Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 05, 2013

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House File 417

H-1056

1 Amend House File 417 as follows:
2 1. By striking page 57, line 29, through page 58,
3 line 14.
4 2. By renumbering, redesignating, and correcting
5 internal references as necessary.

COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson

House File 219

H-1057

1 Amend House File 219 as follows:
2 1. Page 4, by striking lines 20 through 29.
3 2. Page 5, by striking lines 5 through 8 and
4 inserting <the agricultural land consents to
5 condemnation or unless the municipality determines that
6 the land is necessary or useful for>
7 3. By striking page 6, line 35, through page 7,
8 line 2, and inserting:
9 <Sec. ___. APPLICABILITY. Except as otherwise
10 provided in this Act, this Act applies to projects or
11 condemnation proceedings pending or commenced on or
12 after the effective date of this Act.
13 Sec. ___. RETROACTIVE APPLICABILITY. The following
14 provision or provisions of this Act apply retroactively
15 to projects or condemnation proceedings pending or
16 commenced on or after February 15, 2013:
17 1. The section of this Act amending section 6A.22.
18 2. The section of this Act enacting section
19 6B.56B.>
20 4. Title page, line 2, by striking <date and> and
21 inserting <date, retroactive applicability, and other>
22 5. By renumbering as necessary.

_____
COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson

House File 417 - Introduced

HOUSE FILE 417
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 161)

A BILL FOR

1 An Act relating to nonsubstantive Code corrections.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1950HV (3) 85
lh/rj

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DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 8.6, subsection 8, Code 2013, is amended to read as follows:

8. *Rules.* To make such rules, subject to the approval of the governor, as may be necessary for effectively carrying on the work of the department of management. The director may, with the approval of the executive council, require any state official, agency, department, or commission, to require any applicant, registrant, filer, permit holder, or license holder, whether individual, partnership, trust, or corporation, to submit to said official, agency, department, or commission, the social security number or the tax number or both so assigned to said individual, partnership, trust, or corporation.

Sec. 2. Section 8.32, Code 2013, is amended to read as follows:

8.32 Conditional availability of appropriations.

1. All appropriations made to any department or establishment of the government as receive or collect moneys available for expenditure by them under present laws, are declared to be in addition to such repayment receipts, and such appropriations are to be available as and to the extent that such receipts are insufficient to meet the costs of administration, operation, and maintenance, or public improvements of such departments:

a. Provided, that such receipts or collections shall be deposited in the state treasury as part of the general fund or special funds in all cases, except those collections made by the state fair board, the institutions under the state board of regents, and the natural resource commission.

b. Provided further, that no repayment receipts shall be available for expenditures until allotted as provided in section 8.31; and

c. Provided further, that the collection of repayment receipts by the state fair board and the institutions under

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the state board of regents shall be deposited in a bank or banks duly designated and qualified as state depositories, in the name of the state of Iowa, for the use of such boards and institutions, and such funds shall be available only on the check of such boards or institutions depositing them, which are hereby authorized to withdraw such funds, but only after allotment by the governor as provided in section 8.31; and

d. Provided further, that this chapter shall not apply to endowment or private trust funds or to gifts to institutions owned or controlled by the state or to the income from such endowment or private trust funds, or to private funds belonging to students or inmates of state institutions.

2. The provisions of this chapter shall not be construed to prohibit the state fair board from creating an emergency or sinking fund out of the receipts of the state fair and state appropriation for the purpose of taking care of any emergency that might arise beyond the control of the board of not to exceed three hundred thousand dollars. Neither shall this chapter be construed to prohibit the state fair board from retaining an additional sum of not to exceed three hundred fifty thousand dollars to be used in carrying out the provisions of chapter 173.

Sec. 3. Section 8D.5, subsection 1, Code 2013, is amended to read as follows:

1. *a.* An education telecommunications council is established. The council consists of eighteen members and shall include the following: ~~two~~

(1) Two persons appointed by the state board of regents~~; two~~.

(2) Two persons appointed by the Iowa association of community college trustees~~; two~~.

(3) Two persons appointed by the area education agency boards~~; two~~.

(4) Two persons appointed by the Iowa association of school boards~~; two~~.

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(5) Two persons appointed by the school administrators of Iowa~~; two~~.

(6) Two persons appointed by the Iowa association of independent colleges and universities~~; two~~.

(7) Two persons appointed by the Iowa state education association~~; three~~.

(8) Three persons appointed by the director of the department of education including one person representing libraries and one person representing the Iowa association of nonpublic school administrators~~; and one~~.

(9) One person appointed by the administrator of the public broadcasting division of the department of education.

b. The council shall establish scheduling and site usage policies for educational users of the network, coordinate the activities of the regional telecommunications councils, and develop proposed rules and changes to rules for recommendation to the commission. The council shall also recommend long-range plans for enhancements needed for educational applications.

c. Administrative support and staffing for the council shall be provided by the department of education.

Sec. 4. Section 15.107, subsection 5, paragraph a, Code 2013, is amended to read as follows:

a. That the corporation ~~review~~ reviews and, at the board's direction, ~~implement~~ implements the applicable portions of the strategic plan developed by members of the authority pursuant to section 15.105.

Sec. 5. Section 16.6, subsection 2, Code 2013, is amended to read as follows:

2. The executive director shall advise the authority on matters relating to housing and housing finance, carry out all directives from the authority, and hire and supervise the authority's staff pursuant to its directions. All employees of the authority are exempt from the merit system provisions of chapter 8A, subchapter IV.

Sec. 6. Section 16.27, subsection 4, Code 2013, is amended

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to read as follows:

4. The authority shall cause to be delivered to the legislative fiscal committee within ninety days of the close of its fiscal year its annual report certified by an independent certified public accountant, ~~(~~who may be the accountant or a member of the firm of accountants who regularly audits the books and accounts of the authority~~)~~, selected by the authority.

Sec. 7. Section 24.2, subsection 3, Code 2013, is amended to read as follows:

3. The words *"fiscal year"* shall mean the period of twelve months beginning on July 1 and ending on the thirtieth day of June. The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30.

~~The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30.~~

Sec. 8. Section 28A.24, Code 2013, is amended to read as follows:

28A.24 Exemption from taxation.

Since an authority is performing essential governmental functions, an authority is not required to pay any taxes or assessments of any kind or nature upon any property required or used by it for its purposes, or any rates, fees, rentals, receipts, or incomes at any time received by it, and the bonds issued by an authority, their transfer, and the income, including any profits made on the sale of the bonds, is deductible in determining net income for the purposes of the state individual and corporate income tax under chapter 422, divisions II and III ~~of chapter 422~~, and shall not be taxed by any political subdivision of this state.

Sec. 9. Section 28E.2, Code 2013, is amended to read as follows:

28E.2 Definitions.

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For the purposes of this chapter~~, the term *"public agency"*~~:

1. *"Private agency"* shall mean an individual and any form of business organization authorized under the laws of this or any other state.

2. *"Public agency"* shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state. ~~The term *"state"*~~

3. *"State"* shall mean a state of the United States and the District of Columbia. ~~The term *"private agency"* shall mean an individual and any form of business organization authorized under the laws of this or any other state.~~

Sec. 10. Section 29A.15, Code 2013, is amended to read as follows:

29A.15 State awards and decorations.

The adjutant general, from the funds appropriated for the support and maintenance of the national guard, shall procure and issue to the members of the national guard merit or service badges or other appropriate awards for service under regulations and according to the design and pattern determined by the adjutant general. Members of the national guard who, by order of the president, serve in federal forces during a national emergency, may count the period of that federal active duty toward the procurement of a service badge.

Sec. 11. Section 29C.17, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

For ~~the~~ purposes consistent with this chapter, the local emergency management agency's approved budget shall be funded by one or any combination of the following options, as determined by the commission:

Sec. 12. Section 34A.6, subsection 1, Code 2013, is amended to read as follows:

1. Before a joint E911 service board may request imposition of the wire-line E911 service surcharge by the program manager, the board shall submit the following question to voters, as

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provided in subsection 2, in the proposed E911 service area, and the question shall receive a favorable vote from a simple majority of persons submitting valid ballots on the following question within the proposed E911 service area:
Shall the following public measure be adopted?
YES ....
NO ....
Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a monthly surcharge of (an amount determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber's monthly phone bill if provided within (description of the proposed E911 service area).

Sec. 13. Section 34A.7A, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The program manager shall reimburse ~~communication~~ communications service providers on a calendar quarter basis for carriers' eligible expenses for transport costs between the selective router and the public safety answering points related to the delivery of wireless E911 phase 1 services.

Sec. 14. Section 49.80, subsection 2, Code 2013, is amended to read as follows:

2. *a.* In case of any challenges of an elector at the time the person is offering to vote in a precinct, a precinct election official may place such person under oath and question the person as~~, *(a)* where~~ to the following:

(1) Where the person maintains the person's home~~; *(b)* how~~.

(2) How long the person has maintained the person's home at such place~~; *(c)* if~~.

(3) If the person maintains a home at any other location~~; *(d)* the~~.

(4) The person's age.

b. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts

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as the elector feels sustains the fact that the person is qualified to vote. Upon completion thereof, if the challenge is withdrawn, the elector may cast the vote in the usual manner. If the challenge is not withdrawn, section 49.81 shall apply.

Sec. 15. Section 50.20, Code 2013, is amended to read as follows:

50.20 Notice of number of provisional ballots.

The commissioner shall compile a list of the number of provisional ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than ~~nine o'clock~~ 9:00 a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section 53.23, subsection 4, shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, at the commissioner's office until the reconvening of the special precinct board.

Sec. 16. Section 53.45, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

As provided in this section, the commissioner shall provide special absentee ballots to be used for ~~state~~ general elections. A special absentee ballot shall only be provided to an eligible elector who completes an application stating both of the following to the best of the eligible elector's belief:

Sec. 17. Section 68A.604, Code 2013, is amended to read as follows:

68A.604 Funds.

Any candidate for a partisan public office, except as otherwise provided by section 68A.103, subsection 2, may

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1 receive campaign funds from the Iowa election campaign
2 fund through the state central committee of the candidate's
3 political party. However, the state central committee of
4 each political party shall have discretion as to which of
5 the party's candidates for public office shall be allocated
6 campaign funds out of money received by that party from the
7 Iowa election campaign fund.
8 Sec. 18. Section 88.8, subsection 2, Code 2013, is amended
9 to read as follows:
10 2. *Noncompliance notice.* If the commissioner has reason to
11 believe that an employer has failed to correct the violation
12 for which a citation has been issued within the period
13 permitted for its correction, ~~(~~which period shall not begin to
14 run until the entry of a final order by the appeal board in the
15 case of any review proceedings under this section initiated
16 by the employer in good faith and not solely for delay or
17 avoidance of penalties~~)~~, the commissioner shall notify the
18 employer by service in the same manner as an original notice or
19 by certified mail of the failure and of the penalty proposed
20 to be assessed under section 88.14 by reason of the failure,
21 and that the employer has fifteen working days within which to
22 notify the commissioner that the employer wishes to contest
23 the commissioner's notification or the proposed assessment of
24 penalty. If, within fifteen working days from the receipt
25 of notification issued by the commissioner, the employer
26 fails to notify the commissioner that the employer intends to
27 contest the notification or proposed assessment of penalty, the
28 notification and assessment, as proposed, shall be deemed the
29 final order of the appeal board and not subject to review by
30 any court or agency.
31 Sec. 19. Section 88.19, Code 2013, is amended to read as
32 follows:
33 **88.19 Annual report.**
34 Within one hundred twenty days following the convening
35 of each session of each general assembly, the commissioner

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1 shall prepare and submit to the governor for transmittal to
2 the general assembly a report upon the subject matter of
3 this chapter, the progress toward achievement of the purpose
4 of this chapter, the needs and requirements in the field
5 of occupational safety and health, and any other relevant
6 information. ~~Such~~ The reports may include information
7 regarding ~~occupational~~ the following:
8 1. Occupational safety and health standards, and criteria
9 for such standards, developed during the preceding year~~;~~
10 ~~evaluation~~.
11 2. Evaluation of standards and criteria previously
12 developed under this chapter, defining areas of emphasis for
13 new criteria and standards~~; evaluation~~.
14 3. Evaluation of the degree of observance of applicable
15 occupational safety and health standards, and a summary of
16 inspection and enforcement activity undertaken~~; analysis~~.
17 4. Analysis and evaluation of research activities for
18 which results have been obtained under governmental and
19 nongovernmental sponsorship~~; an~~.
20 5. An analysis of major occupational diseases~~; evaluation~~.
21 6. Evaluation of available control and measurement
22 technology for hazards for which standards or criteria have
23 been developed during the preceding year~~; a~~.
24 7. A description of cooperative efforts undertaken between
25 government agencies and other interested parties in the
26 implementation of this chapter during the preceding year~~; a~~.
27 8. A progress report on the development of an adequate
28 supply of trained personnel in the field of occupational safety
29 and health, including estimates of future needs and the efforts
30 being made by government and others to meet those needs~~; a~~.
31 9. A listing of all toxic substances in industrial usage for
32 which labeling requirements, criteria, or standards have not
33 yet been established~~; and such~~.
34 10. Such recommendations for additional legislation as are
35 deemed necessary to protect the safety and health of the worker

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1 and improve the administration of this chapter.
2 Sec. 20. Section 96.13, subsection 2, Code 2013, is amended
3 to read as follows:
4 2. *Replenishment of lost funds.* If any moneys received
5 after June 30, 1941, from the social security ~~board~~
6 administration under Tit. III of the Social Security Act, or
7 any unencumbered balances in the unemployment compensation
8 administration fund as of that date, or any moneys granted
9 after that date to this state pursuant to the provisions
10 of the Wagner-Peyser Act, or any moneys made available by
11 this state or its political subdivisions and matched by such
12 moneys granted to this state pursuant to the provisions of
13 the Wagner-Peyser Act, are found by the social security ~~board~~
14 administration, because of any action or contingency, to
15 have been lost or been expended for purposes other than or
16 in amounts in excess of, those found necessary by the social
17 security ~~board~~ administration for the proper administration of
18 this chapter, it is the policy of this state that such moneys
19 shall be replaced by moneys appropriated for such purpose
20 from the general funds of this state to the unemployment
21 compensation administration fund for expenditure as provided
22 in subsection 1 of this section. Upon receipt of notice of
23 such a finding by the social security ~~board~~ administration,
24 the department shall promptly report the amount required for
25 such replacement to the governor and the governor shall at
26 the earliest opportunity, submit to the legislature a request
27 for the appropriation of such amount. This subsection shall
28 not be construed to relieve this state of its obligation with
29 respect to funds received prior to July 1, 1941, pursuant to
30 the provisions of Tit. III of the Social Security Act.
31 Sec. 21. Section 97C.12, Code 2013, is amended to read as
32 follows:
33 **97C.12 Contribution fund.**
34 1. There is hereby established in the office of the
35 treasurer of state a special fund to be known as the

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contribution fund. Such fund shall consist of, and there shall be deposited in such fund: ~~(1) all~~

a. All taxes, interest, and penalties collected under sections 97C.5, 97C.10, and 97C.11~~; (2) all~~.

b. All moneys appropriated thereto under this chapter~~; (3) any~~.

c. Any property or securities and earnings thereof acquired through the use of moneys belonging to the fund~~; (4) interest~~.

d. Interest earned upon any moneys in the fund~~; and (5) all~~.

e. All sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source.

2. Subject to the provisions of this chapter, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter. All moneys in this fund shall be mingled and undivided.

Sec. 22. Section 123.30, subsection 2, Code 2013, is amended to read as follows:

2. ~~No~~ A liquor control license shall not be issued for premises which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. ~~Nor shall any~~ A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the administrator in the form of a living quarters permit.

Sec. 23. Section 123.50, subsection 1, Code 2013, is amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except section 123.49, subsection 2, paragraph *"h"*, or who fails to affix upon sale, defaces, or fails to record a keg identification sticker or produce a record of keg

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identification stickers pursuant to section 123.138, shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph *"h"*, commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 2.

Sec. 24. Section 123.145, Code 2013, is amended to read as follows:

123.145 Labels on bottles, barrels, etc. — conclusive evidence.

The label on any bottle, keg, barrel, or other container in which beer is offered for sale in this state, representing the alcoholic content of such beer as being in excess of five ~~per centum~~ percent by weight shall be conclusive evidence as to the alcoholic content of the beer contained therein.

Sec. 25. Section 124.401, subsection 1, paragraph d, Code 2013, is amended to read as follows:

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

Sec. 26. Section 126.11, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. A drug dispensed by filling or refilling a written, electronic, facsimile, or oral prescription of a practitioner licensed by law to administer the drug is exempt from section 126.10, except section 126.10, subsection 1, paragraph *"a"* ~~and~~, section 126.10, paragraph *"i"*, subparagraphs (2) and (3), and section 126.10, subsection 1, paragraphs *"k"* and *"l"*, and the packaging requirements of section 126.10, subsection 1, paragraphs *"g"*, *"h"*, and *"p"*, if the drug bears a label containing the name and address of the dispenser, the date of

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1 the prescription or of its filling, the name of the prescriber,
2 and, if stated in the prescription, the name of the patient,
3 and the directions for use and cautionary statements, if
4 any, contained in the prescription. This exemption does not
5 apply to a drug dispensed in the course of the conduct of the
6 business of dispensing drugs pursuant to diagnosis by mail,
7 or to a drug dispensed in violation of paragraph *"a"* of this
8 subsection.
9 Sec. 27. Section 135.74, subsection 2, Code 2013, is amended
10 to read as follows:
11 2. In establishing uniform methods of financial reporting,
12 the department shall consider all of the following:
13 *a.* The existing systems of accounting and reporting
14 currently utilized by hospitals and health care facilities~~;~~.
15 *b.* Differences among hospitals and health care facilities,
16 respectively, according to size, financial structure, methods
17 of payment for services, and scope, type and method of
18 providing services~~; and~~.
19 *c.* Other pertinent distinguishing factors.
20 Sec. 28. Section 135.75, subsection 1, Code 2013, is amended
21 to read as follows:
22 1. Each hospital and each health care facility shall
23 annually, after the close of its fiscal year, file all of the
24 following with the department:
25 *a.* A balance sheet detailing the assets, liabilities and net
26 worth of the hospital or health care facility~~;~~.
27 *b.* A statement of its income and expenses~~; and~~.
28 *c.* Such other reports of the costs incurred in rendering
29 services as the department may prescribe.
30 Sec. 29. Section 135.83, Code 2013, is amended to read as
31 follows:
32 **135.83 Contracts for assistance with analyses, studies, and**
33 **data.**
34 In furtherance of the department's responsibilities under
35 sections 135.76 and 135.78, the director may contract with the

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1 Iowa hospital association and third-party payers, the Iowa
2 health care facilities association and third-party payers, or
3 ~~the Iowa association of homes for the aging~~ leading age Iowa
4 and third-party payers for the establishment of pilot programs
5 dealing with prospective rate review in hospitals or health
6 care facilities, or both. Such contract shall be subject to
7 the approval of the executive council and shall provide for an
8 equitable representation of health care providers, third-party
9 payers, and health care consumers in the determination
10 of criteria for rate review. No third-party payer shall
11 be excluded from positive financial incentives based upon
12 volume of gross patient revenues. No state or federal funds
13 appropriated or available to the department shall be used for
14 any such pilot program.
15 Sec. 30. Section 135.156, subsection 2, paragraph b,
16 unnumbered paragraph 1, Code 2013, is amended to read as
17 follows:
18 An executive committee of the ~~electronic health information~~
19 advisory council is established. Members of the executive
20 committee of the advisory council shall receive reimbursement
21 for actual expenses incurred while serving in their official
22 capacity only if they are not eligible for reimbursement by
23 the organization that they represent. The executive committee
24 shall consist of the following members:
25 Sec. 31. Section 135.156B, subsections 5 and 8, Code 2013,
26 are amended to read as follows:
27 5. Apply for, acquire by gift or purchase, and hold,
28 dispense, or dispose of funds and real or personal property
29 from any person, governmental entity, or organization in the
30 exercise of ~~its~~ the department's powers or performance of ~~its~~
31 the department's duties in accordance with this division.
32 8. Execute all instruments necessary or incidental to the
33 performance of ~~its~~ the department's duties and the execution of
34 ~~its~~ the department's powers under this division.
35 Sec. 32. Section 135C.2, subsection 5, paragraph a, Code

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2013, is amended to read as follows:

a. A facility provider under the special classification must comply with rules adopted by the department for the special classification. However, a facility provider which has been accredited by the ~~accreditation~~ council ~~for services to persons with an intellectual disability and other developmental disabilities~~ on quality and leadership shall be deemed to be in compliance with the rules adopted by the department.

Sec. 33. Section 135C.6, subsection 3, Code 2013, is amended to read as follows:

3. No change in a health care facility, its operation, program, or services, of a degree or character affecting continuing ~~licensability~~ licensure shall be made without prior approval thereof by the department. The department may by rule specify the types of changes which shall not be made without its prior approval.

Sec. 34. Section 135C.6, subsection 8, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A residential program approved by the department of human services pursuant to this paragraph *"c"* to receive moneys appropriated to the department of human services under provisions of a federally approved home and community-based services waiver for persons with an intellectual ~~disabilities~~ disability may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions:

Sec. 35. Section 138.13, subsection 2, paragraph m, Code 2013, is amended to read as follows:

m. When a camp is operated during a season requiring artificial heating, living quarters with a minimum of one hundred square feet per occupant shall be provided and such living quarters or shelters shall, also, be provided with properly installed heating equipment of adequate capacity to maintain a room temperature of at least 70 degrees ~~F~~

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1 Fahrenheit. A stove or other source of heat shall be installed
2 and vented in a manner to avoid both a fire hazard and a
3 concentration of fumes or gas within such living quarters and
4 shelters. In a room with wooden or combustible flooring, there
5 shall be a concrete slab, metal sheet, or other fire-resistant
6 material, on the floor under each stove, extending at least
7 eighteen inches beyond the perimeter of the base of the stove.
8 Any wall or ceiling not having a fire-resistant surface, within
9 twenty-four inches of a stove or stovepipe, shall be protected
10 by a metal sheet or other fire-resistant material. Heating
11 appliances, other than electrical, shall be provided with a
12 stovepipe or vent connected to the appliance and discharging to
13 the outside air or chimney. The vent or chimney shall extend
14 above the peak of the roof. Stovepipes shall be insulated
15 with fire-resistant material where they pass through walls,
16 ceilings, or floors.
17 Sec. 36. Section 138.13, subsection 6, paragraph d, Code
18 2013, is amended to read as follows:
19 *d.* Every service building used during periods requiring
20 artificial heating shall be provided with equipment capable
21 of maintaining a room temperature of at least 70 degrees ~~F~~
22 Fahrenheit.
23 Sec. 37. Section 144A.2, subsection 8, Code 2013, is amended
24 to read as follows:
25 8. *a.* *"Life-sustaining procedure"* means any medical
26 procedure, treatment, or intervention, including resuscitation,
27 which meets both of the following requirements:
28 ~~*a.*~~ (1) Utilizes mechanical or artificial means to sustain,
29 restore, or supplant a spontaneous vital function.
30 ~~*b.*~~ (2) When applied to a patient in a terminal condition,
31 would serve only to prolong the dying process.
32 *b.* *"Life-sustaining procedure"* does not include the
33 provision of nutrition or hydration except when required
34 to be provided parenterally or through intubation or the
35 administration of medication or performance of any medical

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1 procedure deemed necessary to provide comfort care or to
2 alleviate pain.
3 Sec. 38. Section 163.26, Code 2013, is amended to read as
4 follows:
5 **163.26 Definition.**
6 For the purposes of this subchapter, *"garbage"* means
7 putrescible animal and vegetable wastes resulting from the
8 handling, preparation, cooking, and consumption of foods,
9 including animal carcasses or parts. *"Garbage"* includes all
10 waste material, by-products of a kitchen, restaurant, hotel,
11 or slaughterhouse, every refuse accumulation of animal,
12 fruit, or vegetable matter, liquids or otherwise, or grain not
13 consumed, that is collected from hog sales pen floors in public
14 stockyards. Animals or parts of animals, which are processed
15 by slaughterhouses or rendering establishments, and which as
16 part of the processing are heated to not less than 212 degrees
17 ~~F.~~ Fahrenheit for thirty minutes, are not garbage for purposes
18 of this chapter.
19 Sec. 39. Section 176A.10, subsection 2, Code 2013, is
20 amended to read as follows:
21 2. An extension council of an extension district may choose
22 to be subject to the levy and revenue limits specified in
23 subparagraphs (2) of subsection 1, paragraphs *"a"* through
24 *"d"*, and subsection 1, paragraph *"e"*, for the purpose of the
25 annual levy for the fiscal year commencing July 1, 1991, which
26 levy is payable in the fiscal year beginning July 1, 1992.
27 Before an extension district may be subject to the levy and
28 revenue limits specified in subparagraphs (2) of subsection 1,
29 paragraphs *"a"* through *"d"*, and subsection 1, paragraph *"e"*,
30 for fiscal years beginning on or after July 1, 1992, which levy
31 is payable in fiscal years beginning on or after July 1, 1993,
32 the question of whether the district shall be subject to the
33 levy and revenue limits as specified in such paragraphs must
34 be submitted to the registered voters of the district. The
35 question shall be submitted at the time of a ~~state~~ general

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1 election. If the question is approved by a majority of those
2 voting on the question the levy and revenue limits specified in
3 subparagraphs (2) of subsection 1, paragraphs *"a"* through *"d"*,
4 and subsection 1, paragraph *"e"*, shall thereafter apply to the
5 extension district. The question need only be approved at one
6 ~~state~~ general election. If a majority of those voting on the
7 question vote against the question, the district may continue
8 to submit the question at subsequent ~~state~~ general elections
9 until approved.
10 Sec. 40. Section 189A.11, Code 2013, is amended to read as
11 follows:
12 **189A.11 Access by inspectors — acceptance by state agencies.**
13 1. ~~No~~ A person shall not deny access to any authorized
14 inspectors upon the presentation of proper identification at
15 any reasonable time to establishments and to all parts of such
16 premises for the purposes of making inspections under this
17 chapter.
18 2. When meat has been inspected and approved by the
19 department, such inspection will be equal to federal inspection
20 and therefore may be accepted by state agencies and political
21 subdivisions of the state and no other inspection can be
22 required.
23 ~~1.~~ *a.* ~~No~~ An inspection of products placed in any container
24 at any official establishment shall not be deemed to be
25 complete until the products are sealed or enclosed therein
26 under the supervision of an inspector.
27 ~~2.~~ *b.* For purposes of any inspection of products required
28 by this chapter, inspectors authorized by the secretary shall
29 have access at all times by day or night to every part of every
30 establishment required to have inspection under this chapter,
31 whether the establishment is operated or not.
32 Sec. 41. Section 190.12, subsection 1, Code 2013, is amended
33 to read as follows:
34 1. Frozen desserts and the pasteurized dairy ingredients
35 used in the manufacture thereof, shall comply with the

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following standards:

Milk, cream, and fluid dairy ingredient	Temperature	Storage at 45 degrees ~~F~~ Fahrenheit.
	Bacterial limit	50,000 per milliliter
	Coliform limit	10 per milliliter
Frozen dessert mixes, frozen desserts (plain)	Temperature	Storage at 45 degrees ~~F~~ Fahrenheit.
	Bacterial limit	50,000 per gram
	Coliform limit	10 per gram
Dry dairy ingredient	Extra grade or better as defined by U.S. Standards for grades for the particular product.	
Dry powder mix	Bacterial limit	50,000 per gram
	Coliform limit	10 per gram

Sec. 42. Section 203C.15, subsection 6, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The licensed warehouse operator may comply ~~to~~ with the demand by doing any of the following:

Sec. 43. Section 230.15, Code 2013, is amended to read as follows:

230.15 Personal liability.

1. A person with mental illness and a person legally liable for the person's support remain liable for the support of the person with mental illness as provided in this section. Persons legally liable for the support of a person with mental illness include the spouse of the person, any person bound by contract for support of the person, and, with respect to persons with mental illness under eighteen years of age only,

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1 the father and mother of the person. The county auditor,
2 subject to the direction of the board of supervisors, shall
3 enforce the obligation created in this section as to all sums
4 advanced by the county. The liability to the county incurred
5 by a person with mental illness or a person legally liable for
6 the person's support under this section is limited to an amount
7 equal to one hundred percent of the cost of care and treatment
8 of the person with mental illness at a state mental health
9 institute for one hundred twenty days of hospitalization. This
10 limit of liability may be reached by payment of the cost of
11 care and treatment of the person with mental illness subsequent
12 to a single admission or multiple admissions to a state
13 mental health institute or, if the person is not discharged as
14 cured, subsequent to a single transfer or multiple transfers
15 to a county care facility pursuant to section 227.11. After
16 reaching this limit of liability, a person with mental illness
17 or a person legally liable for the person's support is liable
18 to the county for the care and treatment of the person with
19 mental illness at a state mental health institute or, if
20 transferred but not discharged as cured, at a county care
21 facility in an amount not in excess of the average minimum
22 cost of the maintenance of an individual who is physically and
23 mentally healthy residing in the individual's own home, which
24 standard shall be established and may from time to time be
25 revised by the department of human services. A lien imposed
26 by section 230.25 shall not exceed the amount of the liability
27 which may be incurred under this section on account of a person
28 with mental illness.
29 2. A person with a substance-related disorder is
30 legally liable for the total amount of the cost of providing
31 care, maintenance, and treatment for the person with a
32 substance-related disorder while a voluntary or committed
33 patient. When a portion of the cost is paid by a county,
34 the person with a substance-related disorder is legally
35 liable to the county for the amount paid. The person with

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a substance-related disorder shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the person's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a person with a substance-related disorder shall be in part credited to the county in proportion to the share of the costs paid by the county.

3. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any person with mental illness or a substance-related disorder as established by the department of human services.

Sec. 44. Section 231D.3A, Code 2013, is amended to read as follows:

231D.3A Exception.

An entity certified by the centers for Medicare and Medicaid services of the United States department of health and human services as a federal program of all-inclusive care for the elderly shall not be required to be certified as an adult day services program under this chapter. A program ~~for~~ of all-inclusive care for the elderly, as used in this section, shall not identify itself or hold itself out to be an adult day services program as defined in section 231D.1.

Sec. 45. Section 235.3, subsection 2, Code 2013, is amended to read as follows:

2. Make such reports and obtain and furnish such information from time to time as may be necessary to permit cooperation by the state division with the United States children's bureau, the social security ~~board~~ administration, or any other federal agency which is now or may hereafter be charged with any duty regarding child care or child welfare services.

Sec. 46. Section 235B.1, subsection 4, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) Advise the director of human services, the director

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of ~~elder affairs~~ the department on aging, the director of inspections and appeals, the director of public health, the director of the department of corrections, and the director of human rights regarding dependent adult abuse.

Sec. 47. Section 235B.16A, subsection 4, Code 2013, is amended to read as follows:

4. The department of human services shall cooperate with the department on aging, the departments of ~~elder affairs,~~ inspections and appeals, public health, public safety, and workforce development, the civil rights commission, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the appropriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Sec. 48. Section 249A.4B, subsection 2, paragraph a, subparagraphs (29) and (41), Code 2013, are amended to read as follows:

(29) ~~The Iowa association of homes and services for the aging~~ Leading age Iowa.

(41) The Iowa ~~dietetic association~~ academy of nutrition and dietetics.

Sec. 49. Section 249A.12, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. The state shall be responsible for all of the nonfederal share of medical assistance home and community-based services waivers for persons with an intellectual ~~disabilities~~ disability services provided to minors, and a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of the services.

Sec. 50. Section 249A.12, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. The department of human services shall seek federal approval to amend the home and community-based services waiver

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for persons with an intellectual ~~disabilities~~ disability to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval.

Sec. 51. Section 249A.26, subsection 4, Code 2013, is amended to read as follows:

4. The state shall pay for the entire nonfederal share of the costs for case management services provided to persons seventeen years of age or younger who are served in a home and community-based services waiver program under the medical assistance program for persons with an intellectual ~~disabilities~~ disability.

Sec. 52. Section 249A.30, subsection 1, Code 2013, is amended to read as follows:

1. The base reimbursement rate for a provider of services under a medical assistance program home and community-based services waiver for persons with an intellectual ~~disabilities~~ disability shall be recalculated at least every three years to adjust for the changes in costs during the immediately preceding three-year period.

Sec. 53. Section 249L.4, subsection 5, paragraph b, subparagraph (4), Code 2013, is amended to read as follows:

(4) Each nursing facility shall submit to the department, information in a form as specified by the department and developed in cooperation with representatives of the Iowa caregivers association, the Iowa health care association, ~~the~~ leading age Iowa ~~association of homes and services for the aging~~, and the AARP Iowa chapter, that demonstrates compliance by the nursing facility with the requirements for use of the rate adjustment increases and other reimbursements provided to nursing facilities through the quality assurance assessment.

Sec. 54. Section 252.27, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The board shall record its proceedings relating to the provision of assistance to specific persons under this chapter.

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1 A person who is aggrieved by a decision of the board may appeal
2 the decision as if it were a contested case before an agency
3 and as if the person had exhausted administrative remedies in
4 accordance with the procedures and standards in section 17A.19,
5 subsections 2 to 12, except section 17A.19, subsection 10,
6 paragraphs *"b"* and *"g"*, and section 17A.20.
7 Sec. 55. Section 252D.17, Code 2013, is amended to read as
8 follows:
9 **252D.17 Notice to payor of income — duties and liability —**
10 **criminal penalty.**
11 1. The district court shall provide notice by sending a copy
12 of the order for income withholding or a notice of the order
13 for income withholding to the obligor and the obligor's payor
14 of income by regular mail, with proof of service completed
15 according to rule of civil procedure 1.442. The child support
16 recovery unit shall provide notice of the income withholding
17 order by sending a notice of the order to the obligor's payor
18 of income by regular mail or by electronic means. Proof of
19 service may be completed according to rule of civil procedure
20 1.442. The child support recovery unit's notice of the order
21 may be sent to the payor of income on the same date that the
22 order is sent to the clerk of court for filing. In all other
23 instances, the income withholding order shall be filed with the
24 clerk of court prior to sending the notice of the order to the
25 payor of income. In addition to the amount to be withheld for
26 payment of support, the order or the notice of the order shall
27 be in a standard format as prescribed by the unit and shall
28 include all of the following information regarding the duties
29 of the payor in implementing the withholding order:
30 ~~1.~~ *a.* The withholding order or notice of the order
31 for income withholding for child support or child support
32 and spousal support has priority over a garnishment or an
33 assignment for any other purpose.
34 ~~2.~~ *b.* As reimbursement for the payor's processing costs,
35 the payor may deduct a fee of no more than two dollars for each

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payment in addition to the amount withheld for support. The payor of income is not required to vary the payroll cycle to comply with the frequency of payment of a support order.

~~3.~~ *c.* The amount withheld for support, including the processing fee, shall not exceed the amounts specified in 15 U.S.C. § 1673(b).

~~4.~~ *d.* The income withholding order is binding on an existing or future payor of income ten days after receipt of the copy of the order or the notice of the order, and is binding whether or not the copy of the order received is file-stamped.

~~5.~~ *e.* The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 within seven business days of the date the obligor is paid. *"Business day"* means a day on which state offices are open for regular business.

~~6.~~ *f.* The payor may combine amounts withheld from the obligors' income in a single payment to the clerk of the district court or to the collection services center, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

~~7.~~ *g.* The withholding is binding on the payor until further notice by the court or the child support recovery unit.

~~8.~~ *h.* If the payor, with actual knowledge and intent to avoid legal obligation, fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court in accordance with the provisions of the order, the notice of the order, or the notification of payors of income provisions established in section 252B.13A, the payor commits a simple misdemeanor for a first offense and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor. For each

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1 subsequent offense prescribed under this ~~subsection~~ paragraph,
2 the payor commits a serious misdemeanor and is liable for the
3 accumulated amount which should have been withheld, together
4 with costs, interest, and reasonable attorney fees related to
5 the collection of the amounts due from the payor.
6 ~~9.~~ *i.* The payor shall promptly notify the court or the
7 child support recovery unit when the obligor's employment or
8 other income terminates, and provide the obligor's last known
9 address and the name and address of the obligor's new employer,
10 if known.
11 ~~10.~~ *j.* Any payor who discharges an obligor, refuses to
12 employ an obligor, or takes disciplinary action against an
13 obligor based upon income withholding is guilty of a simple
14 misdemeanor. A withholding order or the notice of the order
15 for income withholding has the same force and effect as any
16 other district court order, including~~,~~ but not limited to~~,~~
17 contempt of court proceedings for noncompliance.
18 ~~11. *a.*~~ *k.* (1) Beginning July 1, 1997, if a payor of
19 income does business in another state through a registered
20 agent and receives a notice of income withholding issued by
21 another state, the payor shall, and beginning January 1, 1998,
22 any payor of income shall, withhold funds as directed in a
23 notice issued by another state, except that a payor of income
24 shall follow the laws of the obligor's principal place of
25 employment when determining all of the following:
26 ~~(1)~~ (a) The payor's fee for processing an income
27 withholding payment.
28 ~~(2)~~ (b) The maximum amount permitted to be withheld from
29 the obligor's income.
30 ~~(3)~~ (c) The time periods for implementing the income
31 withholding order and forwarding the support payments.
32 ~~(4)~~ (d) The priorities for withholding and allocating
33 income withheld for multiple child support obligees.
34 ~~(5)~~ (e) Any withholding terms or conditions not specified
35 in the order.

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1 ~~*b.*~~ (2) A payor of income who complies with an income
2 withholding notice that is regular on its face shall not be
3 subject to any civil liability to any individual or agency for
4 conduct in compliance with the notice.
5 ~~12.~~ *l.* The payor of income shall comply with chapter 252K
6 when receiving a notice of income withholding from another
7 state.
8 ~~13.~~ *m.* The department shall establish criteria and a
9 phased-in schedule to require, no later than June 30, 2015,
10 payors of income to electronically transmit the amounts
11 withheld under an income withholding order. The department
12 shall assist payors of income in complying with the required
13 electronic transmission, and shall adopt rules setting forth
14 procedures for use in electronic transmission of funds, and
15 exemption from use of electronic transmission taking into
16 consideration any undue hardship electronic transmission
17 creates for payors of income.
18 Sec. 56. Section 256.9, subsection 55, paragraph a, Code
19 2013, is amended to read as follows:
20 *a.* The Iowa ~~dietetic association~~ academy of nutrition and
21 dietetics.
22 Sec. 57. Section 256.18A, Code 2013, is amended to read as
23 follows:
24 **256.18A Service learning.**
25 The board of directors of a school district or the
26 authorities in charge of a nonpublic school may require a
27 certain number of service learning units as a condition for
28 the inclusion of a service learning endorsement on a student's
29 diploma or as a condition of graduation from the district
30 or school. For purposes of this ~~paragraph~~ section, *"service*
31 *learning"* means a method of teaching and learning which engages
32 students in solving problems and addressing issues in their
33 school or greater community as part of the academic curriculum.
34 Sec. 58. Section 256.42, subsection 6, Code 2013, is amended
35 to read as follows:

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6. Coursework offered under the initiative shall be rigorous and high quality, and the department shall annually evaluate the quality of the courses~~,~~ and ensure that coursework is aligned with the state's core curriculum and core content requirements and standards, as well as national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning.

Sec. 59. Section 258.16, subsection 3, paragraph d, Code 2013, is amended to read as follows:

d. Implement the procedures and contract, at the request of the director of the board of vocational education, for the delivery of vocational education programs and services pursuant to section 256.11, subsection 4, ~~and~~ section 256.11, subsection 5, paragraph *"h"*, and section 260C.14, subsection 1.

Sec. 60. Section 261B.2, subsection 5, paragraph c, Code 2013, is amended to read as follows:

c. Uses in its name the term *"college"*, *"academy"*, *"institute"*, or *"university"* or a similar term to imply that the person is primarily engaged in the education of students at the postsecondary level, and ~~which makes a charge~~ charges for its services.

Sec. 61. Section 261B.9, subsection 7, Code 2013, is amended to read as follows:

7. The disclosures required by the department of education for an out-of-state school that the state board of education approves to offer a practitioner preparation program by distance delivery method.

Sec. 62. Section 261E.5, subsection 3, Code 2013, is amended to read as follows:

3. From the funds allocated pursuant to section 261E.13, subsection 1, paragraph *"d"*, the department shall remit amounts to the college board for advanced placement examinations administered by the college board for students enrolled in school districts and accredited nonpublic schools pursuant

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to subsection 2 and shall distribute an amount per student to a school district submitting a list of students properly registered for the advanced placement examinations pursuant to subsection 2. The remittance rates to the college board and distribution amounts to the school districts in accordance with this subsection for the fiscal year beginning July 1, 2008, are as follows: ~~thirty-eight~~

a. Thirty-eight dollars for each school district or accredited nonpublic school student who does not qualify for fee reduction~~; twenty-seven~~.

b. Twenty-seven dollars for each school district or accredited nonpublic school student who qualifies for fee reduction~~; and eight~~.

c. Eight dollars to the school district for each school district or accredited nonpublic school student who was listed by the school district and who takes an advanced placement examination in accordance with this section.

Sec. 63. Section 263B.3, Code 2013, is amended to read as follows:

263B.3 Agreements with federal departments.

