intoxicating liquor, wine,
3 or beer, so far as disclosed by lettering on the package or by
4 the carrier's records, and to whom and where consigned, and the
5 date delivered.

6 Sec. 28. Section 123.102, Code 2013, is amended to read as
7 follows:

8 **123.102 Inspection of shipping records.**

9 The ~~record book~~ records required by section 123.101 shall,
10 during business hours, be open to inspection by any peace or
11 law enforcing officer. It ~~shall be~~ is a simple misdemeanor to
12 refuse such inspection.

13 Sec. 29. Section 123.103, Code 2013, is amended to read as
14 follows:

15 **123.103 Record receipt upon delivery.**

16 ~~No shipment billed in whole or in part as intoxicating~~
17 ~~liquor shall be delivered to the consignee until such consignee~~
18 ~~upon such record book enters in ink, in legible writing, the~~
19 ~~consignee's~~ The full name and residence or place of business,
20 ~~giving the name of the city, and the street name and number if~~
21 ~~any, and certifies~~ of the consignee of a shipment billed in
22 whole or in part as intoxicating liquor, wine, or beer, shall
23 be properly recorded at the time of delivery and the consignee
24 shall certify that such the intoxicating liquor, wine, or beer
25 is for the consignee's own lawful purposes.

26 Sec. 30. Section 123.104, Code 2013, is amended to read as
27 follows:

28 **123.104 Unlawful delivery.**

29 It ~~shall be~~ is a simple misdemeanor for any corporation,
30 common carrier, person, or any agent or employee thereof:

31 1. To deliver any intoxicating ~~liquors~~ liquor, wine, or beer
32 to any person other than to the consignee.

33 2. To deliver any intoxicating ~~liquors~~ liquor, wine, or
34 beer without having the same ~~receipted for~~ properly recorded
35 as provided in section 123.103.



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1 3. To deliver any intoxicating ~~liquors~~ liquor, wine, or
2 beer where there is reasonable ground to believe that such
3 intoxicating liquor, wine, or beer is intended for unlawful
4 use.

5 Sec. 31. Section 123.106, Code 2013, is amended to read as
6 follows:

7 **123.106 Federal statutes.**

8 The requirements of this chapter relative to the shipment
9 and delivery of intoxicating ~~liquors~~ liquor, wine, or beer and
10 the records to be kept thereof shall be construed in harmony
11 with federal statutes relating to interstate commerce in such
12 ~~liquors~~ liquor, wine, or beer.

13 Sec. 32. Section 123.107, subsection 1, paragraph a, Code
14 2013, is amended to read as follows:

15 a. To set out exactly the kind or quantity of intoxicating
16 ~~liquors~~ liquor, wine, or beer manufactured, sold, given in
17 evasion of the statute, or kept for sale.

18 Sec. 33. Section 123.111, Code 2013, is amended to read as
19 follows:

20 **123.111 Purchaser as witness.**

21 The person purchasing any intoxicating liquor, wine, or
22 beer sold in violation of this chapter shall in all cases be a
23 competent witness to prove such sale.

24 Sec. 34. Section 123.115, Code 2013, is amended to read as
25 follows:

26 **123.115 Defense.**

27 In any prosecution under this chapter for the unlawful
28 transportation of intoxicating ~~liquors~~ liquor, wine, or beer
29 it shall be a defense that the character and contents of the
30 shipment or thing transported were not known to the accused or
31 to the accused's agent or employee.

32 Sec. 35. Section 123.116, Code 2013, is amended to read as
33 follows:

34 **123.116 Right to receive ~~liquors~~ liquor, wine, or beer.**

35 The consignee of intoxicating ~~liquors~~ liquor, wine, or beer



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1 shall, on demand of the carrier transporting such ~~liquors~~
2 liquor, wine, or beer, furnish the carrier, at the place of
3 delivery, with legal proof of the consignee's legal right to
4 receive such ~~liquors~~ liquor, wine, or beer at the time of
5 delivery, and until such proof is furnished the carrier shall
6 be under no legal obligation to make delivery nor be liable for
7 failure to deliver.

8 Sec. 36. Section 123.117, Code 2013, is amended to read as
9 follows:

10 **123.117 Delivery to sheriff.**

11 If such proof is not furnished the carrier within ten days
12 after demand, the carrier may deliver such ~~liquors~~ liquor,
13 wine, or beer to the sheriff of the county embracing the place
14 of delivery, and such delivery shall absolve the carrier from
15 all liability pertaining to such ~~liquors~~ liquor, wine, or beer.

16 Sec. 37. Section 123.118, Code 2013, is amended to read as
17 follows:

18 **123.118 Destruction.**

19 The sheriff shall, on receipt of such ~~liquors~~ liquor, wine,
20 or beer from the carrier, report the receipt to the district
21 court of the sheriff's county, and the court shall proceed to
22 summarily enter an order for the destruction or forfeiture to
23 the state of such ~~liquors~~ liquor, wine, or beer.

24 Sec. 38. Section 123.120, Code 2013, is amended to read as
25 follows:

26 **123.120 Attempt to destroy.**

27 The destruction of or attempt to destroy any liquid by
28 any person while in the presence of peace officers or while
29 a property is being searched by a peace officer, shall be
30 competent evidence that such liquid is intoxicating liquor,
31 wine, or beer and intended for unlawful purposes.

32 Sec. 39. Section 123.121, unnumbered paragraph 2, Code
33 2013, is amended to read as follows:

34 In any prosecution under this chapter for the unlawful
35 transportation of intoxicating liquor, wine, or beer,



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1 including use at bona fide exhibitions, competitions, contests,
 2 tastings, or judged events, if the beer is not sold or offered
 3 in exchange for any type of consideration.

4 Sec. 42. Section 123.185, Code 2013, is amended to read as
 5 follows:

6 **123.185 Records required.**

7 Each class "A" wine permittee shall keep ~~books of account and~~
 8 records showing each sale of wine, which shall be at all times
 9 open to inspection by the administrator and pursuant to section
 10 123.30, subsection 1. Each class "B" wine permittee shall keep
 11 proper ~~books of account and~~ records showing each purchase of
 12 wine and the date and the amount of each purchase and the name
 13 of the person from whom each purchase was made, which shall be
 14 open to inspection pursuant to section 123.30, subsection 1,
 15 during normal business hours of the permittee.

16 EXPLANATION

17 This bill makes several changes relative to the alcoholic
 18 beverages division of the department of commerce and alcoholic
 19 beverage control.

20 Division I, concerning applications, forms, and records,
 21 amends several provisions of Code chapter 123 to provide that
 22 various forms and applications currently submitted to and
 23 supplied by the division in written form shall be submitted or
 24 supplied electronically, or in a manner as prescribed by the
 25 administrator of the division.

26 Division II concerns certain reports, payments, and bonding
 27 requirements relative to the alcoholic beverages commission and
 28 division.

29 Code section 123.10, concerning the duties of the
 30 administrator of the division, is amended to remove the
 31 requirement that the administrator post a surety bond.

32 Code section 123.24, concerning alcoholic liquor sales by
 33 the division, is amended to provide that payment for liquor
 34 sales by liquor control licensees can be made by electronic
 35 funds transfer, wire transfer, or other method deemed

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House Study Bill 148 - Introduced

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

A BILL FOR

- 1 An Act requiring the development and use of a standard form for
- 2 prior authorization of prescription drug benefits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 505.26 Prior authorization for
2 prescription drug benefits — standard form.

3 1. The commissioner shall develop, by rule, a standard prior
4 authorization form for use by health carriers that require
5 prior authorization for prescription drug benefits pursuant to
6 a health benefit plan, by January 1, 2014.

7 2. Prior to development of the standard prior authorization
8 form, the commissioner shall hold at least one public hearing
9 to gather input in developing the standard form from interested
10 parties.

11 3. The standard prior authorization form shall meet all of
12 the following requirements:

13 a. Not exceed two pages in length.
14 b. Be available in an electronic format.
15 c. Be transmissible in an electronic format.

16 4. Health carriers shall use and accept the standard prior
17 authorization form beginning on July 1, 2014. Health care
18 providers shall use and submit the standard prior authorization
19 form, when prior authorization is required by a health benefit
20 plan, beginning on July 1, 2014.

21 5. If a health carrier fails to use or accept the standard
22 prior authorization form or to respond to a health care
23 provider request for prior authorization of prescription drug
24 benefits within forty-eight hours of the health care provider's
25 submission of the form, the request for prior authorization
26 shall be considered to be approved.

27 6. As used in this section:

28 a. *“Facility”* means an institution providing health care
29 services or a health care setting, including but not limited
30 to hospitals and other licensed inpatient centers, ambulatory
31 surgical or treatment centers, skilled nursing centers,
32 residential treatment centers, diagnostic, laboratory, and
33 imaging centers, and rehabilitation and other therapeutic
34 health settings.