The state archaeologist is authorized to enter agreements and cooperative efforts with the ~~United States commissioner of public roads~~ federal highway administrator, the United States departments of commerce, interior, agriculture, and defense, and any other federal or state agencies concerned with archaeological salvage or the preservation of antiquities.

Sec. 64. Section 266.48, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Iowa state university, in cooperation with the department of agriculture and land stewardship and the department of natural resources, shall establish a cost-share program for the livestock odor mitigation research efforts as established in sections 266.43 through 266.45 that maximizes participation in the livestock odor mitigation research efforts so as to accomplish the purposes in section 266.42, subsection 1.

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1 Sec. 65. Section 272.31, subsection 5, Code 2013, is amended
2 to read as follows:
3 5. The state board of education shall work with institutions
4 of higher education, private colleges and universities,
5 community colleges, area education agencies, and professional
6 organizations to ensure that the courses and programs required
7 for ~~authorization~~ authorizations under this section are offered
8 throughout the state at convenient times and at a reasonable
9 cost.
10 Sec. 66. Section 273.3, subsection 2, Code 2013, is amended
11 to read as follows:
12 2. Be authorized to receive and expend money for providing
13 programs and services as provided in sections 273.1, 273.2,
14 this section, sections 273.4 to 273.9, and chapters 256B
15 and 257. All costs incurred in providing the programs and
16 services, including administrative costs, shall be paid from
17 funds received pursuant to sections 273.1, 273.2, this section,
18 sections 273.4 to 273.9 and chapters 256B and 257.
19 Sec. 67. Section 280.10, subsection 4, Code 2013, is amended
20 to read as follows:
21 4. *"Industrial quality eye-protective devices"*, as used
22 in this section, means devices meeting American national
23 standard~~,~~ practice for occupational and educational eye and
24 face protection promulgated by the American national standards
25 institute, inc.
26 Sec. 68. Section 321.105A, subsection 5, paragraph b, Code
27 2013, is amended to read as follows:
28 *b.* If an amount of the fee for new registration represented
29 by a dealer to a purchaser is computed upon a purchase price
30 that is not subject to the fee for new registration or the
31 amount represented is in excess of the actual amount subject
32 to the fee and the amount represented is actually paid by
33 the purchaser to the dealer, the excess amount of fee for
34 new registration paid shall be returned to the purchaser
35 upon proper notification to the dealer by the purchaser that

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an excess payment exists. *"Proper"* notification is written notification which allows a dealer at least sixty days to respond and which contains enough information to allow a dealer to determine the validity of a purchaser's claim that an excess amount of fee for new registration has been paid. No cause of action shall accrue against a dealer for excess fee for new registration paid until sixty days after proper ~~notice~~ notification has been given the dealer by the purchaser.

Sec. 69. Section 322.33, subsection 2, Code 2013, is amended to read as follows:

2. ~~Article~~ Chapter 537, article 2, parts 5 and 6, and chapter 537, article 3, sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306 shall apply to any credit transaction as defined in section 537.1301, that is a retail installment transaction. For the purpose of applying provisions of the consumer credit code in those transactions, *"consumer credit sale"* shall include a sale for a business purpose.

Sec. 70. Section 322A.1, subsection 5, paragraph a, subparagraphs (3) and (5), Code 2013, are amended to read as follows:

(3) The franchisee, as an independent business, constitutes a component of the franchiser's distribution system.

(5) The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of motor vehicles, parts, and accessories.

Sec. 71. Section 326.2, subsection 6, paragraph a, Code 2013, is amended to read as follows:

a. A one-way movement from one point originating outside this state and destined ~~to~~ for another point outside this state.

Sec. 72. Section 331.362, subsection 1, Code 2013, is amended to read as follows:

1. A county has jurisdiction over secondary roads as provided in section 306.4, subsection 2, section 306.4,

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1 subsection 5, paragraph *"b"*, and section 306.4, subsection 6,
2 paragraph *"b"*.
3 Sec. 73. Section 331.382, subsection 8, paragraph a, Code
4 2013, is amended to read as follows:
5 *a.* The board is subject to chapter 161F, chapters 357
6 through 358, or chapter 468, subchapters I through III, chapter
7 468, subchapter IV, parts 1 and 2, or chapter 468, subchapter
8 V, as applicable, in acting relative to a special district
9 authorized under any of those chapters.
10 Sec. 74. Section 331.390, subsection 2, paragraph a, Code
11 2013, is amended to read as follows:
12 *a.* The voting membership of the governing board shall
13 consist of at least one board of supervisors member from each
14 county comprising the ~~regions~~ region or their designees.
15 Sec. 75. Section 331.390, subsection 3, paragraph b, Code
16 2013, is amended to read as follows:
17 *b.* The regional administrator staff shall include
18 one or more coordinators of disability services. A
19 coordinator shall possess a bachelor's or higher level
20 degree in a human services-related or ~~administrative-related~~
21 administration-related field, including but not limited
22 to social work, psychology, nursing, or public or business
23 administration, from an accredited college or university.
24 However, in lieu of a degree in public or business
25 administration, a coordinator may provide documentation of
26 relevant management experience. An action of a coordinator
27 involving a clinical decision shall be made in conjunction
28 with a professional who is trained in the delivery of the
29 mental health or disability service addressed by the clinical
30 decision. The regional administrator shall determine whether
31 referral to a coordinator of disability services is required
32 for a person seeking to access a service through a local access
33 point of the regional service system.
34 Sec. 76. Section 331.552, subsection 25, Code 2013, is
35 amended to read as follows:

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1 25. Carry out duties relating to the funding of drainage
2 districts as provided in chapter 468, subchapter I, parts 1 to
3 5, chapter 468, subchapter II, parts 1, 5, and 6, chapter 468,
4 subchapter III, and chapter 468, subchapter IV, parts 1 and 2.
5 Sec. 77. Section 341A.2, Code 2013, is amended to read as
6 follows:
7 **341A.2 Civil service commission.**
8 1. Subject to the alternate plan enumerated in section
9 341A.3, there is created in each county a civil service
10 commission composed of three members. Two members shall be
11 appointed by the county board of supervisors and one member
12 shall be appointed by the county attorney of each county.
13 Appointees to the commission shall be residents of the county
14 for at least two years immediately preceding appointment,
15 and shall be electors. Terms of office shall be six years;
16 however, the initial members of the commission shall be
17 appointed as follows:
18 *a.* One of the members appointed by the board of supervisors
19 shall serve for a period of two years while the other member
20 shall serve for a period of six years and the board shall
21 specify the term of each member so appointed.
22 *b.* The member appointed by the county attorney shall serve
23 for a period of four years.
24 2. Any member of the commission may be removed by the
25 appointing authority for incompetence, dereliction of duty,
26 malfeasance in office, or for other good cause; however, no
27 member of the commission shall be removed until apprised
28 in writing of the nature of the charges against the member
29 and a hearing on such charges has been held before the
30 board of supervisors. In the event a vacancy occurs in the
31 commission for any reason other than expiration of the term, an
32 appointment to fill the vacancy for the unexpired term shall be
33 made in the same manner as the original appointment.
34 3. A majority vote of the membership of the commission shall
35 be sufficient to transact the business of the commission.

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1 4. Not more than two commissioners shall be members of the
2 same political party. Commissioners shall hold no elective
3 or other appointive public office during their terms of
4 appointment to the commission. Commissioners shall serve
5 without compensation but shall be reimbursed for necessary
6 expense and mileage incurred in the actual performance of their
7 duties.
8 Sec. 78. Section 350.4, subsection 9, paragraph a, Code
9 2013, is amended to read as follows:
10 *a.* To participate in watershed projects of soil and water
11 conservation districts and the federal government and in
12 projects of drainage districts organized under the provisions
13 of chapter 161F ~~and~~, chapter 468, subchapter I, parts 1 through
14 5, and chapter 468, subchapter II, parts 1, 5, and 6, for the
15 purpose of increasing the recreational resources of the county.
16 Sec. 79. Section 354.9, subsection 3, Code 2013, is amended
17 to read as follows:
18 3. If cities establish overlapping areas of review outside
19 their boundaries, then the cities shall establish by agreement
20 pursuant to chapter 28E reasonable standards and conditions
21 for review of subdivisions within the overlapping area. If no
22 agreement is recorded pursuant to chapter 28E then the city
23 which is closest to the boundary of the subdivision shall have
24 authority to review ~~of~~ the subdivision.
25 Sec. 80. Section 355.7, subsection 6, Code 2013, is amended
26 to read as follows:
27 6. *a.* The plat shall show the lengths and bearings of
28 the boundaries of the parcels surveyed. The course of each
29 boundary line shown on the plat may be indicated by a direct
30 bearing reference or by an angle between the boundary line and
31 an intersecting line having a shown bearing, except when the
32 boundary line has an irregular or constantly changing course,
33 as along a body of water, or when a description of the boundary
34 line is better achieved by measurements shown at points or
35 intervals along a meander line or an offset line having a shown

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1 course. The bearings shall be referenced to a United States
2 public land survey system land line, or recorded subdivision
3 line. If the boundary lines show bearings, lengths, or
4 locations which vary from those recorded in deeds, abutting
5 plats, or other instruments of record, the following note shall
6 be placed along the lines: ~~"recorded~~
7 Recorded as (show recorded bearing, length, or ~~location)"~~
8 location).
9 *b.* Bearings and angles shown shall be given to at least the
10 nearest minute of arc.
11 Sec. 81. Section 355.8, subsection 8, Code 2013, is amended
12 to read as follows:
13 8. *a.* The plat shall show the lengths and bearings of
14 the boundaries of the tracts surveyed. The course of each
15 boundary line shown on the plat may be indicated by a direct
16 bearing reference or by an angle between the boundary line and
17 an intersecting line having a shown bearing, except when the
18 boundary line has an irregular or constantly changing course,
19 as along a body of water, or when a description of the boundary
20 line is better achieved by measurements shown at points or
21 intervals along a meander line or an offset line having a shown
22 course. The bearing shall be referenced to a United States
23 public land survey system land line, or recorded subdivision
24 line. If the boundary lines show bearings, lengths, or
25 locations which vary from those recorded in deeds, abutting
26 plats, or other instruments of record, the following note shall
27 be placed along the lines: ~~"recorded~~
28 Recorded as (show recorded bearing, length, or ~~location)"~~
29 location).
30 *b.* Bearings and angles shown shall be given to at least the
31 nearest minute of arc.
32 Sec. 82. Section 384.6, subsection 1, paragraph b, Code
33 2013, is amended to read as follows:
34 *b.* If a police chief or fire chief has submitted a
35 written request to the board of trustees to be exempt from

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chapter 411, authorized in section 411.3, subsection 1, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section 411.8, subsection 1, paragraph *"a"*, to the international city management ~~association/retirement~~ association retirement corporation.

Sec. 83. Section 419.4, subsection 2, paragraph a, subparagraph (5), Code 2013, is amended to read as follows:

(5) The creation, maintenance, custody, investment and reinvestment and use of special funds from the revenues of such project~~, and~~.

Sec. 84. Section 419.4, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. (1) A municipality shall have the power to provide that proceeds from the sale of bonds and special funds from the revenues of the project shall be invested and reinvested in such securities and other investments as shall be provided in the proceedings under which the bonds are authorized to be issued including:

~~(1)~~ (a) Obligations issued or guaranteed by the United States~~;~~.

~~(2)~~ (b) Obligations issued or guaranteed by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States~~;~~.

~~(3)~~ (c) Obligations issued or guaranteed by any state of the United States, or the District of Columbia, or any political subdivision of any such state or district~~;~~.

~~(4)~~ (d) Prime commercial paper~~;~~.

~~(5)~~ (e) Prime finance company paper~~;~~.

~~(6)~~ (f) Bankers' acceptances drawn on and accepted by banks organized under the laws of any state or of the United States~~;~~.

~~(7)~~ (g) Repurchase agreements fully secured by obligations issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of

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1 the United States pursuant to authority granted by the Congress
2 of the United States~~; and~~.
3 ~~(8)~~ (h) Certificates of deposit issued by banks organized
4 under the laws of any state or of the United States; whether
5 or not such investment or reinvestment is authorized under any
6 other law of this state. The municipality shall also have the
7 power to provide that such proceeds or funds or investments and
8 the amounts payable under the lease, sale contract, or loan
9 agreement shall be received, held and disbursed by one or more
10 banks or trust companies located in or out of the state of
11 Iowa.
12 (2) A municipality shall also have the power to provide
13 that the project and improvements shall be constructed by the
14 municipality, lessee, the lessee's designee, the contracting
15 party, or the contracting party's designee, or any one or
16 more of them on real estate owned by the municipality, the
17 lessee, the lessee's designee, the contracting party, or the
18 contracting party's designee, as the case may be, and that the
19 bond proceeds shall be disbursed by the trustee bank or banks,
20 trust company or trust companies, during construction upon the
21 estimate, order or certificate of the lessee, the lessee's
22 designee, the contracting party, or the contracting party's
23 designee.
24 Sec. 85. Section 421.24, subsection 3, Code 2013, is amended
25 to read as follows:
26 3. *a.* For the purposes of this section, the words *"tax"*
27 and *"taxes"* shall include interest and penalties due under any
28 taxing statute, and liability for such interest or penalties,
29 or both, due under a taxing statute of another state or a
30 political subdivision thereof, shall be recognized and enforced
31 by the courts of this state to the same extent that the laws
32 of such other state permit the enforcement in its courts of
33 liability for such interest or penalties, or both, due under
34 a taxing statute of this state or a political subdivision
35 thereof.

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1 *b.* The courts of this state may not enforce interest rates
2 or penalties on taxes of any other state which exceed the
3 interest rates and penalties imposed by the state of Iowa for
4 the same or a similar tax.
5 Sec. 86. Section 422.16, subsection 10, paragraph c, Code
6 2013, is amended to read as follows:
7 *c.* If any withholding agent, being a domestic or foreign
8 corporation, required under the provisions of this section
9 to withhold on wages or other taxable Iowa income subject to
10 this chapter, fails to withhold the amounts required to be
11 withheld, make the required returns or remit to the department
12 the amounts withheld, the director may, having exhausted all
13 other means of enforcement of the provisions of this chapter,
14 certify such fact or facts to the secretary of state, who shall
15 thereupon cancel the articles of incorporation or certificate
16 of authority, ~~(as~~ as the case may ~~be)~~ be, of such corporation,
17 and the rights of such corporation to carry on business in the
18 state of Iowa shall thereupon cease. The secretary of state
19 shall immediately notify by registered mail such domestic or
20 foreign corporation of the action taken by the secretary of
21 state. The provisions of section 422.40, subsection 3, shall
22 be applicable.
23 Sec. 87. Section 422.20, subsection 3, paragraph a, Code
24 2013, is amended to read as follows:
25 *a.* Unless otherwise expressly permitted by section 8A.504,
26 section 8G.4, section 96.11, subsection 6, section 421.17,
27 subsections 22, 23, and 26, section 421.17, subsection 27,
28 paragraph *"k"*, ~~and~~ section 421.17, subsection 31, section
29 252B.9, section 321.40, subsection 6, sections 321.120, 421.19,
30 421.28, 422.72, and 452A.63, and this section, a tax return,
31 return information, or investigative or audit information
32 shall not be divulged to any person or entity, other than the
33 taxpayer, the department, or internal revenue service for use
34 in a matter unrelated to tax administration.
35 Sec. 88. Section 422.32, subsection 2, Code 2013, is amended

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1 to read as follows:
2 2. The words, terms, and phrases defined in ~~division II,~~
3 section 422.4, subsections 4 to 6, 8, 9, 13, and 15 to 17, when
4 used in this division, shall have the meanings ascribed to them
5 in said section except where the context clearly indicates a
6 different meaning.
7 Sec. 89. Section 422.33, subsection 5, Code 2013, is amended
8 to read as follows:
9 5. *a.* The taxes imposed under this division shall
10 be reduced by a state tax credit for increasing research
11 activities in this state equal to the sum of the following:
12 (1) Six and one-half percent of the excess of qualified
13 research expenses during the tax year over the base amount for
14 the tax year based upon the state's apportioned share of the
15 qualifying expenditures for increasing research activities.
16 (2) Six and one-half percent of the basic research payments
17 determined under section 41(e)(1)(A) of the Internal Revenue
18 Code during the tax year based upon the state's apportioned
19 share of the qualifying expenditures for increasing research
20 activities.
21 *b.* The state's apportioned share of the qualifying
22 expenditures for increasing research activities is a percent
23 equal to the ratio of qualified research expenditures in this
24 state to the total qualified research expenditures.
25 ~~*b.*~~ *c.* In lieu of the credit amount computed in paragraph
26 *"a"*, subparagraph (1), a corporation may elect to compute the
27 credit amount for qualified research expenses incurred in this
28 state in a manner consistent with the alternative simplified
29 credit described in section 41(c)(5) of the Internal Revenue
30 Code. The taxpayer may make this election regardless of
31 the method used for the taxpayer's federal income tax. The
32 election made under this paragraph is for the tax year and the
33 taxpayer may use another or the same method for any subsequent
34 year.
35 ~~*c.*~~ *d.* For purposes of the alternate credit computation

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1 method in paragraph ~~"b"~~ "c", the credit percentages applicable
2 to qualified research expenses described in section 41(c)(5)(A)
3 and clause (ii) of section 41(c)(5)(B) of the Internal Revenue
4 Code are four and fifty-five hundredths percent and one and
5 ninety-five hundredths percent, respectively.
6 ~~d.~~ e. (1) For purposes of this subsection, *"base amount"*,
7 *"basic research payment"*, and *"qualified research expense"* mean
8 the same as defined for the federal credit for increasing
9 research activities under section 41 of the Internal Revenue
10 Code, except that for the alternative simplified credit such
11 amounts are for research conducted within this state.
12 (2) For purposes of this subsection, *"Internal Revenue Code"*
13 means the Internal Revenue Code in effect on January 1, 2012.
14 ~~e.~~ f. Any credit in excess of the tax liability for the
15 taxable year shall be refunded with interest computed under
16 section 422.25. In lieu of claiming a refund, a taxpayer may
17 elect to have the overpayment shown on its final, completed
18 return credited to the tax liability for the following taxable
19 year.
20 ~~f. Reserved.~~
21 *g.* A corporation which is an eligible business may claim an
22 additional research activities credit authorized pursuant to
23 section 15.335.
24 *h.* The department shall by February 15 of each year issue
25 an annual report to the general assembly containing the total
26 amount of all claims made by employers under this subsection
27 and the portion of the claims issued as refunds, for all claims
28 processed during the previous calendar year. The report shall
29 contain the name of each claimant for whom a tax credit in
30 excess of five hundred thousand dollars was issued and the
31 amount of the credit received.
32 Sec. 90. Section 422.70, subsection 1, Code 2013, is amended
33 to read as follows:
34 1. The director, for the purpose of ascertaining the
35 correctness of a return or for the purpose of making an

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estimate of the taxable income or receipts of a taxpayer, has ~~power~~ the following powers:

a. To examine or cause to be examined by an agent or representative designated by the director, books, papers, records, or memoranda~~; to~~.

b. To require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas~~; to~~.

c. To administer oaths, to examine witnesses and receive evidence~~; to~~.

d. To compel witnesses to produce for examination books, papers, records, and documents relating to any matter which the director has the authority to investigate or determine.

Sec. 91. Section 422.72, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph *"k"*, ~~and~~ section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.20, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 92. Section 422D.1, subsection 2, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The taxes for emergency medical services shall only be imposed after an election at which a majority of those voting on the question of imposing the tax or combination of taxes specified in subsection 1, paragraph *"a"*, subparagraph (1) or (2), vote in favor of the question. However, the tax or combination of taxes specified in subsection 1 shall not be imposed on property within or on residents of a benefited emergency medical services district under chapter 357F. The

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1 question of imposing the tax or combination of the taxes may
2 be submitted at the regular city election, a special election,
3 or ~~state~~ the general election. Notice of the question shall
4 be provided by publication at least sixty days before the time
5 of the election and shall identify the tax or combination of
6 taxes and the rate or rates, as applicable. If a majority of
7 those voting on the question approve the imposition of the tax
8 or combination of taxes, the tax or combination of taxes shall
9 be imposed as follows:
10 Sec. 93. Section 423.3, subsection 18, paragraph c, Code
11 2013, is amended to read as follows:
12 *c.* Rehabilitation facilities that provide accredited
13 rehabilitation services to persons with disabilities which are
14 accredited by the commission on accreditation of rehabilitation
15 facilities or the ~~accreditation~~ council ~~for services for~~
16 ~~persons with an intellectual disability and other persons with~~
17 ~~developmental disabilities~~ on quality and leadership and adult
18 day care services approved for reimbursement by the state
19 department of human services.
20 Sec. 94. Section 423.5, Code 2013, is amended to read as
21 follows:
22 **423.5 Imposition of tax.**
23 1. Except as provided in ~~subsection 3~~ paragraph *"c"*, an
24 excise tax at the rate of six percent of the purchase price or
25 installed purchase price is imposed on the following:
26 ~~1.~~ *a.* The use in this state of tangible personal property
27 as defined in section 423.1, including aircraft subject to
28 registration under section 328.20, purchased for use in this
29 state. For the purposes of this subchapter, the furnishing
30 or use of the following services is also treated as the use
31 of tangible personal property: optional service or warranty
32 contracts, except residential service contracts regulated under
33 chapter 523C, vulcanizing, recapping, or retreading services,
34 engraving, photography, retouching, printing, or binding
35 services, and communication service when furnished or delivered

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1 to consumers or users within this state.
2 ~~2.~~ *b.* The use of manufactured housing in this state, on
3 the purchase price if the manufactured housing is sold in
4 the form of tangible personal property or on the installed
5 purchase price if the manufactured housing is sold in the form
6 of realty.
7 ~~3.~~ *c.* An excise tax at the rate of five percent is imposed
8 on the use of vehicles subject only to the issuance of a
9 certificate of title and the use of manufactured housing, and
10 on the use of leased vehicles, if the lease transaction does
11 not require titling or registration of the vehicle, on the
12 amount subject to tax as calculated pursuant to section 423.26,
13 subsection 2.
14 ~~4.~~ *d.* Purchases of tangible personal property made from
15 the government of the United States or any of its agencies by
16 ultimate consumers shall be subject to the tax imposed by this
17 section. Services purchased from the same source or sources
18 shall be subject to the service tax imposed by this subchapter
19 and apply to the user of the services.
20 ~~5.~~ *e.* The use in this state of services enumerated in
21 section 423.2. This tax is applicable where the service is
22 first used in this state.
23 ~~6.~~ 2. The excise tax is imposed upon every person using
24 the property within this state until the tax has been paid
25 directly to the county treasurer, the state department of
26 transportation, a retailer, or the department. This tax is
27 imposed on every person using the services or the product of
28 the services in this state until the user has paid the tax
29 either to an Iowa use tax permit holder or to the department.
30 ~~7.~~ 3. For the purpose of the proper administration of the
31 use tax and to prevent its evasion, evidence that tangible
32 personal property was sold by any person for delivery in this
33 state shall be prima facie evidence that such tangible personal
34 property was sold for use in this state.
35 ~~8.~~ 4. Any person or that person's affiliate, which is a

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1 retailer in this state or a retailer maintaining a place of
2 business in this state under this chapter, that enters into a
3 contract with an agency of this state must register, collect,
4 and remit Iowa use tax under this chapter on all sales of
5 tangible personal property and enumerated services. Every
6 bid submitted and each contract executed by a state agency
7 shall contain a certification by the bidder or contractor
8 stating that the bidder or contractor is registered with the
9 department and will collect and remit Iowa use tax due under
10 this chapter. In the certification, the bidder or contractor
11 shall also acknowledge that the state agency may declare the
12 contract or bid void if the certification is false. Fraudulent
13 certification, by act or omission, may result in the state
14 agency or its representative filing for damages for breach of
15 contract.
16 ~~9.~~ 5. The use tax rate of six percent is reduced to five
17 percent on January 1, 2030.
18 Sec. 95. Section 423.6, subsection 6, Code 2013, is amended
19 to read as follows:
20 6. Tangible personal property or services the sales price
21 of which is exempt from the sales tax under section 423.3,
22 except section 423.3, subsections 39 and 73, as it relates to
23 the sale, but not the lease or rental, of vehicles subject only
24 to the issuance of a certificate of title and as it relates to
25 aircraft subject to registration under section 328.20.
26 Sec. 96. Section 426A.8, unnumbered paragraph 1, Code 2013,
27 is amended to read as follows:
28 If the amount of credit apportioned to any property eligible
29 ~~to~~ for military service tax exemption under this chapter in
30 any year shall exceed the total tax, exclusive of any special
31 assessments levied against such property eligible for military
32 service tax exemption, then the excess shall be remitted by the
33 county treasurer to the department of revenue to be redeposited
34 in the general fund of the state and reallocated the following
35 year by the department.

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Sec. 97. Section 426A.11, subsection 1, Code 2013, is amended to read as follows:

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

Sec. 98. Section 441.16, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The combined budgets shall contain an itemized list of the proposed salaries of the assessor and each deputy~~,~~; the amount required for field personnel and other personnel, their number, and their compensation; the estimated amount needed for expenses, printing, mileage, and other expenses necessary to operate the assessor's office~~,~~; the estimated expenses of the examining board~~,~~; and the salaries and expenses of the local board of review.

Sec. 99. Section 452A.2, subsection 25, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) Any liquid advertised, offered for sale, sold for use as, or commonly or commercially used as a fuel for propelling motor vehicles which, when subjected to distillation of gasoline, naphtha, kerosene and similar petroleum products [ASTM (American society for testing and materials) international designation D-86], shows not less than ten ~~per centum~~ percent distilled (recovered) below three hundred forty-seven degrees Fahrenheit (one hundred seventy-five degrees Centigrade) and not less than ninety-five ~~per centum~~ percent distilled (recovered) below four hundred sixty-four degrees Fahrenheit (two hundred forty degrees Centigrade).

Sec. 100. Section 455B.105, subsection 11, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) The relative benefits to the applicant and to the public of permit and conditional permit review, issuance, and monitoring compliance. It is the intention of the legislature that permit fees shall not cover any costs connected with correcting violation of the terms of any permit and shall not

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1 impose unreasonable costs on any municipality.
2 ~~It is the intention of the legislature that permit fees shall~~
3 ~~not cover any costs connected with correcting violation of the~~
4 ~~terms of any permit and shall not impose unreasonable costs on~~
5 ~~any municipality.~~
6 Sec. 101. Section 455B.474A, Code 2013, is amended to read
7 as follows:
8 **455B.474A Rules consistent with federal regulations.**
9 The rules adopted by the commission under section
10 455B.474 shall be consistent with and shall not exceed the
11 requirements of federal regulations relating to the regulation
12 of underground storage tanks except as provided in section
13 455B.474, subsection 1, paragraph *"a"*, subparagraph (6),
14 and section 455B.474, subsection 3, paragraph *"d"*. It is
15 the intent of the general assembly that state rules adopted
16 pursuant to section 455B.474, subsection 1, paragraph *"a"*,
17 subparagraph (6), and section 455B.474, subsection 3, paragraph
18 *"d"*, be consistent with and not more restrictive than federal
19 regulations adopted by the United States environmental
20 protection agency when those rules are adopted.
21 Sec. 102. Section 455B.516, subsection 9, Code 2013, is
22 amended to read as follows:
23 9. *a.* *"Toxics pollution prevention"* means employment of a
24 practice which reduces the industrial use of toxic substances
25 or reduces the environmental and health hazards associated
26 with an environmental waste without diluting or concentrating
27 the waste before the release, handling, storage, transport,
28 treatment, or disposal of the waste. The term includes toxics
29 pollution prevention techniques but does not include a practice
30 which is applied to an environmental waste after the waste is
31 generated or comes into existence on or after the waste exits a
32 production or commercial operation.
33 *b.* *"Toxics pollution prevention"* does not include, promote,
34 or require any of the following:
35 ~~*a.*~~ (1) Waste burning in industrial furnaces, boilers,

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1 smelters, or cement kilns for the purpose of energy recovery.
2 ~~b.~~ (2) The transfer of an environmental waste from one
3 environmental medium to another environmental medium, the
4 workplace environment, or a product.
5 ~~c.~~ (3) Off-site waste recycling.
6 ~~d.~~ (4) Any other method of end-of-pipe management
7 of environmental wastes including waste exchange and the
8 incorporation or embedding of regulated environmental wastes
9 into products or by-products.
10 Sec. 103. Section 456A.19, Code 2013, is amended to read as
11 follows:
12 **456A.19 Expenditures.**
13 1. All funds accruing to the fish and game protection fund,
14 except an equitable portion of the administration fund, shall
15 be expended solely in carrying on fish and wildlife activities.
16 Expenditures incurred by the department in carrying on the
17 activities shall be only on authorization by the general
18 assembly.
19 *a.* The department shall by October 1 of each year submit to
20 the department of management for transmission to the general
21 assembly a detailed estimate of the amount required by the
22 department during the succeeding year for carrying on fish and
23 wildlife activities. The estimate shall be in the same general
24 form and detail as required by law in estimates submitted by
25 other state departments.
26 *b.* Any unexpended balance at the end of the biennium shall
27 revert to the fish and game protection fund.
28 *c.* All administrative expense shall be paid from the
29 administration fund.
30 *d.* All other expenditures shall be paid from the state
31 conservation fund.
32 2. All expenditures under this chapter are subject to
33 approval by the director of management and the director of the
34 department of administrative services.
35 3. All moneys credited to the county conservation board

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1 fund shall be used to provide grants to county conservation
2 boards to provide funding for the purposes of chapter 350.
3 These grants are in addition to moneys appropriated to the
4 conservation boards from the county boards of supervisors. The
5 grants shall be made to the conservation boards based upon the
6 needs of the boards. Applications shall be made by the boards
7 to the commission.
8 Sec. 104. Section 459.202, subsection 1, unnumbered
9 paragraphs 1 and 2, Code 2013, are amended to read as follows:
10 *a.* Except as provided in subsection 3 and sections 459.203,
11 459.205, and 459.206, this subsection applies to confinement
12 feeding operation structures constructed on or after May 31,
13 1995, but prior to January 1, 1999; and to the expansion of
14 structures constructed prior to January 1, 1999.
15 *b.* The following table represents the minimum separation
16 distance in feet required between a confinement feeding
17 operation structure and a residence not owned by the owner of
18 the confinement feeding operation, or a commercial enterprise,
19 bona fide religious institution, or an educational institution:
20 Sec. 105. Section 459.202, subsection 2, unnumbered
21 paragraphs 1 and 2, Code 2013, are amended to read as follows:
22 *a.* Except as provided in subsection 3 and sections 459.203,
23 459.205, and 459.206, this subsection applies to confinement
24 feeding operation structures constructed on or after January
25 1, 1999, but prior to March 1, 2003, and to the expansion of
26 structures constructed on or after January 1, 1999, but prior
27 to March 1, 2003.
28 *b.* The following table represents the minimum separation
29 distance in feet required between a confinement feeding
30 operation structure and a residence not owned by the owner of
31 the confinement feeding operation, or a commercial enterprise,
32 bona fide religious institution, or an educational institution:
33 Sec. 106. Section 459.202, subsection 3, unnumbered
34 paragraphs 1 and 2, Code 2013, are amended to read as follows:
35 *a.* Except as provided in sections 459.203, 459.205, and

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1 459.206, this subsection applies to confinement feeding
2 operation structures constructed on or after May 31, 1995,
3 but prior to March 1, 2003; to the expansion of structures
4 constructed on or after May 31, 1995, but prior to March 1,
5 2003; and to the expansion of structures constructed prior to
6 May 31, 1995.
7 *b.* The following table represents the minimum separation
8 distance in feet required between a confinement feeding
9 operation structure and a public use area; or between a
10 confinement feeding operation structure and a residence not
11 owned by the owner of the confinement feeding operation, a
12 commercial enterprise, a bona fide religious institution,
13 or an educational institution, if the residence, commercial
14 enterprise, religious institution, or educational institution
15 is located within the corporate limits of a city:
16 Sec. 107. Section 459.202, subsection 4, unnumbered
17 paragraphs 1 and 2, Code 2013, are amended to read as follows:
18 *a.* Except as provided in subsection 5 and sections 459.203,
19 459.205, and 459.206, this subsection applies to confinement
20 feeding operation structures constructed on or after March 1,
21 2003, and to the expansion of confinement feeding operation
22 structures constructed on or after March 1, 2003.
23 *b.* The following table represents the minimum separation
24 distance in feet required between a confinement feeding
25 operation structure and a residence not owned by the owner of
26 the confinement feeding operation, a commercial enterprise, a
27 bona fide religious institution, or an educational institution:
28 Sec. 108. Section 459.202, subsection 5, unnumbered
29 paragraphs 1 and 2, Code 2013, are amended to read as follows:
30 *a.* Except as provided in sections 459.203, 459.205, and
31 459.206, this subsection applies to confinement feeding
32 operation structures constructed on or after March 1, 2003, and
33 to the expansion of confinement feeding operation structures
34 constructed on or after March 1, 2003.
35 *b.* The following table represents the minimum separation

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1 distance in feet required between a confinement feeding
2 operation structure and a public use area; or between a
3 confinement feeding operation structure and a residence not
4 owned by the owner of the confinement feeding operation, a
5 commercial enterprise, a bona fide religious institution,
6 or an educational institution, if the residence, commercial
7 enterprise, religious institution, or educational institution
8 is located within the corporate limits of a city:
9 Sec. 109. Section 459.401, subsection 2, unnumbered
10 paragraph 1, Code 2013, is amended to read as follows:
11 The compliance fund is composed of three accounts~~,~~: the
12 general account, the assessment account, and the educational
13 program account.
14 Sec. 110. Section 468.202, Code 2013, is amended to read as
15 follows:
16 **468.202 Agreement in advance.**
17 The agreement with the federal government contemplated in
18 section 468.201 may be entered into by the board in advance of
19 the filing of the ~~plan —~~ plan, such agreement to be effective
20 if the plan is finally adopted. If the plan is approved the
21 board shall make a record of any such cooperative agreement.
22 Sec. 111. Section 468.309, Code 2013, is amended to read as
23 follows:
24 **468.309 Appeal by trustees or boards.**
25 Trustees or boards of supervisors having charge of any
26 previously organized district which is proposed to be included
27 ~~(~~either in whole or in part~~)~~ within the new intercounty
28 district may, in the same manner and under the same procedure,
29 appeal to the district court from the action of the joint
30 boards in establishing the new district or in including therein
31 the previously organized district or any part thereof.
32 Sec. 112. Section 476.6, subsection 22, Code 2013, is
33 amended to read as follows:
34 22. *Nuclear generating facilities — legislative intent.*
35 *a.* It is the intent of the general assembly to require

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1 certain rate-regulated public utilities to undertake analyses
2 of and preparations for the possible construction of nuclear
3 generating facilities in this state that would be beneficial in
4 a carbon-constrained environment.
5 *b.* A rate-regulated electric utility that was subject to
6 a revenue sharing settlement agreement with regard to its
7 electric base rates as of January 1, 2010, shall recover,
8 through a rider and pursuant to a tariff filing made on or
9 before December 31, 2013, the reasonable and prudent costs of
10 its analyses of and preparations for the possible construction
11 of facilities of the type referenced in paragraph *"a"*. Cost
12 recovery shall be accomplished by instituting a revenue
13 increase applied in the same percentage amount to each customer
14 class and not designed to recover, on an annual basis, more
15 than five-tenths percent of the electric utility's calendar
16 year 2009 revenues attributable to billed base rates in this
17 state. At the conclusion of the cost recovery period, which
18 shall extend no more than thirty-six months in total, the board
19 shall conduct a contested case proceeding pursuant to chapter
20 17A to evaluate the reasonableness and prudence of the cost
21 recovery. The utility shall file such information with the
22 board as the board deems appropriate, including the filing
23 of an annual report identifying and explaining expenditures
24 identified in the rider as items for cost recovery, and
25 any other information required by the board. If the board
26 determines that the utility has imprudently incurred costs, or
27 has incurred costs that are less than the amount recovered, the
28 board shall order the utility to modify the rider to adjust the
29 amount recoverable.
30 *c.* Costs that may be recovered through the rider described
31 in paragraph *"b"* shall be consistent with the "United States
32 Nuclear Regulatory Guide, Section 4.7, General Site Suitability
33 Criteria for Nuclear Power Stations, Revision Two, April 1998,"
34 including costs related to the study and use of sites for
35 nuclear generation.

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1 Sec. 113. Section 476.53, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:
3 *a.* The general assembly's intent with regard to the
4 development of electric power generating and transmission
5 facilities, or the significant alteration of an existing
6 generating facility, as provided in subsection 1, shall be
7 implemented in a manner that is cost-effective and compatible
8 with the environmental policies of the state, as expressed in
9 this Title XI.
10 Sec. 114. Section 489.110, subsection 3, paragraph h, Code
11 2013, is amended to read as follows:
12 *h.* Vary the requirement to wind up a limited liability
13 company's business as specified in section 489.702, subsection
14 1, and section 489.702, subsection 2, paragraph *"a"*.
15 Sec. 115. Section 489.110, subsection 4, paragraph a, Code
16 2013, is amended to read as follows:
17 *a.* Restrict or eliminate the duty to do any of the
18 following:
19 (1) As required in section 489.409, subsection 2, paragraph
20 *"a"*, and section 489.409, subsection 8, to account to the
21 limited liability company and to hold as trustee for it any
22 property, profit, or benefit derived by the member in the
23 conduct or winding up of the company's business, from a use by
24 the member of the company's property, or from the appropriation
25 of a limited liability company opportunity.
26 (2) As required in section 489.409, subsection 2, paragraph
27 *"b"*, and section 489.409, subsection 8, to refrain from dealing
28 with the company in the conduct or winding up of the company's
29 business as or on behalf of a party having an interest adverse
30 to the company.
31 (3) As required by section 489.409, subsection 2, paragraph
32 *"c"*, and section 489.409 subsection 8, to refrain from competing
33 with the company in the conduct of the company's business
34 before the dissolution of the company.
35 Sec. 116. Section 490.850, subsection 6, Code 2013, is

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amended to read as follows:

6. *a.* *"Official capacity"* means:

~~*a.*~~ (1) When used with respect to a director, the office of director in a corporation.

~~*b.*~~ (2) When used with respect to an officer, as contemplated in section 490.856, the office in a corporation held by the officer.

b. *"Official capacity"* does not include service for any other domestic or foreign corporation or any partnership, joint venture, trust, employee benefit plan, or other entity.

Sec. 117. Section 493.9, Code 2013, is amended to read as follows:

493.9 Change in stock.

Any such corporation may, by appropriate amendments to its articles of incorporation, adopted by a two-third affirmative vote of each class of stock then issued and outstanding and affected by such amendment, change its common or preferred stock ~~(common or preferred)~~ having a par value to an equal, greater or less number of shares of stock having no par value, and, in connection therewith, may fix the amount of capital represented by such shares of stock without par value.

Sec. 118. Section 502.610, subsections 1, 2, and 6, Code 2013, are amended to read as follows:

1. *Sales and offers to sell.* Sections 502.301, 502.302, section 502.401, subsection 1, section 502.402, subsection 1, section 502.403, subsection 1, section 502.404, subsection 1, and sections 502.501, 502.506, 502.509, and 502.510 do not apply to a person that sells or offers to sell a security unless the offer to sell or the sale is made in this state or the offer to purchase or the purchase is made and accepted in this state.

2. *Purchases and offers to purchase.* ~~Sections~~ Section 502.401, subsection 1, section 502.402, subsection 1, section 502.403, subsection 1, section 502.404, subsection 1, and sections 502.501, 502.506, 502.509, and 502.510 do not apply to

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a person that purchases or offers to purchase a security unless the offer to purchase or the purchase is made in this state or the offer to sell or the sale is made and accepted in this state.

6. *Investment advice and misrepresentations.* ~~Sections~~ Section 502.403, subsection 1, section 502.404, subsection 1, section 502.405, subsection 1, and sections 502.502, 502.505, and 502.506 apply to a person if the person engages in an act, practice, or course of business instrumental in effecting prohibited or actionable conduct in this state, whether or not either party is then present in this state.

Sec. 119. Section 507A.7, subsection 2, Code 2013, is amended to read as follows:

2. The court in any action, suit, or proceeding in which service is made as provided in section 507A.6, subsections 2 and 3 ~~of section 507A.6~~, or the commissioner of insurance in any administrative proceeding before the commissioner in which service is made as provided in section 507A.6, subsections 2 and 3 ~~of section 507A.6~~, may in the court's or commissioner's discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of subsection 1 of this section and to defend such action.

Sec. 120. Section 507C.28, subsection 1, paragraph b, subparagraph (4), Code 2013, is amended to read as follows:

(4) The creditor receiving the transfer was an officer, or an employee, attorney or other person who was in fact in a position of comparable influence in the insurer to an officer whether or not the person held the position of an officer, or a shareholder directly or indirectly holding more than five ~~per centum~~ percent of a class of an equity security issued by the insurer, or other person, firm, corporation, association, or aggregation of persons with whom the insurer did not deal at arm's length.

Sec. 121. Section 508.36, subsection 4, Code 2013, is

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1 amended to read as follows:
2 4. *Computation for minimum standards for annuities.*
3 *a.* Except as provided in subsection 5, the minimum
4 standard for the valuation of all individual annuity and pure
5 endowment contracts issued on or after the operative date of
6 this subsection, and for all annuities and pure endowments
7 purchased on or after the operative date of this subsection
8 under group annuity and pure endowment contracts, shall be the
9 commissioner's reserve valuation methods defined in subsections
10 6 and 7, and the following tables and interest rates:
11 ~~*a.*~~ (1) For individual annuity and pure endowment contracts
12 issued prior to January 1, 1980, excluding any disability
13 and accidental death benefits in such contracts, both of the
14 following:
15 ~~(1)~~ (a) The 1971 individual annuity mortality table, or any
16 modification of this table approved by the commissioner.
17 ~~(2)~~ (b) Six percent interest for single premium immediate
18 annuity contracts, and four percent interest for all other
19 individual annuity and pure endowment contracts.
20 ~~*b.*~~ (2) For individual single premium immediate annuity
21 contracts issued on or after January 1, 1980, excluding any
22 disability and accidental death benefits in such contracts,
23 both of the following:
24 ~~(1)~~ (a) One of the following tables:
25 ~~(a)~~ (i) The 1971 individual annuity mortality table.
26 ~~(b)~~ (ii) An individual annuity mortality table,
27 adopted after 1980 by the national association of insurance
28 commissioners and approved by rule adopted by the commissioner
29 for use in determining the minimum standard of valuation for
30 such contracts.
31 ~~(c)~~ (iii) A modification of the tables identified in
32 subparagraph ~~divisions (a)~~ subdivisions (i) and ~~(b)~~ (ii)
33 approved by the commissioner.
34 ~~(2)~~ (b) Seven and one-half percent interest.
35 ~~*c.*~~ (3) For individual annuity and pure endowment contracts

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issued on or after January 1, 1980, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, both of the following:

~~(1)~~ (a) One of the following tables:

~~(a)~~ (i) The 1971 individual annuity mortality table.

~~(b)~~ (ii) An individual annuity mortality table adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for such contracts.

~~(c)~~ (iii) A modification of the tables identified in subparagraph ~~divisions (a)~~ subdivisions (i) and ~~(b)~~ (ii) approved by the commissioner.

~~(2)~~ (b) Five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts.

~~d.~~ (4) For all annuities and pure endowments purchased prior to January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, both of the following:

~~(1)~~ (a) The 1971 group annuity mortality table or any modification of this table approved by the commissioner.

~~(2)~~ (b) Six percent interest.

~~e.~~ (5) For all annuities and pure endowments purchased on or after January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, both of the following:

~~(1)~~ (a) One of the following tables:

~~(a)~~ (i) The 1971 group annuity mortality table.

~~(b)~~ (ii) A group annuity mortality table adopted after 1980 by the national association of insurance commissioners

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1 and approved by rule adopted by the commissioner for use
2 in determining the minimum standard of valuation for such
3 annuities and pure endowments.
4 ~~(c)~~ (iii) A modification of the tables identified in
5 subparagraph ~~divisions (a)~~ subdivisions (i) and ~~(b)~~ (ii)
6 approved by the commissioner.
7 ~~(2)~~ (b) Seven and one-half percent interest.
8 *b.* After July 1, 1973, a company may file with the
9 commissioner a written notice of its election to comply with
10 the provisions of this subsection after a specified date before
11 January 1, 1979, which shall be the operative date of this
12 section for such company, provided, if a company makes no
13 election, the effective date of this section for a company is
14 January 1, 1979.
15 Sec. 122. Section 508.36, subsection 5, paragraph c,
16 subparagraph (1), subparagraph division (a), Code 2013, is
17 amended to read as follows:
18 (a) (i) Weighting Factors for Life Insurance:
19 Guarantee Duration (Years) Weighting Factors
20 10 or less .50
21 More than 10,
22 but not more than 20 .45
23 More than 20 .35
24 (ii) For life insurance, the guarantee duration is the
25 maximum number of years the life insurance can remain in force
26 on a basis guaranteed in the policy or under options to convert
27 to plans of life insurance with premium rates or nonforfeiture
28 values or both which are guaranteed in the original policy.
29 Sec. 123. Section 508.36, subsection 5, paragraph c,
30 subparagraph (1), subparagraph division (c), subparagraph
31 subdivision (vi), Code 2013, is amended to read as follows:
32 (vi) A company may elect to value guaranteed interest
33 contracts with cash settlement options and annuities with
34 cash settlement options on either an issue-year basis or on
35 a change-in-fund basis. Guaranteed interest contracts with

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1 no cash settlement options and other annuities with no cash
2 settlement options must be valued on an issue-year basis.
3 (2) As used in this section, an issue-year basis of
4 valuation refers to a valuation basis under which the interest
5 rate used to determine the minimum valuation standard for the
6 entire duration of the annuity or guaranteed interest contract
7 is the calendar year valuation interest rate for the year of
8 issue or year of purchase of the annuity or guaranteed interest
9 contract, and the change-in-fund basis of valuation refers to a
10 valuation basis under which the interest rate used to determine
11 the minimum valuation standard applicable to each change in the
12 fund held under the annuity or guaranteed interest contract is
13 the calendar year valuation interest rate for the year of the
14 change in the fund.
15 Sec. 124. Section 508.36, subsection 6, paragraph b, Code
16 2013, is amended to read as follows:
17 *b.* (1) However, for a life insurance policy issued on or
18 after January 1, 1998, for which the contract premium in the
19 first policy year exceeds that of the second year and for which
20 no comparable additional benefit is provided in the first year
21 for such additional premium and which provides an endowment
22 benefit or a cash surrender value or a combination of such
23 benefit or value in an amount greater than the additional
24 premium, the reserve according to the commissioner's reserve
25 valuation method as of any policy anniversary occurring on or
26 before the assumed ending date defined as the first policy
27 anniversary on which the sum of any endowment benefit and
28 any cash surrender value then available is greater than such
29 additional premium shall be, except as otherwise provided in
30 subsection 10, the greater of the reserve as of such policy
31 anniversary calculated as described in paragraph "*a*" and the
32 reserve as of such policy anniversary calculated as described
33 in paragraph "*a*", but with the following modifications:
34 ~~(1)~~ (a) The value defined in paragraph "*a*" being reduced
35 by fifteen percent of the amount of such excess first year

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1 premium.
2 ~~(2)~~ (b) All present values of benefits and premiums being
3 determined without reference to premiums or benefits provided
4 for by the policy after the assumed ending date.
5 ~~(3)~~ (c) The policy being assumed to mature on such date as
6 an endowment.
7 ~~(4)~~ (d) The cash surrender value provided on such date
8 being considered as an endowment benefit.
9 (2) In making the above comparison the mortality and
10 interest bases stated in subsections 4 and 5 shall be used.
11 Sec. 125. Section 510.5, subsection 1, paragraph e, Code
12 2013, is amended to read as follows:
13 *e.* Appropriate underwriting guidelines including but not
14 limited to the following:
15 (1) The maximum annual premium volume.
16 (2) The basis of the rates to be charged.
17 (3) The types of risks which may be written.
18 (4) Maximum limits of liability.
19 (5) Applicable exclusions.
20 (6) Territorial limitations.
21 (7) Policy cancellation provisions.
22 (8) The maximum length or duration of the policy period.
23 *f.* The insurer may cancel or refuse to renew any policy
24 of insurance produced or underwritten by a managing general
25 agent, subject to the applicable laws and rules concerning the
26 cancellation and nonrenewal of insurance policies.
27 Sec. 126. Section 511.8, subsection 22, paragraph a,
28 subparagraph (4), Code 2013, is amended to read as follows:
29 (4) *"United States government-sponsored enterprise"* means the
30 federal national mortgage corporation under 12 U.S.C. § 1716 —
31 ~~23i~~ 1723i of the National Housing Act and the federal home loan
32 marketing association under the Federal Home Loan Mortgage Act,
33 12 U.S.C. § 1451 — ~~59~~ 1459.
34 Sec. 127. Section 515.13, Code 2013, is amended to read as
35 follows:

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515.13 Reservation.

None of the provisions of ~~subsection 5 of~~ section 515.12, subsection 5, shall apply to any company heretofore organized and approved by the commissioner of insurance, but which had not completed its organization on May 28, 1937, nor shall ~~said~~ section 515.12, subsection 5, apply to any company already licensed to issue policies.

Sec. 128. Section 518C.7, subsection 4, Code 2013, is amended to read as follows:

4. The plan of operation may delegate any or all duties and powers of the association, except those under section 518C.6, subsection 1, paragraph *"c"*, and section 518C.6, subsection 2, paragraph *"c"*, to a person with the approval of both the board of directors and the commissioner. Such delegation shall only be made to a person extending protection which is not substantially less favorable and effective than that provided by this chapter. Such person shall be reimbursed as a servicing facility and shall be paid for the performance of any other functions of the association.

Sec. 129. Section 524.544, subsection 3, Code 2013, is amended to read as follows:

3. The reports required by subsections 1 and 2 of this section shall contain information, ~~(~~to the extent known by the person making the report~~)~~, relative to the number of shares involved, the names of the sellers and purchasers ~~(~~or transferors and transferees~~)~~, the purchase price, the name of the borrower, the amount, source, and terms of the loan, or other transaction, the name of the bank issuing the shares used as security, and the number of shares used as security.

Sec. 130. Section 524.904, subsection 5, paragraph b, subparagraphs (2) through (4), Code 2013, are amended to read as follows:

(2) One or more persons ~~owns~~ own or ~~controls~~ control fifty percent or more of the voting securities or membership interests of the borrowing entity or a member of the group.

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(3) One or more persons ~~controls~~ control, in any manner, the election of a majority of the directors, managers, trustees, or other persons exercising similar functions of the borrowing entity or a member of the group.

(4) One or more persons ~~has~~ have the power to vote fifty percent or more of any class of voting securities or membership interests of the borrowing entity or a member of the group.

Sec. 131. Section 524.904, subsection 7, paragraph g, Code 2013, is amended to read as follows:

g. Loans and extensions of credit to a federal reserve bank or to the United States, or of any department, bureau, board, commission, agency, or establishment of the United States, or to any corporation owned directly or indirectly by the United States, or loans and extensions of credit to one borrower to the extent that such loans and extensions of credit are fully secured or guaranteed or covered by unconditional commitments or agreements to purchase by a federal reserve bank or by the United States, or any department, bureau, board, commission, agency, or establishment of the United States, or any corporation owned directly or indirectly by the United States. Loans and extensions of credit to one borrower secured by a lease on property under the terms of which the United States, or any department, bureau, board, commission, agency, or establishment of the United States, or any corporation owned directly or indirectly by the United States, or the state of Iowa, or any political subdivision of the state, is lessee and under the terms of which the aggregate rentals payable to the borrower will be sufficient to satisfy the amount loaned ~~is~~ are considered to be loans and extensions of credit secured or guaranteed as provided for in this paragraph.

Sec. 132. Section 524.1411, subsection 5, Code 2013, is amended to read as follows:

5. The provisions required in the articles of incorporation by section 524.302, subsection 1, paragraphs *"c"* and *"d"*, and section 524.302, subsection 2, paragraph *"b"*.

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Sec. 133. Section 535B.1, subsection 11, Code 2013, is amended to read as follows:

11. *"Real estate closing services"* means the administrative and clerical services required to carry out the conveyance or transfer of real estate or an interest in real estate located in this state to a purchaser or lender. *"Real estate closing services"* ~~include~~ includes but ~~are~~ is not limited to preparing settlement statements, determining that all closing documents conform to the parties' contract requirements, ascertaining that the lender's instructions have been satisfied, conducting a closing conference, receiving and disbursing funds, and completing form documents and instruments selected by and in accordance with instructions of the parties to the transaction. *"Real estate closing services"* ~~do~~ does not include performing solely notarial acts as provided in chapter 9B.

Sec. 134. Section 536.13, subsection 7, paragraph c, Code 2013, is amended to read as follows:

c. ~~Article~~ Chapter 537, article 2, parts 3, 5, and 6 ~~of chapter 537~~, ~~and~~ chapter 537, article 3 ~~of chapter 537~~, and sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306, apply to any credit transaction, as defined in section 537.1301, in which a licensee participates or engages, and any violation of those parts or sections is a violation of this chapter. For the purpose of applying the Iowa consumer credit code, chapter 537, to those credit transactions, *"consumer loan"* includes a loan for a business purpose.

Sec. 135. Section 536A.31, subsection 2, Code 2013, is amended to read as follows:

2. ~~Article~~ Chapter 537, article 2, parts 3, 5, and 6, ~~and~~ chapter 537, article 3, and sections 537.3203, 537.3206, 537.3209, 537.3210, 537.3304, 537.3305 and 537.3306 shall apply to any credit transaction, as defined in section 537.1301, in which a licensee participates or engages, and any violation of those parts or sections shall be violations of this chapter. For the purpose of applying the provisions of the Iowa consumer

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1 credit code, chapter 537, to those credit transactions,
2 *"consumer loan"* shall include a loan for a business purpose.
3 Sec. 136. Section 542B.35, subsection 2, paragraph c, Code
4 2013, is amended to read as follows:
5 ~~c.~~ 3. A person who completes the real property inspection
6 report shall not claim to be a licensed professional land
7 surveyor or a licensed professional engineer for purposes of
8 the report.
9 Sec. 137. Section 543B.5, subsection 15, Code 2013, is
10 amended to read as follows:
11 15. a. *"Material adverse fact"* means an adverse fact
12 that a party indicates is of such significance, or that is
13 generally recognized by a competent licensee as being of
14 such significance to a reasonable party, that it affects or
15 would affect the party's decision to enter into a contract
16 or agreement concerning a transaction, or affects or would
17 affect the party's decision about the terms of the contract or
18 agreement.
19 b. For purposes of this subsection, *"adverse fact"* means
20 a condition or occurrence that is generally recognized by a
21 competent licensee as resulting in any of the following:
22 ~~a.~~ (1) Significantly and adversely affecting the value of
23 the property.
24 ~~b.~~ (2) Significantly reducing the structural integrity of
25 improvement to real estate.
26 ~~c.~~ (3) Presenting a significant health risk to occupants of
27 the property.
28 Sec. 138. Section 543B.29, subsection 3, Code 2013, is
29 amended to read as follows:
30 3. A real estate broker or salesperson who is an owner or
31 lessor of property or an employee of an owner or lessor may
32 have the broker's or salesperson's license revoked or suspended
33 for violations of this section or section 543B.34, except
34 section 543B.34, subsection 1, paragraphs *"d"*, *"e"*, *"f"*, and
35 *"i"*, with respect to that property.

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1 Sec. 139. Section 543B.46, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. Each real estate broker shall maintain a common trust
4 account in a bank, ~~a~~ savings association, or credit union for
5 the deposit of all down payments, earnest money deposits,
6 or other trust funds received by the broker or the broker's
7 salespersons on behalf of the broker's principal, except that a
8 broker acting as a salesperson shall deposit these funds in the
9 common trust account of the broker for whom the broker acts as
10 salesperson. The account shall be an interest-bearing account.
11 The interest on the account shall be transferred quarterly to
12 the treasurer of state and transferred to the Iowa finance
13 authority for deposit in the housing trust fund established in
14 section 16.181 unless there is a written agreement between the
15 buyer and seller to the contrary. The broker shall not benefit
16 from interest received on funds of others in the broker's
17 possession.
18 Sec. 140. Section 551.10, Code 2013, is amended to read as
19 follows:
20 **551.10 Cumulative remedies.**
21 Nothing in this chapter shall be construed as repealing any
22 other Act, or part of an Act, but the remedies herein provided
23 shall be cumulative to all other remedies provided by law.
24 Sec. 141. Section 554.2311, subsection 2, Code 2013, is
25 amended to read as follows:
26 2. Unless otherwise agreed specifications relating to
27 assortment of the goods are at the buyer's option and except as
28 otherwise provided in ~~subsections~~ section 554.2319, subsection
29 1, paragraph *"c"* and section 554.2319, subsection 3 ~~of section~~
30 ~~554.2319~~ specifications or arrangements relating to shipment
31 are at the seller's option.
32 Sec. 142. Section 554.2319, subsection 1, paragraph c, Code
33 2013, is amended to read as follows:
34 *c.* when under either paragraph *"a"* or *"b"* the term is
35 also F.O.B. vessel, car or other vehicle, the seller must in

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1 addition at the seller's own expense and risk load the goods
2 on board. If the term is F.O.B. vessel the buyer must name the
3 vessel and in an appropriate case the seller must comply with
4 the provisions of this Article on the form of bill of lading
5 (section 554.2323).
6 Sec. 143. Section 554.2319, subsection 3, Code 2013, is
7 amended to read as follows:
8 3. Unless otherwise agreed in any case falling within
9 subsection 1, paragraph *"a"* or *"c"* or subsection 2 the buyer
10 must seasonably give any needed instructions for making
11 delivery, including when the term is F.A.S. or F.O.B. the
12 loading berth of the vessel and in an appropriate case its name
13 and sailing date. The seller may treat the failure of needed
14 instructions as a failure of cooperation under this Article
15 (section 554.2311). The seller may also at the seller's option
16 move the goods in any reasonable manner preparatory to delivery
17 or shipment.
18 Sec. 144. Section 554.3202, subsection 1, Code 2013, is
19 amended to read as follows:
20 1. Negotiation is effective even if obtained ~~(i)~~ from an
21 infant, a corporation exceeding its powers, or a person without
22 capacity~~, (ii)~~; by fraud, duress, or mistake~~,~~; or ~~(iii)~~ in
23 breach of duty or as part of an illegal transaction.
24 Sec. 145. Section 554.3305, subsection 1, paragraph a, Code
25 2013, is amended to read as follows:
26 *a.* a defense of the obligor based on ~~(i)~~ infancy of the
27 obligor to the extent it is a defense to a simple contract~~,~~
28 ~~(ii)~~; duress, lack of legal capacity, or illegality of the
29 transaction which, under other law, nullifies the obligation of
30 the obligor~~, (iii)~~; fraud that induced the obligor to sign the
31 instrument with neither knowledge nor reasonable opportunity
32 to learn of its character or its essential terms~~,~~; or ~~(iv)~~
33 discharge of the obligor in insolvency proceedings;
34 Sec. 146. Section 554.3311, subsections 1 and 3, Code 2013,
35 are amended to read as follows:

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1. If a person against whom a claim is asserted proves that ~~(i)~~ that person in good faith tendered an instrument to the claimant as full satisfaction of the claim, ~~(ii)~~ the amount of the claim was unliquidated or subject to a bona fide dispute, and ~~(iii)~~ the claimant obtained payment of the instrument, the following subsections apply.

3. Subject to subsection 4, a claim is not discharged under subsection 2 if either of the following applies:

a. The claimant, if an organization, proves that ~~(i)~~:

(1) within a reasonable time before the tender, the claimant sent a conspicuous statement to the person against whom the claim is asserted that communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to a designated person, office, or place~~,~~; and ~~(ii)~~

(2) the instrument or accompanying communication was not received by that designated person, office, or place.

b. The claimant, whether or not an organization, proves that within ninety days after payment of the instrument, the claimant tendered repayment of the amount of the instrument to the person against whom the claim is asserted. This paragraph does not apply if the claimant is an organization that sent a statement complying with paragraph *"a"*, ~~part (i)~~ subparagraph (1).

Sec. 147. Section 554.3312, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. "Declaration of loss" means a written statement, made under penalty of perjury, to the effect that ~~(i)~~ the declarer lost possession of a check~~, (ii)~~; the declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check~~, (iii)~~; the loss of possession was not the result of a transfer by the declarer or a lawful seizure~~,~~; and ~~(iv)~~ the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts

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cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

Sec. 148. Section 554.3405, subsection 1, paragraphs b and c, Code 2013, are amended to read as follows:

b. *"Fraudulent endorsement"* means ~~(i)~~ one of the following:

(1) in the case of an instrument payable to the employer, a forged endorsement purporting to be that of the employer~~, or (ii)~~;

(2) in the case of an instrument with respect to which the employer is the issuer, a forged endorsement purporting to be that of the person identified as payee.

c. *"Responsibility"* with respect to instruments means authority ~~(i)~~ to sign or endorse instruments on behalf of the employer~~, (ii)~~; to process instruments received by the employer for bookkeeping purposes, for deposit to an account, or for other disposition~~, (iii)~~; to prepare or process instruments for issue in the name of the employer~~, (iv)~~; to supply information determining the names or addresses of payees of instruments to be issued in the name of the employer~~, (v)~~; to control the disposition of instruments to be issued in the name of the employer~~,~~; or ~~(vi)~~ to act otherwise with respect to instruments in a responsible capacity. *"Responsibility"* does not include authority that merely allows an employee to have access to instruments or blank or incomplete instrument forms that are being stored or transported or are part of incoming or outgoing mail, or similar access.

Sec. 149. Section 554.3501, subsection 1, Code 2013, is amended to read as follows:

1. *"Presentment"* means a demand made by or on behalf of a person entitled to enforce an instrument ~~(i)~~:

a. to pay the instrument made to the drawee or a party obliged to pay the instrument or, in the case of a note or accepted draft payable at a bank, to the bank~~,~~; or ~~(ii)~~

b. to accept a draft made to the drawee.

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1 Sec. 150. Section 554.3501, subsection 2, paragraphs b and
2 c, Code 2013, are amended to read as follows:
3 *b.* Upon demand of the person to whom presentment is made,
4 the person making presentment must ~~(i)~~ exhibit the instrument~~,~~
5 ~~(ii)~~; give reasonable identification and, if presentment is
6 made on behalf of another person, reasonable evidence of
7 authority to do so~~,~~; and ~~(iii)~~ sign a receipt on the instrument
8 for any payment made or surrender the instrument if full
9 payment is made.
10 *c.* Without dishonoring the instrument, the party to whom
11 presentment is made may ~~(i)~~ return the instrument for lack of
12 a necessary endorsement, or ~~(ii)~~ refuse payment or acceptance
13 for failure of the presentment to comply with the terms of the
14 instrument, an agreement of the parties, or other applicable
15 law or rule.
16 Sec. 151. Section 554.3604, subsection 1, Code 2013, is
17 amended to read as follows:
18 1. A person entitled to enforce an instrument, with or
19 without consideration, may discharge the obligation of a party
20 to pay the instrument ~~(i)~~ by an intentional voluntary act,
21 such as surrender of the instrument to the party, destruction,
22 mutilation, or cancellation of the instrument, cancellation or
23 striking out of the party's signature, or the addition of words
24 to the instrument indicating discharge~~,~~; or ~~(ii)~~ by agreeing
25 not to sue or otherwise renouncing rights against the party by
26 a signed writing.
27 Sec. 152. Section 554.3605, subsections 5, 7, and 9, Code
28 2013, are amended to read as follows:
29 5. If the obligation of a party to pay an instrument is
30 secured by an interest in collateral and a person entitled to
31 enforce the instrument impairs the value of the interest in
32 collateral, the obligation of an endorser or accommodation
33 party having a right of recourse against the obligor is
34 discharged to the extent of the impairment. The value of an
35 interest in collateral is impaired to the extent ~~(i)~~ the value

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of the interest is reduced to an amount less than the amount of the right of recourse of the party asserting discharge, or ~~(ii)~~ the reduction in value of the interest causes an increase in the amount by which the amount of the right of recourse exceeds the value of the interest. The burden of proving impairment is on the party asserting discharge.

7. Under subsection 5 or 6, impairing value of an interest in collateral includes ~~(i)~~ failure to obtain or maintain perfection or recordation of the interest in collateral~~, (ii)~~; release of collateral without substitution of collateral of equal value~~, (iii)~~; failure to perform a duty to preserve the value of collateral owed, under Article 9 or other law, to a debtor or surety or other person secondarily liable~~,~~; or ~~(iv)~~ failure to comply with applicable law in disposing of collateral.

9. A party is not discharged under this section if ~~(i)~~ the party asserting discharge consents to the event or conduct that is the basis of the discharge, or ~~(ii)~~ the instrument or a separate agreement of the party provides for waiver of discharge under this section either specifically or by general language indicating that parties waive defenses based on suretyship or impairment of collateral.

Sec. 153. Section 554.9102, subsection 1, paragraphs b, k, z, ar, au, be, and bg, Code 2013, are amended to read as follows:

b. "Account", except as used in *"account for"*, means a right to payment of a monetary obligation, whether or not earned by performance, ~~(i)~~ for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of~~, (ii)~~; for services rendered or to be rendered~~, (iii)~~; for a policy of insurance issued or to be issued~~, (iv)~~; for a secondary obligation incurred or to be incurred~~, (v)~~; for energy provided or to be provided~~, (vi)~~; for the use or hire of a vessel under a charter or other contract~~, (vii)~~; arising out of the use of a credit or charge card or information contained on or for use

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with the card~~,~~; or ~~(viii)~~ as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health care insurance receivables. The term does not include ~~(i)~~ rights to payment evidenced by chattel paper or an instrument, ~~(ii)~~ commercial tort claims, ~~(iii)~~ deposit accounts, ~~(iv)~~ investment property, ~~(v)~~ letter-of-credit rights or letters of credit, or ~~(vi)~~ rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

k. "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, *"monetary obligation"* means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include ~~(i)~~ charters or other contracts involving the use or hire of a vessel or ~~(ii)~~ records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

z. "Consumer transaction" means a transaction in which ~~(i)~~ an individual incurs an obligation primarily for personal, family, or household purposes~~, (ii)~~; a security interest secures the obligation~~,~~; and ~~(iii)~~ the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

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ar. *"Goods"* means all things that are movable when a security interest attaches. The term includes ~~(i)~~ fixtures~~,~~ ~~(ii)~~; standing timber that is to be cut and removed under a conveyance or contract for sale~~, (iii)~~; the unborn young of animals~~, (iv)~~; crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes~~,~~; and ~~(v)~~ manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if ~~(i)~~ the program is associated with the goods in such a manner that it customarily is considered part of the goods, or ~~(ii)~~ by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

au. *"Instrument"* means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include ~~(i)~~ investment property, ~~(ii)~~ letters of credit, or ~~(iii)~~ writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

be. *"New value"* means ~~(i)~~ money~~, (ii)~~; money's worth in property, services, or new credit~~,~~; or ~~(iii)~~ release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

bg. *"Obligor"* means a person that, with respect to an

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obligation secured by a security interest in or an agricultural lien on the collateral, ~~(i)~~ owes payment or other performance of the obligation, ~~(ii)~~ has provided property other than the collateral to secure payment or other performance of the obligation, or ~~(iii)~~ is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

Sec. 154. Section 554.12507, subsection 3, Code 2013, is amended to read as follows:

3. *a.* A funds-transfer system rule may select the law of a particular jurisdiction to govern ~~(i)~~:

(1) the rights and obligations between participating banks with respect to payment orders transmitted or processed through the system, or ~~(ii)~~

(2) the rights and obligations of some or all parties to a funds transfer any part of which is carried out by means of the system.

b. A choice of law made pursuant to ~~clause (i)~~ paragraph *"a"*, subparagraph (1), is binding on participating banks. A choice of law made pursuant to ~~clause (ii)~~ paragraph *"a"*, subparagraph (2), is binding on the originator, other sender, or a receiving bank having notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system when the originator, other sender, or receiving bank issued or accepted a payment order. The beneficiary of a funds transfer is bound by the choice of law if, when the funds transfer is initiated, the beneficiary has notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system. The law of a jurisdiction selected pursuant to this subsection may govern, whether or not that law bears a reasonable relation to the matter in issue.

Sec. 155. Section 554.13103, subsection 1, paragraph g, subparagraph (3), subparagraph division (d), Code 2013, is

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amended to read as follows:

(d) if the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing ~~(i)~~ of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person~~, (ii)~~; that the lessee is entitled under this Article to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods~~,~~; and ~~(iii)~~ that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

Sec. 156. Section 554.13209, subsection 2, Code 2013, is amended to read as follows:

2. The extension of the benefit of a supplier's promises and of warranties to the lessee under subsection 1 does not: ~~(i)~~

a. modify the rights and obligations of the parties to the supply contract, whether arising therefrom or otherwise, or ~~(ii)~~

b. impose any duty or liability under the supply contract on the lessee.

Sec. 157. Section 554.13527, subsection 2, Code 2013, is amended to read as follows:

2. Except as otherwise provided with respect to damages liquidated in the lease agreement (section 554.13504) or otherwise determined pursuant to agreement of the parties (sections 554.1302 and 554.13503), if the disposition is by lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessor may recover from the lessee as damages ~~(i)~~ accrued and unpaid rent as of

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1 the date of the commencement of the term of the new lease
2 agreement~~, (ii)~~; the present value, as of the same date, of the
3 total rent for the remaining lease term of the original lease
4 agreement minus the present value, as of the same date, of the
5 rent under the new lease agreement applicable to that period of
6 the new lease term which is comparable to the then remaining
7 term of the original lease agreement~~,~~; and ~~(iii)~~ any incidental
8 damages allowed under section 554.13530, less expenses saved in
9 consequence of the lessee's default.
10 Sec. 158. Section 554.13528, subsection 1, Code 2013, is
11 amended to read as follows:
12 1. Except as otherwise provided with respect to damages
13 liquidated in the lease agreement (section 554.13504) or
14 otherwise determined pursuant to agreement of the parties
15 (sections 554.1302 and 554.13503), if a lessor elects to retain
16 the goods or a lessor elects to dispose of the goods and the
17 disposition is by lease agreement that for any reason does not
18 qualify for treatment under section 554.13527, subsection 2, or
19 is by sale or otherwise, the lessor may recover from the lessee
20 as damages for a default of the type described in section
21 554.13523, subsection 1, or section 554.13523, subsection 3,
22 paragraph "a", or, if agreed, for other default of the lessee,
23 ~~(i)~~
24 a. accrued and unpaid rent as of the date of default if
25 the lessee has never taken possession of the goods, or, if the
26 lessee has taken possession of the goods, as of the date the
27 lessor repossesses the goods or an earlier date on which the
28 lessee makes a tender of the goods to the lessor, ~~(ii)~~
29 b. the present value as of the date determined under ~~clause~~
30 ~~(i)~~ paragraph "a" of the total rent for the then remaining lease
31 term of the original lease agreement minus the present value as
32 of the same date of the market rent at the place where the goods
33 are located computed for the same lease term, and ~~(iii)~~
34 c. any incidental damages allowed under section 554.13530,
35 less expenses saved in consequence of the lessee's default.

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Sec. 159. Section 554D.104, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Chapter 554 other than chapter 554, articles 2 and 13, and section 554.1306.

Sec. 160. Section 559.2, Code 2013, is amended to read as follows:

559.2 Definition — scope of power.

The term *"power to appoint"* as used in section 559.1, shall mean and include all powers which are in substance and effect powers of appointment, regardless of the language used in creating them and whether they are ~~(1) general~~:

1. General, special or otherwise~~, (2) vested~~.

2. Vested, contingent or conditional~~, (3) in~~.

3. In gross, appendant, simply collateral, in trust or in the nature of a trust or otherwise~~, (4) exercisable~~.

4. Exercisable by an instrument amending, revoking, altering, or terminating a trust or an estate, or an interest thereunder or otherwise~~, (5) exercisable~~.

5. Exercisable presently or in the future~~, (6) exercisable~~.

6. Exercisable in an individual or a fiduciary capacity whether alone or in conjunction with one or more other persons or corporations~~, (7) powers~~.

7. Powers to invade or consume property~~, or (8) powers~~.

8. Powers remaining after one or more partial releases have heretofore or hereafter been made with respect to a power to appoint.

Sec. 161. Section 559.6, Code 2013, is amended to read as follows:

559.6 Delivery.

A release or disclaimer may be delivered to any of the following: ~~(1)~~

1. Any person who could be adversely affected by the exercise of the power~~; or (2) any~~.

2. Any trustee of the property to which the power relates~~; or (3) any~~.

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1 3. Any person specified for such purpose in the instrument
2 creating the power~~; or (4) the~~.
3 4. The county recorder as provided in section 559.1.
4 Sec. 162. Section 600A.4, subsection 2, paragraph f, Code
5 2013, is amended to read as follows:
6 *f.* Shall be accompanied by a report which includes,
7 to the extent available, the complete family medical and
8 social history of the person to be adopted including any
9 known genetic, metabolic, or familial disorders and the
10 complete medical and developmental history of the person to
11 be adopted, and a social history of the minor child and the
12 minor child's family but which does not disclose the identity
13 of the biological parents of the person to be adopted. The
14 social history may include but is not limited to the minor
15 child's racial, ethnic, and religious background and a general
16 description of the minor child's biological parents and an
17 account of the minor child's prior and existing relationship
18 with any relative, foster parent, or other individual with whom
19 the minor child regularly lives or whom the child regularly
20 visits.
21 (1) A biological parent may also provide ongoing
22 information to the adoptive parents, as additional medical
23 or social history information becomes known, by providing
24 information to the clerk of court, the department of human
25 services, or the agency which made the placement, and may
26 provide the current address of the biological parent. The
27 clerk of court, the department of human services, or the agency
28 which made the placement shall transmit the information to the
29 adoptive parents if the address of the adoptive parents is
30 known.
31 (2) A person who furnishes a report required under this
32 paragraph "*f*" and the court shall not disclose any information
33 upon which the report is based except as otherwise provided
34 in this section and such a person is subject to the penalties
35 provided in section 600.16, as applicable. A person who is the

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1 subject of any report may bring a civil action against a person
2 who discloses the information in violation of this section.
3 (3) Information provided under this paragraph "f" shall not
4 be used as evidence in any civil or criminal proceeding against
5 a person who is the subject of the information.
6 (4) The department shall prescribe forms designed to obtain
7 the family medical and social history and shall provide the
8 forms at no charge to any agency or person who executes a
9 release of custody of the minor child or who files a petition
10 for termination of parental rights. The existence of this
11 report does not limit a person's ability to petition the court
12 for release of records in accordance with other provisions of
13 law.
14 Sec. 163. Section 631.8, subsection 2, paragraph b, Code
15 2013, is amended to read as follows:
16 *b.* As to parties who have appeared or are existing parties,
17 either ~~(1)~~ order the small claim to be heard under this chapter
18 and the other claim to be tried by regular procedure or ~~(2)~~
19 order both claims to be tried by regular procedure.
20 Sec. 164. Section 633.224, Code 2013, is amended to read as
21 follows:
22 **633.224 Advancements — in general.**
23 When the owner of property transfers it as an advancement
24 to a person who would be an heir of such transferor were the
25 latter to die at that time, and the transferor dies intestate,
26 then the property thus advanced shall be counted toward the
27 share of the transferee in the estate, ~~(~~which for this purpose
28 only shall be increased by the value of the advancement at
29 the time the advancement was made~~)~~. The transferee shall
30 have no liability to the estate for such part, if any, of the
31 advancement as may be in excess of the transferee's share
32 in the estate as thus determined. Every gratuitous inter
33 vivos transfer is presumed to be an absolute gift, and not an
34 advancement. Such presumption is rebuttable.
35 Sec. 165. Section 633.352, Code 2013, is amended to read as

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1 follows:
2 **633.352 Collection of rents and payment of taxes and charges.**
3 Unless otherwise provided by the will, the provisions of
4 chapter 637 that conflict with this division VII, part 3, shall
5 not apply to the allocation and distribution of estate income.
6 Sec. 166. Section 648.3, subsection 1, Code 2013, is amended
7 to read as follows:
8 1. Before action can be brought under any ground specified
9 in section 648.1, except section 648.1, subsection 1, three
10 days' notice to quit must be given to the defendant in writing.
11 However, a landlord who has given a tenant three days' notice
12 to pay rent and has terminated the tenancy as provided in
13 section 562A.27, subsection 2, or section 562B.25, subsection
14 2, if the tenant is renting the manufactured or mobile home or
15 the land from the landlord, may commence the action without
16 giving a three-day notice to quit.
17 Sec. 167. Section 724.10, subsection 2, Code 2013, is
18 amended to read as follows:
19 2. The issuing officer, upon receipt of an initial or
20 renewal application under this section, shall immediately
21 conduct a background check concerning each applicant by
22 obtaining criminal history data from the department of public
23 safety which shall include an inquiry of the national instant
24 criminal background check system maintained by the federal
25 bureau of investigation or any successor agency.
26 Sec. 168. Section 724.17, Code 2013, is amended to read as
27 follows:
28 **724.17 Application for annual permit to acquire — criminal**
29 **history check required.**
30 The application for an annual permit to acquire pistols
31 or revolvers may be made to the sheriff of the county of
32 the applicant's residence and shall be on a form prescribed
33 and published by the commissioner of public safety. The
34 application shall require only the full name of the applicant,
35 the driver's license or nonoperator's identification card

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number of the applicant, the residence of the applicant, and the date and place of birth of the applicant. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and brief description and colored photograph of the cardholder, or other identification as specified by rule of the department of public safety. The sheriff shall conduct a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency. A person who makes what the person knows to be a false statement of material fact on an application submitted under this section or who submits what the person knows to be any materially falsified or forged documentation in connection with such an application commits a class "D" felony.

Sec. 169. Section 805.6, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. (1) The uniform citation and complaint shall contain spaces for the following:

(a) The parties' names~~; the~~.

(b) The address of the alleged offender~~; the~~.

(c) The registration number of the offender's vehicle~~; the~~.

(d) The information required by section 805.2~~, a~~.

(e) A warning which states:

"~~I~~ I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false ~~information"; and a~~ information.

(f) A statement that providing false identification information is a violation of section 719.1A~~; a~~.

(g) A list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is

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demanded~~; a~~.

(h) A brief explanation of sections 805.9 and 805.10~~; and a~~.

(i) A space where the defendant may sign an admission of the violation when permitted by section 805.9~~; and the~~.

(2) The uniform citation and complaint shall require that the defendant appear before a court at a specified time and place.

(3) The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

Sec. 170. Section 805.8B, subsection 2, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) For operating violations under section 321G.13, subsection 1, paragraphs *"a"*, *"b"*, *"e"*, *"f"*, *"g"*, *"h"*, and *"i"*, and section 321G.13, subsections 2 and 3, the scheduled fine is one hundred dollars.

Sec. 171. Section 805.8B, subsection 2A, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) For operating violations under section 321I.14, subsection 1, paragraphs *"a"*, *"e"*, *"f"*, *"g"*, and *"h"*, and section 321I.14, subsections 2, 3, 4, and 5, the scheduled fine is one hundred dollars.

Sec. 172. Section 809A.3, Code 2013, is amended to read as follows:

809A.3 Conduct giving rise to forfeiture.

1. The following conduct may give rise to forfeiture:

~~1.~~ *a.* An act or omission which is a public offense and which is a serious or aggravated misdemeanor or felony.

~~2.~~ *b.* An act or omission occurring outside of this state, that would be punishable by confinement of one year or more in the place of occurrence and would be a serious or aggravated misdemeanor or felony if the act or omission occurred in this state.

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1 ~~3.~~ *c.* An act or omission committed in furtherance of any
2 act or omission described in ~~subsection 1~~ paragraph *"a"*, which
3 is a serious or aggravated misdemeanor or felony, including any
4 inchoate or preparatory offense.
5 ~~4.~~ 2. Notwithstanding ~~subsections~~ subsection 1 ~~through~~
6 ~~3~~, violations of chapter 321 or 321J shall not be considered
7 conduct giving rise to forfeiture, except for violations of the
8 following:
9 *a.* Section 321.232.
10 *b.* A second or subsequent violation of section 321J.4B,
11 subsection 2, paragraph *"a"*, subparagraph (2).
12 *c.* Section 321J.4B, subsection 9.
13 Sec. 173. Section 904.312, Code 2013, is amended to read as
14 follows:
15 **904.312 Purchase of supplies.**
16 1. The director shall adopt rules governing the purchase of
17 all articles and supplies needed at the various institutions
18 and the form and verification of vouchers for the purchases.
19 When purchases are made by sample, the sample shall be properly
20 marked and retained until after an award or delivery of the
21 items is made. The director may purchase supplies from any
22 institution under the director's control, for use in any other
23 institution, and reasonable reimbursement shall be made for
24 these purchases.
25 2. The director shall, whenever technically feasible,
26 purchase and use degradable loose foam packing material
27 manufactured from grain starches or other renewable resources,
28 unless the cost of the packing material is more than ten
29 percent greater than the cost of packing material made from
30 nonrenewable resources. For the purposes of this subsection,
31 *"packing material"* means material, other than an exterior
32 packing shell, that is used to stabilize, protect, cushion, or
33 brace the contents of a package.
34 Sec. 174. Section 915.82, subsection 1, Code 2013, is
35 amended to read as follows:

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1 1. *a.* A crime victim assistance board is established, and
2 shall consist of the following members to be appointed pursuant
3 to rules adopted by the department:
4 ~~*a.*~~ (1) A county attorney or assistant county attorney.
5 ~~*b.*~~ (2) Two persons engaged full-time in law enforcement.
6 ~~*c.*~~ (3) A public defender or an attorney practicing
7 primarily in criminal defense.
8 ~~*d.*~~ (4) A hospital medical staff person involved with
9 emergency services.
10 ~~*e.*~~ (5) Two public members who have received victim
11 services.
12 ~~*f.*~~ (6) A victim service provider.
13 ~~*g.*~~ (7) A person licensed pursuant to chapter 154B or 154C.
14 ~~*h.*~~ (8) A person representing the elderly.
15 *b.* Board members shall be reimbursed for expenses actually
16 and necessarily incurred in the discharge of their duties.
17 DIVISION II
18 VOLUME VI RENUMBERING
19 Sec. 175. Section 556.2, subsection 5, Code 2013, is amended
20 to read as follows:
21 5. *a.* A banking organization or financial organization
22 shall send to the owner of each account, to which none of the
23 actions specified in subsection 2, paragraphs *"a"* through *"e"*
24 ~~of subsection 1~~ or subsection 2, paragraphs *"a"* through *"e"* ~~of~~
25 ~~subsection 2~~ have occurred during the preceding three calendar
26 years, a notice by certified mail stating in substance the
27 following:
28 According to our records, we have had no contact with you
29 regarding (describe account) for more than three years. Under
30 Iowa law, if there is a period of three years without contact,
31 we may be required to transfer this account to the custody of
32 the treasurer of state of Iowa as unclaimed property. You
33 may prevent this by taking some action, such as a deposit or
34 withdrawal, which indicates your interest in this account or by
35 signing this form and returning it to us.