35 b. *“Health benefit plan”* means a policy, contract,



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1 certificate, or agreement offered or issued by a health carrier
2 to provide, deliver, arrange for, pay for, or reimburse any of
3 the costs of health care services.

4 *c. "Health care professional"* means a physician or other
5 health care practitioner licensed, accredited, registered, or
6 certified to perform specified health care services consistent
7 with state law.

8 *d. "Health care provider" or "provider"* means a health care
9 professional or a facility.

10 *e. "Health care services"* means services for the diagnosis,
11 prevention, treatment, cure, or relief of a health condition,
12 illness, injury, or disease.

13 *f. "Health carrier"* means an entity subject to the
14 insurance laws and regulations of this state, or subject
15 to the jurisdiction of the commissioner, including an
16 insurance company offering sickness and accident plans, a
17 health maintenance organization, a nonprofit health service
18 corporation, a plan established pursuant to chapter 509A
19 for public employees, or any other entity providing a plan
20 of health insurance, health care benefits, or health care
21 services. *"Health carrier"* includes, for purposes of this
22 section, an organized delivery system.

23 **EXPLANATION**

24 This bill requires the development and use of a standard form
25 to obtain prior authorization for prescription drug benefits
26 under a health benefit plan.

27 The bill requires the commissioner of insurance to develop,
28 by rule, a standard form by January 1, 2014. Before developing
29 the form, the commissioner is required to hold at least one
30 public hearing to obtain input from interested parties on the
31 form. The form must not exceed two pages in length and must be
32 available and transmissible in an electronic format.

33 Health carriers are required to use and accept the standard
34 prior authorization form, and health care providers are
35 required to use and submit the form, beginning on July 1, 2014.

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1 If a health carrier fails to use or accept the standard form
2 or to respond to a health care provider's request for prior
3 authorization of prescription drug benefits within 48 hours of
4 the provider's submission of the form, the request shall be
5 considered to be granted.



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House Study Bill 149 - Introduced

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

A BILL FOR

1 An Act relating to prescription authority for certain
2 psychologists and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 123.3, subsection 35, Code 2013, is
2 amended to read as follows:

3 35. "Pharmacy" means a drug store in which drugs and
4 medicines are exposed for sale and sold at retail, or in which
5 prescriptions of licensed physicians and surgeons, dentists,
6 prescribing psychologists, or veterinarians are compounded and
7 sold by a registered pharmacist.

8 Sec. 2. Section 124.101, subsection 26, paragraph a, Code
9 2013, is amended to read as follows:

10 a. A physician, dentist, podiatric physician, prescribing
11 psychologist, veterinarian, scientific investigator or
12 other person licensed, registered, or otherwise permitted to
13 distribute, dispense, conduct research with respect to, or to
14 administer a controlled substance in the course of professional
15 practice or research in this state.

16 Sec. 3. Section 147.107, subsections 1 and 2, Code 2013, are
17 amended to read as follows:

18 1. A person, other than a pharmacist, physician,
19 dentist, podiatric physician, prescribing psychologist, or
20 veterinarian who dispenses as an incident to the practice of
21 the practitioner's profession, shall not dispense prescription
22 drugs or controlled substances.

23 2. a. A pharmacist, physician, dentist, ~~or~~ podiatric
24 physician, or prescribing psychologist who dispenses
25 prescription drugs, including but not limited to controlled
26 substances, for human use, may delegate nonjudgmental
27 dispensing functions to staff assistants only when verification
28 of the accuracy and completeness of the dispensing is
29 determined by the pharmacist or practitioner in the
30 pharmacist's or practitioner's physical presence. However, the
31 physical presence requirement does not apply when a pharmacist
32 or practitioner is utilizing an automated dispensing system or
33 when a pharmacist is utilizing a tech-check-tech program, as
34 defined in section 155A.3. When using an automated dispensing
35 system the pharmacist or practitioner shall utilize an



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1 internal quality control assurance plan that ensures accuracy
2 for dispensing. When using a tech-check-tech program the
3 pharmacist shall utilize an internal quality control assurance
4 plan, in accordance with rules adopted by the board of
5 pharmacy, that ensures accuracy for dispensing. Verification
6 of automated dispensing and tech-check-tech accuracy and
7 completeness remains the responsibility of the pharmacist or
8 practitioner and shall be determined in accordance with rules
9 adopted by the board of pharmacy, the board of medicine, the
10 dental board, ~~and~~ the board of podiatry, and the board of
11 psychology for their respective licensees.

12 *b.* A dentist, physician, ~~or~~ podiatric physician, or
13 prescribing psychologist who dispenses prescription drugs,
14 other than drug samples, pursuant to this subsection, shall
15 report the fact that they dispense prescription drugs with the
16 practitioner's respective board at least biennially.

17 *c.* A physician, dentist, ~~or~~ podiatric physician, or
18 prescribing psychologist who dispenses prescription drugs,
19 other than drug samples, pursuant to this subsection, shall
20 offer to provide the patient with a written prescription that
21 may be dispensed from a pharmacy of the patient's choice or
22 offer to transmit the prescription orally, electronically, or
23 by facsimile in accordance with section 155A.27 to a pharmacy
24 of the patient's choice.

25 **Sec. 4. NEW SECTION. 148.13A Authority of board as to**
26 **supervising physicians under chapter 154B.**

27 The board of medicine shall establish by rule specific
28 procedures for consulting with and considering the advice of
29 the board of psychology in determining whether to initiate
30 a disciplinary proceeding under chapter 17A against a
31 licensed physician in a matter involving the supervision of a
32 psychologist prescribing medication pursuant to a conditional
33 prescription certificate under chapter 154B.

34 **Sec. 5.** Section 154B.1, Code 2013, is amended to read as
35 follows:



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1 **154B.1 Definition Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Board" means the board of psychology created under
5 chapter 147.

6 2. "Collaborative relationship" means a cooperative
7 working relationship between a prescribing psychologist or a
8 psychologist with a conditional prescription certificate and a
9 licensed physician in the provision of patient care, including
10 diagnosis and cooperation in the management and delivery of
11 physical and mental health care.

12 3. "Conditional prescription certificate" means a document
13 issued by the board to a licensed psychologist that permits
14 the holder to prescribe psychotropic medication under the
15 supervision of a licensed physician pursuant to this chapter.

16 4. "Practice of psychology" means the application of
17 established principles of learning, motivation, perception,
18 thinking, and emotional relations to problems of behavior
19 adjustment, group relations, and behavior modification,
20 by persons trained in psychology for compensation or other
21 personal gain. The application of principles includes, but
22 is not limited to: Counseling and the use of psychological
23 remedial measures with persons, in groups or individually,
24 with adjustment or emotional problems in the areas of work,
25 family, school, and personal relationships; measuring and
26 testing personality, intelligence, aptitudes, public opinion,
27 attitudes, and skills; and the teaching of such subject matter,
28 and the conducting of research on the problems relating to
29 human behavior.

30 5. "Prescribing psychologist" means a licensed psychologist
31 who holds a valid prescription certificate.

32 6. "Prescription certificate" means a document issued by the
33 board to a licensed psychologist that permits the holder to
34 prescribe psychotropic medication pursuant to this chapter.

35 7. "Psychotropic medication" means a controlled substance



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1 or dangerous drug that may not be dispensed or administered
 2 without a prescription and whose primary indication for use
 3 has been approved by the federal food and drug administration
 4 for the treatment of mental disorders and is listed as a
 5 psychotherapeutic agent in drug facts and comparisons or in the
 6 American hospital formulary service.

7 Sec. 6. NEW SECTION. 154B.9 **Drugs — medicines.**

8 1. Except as provided in subsections 2 and 3, a psychologist
 9 shall not administer or prescribe drugs or medicine.

10 2. A licensed psychologist holding a conditional
 11 prescription certificate may prescribe psychotropic medication
 12 under the supervision of a licensed physician pursuant to this
 13 chapter.

14 3. A prescribing psychologist may prescribe psychotropic
 15 medication pursuant to this chapter.

16 Sec. 7. NEW SECTION. 154B.10 **Conditional prescription**
 17 **certificate.**

18 1. An applicant for a conditional prescription certificate
 19 shall be granted a certificate by the board if the applicant
 20 satisfies all of the following requirements:

21 *a.* Holds a current license to practice psychology in this
 22 state.

23 *b.* Completed pharmacological training from an institution
 24 approved by the board or from a provider of continuing
 25 education approved by the board.

26 *c.* Passed a national certification examination approved by
 27 the board that tested the applicant's knowledge of pharmacology
 28 in the diagnosis, care, and treatment of mental disorders.