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1 I desire to keep the above account open and active.
2 .....
3 Your signature
4 *b.* The notice required under this section shall be mailed
5 within thirty days of the lapse of the three-year period in
6 which there is no activity. The cost of the certified mail of
7 the notice required in this section may be deducted from the
8 account by the banking or financial organization.
9 Sec. 176. Section 557B.3, subsection 2, unnumbered
10 paragraphs 2, 3, 4, and 5, Code 2013, are amended to read as
11 follows:
12 3. The application shall be signed by the membership camping
13 operator or an officer or a general partner of the membership
14 camping operator, or by another person holding a power of
15 attorney for this purpose from the membership camping operator.
16 If the application is signed pursuant to a power of attorney,
17 a copy of the power of attorney must be included with the
18 application.
19 4. An application for registration shall be amended within
20 twenty-five days of any material change in the information
21 included in the application. A material change includes any
22 change which significantly reduces or terminates either the
23 applicant's or the purchaser's right to use the campground
24 or any of the facilities described in the membership camping
25 contract, but does not include minor changes covering the use
26 of the campground, its facilities, or the reciprocal program.
27 5. The registration of the membership camping operator
28 must be renewed annually by filing an application for renewal
29 with the required fee not later than thirty days prior to the
30 anniversary of the current registration. The application shall
31 include all changes which have occurred in the information
32 included in the application previously filed.
33 6. Registration with the attorney general does not
34 constitute approval or endorsement by the attorney general
35 of the membership camping operator, the membership camping

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contract, or the campground, and any attempt by the membership camping operator to indicate that registration constitutes such approval or endorsement is unlawful.

Sec. 177. Section 557B.8, Code 2013, is amended to read as follows:

557B.8 Disclosures to purchasers.

1. A membership camping operator who is subject to the registration requirements of section 557B.3 shall provide a disclosure statement to a purchaser or prospective purchaser before the person signs a membership camping contract or gives any money or thing of value for the purchase of a membership camping contract.

~~1.~~ 2. The front cover or first page of the disclosure statement shall contain only the following, in the order stated:

a. "MEMBERSHIP CAMPING OPERATOR'S DISCLOSURE STATEMENT" printed at the top in boldface type of a minimum size of ten points.

b. The name and principal business address of the membership camping operator and any material affiliate of the membership camping operator.

c. A statement that the membership camping operator is in the business of offering for sale membership camping contracts.

d. A statement, printed in boldface type of a minimum size of ten points, which reads as follows:

THIS DISCLOSURE STATEMENT CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN THE EXECUTION OF A MEMBERSHIP CAMPING CONTRACT. THE MEMBERSHIP CAMPING OPERATOR IS REQUIRED BY LAW TO DELIVER TO YOU A COPY OF THIS DISCLOSURE STATEMENT BEFORE YOU EXECUTE A MEMBERSHIP CAMPING CONTRACT. THE STATEMENTS CONTAINED IN THIS DOCUMENT ARE ONLY SUMMARY IN NATURE. YOU AS A PROSPECTIVE PURCHASER SHOULD REVIEW ALL REFERENCES, EXHIBITS, CONTRACT DOCUMENTS, AND SALES MATERIALS. YOU SHOULD NOT RELY UPON ANY ORAL REPRESENTATIONS AS BEING CORRECT. REFER TO THIS DOCUMENT AND TO THE ACCOMPANYING EXHIBITS FOR CORRECT REPRESENTATIONS.

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1 THE MEMBERSHIP CAMPING OPERATOR IS PROHIBITED FROM MAKING ANY
2 REPRESENTATIONS WHICH CONFLICT WITH THOSE CONTAINED IN THE
3 CONTRACT AND THIS DISCLOSURE STATEMENT.
4 *e.* A statement, printed in boldface type of a minimum size
5 of ten points, which reads as follows:
6 IF YOU EXECUTE A MEMBERSHIP CAMPING CONTRACT, YOU HAVE
7 THE UNQUALIFIED RIGHT TO CANCEL THE CONTRACT. THIS RIGHT OF
8 CANCELLATION CANNOT BE WAIVED. THE RIGHT TO CANCEL EXPIRES
9 AT MIDNIGHT ON THE THIRD BUSINESS DAY FOLLOWING THE DATE ON
10 WHICH THE CONTRACT WAS EXECUTED OR THE DATE OF RECEIPT OF
11 THIS DISCLOSURE STATEMENT, WHICHEVER EVENT OCCURS LATER. TO
12 CANCEL THE MEMBERSHIP CAMPING CONTRACT, YOU AS THE PURCHASER
13 MUST HAND DELIVER OR MAIL NOTICE OF YOUR INTENT TO CANCEL TO
14 THE MEMBERSHIP CAMPING OPERATOR AT THE ADDRESS SHOWN IN THE
15 MEMBERSHIP CAMPING CONTRACT, POSTAGE PREPAID. THE MEMBERSHIP
16 CAMPING OPERATOR IS REQUIRED BY LAW TO RETURN ALL MONEYS PAID
17 BY YOU IN CONNECTION WITH THE EXECUTION OF THE MEMBERSHIP
18 CAMPING CONTRACT, UPON YOUR PROPER AND TIMELY CANCELLATION OF
19 THE CONTRACT AND RETURN OF ALL MEMBERSHIP AND RECIPROCAL USE
20 PROGRAM MATERIALS FURNISHED AT THE TIME OF PURCHASE.
21 ~~2.~~ 3. The following pages of the disclosure statement shall
22 contain all of the following in the order stated:
23 *a.* The name, principal occupation, and address of every
24 director, partner, or controlling person of the membership
25 camping operator.
26 *b.* A brief description of the nature of the purchaser's
27 right or license to use the campground and the facilities which
28 are to be available for use by purchasers.
29 *c.* A brief description of the membership camping operator's
30 experience in the membership camping business, including the
31 length of time the operator has been in the membership camping
32 business.
33 *d.* The location of each of the campgrounds which is to be
34 available for use by purchasers and a brief description of the
35 facilities at each campground which are currently available for

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1 use by purchasers. Facilities which are planned, incomplete,
2 or not yet available for use shall be clearly identified
3 as incomplete or unavailable. A brief description of any
4 facilities that are or will be available to nonpurchasers shall
5 also be provided. The description shall include, but need
6 not be limited to, the number of campsites in each park, the
7 number of campsites in each park with full or partial hookups,
8 swimming pools, tennis courts, recreation buildings, restrooms
9 and showers, laundry rooms, trading posts, and grocery stores.
10 *e.* The fees and charges that purchasers are or may
11 be required to pay for the use of the campground or any
12 facilities.
13 *f.* Any initial or special fee due from the purchaser,
14 together with a description of the purpose and method of
15 calculating the fee.
16 *g.* The extent to which financial arrangements, if any, have
17 been provided for the completion of facilities, together with
18 a statement of the membership camping operator´s obligation
19 to complete planned facilities. The statement shall include
20 a description of any restrictions or limitations on the
21 membership camping operator´s obligation to begin or to
22 complete the facilities.
23 *h.* The names of the managing entity, if any, and the
24 significant terms of any management contract, including but
25 not limited to, the circumstances under which the membership
26 camping operator may terminate the management contract.
27 *i.* A summary or copy, whether by way of supplement or
28 otherwise, of the rules, restrictions, or covenants regulating
29 the purchaser´s use of the campground and the facilities
30 which are to be available for use by the purchaser, including
31 a statement of whether and how the rules, restrictions, or
32 covenants may be changed.
33 *j.* A brief description of the policies covering the
34 availability of camping sites, the availability of reservations
35 and the conditions under which they are made.

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1 *k.* A brief description of any grounds for forfeiture of a
2 purchaser's membership camping contract.
3 *l.* A statement of whether the membership camping operator
4 has the right to withdraw permanently from use, all or any
5 portion of any campground devoted to membership camping and,
6 if so, the conditions under which the withdrawal is to be
7 permitted.
8 *m.* A statement describing the material terms and conditions
9 of any reciprocal program to be available to the purchaser,
10 including a statement concerning whether the purchaser's
11 participation in any reciprocal program is dependent on the
12 continued affiliation of the membership camping operator with
13 that reciprocal program and whether the membership camping
14 operator reserves the right to terminate such affiliation.
15 *n.* As to all memberships offered by the membership camping
16 operator at each campground, all of the following:
17 (1) The form of membership offered.
18 (2) The types of duration of membership along with a
19 summary of the major privileges, restrictions, and limitations
20 applicable to each type.
21 (3) Provisions that have been made for public utilities
22 at each campsite including water, electricity, telephone, and
23 sewage facilities.
24 *o.* A statement of the assistance, if any, that the
25 membership camping operator will provide to the purchaser in
26 the resale of membership camping contracts and a detailed
27 description of how any such resale program is operated.
28 *p.* The following statement, printed in boldface type of a
29 minimum size of ten points:
30 REGISTRATION OF THE MEMBERSHIP CAMPING OPERATOR WITH THE IOWA
31 ATTORNEY GENERAL DOES NOT CONSTITUTE AN APPROVAL OR ENDORSEMENT
32 BY THE ATTORNEY GENERAL OF THE MEMBERSHIP CAMPING OPERATOR, THE
33 MEMBERSHIP CAMPING CONTRACT, OR THE CAMPGROUND.
34 4. The membership camping operator shall promptly amend the
35 disclosure statement to reflect any material change and shall

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1 promptly file any such amendments with the attorney general.
2 Sec. 178. Section 562A.15, subsections 1 and 2, Code 2013,
3 are amended to read as follows:
4 1. *a.* The landlord shall:
5 ~~*a.*~~ (1) Comply with the requirements of applicable building
6 and housing codes materially affecting health and safety.
7 ~~*b.*~~ (2) Make all repairs and do whatever is necessary to put
8 and keep the premises in a fit and habitable condition.
9 ~~*c.*~~ (3) Keep all common areas of the premises in a clean
10 and safe condition. The landlord shall not be liable for any
11 injury caused by any objects or materials which belong to or
12 which have been placed by a tenant in the common areas of the
13 premises used by the tenant.
14 ~~*d.*~~ (4) Maintain in good and safe working order and
15 condition all electrical, plumbing, sanitary, heating,
16 ventilating, air-conditioning, and other facilities and
17 appliances, including elevators, supplied or required to be
18 supplied by the landlord.
19 ~~*e.*~~ (5) Provide and maintain appropriate receptacles and
20 conveniences, accessible to all tenants, for the central
21 collection and removal of ashes, garbage, rubbish, and other
22 waste incidental to the occupancy of the dwelling unit and
23 arrange for their removal.
24 ~~*f.*~~ (6) Supply running water and reasonable amounts of
25 hot water at all times and reasonable heat, except where the
26 building that includes the dwelling unit is not required by
27 law to be equipped for that purpose, or the dwelling unit
28 is so constructed that heat or hot water is generated by an
29 installation within the exclusive control of the tenant and
30 supplied by a direct public utility connection.
31 *b.* If the duty imposed by paragraph *"a"*, subparagraph
32 (1), ~~of this subsection~~ is greater than a duty imposed by
33 another subparagraph of paragraph *"a"* ~~of this subsection~~, the
34 landlord's duty shall be determined by reference to paragraph
35 *"a"*, subparagraph (1) ~~of this subsection~~.

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2. The landlord and tenant of a single family residence may agree in writing that the tenant perform the landlord's duties specified in ~~paragraphs "e" and "f" of~~ subsection 1, paragraph "a", subparagraphs (5) and (6), and also specified repairs, maintenance tasks, alterations, and remodeling, but only if the transaction is entered into in good faith.

Sec. 179. Section 562A.27A, subsection 3, Code 2013, is amended to read as follows:

3. a. This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in subsection 2, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

~~a.~~ (1) The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

~~b.~~ (2) The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities.

~~c.~~ (3) The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this ~~paragraph~~ subparagraph, without taking an action specified in ~~paragraph "a"~~ subparagraph (1) or ~~"b"~~ (2) or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions

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1 specified in ~~paragraph "a"~~ subparagraph (1) or ~~"b"~~ (2) to be
2 exempt from proceedings pursuant to subsection 1.
3 *b.* However, in order to fall within the exemptions provided
4 within this subsection, the tenant must provide written proof
5 to the landlord, prior to the commencement of a suit against
6 the tenant, that the tenant has taken one of the measures
7 specified in ~~paragraphs~~ paragraph *"a"*, subparagraphs (1)
8 through ~~"c"~~ (3).
9 Sec. 180. Section 562B.11, subsection 2, Code 2013, is
10 amended to read as follows:
11 2. A provision prohibited by subsection 1 ~~of this section~~
12 included in a rental agreement is unenforceable. If a landlord
13 or tenant knowingly uses a rental agreement containing
14 provisions known to be prohibited by this chapter, the other
15 party may recover actual damages sustained.
16 3. Nothing in this chapter shall prohibit a rental agreement
17 from requiring a tenant to maintain liability insurance which
18 names the landlord as an insured as relates to the mobile home
19 space rented by the tenant.
20 Sec. 181. Section 562B.25A, subsection 3, Code 2013, is
21 amended to read as follows:
22 3. *a.* This section shall not apply to a tenant if the
23 activities causing the clear and present danger, as defined
24 in subsection 2, are conducted by a person on the premises
25 other than the tenant and the tenant takes at least one of
26 the following measures against the person conducting the
27 activities:
28 ~~*a.*~~ (1) The tenant seeks a protective order, restraining
29 order, order to vacate the homestead, or other similar relief
30 pursuant to chapter 236, 598, 664A, or 915, or any other
31 applicable provision which would apply to the person conducting
32 the activities causing the clear and present danger.
33 ~~*b.*~~ (2) The tenant reports the activities causing the clear
34 and present danger to a law enforcement agency or the county
35 attorney in an effort to initiate a criminal action against the

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1 person conducting the activities.
2 ~~c.~~ (3) The tenant writes a letter to the person conducting
3 the activities causing the clear and present danger, telling
4 the person not to return to the premises and that a return to
5 the premises may result in a trespass or other action against
6 the person, and the tenant sends a copy of the letter to a law
7 enforcement agency whose jurisdiction includes the premises.
8 If the tenant has previously written a letter to the person
9 as provided in this ~~paragraph~~ subparagraph, without taking an
10 action specified in ~~paragraph "a"~~ subparagraph (1) or ~~"b"~~ (2)
11 or filing a trespass or other action, and the person to whom
12 the letter was sent conducts further activities causing a clear
13 and present danger, the tenant must take one of the actions
14 specified in ~~paragraph "a"~~ subparagraph (1) or ~~"b"~~ (2) to be
15 exempt from proceedings pursuant to subsection 1.
16 *b.* However, in order to fall within the exemptions provided
17 within this subsection, the tenant must provide written proof
18 to the landlord, prior to the commencement of a suit against
19 the tenant, that the tenant has taken one of the measures
20 specified in ~~paragraphs~~ paragraph *"a"*, subparagraphs (1)
21 through ~~"c"~~ (3).
22 Sec. 182. Section 585.3, Code 2013, is amended to read as
23 follows:
24 **585.3 Caption of publication.**
25 1. The publication required by this chapter shall be made
26 under the following caption or heading, to wit:
27 Proposed bill for the legalization of the proceedings of
28 (name of official body).
29 2. If the proposed bill be for the legalization of the bonds
30 or warrants of the public corporation, the caption shall be
31 modified accordingly.
32 Sec. 183. Section 600.16A, subsection 3, Code 2013, is
33 amended to read as follows:
34 3. *a.* In addition to other procedures by which adoption
35 records may be opened under this section, if both of the

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following conditions are met, the department, the clerk of court, or the agency which made the placement shall open the adoption record for inspection and shall reveal the identity of the biological parents to the adult adopted child or the identity of the adult adopted child to the biological parents:

~~*a.*~~ (1) A biological parent has placed in the adoption record written consent to revelation of the biological parent's identity to the adopted child at an age specified by the biological parent, upon request of the adopted child.

~~*b.*~~ (2) An adult adopted child has placed in the adoption record written consent to revelation of the identity of the adult adopted child to a biological parent.

b. A person who has placed in the adoption record written consent pursuant to paragraph *"a"*, subparagraph (1) or ~~*"b"* of this subsection~~ (2) may withdraw the consent at any time by placing a written withdrawal of consent statement in the adoption record.

c. Notwithstanding the provisions of this subsection, if the adult adopted person has a sibling who is a minor and who has also been adopted by the same parents, the department, the clerk of court, or the agency which made the placement may deny the request of either the adult adopted person or the biological parent to open the adoption records and to reveal the identities of the parties pending determination by the juvenile court or court that there is good cause to open the records pursuant to subsection 2.

Sec. 184. Section 602.1606, Code 2013, is amended to read as follows:

602.1606 Judicial officer disqualified.

1. A judicial officer is disqualified from acting in a proceeding, except upon the consent of all of the parties, if any of the following circumstances exists:

~~1.~~ *a.* The judicial officer has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

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1 ~~2.~~ *b.* The judicial officer served as a lawyer in the matter
2 in controversy, or a lawyer with whom the judicial officer
3 previously practiced law served during that association as a
4 lawyer concerning the matter, or the judicial officer or such
5 lawyer has been a material witness concerning the matter.
6 ~~3.~~ *c.* The judicial officer knows that the officer,
7 individually or as a fiduciary, or the officer's spouse or a
8 person related to either of them by consanguinity or affinity
9 within the third degree or the spouse of such a person has a
10 financial interest in the subject matter in controversy or in a
11 party to the proceeding, or has any other interest that could
12 be substantially affected by the outcome of the proceeding.
13 ~~4.~~ *d.* The judicial officer or the officer's spouse, or a
14 person related to either of them by consanguinity or affinity
15 within the third degree or the spouse of such a person, is a
16 party to the proceeding, or an officer, director, or trustee
17 of a party, or is acting as a lawyer in the proceeding, or is
18 known by the judicial officer to have an interest that could be
19 substantially affected by the outcome of the proceeding, or is,
20 to the judicial officer's knowledge, likely to be a material
21 witness in the proceeding.
22 2. A judicial officer shall disclose to all parties in a
23 proceeding any existing circumstances in ~~subsections~~ subsection
24 1, paragraphs *"a"* through ~~4~~ *"d"*, before the parties consent to
25 the judicial officer's presiding in the proceeding.
26 Sec. 185. Section 607A.22, Code 2013, is amended to read as
27 follows:
28 **607A.22 Use of source lists — information provided.**
29 1. The appointive jury commission or the jury manager shall
30 use both of the following source lists in preparing grand and
31 petit jury lists:
32 ~~1.~~ *a.* The current voter registration list.
33 ~~2.~~ *b.* The current motor vehicle operators list.
34 2. The appointive jury commission or the jury manager may
35 use any other current comprehensive list of persons residing in

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1 the county, including but not limited to the lists of public
2 utility customers, which the appointive jury commission or
3 jury manager determines are useable for the purpose of a juror
4 source list.
5 3. The applicable state and local government officials
6 shall furnish, upon request, the appointive jury commission or
7 jury manager with copies of lists necessary for the formulation
8 of source lists at no cost to the commission, manager, or
9 county.
10 4. The jury manager or jury commission may request
11 a consolidated source list. A consolidated source list
12 contains all the names and addresses found in either the voter
13 registration list or the motor vehicle operators list, but does
14 not duplicate an individual's name within the consolidated
15 list. State officials shall cooperate with one another
16 to prepare consolidated lists. The jury manager or jury
17 commission may further request that only a randomly chosen
18 portion of the consolidated list be prepared which may consist
19 of either a certain number of names or a certain percentage of
20 all the names in the consolidated list, as specified by the
21 jury manager or jury commission.
22 Sec. 186. Section 607A.27, Code 2013, is amended to read as
23 follows:
24 **607A.27 Preparation for drawing of panels.**
25 1. The names entered upon the appointive jury commission's
26 or jury manager's lists and deposited in the office of the
27 clerk or jury manager constitute the grand and petit master
28 lists, from which grand and petit jurors shall be drawn.
29 2. Within ten days after the lists are deposited in the
30 office of the clerk or jury manager, the clerk or jury manager
31 shall do either of the following:
32 ~~1.~~ *a.* Prepare from the lists separate ballots, uniform in
33 size, shape, and appearance, and folded to conceal information
34 on the ballot. The ballots for grand and petit jurors shall be
35 kept separate and each ballot shall contain the name and place

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1 of residence of each prospective juror.
2 ~~2.~~ *b.* Use electronic data processing equipment for the
3 storage of names of the grand and petit jurors. The numerical
4 division required in section 607A.21 need not be used when a
5 jury wheel is used for the preparation of the lists.
6 Sec. 187. Section 619.19, Code 2013, is amended to read as
7 follows:
8 **619.19 Verification not required — affidavits.**
9 1. Pleadings need not be verified unless otherwise required
10 by statute. Where a pleading is verified, it is not necessary
11 that subsequent pleadings be verified unless otherwise required
12 by statute.
13 2. The signature of a party, the party's legal counsel, or
14 any other person representing the party, to a motion, pleading,
15 or other paper is a certificate that:
16 ~~1.~~ *a.* The person has read the motion, pleading, or other
17 paper.
18 ~~2.~~ *b.* To the best of the person's knowledge, information,
19 and belief, formed after reasonable inquiry, it is grounded in
20 fact and is warranted by existing law or a good faith argument
21 for the extension, modification, or reversal of existing law.
22 ~~3.~~ *c.* It is not interposed for any improper purpose, such
23 as to harass or cause an unnecessary delay or needless increase
24 in the cost of litigation.
25 3. If a motion, pleading, or other paper is not signed,
26 it shall be stricken unless it is signed promptly after the
27 omission is called to the attention of the pleader or movant.
28 4. If a motion, pleading, or other paper is signed in
29 violation of this section, the court, upon motion or upon its
30 own initiative, shall impose upon the person signing, the
31 represented party, or both, an appropriate sanction, which may
32 include an order to pay the other party or parties the amount
33 of the reasonable expenses incurred because of the filing of
34 the motion, pleading, or other paper, including a reasonable
35 attorney fee.

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1 Sec. 188. Section 625A.9, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:
3 *a.* (1) Except as provided in paragraph *"b"*, if the judgment
4 or order appealed from is for money, such bond shall not exceed
5 one hundred ten percent of the amount of the money judgment.
6 (2) The court may set a bond in an amount in excess of
7 one hundred ten percent of the amount of the money judgment
8 upon making specific findings justifying such an amount, and
9 in doing so, shall consider, but shall not be limited to
10 consideration of, the following criteria:
11 ~~(1)~~ (a) The availability and cost of the bond or other form
12 of adequate security.
13 ~~(2)~~ (b) The assets of the judgment debtor and of the
14 judgment debtor's insurer or indemnitor, if any.
15 ~~(3)~~ (c) The potential adverse effects of the bond on the
16 judgment debtor, including, but not limited to, the potential
17 adverse effects on the judgment debtor's employees, financial
18 stability, and business operations.
19 ~~(4)~~ (d) The potential adverse effects of the bond on the
20 judgment creditor and third parties, including public entities.
21 ~~(5)~~ (e) In a class action suit, the adequacy of the bond to
22 compensate all members of the class.
23 Sec. 189. Section 627.6, subsection 6, Code 2013, is amended
24 to read as follows:
25 6. The interest of an individual in any accrued dividend
26 or interest, loan or cash surrender value of, or any other
27 interest in a life insurance policy owned by the individual
28 if the beneficiary of the policy is the individual's spouse,
29 child, or dependent. However, the amount of the exemption
30 shall not exceed ten thousand dollars in the aggregate of any
31 interest or value in insurance acquired within two years of
32 the date execution is issued or exemptions are claimed, or
33 for additions within the same time period to a prior existing
34 policy which additions are in excess of the amount necessary to
35 fund the amount of face value coverage of the policies for the

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1 two-year period. For purposes of this unnumbered paragraph,
2 acquisitions shall not include such interest in new policies
3 used to replace prior policies to the extent of any accrued
4 dividend or interest, loan or cash surrender value of, or any
5 other interest in the prior policies at the time of their
6 cancellation.
7 *a.* In the absence of a written agreement or assignment to
8 the contrary, upon the death of the insured any benefit payable
9 to the spouse, child, or dependent of the individual under a
10 life insurance policy shall inure to the separate use of the
11 beneficiary independently of the insured's creditors.
12 *b.* A benefit or indemnity paid under an accident, health, or
13 disability insurance policy is exempt to the insured or in case
14 of the insured's death to the spouse, child, or dependent of
15 the insured, from the insured's debts.
16 *c.* In case of an insured's death the avails of all matured
17 policies of life, accident, health, or disability insurance
18 payable to the surviving spouse, child, or dependent are exempt
19 from liability for all debts of the beneficiary contracted
20 prior to death of the insured, but the amount thus exempted
21 shall not exceed fifteen thousand dollars in the aggregate.
22 Sec. 190. Section 627.6, subsection 8, paragraph f, Code
23 2013, is amended to read as follows:
24 *f.* (1) Contributions and assets, including the accumulated
25 earnings and market increases in value, in any of the plans or
26 contracts as follows:
27 ~~(1)~~ (a) All transfers, in any amount, from a trust forming
28 part of a stock, bonus, pension, or profit-sharing plan of an
29 employer defined in section 401(a) of the Internal Revenue Code
30 and of which the trust assets are exempt from taxation under
31 section 501(a) of the Internal Revenue Code and covered by
32 the Employee Retirement Income Security Act of 1974 (ERISA),
33 as codified at 29 U.S.C. § 1001 et seq., to either of the
34 following:
35 ~~(a)~~ (i) A succeeding trust authorized under federal law on

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1 or after April 25, 2001.
2 ~~(b)~~ (ii) An individual retirement account or individual
3 retirement annuity established under section 408(d)(3) of the
4 Internal Revenue Code, from which the total value, including
5 accumulated earnings and market increases in value, may be
6 contributed to a succeeding trust authorized under federal law
7 on or after April 25, 2001. For purposes of this subparagraph
8 division, transfers, in any amount, from an individual
9 retirement account or individual retirement annuity established
10 under section 408(d)(3) of the Internal Revenue Code to an
11 individual retirement account or individual retirement annuity
12 established under section 408(d)(3) of the Internal Revenue
13 Code, or an individual retirement account established under
14 section 408(a) of the Internal Revenue Code, or an individual
15 retirement annuity established under section 408(b) of the
16 Internal Revenue Code, or a Roth individual retirement account,
17 or a Roth individual retirement annuity established under
18 section 408A of the Internal Revenue Code are exempt.
19 ~~(2)~~ (b) (i) All transfers, in any amount, from an
20 eligible retirement plan to an individual retirement account,
21 an individual retirement annuity, a Roth individual retirement
22 account, or a Roth individual retirement annuity established
23 under section 408A of the Internal Revenue Code shall be exempt
24 from execution and from the claims of creditors.
25 (ii) As used in this subparagraph division, *"eligible*
26 *retirement plan"* means the funds or assets in any retirement
27 plan established under state or federal law that meet all of
28 the following requirements:
29 ~~(a)~~ (A) Can be transferred to an individual retirement
30 account or individual retirement annuity established under
31 sections 408(a) and 408(b) of the Internal Revenue Code or Roth
32 individual retirement accounts and Roth individual retirement
33 annuities established under section 408A of the Internal
34 Revenue Code.
35 ~~(b)~~ (B) Are either exempt from execution under state or

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1 federal law or are excluded from a bankruptcy estate under 11
2 U.S.C. § 541(c)(2) et seq.
3 ~~(3)~~ (c) Retirement plans established pursuant to qualified
4 domestic relations orders, as defined in 26 U.S.C. § 414.
5 However, nothing in this section shall be construed as making
6 any retirement plan exempt from the claims of the beneficiary
7 of a qualified domestic relations order or from claims for
8 child support or alimony.
9 ~~(4)~~ (d) For simplified employee pension plans,
10 self-employed pension plans (also known as Keogh plans or
11 H.R. 10 plans), individual retirement accounts established
12 under section 408(a) of the Internal Revenue Code, individual
13 retirement annuities established under section 408(b) of the
14 Internal Revenue Code, savings incentive matched plans for
15 employees, salary reduction simplified employee pension plans
16 (also known as SARSEPs), and similar plans for retirement
17 investments authorized in the future under federal law, the
18 exemption for contributions shall not exceed, for each tax
19 year of contributions, the actual amount of the contribution
20 deducted on the debtor´s tax return or the maximum amount
21 which could be contributed to an individual retirement account
22 established under section 408(a) of the Internal Revenue Code
23 and deducted in the tax year of the contribution, whichever
24 is less. The exemption for accumulated earnings and market
25 increases in value of plans under this subparagraph division
26 shall be limited to an amount determined by multiplying all
27 the accumulated earnings and market increases in value by a
28 fraction, the numerator of which is the total amount of exempt
29 contributions as determined by this subparagraph division, and
30 the denominator of which is the total of exempt and nonexempt
31 contributions to the plan.
32 ~~(5)~~ (e) For Roth individual retirement accounts and Roth
33 individual retirement annuities established under section 408A
34 of the Internal Revenue Code and similar plans for retirement
35 investments authorized in the future under federal law, the

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exemption for contributions shall not exceed, for each tax year of contributions, the actual amount of the contribution or the maximum amount which federal law allows to be contributed to such plans. The exemption for accumulated earnings and market increases in value of plans under this subparagraph division shall be limited to an amount determined by multiplying all of the accumulated earnings and market increases in value by a fraction, the numerator of which is the total amount of exempt contributions as determined by this subparagraph division, and the denominator of which is the total of exempt and nonexempt contributions to the plan.

~~(6)~~ (f) For all contributions to plans described in ~~subparagraphs (4)~~ subparagraph divisions (d) and ~~(5)~~ (e), the maximum contribution in each of the two tax years preceding the claim of exemption or filing of a bankruptcy shall be limited to the maximum deductible contribution to an individual retirement account established under section 408(a) of the Internal Revenue Code, regardless of which plan for retirement investment has been chosen by the debtor.

~~(7)~~ (g) Exempt assets transferred from any individual retirement account, individual retirement annuity, Roth individual retirement account, or Roth individual retirement annuity to any other individual retirement account, individual retirement annuity, Roth individual retirement annuity, or Roth individual retirement account established under section 408A of the Internal Revenue Code shall continue to be exempt regardless of the number of times transferred between individual retirement accounts, individual retirement annuities, Roth individual retirement annuities, or Roth individual retirement accounts.

(2) For purposes of this paragraph *"f"*, *"market increases in value"* shall include, but shall not be limited to, dividends, stock splits, interest, and appreciation. *"Contributions"* means contributions by the debtor and by the debtor's employer.

Sec. 191. Section 633.197, Code 2013, is amended to read as

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1 follows:
2 **633.197 Compensation.**
3 1. Personal representatives shall be allowed such
4 reasonable fees as may be determined by the court for services
5 rendered, but not in excess of the following commissions upon
6 the gross assets of the estate listed in the probate inventory,
7 which shall be received as full compensation for all ordinary
8 services:
9 *a.* For the first one thousand dollars, six percent~~;~~.
10 *b.* For the overplus between one and five thousand dollars,
11 four percent~~;~~.
12 *c.* For all sums over five thousand dollars, two percent.
13 2. For purposes of this section, the gross assets of the
14 estate shall not include life insurance proceeds, unless
15 payable to the decedent's estate.
16 Sec. 192. Section 633.228, Code 2013, is amended to read as
17 follows:
18 **633.228 Time allowed.**
19 1. To file such petition, there shall be allowed, commencing
20 with the death of the decedent:
21 ~~1.~~ *a.* To the surviving spouse, a period of twenty days~~;~~.
22 ~~2.~~ *b.* To each other class in succession, a period of ten
23 days.
24 2. The period allowed each class shall be advanced to the
25 period allowed the preceding class if there is no member of
26 such preceding class. Any member of any class may file such
27 petition after the expiration of the period allowed to the
28 member if letters have not been issued prior thereto.
29 Sec. 193. Section 633.290, Code 2013, is amended to read as
30 follows:
31 **633.290 Petition for probate of will.**
32 1. At the time the will of a decedent is filed with the
33 clerk, or thereafter, any interested person may file a verified
34 petition in the district court of the proper county:
35 ~~1.~~ *a.* To have the will admitted to probate~~;~~.

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1 ~~2.~~ *b.* For the appointment of the executor.
2 2. A petition for probate may be combined with a petition
3 for appointment of the executor, and any person interested
4 in either the probate of a will or in the appointment of the
5 executor, may petition for both.
6 Sec. 194. Section 633A.3107, subsection 2, unnumbered
7 paragraph 2, Code 2013, is amended to read as follows:
8 3. For the purposes of this section, *"relative of the*
9 *settlor's spouse"* means a person who is related to the divorced
10 settlor's former spouse by blood, adoption, or affinity, and
11 who, subsequent to the divorce or dissolution of marriage,
12 ceased to be related to the settlor by blood, adoption, or
13 affinity.
14 Sec. 195. Section 654.12A, Code 2013, is amended to read as
15 follows:
16 **654.12A Priority of advances under mortgages.**
17 1. Subject to section 572.18, if a prior recorded mortgage
18 contains the notice prescribed in this section and identifies
19 the maximum credit available to the borrower, then loans and
20 advances made under the mortgage, up to the maximum amount
21 of credit together with interest thereon, are senior to
22 indebtedness to other creditors under subsequently recorded
23 mortgages and other subsequently recorded or filed liens even
24 though the holder of the prior recorded mortgage has actual
25 notice of indebtedness under a subsequently recorded mortgage
26 or other subsequently recorded or filed lien. So long as
27 credit is available to the borrower, payment of the outstanding
28 mortgage balance to zero shall not extinguish the prior
29 recorded mortgage if it contains the notice prescribed by this
30 section. The notice prescribed by this section for the prior
31 recorded mortgage is as follows:
32 NOTICE: This mortgage secures credit in the amount of
33 ..... Loans and advances up to this amount, together with
34 interest, are senior to indebtedness to other creditors under
35 subsequently recorded or filed mortgages and liens.

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1 2. However, the priority of a prior recorded mortgage
2 under this section does not apply to loans or advances made
3 after receipt of notice of foreclosure or action to enforce a
4 subsequently recorded mortgage or other subsequently recorded
5 or filed lien.
6 Sec. 196. Section 654.20, Code 2013, is amended to read as
7 follows:
8 **654.20 Foreclosure without redemption — nonagricultural**
9 **land.**
10 1. If the mortgaged property is not used for an agricultural
11 purpose as defined in section 535.13, the plaintiff in an
12 action to foreclose a real estate mortgage may include in the
13 petition an election for foreclosure without redemption. The
14 election is effective only if the first page of the petition
15 contains the following notice in capital letters of the same
16 type or print size as the rest of the petition:
17 NOTICE
18 THE PLAINTIFF HAS ELECTED FORECLOSURE WITHOUT REDEMPTION.
19 THIS MEANS THAT THE SALE OF THE MORTGAGED PROPERTY WILL OCCUR
20 PROMPTLY AFTER ENTRY OF JUDGMENT UNLESS YOU FILE WITH THE COURT
21 A WRITTEN DEMAND TO DELAY THE SALE. IF YOU FILE A WRITTEN
22 DEMAND, THE SALE WILL BE DELAYED UNTIL TWELVE MONTHS (or
23 SIX MONTHS if the petition includes a waiver of deficiency
24 judgment) FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY
25 IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING
26 OR UNTIL TWO MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED
27 PROPERTY IS NOT YOUR RESIDENCE OR IS YOUR RESIDENCE BUT NOT A
28 ONE-FAMILY OR TWO-FAMILY DWELLING. YOU WILL HAVE NO RIGHT OF
29 REDEMPTION AFTER THE SALE. THE PURCHASER AT THE SALE WILL BE
30 ENTITLED TO IMMEDIATE POSSESSION OF THE MORTGAGED PROPERTY.
31 YOU MAY PURCHASE AT THE SALE.
32 2. If the plaintiff has not included in the petition a
33 waiver of deficiency judgment, then the notice shall include
34 the following:
35 IF YOU DO NOT FILE A WRITTEN DEMAND TO DELAY THE SALE AND IF

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1 THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY
2 OR TWO-FAMILY DWELLING, THEN A DEFICIENCY JUDGMENT WILL NOT BE
3 ENTERED AGAINST YOU. IF YOU DO FILE A WRITTEN DEMAND TO DELAY
4 THE SALE, THEN A DEFICIENCY JUDGMENT MAY BE ENTERED AGAINST YOU
5 IF THE PROCEEDS FROM THE SALE OF THE MORTGAGED PROPERTY ARE
6 INSUFFICIENT TO SATISFY THE AMOUNT OF THE MORTGAGE DEBT AND
7 COSTS.
8 IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS NOT A
9 ONE-FAMILY OR TWO-FAMILY DWELLING, THEN A DEFICIENCY JUDGMENT
10 MAY BE ENTERED AGAINST YOU WHETHER OR NOT YOU FILE A WRITTEN
11 DEMAND TO DELAY THE SALE.
12 3. If the election for foreclosure without redemption is
13 made, then sections 654.21 through 654.26 apply.
14 Sec. 197. Section 670.4, Code 2013, is amended to read as
15 follows:
16 **670.4 Claims exempted.**
17 1. The liability imposed by section 670.2 shall have no
18 application to any claim enumerated in this section. As to any
19 such claim, a municipality shall be liable only to the extent
20 liability may be imposed by the express statute dealing with
21 such claims and, in the absence of such express statute, the
22 municipality shall be immune from liability.
23 ~~1.~~ *a.* Any claim by an employee of the municipality which is
24 covered by the Iowa workers' compensation law.
25 ~~2.~~ *b.* Any claim in connection with the assessment or
26 collection of taxes.
27 ~~3.~~ *c.* Any claim based upon an act or omission of an officer
28 or employee of the municipality, exercising due care, in the
29 execution of a statute, ordinance, or regulation whether the
30 statute, ordinance or regulation is valid, or based upon the
31 exercise or performance or the failure to exercise or perform a
32 discretionary function or duty on the part of the municipality
33 or an officer or employee of the municipality, whether or not
34 the discretion is abused.
35 ~~4.~~ *d.* Any claim against a municipality as to which the

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1 municipality is immune from liability by the provisions of any
2 other statute or where the action based upon such claim has
3 been barred or abated by operation of statute or rule of civil
4 procedure.
5 ~~5.~~ *e.* Any claim for punitive damages.
6 ~~6.~~ *f.* Any claim for damages caused by a municipality's
7 failure to discover a latent defect in the course of an
8 inspection.
9 ~~7.~~ *g.* Any claim based upon or arising out of a claim
10 of negligent design or specification, negligent adoption
11 of design or specification, or negligent construction or
12 reconstruction of a highway, secondary road, or street as
13 defined in section 321.1, subsection 78, that was constructed
14 or reconstructed in accordance with a generally recognized
15 engineering or safety standard, criteria, or design theory in
16 existence at the time of the construction or reconstruction. A
17 claim under this chapter shall not be allowed for failure to
18 upgrade, improve, or alter any aspect of an existing highway,
19 secondary road, or street, to new, changed, or altered design
20 standards. In respect to highways and roads, sealcoating,
21 asphalting, patching, resurfacing, ditching, draining,
22 repairing, graveling, rocking, blading, or maintaining an
23 existing highway or road does not constitute reconstruction.
24 This ~~subsection~~ paragraph shall not apply to claims based upon
25 gross negligence.
26 ~~8.~~ *h.* Any claim based upon or arising out of a claim of
27 negligent design or specification, negligent adoption of design
28 or specification, or negligent construction or reconstruction
29 of a public improvement as defined in section 384.37,
30 subsection 19, or other public facility that was constructed
31 or reconstructed in accordance with a generally recognized
32 engineering or safety standard, criteria, or design theory in
33 existence at the time of the construction or reconstruction. A
34 claim under this chapter shall not be allowed for failure to
35 upgrade, improve, or alter any aspect of an existing public

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1 improvement or other public facility to new, changed, or
2 altered design standards. This ~~subsection~~ paragraph shall not
3 apply to claims based upon gross negligence. This ~~subsection~~
4 paragraph takes effect July 1, 1984, and applies to all cases
5 tried or retried on or after July 1, 1984.
6 ~~9.~~ *i.* Any claim based upon an act or omission by an officer
7 or employee of the municipality or the municipality's governing
8 body, in the granting, suspension, or revocation of a license
9 or permit, where the damage was caused by the person to whom
10 the license or permit was issued, unless the act of the officer
11 or employee constitutes actual malice or a criminal offense.
12 ~~10.~~ *j.* Any claim based upon an act or omission of an
13 officer or employee of the municipality, whether by issuance of
14 permit, inspection, investigation, or otherwise, and whether
15 the statute, ordinance, or regulation is valid, if the damage
16 was caused by a third party, event, or property not under the
17 supervision or control of the municipality, unless the act or
18 omission of the officer or employee constitutes actual malice
19 or a criminal offense.
20 ~~11.~~ *k.* A claim based upon or arising out of an act or
21 omission in connection with an emergency response including but
22 not limited to acts or omissions in connection with emergency
23 response communications services.
24 ~~12.~~ *l.* A claim relating to a swimming pool or spa as
25 defined in section 135I.1 which has been inspected by a
26 municipality or the state in accordance with chapter 135I,
27 or a swimming pool or spa inspection program which has been
28 certified by the state in accordance with that chapter, whether
29 or not owned or operated by a municipality, unless the claim is
30 based upon an act or omission of an officer or employee of the
31 municipality and the act or omission constitutes actual malice
32 or a criminal offense.
33 ~~13.~~ *m.* A claim based on an act or omission by a county or
34 city pursuant to section 717.2A or chapter 717B relating to
35 either of the following:

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1 ~~a.~~ (1) Rescuing neglected livestock or another animal by a
2 law enforcement officer.
3 ~~b.~~ (2) Maintaining or disposing of neglected livestock or
4 another animal by a county or city.
5 ~~14.~~ *n.* Any claim based upon or arising out of a claim of
6 negligent design or specification, negligent adoption of design
7 or specification, or negligent construction or reconstruction
8 of a public facility designed for purposes of skateboarding,
9 in-line skating, bicycling, unicycling, scootering, river
10 rafting, canoeing, or kayaking that was constructed or
11 reconstructed, reasonably and in good faith, in accordance
12 with generally recognized engineering or safety standards or
13 design theories in existence at the time of the construction
14 or reconstruction.
15 ~~15.~~ *o.* Any claim based upon or arising out of an act or
16 omission of an officer or employee of the municipality or
17 the municipality's governing body by a person skateboarding,
18 in-line skating, bicycling, unicycling, scootering, river
19 rafting, canoeing, or kayaking on public property when
20 the person knew or reasonably should have known that the
21 skateboarding, in-line skating, bicycling, unicycling,
22 scootering, river rafting, canoeing, or kayaking created a
23 substantial risk of injury to the person and was voluntarily
24 in the place of risk. The exemption from liability contained
25 in this ~~subsection~~ paragraph shall only apply to claims for
26 injuries or damage resulting from the risks inherent in the
27 activities of skateboarding, in-line skating, bicycling,
28 unicycling, scootering, river rafting, canoeing, or kayaking.
29 2. The remedy against the municipality provided by section
30 670.2 shall hereafter be exclusive of any other civil action
31 or proceeding by reason of the same subject matter against the
32 officer, employee or agent whose act or omission gave rise to
33 the claim, or the officer's, employee's, or agent's estate.
34 3. This section does not expand any existing cause of action
35 or create any new cause of action against a municipality.

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Sec. 198. Section 704.2, Code 2013, is amended to read as follows:

704.2 Deadly force.

1. The term *"deadly force"* means any of the following:

~~1.~~ *a.* Force used for the purpose of causing serious injury.

~~2.~~ *b.* Force which the actor knows or reasonably should know will create a strong probability that serious injury will result.

~~3.~~ *c.* The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, in the direction of some person with the knowledge of the person's presence there, even though no intent to inflict serious physical injury can be shown.

~~4.~~ *d.* The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, at a vehicle in which a person is known to be.

2. As used in this section, *"less lethal munitions"* means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

Sec. 199. Section 706.3, Code 2013, is amended to read as follows:

706.3 Penalties.

1. A person who commits a conspiracy to commit a forcible felony is guilty of a class "C" felony.

2. A person who commits a conspiracy to commit a felony, other than a forcible felony, is guilty of a class "D" felony.

3. A person who commits a conspiracy to commit a misdemeanor is guilty of a misdemeanor of the same class.

Sec. 200. Section 707.2, Code 2013, is amended to read as follows:

707.2 Murder in the first degree.

1. A person commits murder in the first degree when the

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1 person commits murder under any of the following circumstances:
2 ~~1.~~ *a.* The person willfully, deliberately, and with
3 premeditation kills another person.
4 ~~2.~~ *b.* The person kills another person while participating
5 in a forcible felony.
6 ~~3.~~ *c.* The person kills another person while escaping or
7 attempting to escape from lawful custody.
8 ~~4.~~ *d.* The person intentionally kills a peace officer,
9 correctional officer, public employee, or hostage while the
10 person is imprisoned in a correctional institution under the
11 jurisdiction of the Iowa department of corrections, or in a
12 city or county jail.
13 ~~5.~~ *e.* The person kills a child while committing child
14 endangerment under section 726.6, subsection 1, paragraph *"b"*,
15 or while committing assault under section 708.1 upon the child,
16 and the death occurs under circumstances manifesting an extreme
17 indifference to human life.
18 ~~6.~~ *f.* The person kills another person while participating
19 in an act of terrorism as defined in section 708A.1.
20 2. Murder in the first degree is a class "A" felony.
21 3. For purposes of determining whether a person should
22 register as a sex offender pursuant to the provisions of
23 chapter 692A, the fact finder shall make a determination as
24 provided in section 692A.126.
25 Sec. 201. Section 707.3, Code 2013, is amended to read as
26 follows:
27 **707.3 Murder in the second degree.**
28 1. A person commits murder in the second degree when the
29 person commits murder which is not murder in the first degree.
30 2. Murder in the second degree is a class "B" felony.
31 However, notwithstanding section 902.9, subsection ~~2~~ 1,
32 paragraph *"b"*, the maximum sentence for a person convicted under
33 this section shall be a period of confinement of not more than
34 fifty years.
35 3. For purposes of determining whether a person should

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register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 202. Section 709.4, Code 2013, is amended to read as follows:

709.4 Sexual abuse in the third degree.

1. A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:

~~1.~~ *a.* The act is done by force or against the will of the other person, whether or not the other person is the person's spouse or is cohabiting with the person.

~~2.~~ *b.* The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true:

~~a.~~ (1) The other person is suffering from a mental defect or incapacity which precludes giving consent.

~~b.~~ (2) The other person is twelve or thirteen years of age.

~~c.~~ (3) The other person is fourteen or fifteen years of age and any of the following are true:

~~(1)~~ (a) The person is a member of the same household as the other person.

~~(2)~~ (b) The person is related to the other person by blood or affinity to the fourth degree.

~~(3)~~ (c) The person is in a position of authority over the other person and uses that authority to coerce the other person to submit.

~~(4)~~ (d) The person is four or more years older than the other person.

~~3.~~ *c.* The act is performed while the other person is under the influence of a controlled substance, which may include but is not limited to flunitrazepam, and all of the following are true:

~~a.~~ (1) The controlled substance, which may include but is not limited to flunitrazepam, prevents the other person from

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consenting to the act.

~~b.~~ (2) The person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam.

~~4.~~ *d.* The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless.

2. Sexual abuse in the third degree is a class "C" felony.

Sec. 203. Section 709.8, Code 2013, is amended to read as follows:

709.8 Lascivious acts with a child.

1. It is unlawful for any person sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

~~1.~~ *a.* Fondle or touch the pubes or genitals of a child.

~~2.~~ *b.* Permit or cause a child to fondle or touch the person's genitals or pubes.

~~3.~~ *c.* Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

~~4.~~ *d.* Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.

2. *a.* Any person who violates a provision of this section involving an act included in subsection 1, paragraph *"a"* or ~~2~~ *"b"*, shall, upon conviction, be guilty of a class "C" felony.

b. Any person who violates a provision of this section involving an act included in subsection ~~3~~ 1, paragraph *"c"* or ~~4~~ *"d"*, shall, upon conviction, be guilty of a class "D" felony.

Sec. 204. Section 709.12, Code 2013, is amended to read as follows:

709.12 Indecent contact with a child.

1. A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person

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1 commits any of the following acts with a child, not the
2 person's spouse, with or without the child's consent, for the
3 purpose of arousing or satisfying the sexual desires of either
4 of them:
5 ~~1.~~ *a.* Fondle or touch the inner thigh, groin, buttock,
6 anus, or breast of the child.
7 ~~2.~~ *b.* Touch the clothing covering the immediate area of the
8 inner thigh, groin, buttock, anus, or breast of the child.
9 ~~3.~~ *c.* Solicit or permit a child to fondle or touch the
10 inner thigh, groin, buttock, anus, or breast of the person.
11 ~~4.~~ *d.* Solicit a child to engage in any act prohibited under
12 section 709.8, subsection 1, ~~2~~ paragraph *"a"*, *"b"*, or ~~4~~ *"d"*.
13 2. The provisions of this section shall also apply to a
14 person sixteen or seventeen years of age who commits any of the
15 enumerated acts with a child who is at least five years the
16 person's junior, in which case the juvenile court shall have
17 jurisdiction under chapter 232.
18 Sec. 205. Section 709.16, subsection 2, Code 2013, is
19 amended to read as follows:
20 2. *a.* An officer, employee, contractor, vendor, volunteer,
21 or agent of a juvenile placement facility who engages in a
22 sex act with a juvenile placed at such facility commits an
23 aggravated misdemeanor.
24 *b.* For purposes of this subsection, a *"juvenile placement*
25 *facility"* means any of the following:
26 ~~a.~~ (1) A child foster care facility licensed under section
27 237.4.
28 ~~b.~~ (2) Institutions controlled by the department of human
29 services listed in section 218.1.
30 ~~c.~~ (3) Juvenile detention and juvenile shelter care homes
31 approved under section 232.142.
32 ~~d.~~ (4) Psychiatric medical institutions for children
33 licensed under chapter 135H.
34 ~~e.~~ (5) Substance abuse facilities as defined in section
35 125.2.

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1 Sec. 206. Section 711.1, Code 2013, is amended to read as
2 follows:
3 **711.1 Robbery defined.**
4 1. A person commits a robbery when, having the intent to
5 commit a theft, the person does any of the following acts to
6 assist or further the commission of the intended theft or the
7 person's escape from the scene thereof with or without the
8 stolen property:
9 ~~1.~~ *a.* Commits an assault upon another.
10 ~~2.~~ *b.* Threatens another with or purposely puts another in
11 fear of immediate serious injury.
12 ~~3.~~ *c.* Threatens to commit immediately any forcible felony.
13 2. It is immaterial to the question of guilt or innocence of
14 robbery that property was or was not actually stolen.
15 Sec. 207. Section 714.1, subsection 6, Code 2013, is amended
16 to read as follows:
17 6. Makes, utters, draws, delivers, or gives any check,
18 share draft, draft, or written order on any bank, credit
19 union, person, or corporation, and obtains property, the use
20 of property, including rental property, or service in exchange
21 for such instrument, if the person knows that such check, share
22 draft, draft, or written order will not be paid when presented.
23 *a.* Whenever the drawee of such instrument has refused
24 payment because of insufficient funds, and the maker has not
25 paid the holder of the instrument the amount due thereon within
26 ten days of the maker's receipt of notice from the holder that
27 payment has been refused by the drawee, the court or jury may
28 infer from such facts that the maker knew that the instrument
29 would not be paid on presentation. Notice of refusal of
30 payment shall be by certified mail, or by personal service in
31 the manner prescribed for serving original notices.
32 *b.* Whenever the drawee of such instrument has refused
33 payment because the maker has no account with the drawee, the
34 court or jury may infer from such fact that the maker knew that
35 the instrument would not be paid on presentation.

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Sec. 208. Section 714.10, Code 2013, is amended to read as follows:

714.10 Fraudulent practice in the second degree.

1. Fraudulent practice in the second degree is the following:

~~1.~~ *a.* A fraudulent practice where the amount of money or value of property or services involved exceeds one thousand dollars but does not exceed ten thousand dollars.

~~2.~~ *b.* A fraudulent practice where the amount of money or value of property or services involved does not exceed one thousand dollars by one who has been convicted of a fraudulent practice twice before.

2. Fraudulent practice in the second degree is a class "D" felony.

Sec. 209. Section 714.11, Code 2013, is amended to read as follows:

714.11 Fraudulent practice in the third degree.

1. Fraudulent practice in the third degree is the following:

~~1.~~ *a.* A fraudulent practice where the amount of money or value of property or service involved exceeds five hundred dollars but does not exceed one thousand dollars.

~~2.~~ *b.* A fraudulent practice as set forth in section 714.8, subsections 2, 8, and 9.

~~3.~~ *c.* A fraudulent practice where it is not possible to determine an amount of money or value of property and service involved.

2. Fraudulent practice in the third degree is an aggravated misdemeanor.

Sec. 210. Section 714.16B, Code 2013, is amended to read as follows:

714.16B Identity theft — civil cause of action.

1. In addition to any other remedies provided by law, a person as defined under section 714.16, subsection 1, suffering a pecuniary loss as a result of an identity theft by another person under section 715A.8, or a financial institution on

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1 behalf of an account holder suffering a pecuniary loss as a
2 result of an identity theft by another person under section
3 715A.8, may bring an action against such other person to
4 recover all of the following:
5 ~~1.~~ *a.* Five thousand dollars or three times the actual
6 damages, whichever is greater.
7 ~~2.~~ *b.* Reasonable costs incurred due to the violation of
8 section 715A.8, including all of the following:
9 ~~*a.*~~ (1) Costs for repairing the victim's credit history or
10 credit rating.
11 ~~*b.*~~ (2) Costs incurred for bringing a civil or
12 administrative proceeding to satisfy a debt, lien, judgment, or
13 other obligation of the victim.
14 ~~*c.*~~ (3) Punitive damages, attorney fees, and court costs.
15 2. For purposes of this section, *"financial institution"*
16 means the same as defined in section 527.2, and includes an
17 insurer organized under Title XIII, subtitle 1, of this Code,
18 or under the laws of any other state or the United States.
19 Sec. 211. Section 714.26, subsection 2, paragraphs a and b,
20 Code 2013, are amended to read as follows:
21 *a.* (1) A person commits intellectual property
22 counterfeiting in the first degree if any of the following
23 apply:
24 ~~(1)~~ (a) The person is manufacturing or producing an item
25 bearing or identified by a counterfeit mark.
26 ~~(2)~~ (b) The offense involves more than one thousand items
27 bearing or identified by a counterfeit mark or the total retail
28 value of such items is equal to or greater than ten thousand
29 dollars.
30 ~~(3)~~ (c) The offense is a third or subsequent violation of
31 this section.
32 (2) Intellectual property counterfeiting in the first
33 degree is a class "C" felony.
34 *b.* (1) A person commits intellectual property
35 counterfeiting in the second degree if any of the following

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apply:

~~(1)~~ (a) The offense involves more than one hundred items but does not involve more than one thousand items bearing or identified by a counterfeit mark or the total retail value of such items is equal to or greater than one thousand dollars but less than ten thousand dollars.

~~(2)~~ (b) The offense is a second violation of this section.

(2) Intellectual property counterfeiting in the second degree is a class "D" felony.

Sec. 212. Section 715A.6, subsection 1, Code 2013, is amended to read as follows:

1. *a.* A person commits a public offense by using a credit card for the purpose of obtaining property or services with knowledge of any of the following:

~~*a.*~~ (1) The credit card is stolen or forged.

~~*b.*~~ (2) The credit card has been revoked or canceled.

~~*c.*~~ (3) For any other reason the use of the credit card is unauthorized.

b. It is an affirmative defense to prosecution under paragraph ~~"*c*"~~ "*a*", subparagraph (3), if the person proves by a preponderance of the evidence that the person had the intent and ability to meet all obligations to the issuer arising out of the use of the credit card.

Sec. 213. Section 717A.2, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. (1) Enter onto or into an animal facility, or remain on or in an animal facility, if the person has notice that the facility is not open to the public, if the person has an intent to do one of the following:

~~(1)~~ (a) Disrupt operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care.

~~(2)~~ (b) Kill or injure an animal maintained at the animal facility.

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1 (2) A person has notice that an animal facility is not
2 open to the public if the person is provided notice before
3 entering onto or into the facility, or the person refuses to
4 immediately depart from the facility after being informed to
5 leave. The notice may be in the form of a written or verbal
6 communication by the owner, a fence or other enclosure designed
7 to exclude intruders or contain animals, or a sign posted which
8 is reasonably likely to come to the attention of an intruder
9 and which indicates that entry is forbidden.
10 Sec. 214. Section 717A.3, subsection 1, paragraph c, Code
11 2013, is amended to read as follows:
12 *c.* (1) Enter onto or remain on crop operation property
13 if the person has notice that the property is not open to
14 the public, and the person has an intent to do one of the
15 following:
16 ~~(1)~~ (a) Disrupt agricultural production conducted on the
17 crop operation property if the agricultural production directly
18 relates to the maintenance of crops. A person is presumed to
19 intend disruption if the person moves, removes, or defaces any
20 sign posted on the crop operation property or label used by the
21 owner and the sign or label identifies a crop maintained on the
22 crop operation property.
23 ~~(2)~~ (b) Destroy or damage a crop or any portion of a crop
24 maintained on the crop operation property.
25 (2) A person has notice that a crop operation property
26 is not open to the public if the person is provided notice
27 prohibiting entry before the person enters onto the crop
28 operation property, or the person refuses to immediately
29 depart from the crop operation property after being notified
30 to leave. The notice may be in the form of a written or verbal
31 communication by the owner, a fence or other enclosure designed
32 to exclude intruders, or a sign posted which is reasonably
33 likely to come to the attention of an intruder and which
34 indicates that entry is prohibited.
35 Sec. 215. Section 730.4, subsection 5, Code 2013, is amended

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1 to read as follows:
2 5. *a.* This section may be enforced through a civil action.
3 ~~*a.*~~ (1) A person who violates this section or who aids
4 in the violation of this section is liable to an aggrieved
5 employee or applicant for employment for affirmative relief
6 including reinstatement or hiring, with or without back pay,
7 or any other equitable relief as the court deems appropriate
8 including attorney fees and court costs.
9 ~~*b.*~~ (2) When a person commits, is committing, or proposes to
10 commit, an act in violation of this section, an injunction may
11 be granted through an action in district court to prohibit the
12 person from continuing such acts. The action for injunctive
13 relief may be brought by an aggrieved employee or applicant for
14 employment, the county attorney, or the attorney general.
15 *b.* A person who in good faith brings an action under
16 this subsection alleging that an employer has required or
17 requested a polygraph examination in violation of this section
18 shall establish that sufficient evidence exists upon which a
19 reasonable person could find that a violation has occurred.
20 Upon proof that sufficient evidence exists upon which a finding
21 could be made that a violation has occurred as required under
22 this paragraph, the employer has the burden of proving that the
23 requirements of this section were met.
24 Sec. 216. Section 730.5, subsection 9, paragraph g, Code
25 2013, is amended to read as follows:
26 *g.* (1) Upon receipt of a confirmed positive alcohol test
27 which indicates an alcohol concentration greater than the
28 concentration level established by the employer pursuant to
29 this section, and if the employer has at least fifty employees,
30 and if the employee has been employed by the employer for
31 at least twelve of the preceding eighteen months, and if
32 rehabilitation is agreed upon by the employee, and if the
33 employee has not previously violated the employer's substance
34 abuse prevention policy pursuant to this section, the written
35 policy shall provide for the rehabilitation of the employee

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1 pursuant to subsection 10, paragraph *"a"*, subparagraph (1), and
2 the apportionment of the costs of rehabilitation as provided
3 by this paragraph *"g"*.
4 ~~(1)~~ (a) If the employer has an employee benefit plan, the
5 costs of rehabilitation shall be apportioned as provided under
6 the employee benefit plan.
7 ~~(2)~~ (b) If no employee benefit plan exists and the employee
8 has coverage for any portion of the costs of rehabilitation
9 under any health care plan of the employee, the costs of
10 rehabilitation shall be apportioned as provided by the health
11 care plan with any costs not covered by the plan apportioned
12 equally between the employee and the employer. However, the
13 employer shall not be required to pay more than two thousand
14 dollars toward the costs not covered by the employee's health
15 care plan.
16 ~~(3)~~ (c) If no employee benefit plan exists and the
17 employee does not have coverage for any portion of the costs of
18 rehabilitation under any health care plan of the employee, the
19 costs of rehabilitation shall be apportioned equally between
20 the employee and the employer. However, the employer shall not
21 be required to pay more than two thousand dollars towards the
22 cost of rehabilitation under this subparagraph division.
23 (2) Rehabilitation required pursuant to this paragraph
24 *"g"* shall not preclude an employer from taking any
25 adverse employment action against the employee during the
26 rehabilitation based on the employee's failure to comply with
27 any requirements of the rehabilitation, including any action
28 by the employee to invalidate a test sample provided by the
29 employee pursuant to the rehabilitation.
30 Sec. 217. Section 730.5, subsection 13, paragraph d, Code
31 2013, is amended to read as follows:
32 *d.* (1) An employer may use and disclose information
33 concerning the results of a drug or alcohol test conducted
34 pursuant to this section under any of the following
35 circumstances:

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1 ~~(1)~~ (a) In an arbitration proceeding pursuant to a
2 collective bargaining agreement, or an administrative agency
3 proceeding or judicial proceeding under workers' compensation
4 laws or unemployment compensation laws or under common or
5 statutory laws where action taken by the employer based on the
6 test is relevant or is challenged.
7 ~~(2)~~ (b) To any federal agency or other unit of the federal
8 government as required under federal law, regulation or order,
9 or in accordance with compliance requirements of a federal
10 government contract.
11 ~~(3)~~ (c) To any agency of this state authorized to license
12 individuals if the employee tested is licensed by that agency
13 and the rules of that agency require such disclosure.
14 ~~(4)~~ (d) To a union representing the employee if such
15 disclosure would be required by federal labor laws.
16 ~~(5)~~ (e) To a substance abuse evaluation or treatment
17 facility or professional for the purpose of evaluation or
18 treatment of the employee.
19 (2) However, positive test results from an employer drug or
20 alcohol testing program shall not be used as evidence in any
21 criminal action against the employee or prospective employee
22 tested.
23 Sec. 218. Section 730.5, subsection 15, Code 2013, is
24 amended to read as follows:
25 15. *Civil remedies.*
26 *a.* This section may be enforced through a civil action.
27 ~~*a.*~~ (1) A person who violates this section or who aids
28 in the violation of this section, is liable to an aggrieved
29 employee or prospective employee for affirmative relief
30 including reinstatement or hiring, with or without back pay,
31 or any other equitable relief as the court deems appropriate
32 including attorney fees and court costs.
33 ~~*b.*~~ (2) When a person commits, is committing, or proposes to
34 commit, an act in violation of this section, an injunction may
35 be granted through an action in district court to prohibit the

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1 person from continuing such acts. The action for injunctive
2 relief may be brought by an aggrieved employee or prospective
3 employee, the county attorney, or the attorney general.
4 *b.* In an action brought under this subsection alleging that
5 an employer has required or requested a drug or alcohol test
6 in violation of this section, the employer has the burden of
7 proving that the requirements of this section were met.
8 Sec. 219. Section 804.22, Code 2013, is amended to read as
9 follows:
10 **804.22 Initial appearance before magistrate — arrest without**
11 **warrant.**
12 1. When an arrest is made without a warrant, the person
13 arrested shall, without unnecessary delay, be taken before
14 the nearest or most accessible magistrate in the judicial
15 district in which such arrest was made or before a magistrate
16 in an approved judicial district, and the grounds on which the
17 arrest was made shall be stated to the magistrate by complaint,
18 subscribed and sworn to by the complainant, or supported by the
19 complainant's affirmation, and such magistrate shall proceed
20 as follows:
21 ~~1.~~ *a.* If the magistrate believes from such complaint that
22 the offense charged is triable in the magistrate's court, the
23 magistrate shall proceed with the case.
24 ~~2.~~ *b.* If the magistrate believes from such complaint that
25 the offense charged is triable in another court, the magistrate
26 shall by written order, commit the person arrested to a peace
27 officer, to be taken before the appropriate magistrate in the
28 district in which the offense is triable, and shall fix the
29 amount of bail or other conditions of release which the person
30 arrested may give for the person's appearance at the other
31 court.
32 2. This section and the rules of criminal procedure do
33 not affect the provisions of chapter 805 authorizing the
34 release of a person on citation or bail prior to initial
35 appearance, unless the person is charged with manufacture,

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1 delivery, possession with intent to manufacture or deliver, or
2 distribution of methamphetamine. The initial appearance of a
3 person so released shall be scheduled for a time not more than
4 thirty days after the date of release.
5 3. For purposes of this section, an *"approved judicial*
6 *district"* means, as to any particular arrest of a person made
7 without a warrant, any judicial district in this state in
8 which the chief judge of that judicial district and the chief
9 judge of the judicial district in which the arrest was made
10 have previously entered an order permitting a person arrested
11 without warrant to be taken to a magistrate from any judicial
12 district subject to the order.
13 Sec. 220. Section 804.30, Code 2013, is amended to read as
14 follows:
15 **804.30 Strip searches.**
16 1. A person arrested for a scheduled violation or a simple
17 misdemeanor shall not be subjected to a strip search unless
18 there is probable cause to believe the person is concealing a
19 weapon or contraband. A strip search pursuant to this section
20 shall not be conducted except under all of the following
21 conditions:
22 ~~1.~~ *a.* Written authorization of the supervisor on duty is
23 obtained.
24 ~~2.~~ *b.* A search warrant is obtained for the probing of any
25 body cavity other than the mouth, ears or nose.
26 ~~3.~~ *c.* A visual search or probing of any body cavity shall
27 be performed under sanitary conditions. A physical probe of
28 a body cavity other than the mouth, ears or nose shall be
29 performed only by a licensed physician unless voluntarily
30 waived in writing by the arrested person.
31 ~~4.~~ *d.* The search is conducted in a place where it cannot be
32 observed by persons not conducting the search.
33 ~~5.~~ *e.* The search is conducted by a person of the same sex
34 as the arrested person, unless conducted by a physician.
35 2. Subsequent to a strip search, a written report shall be

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1 prepared which includes the written authorization required by
2 subsection 1, paragraph *"a"*, the name of the person subjected
3 to the search, the names of the persons conducting the search,
4 the time, date and place of the search and, if required by
5 subsection ~~2~~ 1, paragraph *"b"*, a copy of the search warrant
6 authorizing the search. A copy of the report shall be provided
7 to the person searched.
8 Sec. 221. Section 805.16, subsection 3, Code 2013, is
9 amended to read as follows:
10 3. *a.* A person arrested pursuant to subsection 2 shall only
11 be arrested for the limited purpose of holding the person in
12 nonsecure custody in an area not intended for secure detention
13 while awaiting transfer to an appropriate juvenile facility
14 or to court, for booking, for implied consent testing, for
15 contacting and release to the person's parents, or for other
16 administrative purposes.
17 *b.* For purposes of this subsection, *"nonsecure custody"*
18 means custody in an unlocked multipurpose area, such as a
19 lobby, office, or interrogation room which is not designed,
20 set aside, or used as a secure detention area, and the person
21 arrested is not physically secured during the period of custody
22 in the area, the person is physically accompanied by a peace
23 officer or a person employed by the facility where the person
24 arrested is being held, and the use of the area is limited to
25 providing nonsecure custody only long enough for the purposes
26 stated in ~~the preceding~~ paragraph *"a"* and not for a period of
27 time in excess of six hours without the oral or written order
28 of a judge or magistrate authorizing the detention. A judge
29 shall not extend the period of time in excess of six hours
30 beyond the initial six-hour period.
31 Sec. 222. Section 811.2, subsection 1, Code 2013, is amended
32 to read as follows:
33 1. *Conditions for release of defendant.*
34 *a.* All bailable defendants shall be ordered released from
35 custody pending judgment or entry of deferred judgment on their

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1 personal recognizance, or upon the execution of an unsecured
2 appearance bond in an amount specified by the magistrate unless
3 the magistrate determines in the exercise of the magistrate's
4 discretion, that such a release will not reasonably assure the
5 appearance of the defendant as required or that release will
6 jeopardize the personal safety of another person or persons.
7 When such determination is made, the magistrate shall, either
8 in lieu of or in addition to the above methods of release,
9 impose the first of the following conditions of release which
10 will reasonably assure the appearance of the person for trial
11 or deferral of judgment and the safety of other persons, or, if
12 no single condition gives that assurance, any combination of
13 the following conditions:
14 ~~a.~~ (1) Place the defendant in the custody of a designated
15 person or organization agreeing to supervise the defendant.
16 ~~b.~~ (2) Place restrictions on the travel, association or
17 place of abode of the defendant during the period of release.
18 ~~c.~~ (3) Require the execution of an appearance bond in a
19 specified amount and the deposit with the clerk of the district
20 court or a public officer designated under section 602.1211,
21 subsection 4, in cash or other qualified security, of a sum not
22 to exceed ten percent of the amount of the bond, the deposit to
23 be returned to the person who deposited the specified amount
24 with the clerk upon the performance of the appearances as
25 required in section 811.6.
26 ~~d.~~ (4) Require the execution of a bail bond with sufficient
27 surety, or the deposit of cash in lieu of bond. However,
28 except as provided in section 811.1, bail initially given
29 remains valid until final disposition of the offense or entry
30 of an order deferring judgment. If the amount of bail is
31 deemed insufficient by the court before whom the offense is
32 pending, the court may order an increase of bail and the
33 defendant must provide the additional undertaking, written or
34 in cash, to secure release.
35 ~~e.~~ (5) Impose any other condition deemed reasonably

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necessary to assure appearance as required, or the safety of another person or persons including a condition requiring that the defendant return to custody after specified hours, or a condition that the defendant have no contact with the victim or other persons specified by the court.

b. Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance abuse evaluation and follow any recommendations proposed in the evaluation for appropriate substance abuse treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to manufacture or deliver, or distribution of methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 223. Section 901.3, Code 2013, is amended to read as follows:

901.3 Presentence investigation report.

1. If a presentence investigation is ordered by the court, the investigator shall promptly inquire into all of the following:

~~1.~~ *a.* The defendant's characteristics, family and financial circumstances, needs, and potentialities.

~~2.~~ *b.* The defendant's criminal record and social history.

~~3.~~ *c.* The circumstances of the offense.

~~4.~~ *d.* The time the defendant has been in detention.

~~5.~~ *e.* The harm to the victim, the victim's immediate family, and the community. Additionally, the presentence investigator shall provide a victim impact statement form to each victim, if one has not already been provided, and shall file the completed statement or statements with the presentence investigation report.

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1 ~~6.~~ *f.* The defendant's potential as a candidate for the
2 community service sentence program established pursuant to
3 section 907.13.
4 ~~7.~~ *g.* Any mitigating circumstances relating to the offense
5 and the defendant's potential as a candidate for deferred
6 judgment, deferred sentencing, a suspended sentence, or
7 probation, if the defendant is charged with or convicted of
8 assisting suicide pursuant to section 707A.2.
9 ~~8.~~ *h.* Whether the defendant has a history of mental
10 health or substance abuse problems. If so, the investigator
11 shall inquire into the treatment options available in both the
12 community of the defendant and the correctional system.
13 2. All local and state mental and correctional
14 institutions, courts, and police agencies shall furnish to
15 the investigator on request the defendant's criminal record
16 and other relevant information. The originating source of
17 specific mental health or substance abuse information including
18 the histories, treatment, and use of medications shall
19 not be released to the presentence investigator unless the
20 defendant authorizes the release of such information. If the
21 defendant refuses to release the information, the presentence
22 investigator may note the defendant's refusal to release mental
23 health or substance abuse information in the presentence
24 investigation report and rely upon other mental health or
25 substance abuse information available to the presentence
26 investigator. With the approval of the court, a physical
27 examination or psychiatric evaluation of the defendant may be
28 ordered, or the defendant may be committed to an inpatient
29 or outpatient psychiatric facility for an evaluation of the
30 defendant's personality and mental health. The results of any
31 such examination or evaluation shall be included in the report
32 of the investigator.
33 Sec. 224. Section 901.5, unnumbered paragraphs 1 and 2, Code
34 2013, are amended to read as follows:
35 After receiving and examining all pertinent information,

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including the presentence investigation report and victim impact statements, if any, the court shall consider the following sentencing options. The court shall determine which of them is authorized by law for the offense, and of the authorized sentences, which of them or which combination of them, in the discretion of the court, will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community from further offenses by the defendant and others. At the time fixed by the court for pronouncement of judgment and sentence, the court shall act accordingly:

~~At the time fixed by the court for pronouncement of judgment and sentence, the court shall act accordingly:~~

Sec. 225. Section 902.9, Code 2013, is amended to read as follows:

902.9 Maximum sentence for felons.

1. The maximum sentence for any person convicted of a felony shall be that prescribed by statute or, if not prescribed by statute, if other than a class "A" felony shall be determined as follows:

~~1.~~ *a.* A felon sentenced for a first conviction for a violation of section 124.401D, shall be confined for no more than ninety-nine years.

~~2.~~ *b.* A class "B" felon shall be confined for no more than twenty-five years.

~~3.~~ *c.* An habitual offender shall be confined for no more than fifteen years.

~~4.~~ *d.* A class "C" felon, not an habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of at least one thousand dollars but not more than ten thousand dollars.

~~5.~~ *e.* A class "D" felon, not an habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

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2. The surcharges required by sections 911.1, 911.2, and 911.3 shall be added to a fine imposed on a class "C" or class "D" felon, as provided by those sections, and are not a part of or subject to the maximums set in this section.

Sec. 226. Section 904.403, Code 2013, is amended to read as follows:

904.403 Investigatory powers — witnesses.

1. The director may exercise the following powers in an investigation:

~~1.~~ *a.* Summon and compel the attendance of witnesses.

~~2.~~ *b.* Examine the witnesses under oath, which the director may administer.

~~3.~~ *c.* Have access to all books, papers, and property material to the investigation.

~~4.~~ *d.* Order the production of books or papers material to the investigation.

2. Witnesses other than those in the employ of the state are entitled to the same fees as in civil cases in the district court.

Sec. 227. Section 904.813, subsection 2, Code 2013, is amended to read as follows:

2. *a.* The Iowa state industries revolving fund shall be used only for the following purposes:

~~a.~~ (1) Establishment, maintenance, transfer, or closure of industrial operations, or vocational, technical, and related training facilities and services for inmates as authorized by the state director in consultation with the industries board.

~~b.~~ (2) Payment of all costs incurred by the industries board, including but not limited to per diem and expenses of its members, and of salaries, allowances, support, and maintenance of Iowa state industries.

~~c.~~ (3) Direct purchases from vendors of raw materials and capital items used for the manufacturing processes of Iowa state industries, in accordance with rules which meet state bidding requirements. The rules shall be adopted by the state

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1 director in consultation with the industries board.
2 *b.* Payments from the revolving fund, other than salary
3 payments, shall be made directly to the vendors.
4 Sec. 228. Section 904.905, Code 2013, is amended to read as
5 follows:
6 **904.905 Surrender of earnings.**
7 1. An inmate employed in the community under a work release
8 plan shall surrender to the judicial district department of
9 correctional services the inmate's total earnings less payroll
10 deductions required by law. The judicial district department
11 of correctional services shall deduct from the earnings in the
12 following order of priority:
13 ~~1.~~ *a.* An amount the inmate may be legally obligated to pay
14 for the support of the inmate's dependents, the amount of which
15 shall be paid to the dependents through the department of human
16 services located in the county or city in which the dependents
17 reside.
18 ~~2.~~ *b.* Restitution as ordered by the court pursuant to
19 chapter 910.
20 ~~3.~~ *c.* An amount determined to be the cost to the judicial
21 district department of correctional services for providing
22 food, lodging, and clothing for the inmate while under the
23 program.
24 ~~4.~~ *d.* Any other financial obligations which are
25 acknowledged by the inmate or any unsatisfied judgment against
26 the inmate.
27 2. Any balance remaining after deductions and payments
28 shall be credited to the inmate's personal account at the
29 judicial district department of correctional services and shall
30 be paid to the inmate upon release. An inmate so employed
31 shall be paid a fair and reasonable wage in accordance with the
32 prevailing wage scale for such work and shall work at fair and
33 reasonable hours per day and per week.
34 Sec. 229. Section 905.12, Code 2013, is amended to read as
35 follows:

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905.12 Surrender of earnings.

1. When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

~~1.~~ *a.* An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of human services in the county in which the dependents reside. For the purpose of this ~~subsection~~ paragraph, *"legally obligated"* means under a court order.

~~2.~~ *b.* Restitution ordered by the court under chapter 910.

~~3.~~ *c.* An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.

~~4.~~ *d.* Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

2. Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. The director shall establish a plan to comply with the provisions of court orders entered pursuant to this section.

Sec. 230. Section 906.5, subsection 1, Code 2013, is amended to read as follows:

1. *a.* The board shall establish and implement a plan by which the board systematically reviews the status of each person who has been committed to the custody of the director of

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1 the Iowa department of corrections and considers the person's
2 prospects for parole or work release. The board at least
3 annually shall review the status of a person other than a class
4 "A" felon, a class "B" felon serving a sentence of more than
5 twenty-five years, or a felon serving an offense punishable
6 under section 902.9, subsection 1, paragraph "a", or a felon
7 serving a mandatory minimum sentence other than a class "A"
8 felon, and provide the person with notice of the board's parole
9 or work release decision.
10 b. Not less than twenty days prior to conducting a hearing
11 at which the board will interview the person, the board
12 shall notify the department of corrections of the scheduling
13 of the interview, and the department shall make the person
14 available to the board at the person's institutional residence
15 as scheduled in the notice. However, if health, safety, or
16 security conditions require moving the person to another
17 institution or facility prior to the scheduled interview, the
18 department of corrections shall so notify the board.
19 Sec. 231. Section 906.9, Code 2013, is amended to read as
20 follows:
21 **906.9 Clothing, transportation, and money.**
22 1. When an inmate is discharged, paroled, or placed on work
23 release, the warden or superintendent shall furnish the inmate,
24 at state expense, appropriate clothing and transportation
25 to the place in this state indicated in the inmate's
26 discharge, parole, or work release plan. When an inmate is
27 discharged, paroled, or placed on work release, the warden or
28 superintendent shall provide the inmate, at state expense or
29 through inmate savings as provided in section 904.508, money in
30 accordance with the following schedule:
31 ~~1.~~ a. Upon discharge or parole, one hundred dollars.
32 ~~2.~~ b. Upon being placed on work release, fifty dollars.
33 2. Those inmates receiving payment under subsection ~~2~~
34 1, paragraph "b", shall not be eligible for payment under
35 subsection 1, paragraph "a", unless they are returned to the

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1 institution. An inmate shall only be eligible to receive one
2 payment under this section during any twelve-month period. The
3 warden or superintendent shall maintain an account of all funds
4 expended pursuant to this section.
5 Sec. 232. Section 910.4, subsection 3, Code 2013, is amended
6 to read as follows:
7 3. *a.* When there is a transfer of supervision from one
8 office or individual charged with supervision of the offender
9 to another, the sending office or individual shall forward to
10 the receiving office or individual all necessary information
11 regarding the balance owed against the original amount of
12 restitution ordered and the balance of public service required.
13 *b.* When the offender's circumstances and income have
14 significantly changed, the receiving office or individual
15 shall submit a new plan of payment to the sentencing court for
16 approval or modification based on the considerations enumerated
17 in this section.
18 Sec. 233. Section 915.12, subsection 1, Code 2013, is
19 amended to read as follows:
20 1. A victim may register by filing a written
21 request-for-registration form with the county attorney. The
22 county attorney shall notify the victims in writing and advise
23 them of their registration and rights under this subchapter.
24 The county attorney shall provide a registered victim list to
25 the offices, agencies, and departments required to provide
26 information under this subchapter for notification purposes.
27 ~~The county attorney shall provide a registered victim list~~
28 ~~to the offices, agencies, and departments required to provide~~
29 ~~information under this subchapter for notification purposes.~~
30 Sec. 234. Section 915.29, Code 2013, is amended to read as
31 follows:
32 **915.29 Notification of victim of juvenile by department of**
33 **human services.**
34 1. The department of human services shall notify a
35 registered victim regarding a juvenile adjudicated delinquent

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for a violent crime, committed to the custody of the department of human services, and placed at the state training school at Eldora or Toledo, of the following:

~~1.~~ *a.* The date on which the juvenile is expected to be temporarily released from the custody of the department of human services, and whether the juvenile is expected to return to the community where the registered victim resides.

~~2.~~ *b.* The juvenile's escape from custody.

~~3.~~ *c.* The recommendation by the department to consider the juvenile for release or placement.

~~4.~~ *d.* The date on which the juvenile is expected to be released from a facility pursuant to a plan of placement.

2. The notification required pursuant to this section may occur through the automated victim notification system referred to in section 915.10A to the extent such information is available for dissemination through the system.