29 *d.* Within five years immediately preceding the date of
 30 application, successfully completed an organized program of
 31 education consisting of intensive didactic instruction of no
 32 fewer than four hundred fifty classroom hours in at least the
 33 following core areas of instruction:

34 (1) Neuroscience.

35 (2) Pharmacology.



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1 psychologist's profession, including the ordering and review of
2 laboratory tests in conjunction with the prescription, for the
3 treatment of mental disorders.

4 2. When prescribing psychotropic medication for a
5 patient, the prescribing psychologist or the psychologist
6 with a conditional prescription certificate shall maintain
7 an ongoing collaborative relationship with the licensed
8 physician who oversees the patient's general medical care to
9 ensure that necessary medical examinations are conducted,
10 the psychotropic medication is appropriate for the patient's
11 medical condition, and significant changes in the patient's
12 medical or psychological condition are discussed.

13 3. A prescription written by a prescribing psychologist or a
14 psychologist with a conditional prescription certificate shall
15 meet all of the following requirements:

16 a. Comply with applicable state and federal laws.

17 b. Be identified as issued by the psychologist as
18 "psychologist certified to prescribe".

19 c. Include the psychologist's board-assigned identification
20 number.

21 4. A prescribing psychologist or a psychologist with
22 a conditional prescription certificate shall not delegate
23 prescriptive authority to any other person. Records of all
24 prescriptions shall be maintained in patient records.

25 5. When authorized to prescribe controlled substances, a
26 prescribing psychologist or a psychologist with a conditional
27 prescription certificate shall file with the board in a
28 timely manner all individual federal drug enforcement agency
29 registration and numbers. The board shall maintain current
30 records on every psychologist, including federal registration
31 and numbers.

32 Sec. 10. NEW SECTION. 154B.13 **Board duties regarding**
33 **prescription certificates and conditional prescription**
34 **certificates.**

35 1. The board shall adopt rules providing for the



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1 amended to read as follows:

2 14. This section does not prevent a licensed practitioner of
3 medicine, dentistry, podiatry, nursing, psychology, veterinary
4 medicine, optometry, or pharmacy from acts necessary in the
5 ethical and legal performance of the practitioner's profession.

6 EXPLANATION

7 This bill grants prescription authority to certain licensed
8 psychologists under Code chapter 154B.

9 The bill adds definitions of "board", "collaborative
10 relationship", "conditional prescription certificate",
11 "prescribing psychologist", "prescription certificate", and
12 "psychotropic medication" to the Code chapter.

13 The bill allows a licensed psychologist holding a
14 conditional prescription certificate and a prescribing
15 psychologist, defined as a licensed psychologist who holds
16 a valid prescription certificate, to prescribe psychotropic
17 medication. However, the psychologist holding a conditional
18 prescription certificate may only prescribe psychotropic
19 medication under the supervision of a licensed physician.

20 The bill sets the requirements for a psychologist to obtain
21 a conditional prescription certificate or a prescription
22 certificate. A conditional prescription certificate is
23 valid for two years and a psychologist may reapply for the
24 certificate. To receive a prescription certificate, a
25 psychologist must complete one year of prescribing psychotropic
26 medication as supervised by a licensed physician. The licensed
27 physician may be subject to disciplinary action for the
28 acts and omissions of the psychologist under the physician's
29 supervision. A psychologist must maintain licensure as
30 a psychologist and malpractice insurance to retain the
31 prescription certificate or the conditional prescription
32 certificate.

33 The bill provides that a prescribing psychologist or
34 psychologist with a conditional prescription certificate may
35 administer and prescribe psychotropic medication within the

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1 scope of the person's profession. The prescribing psychologist
2 or psychologist with a conditional prescription certificate
3 must maintain a relationship with the patient's licensed
4 physician when prescribing psychotropic medication for the
5 patient.

6 The bill states that a prescription written by a
7 prescribing psychologist or a psychologist with a conditional
8 prescription certificate must comply with state and federal
9 law, be identified as issued by a "psychologist certified to
10 prescribe", and include the psychologist's board-assigned
11 identification number. A prescribing psychologist or
12 psychologist with a conditional prescription certificate
13 may not delegate the prescriptive authority to any other
14 person, and records of the prescriptions must be maintained
15 in the patient's records. The prescribing psychologist or
16 psychologist with a conditional prescription certificate must
17 also file federal drug enforcement agency registrations and
18 numbers with the board.

19 The bill instructs the board of psychology to adopt rules
20 providing for the procedures for obtaining a conditional
21 prescription certificate, a prescription certificate, and
22 renewal of the prescription certificate. The board may
23 also set a reasonable application and renewal fee. The
24 board must adopt rules regarding the denial, suspension,
25 or revocation of conditional prescription certificates and
26 prescription certificates. The board must provide the board of
27 pharmacy with an annual list of prescribing psychologists and
28 psychologists with conditional prescription certificates and
29 promptly notify the board of pharmacy of psychologists who are
30 added to or removed from the list.

31 A prescribing psychologist may be subject to criminal and
32 civil penalties and licensing sanctions under Code chapters
33 124, 147, 154B, and 155A.

34 The bill makes conforming changes in Code chapters 123, 124,
35 147, and 155A.



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Senate File 115

S-3008

1 Amend Senate File 115 as follows:

- 2 1. Page 1, line 30, after <addition,> by inserting
3 <unless waived by the person's parent or guardian at
4 the time the intermediate license is issued,>
5 2. Page 2, line 4, after <driver.> by inserting
6 <The department shall prescribe the form for waiver
7 of the six-month restriction on unrelated minor
8 passengers, which may be in an electronic format, and
9 shall designate characteristics for the intermediate
10 license that shall distinguish between an intermediate
11 license that includes the six-month restriction on
12 unrelated minor passengers and an intermediate license
13 that does not include the six-month restriction on
14 unrelated minor passengers.>
15 3. By renumbering as necessary.

TOD BOWMAN

SF115.202 (1) 85

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dea/nh

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Senate File 196 - Introduced

SENATE FILE 196

BY PETERSEN, HATCH, DEARDEN,
BEALL, DOTZLER, DVORSKY,
HART, BOLKCOM, RAGAN,
BRASE, MATHIS, QUIRMBACH,
SODDERS, BLACK, and JOCHUM

A BILL FOR

1 An Act relating to prenatal and postpartum care.

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

TLSB 1609XS (16) 85
pf/nh



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S.F. 196

1 requirements of section 514C.6, a policy, contract, or plan
2 providing for third-party payment or prepayment of health or
3 medical expenses shall provide minimum ultrasound benefits
4 coverage for insured pregnant women. The provisions of this
5 section apply to the following classes of third-party payment
6 provider contracts, policies, or plans delivered, issued for
7 delivery, continued, or renewed in this state on or after July
8 1, 2013.

9 (1) Individual or group accident and sickness insurance
10 providing coverage on an expense-incurred basis.

11 (2) An individual or group hospital or medical service
12 contract issued pursuant to chapter 509, 514, or 514A.

13 (3) An individual or group health maintenance organization
14 contract regulated under chapter 514B.

15 (4) A plan established pursuant to chapter 509A for public
16 employees.

17 (5) A plan established by any other entity engaged in the
18 business of insurance, risk transfer, or risk retention, which
19 is subject to the jurisdiction of the commissioner.

20 *b.* This section shall not apply to accident-only,
21 specified disease, short-term hospital or medical, hospital
22 confinement indemnity, credit, dental, vision, Medicare
23 supplement, long-term care, basic hospital and medical-surgical
24 expense coverage as defined by the commissioner, disability
25 income insurance coverage, coverage issued as a supplement
26 to liability insurance, workers' compensation or similar
27 insurance, or automobile medical payment insurance.

28 2. As used in this section, "*minimum ultrasound benefits*
29 *coverage*" means coverage for benefits which are equal to or
30 greater than a minimum of two ultrasounds as part of a woman's
31 prenatal care offered at times when medically indicated to
32 maximize the possibility of assessing the risk factors for
33 and preventing premature birth, stillbirth, or other delivery
34 complications as specified under the guidelines adopted by the
35 department of public health pursuant to section 135.131A.



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1 3. Notice of availability of the coverage shall be provided
2 to the insured in a summary of benefits and coverage issued to
3 the insured at the time of delivery, continuation, or renewal
4 of the coverage, policy, or plan. The coverage shall provide
5 that the ultrasounds shall be offered to but are voluntary on
6 the part of the pregnant woman.

7 4. This section shall not be interpreted to limit the
8 number of ultrasounds provided to a woman during pregnancy or
9 to hold a health care provider liable for not providing an
10 ultrasound covered under this section if the insured does not
11 seek prenatal care.