Sec. 235. Section 915.38, subsection 1, Code 2013, is amended to read as follows:

1. *a.* Upon its own motion or upon motion of any party, a court may protect a minor, as defined in section 599.1, from trauma caused by testifying in the physical presence of the defendant where it would impair the minor's ability to communicate, by ordering that the testimony of the minor be taken in a room other than the courtroom and be televised by closed-circuit equipment for viewing in the courtroom. However, such an order shall be entered only upon a specific finding by the court that such measures are necessary to protect the minor from trauma. Only the judge, prosecuting attorney, defendant's attorney, persons necessary to operate the equipment, and any person whose presence, in the opinion of the court, would contribute to the welfare and well-being of the minor may be present in the room with the minor during the minor's testimony. The judge shall inform the minor that the defendant will not be present in the room in which the minor will be testifying but that the defendant will be viewing the

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minor's testimony through closed-circuit television.

b. During the minor's testimony the defendant shall remain in the courtroom and shall be allowed to communicate with the defendant's counsel in the room where the minor is testifying by an appropriate electronic method.

c. In addition, upon a finding of necessity, the court may allow the testimony of a victim or witness with a mental illness, an intellectual disability, or other developmental disability to be taken as provided in this subsection, regardless of the age of the victim or witness.

DIVISION III

CONFORMING CHANGES

Sec. 236. Section 48A.11, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The penalty provided by law for submission of a false voter registration form, which shall be the penalty for perjury as provided by section 902.9, subsection ~~5~~ 1, paragraph *"e"*.

Sec. 237. Section 124.401, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Violation of this subsection, with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and notwithstanding section 902.9, subsection ~~2~~ 1, paragraph *"b"*, shall be punished by confinement for no more than fifty years and a fine of not more than one million dollars:

Sec. 238. Section 124.401, subsection 1, paragraph b, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and in addition to the provisions of section 902.9, subsection ~~2~~ 1, paragraph *"b"*, shall be punished by a fine of not less than five thousand dollars nor more than one hundred thousand dollars:

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1 Sec. 239. Section 124.401, subsection 1, paragraph c,
2 unnumbered paragraph 1, Code 2013, is amended to read as
3 follows:
4 Violation of this subsection with respect to the following
5 controlled substances, counterfeit substances, or simulated
6 controlled substances is a class "C" felony, and in addition
7 to the provisions of section 902.9, subsection ~~4~~ 1, paragraph
8 *"d"*, shall be punished by a fine of not less than one thousand
9 dollars nor more than fifty thousand dollars:
10 Sec. 240. Section 124.401D, subsection 1, paragraph b, Code
11 2013, is amended to read as follows:
12 *b.* A violation of this subsection is a felony punishable
13 under section 902.9, subsection 1, paragraph *"a"*.
14 Sec. 241. Section 124.401D, subsection 2, paragraph b, Code
15 2013, is amended to read as follows:
16 *b.* A violation of this subsection is a felony punishable
17 under section 902.9, subsection 1, paragraph *"a"*.
18 Sec. 242. Section 237A.29, subsection 2, paragraph b, Code
19 2013, is amended to read as follows:
20 *b.* A child care provider that has been found by the
21 department of inspections and appeals in an administrative
22 proceeding or in a judicial proceeding to have obtained, or has
23 agreed to entry of a civil judgment or judgment by confession
24 that includes a conclusion of law that the child care provider
25 has obtained, by fraudulent means, public funding for provision
26 of child care in an amount equal to or in excess of the minimum
27 amount for a fraudulent practice in the second degree under
28 section 714.10, subsection 1, paragraph *"a"*, shall be subject
29 to sanction in accordance with this subsection. Such child
30 care provider shall be subject to a period during which receipt
31 of public funding for provision of child care is conditioned
32 upon no further violations and to one or more of the following
33 sanctions as determined by the department of human services:
34 (1) Ineligibility to receive public funding for provision
35 of child care.

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(2) Suspension from receipt of public funding for provision of child care.

(3) Special review of the child care provider's claims for providing publicly funded child care.

Sec. 243. Section 692A.101, subsection 1, paragraph a, subparagraphs (3) and (4), Code 2013, are amended to read as follows:

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 1, paragraph *"a"*.

(4) Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph *"a"* or ~~2~~ *"b"*.

Sec. 244. Section 692A.101, subsection 2, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) Sexual abuse in the third degree in violation of section 709.4, except for a violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"c"*~~ *"b"*, subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 245. Section 692A.102, subsection 1, paragraph a, subparagraphs (2), (3), and (4), Code 2013, are amended to read as follows:

(2) Sexual abuse in the third degree in violation of section 709.4, subsection 1, ~~3~~ paragraph *"a"*, *"c"*, or ~~4~~ *"d"*, if committed by a person under the age of fourteen.

(3) Sexual abuse in the third degree in violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"a" or*~~ *"b"*, subparagraph (1) or (2), if committed by a person under the age of fourteen.

(4) Sexual abuse in the third degree in violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"c"*~~ *"b"*, subparagraph (3).

Sec. 246. Section 692A.102, subsection 1, paragraph b, subparagraphs (1) and (3), Code 2013, are amended to read as follows:

(1) Lascivious acts with a child in violation of section 709.8, subsection ~~3~~ 1, paragraph *"c"* or ~~4~~ *"d"*.

(3) Solicitation of a minor to engage in an illegal act under section 709.8, subsection ~~3~~ 1, paragraph *"c"*, in violation

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of section 705.1.

Sec. 247. Section 692A.102, subsection 1, paragraph c, subparagraphs (10), (11), and (12), Code 2013, are amended to read as follows:

(10) Sexual abuse in the third degree in violation of section 709.4, subsection 1, ~~3~~ paragraph *"a"*, *"c"*, or ~~4~~ *"d"*, if committed by a person fourteen years of age or older.

(11) Sexual abuse in the third degree in violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"a"* or~~ *"b"*, subparagraph (1) or (2), if committed by a person fourteen years of age or older.

(12) Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph *"a"* or ~~2~~ *"b"*.

Sec. 248. Section 692A.121, subsection 2, paragraph b, subparagraph (2), subparagraph division (a), Code 2013, is amended to read as follows:

(a) The relevant information about a sex offender who was under twenty years of age at the time the offender committed a violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"c"*~~ *"b"*, subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 249. Section 702.11, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Sexual abuse in violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"c"*~~ *"b"*, subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 250. Section 708.2A, subsection 7, paragraph b, Code 2013, is amended to read as follows:

b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection ~~5~~ 1, paragraph *"e"*, and shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, subsections 1, 3, and 5 and section 907.3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was

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1 confined in a jail or detention facility following arrest.
2 Sec. 251. Section 708A.2, Code 2013, is amended to read as
3 follows:
4 **708A.2 Terrorism.**
5 A person who commits or attempts to commit an act of
6 terrorism commits a class "B" felony. However, notwithstanding
7 section 902.9, subsection ~~2~~ 1, paragraph "*b*", the maximum
8 sentence for a person convicted under this section shall be a
9 period of confinement of not more than fifty years.
10 Sec. 252. Section 716.10, subsection 2, paragraph a, Code
11 2013, is amended to read as follows:
12 *a.* A person commits railroad vandalism in the first degree
13 if the person intentionally commits railroad vandalism which
14 results in the death of any person. Railroad vandalism in the
15 first degree is a class "B" felony. However, notwithstanding
16 section 902.9, subsection ~~2~~ 1, paragraph "*b*", the maximum
17 sentence for a person convicted under this section shall be a
18 period of confinement of not more than fifty years.
19 Sec. 253. Section 726.6, subsection 4, Code 2013, is amended
20 to read as follows:
21 4. A person who commits child endangerment resulting in
22 the death of a child or minor is guilty of a class "B" felony.
23 Notwithstanding section 902.9, subsection ~~2~~ 1, paragraph "*b*",
24 a person convicted of a violation of this subsection shall be
25 confined for no more than fifty years.
26 Sec. 254. Section 726.6A, Code 2013, is amended to read as
27 follows:
28 **726.6A Multiple acts of child endangerment — penalty.**
29 A person who engages in a course of conduct including three
30 or more acts of child endangerment as defined in section 726.6
31 within a period of twelve months involving the same child or a
32 minor with a mental or physical disability, where one or more
33 of the acts results in serious injury to the child or minor
34 or results in a skeletal injury to a child under the age of
35 four years, is guilty of a class "B" felony. Notwithstanding

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1 section 902.9, subsection ~~2~~ 1, paragraph "b", a person convicted
2 of a violation of this section shall be confined for no more
3 than fifty years.
4 Sec. 255. Section 804.25, Code 2013, is amended to read as
5 follows:
6 **804.25 Bail — discharge.**
7 Any magistrate who receives bail as provided for in sections
8 804.21, subsection 2, and 804.22, subsection ~~2~~ 1, paragraph "b",
9 shall endorse, on the order of commitment or on the warrant, an
10 order for the discharge from custody of the arrested person,
11 who shall forthwith be discharged, and shall transmit by mail,
12 or otherwise, as soon as it can be conveniently done, to the
13 court at which the person is bound to appear, the affidavits,
14 order of commitment or warrant, and discharge, together with
15 the undertaking of bail.
16 Sec. 256. Section 811.1, subsections 1 and 2, Code 2013, are
17 amended to read as follows:
18 1. A defendant awaiting judgment of conviction and
19 sentencing following either a plea or verdict of guilty of a
20 class "A" felony; forcible felony as defined in section 702.11;
21 any class "B" felony included in section 462A.14 or 707.6A; any
22 felony included in section 124.401, subsection 1, paragraph
23 "a" or "b"; a second or subsequent offense under section
24 124.401, subsection 1, paragraph "c"; any felony punishable
25 under section 902.9, subsection 1, paragraph "a"; any public
26 offense committed while detained pursuant to section 229A.5;
27 or any public offense committed while subject to an order of
28 commitment pursuant to chapter 229A.
29 2. A defendant appealing a conviction of a class "A"
30 felony; forcible felony as defined in section 702.11; any class
31 "B" or "C" felony included in section 462A.14 or 707.6A; any
32 felony included in section 124.401, subsection 1, paragraph
33 "a" or "b"; or a second or subsequent conviction under section
34 124.401, subsection 1, paragraph "c"; any felony punishable
35 under section 902.9, subsection 1, paragraph "a"; any public

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1 offense committed while detained pursuant to section 229A.5;
2 or any public offense committed while subject to an order of
3 commitment pursuant to chapter 229A.
4 Sec. 257. Section 811.10, unnumbered paragraph 1, Code
5 2013, is amended to read as follows:
6 When a defendant is admitted to bail by means of a surety
7 bail bond pursuant to section 811.2, subsection 1, paragraph
8 ~~"d",~~ "a", subparagraph (4), the obligation of surety shall be
9 discharged, and the surety released, upon any of the following
10 conditions:
11 Sec. 258. Section 901.2, unnumbered paragraph 2, Code 2013,
12 is amended to read as follows:
13 The court shall not order a presentence investigation when
14 the offense is a class "A" felony. If, however, the board of
15 parole determines that the Iowa medical and classification
16 center reception report for a class "A" felon is inadequate,
17 the board may request and shall be provided with additional
18 information from the appropriate judicial district department
19 of correctional services. The court shall order a presentence
20 investigation when the offense is any felony punishable under
21 section 902.9, subsection 1, paragraph "a", or a class "B",
22 class "C", or class "D" felony. A presentence investigation
23 for any felony punishable under section 902.9, subsection 1,
24 paragraph "a", or a class "B", class "C", or class "D" felony
25 shall not be waived. The court may order, with the consent of
26 the defendant, that the presentence investigation begin prior
27 to the acceptance of a plea of guilty, or prior to a verdict
28 of guilty. The court may order a presentence investigation
29 when the offense is an aggravated misdemeanor. The court may
30 order a presentence investigation when the offense is a serious
31 misdemeanor only upon a finding of exceptional circumstances
32 warranting an investigation. Notwithstanding section 901.3, a
33 presentence investigation ordered by the court for a serious
34 misdemeanor shall include information concerning only the
35 following:

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1 Sec. 259. Section 901.5A, subsection 1, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 A defendant sentenced by the court to the custody of the
4 director of the department of corrections for an offense
5 punishable under section 902.9, subsection 1, paragraph "a",
6 may have the judgment and sentence entered under section 901.5
7 reopened for resentencing if the following apply:
8 Sec. 260. Section 901.10, subsection 3, Code 2013, is
9 amended to read as follows:
10 3. A court sentencing a person for the person's first
11 conviction under section 124.401D may, at its discretion,
12 sentence the person to a term less than the maximum term
13 provided under section 902.9, subsection 1, paragraph "a", if
14 mitigating circumstances exist and those circumstances are
15 stated specifically in the record. However, the court shall
16 not grant any reduction of sentence unless the defendant pleads
17 guilty. If the defendant pleads guilty, the court may, at its
18 discretion, reduce the maximum sentence by up to one-third. If
19 the defendant cooperates in the prosecution of other persons
20 involved in the sale or use of controlled substances, and
21 if the prosecutor requests an additional reduction in the
22 defendant's sentence because of such cooperation, the court may
23 grant a further reduction in the defendant's maximum sentence.
24 Sec. 261. Section 902.14, subsection 1, paragraph c, Code
25 2013, is amended to read as follows:
26 *c.* Lascivious acts with a child in violation of section
27 709.8, subsection 1, paragraph "a" or ~~2~~ "b".
28 DIVISION IV
29 DIRECTIVES
30 Sec. 262. CODE EDITOR DIRECTIVES.
31 1. Sections 554.1201, subsection 2, paragraph "p";
32 554.2210, subsection 3; 554.3104, subsection 1, paragraph "c";
33 554.3104, subsections 6, 8, and 9; 554.3106, subsections 1
34 and 2; 554.3108, subsections 1 and 2; 554.3109, subsection
35 2; 554.3112, subsection 1; 554.3204, subsection 1; 554.3206,

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1 subsection 3, unnumbered paragraph 1; 554.3302, subsection
2 1, paragraph "b"; 554.3302, subsections 3 and 5; 554.3307,
3 subsection 2; 554.3310, subsection 3; 554.3312, subsection
4 2, unnumbered paragraph 1; 554.3312, subsection 3; 554.3402,
5 subsection 2, paragraph "b"; 554.3404, subsection 2, unnumbered
6 paragraph 1; 554.3404, subsection 3; 554.3405, subsection 3;
7 554.3407, subsections 1 and 3; 554.3411, subsections 2 and
8 3; 554.3414, subsections 2 and 6; 554.3415, subsection 1;
9 554.3417, subsection 1, unnumbered paragraph 1; 554.3417,
10 subsection 4, unnumbered paragraph 1; 554.3418, subsections
11 1 and 2; 554.3419, subsection 4; 554.3420, subsection 1;
12 554.3502, subsection 2, paragraph "c"; 554.3503, subsections 1
13 and 3; 554.3504, subsections 1 and 2; 554.3602, subsection 1;
14 554.3602, subsection 2, paragraph "a"; 554.4106, subsections
15 1 and 2; 554.4109, subsection 2; 554.4207, subsection 2;
16 554.4208, subsection 1, unnumbered paragraph 1; 554.4208,
17 subsections 2 and 4; 554.4215, subsection 5, unnumbered
18 paragraph 1; 554.5102, subsection 1, paragraphs "f" and "k";
19 554.5109, subsection 1, paragraph "a"; 554.5116, subsection 3;
20 554.8301, subsection 1, paragraph "c"; 554.8403, subsection
21 2, unnumbered paragraph 1; 554.13303, subsections 2 and 3;
22 554.13303, subsection 4, paragraph "b"; 554.13308, subsection
23 2; 554.13309, subsection 8; 554.13310, subsection 5; 554.13518,
24 subsection 2; 554.13529, subsection 1, paragraphs "a" and "b";
25 and 554.13531, subsection 1, unnumbered paragraph 1, Code
26 2013, are amended by striking nonconforming Code subparagraph
27 subdivision references from within section text.
28 2. Sections 554.3119, 554.3301, 554.3401, 554.3412,
29 554.3413, and 554.13105, Code 2013, are amended by striking
30 nonconforming Code subparagraph subdivision references from
31 within section text.
32 3. The Code editor is directed to number, renumber,
33 designate, or redesignate to eliminate unnumbered paragraphs
34 within sections 556D.2, 557B.5, 557B.6, 558.60, 562A.18,
35 564A.6, 573.18, 573A.7, 592.3, 596.8, 598.25, 600B.31A,

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1 602.10141, 637.606, 654.12B, 703.5, and 704.11, Code 2013, in
2 accordance with established Code section hierarchy and correct
3 internal references in the Code and in any enacted Iowa Acts,
4 as necessary.
5 4. The Code editor is directed to number, renumber,
6 designate, or redesignate to eliminate unnumbered paragraphs
7 within sections 558.58, subsection 1; 562A.12, subsections 3
8 and 5; 562B.13, subsection 6; 573.12, subsection 1; 573.12,
9 subsection 2, paragraph "b"; 598.13, subsection 1; 598.22A,
10 subsection 1; 600.9, subsection 2; 600A.6, subsection 2;
11 602.1401, subsection 3; 602.6105, subsection 3, paragraph "b";
12 602.9105, subsection 1, paragraph "b"; 602.9107, subsections 2
13 and 3; 614.17A, subsection 2; 614.22, subsection 2; 624.24A,
14 subsection 3; 627.6, subsection 15; 631.13, subsection 4,
15 paragraph "a"; 631.14, subsection 2; 633.123A, subsection
16 1; 633.356, subsections 3, 4, 6, and 7; 633D.10, subsection
17 3; 654.15, subsection 1; 657.11, subsection 3, paragraph
18 "a"; 657A.10A, subsection 1; 669.14, subsection 11; 692.2,
19 subsection 6; 714.16A, subsection 1; 717B.5, subsection 2;
20 809A.6, subsection 4; 809A.7, subsection 5; 809A.9, subsection
21 1; 809A.12, subsection 3; 904.116, subsection 2; 904.201,
22 subsection 3; 904.503, subsection 1; and 904.809, subsection 5,
23 paragraph "a", Code 2013, in accordance with established Code
24 section hierarchy and correct internal references in the Code
25 and in any enacted Iowa Acts, as necessary.
26 5. The Code editor is directed to redesignate within
27 section 327F.39, subsection 1, paragraphs "a" through "c" to
28 place the definitions in alphabetical order and correct any
29 internal references in the Code and in any enacted Iowa Acts,
30 as necessary.
31 EXPLANATION
32 This bill makes Code changes and corrections that are
33 considered to be nonsubstantive and noncontroversial, in
34 addition to style changes. Changes made include updating
35 or correcting names of and references to public and private

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1 entities and funds, correcting internal Code references and
2 terminology, updating United States Code references, making
3 various corrections to spelling and grammar, and renumbering
4 and reorganizing various provisions to eliminate unnumbered
5 paragraphs and facilitate citation. The Code sections in which
6 the technical, grammatical, and other nonsubstantive changes
7 are made include the following:
8 DIVISION I. Code section 8.6: Adds the word "number" after
9 the words "social security" in language describing the types of
10 identifiers that may be required to be produced, under rules
11 adopted by the department of management, by individuals or
12 entities who make applications to agencies of state government.
13 Code section 8.32: Numbers and letters unnumbered
14 paragraphs within this provision relating to conditional
15 availability of appropriations, because of a colon which
16 appears at the end of the first paragraph of the Code section.
17 Code section 8D.5: Renumbers and reformats language
18 to more specifically enumerate the provisions describing
19 the membership, duties, and staffing of the education
20 telecommunications council.
21 Code section 15.107: Corrects noun-verb agreement within
22 language describing the oversight duties of the board
23 of directors and the chief executive officer of the Iowa
24 innovation corporation.
25 Code section 16.6: Adds a numeric Code subchapter reference
26 after a reference by name to the state merit system in language
27 describing the employment classification of employees of the
28 Iowa finance authority.
29 Code section 16.27: Replaces parentheses with commas in
30 language describing an annual report submitted by the Iowa
31 finance authority to the legislative fiscal committee.
32 Code section 24.2: Combines two paragraphs to eliminate an
33 unanchored unnumbered paragraph within a definition of the term
34 "fiscal year" in the Code chapter governing local budgets.
35 Code section 28A.24: Moves a reference to Code chapter

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1 422 to facilitate electronic hypertext linkage to that Code
2 chapter in this provision exempting the quad cities interstate
3 metropolitan authority from taxation.
4 Code section 28E.2: Numbers and alphabetizes definitions
5 of terms applicable to the Code chapter on joint exercise of
6 governmental powers.
7 Code section 29A.15: Adds the indefinite article "a" before
8 the words "national emergency" in this provision relating to
9 national guard merit or service badges or awards.
10 Code section 29C.17: Strikes an extraneous "the" in
11 prefatory language describing the funding of a local emergency
12 management agency's budget.
13 Code section 34A.6: Corrects a reference by name to the
14 wire-line E911 service surcharge in language describing the
15 preconditions to imposition of the surcharge.
16 Code section 34A.7A: Changes "communication" to
17 "communications" in a reference to this type of public or
18 private service provider in language relating to reimbursement
19 for transporting information within the enhanced E911 service
20 system. The term "communications service provider" is defined
21 in Code section 34A.2.
22 Code section 49.80: Redesignates this Code provision
23 relating to challenges to an elector to conform the style of
24 the provision to established Code hierarchy.
25 Code section 50.20: Changes a verbal expression of time
26 to the numeric expression in this provision relating to the
27 compilation and availability of a list of and affidavits
28 pertaining to provisional ballots cast in each precinct.
29 Code sections 53.45, 176A.10, and 422D.1: Strikes the
30 redundant word "state" to correct a clerical error in language
31 that refers to the general election described in Code chapter
32 39.
33 Code section 68A.604: Adds the words "as to" to complete
34 the sentence in language regarding a political party's central
35 committee's discretion as to allocation of the funds to

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1 candidates.
2 Code section 88.8: Replaces parentheses with commas
3 to update the style of this provision regarding notice of
4 violations of occupational safety and health standards or
5 rules.
6 Code section 88.19: Restructures to enumerate the
7 subject matters which may be covered in reports by the labor
8 commissioner of the department of workforce development.
9 Code section 96.13: Corrects references to the name of the
10 entity responsible for the governance of the federal Social
11 Security Act in a provision relating to replenishment of lost
12 unemployment compensation funds.
13 Code section 97C.12: Renumbers and reformats to eliminate
14 nonconforming Code section hierarchy in this provision
15 describing the fund which used to be under the original social
16 security payment system.
17 Code section 123.30: Updates the style and grammar of
18 language governing requirements for premises of liquor control
19 licensees.
20 Code sections 123.50, 126.11, 252.27, 258.16, 322.33,
21 331.362, 331.382, 331.552, 350.4, 422.20, 422.72, 423.6,
22 455B.474A, 489.110, 502.610, 507A.7, 518C.7, 524.1411, 543B.29,
23 554D.104, 648.3, and 805.8B: Restructures internal reference
24 citations, by repeating existing Code section references, to
25 improve computer tagging of the references and permit automated
26 electronic hypertext linking within these provisions.
27 Code section 123.145: Updates the term "per centum" to
28 the term "percent" in this provision relating to labeling on
29 bottles, kegs, barrels, or other containers in which beer is
30 offered for sale.
31 Code section 124.401: Adds a missing "or" before a Code
32 section citation to certain controlled substances in a
33 nonserial set of references to substances, the manufacture,
34 possession, or delivery of which is an aggravated misdemeanor.
35 Code section 135.74: Adds the words "all of the following"

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1 and strikes punctuation and the word "and" to update the style
2 of a provision setting out factors to be considered by the
3 department of public health in establishing uniform methods of
4 financial reporting.
5 Code section 135.75: Adds the words "all of the following"
6 and strikes punctuation and the word "and" to update the style
7 of a provision describing items that each hospital and health
8 facility must file with the department of public health.
9 Code section 135.83: Updates the name of the former Iowa
10 association of homes and services for the aging to reflect the
11 association's current name, "leading age Iowa" in language
12 relating to pilot programs dealing with prospective rate review
13 in hospitals or health care facilities, or both.
14 Code section 135.156: Strikes the redundant words
15 "electronic health information" from a reference to the
16 advisory council established to promote the adoption and use
17 of health information technology. The term "advisory council"
18 is defined in Code section 135.154, subsection 1, to mean the
19 electronic health information advisory council.
20 Code section 135.156B: Replaces the word "its" with the
21 words "the department's" to improve the readability of two
22 provisions describing the duties of the department of public
23 health.
24 Code sections 135C.2 and 423.3: Updates the name of the
25 former accreditation council for services for persons with an
26 intellectual disability and other persons with developmental
27 disabilities to reflect the council's new name, the "council on
28 quality and leadership".
29 Code section 135C.6: Replaces the word "licensability"
30 with the commonly used term "licensure" in language describing
31 activities of a health care facility which require prior
32 approval by the department of inspections and appeals in order
33 for the facility to continue to be licensed by the department.
34 Also changes "intellectual disabilities" to "an intellectual
35 disability" to correct the name of the services waiver in

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1 language describing residential programs that provide services
2 to not more than five individuals who have an intellectual
3 disability.
4 Code section 138.13: Spells out the currently abbreviated
5 form of the word "Fahrenheit" in this provision governing the
6 conditions of living quarters and service buildings in migrant
7 labor camps.
8 Code section 144A.2: Renumbers a definition of the term
9 "life-sustaining procedure" to eliminate an unanchored
10 unnumbered paragraph that appears at the end of the definition.
11 Code section 163.26: Spells out the currently abbreviated
12 form of the word "Fahrenheit" in this definition of the term
13 "garbage".
14 Code section 189A.11: Renumbers to eliminate unanchored
15 unnumbered paragraphs and updates the style of this provision
16 relating to access by meat inspectors to establishments in
17 which livestock or poultry are slaughtered or livestock or
18 poultry products are prepared.
19 Code section 190.12: Spells out the currently abbreviated
20 form of the word "Fahrenheit" in this provision establishing
21 standards for frozen desserts.
22 Code section 203C.15: Changes the word "to" to "with"
23 to correct the grammar in a provision relating to insurance
24 coverage for warehouse operators.
25 Code section 230.15: Numbers and divides the last
26 unnumbered paragraph of this provision relating to liability
27 for payment of the cost of care and treatment of a person with
28 mental illness or a substance-related disorder.
29 Code section 231D.3A: Changes the word "for" to "of"
30 to correct a reference by name to the federal program of
31 all-inclusive care for the elderly, known as the PACE program.
32 Code section 235.3: Corrects a reference to the name of the
33 entity responsible for the governance of the federal social
34 security program.
35 Code sections 235B.1 and 235B.16A: Corrects the name of the

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1 state department charged with oversight of state activities
2 for older Iowans. The department's name was changed from the
3 department of elder affairs to the department on aging by 2009
4 Iowa Acts, chapter 23.
5 Code section 249A.4B: Updates the names of the former Iowa
6 association of homes and services for the aging and the Iowa
7 dietetic association to their current names, "leading age
8 Iowa" and the "Iowa academy of nutrition and dietetics", in
9 this description of the membership of the medical assistance
10 advisory council.
11 Code sections 249A.12, 249A.26, and 249A.30: Changes
12 "intellectual disabilities" to "an intellectual disability" to
13 correct the name of the services waiver in three provisions
14 governing the provision of services to persons with an
15 intellectual disability.
16 Code section 249L.4: Updates the name of the former Iowa
17 association of homes and services for the aging to reflect the
18 association's current name, "leading age Iowa", in language
19 regarding payments to nursing facilities from the quality
20 assurance trust fund.
21 Code section 252D.17: Renumbers this provision relating
22 to income withholding for child support to eliminate the
23 unanchored unnumbered paragraph at the end of the Code section.
24 Code section 256.9: Updates the names of the former Iowa
25 dietetic association to reflect the association's current
26 name, the "Iowa academy of nutrition and dietetics", in this
27 provision enumerating the membership of the department of
28 education's nutrition advisory panel.
29 Code section 256.18A: Changes an incorrect internal
30 self-reference to "this paragraph" within this single paragraph
31 Code section regarding service learning by public and nonpublic
32 students.
33 Code section 256.42: Strikes a comma and adds an "and" to
34 correct the grammar of a provision relating to evaluation of
35 coursework offered though the Iowa learning online initiative.

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1 Code section 261B.2: Corrects the grammar of a provision
2 describing the characteristics of institutions of postsecondary
3 education which are required to register with the college
4 student aid commission.
5 Code section 261B.9: Corrects a reference by name to the
6 state board of education in language describing disclosure
7 information that must be provided to students attending
8 postsecondary schools required to register with the college
9 student aid commission.
10 Code section 261E.5: Reformats to enumerate the amounts
11 to be remitted by the department of education to the college
12 board for advanced placement examinations for students properly
13 registered to take those examinations.
14 Code section 263B.3: Corrects a reference by name to the
15 federal administrator responsible for highways in a provision
16 regarding agreements and cooperative efforts between the state
17 archaeologist and federal agencies.
18 Code section 266.48: Adds the word "odor" to correct the
19 second reference by name to a cost-share program for livestock
20 odor research efforts by Iowa state university, the department
21 of agriculture and land stewardship, and the department of
22 natural resources.
23 Code section 272.31: Changes "authorization" to
24 "authorizations" in language relating to the availability and
25 cost of courses and programs for obtaining any one of the three
26 authorizations that are described in this Code section.
27 Code section 273.3: Corrects an incorrect self-reference to
28 facilitate electronic hypertext linkage in language describing
29 the authority of an area education agency board to receive and
30 expend funds.
31 Code section 280.10: Strikes a comma to correct a reference
32 by name to a standard for occupational and educational eye and
33 face protection.
34 Code section 321.105A: Changes the word "notice" to
35 "notification" to make consistent language describing the

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1 written information that a purchaser must give to a motor
2 vehicle dealer if the purchaser claims that an excess amount of
3 fee for new registration has been paid as part of the vehicle
4 purchase.
5 Code section 322A.1: Adds the definite article "the" in
6 two places before two nouns to correct the grammar of language
7 describing the meaning of the term "franchise".
8 Code section 326.2: Changes the word "to" to "for" to
9 correct the grammar in language describing one-way movement
10 that constitutes a "trip" for purposes of commercial vehicle
11 registration reciprocity.
12 Code section 331.390: Changes "regions" to "region" in
13 language describing the governing board of each mental health
14 and disability services region. The grammar of language
15 specifying the qualifications of a person who may serve as a
16 coordinator of disability services is also corrected.
17 Code section 341A.2: Numbers and letters unnumbered
18 paragraphs within this provision relating to civil service
19 commissions due to the presence of a colon at the end of the
20 first paragraph of the Code section.
21 Code section 354.9: Strikes an extraneous "of" to improve
22 the readability of language relating to review of subdivisions
23 by cities.
24 Code sections 355.7 and 355.8: Letters paragraphs and
25 reformats language that describes the contents of the note that
26 must be placed along the lines of a plat, if the boundary lines
27 of the plat vary from those recorded in deeds, abutting plats,
28 or other instruments of record.
29 Code section 384.6: Corrects the name of the international
30 city management association retirement corporation, by
31 replacing "association/retirement" with "association
32 retirement", in language describing the action to be taken if
33 a police or fire chief opts to be exempt from the Code chapter
34 411 retirement system.
35 Code section 419.4: Strikes a comma and the word "and"

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1 to correct the syntax of an item in a numbered list and
2 redesignates and corrects punctuation in another enumerated
3 list to eliminate an unanchored unnumbered paragraph in this
4 provision governing the pledge of revenues to secure bonds
5 issued by a municipality.
6 Code section 421.24: Redesignates to eliminate an
7 unanchored unnumbered paragraph in this provision that defines
8 the terms "tax" and "taxes" and prohibits the enforcement of
9 interest rates or penalties on out-of-state taxes that exceed
10 the rates or penalties applicable to in-state taxes.
11 Code section 422.16: Replaces parentheses with commas in
12 this provision describing sanctions which may be imposed upon
13 domestic or foreign corporations that fail to properly withhold
14 tax from wages or other taxable Iowa income.
15 Code section 422.32: Strikes a redundant "division II," in
16 language citing the subsections within Code section 422.4 that
17 contain definitions which apply within division III of Code
18 chapter 422.
19 Code section 422.33: Renumbers this provision that
20 describes the calculation of a research activities tax credit
21 that may be applied against corporate income tax to eliminate
22 an unanchored unnumbered paragraph and reuse a previously
23 reserved paragraph letter.
24 Code section 422.70: Enumerates the powers possessed by
25 the director of revenue when ascertaining the correctness of
26 a taxpayer's return or estimating a taxpayer's taxable income
27 or receipts by separating the components of the series into a
28 lettered list.
29 Code section 423.5: Renumbers this provision to anchor an
30 initial unnumbered paragraph that imposes an excise tax on the
31 purchase price or installed purchase price paid on the use of
32 certain property and to subsections which describe that type of
33 property, and to renumber the balance of the subsections that
34 relate to the administration of the tax.
35 Code section 426A.8: Changes the word "to" to "for" to

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1 correct the grammar of language describing the military service
2 tax exemption.
3 Code section 426A.11: Changes a reference to "the First
4 World War" to a reference to "World War I" in language
5 describing a property tax credit for veterans of that world war
6 to conform the reference to other references to that world war
7 throughout the Code.
8 Code section 441.16: Corrects the punctuation in a series
9 describing the contents that must be listed within the combined
10 proposed budgets of the county assessor, the examining board,
11 and the board of review.
12 Code section 452A.2: Updates the term "per centum" to the
13 term "percent" in this definition of the term "motor fuel".
14 Code section 455B.105: Combines two paragraphs to eliminate
15 an unanchored unnumbered paragraph within this subparagraph
16 relating to permits, conditional permits, and general permits
17 issued by the department of natural resources.
18 Code section 455B.516: Redesignates within this definition
19 of "toxics pollution prevention" to eliminate an unanchored
20 unnumbered paragraph after the first paragraph and to anchor
21 the succeeding list of items to what was the second unnumbered
22 paragraph.
23 Code section 456A.19: Numbers and letters paragraphs within
24 this provision relating to expenditures from the fish and game
25 protection fund by the department of natural resources.
26 Code section 459.202: Letters, to eliminate unanchored
27 unnumbered paragraphs within subsections and to anchor
28 the forms within these subsections to the paragraphs that
29 immediately precede the forms.
30 Code section 459.401: Corrects the punctuation in a
31 sentence describing the accounts that make up the animal
32 agriculture compliance fund administered by the department of
33 natural resources, by replacing a comma with a colon.
34 Code section 468.202: Replaces a dash with a colon to update
35 the punctuation in this provision regarding agreements between

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1 the federal government and levee and drainage districts boards
2 to undertake repairs or alterations of existing levee and
3 drainage improvements for flood control.
4 Code section 468.309: Strikes a set of parentheses and adds
5 a comma in language regarding appeals by trustees or boards
6 of supervisors of existing levee and drainage districts from
7 actions taken by joint boards to establish a new intercounty
8 district.
9 Code section 476.6: Adds a subsection headnote to a
10 subsection concerning the possible construction of nuclear
11 generating facilities to this Code section relating to rate
12 regulation of public utilities. All other subsections within
13 the Code section have headnotes that reflect subsection
14 content.
15 Code section 476.53: Adds the word "this" before a citation
16 to Title XI of the Iowa Code in this provision describing
17 legislative intent regarding development of electric power
18 generating and transmission facilities. Code chapter 476 is
19 contained within Title XI of the Iowa Code.
20 Code section 490.850: Redesignates to eliminate an
21 unanchored unnumbered paragraph within a definition of
22 "official capacity" in the Code chapter regulating business
23 corporations.
24 Code section 493.9: Moves a modifying phrase that currently
25 appears in parentheses to a location which precedes the word
26 "stock" to eliminate the need for the parenthetical in this
27 provision regarding changes in stock from stock that have a par
28 value to stock that have no par value.
29 Code section 507C.28: Updates the term "per centum" to the
30 term "percent" in language describing one of the conditions
31 under which a preference, that would otherwise be deemed a
32 transfer of property for an antecedent debt by an insurer who
33 has filed a petition for liquidation or rehabilitation, may be
34 avoided by the liquidator.
35 Code section 508.36: Renumbers to eliminate unanchored

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1 unnumbered paragraphs that appear in several provisions and to
2 complete Code section hierarchy in one provision within this
3 Code section concerning standard valuation of reserves of life
4 insurance policies and annuity and pure endowment contracts of
5 life insurance companies and certification of those reserves.
6 Code section 510.5: Letters an unanchored unnumbered
7 paragraph concerning canceling or refusing to renew policies
8 of insurance that appears at the end of an existing lettered
9 paragraph regarding appropriate underwriting guidelines for
10 contracts between managing general agents and insurers to
11 separate the two concepts.
12 Code section 511.8: Revises to provide complete citations
13 to two federal Acts in this definition of the term "United
14 States government-sponsored enterprise" in a Code chapter
15 pertaining to life insurance companies and associations.
16 Code section 515.13: Restructures a citation to Code
17 section 515.12, subsection 5, to facilitate electronic
18 hypertext linkage in this provision regarding an exception for
19 certain nonlife insurance companies from the requirements of
20 that Code subsection.
21 Code section 524.544: Replaces the parentheses with commas
22 in language describing reports required when purchases or
23 acquisitions of stock would result in a change in control of a
24 state bank or when 25 percent or more of the outstanding voting
25 shares of a state bank is used as security for any transaction.
26 Code section 524.904: Corrects noun-verb agreement in four
27 places in this provision relating to loans and extensions of
28 credit by a state bank to one borrower.
29 Code section 535B.1: Corrects noun-verb agreement to
30 conform to the style of definitions elsewhere in the Code in
31 this definition of the term "real estate closing services".
32 Code sections 536.13 and 536A.31: Rewrites a series of
33 citations to portions of Code chapter 537, which contains the
34 consumer credit code, to improve readability and facilitate
35 electronic hypertext linkage to those provisions.

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1 Code section 542B.35: Numbers as a subsection a former
2 lettered paragraph of subsection 2 which prohibits a person
3 who completes a real property inspection report from claiming
4 to be a licensed professional land surveyor or a licensed
5 professional engineer. The other paragraphs of subsection
6 2 describe statements that must be included within the real
7 property inspection report.
8 Code section 543B.5: Renumbers within a definition of
9 the term "material adverse fact" to eliminate the unanchored
10 paragraph which commences a subdefinition within the main
11 definition.
12 Code section 543B.46: Strikes the word "a" that appears
13 before the words "savings association" to correct the grammar
14 of the series that describes where a real estate broker is to
15 maintain the broker's common trust account.
16 Code section 551.10: Supplies a missing indefinite article
17 before the word "Act" to correct the grammar of a provision
18 describing the remedies provided within the Code chapter
19 governing unfair discrimination as cumulative to other remedies
20 provided by law.
21 Code sections 554.2311 and 554.2319: Adds the word
22 "paragraph" before references to Code section lettered
23 paragraphs in these two provisions in the article pertaining to
24 sales of the uniform commercial code.
25 Code sections 554.3202, 554.3305, 554.3312, 554.3501,
26 554.3604, 554.3605, 554.9102, 554.13103, and 554.13527:
27 Strikes nonconforming Code subparagraph subdivision references
28 from within Code section text to conform these sections of the
29 uniform commercial code to regular Code section hierarchy and
30 inserts semicolons within series, where needed, to preserve the
31 separate elements of the series.
32 Code section 554.3311: In subsection 1 of this Code section,
33 strikes nonconforming Code subparagraph subdivision references
34 from Code section text to conform the provisions to regular
35 Code section hierarchy and in subsection 3, replaces the

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1 nonconforming Code hierarchy with subparagraph designations,
2 and corrects an internal reference to what is redesignated as a
3 subparagraph.
4 Code section 554.3405: Enumerates, in accordance with
5 standard Code hierarchy, the possible types of transactions
6 that would constitute a "fraudulent endorsement" and strikes,
7 within the definition of "responsibility", nonconforming Code
8 subparagraph subdivision references from within Code section
9 text.
10 Code section 554.12507: In subsection 3 of this Code
11 section, strikes nonconforming Code subparagraph subdivision
12 references from Code section text, redesignates the entire
13 subsection, and corrects internal references to provisions
14 that have been redesignated as subparagraphs to conform the
15 provision to regular Code section hierarchy.
16 Code section 554.13209: In subsection 2 of this Code
17 section, replaces nonconforming Code subparagraph subdivision
18 references with paragraph designations to conform the Code
19 subsection to regular Code section hierarchy.
20 Code section 554.13528: In subsection 1 of this Code
21 section, strikes nonconforming Code subparagraph subdivision
22 references from Code section text, reformats and redesignates
23 the subsection, and corrects an internal reference to a
24 provision that has been redesignated as a paragraph to conform
25 the provision to regular Code section hierarchy.
26 Code section 559.2: Replaces nonconforming Code
27 hierarchical elements with standard Code hierarchical elements
28 and reformats this provision defining what constitutes a "power
29 to appoint".
30 Code section 559.6: Replaces nonconforming Code
31 hierarchical elements with standard Code hierarchical elements
32 and reformats this provision describing the persons to whom
33 a release or disclaimer of a power of appointment may be
34 delivered.
35 Code section 600A.4: Designates subparagraphs to eliminate

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1 unanchored unnumbered paragraphs within this provision
2 regarding reports that shall and other information that may be
3 provided regarding the medical and social history of a person
4 to be adopted to the adoptive parents.
5 Code section 631.8: Strikes extraneous nonconforming Code
6 subparagraph references from within Code section text to
7 conform this provision pertaining to small claims to regular
8 Code section style and format.
9 Code section 633.224: Strikes an extraneous set of
10 parentheses within language regarding transfers of property as
11 an advancement.
12 Code section 633.352: Completes an internal reference to a
13 Code chapter division part by supplying the missing division
14 information in this provision that specifies that the uniform
15 principal and income Act does not apply to the allocation and
16 distribution of estate income unless otherwise provided in a
17 will.
18 Code sections 724.10 and 724.17: Corrects the name of the
19 national system used to perform criminal background checks
20 in these two provisions relating to permit applications for
21 firearms. The name of the system appears correctly in Code
22 sections 724.21A and 724.31.
23 Code section 805.6: Enumerates, in a formatted list, the
24 items for which spaces must or should be included on the
25 uniform citation and complaint form.
26 Code section 809A.3: Renumbers to conform the numbering
27 of this provision regarding conduct that will give rise to
28 forfeiture to the content of the Code section and corrects an
29 internal reference to renumbered provisions.
30 Code section 904.312: Numbers two unnumbered paragraphs as
31 subsections in this provision relating to purchases of supplies
32 by the director of the department of corrections. The current
33 second paragraph of this Code section contains a definition
34 which begins with the language "For the purposes of this
35 subsection…".

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1 Code section 915.82: Renumbers to eliminate an unanchored
2 unnumbered paragraph at the end of this provision describing
3 the membership of and member expense reimbursement for the
4 crime victim assistance board.
5 DIVISION II. The Code sections in this division are amended
6 by numbering, renumbering, designating, or redesignating
7 provisions within volume VI of the Code, and by changing
8 textual references as necessary. The purposes of the Code
9 changes are to conform the Code provisions to existing Code
10 section hierarchy by eliminating "unanchored" unnumbered
11 paragraphs within the Code sections to facilitate citation to
12 those Code sections.
13 DIVISION III. This division contains corrections to
14 internal references to Code sections that are numbered,
15 renumbered, designated, or redesignated in division II of this
16 bill.
17 DIVISION IV. This division contains a series of five Code
18 editor directives. The first two directives amend various
19 provisions within the uniform commercial code to strike
20 nonconforming Code subparagraph subdivision references from
21 within Code section text. The third and fourth directives
22 require the Code editor to number, renumber, designate, or
23 redesignate to eliminate unanchored unnumbered paragraphs
24 within Code sections that are scattered throughout volume VI of
25 the Code. Unlike the provisions in division II of this bill,
26 these provisions do not require textual reference or additional
27 internal reference corrections to perform the redesignations.
28 The fifth directive requires the Code editor to redesignate
29 three paragraphs to alphabetize the first three definitions of
30 a definitions Code section.

House File 418 - Introduced

HOUSE FILE 418
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 70)

A BILL FOR

1 An Act relating to certain health-related professions by making
2 changes to licensure identification and display requirements
3 and professional title and abbreviation restrictions and
4 making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1623HV (3) 85
jr/sc

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1 Section 1. Section 147.72, Code 2013, is amended to read as
2 follows:
3 **147.72 Professional titles and abbreviations.**
4 1. *a.* Any person licensed to practice a profession under
5 this subtitle may append to the person's name any recognized
6 title or abbreviation, which the person is entitled to use,
7 to designate the person's particular profession, but no other
8 person shall assume or use such title or abbreviation, and no
9 licensee shall advertise in such a manner as to lead the public
10 to believe that the licensee is engaged in the practice of any
11 other profession than the one which the licensee is licensed
12 to practice.
13 *b.* Any advertisement for services provided by a person
14 licensed to practice a profession under this subtitle shall
15 clearly identify the license held by the person advertising or
16 providing services, consistent with this subtitle.
17 2. A board shall require any person licensed to practice a
18 profession identified under section 147.74 to do the following
19 when directly engaging a member of the public in a health care
20 clinic or hospital in the practice of the person's profession:
21 *a.* Wear a form of identification consistent with rules
22 promulgated by the department in collaboration with each
23 applicable board, unless wearing identification creates a
24 safety or health risk, or in situations when the licensee is
25 voluntarily and gratuitously responding to a need for medical
26 care created by an emergency or a state or local disaster.
27 The rules shall establish uniform minimum standards for
28 identification. Minimum standards shall include prominent
29 display of the professional title and abbreviation of the
30 licensee as set forth in section 147.74.
31 *b.* If wearing identification creates a safety or health
32 risk, or in situations when the licensee is voluntarily and
33 gratuitously responding to a need for medical care created by
34 an emergency or a state or local disaster, the licensee shall
35 verbally disclose the license the licensee holds.

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1 3. Persons licensed pursuant to section 148.5 shall
2 also comply with the requirements of subsection 2 of this
3 section consistent with rules promulgated by the department in
4 collaboration with the board of medicine.
5 4. Failure of a licensee to comply with the requirements
6 set forth in subsection 2 and the rules adopted thereunder may
7 constitute a basis for board action against the licensee.
8 Sec. 2. Section 147.74, subsection 21, Code 2013, is amended
9 to read as follows:
10 21. An advanced registered nurse practitioner practicing
11 pursuant to rules promulgated by the board and licensed as a
12 registered nurse under chapter 152 may use the words "advanced
13 registered nurse practitioner" or the letters "A.R.N.P." after
14 the person's name. A registered nurse licensed under chapter
15 152 may use the words "registered nurse" or the letters "R.N."
16 after the person's name. A licensed practical nurse licensed
17 under chapter 152 may use the words "licensed practical nurse"
18 or the letters "L.P.N." after the person's name.
19 EXPLANATION
20 This bill makes changes relating to licensure identification
21 and display and to professional title and abbreviation
22 restrictions for certain health-related professions.
23 The bill requires that any advertisement for services
24 provided by a person licensed in a health-related profession
25 clearly identify the license held by the person advertising or
26 providing services.
27 The bill requires persons licensed in health-related
28 professions whose professional title and abbreviation
29 is designated by Code section 147.74 to wear a form of
30 identification consistent with rules promulgated by the
31 department of public health, in collaboration with the
32 applicable licensing board, unless wearing the identification
33 creates a safety or health risk or if the person is responding
34 to an emergency or disaster. The bill also provides that this
35 requirement applies to resident physicians licensed under Code

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1 section 148.5.
2 The bill also authorizes an advanced registered nurse
3 practitioner to use the words "advanced registered nurse
4 practitioner" or the acronym "A.R.N.P.". Current law provides
5 that a person who fails to properly use the designations
6 specified in statute is guilty of a simple misdemeanor. A
7 simple misdemeanor is punishable by confinement for no more
8 than 30 days or a fine of at least $65 but not more than $625
9 or both.

House File 419 - Introduced

HOUSE FILE 419
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 109)

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 1153HV (2) 85
jp/nh

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DIVISION I
MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER

Section 1. Section 225C.6A, subsection 3, paragraph b, Code 2013, is amended to read as follows:

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

DIVISION II
INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL DISABILITIES

Sec. 2. REPEAL. Section 218.11, Code 2013, is repealed.

Sec. 3. REPEAL. Chapter 220A, Code 2013, is repealed.

DIVISION III
SUBACUTE MENTAL HEALTH CARE FACILITIES

Sec. 4. Section 135G.3, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A subacute care facility shall utilize a team of professionals to direct an organized program of diagnostic services, subacute mental health services, and rehabilitative services to meet the needs of residents in accordance with a treatment care plan developed for each resident under the supervision of a ~~licensed psychiatrist~~ mental health professional. The goal of a treatment care plan is to transition residents to a less restrictive environment, including a home-based community setting. Social and rehabilitative services shall also be provided under the direction of a mental health professional.

2. The ~~licensed psychiatrist~~ mental health professional

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1 providing supervision of the subacute care ~~facility~~ facility's
2 treatment care plans shall evaluate the condition of each
3 resident as medically necessary and shall be available to
4 residents of the facility on an on-call basis at all other
5 times. Additional evaluation and treatment may be provided
6 by a mental health professional. The subacute care facility
7 may employ a seclusion room meeting the conditions described
8 in 42 C.F.R. § 483.364(b) with approval of ~~the~~ a licensed
9 psychiatrist ~~of the facility~~ or by order of the resident's
10 physician, a physician assistant, or an advanced registered
11 nurse practitioner.
12 Sec. 5. Section 135G.4, subsection 2, Code 2013, is amended
13 to read as follows:
14 2. An intermediate care facility for persons with mental
15 illness licensed under chapter 135C may convert to a subacute
16 care facility by ~~providing~~ submitting an application for a
17 license in accordance with section 135G.5 accompanied by
18 written notice to the department that the facility has employed
19 a ~~full-time psychiatrist~~ mental health professional and desires
20 to make the conversion. An intermediate care facility for
21 persons with mental illness applying for a license under this
22 subsection remains subject to subsection 1 until a license is
23 issued.
24 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.
27 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
28 Act applies retroactively to July 1, 2012.
29 DIVISION IV
30 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION
31 Sec. 8. 2011 Iowa Acts, chapter 126, section 20, subsection
32 1, paragraph d, is amended to read as follows:
33 d. Of the amount allocated to eligible services providers
34 under paragraph "c", 70 percent shall be distributed to the
35 state's accredited community mental health centers established

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1 or designated by counties in accordance with ~~law~~ chapter
2 230A or applicable administrative rule. If a ~~county has not~~
3 ~~established or designated a community mental health center and~~
4 ~~has received a waiver from the mental health and disability~~
5 ~~services commission, the~~ mental health services provider
6 ~~designated by that county is~~ was designated as authorized in
7 section 230A.107, subsection 2, the provider remains eligible
8 to receive funding distributed pursuant to this paragraph ~~in~~
9 ~~lieu of~~ as a community mental health center. The funding
10 distributed shall be used by recipients of the funding for the
11 purpose of ~~developing and providing evidence-based practices~~
12 ~~and emergency~~ staff training or services to adults with a
13 serious mental illness and children with a serious emotional
14 disturbance. The distribution amounts shall be announced at
15 the beginning of the federal fiscal year and distributed on
16 a quarterly basis ~~according to the formulas used in previous~~
17 ~~fiscal years~~. Recipients shall submit quarterly reports
18 containing data consistent with the performance measures
19 approved by the federal substance abuse and mental health
20 services administration.
21 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
22 Act, being deemed of immediate importance, takes effect upon
23 enactment.
24 EXPLANATION
25 This bill relates to mental health and disability services
26 requirements involving the department of human services (DHS)
27 and is organized into divisions.
28 MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER.
29 This division amends Code section 225C.6A, relating to
30 disability services system redesign data, by eliminating
31 specific requirements for the client identifier that is used in
32 lieu of an individual's name or social security number.
33 INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL
34 DISABILITIES. This division repeals Code chapter 220A,
35 requiring DHS to provide for a central data control and

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1 exchange agency for persons believed to have mental
2 disabilities known as the "interagency case information
3 service".
4 The Code chapter includes sections stating purpose,
5 providing definitions, designating DHS as the administrative
6 agency for the information service, listing other state
7 agencies required to provide and receive information, listing
8 DHS duties, authorizing other public and private agencies to
9 provide or receive information, exempting the information
10 exchange from any state law or administrative rule that would
11 restrict information from being exchanged by the service,
12 authorizing the service to disseminate statistical information,
13 and providing immunity from liability for agencies and persons
14 participating under the Code chapter.
15 The division also repeals Code section 218.11 in the Code
16 chapter relating to institutions governed by DHS. The Code
17 section requires DHS to be the administrative agency for the
18 information service and perform the duties required by Code
19 chapter 220A.
20 SUBACUTE MENTAL HEALTH CARE FACILITIES. This division
21 amends certain provisions for licensure of subacute mental
22 health care facilities enacted in 2012 Iowa Acts, ch. 1120
23 (SF 2315). Licensure is administered by the department of
24 inspections and appeals in conjunction with DHS.
25 A number of duties assigned to a psychiatrist are changed to
26 be instead assigned to a mental health professional. "Mental
27 health professional" is a term defined in Code section 228.1
28 to mean an individual who holds at least a master's degree in a
29 mental health field, including but not limited to psychology,
30 counseling and guidance, nursing, and social work, or is an
31 advanced registered nurse practitioner, a physician assistant,
32 or a physician and surgeon or an osteopathic physician and
33 surgeon, holds a current Iowa license if practicing in a field
34 covered by an Iowa licensure law, and has at least two years of
35 clinical experience or an individual who holds a current Iowa

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1 license if practicing in a field covered by an Iowa licensure
2 law and is a psychiatrist, an advanced registered nurse
3 practitioner who holds a national certification in psychiatric
4 mental health care registered by the board of nursing, a
5 physician assistant practicing under the supervision of a
6 psychiatrist, or an individual who holds a doctorate degree in
7 psychology and is licensed by the board of psychology.
8 Code section 135G.3 is amended to require that a mental
9 health professional, instead of a licensed psychiatrist, shall
10 be used to develop and to provide supervision of the subacute
11 care facility's treatment care plans instead of supervision of
12 the subacute care facility itself.
13 Code section 135G.4, requiring licensure of subacute
14 care facilities and authorizing a licensed intermediate care
15 facility for persons with mental illness (ICF/MI) to convert
16 to a licensed subacute facility after notifying the department
17 of inspections and appeals that certain requirements are
18 being met, is amended to require the ICF/MI to also submit
19 an application for licensure as a subacute care facility.
20 An ICF/MI is prohibited from establishing, operating, or
21 maintaining a subacute care facility until issued a license to
22 do so. In addition, the requirement for the ICF/MI to provide
23 notice it has employed a full-time psychiatrist is changed
24 to a mental health professional and the full-time employment
25 requirement is removed.
26 This division takes effect upon enactment and is
27 retroactively applicable to July 1, 2012.
28 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION.
29 This division amends certain requirements in the federal
30 community mental health services block grant appropriation for
31 federal fiscal year 2012-2013 made in 2011 Iowa Acts, chapter
32 126.
33 The amendments reflect changes made in Code chapter 230A
34 for designation of community mental health centers. The
35 amended Code chapter allows a for-profit corporation, nonprofit

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1 corporation, or county hospital providing mental health
2 services to county residents pursuant to a waiver approved
3 under Code section 225C.7, subsection 3, Code 2011, as of
4 October 1, 2010, to be designated as a community mental
5 health center. Otherwise, only a nonprofit corporation can be
6 designated as a community mental health center.
7 In addition, a requirement that recipients of the funding
8 use the funding for developing and providing evidence-based
9 practices and emergency services is revised so that the funding
10 may be used for staff training and any services for adults with
11 a serious mental illness and children with a serious emotional
12 disturbance. A restriction that requires distribution of the
13 funding according to the formulas used in previous fiscal years
14 is removed.
15 The division takes effect upon enactment.

House File 420 - Introduced

HOUSE FILE 420
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 124)

A BILL FOR

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

TLSB 1468HV (2) 85
aw/sc

H.F. 420

1 Section 1. Section 53.40, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. *a.* The commissioner shall immediately on the forty-fifth
4 day prior to the particular election transmit ballots to the
5 voter by mail or otherwise, postage prepaid, as directed
6 by the state commissioner, requests for which are in the
7 commissioner's hands at that time, and thereafter so transmit
8 ballots immediately upon receipt of requests. A request for
9 ballot for the primary election which does not state the party
10 affiliation of the voter making the request is void and of no
11 effect. A request which does not show that the person for whom
12 a ballot is requested will be a qualified voter in the precinct
13 in which the ballot is to be cast on the day of the election for
14 which the ballot is requested, shall not be honored. However,
15 a request which states the age and the city, including street
16 address, and county where the voter resides is sufficient to
17 show that the person is a qualified voter. A request by the
18 voter containing substantially the information required is
19 sufficient.
20 *b.* The commissioner shall immediately on the fortieth
21 day prior to the particular election transmit electronic
22 absentee ballots to the voter by electronic means, as directed
23 by the state commissioner, requests for which are in the
24 commissioner's hands at that time, and thereafter so transmit
25 electronic absentee ballots immediately upon receipt of
26 requests. A request for ballot for the primary election which
27 does not state the party affiliation of the voter making the
28 request is void and of no effect. A request which does not
29 show that the person for whom a ballot is requested will be
30 a qualified voter in the precinct in which the ballot is to
31 be cast on the day of the election for which the ballot is
32 requested, shall not be honored. However, a request which
33 states the age and the city, including street address, and
34 county where the voter resides is sufficient to show that the
35 person is a qualified voter. A request by the voter containing

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1 substantially the information required is sufficient.
2 Sec. 2. NEW SECTION. **53.45A Electronic absentee ballots.**
3 1. *a.* As provided in this section and section 53.46,
4 subsection 6A, the commissioner shall provide electronic
5 absentee ballots. An electronic absentee ballot shall only be
6 provided to an eligible elector who completes an application
7 stating that to the best of the eligible elector's belief
8 that the eligible elector will be residing or stationed or
9 working outside the continental United States on election
10 day. The commissioner shall not provide electronic absentee
11 ballots to an eligible elector earlier than forty days before
12 an election unless the eligible elector will be unable to vote
13 an electronic absentee ballot during the forty days before the
14 election.
15 *b.* The application for an electronic absentee ballot shall
16 not be filed earlier than ninety days prior to the general
17 election. The electronic absentee ballot shall list the
18 offices and measures, if known, scheduled to appear on the
19 election ballot. The eligible elector may use the electronic
20 absentee ballot to write in the name of any eligible candidate
21 for each office and may vote on any measure.
22 2. With any electronic absentee ballot issued under this
23 section, the commissioner shall include a listing of any
24 candidates who have filed before the time of the application
25 for offices that will appear on the ballot at that election and
26 a list of any measures that have been referred to the ballot
27 before the time of the application.
28 3. Write-in votes on electronic absentee ballots shall be
29 counted in the same manner provided by law for the counting
30 of other write-in votes. The commissioner shall process and
31 canvass the electronic absentee ballots provided under this
32 section in the same manner as other absentee ballots.
33 4. In order for an electronic absentee ballot completed by
34 a voter under this division to be counted, the ballot must be
35 received in the commissioner's office before the polls close on

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1 election day.
2 5. Notwithstanding the provisions of section 53.49, an
3 eligible elector who requests an electronic absentee ballot
4 under this section may also make application for an absentee
5 ballot under section 53.2 or an armed forces absentee ballot
6 under section 53.40. If either the regular absentee or
7 armed forces absentee ballot is properly voted and returned,
8 the electronic absentee ballot is void and the commissioner
9 shall reject it in whole when electronic absentee ballots are
10 canvassed.
11 Sec. 3. Section 53.46, Code 2013, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 6A. To develop and operate, not
14 inconsistent with federal law, a secure internet site to
15 allow a voter in the armed forces of the United States to
16 access, vote, and return an electronic absentee ballot through
17 electronic means. The content of any such electronic absentee
18 ballot shall be the same as that used for absent voters
19 generally in the particular precinct in which the electronic
20 absentee ballot is to be cast;
21 EXPLANATION
22 This bill relates to absent voting by military and overseas
23 voters through electronic means.
24 The bill authorizes the state commissioner of elections
25 to develop and operate, not inconsistent with federal law, a
26 secure internet site to allow a voter in the armed forces of
27 the United States or a United States citizen living outside
28 the country to access, vote, and return an electronic absentee
29 ballot through electronic means for any general election.
30 An electronic absentee ballot shall be the same as a ballot
31 used for absent voters generally in the particular precinct
32 in which the electronic absentee ballot is to be cast. The
33 bill provides for an electronic absentee ballot to be treated
34 substantially the same as the special absentee ballot provided
35 to military and overseas voters under Code section 53.45,

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1 except that an eligible elector need not state a belief that
2 the eligible elector will be unable to vote and return a
3 regular absentee ballot. For an electronic absentee ballot to
4 be counted, the ballot must be received in the commissioner's
5 office before the polls close on election day.
6 A county commissioner of elections is required to transmit
7 electronic absentee ballots 40 days prior to an election and
8 then immediately upon receiving a request for such a ballot.
9 The bill also provides requirements for honoring requests for
10 an electronic absentee ballot.
11 Certain penalties related to elections misconduct are made
12 applicable to the provisions of the bill.

House File 421 - Introduced

HOUSE FILE 421
BY KELLEY

A BILL FOR

1 An Act providing for a study to determine effective strategies
2 for encouraging low-income individuals to engage in energy
3 efficiency efforts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2336YH (2) 85
rn/nh

H.F. 421

1 Section 1. LOW-INCOME ENERGY EFFICIENCY EFFORTS — STUDY.
2 1. The utilities board of the utilities division of the
3 department of commerce, in consultation with the division of
4 community action agencies, shall conduct a study to determine
5 effective strategies or incentives to encourage low-income
6 individuals to engage in energy efficiency efforts or implement
7 energy efficiency projects and improvements. Such strategies
8 or incentives may take the form of expanding current energy
9 efficiency plans and programs developed by public utilities
10 and targeted toward qualified low-income individuals pursuant
11 to section 476.6, subsection 14; low-income energy assistance
12 and programs administered through the division pursuant to
13 chapter 216A; or a new program or financial incentive designed
14 to facilitate energy efficiency efforts by or on behalf of
15 low-income individuals.
16 2. The board shall submit a report containing its
17 recommendations to the members of the general assembly by
18 January 1, 2014.
19 EXPLANATION
20 This bill directs the Iowa utilities board, in consultation
21 with the division of community action agencies, to conduct
22 a study to determine effective strategies or incentives
23 to encourage low-income individuals to engage in energy
24 efficiency efforts or implement energy efficiency projects
25 and improvements. The bill provides that the strategies or
26 incentives developed may take the form of expanding current
27 energy efficiency plans and programs developed by public
28 utilities and targeted toward qualified low-income individuals
29 pursuant to Code section 476.6, subsection 14; low-income
30 energy assistance and programs administered through the
31 division pursuant to Code chapter 216A; or a new program or
32 financial incentive designed to facilitate energy efficiency
33 efforts by or on behalf of low-income individuals. The
34 bill requires the board to submit a report containing its
35 recommendations to the members of the general assembly by

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1 January 1, 2014.

House File 422 - Introduced

HOUSE FILE 422
BY KELLEY

A BILL FOR

1 An Act providing for a study to encourage the development and
2 expansion of alternate energy production.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2224YH (2) 85
rn/nh

H.F. 422

1 Section 1. ALTERNATE ENERGY PRODUCTION — EXPANSION —
2 STUDY.
3 1. The utilities board of the utilities division of the
4 department of commerce, in consultation with the economic
5 development authority, shall conduct a study to determine
6 effective strategies for expanding alternate energy production
7 in this state. Strategies may include but are not limited
8 to additional tax credits or modification of the level of or
9 duration of existing tax credits, expedited approval and sample
10 interconnection agreements, and the development or expansion of
11 grant and loan programs designed to facilitate alternate energy
12 production.
13 2. The board shall submit recommendations resulting from
14 the study to the members of the general assembly by January 1,
15 2014.
16 EXPLANATION
17 This bill directs the Iowa utilities board, in consultation
18 with the economic development authority, to conduct a study to
19 determine effective strategies for expanding alternate energy
20 production in this state. The bill states that strategies
21 may include but are not limited to additional tax credits
22 or modification of the level of or duration of existing
23 tax credits, expedited approval and sample interconnection
24 agreements, and the development or expansion of grant and loan
25 programs designed to facilitate alternate energy production.
26 The bill requires the board to submit recommendations
27 resulting from the study to the members of the general assembly
28 by January 1, 2014.

House File 423 - Introduced

HOUSE FILE 423
BY GRASSLEY

A BILL FOR

1 An Act relating to social studies instruction requirements for
2 high school students.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2293YH (2) 85
je/sc

H.F. 423

Section 1. Section 256.11, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. Five units of the social studies ~~including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting systems in the election process, and the method of acquiring and casting an absentee ballot~~. All students shall complete a minimum of ~~one-half~~ one unit of United States government and one unit of United States history. ~~The one-half unit of United States government shall include the voting procedure as described in this lettered paragraph and section 280.9A.~~ The government instruction shall ~~also~~ include a study of the Constitution of the United States; ~~and~~ the Bill of Rights contained in the Constitution; ~~and~~ the federal system of government; the overlapping features and responsibilities of the national, state, county, and local governments; and the tenets of American citizenship, including civility, mutual respect, political discourse, and appreciation of the common public concerns of Americans. The government instruction shall include an assessment of a student's knowledge of the Constitution, ~~and~~ the Bill of Rights, and the principles of American citizenship.

Sec. 2. Section 280.9A, subsection 1, Code 2013, is amended to read as follows:

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States~~, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting systems in the election process, and the method of acquiring and casting an absentee ballot~~.

Sec. 3. Section 280.9A, subsection 2, Code 2013, is amended by striking the subsection.

H.F. 423

1 Sec. 4. Section 331.502, subsection 16, Code 2013, is
2 amended by striking the subsection.
3 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
4 with section 25B.2, subsection 3, the state cost of requiring
5 compliance with any state mandate included in this Act shall
6 be paid by a school district from state school foundation aid
7 received by the school district under section 257.16. This
8 specification of the payment of the state cost shall be deemed
9 to meet all of the state funding-related requirements of
10 section 25B.2, subsection 3, and no additional state funding
11 shall be necessary for the full implementation of this Act
12 by and enforcement of this Act against all affected school
13 districts.
14 EXPLANATION
15 This bill increases the amount of instruction in government
16 required as part of the state's high school social studies
17 curriculum from one-half unit to one unit. The bill adds
18 instruction in the federal system of government; the
19 overlapping features and responsibilities of the national,
20 state, county, and local governments; and the tenets of
21 American citizenship to the subjects required in the
22 instruction in government. The bill adds the principles of
23 American citizenship to the required subjects for assessment as
24 part of the instruction in government.
25 The bill strikes requirements that high school students
26 receive instruction in voting statutes and procedures, voter
27 registration requirements, the use of paper ballots and voting
28 systems in the election process, and the method of acquiring
29 and casting an absentee ballot.
30 The bill may include a state mandate as defined in Code
31 section 25B.3. The bill requires that the state cost of
32 any state mandate included in the bill be paid by a school
33 district from state school foundation aid received by the
34 school district under Code section 257.16. The specification
35 is deemed to constitute state compliance with any state mandate

H.F. 423

1 funding-related requirements of Code section 25B.2. The
2 inclusion of this specification is intended to reinstate the
3 requirement of political subdivisions to comply with any state
4 mandates included in the bill.

House File 424 - Introduced

HOUSE FILE 424
BY ALONS, FRY, and PETTENGILL

A BILL FOR

1 An Act permitting public employers to pay higher wages than
2 provided by collective bargaining agreements and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1070YH (4) 85
je/rj

H.F. 424

1 Section 1. NEW SECTION. **20.32 Wages increases not**
2 **prohibited.**
3 Notwithstanding an employee organization's exclusive
4 representation of public employees in a bargaining unit or the
5 terms and conditions of any collective bargaining agreement,
6 this chapter shall not be construed to prohibit a public
7 employer from paying a public employee in a bargaining unit
8 greater wages for the public employee's service as an employee
9 of the public employer than is provided for in a collective
10 bargaining agreement, and a collective bargaining agreement
11 shall not prohibit such action by a public employer.
12 Sec. 2. APPLICABILITY. This Act applies to collective
13 bargaining agreements entered into or renewed on or after the
14 effective date of this Act.
15 EXPLANATION
16 This bill provides that the state Public Employment
17 Relations Act is not to be construed to prohibit a public
18 employer from paying a public employee in a bargaining unit
19 greater wages for the public employee's service as an employee
20 of the public employer than is provided for in a collective
21 bargaining agreement. The bill also provides that a collective
22 bargaining agreement cannot prohibit such action by a public
23 employer. These provisions apply notwithstanding an employee
24 organization's exclusive representation of public employees in
25 a bargaining unit or the terms and conditions of any collective
26 bargaining agreement.
27 The bill applies to collective bargaining agreements entered
28 into or renewed on or after the effective date of the bill.

House File 425 - Introduced

HOUSE FILE 425
BY ABDUL-SAMAD

A BILL FOR

1 An Act prohibiting public employers from seeking information
2 regarding felony convictions from job applicants unless
3 required by law.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2135YH (1) 85
je/sc

H.F. 425

1 Section 1. NEW SECTION. **70A.40 Hiring — prohibited**
2 **information.**
3 1. For purposes of this section:
4 *a. "Felony"* means a conviction in a court of this or any
5 other state or of the United States, of an offense classified
6 as a felony by the law under which the defendant was convicted
7 at the time of the defendant's conviction.
8 *b. "Public employer"* means the state, its boards,
9 commissions, agencies, and departments, and its political
10 subdivisions, including counties, cities, school districts, and
11 other special purpose districts.
12 2. Unless required to do so by a state law or a federal
13 law, regulation, or policy, a public employer shall not seek
14 information in an employment application regarding whether
15 an applicant has been convicted of a felony. Where seeking
16 such information is required by a state law or a federal law,
17 regulation, or policy, a public employer shall not implement
18 the state law or the federal law, regulation, or policy in a
19 manner that exceeds the specific requirements of the state law
20 or the federal law, regulation, or policy.
21 EXPLANATION
22 This bill prohibits a public employer from seeking
23 information in an employment application regarding whether
24 an applicant has been convicted of a felony, unless the
25 employer is required to do so by a state law or a federal law,
26 regulation, or policy. The bill provides that where seeking
27 such information is required by a state law or a federal law,
28 regulation, or policy, a public employer shall not implement
29 the state law or the federal law, regulation, or policy in a
30 manner that exceeds the specific requirements of the state law
31 or the federal law, regulation, or policy.

House File 426 - Introduced

HOUSE FILE 426
BY HEATON

A BILL FOR

1 An Act relating to intercepting communications involving human
2 trafficking.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2380YH (3) 85
jm/nh

H.F. 426

1 Section 1. Section 808B.3, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6. A felony offense involving human
4 trafficking in violation of chapter 710A.
5 EXPLANATION
6 This bill relates to intercepting communications involving
7 human trafficking.
8 Under the bill, the attorney general may prepare an
9 application for a court order authorizing the interception of
10 wire, oral, or electronic communications involving a felony
11 human trafficking offense under Code chapter 710A. The
12 court, subject to Code chapter 808B, may grant such an order
13 authorizing the interception of oral, wire, or electronic
14 communications by special state agents of the department of
15 public safety when the interception of such communications
16 may provide evidence of a felony offense involving human
17 trafficking.

House File 427 - Introduced

HOUSE FILE 427
BY SCHULTZ

A BILL FOR

1 An Act relating to the use of drones, and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2438YH (2) 85
jm/nh

H.F. 427

1 Section 1. NEW SECTION. **80C.1 Use of drones by law**
2 **enforcement agency prohibited — exceptions — remedy.**
3 1. As used in this section, a *"drone"* means an expendable or
4 retrievable powered aerial vehicle that does not carry a human
5 operator, uses aerodynamic forces to provide lift, and can fly
6 autonomously or be piloted remotely.
7 2. A law enforcement agency shall not use a drone to gather
8 evidence or other information.
9 3. Notwithstanding subsection 2, a drone may be used
10 by a law enforcement agency under any of the following
11 circumstances:
12 *a.* The United States secretary of homeland security has
13 determined that credible intelligence exists indicating a
14 terrorist attack by a specific individual or organization is at
15 a high risk of occurring.
16 *b.* A search warrant is obtained authorizing the use of a
17 drone.
18 *c.* A reasonable suspicion exists that rapid action is
19 required to save a person, prevent serious damage to property,
20 prevent the imminent escape of a suspect, or prevent the
21 destruction of evidence.
22 4. An aggrieved party may initiate a civil action against
23 a law enforcement agency in a court of competent jurisdiction
24 in order to obtain appropriate relief to prevent or remedy a
25 violation of this section.
26 5. Evidence obtained or collected in violation of this
27 section shall not be admissible as evidence in a criminal
28 prosecution in any court in this state.
29 EXPLANATION
30 This bill relates to the use of drones. Under the bill, a
31 law enforcement agency shall not use a drone to gather evidence
32 or other information.
33 The bill provides that a drone may be used by a law
34 enforcement agency under the following circumstances: the
35 United States secretary of homeland security has determined

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that credible intelligence exists indicating a terrorist attack is at a high risk of occurring; a search warrant is obtained authorizing the use of a drone; or reasonable suspicion exists that rapid action is required to save a person, prevent serious damage to property, prevent the imminent escape of a suspect, or prevent the destruction of evidence.

An aggrieved party may initiate a civil action against a law enforcement agency in a court of competent jurisdiction in order to obtain appropriate relief to prevent or remedy a violation of the bill.

The bill also specifies that evidence obtained or collected in violation of the bill shall not be admissible as evidence in a criminal prosecution in any court in this state.

House File 428 - Introduced

HOUSE FILE 428
BY THOMAS, OURTH, RUFF, and ANDERSON

A BILL FOR

1 An Act requiring the state building code commissioner to
2 adopt standards and requirements for window fall prevention
3 devices for windows installed in certain multifamily
4 dwellings, hotels, and motels, making penalties applicable,
5 and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2055YH (4) 85
aw/sc

H.F. 428

Section 1. NEW SECTION. **103A.8D Window safety standards.**

1. *a.* The commissioner, after consulting with and receiving recommendations from the state fire marshal, shall adopt as part of the state building code standards and requirements for window fall prevention devices for windows installed in newly constructed multifamily dwellings, hotels, and motels and for windows installed as a part of any additions, renovations, or repairs to existing multifamily dwellings, hotels, and motels for which a permit, license, certificate, or similar document is required.

b. The provisions of this section relating to multifamily dwellings shall only apply to construction, additions, renovations, or repairs of multifamily dwellings that are paid for in whole or in part with moneys from the state or a governmental subdivision of the state.

2. *a.* The provisions of the state building code adopted pursuant to this section shall require the installation of window fall prevention devices on all windows described in subsection 1 that are one story in height or more above grade, are less than thirty-six inches above floor level, and can be opened wider than four inches.

b. (1) The provisions of the state building code shall require that the standards adopted for windows located seventy-five feet or less above grade be consistent with the requirements for window fall prevention devices as provided in the American society for testing and materials' most recent specification for window fall prevention devices with emergency escape release mechanisms.

(2) The provisions of the state building code shall require that the standards adopted for windows located more than seventy-five feet above grade be consistent with the requirements for window fall prevention devices as provided in the American society for testing and materials' most recent specification for window fall prevention devices for nonemergency escape and rescue windows.

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1 3. The provisions of the state building code adopted
2 pursuant to this section shall apply to new construction
3 or additions, renovations, or repairs, that are permitted,
4 licensed, certified, or otherwise approved on or after July 1,
5 2013.
6 Sec. 2. Section 103A.10, Code 2013, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. 6. Notwithstanding any other provision
9 of this chapter to the contrary, the requirements for window
10 fall prevention device standards adopted by the commissioner
11 pursuant to section 103A.8D shall apply to construction,
12 additions, renovations, and repairs permitted, licensed,
13 certified, or otherwise approved on or after July 1, 2013,
14 and shall supersede and replace any minimum requirements
15 or standards for window fall prevention devices adopted or
16 enacted by the governmental subdivision prior to that date
17 for applicable new construction, additions, renovations, or
18 repairs.
19 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
20 immediate importance, takes effect upon enactment.
21 EXPLANATION
22 This bill requires the state building code commissioner to
23 adopt as part of the state building code window fall prevention
24 device standards and requirements for windows installed in
25 certain multifamily dwellings, hotels, and motels.
26 The state building code commissioner is required to consult
27 with the state fire marshal in the adoption of window fall
28 prevention device standards and requirements. The standards
29 and requirements shall apply to windows installed in all newly
30 constructed multifamily dwellings that are paid for in whole
31 or in part with state or local government funds, hotels, and
32 motels and to windows installed as a part of any additions,
33 renovations, or repairs to such an existing building for
34 which a permit, license, certificate, or similar document is
35 required.

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The standards and requirements shall apply to all such windows that are one story in height or more above grade, are less than 36 inches above floor level, and can be opened wider than four inches. The standards and requirements adopted for windows located 75 feet or less above grade must be consistent with the requirements for window fall prevention devices with emergency escape release mechanisms as provided in the American society for testing and materials' most recent specification (currently, ASTM F2090-10). The standards and requirements adopted for windows located more than 75 feet above grade must be consistent with the requirements for window fall prevention devices for nonemergency escape and rescue windows as provided in the American society for testing and materials' most recent specification (currently, ASTM F2006-10).

The standards and requirements shall apply to new construction or additions, renovations, and repairs permitted, licensed, certified, or otherwise approved on or after July 1, 2013, and shall supersede and replace any minimum requirements for window fall prevention devices for multifamily dwellings, hotels, and motels adopted or enacted by a governmental subdivision prior to that date.

Pursuant to Code section 103A.21, any person served with an order to remedy any condition in violation of the state building code, who fails to comply with the order within a certain time shall be guilty of a simple misdemeanor. Also pursuant to Code section 103A.21, certain individuals who knowingly violate any of the applicable provisions of the state building code shall also be guilty of a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least $65 but not more than $625 or by both.

The bill takes effect upon enactment.

House File 429 - Introduced

HOUSE FILE 429
BY WATTS

A BILL FOR

1 An Act addressing fraud and abuse in public welfare programs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2201YH (9) 85
jp/nh

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Section 1. Section 217.35, Code 2013, is amended to read as follows:

217.35 Fraud and recoupment activities.

1. Notwithstanding the requirement for deposit of recovered moneys under section 239B.14, recovered moneys generated through fraud and recoupment activities are appropriated to the department of ~~human services~~ inspections and appeals to be used for additional fraud and recoupment activities performed by ~~the department of human services or~~ the department of inspections and appeals. The department of ~~human services~~ inspections and appeals may use the recovered moneys appropriated to add not more than five full-time equivalent positions, in addition to those funded by annual appropriations. The appropriation of the recovered moneys is subject to both of the following conditions:

~~1.~~ *a.* The director of ~~human services~~ the department of inspections and appeals determines that the investment can reasonably be expected to increase recovery of assistance paid in error, due to fraudulent or nonfraudulent actions, in excess of the amount recovered in the previous fiscal year.

~~2.~~ *b.* The amount expended for the additional fraud and recoupment activities shall not exceed the amount of the projected increase in assistance recovered.

2. *a.* For the purposes of this subsection, *"public welfare programs"* means welfare programs for persons with low income that are wholly or partially funded by the federal government, including but not limited to food programs administered under section 234.12, state child care assistance administered under section 237A.13, the family investment program and PROMISE-JOBS program administered under chapter 239B, and the medical assistance program administered under chapter 249A. The term also includes programs with state-only funding directed to the populations participating in the public welfare programs.

b. The authority granted to the department of human services by federal or state statute or administrative rule to engage

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1 in program evaluation, ensure program integrity, identify
2 or prevent fraud or abuse, address fraud or abuse, or other
3 related efforts in relation to public welfare programs shall
4 be deemed to extend to the department of inspections and
5 appeals. The department of human services shall collaborate
6 and coordinate with the department of inspections and appeals
7 in exercising this authority.
8 Sec. 2. Section 234.12A, Code 2013, is amended by adding the
9 following new subsections:
10 NEW SUBSECTION. 4. The same card or other benefit transfer
11 instrument used under the electronic benefits transfer program
12 for food assistance program benefits shall also be used to
13 provide family investment program cash assistance.
14 NEW SUBSECTION. 5. The department of human services'
15 requirements for the electronic benefits transfer program
16 used to provide food assistance and family investment
17 program cash assistance shall require cancellation of a
18 card or other benefit transfer instrument that is lost or
19 stolen. The department shall implement an efficient process
20 for a cardholder to replace a lost or stolen card or other
21 instrument.
22 NEW SUBSECTION. 6. The department of human services'
23 requirements for the electronic benefits transfer program used
24 to provide food assistance and family investment program cash
25 assistance shall provide that if the card or other benefit
26 transfer instrument may be used by more than one member of a
27 family or household, the card or other instrument shall bear
28 the name of each user.
29 Sec. 3. WELFARE FRAUD TASK FORCE.
30 1. A welfare fraud task force is created to review the
31 state laws, policies, procedures, and processes applied to
32 prevent and address fraud and abuse in public welfare programs
33 and make recommendations for improvements, including proposed
34 legislation. Staffing for the task force shall be provided
35 by the department of inspections and appeals. The provisions

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1 considered by the task force may include but are not limited
2 to all of the following:
3 a. A review of the penalties for applicants or vendors
4 who provide false information and for any fraudulent use of
5 benefits.
6 b. A review of the current processes for information sharing
7 and data matching between the department of human services,
8 department of inspections and appeals, other relevant agencies
9 in this state, and comparable agencies of neighboring states.
10 c. A review of the potential for fraud and abuse that may be
11 caused by categorical eligibility provisions and of the methods
12 available to reduce that potential.
13 d. Identification of options for requiring a periodic
14 audit or other review to improve program integrity and program
15 processes.
16 2. The voting membership of the task force shall include all
17 of the following:
18 a. The director of the department of inspections and appeals
19 or the director´s designee.
20 b. The auditor of state or the auditor´s designee.
21 c. The director of human services or the director´s
22 designee.
23 d. The commissioner of public safety or the commissioner´s
24 designee.
25 e. A public member appointed by the director of the
26 department of inspections and appeals.
27 f. Other members with appropriate expertise appointed by
28 the task force.
29 3. The following members of the general assembly shall serve
30 in a nonvoting, ex officio capacity:
31 a. A member of the senate appointed by the majority leader
32 of the senate.
33 b. A member of the senate appointed by the minority leader
34 of the senate.
35 c. A member of the house of representatives appointed by the

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1 speaker of the house of representatives.
2 d. A member of the house of representatives appointed by the
3 minority leader of the house of representatives.
4 4. The task force shall submit a final report to the
5 governor and general assembly on or before December 15, 2013,
6 making findings and recommendations.
7 5. For the purposes of this section, "public welfare
8 programs" means welfare programs for persons with low income
9 that are wholly or partially funded by the federal government,
10 including but not limited to food programs administered under
11 section 234.12, state child care assistance administered under
12 section 237A.13, the family investment program and PROMISE-JOBS
13 program administered under chapter 239B, and the medical
14 assistance program administered under chapter 249A. The term
15 also includes programs with state-only funding directed to the
16 populations participating in the public welfare programs.
17 EXPLANATION
18 This bill addresses fraud and abuse in public welfare
19 programs.
20 Code section 217.35, appropriating moneys recovered through
21 efforts to address fraud and recoupment activities, is amended
22 to provide the moneys are appropriated to the department of
23 inspections and appeals instead of the department of human
24 services and that authority granted to the department of human
25 services to engage in program evaluation, ensure program
26 integrity, identify or prevent fraud or abuse, address fraud or
27 abuse, or related efforts is deemed to extend to the department
28 of inspections and appeals. The two departments are required
29 to collaborate and coordinate in exercising this authority.
30 Code section 234.12A, relating to the electronic benefits
31 transfer program maintained by DHS for the food assistance
32 programs, is amended. The bill requires the electronic
33 benefits transfer program card or other benefit transfer
34 instrument utilized to provide food assistance program benefits
35 to also be used to provide family investment program cash

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1 assistance. If a card or other benefit transfer instrument
2 used for the program is lost or stolen, the instrument must be
3 canceled. If a card or other benefit transfer instrument may
4 be used by more than one member of a family or household, the
5 card or other instrument is required to bear the name of each
6 user.
7 A welfare fraud task force is created to review the state
8 laws, policies, procedures, and processes applied to prevent
9 and address fraud and abuse in public welfare programs
10 for persons with low income and make recommendations for
11 improvements. Staffing for the task force is to be provided
12 by the department of inspections and appeals. The task force
13 is required to report to the governor and general assembly in
14 December 2013. The task force membership includes members of
15 the general assembly.