12 5. The commissioner of insurance shall adopt rules under
13 chapter 17A necessary to implement this section.

14 Sec. 5. NEW SECTION. 514C.31 **Newborn pulse oximetry**
15 **screening.**

16 1. a. Notwithstanding the uniformity of treatment
17 requirements of section 514C.6, a policy, contract, or plan
18 providing for third-party payment or prepayment of health or
19 medical expenses shall provide coverage to an insured for
20 newborn pulse oximetry screening as required to be administered
21 pursuant to section 136A.5A. The provisions of this section
22 apply to the following classes of third-party payment provider
23 contracts, policies, or plans delivered, issued for delivery,
24 continued, or renewed in this state on or after July 1, 2013.

25 (1) Individual or group accident and sickness insurance
26 providing coverage on an expense-incurred basis.

27 (2) An individual or group hospital or medical service
28 contract issued pursuant to chapter 509, 514, or 514A.

29 (3) An individual or group health maintenance organization
30 contract regulated under chapter 514B.

31 (4) A plan established pursuant to chapter 509A for public
32 employees.

33 (5) A plan established by any other entity engaged in the
34 business of insurance, risk transfer, or risk retention, which
35 is subject to the jurisdiction of the commissioner.



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1 The guidelines adopted are to be consistent with the practice
2 guidelines approved and published by the American institute of
3 ultrasound in medicine in conjunction with the American college
4 of radiology and the American college of obstetricians and
5 gynecologists.

6 The bill specifies the information to be provided to the
7 pregnant woman regarding the ultrasound upon request of the
8 pregnant woman, and requires the attending health care provider
9 to document the pregnant woman's declining of an ultrasound in
10 the pregnant woman's medical record. The bill provides that
11 the provision is not to be interpreted to limit the number of
12 ultrasounds provided to a woman during pregnancy or to hold a
13 provider liable for not providing an ultrasound as specified
14 under the provision if the pregnant woman does not seek
15 prenatal care.

16 The bill directs an attending health care provider to
17 provide to a pregnant woman prior to the third trimester of the
18 pregnancy, educational materials regarding, and an explanation
19 of the procedure to monitor, fetal movement to reduce the
20 risk of fetal death. The bill specifies that the center for
21 congenital and inherited disorders shall make the educational
22 materials available to attending health care providers upon
23 request.

24 The bill adds to Code chapter 136A (center for congenital
25 and inherited disorders) a requirement that each newborn born
26 in this state receive a pulse oximetry screening test in
27 conjunction with the metabolic screening required under the
28 Code chapter. An attending health care provider is required to
29 ensure that every newborn under the provider's care receives
30 the pulse oximetry screening test. However, the requirement
31 does not apply if a parent objects to the screening. If a
32 parent objects to the screening, the attending health care
33 provider is required to document the refusal in the newborn's
34 medical record and to obtain a written refusal from the parent
35 and report the refusal to the department of public health.



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1 The results of the screening are to be reported in a manner
2 consistent with the reporting of the results of metabolic
3 screenings and in accordance with rules adopted by the center
4 for congenital and inherited disorders in collaboration with
5 DPH.

6 The bill requires that a policy, contract, or plan providing
7 for third-party payment or prepayment of health or medical
8 expenses provide minimum ultrasound benefits coverage on
9 or after July 1, 2013. The bill specifies the classes of
10 third-party payment provider contracts or policies subject and
11 not subject to the requirement; defines "minimum ultrasound
12 benefits coverage"; and requires that notice of availability
13 and the voluntary nature of the coverage be provided to the
14 insured. The bill provides that the provision is not to be
15 interpreted to limit the number of ultrasounds provided to a
16 woman during pregnancy or to hold a provider liable for not
17 providing an ultrasound covered under the bill if the insured
18 does not seek prenatal care. The bill directs the commissioner
19 of insurance to adopt rules under Code chapter 17A necessary to
20 implement the provision.

21 The bill requires that a policy, contract, or plan providing
22 for third-party payment or prepayment of health or medical
23 expenses provide coverage for the newborn pulse oximetry
24 screening as specified in Code section 136A.5A as enacted
25 in the bill. The bill specifies the classes of third-party
26 payment provider contracts, policies, or plans subject and
27 not subject to the requirement, and requires that notice of
28 availability of the coverage be provided to the insured. The
29 bill directs the commissioner of insurance to adopt rules under
30 Code chapter 17A necessary to implement the provision.

31 The bill also directs the department of human services (DHS)
32 to include as covered benefits under the medical assistance
33 program the prenatal ultrasounds as specified pursuant to Code
34 section 135.131A and the newborn pulse oximetry screening
35 tests as specified pursuant to Code section 136A.5A. The bill



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1 directs DHS to amend the Medicaid state plan as necessary to
2 implement the provision.

3 The bill includes a Code editor directive to create a new
4 division in Code chapter 135 (department of public health) to
5 include the Code sections relating to prenatal ultrasounds and
6 fetal movement education.



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Senate File 197 - Introduced

SENATE FILE 197
BY WILHELM

A BILL FOR

1 An Act relating to the collection of a small claims judgment
2 by the centralized collection unit of the department of
3 revenue, and providing for a fee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1683XS (4) 85
jm/sc



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S.F. 197

1 Section 1. Section 421.17, subsection 27, paragraph a, Code
2 2013, is amended to read as follows:

3 a. To establish, administer, and make available a
4 centralized debt collection capability and procedure for
5 the use by a creditor in small claims court and any state
6 agency or local government entity including~~r~~, but not limited
7 to~~r~~ the department of revenue, along with other boards,
8 commissions, departments, and any other entity reported in
9 the Iowa comprehensive annual financial report, to collect
10 delinquent accounts, charges, fees, loans, taxes, or other
11 indebtedness owed to or being collected by the state. The
12 department's collection facilities shall only be available for
13 use by other state agencies or local government entities for
14 their discretionary use when resources are available to the
15 director and subject to the director's determination that use
16 of the procedure is feasible, except the facilities shall be
17 made available as provided in section 631.18. The director
18 shall prescribe the appropriate form and manner in which this
19 information is to be submitted to the office of the department.
20 The obligations or indebtedness must be delinquent and not
21 subject to litigation, claim, appeal, or review pursuant to the
22 appropriate remedies of each state agency or local government
23 entity.

24 Sec. 2. **NEW SECTION. 631.18 Collection of unpaid judgment**
25 **by department of revenue.**

26 1. Ninety days after an affidavit of default has been
27 filed, the judicial branch shall assign any unpaid balance of
28 the judgment in the case to the centralized collection unit
29 of the department of revenue under section 421.17, subsection
30 17, to collect on the judgment on behalf of the party owed the
31 judgment.

32 2. The department of revenue may impose a fee to reflect the
33 cost of collecting on the judgment. The fee shall be deducted
34 first from any amounts collected by the centralized collection
35 unit. The remaining amounts shall be remitted to the clerk of

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1 the district court for the county in which the debt is owed and
2 shall be applied to the unpaid balance of the judgment.

3 3. The judicial branch and the director of revenue shall
4 adopt rules to implement and administer this section.

5 EXPLANATION

6 This bill relates to the collection of a small claims
7 judgment by the centralized collection unit of the department
8 of revenue, and provides for a fee.

9 Under the bill, 90 days after an affidavit of default
10 has been filed on a judgment in the small claims docket and
11 district court lien book, the judicial branch shall assign any
12 unpaid balance of the judgment in the case to the centralized
13 collection unit of the department of revenue to collect on the
14 judgment on behalf of the party owed the judgment.

15 The centralized collection unit of the department of revenue
16 is required to use the unit to collect small claims judgments
17 as provided in the bill.

18 The bill allows the department of revenue to impose a fee to
19 reflect the cost of collection which shall be deducted from the
20 amounts collected.

21 The bill also requires that the judicial branch and the
22 director of revenue adopt rules to implement and administer the
23 bill.



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Senate File 198 - Introduced

SENATE FILE 198
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 35)

A BILL FOR

1 An Act relating to elderly persons with aggressive or
2 psychiatric behaviors in long-term care facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1589SV (2) 85
ad/nh



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S.F. 198

1 Section 1. FACILITY FOR ELDERLY PERSONS WITH AGGRESSIVE OR
2 PSYCHIATRIC BEHAVIORS — COMMITTEE — REPORT.

3 1. The department of inspections and appeals, in
4 conjunction with the department of human services, shall
5 establish and facilitate a committee of stakeholders to examine
6 options for designating a facility to provide care for elderly
7 persons in this state who are sexually aggressive, combative,
8 or have unmet geropsychiatric needs.

9 2. The membership of the committee shall include but is not
10 limited to the following:

11 a. Representatives of the departments of inspections and
12 appeals, human services, corrections, public health, and aging,
13 the state public defender, the office of the citizens' aide,
14 the office of the state long-term care resident's advocate, and
15 the judicial branch.

16 b. Consumers of services provided by long-term care
17 facilities and family members of consumers.

18 c. Representatives from leadingage Iowa, the Iowa health
19 care association, and the Iowa association of community
20 providers.

21 d. Direct care workers employed by long-term care
22 facilities.

23 e. Representatives from Iowa legal aid.

24 f. Representatives from AARP Iowa.

25 g. Representatives from the Iowa civil liberties union.

26 h. Other stakeholders as the department of inspections and
27 appeals and the department of human services deem appropriate.

28 3. The committee shall discuss whether a long-term care
29 facility, as defined in section 142D.2, should have the
30 ability to refuse admission to, or discharge, residents who are
31 sexually aggressive, combative, or have unmet geropsychiatric
32 needs. The committee shall consider options for establishment
33 of a facility to provide care for persons who are sexually
34 aggressive, combative, or have unmet geropsychiatric needs.
35 The committee shall identify the characteristics of residents

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1 for such a facility, options for creating a new facility
2 to house such residents, options for the expansion of an
3 existing facility to house such residents, options for using
4 any alternative facilities for such residents, the workforce
5 and training necessary for the workforce in such facility,
6 options to qualify a facility for Medicaid reimbursement, cost
7 projections for any recommendations, and other information
8 deemed relevant by the department of inspections and appeals.
9 4. The committee shall provide a report detailing its
10 findings and recommendations to the governor and the general
11 assembly by December 15, 2013.

12 EXPLANATION

13 This bill relates to housing of elderly persons who
14 are sexually aggressive or combative or who have unmet
15 geropsychiatric needs. The bill directs the department of
16 inspections and appeals, in conjunction with the department
17 of human services, to establish and facilitate a committee
18 to address the placement or housing of such persons. The
19 committee must identify the residents to be served; the need
20 for a facility; options for creating a new facility, expanding
21 an existing facility, or using any alternative facility for
22 the purpose of housing the identified persons; the workforce
23 and training needs for such a facility; options to qualify a
24 facility for Medicaid reimbursement; cost projections for the
25 recommendations; and other information deemed relevant by the
26 department of inspections and appeals.
27 The committee must provide a report of findings and
28 recommendations to the governor and general assembly by
29 December 15, 2013.

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ad/nh

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Senate File 199 - Introduced

SENATE FILE 199
BY MATHIS

A BILL FOR

- 1 An Act relating to the state comprehensive Alzheimer's disease
- 2 response strategy.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2080XS (3) 85
pf/nh



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1 3. In developing the comprehensive Alzheimer's disease
2 response strategy, the department shall do all of the
3 following:
4 a. Establish an Alzheimer's disease coordinator position
5 in the department in a manner similar to those positions
6 that address other chronic conditions in the state. The
7 coordinator, in partnership with public and private entities
8 and the multidisciplinary advisory council convened pursuant to
9 paragraph "b", shall do all of the following:
10 (1) Implement the recommendations of the Alzheimer's
11 disease stakeholder workgroup convened pursuant to 2011 Iowa
12 Acts, chapter 61, and establish standards for the comprehensive
13 Alzheimer's disease response strategy.
14 (2) Inform, educate, and empower the public regarding the
15 impact of Alzheimer's disease, in order to increase awareness
16 of the disease and in particular the benefits of early
17 detection, while working to decrease the stigma associated with
18 Alzheimer's disease.
19 (3) Monitor the prevalence of Alzheimer's disease and
20 cognitive impairment in the state through data collection and
21 coordination efforts. Such data shall be made available to
22 and used to assist public and private efforts in developing
23 evidence-based programs and policies that address Alzheimer's
24 disease.
25 (4) Evaluate, and promote the improved effectiveness,
26 accessibility, and quality of, clinical and population-based
27 Alzheimer's services. The evaluation and promotion efforts
28 shall include coordination of services to reach rural and
29 underserved areas of the state.
30 (5) Ensure a competent public and private sector workforce
31 specific to the challenges of Alzheimer's disease. The effort
32 shall include coordinating existing state efforts to develop,
33 implement, and evaluate curricula and training requirements
34 for providers of services who interact with individuals with
35 Alzheimer's disease.



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1 the impact of Alzheimer's disease, in order to increase
2 awareness of the disease and in particular the benefits
3 of early detection, while working to decrease the stigma
4 associated with Alzheimer's disease; monitor the prevalence
5 of Alzheimer's disease and cognitive impairment in the state
6 through data collection and coordination efforts and make
7 the data available to assist public and private efforts in
8 developing evidence-based programs and policies that address
9 Alzheimer's disease; evaluate, and promote the improved
10 effectiveness, accessibility and quality of, clinical and
11 population-based Alzheimer's services, including coordination
12 of services to reach rural and underserved areas of the
13 state; ensure a competent public and private sector workforce
14 specific to the challenges of Alzheimer's disease including
15 through coordination of state efforts regarding curricula and
16 training requirements for providers of services who interact
17 with individuals with Alzheimer's disease; act as a liaison to
18 various entities to ensure Alzheimer's disease is appropriately
19 addressed in the state; and secure public and private funding
20 relating to dementia to fulfill the duties specified under this
21 chapter.

22 The multidisciplinary advisory council is to assist and
23 advise the department and the coordinator; develop partnerships
24 related to Alzheimer's-related services and programs throughout
25 the state; and advocate on behalf of persons with Alzheimer's
26 disease and their families. The bill specifies the minimum
27 representation to be included in the advisory council.

28 The bill repeals the Code section relating to a directive
29 to DPH to analyze Iowa's population to determine the existing
30 service utilization and future service needs of persons with
31 Alzheimer's disease and similar forms of irreversible dementia
32 (Code section 135.171). The bill also repeals the Code
33 section relating to a directive to the department on aging to
34 review trends and initiatives to address the long-term living
35 needs of Iowans with Alzheimer's disease and similar forms



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1 of irreversible dementia, and to expand and improve training
2 and education of persons who regularly deal with persons with
3 Alzheimer's disease and similar forms of irreversible dementia
4 (Code section 231.62). DPH is required to incorporate both of
5 these directives into the comprehensive Alzheimer's disease
6 response strategy developed and administered under the bill.



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Senate File 200 - Introduced

SENATE FILE 200
BY KAPUCIAN

A BILL FOR

- 1 An Act relating to farm tenancies of less than forty acres by
- 2 providing procedures for termination.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2113XS (2) 85
da/nh



**Iowa General Assembly
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S.F. 200

1 Section 1. Section 562.6, Code 2013, is amended to read as
2 follows:

3 **562.6 Agreement for termination.**

4 If an agreement is made fixing the time of the termination
5 of a tenancy, whether in writing or not, the tenancy shall
6 terminate at the time agreed upon, without notice. Except
7 for a farm tenant who is a mere cropper, a farm tenancy with
8 ~~an acreage of forty acres or more~~ shall continue beyond the
9 agreed term for the following crop year and otherwise upon
10 the same terms and conditions as the original lease unless
11 written notice for termination is served upon either party or
12 a successor of the party in the manner provided in section
13 562.7, whereupon the farm tenancy shall terminate March 1
14 following. However, the tenancy shall not continue because of
15 an absence of notice if there is default in the performance of
16 the existing rental agreement.

17 **EXPLANATION**

18 **BACKGROUND.** Code chapter 562, and specifically Code
19 sections 562.6 and 562.7, provides procedures for terminating a
20 lease involving a farm tenancy. For example, there must be a
21 fixed amount of time between a notice of termination and the
22 actual termination date. Written notice must be given by the
23 first day of September to terminate the lease for the following
24 crop year. The lease then terminates on the first day of
25 March. If there is no timely notice of the termination or the
26 notice does not otherwise satisfy the requirements of the law,
27 the farm tenancy automatically continues under the same terms
28 and conditions of the original lease for the following crop
29 year unless there is a breach in the lease agreement or the
30 parties agree otherwise. These requirements do not apply to a
31 so-called mere cropper (e.g., a person who farms land on a crop
32 share basis) or a person who leases less than 40 acres.

33 **BILL — ELIMINATION OF THE EXCEPTION.** This bill eliminates
34 the exception applying to a farm tenancy in which the lease
35 is for less than 40 acres. Under the bill, written notice

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1 would also have to be given by the first day of September to
2 terminate the lease for the following crop year, and if notice
3 were given, the lease would terminate on the following first
4 day of March.



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Senate File 201 - Introduced

SENATE FILE 201
BY KAPUCIAN

A BILL FOR

1 An Act relating to the number of children in child care homes.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2109XS (2) 85
ad/nh



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S.F. 201

1 Section 1. Section 237A.1, subsection 6, Code 2013, is
 2 amended to read as follows:

3 6. *“Child care home”* means a person or program providing
 4 child care to five or fewer children at any one time, or ten or
 5 fewer children pursuant to section 237A.3, subsection 1A, that
 6 is not registered to provide child care under this chapter, as
 7 authorized under section 237A.3.

8 Sec. 2. Section 237A.3, Code 2013, is amended by adding the
 9 following new subsection:

10 **NEW SUBSECTION.** 1A. a. Notwithstanding subsection 1,
 11 a person or program operating a child care home in a small
 12 community may provide child care for between six and eight
 13 children for up to three hours per day if a parent of each child
 14 being provided care in the child care home signs a written
 15 waiver allowing the additional number of children in the child
 16 care home. A person or program operating a child care home in a
 17 small community may provide child care for nine or ten children
 18 for up to three hours per day if the child care home provides an
 19 additional employee for the three hours in which the child care
 20 home is providing care for nine or ten children and a parent of
 21 each child being provided care in the child care home signs a
 22 written waiver allowing the additional number of children in
 23 the child care home.

24 b. For purposes of this subsection, *“small community”* means
 25 a city of less than ten thousand persons or a county of less
 26 than ten thousand persons as determined by the most recent
 27 census certified by the secretary of state pursuant to section
 28 9F.3.

29 c. The department shall adopt rules to determine the
 30 necessary content in a waiver required pursuant to this
 31 subsection.

EXPLANATION

32
 33 This bill increases the number of children allowed in child
 34 care homes under certain circumstances. Currently, a child
 35 care home that is not registered may provide child care to five

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 ad/nh



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1 children or fewer. The bill provides that a child care home in
2 a small community may provide child care for between six and
3 eight children for up to three hours a day as long as a parent
4 of each child signs a waiver. The bill also allows a child care
5 home in a small community to provide child care for nine or 10
6 children for up to three hours a day if each parent signs a
7 waiver and the child care home provides an additional employee
8 during periods when the child care home provides care for nine
9 or 10 children. The bill defines "small community" as either
10 a city of less than 10,000 persons or a county of less than
11 10,000 persons.



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Senate File 202 - Introduced

SENATE FILE 202
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1016)

A BILL FOR

1 An Act relating to programs and services under the purview of
2 the department of public health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1252SV (2) 85
pf/nh



Iowa General Assembly
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S.F. 202

1 death indicate that sudden infant death syndrome may be the
2 cause of death. Current law directs that claims for these
3 investigations and autopsies are to be filed by counties
4 initially with DPH, and, if moneys are not appropriated to
5 DPH for this purpose, the claims are to then be forwarded to
6 the state appeal board. Under the bill, claims would not be
7 initially filed with DPH, but would instead be filed directly
8 with the state appeal board for authorization of payment
9 from the general fund of the state from funds not otherwise
10 appropriated.

11 Division III relates to human immunodeficiency virus
12 (HIV) home test kits. Current law prohibits a person from
13 advertising for sale, offering for sale, or selling an HIV
14 home testing kit for antibody or antigen testing, and provides
15 civil and criminal penalties as well as injunctive relief for
16 violation of the prohibition. The United States food and drug
17 administration approved the use of such kits in July 2012, and
18 the bill repeals the Code provision prohibiting the HIV home
19 test kits in the state.

20 Division IV of the bill provides that a minor shall have
21 the legal capacity to act and give consent to the provision
22 of tobacco cessation services by a hospital, clinic, health
23 care provider, or other tobacco cessation services provider.
24 Consent is not subject to later disaffirmance by reason of such
25 minority, and the consent of another person is not necessary.



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Senate File 203 - Introduced

SENATE FILE 203
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1130)

A BILL FOR

1 An Act relating to mental health and disability services
2 requirements involving the department of human services
3 and including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1153SV (2) 85
jp/nh



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1 to read as follows:

2 2. An intermediate care facility for persons with mental
3 illness licensed under chapter 135C may convert to a subacute
4 care facility by ~~providing~~ submitting an application for a
5 license in accordance with section 135G.5 accompanied by
6 written notice to the department that the facility has employed
7 a full-time psychiatrist and desires to make the conversion.
8 An intermediate care facility for persons with mental illness
9 applying for a license under this subsection remains subject to
10 subsection 1 until a license is issued.

11 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
15 Act applies retroactively to July 1, 2012.

16 DIVISION IV

17 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION

18 Sec. 8. 2011 Iowa Acts, chapter 126, section 20, subsection
19 1, paragraph d, is amended to read as follows:

20 d. Of the amount allocated to eligible services providers
21 under paragraph "c", 70 percent shall be distributed to the
22 state's accredited community mental health centers established
23 or designated by ~~counties~~ the department in consultation with
24 mental health and disability services regions in accordance
25 with ~~law~~ chapter 230A or applicable administrative rule.
26 ~~If a county has not established or designated a community~~
27 ~~mental health center and has received a waiver from the~~
28 ~~mental health and disability services commission, the mental~~
29 ~~health services provider designated by that county is~~ was
30 designated as authorized in section 230A.107, subsection 2,
31 the provider remains eligible to receive funding distributed
32 pursuant to this paragraph ~~in lieu of~~ as a community mental
33 health center. The funding distributed shall be used by
34 recipients of the funding for the purpose of developing and
35 providing evidence-based practices and emergency services



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1 to adults with a serious mental illness and children with
 2 a serious emotional disturbance. ~~The distribution amounts~~
 3 ~~shall be announced at the beginning of the federal fiscal~~
 4 ~~year and distributed on a quarterly basis according to the~~
 5 ~~formulas used in previous fiscal years. It is the intent of~~
 6 the general assembly that the distribution amounts for future
 7 federal fiscal years shall be determined by the department in
 8 consultation with the mental health and disability services
 9 regional administrators and announced by the beginning of the
 10 federal fiscal year. Recipients shall submit quarterly reports
 11 containing data consistent with the performance measures
 12 approved by the federal substance abuse and mental health
 13 services administration.

14 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
 15 Act, being deemed of immediate importance, takes effect upon
 16 enactment.

EXPLANATION

17
 18 This bill relates to mental health and disability services
 19 requirements involving the department of human services (DHS)
 20 and is organized into divisions.

21 MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER.
 22 This division amends Code section 225C.6A, relating to
 23 disability services system redesign data, by eliminating
 24 specific requirements for the client identifier that is used in
 25 lieu of an individual's name or social security number.

26 INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL
 27 DISABILITIES. This division repeals Code chapter 220A,
 28 requiring DHS to provide for a central data control and
 29 exchange agency for persons believed to have mental
 30 disabilities known as the "interagency case information
 31 service".

32 The Code chapter includes sections stating purpose,
 33 providing definitions, designating DHS as the administrative
 34 agency for the information service, listing other state
 35 agencies required to provide and receive information, listing



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1 DHS duties, authorizing other public and private agencies to
2 provide or receive information, exempting the information
3 exchange from any state law or administrative rule that would
4 restrict information from being exchanged by the service,
5 authorizing the service to disseminate statistical information,
6 and providing immunity from liability for agencies and persons
7 participating under the Code chapter.

8 The division also repeals Code section 218.11 in the Code
9 chapter relating to institutions governed by DHS. The Code
10 section requires DHS to be the administrative agency for the
11 information service and perform the duties required by Code
12 chapter 220A.

13 SUBACUTE MENTAL HEALTH CARE FACILITIES. This division
14 amends certain provisions for licensure of subacute mental
15 health care facilities enacted in 2012 Iowa Acts, ch. 1120
16 (SF 2315). Licensure is administered by the department of
17 inspections and appeals in conjunction with DHS.

18 Code section 135G.3 is amended to require a licensed
19 psychiatrist to provide supervision of the subacute care
20 facility's treatment care plans rather than the subacute care
21 facility itself.

22 Code section 135G.4, requiring licensure of subacute
23 care facilities and authorizing a licensed intermediate care
24 facility for persons with mental illness (ICF/MI) to convert
25 to a licensed subacute facility after notifying the department
26 of inspections and appeals that certain requirements are
27 being met, is amended to require the ICF/MI to also submit
28 an application for licensure as a subacute care facility.
29 An ICF/MI is prohibited from establishing, operating, or
30 maintaining a subacute care facility until issued a license to
31 do so.

32 This division takes effect upon enactment and is
33 retroactively applicable to July 1, 2012.

34 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION.
35 This division amends the allocation requirements in the federal



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1 community mental health services block grant appropriation for
2 federal fiscal year 2012-2013 made in 2011 Iowa Acts, chapter
3 126.

4 The amendments reflect changes made in Code chapter 230A
5 for designation of community mental health centers. The
6 amended Code chapter allows a for-profit corporation, nonprofit
7 corporation, or county hospital providing mental health
8 services to county residents pursuant to a waiver approved
9 under Code section 225C.7, subsection 3, Code 2011, as of
10 October 1, 2010, to be designated as a community mental
11 health center. Otherwise, only a nonprofit corporation can be
12 designated as a community mental health center. In addition,
13 the amendments state legislative intent that in future federal
14 fiscal years the distribution amounts for centers will be
15 determined by DHS in consultation with the mental health and
16 disability services regional administrators and announced by
17 the beginning of the federal fiscal year.

18 The division takes effect upon enactment.



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Senate File 204 - Introduced

SENATE FILE 204
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 28)

A BILL FOR

1 An Act concerning persons voluntarily excluded from gambling
2 facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1127SV (1) 85
ec/nh



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1 Section 1. Section 99D.7, subsection 23, Code 2013, is
 2 amended to read as follows:
 3 23. To require licensees to establish a process to allow
 4 a person to be voluntarily excluded ~~for life~~ from a racetrack
 5 enclosure and all other licensed facilities under this chapter
 6 and chapter 99F as provided in this subsection. The process
 7 shall provide that an initial request by a person to be
 8 voluntarily excluded shall be for a period of five years or
 9 life and a subsequent request following the five-year period
 10 shall be for a period of five years or life. A request by
 11 a person to be voluntarily excluded following the second
 12 five-year period shall be for life. The process established
 13 shall also require that a licensee disseminate information
 14 regarding persons voluntarily excluded to all licensees under
 15 this chapter and chapter 99F. The state and any licensee under
 16 this chapter or chapter 99F shall not be liable to any person
 17 for any claim which may arise from this process. In addition
 18 to any other penalty provided by law, any money or thing of
 19 value that has been obtained by, or is owed to, a voluntarily
 20 excluded person by a licensee as a result of wagers made by the
 21 person after the person has been voluntarily excluded shall not
 22 be paid to the person but shall be credited to the general fund
 23 of the state.

24 Sec. 2. Section 99F.4, subsection 22, Code 2013, is amended
 25 to read as follows:

26 22. To require licensees to establish a process to allow a
 27 person to be voluntarily excluded ~~for life~~ from an excursion
 28 gambling boat and all other licensed facilities under this
 29 chapter and chapter 99D as provided in this subsection. The
 30 process shall provide that an initial request by a person to
 31 be voluntarily excluded shall be for a period of five years
 32 or life and a subsequent request following the five-year
 33 period shall be for a period of five years or life. A request
 34 by a person to be voluntarily excluded following the second
 35 five-year period shall be for life. The process established

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 ec/nh



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1 subsequent request by that person after the five-year period
2 shall be for five years or life. The bill further provides
3 that a request following the second five-year exclusion
4 period shall be for life. Under current law, a request to be
5 voluntarily excluded is for life.

6 The bill also provides that for a person who has been
7 voluntarily excluded for life from a gambling facility prior to
8 the effective date of the bill, the person may reapply to have
9 the exclusion revoked if the person has been excluded for at
10 least five years. The bill provides that if a person revokes
11 their exclusion, a subsequent request for exclusion shall be as
12 otherwise provided in the bill.



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Senate Resolution 7 - Introduced

SENATE RESOLUTION NO. 7

BY BLACK

1 A Resolution to commemorate the service and sacrifice
2 of Iowans at the Battle of Wilson's Creek.
3 WHEREAS, for many Iowans their baptism under fire
4 came at Wilson's Creek, on a sultry August day in 1861,
5 when the second major battle of the Civil War was
6 fought; and
7 WHEREAS, mustered for service in May, on August 10,
8 1861, the 1st Regiment Iowa Volunteer Infantry was
9 part of Brigadier General Nathaniel Lyon's Army of the
10 West; and
11 WHEREAS, Lyon's little army battled a large
12 confederate force all of the morning, and then at last,
13 with Lyon dead and their ammunition exhausted, the Army
14 of the West withdrew; and
15 WHEREAS, during the battle, Nicholas Bouquet, a
16 young Iowa volunteer, left the line of battle and,
17 exposing himself to the rebels, captured a horse
18 between the lines and hitched the horse to a disabled
19 gun, saving the gun from capture; and
20 WHEREAS, for that act of initiative and bravery,
21 Private Bouquet was awarded the Congressional Medal of
22 Honor in 1897; NOW THEREFORE,
23 BE IT RESOLVED BY THE SENATE, That as we commemorate
24 the sesquicentennial of the American Civil War,
25 the Senate honors the service and sacrifice of the
26 thousands of Iowans who fought to save the United
27 States and bring freedom to millions.

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-1-

jr/nh

1/1



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Senate Study Bill 1176 - Introduced

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

A BILL FOR

1 An Act relating to public cafeterias and the American heart
2 association's dietary guidelines.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2019XC (2) 85
mr/rj



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S.F. _____

1 Section 1. PUBLIC CAFETERIAS AND DIETARY GUIDELINES.

2 1. The department of administrative services shall convene
3 a task force to propose a plan and implementation timeline
4 requiring all cafeterias at the capitol complex to conform to
5 the American heart association's 2010 dietary guidelines.

6 2. The state board of regents and the department of
7 education shall also convene a task force to propose a plan and
8 implementation timeline requiring collegiate campus cafeterias
9 to conform to the American heart association's 2010 dietary
10 guidelines. Campus cafeterias addressed in the plan shall
11 include cafeterias located at the university of northern
12 Iowa, Iowa state university, the university of Iowa, and all
13 community colleges.

14 3. The task forces shall submit their plans and
15 implementation timelines to the general assembly by January 2,
16 2014.

17 4. The department of administrative services, state board
18 of regents, and department of education shall each adopt a
19 plan requiring the cafeterias to conform to the American heart
20 association's 2010 dietary guidelines by January 1, 2015.

21 EXPLANATION

22 This bill relates to the adoption of the American heart
23 association's 2010 dietary guidelines by cafeterias located at
24 the capitol complex and public collegiate institutions.

25 The bill requires the department of administrative
26 services to convene a task force that will propose a plan and
27 implementation timeline requiring all cafeterias at the capitol
28 complex to conform to the American heart association's 2010
29 dietary guidelines. The bill also requires the state board of
30 regents and the department of education to convene a task force
31 that will propose a plan and implementation timeline requiring
32 collegiate campus cafeterias to conform to the American heart
33 association's 2010 dietary guidelines. Campus cafeterias
34 addressed in the plan include those at the university of
35 northern Iowa, Iowa state university, the university of Iowa,



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1 and all community colleges. The task forces are required to
2 submit their plans and implementation timelines to the general
3 assembly by January 2, 2014. The department of administrative
4 services, state board of regents, and department of education
5 shall each adopt a plan requiring cafeteria conformity to the
6 dietary guidelines by January 1, 2015.



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Senate Study Bill 1177 - Introduced

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

A BILL FOR

1 An Act providing for charitable food donations to food banks
2 and similar organizations, including by providing for
3 appropriations and a tax credit, and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2205SC (2) 85
da/sc



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1 emergency feeding organizations in order to provide instruction
 2 regarding nutrition and promote a lifelong healthy diet.

3 3. The department of human services shall allocate two
 4 hundred thousand dollars of the amount appropriated in
 5 subsection 1 to an Iowa food bank association selected by the
 6 department as provided in section 190B.202 for purposes of
 7 administering the programs provided in that section.

8 SUBCHAPTER III

9 FROM FARM TO FOOD DONATION TAX CREDIT

10 Sec. 6. NEW SECTION. 190B.301 **Definitions.**

11 As used in this subchapter, unless the context otherwise
 12 requires:

13 1. "*Agricultural land*" means the same as defined in section
 14 425A.2.

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

16 3. "*Food commodity*" means any commodity that is derived
 17 from an agricultural animal or crop, both as defined in section
 18 717A.1, which was produced on agricultural land and which is
 19 intended to be used as food.

20 4. "*Tax credit*" means the from farm to food donation tax
 21 credit as established in this subchapter.

22 Sec. 7. NEW SECTION. 190B.302 **Department of revenue —**
 23 **cooperation with other departments.**

24 1. This subchapter shall be administered by the department
 25 of revenue.

26 2. The department shall adopt all rules necessary to
 27 administer this subchapter.

28 3. The department of agriculture and land stewardship, the
 29 department of public health, the department of human services,
 30 and the department of inspections and appeals shall cooperate
 31 with the department of revenue to administer this subchapter.

32 Sec. 8. NEW SECTION. 190B.303 **From farm to food donation**
 33 **tax credit.**

34 A from farm to food donation tax credit is allowed against
 35 the taxes imposed in chapter 422, divisions II and III, as



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1 individuals or families in need who reside in this state.
2 IOWA FOOD-LINK TO FOOD-BANK INITIATIVE. The bill creates
3 an Iowa food-link to food-bank initiative administered by the
4 department of human services. Each fiscal year, moneys from
5 the general fund are appropriated to the department in order to
6 support several programs managed by an association representing
7 Iowa food banks. The programs include the purchase of
8 food, the improvement of food storage and distribution
9 infrastructure, and instruction regarding nutrition and diet.
10 TAX CREDIT — GENERAL. The bill establishes a from farm
11 to food donation tax credit against individual or corporate
12 income taxes. The tax credit may be claimed by the taxpayer
13 who produces the food. The tax credit is administered by the
14 department of revenue.
15 TAX CREDIT — TAXPAYERS. The bill provides that the taxpayer
16 may claim a tax credit for 10 percent of the fair market value
17 of donated commodities up to \$5,000. The bill requires that
18 the commodities be suitable for human consumption. The bill
19 provides that the tax credit is not refundable but allows a
20 taxpayer to carry forward the tax credit for up to five years.
21 An individual may claim a tax credit of a partnership, limited
22 liability company, S corporation, estate, or trust electing to
23 have income taxed directly to the individual.
24 TAX CREDIT — APPLICABILITY. The tax credit applies to tax
25 years beginning on or after January 1, 2014.



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Senate Study Bill 1178 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

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:

TLSB 2018SC (1) 85
dea/nh



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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.

25 EXPLANATION

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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Senate Study Bill 1179 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

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 2038SC (1) 85
dea/nh



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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.

16 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



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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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Senate Study Bill 1180 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act providing for the determination of animal units which
2 are part of confinement feeding operations, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 459.301, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. In calculating the animal unit capacity of a confinement
4 feeding operation, the animal unit capacity shall include the
5 animal unit capacity of all confinement feeding operation
6 buildings ~~which are part of the confinement feeding operation,~~
7 ~~unless a confinement feeding operation building has been~~
8 ~~abandoned as provided in section 459.201~~ that are used to house
9 animals.

10 Sec. 2. **NEW SECTION. 459.312A Election to be a small animal**
11 **feeding operation.**

12 A person otherwise required to submit an updated manure
13 management plan as required in section 459.312 and pay an
14 annual compliance fee as required in section 459.400 may make
15 a small animal feeding operation election as provided in this
16 section.

17 1. Upon the effective date of the election, the confinement
18 feeding operation covered by the updated manure management
19 plan shall be considered a small animal feeding operation only
20 for purposes of submitting the updated manure management plan
21 and paying the annual compliance fee, during the period of the
22 election.

23 2. A person is eligible to make an election only if all of
24 the following apply:

25 a. Five hundred or fewer animal units are housed at the
26 confinement feeding operation at any one time during the period
27 of election.

28 b. The department is notified of the election in a manner
29 required by the department. The department may require that a
30 person submit a notice of election as part of an updated manure
31 management plan form or as a separate document.

32 3. The department shall provide for the period of election,
33 including its effective and expiration dates. However, the
34 period of election shall be at least for the same period
35 covered by the updated manure management plan. An election



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1 automatically terminates when more than five hundred animal
2 units are housed at the confinement feeding operation at any
3 one time.

4 4. This section does not affect any of the following:

5 a. A condition associated with a construction permit as
6 provided in this subchapter, including but not limited to a
7 master matrix as provided in section 459.305.

8 b. A requirement unrelated to filing an updated manure
9 management plan or paying an annual compliance fee, including
10 but not limited to the filing of a construction design
11 statement as provided in section 459.306, the application of
12 manure as provided in section 459.313A, or the certification of
13 a person as a confinement site manure applicator as provided
14 in section 459.315.

15 Sec. 3. Section 459.400, subsection 1, paragraph c, Code
16 2013, is amended to read as follows:

17 c. An annual compliance fee that is required to accompany an
18 updated manure management plan submitted to the department for
19 approval as provided in section 459.312.

20 (1) The amount of the annual compliance fee shall not exceed
21 a rate of fifteen cents per animal unit ~~based on the multiplied~~
22 by the maximum number of animal unit capacity of units housed
23 at the confinement feeding operation during the period covered
24 by the manure management plan.

25 (2) If the person submitting the manure management plan is
26 a contract producer, as provided in chapter 202, the active
27 contractor shall be assessed the annual compliance fee.

28 EXPLANATION

29 BACKGROUND. The department of natural resources
30 (department) is required to regulate confinement feeding
31 operations (operations) under Code chapter 459, the "Animal
32 Agriculture Compliance Act". This bill amends provisions in
33 subchapter III which govern water quality, including how and
34 when manure from such operations is to be applied to land.

35 CURRENT ANIMAL UNIT CAPACITY FORMULA TO DETERMINE AN

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1 OPERATION'S SIZE. To some extent, the degree of regulation
 2 depends upon an operation's size which is determined by
 3 calculating its animal unit capacity; the maximum number
 4 of animal units that may be maintained in all confinement
 5 buildings (buildings) at any one time (Code section 459.102).
 6 Each of various types of animals are assigned a special
 7 equivalency factor. For example, a butcher or breeding swine
 8 weighing more than 55 pounds has a factor of 0.4 animal units
 9 (Code section 459.102). Generally, when calculating the animal
 10 unit capacity of an operation, buildings constructed as part
 11 of the operation are included regardless of whether they are
 12 occupied, except if a building has been abandoned, i.e., has
 13 been razed or converted to another use (Code section 459.301).

14 SMALL ANIMAL FEEDING OPERATIONS. The current law provides
 15 a special regulatory exemption for small animal feeding
 16 operations, which have an animal unit capacity of 500 or fewer
 17 animal units (Code section 459.102). In the example above, a
 18 confinement feeding operation with three buildings keeping a
 19 maximum of 400 swine in each of two buildings and no animals in
 20 the third building would not qualify as a small animal feeding
 21 operation if the capacity of the three buildings were 600, 500,
 22 and 300 animal units, respectively ($1,400 \times 0.4 = 560$).

23 REVISING CURRENT FORMULA — CALCULATING CONFINEMENT ANIMAL
 24 UNIT CAPACITY BASED ON USED AND UNUSED BUILDINGS. This bill
 25 revises the current formula by excluding any building that is
 26 not occupied regardless of whether it is abandoned. This is
 27 the same formula used to calculate the animal unit capacity of
 28 dry-bedded confinement feeding operations using so-called "hoop
 29 buildings" (Code section 459B.103). In the example above, the
 30 confinement feeding would qualify as a small animal feeding
 31 operation since the third empty building is no longer counted
 32 ($1,100 \times 0.4 = 440$).

33 NEW FORMULA — RECLASSIFYING CONFINEMENT FEEDING OPERATIONS
 34 BASED ON MAXIMUM NUMBER OF ANIMAL UNITS. The bill allows a
 35 person to elect to be exempt from filing a manure management

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1 plan update (update) with the department and paying an
 2 associated annual compliance fee (fee) if the person can
 3 reclassify the operation as a small animal feeding operation
 4 using the new formula. An update is required to be filed by a
 5 person who owns a confinement feeding operation or who applies
 6 manure from a confinement feeding operation located outside
 7 the state (Code section 459.312). Both the original plan
 8 and the update must include the latest information regarding
 9 manure application. Using the example above, the operation
 10 could elect to be exempt as a small animal feeding operation
 11 ($800 \times 0.4 = 320$). The bill provides that the department
 12 must determine the period of election so long as the minimum
 13 election period equals the duration of the updated plan.
 14 However, the election period automatically terminates if
 15 the operation no longer qualifies as a small animal feeding
 16 operation as calculated using the new formula.

17 **NEW FORMULA — ANNUAL COMPLIANCE FEE.** The bill provides
 18 that a person must now calculate the fee accompanying the
 19 update by applying the new formula. Using the example above,
 20 if the operation were not exempted as a small animal feeding
 21 operation, the person who would have paid a fee of \$84 (560×15
 22 cents) under the current formula would pay \$48 (320×15 cents)
 23 under the new formula.

24 **CIVIL PENALTIES.** A person who violates Code chapter 468,
 25 subchapter III is subject to a civil penalty. The department
 26 is authorized to impose a range of civil penalties based
 27 on a number of criteria. The general civil penalty cannot
 28 exceed \$10,000 (Code sections 459.603 and 455B.109). A
 29 person violating a provision is also subject to judicial
 30 action brought by the attorney general (Code sections 459.603
 31 and 455B.191). The general civil penalty applicable for a
 32 violation cannot exceed \$5,000.