House Joint Resolution 11 - Introduced

HOUSE JOINT RESOLUTION 11
BY ALONS, HEARTSILL, SCHULTZ, WINDSCHITL, KLEIN, SHEETS, DOLECHECK, FRY, BRANDENBURG, GASSMAN, SALMON, KOESTER, PETTENGILL, LANDON, BACON, L. MILLER, VANDER LINDEN, HEIN, HAGENOW, SHAW, ROGERS, FORRISTALL, DEYOE, SANDS, FISHER, DRAKE, SODERBERG, COSTELLO, JORGENSEN, BALTIMORE, RAYHONS, WATTS, GRASSLEY, WORTHAN, and HUSEMAN

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa specifying marriage between one man
3 and one woman as the only legal union that is valid or
4 recognized in the state.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1086YH (2) 85
pf/rj

H.J.R. 11

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:
3 Article I of the Constitution of the State of Iowa is amended
4 by adding the following new section:
5 **Marriage.** SEC. 26. Marriage between one man and one woman
6 shall be the only legal union valid or recognized in this
7 state.
8 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
9 to the Constitution of the State of Iowa is referred to the
10 general assembly to be chosen at the next general election
11 for members of the general assembly, and the secretary of
12 state is directed to cause the same to be published for three
13 consecutive months previous to the date of that election as
14 provided by law.
15 EXPLANATION
16 This joint resolution proposes an amendment to the
17 Constitution of the State of Iowa specifying that marriage
18 between one man and one woman shall be the only legal union
19 valid or recognized in this state.
20 The joint resolution, if adopted, would be referred to the
21 next general assembly for adoption a second time before being
22 submitted to the electorate for ratification.

House Study Bill 202 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

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

TLSB 1499YC (1) 85
md/sc

H.F. _____

1 Section 1. Section 441.23, Code 2013, is amended to read as
2 follows:
3 **441.23 Notice of valuation.**
4 If there has been an increase or decrease in the valuation
5 of the property, or upon the written request of the person
6 assessed, the assessor shall, at the time of making the
7 assessment, inform the person assessed, in writing, of the
8 valuation put upon the taxpayer´s property, and notify the
9 person, that if the person feels aggrieved, to appear before
10 the board of review and show why the assessment should be
11 changed. However, if the valuation of a class of property
12 is uniformly decreased, the assessor may notify the affected
13 property owners by publication in the official newspapers of
14 the county. The owners of real property shall be notified not
15 later than April ~~15~~ 1 of any adjustment of the real property
16 assessment.
17 Sec. 2. Section 441.26, subsection 1, Code 2013, is amended
18 to read as follows:
19 1. The director of revenue shall each year prescribe
20 the form of assessment roll to be used by all assessors in
21 assessing property, in this state, also the form of pages of
22 the assessor´s assessment book. The assessment rolls shall
23 be in a form that will permit entering, separately, the names
24 of all persons assessed, and shall also contain a notice in
25 substantially the following form:
26 If you are not satisfied that the foregoing assessment is
27 correct, you may file a protest against such assessment with
28 the board of review on or after April ~~16~~ 1, to and including May
29 ~~5~~ 1, of the year of the assessment, such protest to be confined
30 to the grounds specified in section 441.37.
31 Dated: .. day of ... (month), .. (year)
32 .....
33 County/City Assessor.
34 Sec. 3. Section 441.28, Code 2013, is amended to read as
35 follows:

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441.28 Assessment rolls — change — notice to taxpayer.

The assessment shall be completed not later than April ~~15~~ 1 each year. If the assessor makes any change in an assessment after it has been entered on the assessor's rolls, the assessor shall note on the roll, together with the original assessment, the new assessment and the reason for the change, together with the assessor's signature and the date of the change. Provided, however, in the event the assessor increases any assessment the assessor shall give notice of the increase in writing to the taxpayer by mail postmarked no later than April ~~15~~ 1. No changes shall be made on the assessment rolls after April ~~15~~ 1 except by order of the board of review or of the property assessment appeal board, or by decree of court.

Sec. 4. Section 441.37, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

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

Sec. 5. APPLICABILITY. This Act applies to assessment years beginning on or after January 1, 2014.

EXPLANATION

This bill changes the date upon which property assessments

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

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

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

House Study Bill 203 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act providing an individual income tax credit for certain
2 eligible psychiatrists and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1542YC (2) 85
mm/sc

H.F. _____

1 Section 1. NEW SECTION. **422.11E Eligible psychiatrist tax**
2 **credit.**
3 1. As used in this section, unless the context otherwise
4 requires:
5 *a. "Educational loan"* means the same as defined in section
6 261F.1.
7 *b. "Eligible psychiatrist"* means a taxpayer who meets all
8 the following criteria:
9 (1) The taxpayer is a psychiatrist primarily practicing
10 within a mental health professional shortage area.
11 (2) The taxpayer has an amount of educational loan debt that
12 was incurred in furtherance of the postsecondary education of
13 the taxpayer.
14 (3) The taxpayer is not delinquent or in arrears in the
15 repayment of the taxpayer's educational loan debt.
16 *c. "Mental health professional shortage area"* means the same
17 as defined in section 135.180.
18 *d. "Psychiatrist"* means an individual who is licensed to
19 practice medicine and surgery or osteopathic medicine and
20 surgery under chapter 148 and who is engaged in the full-time
21 practice of medicine and surgery or osteopathic medicine and
22 surgery specializing in psychiatry.
23 *e. "State income tax liability"* means the taxes computed
24 under section 422.5, less the amounts of refundable and
25 nonrefundable credits allowed under this division except the
26 credits for withheld tax and estimated tax paid under section
27 422.16, and computed without regard to the credit in this
28 section.
29 2. The taxes imposed under this division, less the credits
30 allowed under this division except the credit in this section
31 and the credits for withheld tax and estimated tax paid under
32 section 422.16, shall be reduced by an eligible psychiatrist
33 tax credit to an eligible psychiatrist. To be allowed the
34 credit, an eligible psychiatrist must meet the following
35 requirements:

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1 *a.* The eligible psychiatrist's tax return on which the
2 credit is claimed is timely filed, including any extension of
3 time to file.
4 *b.* The eligible psychiatrist is not currently delinquent
5 in filing any tax return with this state nor does the eligible
6 psychiatrist have delinquent accounts, charges, fees, loans,
7 taxes, or other indebtedness owed to this state or a political
8 subdivision of this state, excluding educational loan
9 indebtedness.
10 3. *a.* The credit shall be an amount equal to the eligible
11 psychiatrist's state income tax liability for the tax year. If
12 the taxpayer is not an eligible psychiatrist for the entire
13 tax year, the maximum amount of the credit for the taxpayer
14 shall equal the maximum amount of the credit for the tax year,
15 divided by twelve, multiplied by the number of months in the
16 tax year the taxpayer was an eligible psychiatrist. The credit
17 shall be rounded to the nearest dollar. If the taxpayer is an
18 eligible psychiatrist any part of the month, the taxpayer shall
19 be considered an eligible psychiatrist for the entire month.
20 *b.* The maximum amount that may be refunded to a taxpayer in
21 any tax year the credit allowed under this section is claimed
22 shall not exceed the sum of the amount withheld for the tax
23 year from the taxpayer's wages or other income pursuant to
24 section 422.16, plus the amount paid as estimated tax by the
25 taxpayer for the tax year pursuant to section 422.16.
26 4. The taxpayer is required to provide all of the following
27 to the department:
28 *a.* A written statement from an appropriate supervisor,
29 or, if the taxpayer has no supervisor, from the taxpayer,
30 verifying that the taxpayer met the requirements of subsection
31 1, paragraph "*b*", subparagraph (1), for the months for which the
32 credit under this section is claimed.
33 *b.* Information sufficient to verify that the taxpayer met
34 the requirements in subsection 1, paragraph "*b*", subparagraphs
35 (2) and (3), for the months for which the credit under this

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1 section is claimed.
2 *c.* Any other information the department deems relevant and
3 appropriate to verify a taxpayer's eligibility for the credit
4 allowed under this section.
5 5. The director of revenue shall adopt rules to implement
6 and administer this section.
7 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
8 2014.
9 Sec. 3. APPLICABILITY. This Act applies to tax years
10 beginning on or after January 1, 2014.
11 EXPLANATION
12 This bill creates an individual income tax credit for an
13 individual who is an eligible psychiatrist for the entire tax
14 year. "Eligible psychiatrist" is defined as an individual
15 who is engaged in the full-time practice of psychiatry within
16 a mental health professional shortage area in this state, as
17 that term is defined in the bill, and who has educational
18 loan debt related to the individual's postsecondary education
19 and is not delinquent or in arrears in the repayment of that
20 educational loan debt. In order to be allowed the credit, the
21 eligible psychiatrist's income tax return must be timely filed
22 and the eligible psychiatrist must not be currently delinquent
23 in filing any other tax return with this state, or have any
24 delinquent accounts, charges, fees, loans, taxes, or other
25 indebtedness owed this state or its political subdivisions,
26 excluding educational loan indebtedness.
27 The tax credit is equal to the eligible psychiatrist's state
28 income tax liability for the tax year. "State income tax
29 liability" is defined as the taxes computed under Code section
30 422.5, less the amounts of refundable and nonrefundable credits
31 allowed under Code chapter 422, division II, except the credits
32 for withheld tax and estimated tax paid under Code section
33 422.16, and computed without regard to the tax credit provided
34 in the bill. If the individual is not an eligible psychiatrist
35 for the entire tax year, the amount of the credit is prorated

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1 based upon the months the individual qualifies as an eligible
2 psychiatrist. The maximum amount that may be refunded to a
3 taxpayer in any year the eligible psychiatrist tax credit is
4 claimed shall not exceed the sum of the taxpayer's withholding
5 on wages or other income for that year, plus the estimated tax
6 payments made for that year.
7 To claim the eligible psychiatrist tax credit, a taxpayer is
8 required to provide the department of revenue with a written
9 statement from an appropriate supervisor verifying that the
10 taxpayer was an eligible taxpayer for the months for which the
11 tax credit is claimed. If the taxpayer has no supervisor,
12 the written statement shall be provided by the taxpayer. The
13 taxpayer is also required to provide the department information
14 relating to the educational loan debt of the taxpayer, and any
15 other information the department deems relevant and appropriate
16 to verify the taxpayer's eligibility for the credit.
17 The bill takes effect January 1, 2014, and applies to tax
18 years beginning on or after that date.

House Study Bill 204 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act increasing the amount of tax credits available for
2 eligible refuse conversion facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2276HC (1) 85
rn/sc

H.F. _____

1 Section 1. Section 476C.3, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:
3 *b.* The maximum amount of energy production capacity
4 equivalent of all other facilities the board may find eligible
5 under this chapter shall not exceed a combined output of
6 fifty-three megawatts of nameplate generating capacity and ~~one~~
7 two hundred ~~sixty-seven~~ twenty-two billion British thermal
8 units of heat for a commercial purpose. Of the maximum
9 amount of energy production capacity equivalent of all other
10 facilities found eligible under this chapter, no more than ten
11 megawatts of nameplate generating capacity or energy production
12 capacity equivalent shall be allocated to any one facility. Of
13 the maximum amount of energy production capacity equivalent
14 of all other facilities found eligible under this chapter,
15 ~~fifty-five~~ one hundred ten billion British thermal units of
16 heat for a commercial purpose shall be reserved for an eligible
17 facility that is a refuse conversion facility. Of this
18 amount, fifty-five billion British thermal units of heat for a
19 commercial purpose shall be reserved for an eligible facility
20 that is a refuse conversion facility for processed, engineered
21 fuel from a multicounty solid waste management planning area.
22 The maximum amount of energy production capacity the board
23 may find eligible for a single refuse conversion facility
24 is fifty-five billion British thermal units of heat for a
25 commercial purpose.
26 EXPLANATION
27 This bill increases the amount of energy production capacity
28 equivalent which may qualify for renewable energy tax credits
29 pursuant to Code chapter 476C.
30 The bill increases the amount of British thermal units of
31 heat for a commercial purpose eligible for the credits from 167
32 billion British thermal units to 222 billion British thermal
33 units. The bill provides that the amount of the increase, 55
34 billion British thermal units, shall be added to the current
35 amount of $55 billion that is reserved for an eligible facility

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1 that is a refuse conversion facility, for a total of 110
2 British thermal units reserved.

House Study Bill 205 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act creating a tax credit available for the individual
2 and corporate income taxes, the franchise tax, insurance
3 premiums tax, and the moneys and credits tax for a
4 charitable contribution to certain institutions engaged in
5 regenerative medicine research and including retroactive
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2098YC (1) 85
mm/sc

H.F. _____

1 Section 1. NEW SECTION. **422.11E Regenerative medicine**
2 **research tax credit.**
3 1. *a.* The taxes imposed under this division, less the
4 credits allowed under section 422.12, shall be reduced by a
5 regenerative medicine research tax credit.
6 *b.* The credit shall be in an amount equal to sixty percent
7 of a taxpayer's charitable contribution to an eligible research
8 institution located in the state. For purposes of this
9 section, *"eligible research institution"* means an organization
10 qualifying under section 501(c)(3) of the Internal Revenue Code
11 as an organization exempt from federal income tax under section
12 501(a) of the Internal Revenue Code that is engaged in research
13 designed to improve patient care through the development and
14 dissemination of novel clinical therapies for the functional
15 repair and replacement of diseased tissues and organs,
16 including research for the treatment of cancer. *"Eligible*
17 *research institution"* excludes a postsecondary institution or an
18 entity or organization receiving twenty-five percent or more of
19 its annual budget from a postsecondary institution.
20 *c.* An individual may claim a tax credit under this
21 subsection of a partnership, limited liability company,
22 S corporation, estate, or trust electing to have income
23 taxed directly to the individual. The amount claimed by the
24 individual shall be based upon the pro rata share of the
25 individual's earnings from the partnership, limited liability
26 company, S corporation, estate, or trust.
27 *d.* Any tax credit in excess of the taxpayer's tax liability
28 for the tax year is not refundable, but the taxpayer may
29 elect to have the excess credited to the tax liability for
30 the following four tax years or until depleted, whichever is
31 earlier.
32 2. *a.* To claim a tax credit under this section, the
33 taxpayer shall apply to the department for a tax credit
34 certificate. After verifying the eligibility of a taxpayer for
35 a tax credit pursuant to this section, the department shall

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1 issue a tax credit certificate to be attached to the taxpayer's
2 tax return. The tax credit certificate shall be issued on
3 a first-come, first-served basis based upon the date of the
4 application and shall contain the taxpayer's name, address,
5 tax identification number, the amount of the credit, the
6 certificate expiration date, and any other information required
7 by the department.
8 *b.* To claim a tax credit under this section, a taxpayer must
9 attach one or more tax credit certificates to the taxpayer's
10 tax return. The tax credit certificate or certificates
11 attached to the taxpayer's tax return shall be issued in the
12 taxpayer's name, and the expiration date on the certificate
13 shall be a date that falls on or after the last day of the
14 taxable year for which the taxpayer is claiming the tax credit.
15 *c.* The tax credit certificate, unless otherwise void,
16 shall be accepted by the department as payment toward the
17 tax liability of the taxpayer, subject to any conditions or
18 restrictions placed by the department upon the face of the
19 tax credit certificate and subject to the limitations of this
20 section.
21 *d.* Tax credit certificates issued under this section are not
22 transferable to any person or entity.
23 3. The maximum amount of tax credits issued in a fiscal
24 year pursuant to this section, section 422.33, subsection 30,
25 section 422.60, subsection 12, section 432.12N, and section
26 533.329, subsection 2, paragraph *"k"*, shall not exceed ten
27 million dollars.
28 Sec. 2. Section 422.33, Code 2013, is amended by adding the
29 following new subsection:
30 NEW SUBSECTION. 30. The taxes imposed under this division
31 shall be reduced by a regenerative medicine research tax credit
32 in the same manner, for the same amount, and under the same
33 conditions as provided in section 422.11E.
34 Sec. 3. Section 422.60, Code 2013, is amended by adding the
35 following new subsection:

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1 NEW SUBSECTION. 12. The taxes imposed under this division
2 shall be reduced by a regenerative medicine research tax credit
3 in the same manner, for the same amount, and under the same
4 conditions as provided in section 422.11E.
5 Sec. 4. NEW SECTION. **432.12N Regenerative medicine research**
6 **tax credit.**
7 The taxes imposed under this chapter shall be reduced by a
8 regenerative medicine research tax credit in the same manner,
9 for the same amount, and under the same conditions as provided
10 in section 422.11E.
11 Sec. 5. Section 533.329, subsection 2, Code 2013, is amended
12 by adding the following new paragraph:
13 NEW PARAGRAPH. *k.* The moneys and credits tax imposed
14 under this section shall be reduced by a regenerative medicine
15 research tax credit in the same manner, for the same amount,
16 and under the same conditions as provided in section 422.11E.
17 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
18 retroactively to January 1, 2013, for tax years beginning on
19 or after that date.
20 EXPLANATION
21 This bill provides a credit against the individual or
22 corporate income tax, the franchise tax, the insurance premiums
23 tax, and the moneys and credits tax for 60 percent of a
24 taxpayer's contribution to a regenerative medicine research
25 institution located in the state. In order to qualify for the
26 credit, the regenerative medicine research institute must be
27 qualified under 501(c)(3) of the Internal Revenue Code and must
28 engage in research that is designed to improve patient care
29 through the development and dissemination of novel clinical
30 therapies for the functional repair and replacement of diseased
31 tissues and organs, including cancer research. Postsecondary
32 institutions and entities that receive 25 percent or more of
33 their annual budget from a postsecondary institution do not
34 qualify.
35 The tax credit is not refundable but, at the taxpayer's

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1 election, may be credited to the taxpayer's tax liability for
2 up to four subsequent tax years or until depletion, whichever
3 is earlier. The tax credits are not transferable. The maximum
4 amount of tax credits is limited to $10 million in any one
5 fiscal year. The department of revenue approves the tax
6 credits and issues the tax credit certificates to taxpayers.
7 The bill applies retroactively to January 1, 2013, for tax
8 years beginning on or after that date.

House Study Bill 206 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act relating to the classification of property as
2 agricultural property for property tax purposes and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2483YC (2) 85
md/sc

H.F. _____

1 Section 1. Section 441.19, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3. For property to be classified and valued
4 as agricultural property for assessment and taxation purposes,
5 a taxpayer must file an affidavit with the assessor on or
6 before February 15 of each assessment year stating that the
7 land is agricultural property. The affidavit shall include
8 a copy of the taxpayer's schedule F form or internal revenue
9 service form 4835 for the most recent tax year, as defined in
10 section 442.4, if the taxpayer was required to complete such
11 forms for the most recent tax year. The assessor may require
12 that the affidavit include a supplemental return made pursuant
13 to this section for all tracts of land and improvements and
14 structures located on the land which are in good faith used
15 primarily for agricultural purposes, except buildings which are
16 primarily used or intended for human habitation. The schedule
17 F or form 4835 submitted pursuant to this subsection shall
18 be confidential to the assessor, board of review, property
19 assessment appeal board, or director of revenue, and shall not
20 be open to public inspection.
21 Sec. 2. APPLICABILITY. This Act applies to assessment years
22 beginning on or after January 1, 2014.
23 EXPLANATION
24 This bill provides that for property to be classified and
25 valued as agricultural property for assessment and taxation
26 purposes, a taxpayer must file an affidavit with the assessor
27 on or before February 15 of each assessment year stating
28 that the land is agricultural property. The bill requires
29 the affidavit to include a copy of the taxpayer's schedule
30 F form ("Profit or Loss from Farming") or internal revenue
31 service form 4835 ("Farm Rental Income and Expenses") for the
32 most recent tax year if the taxpayer was required to complete
33 such forms for the most recent tax year and the assessor may
34 require a supplemental return for such tracts of land pursuant
35 to the provisions of current Code section 441.19(1). The

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1 bill provides that the schedule F or form 4835 submitted to
2 the assessor shall be confidential to the assessor, board
3 of review, property assessment appeal board, or director of
4 revenue, and shall not be open to public inspection.
5 The bill applies to assessment years beginning on or after
6 January 1, 2014.

House Study Bill 207 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act allowing counties and cities to adopt alternate fee
2 schedules for the provision of certain services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2482YC (2) 85
aw/sc

H.F. _____

1 Section 1. Section 331.301, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 17. The board of supervisors may by
4 ordinance adopt an alternate county fee schedule pursuant to
5 section 331.310.
6 Sec. 2. NEW SECTION. **331.310 Alternate county fee**
7 **structure.**
8 1. Notwithstanding any other provision of the Code to the
9 contrary, the board of supervisors may adopt an ordinance
10 establishing an alternate county fee schedule. An alternate
11 county fee schedule adopted pursuant to this section shall
12 apply to all fees authorized to be collected by the county
13 or by any officer of the county for providing a service,
14 except that an alternate county fee schedule shall not include
15 building permit fees or fees collected by the county when
16 acting as an agent of the state for which the state provides a
17 service or incurs a cost.
18 2. An alternate county fee schedule shall be established
19 based upon the actual cost to the county for providing a
20 service for which a fee is charged. The county shall calculate
21 actual costs by determining the average expenses necessary to
22 provide the individual service over the previous two years for
23 which the fee was charged. The amount of any new fee imposed
24 by a county shall be set based upon a best estimate of the
25 average expenses necessary to provide the individual service
26 based upon fees charged by the county or other counties of the
27 state for the provision of similar services. *"Actual cost"*
28 means only those expenses directly attributable to the purpose
29 for which the fee is collected. *"Actual cost"* shall not include
30 costs such as employment benefits, depreciation, maintenance,
31 utilities, or insurance associated with county operations.
32 3. *a.* Prior to adopting an ordinance pursuant to this
33 section, the board of supervisors shall publish notice as
34 provided in this subsection. The proposed ordinance shall,
35 upon first reading, be placed on file with the county auditor

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1 for public inspection, and, upon second reading, if and
2 as amended, shall be published in a newspaper of general
3 circulation, together with the time and place for a public
4 hearing on the proposed ordinance. The hearing shall be held
5 not less than ten days prior to the board meeting at which the
6 ordinance shall be placed upon its passage.
7 *b.* The notice shall include information on the actual cost
8 of providing each service for which a fee is charged and on
9 the proposed amount of each fee under the alternate county fee
10 schedule.
11 4. *a.* A county that has adopted an alternate county fee
12 schedule may review the fee schedule annually, but shall review
13 the fee schedule at least once every two years, to review
14 actual costs associated with each fee on the schedule or to add
15 fees authorized by law to the fee schedule.
16 *b.* Following a review conducted pursuant to paragraph *"a"*,
17 the board of supervisors shall, if determined necessary, amend
18 the ordinance to update the alternate county fee schedule
19 pursuant to subsections 2 and 3.
20 Sec. 3. Section 364.2, Code 2013, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 6. The city council may by ordinance adopt
23 an alternate city fee schedule pursuant to section 364.2A.
24 Sec. 4. NEW SECTION. **364.2A Alternate city fee structure.**
25 1. Notwithstanding any other provision of the Code to the
26 contrary, the city council may adopt an ordinance establishing
27 an alternate city fee schedule. An alternate city fee schedule
28 adopted pursuant to this section shall apply to all fees
29 authorized to be collected by the city or by any officer of the
30 city for providing a service, except that an alternate city
31 fee schedule shall not include building permit fees or fees
32 collected by the city when acting as an agent of the state for
33 which the state provides a service or incurs a cost.
34 2. An alternate city fee schedule shall be established
35 based upon the actual cost to the city for providing a service

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1 for which a fee is charged. The city shall calculate actual
2 costs by determining the average expenses necessary to provide
3 the individual service over the previous two years for which
4 the fee was charged. The amount of any new fee imposed by a
5 city shall be set based upon a best estimate of the average
6 expenses necessary to provide the individual service based upon
7 fees charged by the city or other cities of the state for the
8 provision of similar services. *"Actual cost"* means only those
9 expenses directly attributable to the purpose for which the fee
10 is collected. *"Actual cost"* shall not include costs such as
11 employment benefits, depreciation, maintenance, utilities, or
12 insurance associated with city operations.
13 3. *a.* Prior to adopting an ordinance pursuant to this
14 section, the city council shall publish notice as provided
15 in this subsection. The proposed ordinance shall, upon
16 first reading, be placed on file with the clerk for public
17 inspection, and, upon second reading, if and as amended, shall
18 be published in a newspaper of general circulation, together
19 with the time and place for a public hearing on the proposed
20 ordinance. The hearing shall be held not less than ten days
21 prior to the council meeting at which the ordinance shall be
22 placed upon its passage.
23 *b.* The notice shall include information on the actual cost
24 of providing each service for which a fee is charged and on
25 the proposed amount of each fee under the alternate city fee
26 schedule.
27 4. *a.* A city that has adopted an alternate city fee
28 schedule may review the fee schedule annually, but shall review
29 the fee schedule at least once every two years, to review
30 actual costs associated with each fee on the schedule or to add
31 fees authorized by law to the fee schedule.
32 *b.* Following a review conducted pursuant to paragraph *"a"*,
33 the city council shall, if determined necessary, amend the
34 ordinance to update the alternate city fee schedule pursuant
35 to subsections 2 and 3.

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1 EXPLANATION
2 This bill allows counties and cities to adopt alternate fee
3 schedules for the provision of certain services.
4 The bill provides that a board of supervisors may adopt an
5 ordinance to establish an alternate county fee schedule for all
6 fees collected by a county for services, other than building
7 permit fees and fees collected on behalf of the state. Each
8 fee shall be calculated based upon the actual cost of providing
9 the particular service for which the fee is charged. The bill
10 requires that a county fulfill certain notice requirements,
11 including publication of information regarding the actual cost
12 of each service and the proposed amount of each fee, in the
13 adoption of such an ordinance.
14 The bill further provides that a city council may adopt
15 an ordinance to establish an alternate city fee schedule for
16 all fees collected by a city for services other than building
17 permit fees and fees collected on behalf of the state. Each
18 fee shall be calculated based upon the actual cost of providing
19 the particular service for which the fee is based. The bill
20 requires that a city fulfill certain notice requirements,
21 including publication of information regarding the actual cost
22 of each service and the proposed amount of each fee, in the
23 adoption of such an ordinance.
24 A city or county that has adopted an alternate county fee
25 schedule is required to review the fee schedule at least
26 once every two years to review actual costs associated with
27 each fee, but the city or county may review the fee schedule
28 each year. Following a review, the city council or board
29 of supervisors shall amend the ordinance to update the fee
30 schedule and may add fees authorized by law.
31 The bill defines "actual cost" to mean only those expenses
32 directly attributable to the purpose for which the fee is
33 collected and shall not include costs such as employment
34 benefits, depreciation, maintenance, utilities, or insurance
35 associated with operations of the city or county, as

H.F. _____

1 applicable.

House Study Bill 208 - Introduced

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

A BILL FOR

1 An Act to establish requirements relating to the transfer
2 of an interest in real estate by or on behalf of certain
3 entities formed or organized on a profit, cooperative,
4 or not-for-profit basis, and including warranties and a
5 limitation on actions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2473YC (5) 85
da/rj

H.F. _____

DIVISION I
STATEMENT OF AUTHORITY

Section 1. Section 486A.303, subsection 7, Code 2013, is amended to read as follows:

7. ~~Unless earlier canceled, a filed~~ A statement of partnership authority ~~is canceled by operation of law five years after the date on which the statement, or the most recent amendment, was~~ filed ~~with~~ by the secretary of state is effective until amended or canceled, unless an earlier cancellation date is specified in the statement.

Sec. 2. Section 489.302, subsection 10, Code 2013, is amended to read as follows:

10. ~~Unless earlier canceled, an effective~~ A statement of authority ~~is canceled by operation of law five years after the date on which the statement, or its most recent amendment, becomes effective~~ filed by the secretary of state under section 489.205, subsection 1, is effective until amended or canceled as provided in subsection 2, unless an earlier cancellation date is specified in the statement. ~~This cancellation operates without need for any recording under subsection 6 or 7.~~

Sec. 3. Section 501B.7, subsection 7, Code 2013, is amended to read as follows:

7. ~~Unless canceled earlier, a filed~~ A statement of authority ~~and its most recent amendment expire five years after the date of the most recent filing~~ filed by the county recorder as provided in subsection 2 is effective until amended or canceled, unless an earlier cancellation date is specified in the statement.

DIVISION II
LIMITED LIABILITY COMPANIES

Sec. 4. NEW SECTION. **489.407A Real estate interest transferred by limited liability company or foreign limited liability company.**

1. A transfer of an interest in real estate situated in this state held by a limited liability company or a foreign limited

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1 liability company authorized to transact business in this state
2 is subject to the provisions of this section.
3 2. *a.* In a member-managed company, a transfer of an
4 interest in real estate held by the company may be undertaken
5 by any of the following:
6 (1) As provided in the operating agreement, or if the
7 operating agreement does not so provide, only with the consent
8 of all members.
9 (2) As provided in a statement of authority filed by the
10 company with the secretary of state and the recorder of the
11 county where the real estate is situated pursuant to section
12 489.302.
13 *b.* A requirement of paragraph *"a"* is applicable to every
14 transfer of an interest in real estate situated in this state
15 held by a member-managed company, whether or not the transfer
16 is in the ordinary course of the company's business.
17 3. *a.* In a manager-managed company, a transfer of an
18 interest in real estate held by the company may be undertaken
19 by any of the following:
20 (1) As provided in the operating agreement, or if the
21 operating agreement does not so provide, only with the consent
22 of a majority of all managers.
23 (2) As provided in a statement of authority filed by the
24 company with the secretary of state and the recorder of the
25 county where the real estate is situated pursuant to section
26 489.302.
27 *b.* A requirement in paragraph *"a"* is applicable to every
28 transfer of an interest in real estate situated in this state
29 held by a manager-managed limited liability company, whether
30 or not the transfer is in the ordinary course of the company's
31 business.
32 DIVISION III
33 TRANSFERS BY ENTITIES — WARRANTY AND STATUTE OF LIMITATIONS
34 Sec. 5. NEW SECTION. **558.72 Real estate transfers by**
35 **certain entities.**

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1 1. As used in this section, unless the context otherwise
2 requires:
3 *a. "Entity"* means any of the following:
4 (1) A partnership, limited liability partnership, or
5 foreign limited liability partnership as provided in chapter
6 486A.
7 (2) A limited partnership, foreign limited partnership,
8 limited liability limited partnership, or foreign limited
9 liability limited partnership as provided in chapter 488.
10 (3) A limited liability company or foreign limited
11 liability company as provided in chapter 489.
12 (4) A corporation or foreign corporation as provided in
13 chapter 490 or a nonprofit corporation or foreign nonprofit
14 corporation as provided in chapter 504.
15 (5) A cooperative association as provided in chapter 497
16 or 498; an association, corporation, or foreign corporation
17 as provided in chapter 499; a cooperative as provided in
18 chapter 499A; a cooperative as provided in chapter 501; or a
19 cooperative or foreign cooperative as provided in chapter 501A.
20 (6) An unincorporated nonprofit association as provided in
21 chapter 501B.
22 *b. "Instrument transferring an interest in real estate"* means
23 a deed, real estate contract, lease, easement, mortgage, deed
24 of trust, or any other instrument used to effect the transfer
25 of an interest in real estate situated in this state by any act
26 to sell, transfer, convey, assign, lease, mortgage, or encumber
27 the interest in the real estate.
28 2. An instrument transferring an interest in real estate
29 situated in this state by an entity, unless clearly and
30 conspicuously provided to the contrary in the instrument,
31 includes a warranty to the transferee by the person executing
32 the instrument of all of the following:
33 *a.* That the transferor entity is in existence at the time of
34 the transfer.
35 *b.* That the person executing the instrument has been duly

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1 authorized by the transferor entity to execute the instrument
2 on behalf of the entity.
3 *c.* That the person executing the instrument has the legal
4 capacity to execute the instrument.
5 *d.* That the person knows of no facts or legal claims that
6 might impair the validity of the transfer, including whether
7 the instrument was given in the ordinary course of business.
8 3. An action to invalidate a transfer of real estate by deed
9 or real estate contract by an entity shall be subject to the
10 time limitations set forth in section 614.14A.
11 Sec. 6. NEW SECTION. **614.14A Real estate interests**
12 **transferred by entities.**
13 1. As used in this section, unless the context otherwise
14 requires:
15 *a.* (1) *"Adverse claim"* means a claim that the transfer
16 of an interest in real estate to a transferee is invalid and
17 should be set aside based on an allegation that the execution
18 and delivery of a deed or real estate contract was not
19 authorized by the entity.
20 (2) *"Adverse claim"* does not include a claim that a deed or
21 real estate contract purports to transfer a greater interest
22 than the entity legally could transfer.
23 *b.* *"Entity"* means the same as defined in section 558.72.
24 2. A transfer of an interest in real estate situated in this
25 state by an entity by a deed or real estate contract is subject
26 to the provisions of this section.
27 3. *a.* With regard to any deed or real estate contract
28 executed by an entity and filed of record with the recorder
29 of the county in which the real estate is situated, which is
30 recorded prior to the effective date of this Act, the holder of
31 an adverse claim shall not file an action, at law or in equity,
32 to enforce the adverse claim or to invalidate such transfer two
33 years after the effective date of this Act.
34 *b.* With regard to any deed or real estate contract executed
35 by an entity and filed of record with the recorder of the

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1 county in which the real estate is situated, which is recorded
2 on or after the effective date of this Act, the holder of an
3 adverse claim shall not file an action, at law or in equity, to
4 enforce the adverse claim or to invalidate such transfer more
5 than two years after the date of recording of the instrument.
6 4. This section shall not be construed to limit any personal
7 action against a person who executed an instrument purportedly
8 transferring an interest in real estate on behalf of an entity
9 for damages based on a claim arising out of an allegation that
10 the execution and delivery of the instrument was not authorized
11 by the entity or that a warranty required in section 558.72 was
12 false.
13 EXPLANATION
14 GENERAL. This bill addresses issues involving the execution
15 of instruments conveying an interest in real estate by certain
16 entities, including by providing for filing statements of
17 authority, creating a general warranty, and creating a statute
18 of limitations.
19 BACKGROUND. The bill amends provisions which relate to
20 business entities (referred to as "entities") that are formed
21 under the laws of this state or organized under the laws of
22 a different state, and allowed to do business in this state,
23 by filing certain documents with the secretary of state and
24 conducting operations in a manner consistent with those laws.
25 In the case of a domestic entity, the secretary of state
26 recognizes its existence and in the case of a foreign entity,
27 the secretary of state authorizes its right to do business in
28 this state. Each of the various types of business entities
29 is governed by a separate Code chapter, often derived from
30 legislation proposed by national organizations such as uniform
31 acts by the national conference of commissioners on uniform
32 state laws including the revised uniform partnership Act herein
33 referred to as "UPA" (Code chapter 486A), the uniform limited
34 partnership Act referred to as "ULPA" (Code chapter 488),
35 the revised uniform limited liability company Act referred

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1 to as "RULLCA" (Code chapter 489), and the revised uniform
2 unincorporated nonprofit associations Act referred to as
3 "RUUNAA" (Code chapter 501B). Alternatively, several Code
4 chapters derive from model legislation proposed by the American
5 bar association including the Iowa business corporation Act
6 referred to as "IBCA" (Code chapter 490) and the revised
7 Iowa nonprofit corporation Act referred to as "RINCA" (Code
8 chapter 504). Iowa uniquely includes a number of Code chapters
9 governing cooperative associations, sometimes simply known
10 as cooperatives, including several types of cooperatives
11 originally chartered before July 1, 1935 (Code chapters 497
12 and 498), and those sometimes referred to as traditional
13 cooperatives (Code chapter 499) or closed cooperatives (Code
14 chapter 501). Iowa also recognizes a type of cooperative,
15 a cooperative-corporation, under the Iowa cooperative
16 associations Act referred to as "ICAA" which in some form has
17 been enacted in other states (Code chapter 501A). A special
18 chapter governs multiple housing organizations organized on
19 a cooperative basis (Code chapter 499A). Notwithstanding
20 that these chapters originate from different sources, their
21 provisions are often very similar.
22 TRANSFER OF REAL ESTATE — STATEMENT OF AUTHORITY. The
23 bill amends provisions in the UPA, RULLCA, and RUUNAA, that
24 allow an entity to file a statement of authority with the
25 secretary of state or in the case of RUUNAA a county recorder.
26 The statement serves to establish a person who has authority
27 to execute a deed or other instrument conveying an interest
28 in real estate on behalf of the entity. The bill changes
29 the effective time period of a filed statement of authority.
30 Currently, the statement is canceled by five years after the
31 date the statement became effective. The bill provides that
32 the statement is effective indefinitely until amended or
33 canceled, unless an earlier cancellation date is specified in
34 the statement.
35 TRANSFER OF REAL ESTATE BY LIMITED LIABILITY COMPANIES.

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1 The bill amends provisions in the RULLCA by providing that a
2 member-managed or manager-managed limited liability company
3 may provide for the transfer of an interest in real estate
4 as provided in the company's operating agreement, or with
5 the consent of all the company's members or majority of all
6 managers, or as provided in a statement of authority.
7 TRANSFER OF REAL ESTATE BY ENTITIES — WARRANTY. The bill
8 provides that unless clearly and conspicuously disclaimed in
9 an instrument transferring an interest in real estate situated
10 in this state by an entity, the instrument (e.g., deed, real
11 estate contract, lease, easement, mortgage, or deed of trust),
12 includes a warranty that the entity is in existence at the time
13 of the transfer, the person executing the transfer instrument
14 has been duly authorized by the entity to execute the transfer
15 instrument on behalf of the entity, the person executing the
16 transfer instrument has the legal capacity to execute the
17 transfer instrument, and the person knows of no facts or legal
18 claims that might impair the validity of the transfer.
19 TRANSFER OF REAL ESTATE BY ENTITIES — STATUTE OF
20 LIMITATIONS. A statute of limitations establishes a length
21 of time during which a person may pursue a legal remedy for a
22 wrong, often measured from the date that the wrong occurs. One
23 feature of a statute of limitations applied against real estate
24 claims is that it affects marketability of title.
25 The bill addresses a claim alleging that a transfer of real
26 estate by an entity was invalid and should be set aside. Under
27 current law, after 1992, certain claims involving real estate
28 must be brought within 10 years after the claims first arose
29 (Code section 614.17A), but the time period is not applicable
30 in some cases to minors or persons suffering from mental
31 illness (Code section 619.19) or to spousal dower rights (Code
32 section 614.20). The statute of limitations is one year for a
33 transfer involving a trustee (Code section 614.14).
34 The bill establishes a two-year statute of limitations by a
35 person for challenging the authority of a person who executes

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1 a deed or real estate contract on behalf of an entity. The
2 holder of an adverse claim for a deed or real estate contract
3 executed and recorded prior to the effective date of the bill,
4 must file an action within two years after the effective
5 date. Otherwise, the holder must file an action two years
6 after the recording of the instrument. The bill affects the
7 real estate's marketable title. The bill does not affect an
8 entity's claim for damages against a person who did not have
9 the authority to transfer an interest in the entity's real
10 estate.

House Study Bill 209 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON RAYHONS)

A BILL FOR

1 An Act relating to the prevention and control of aquatic
2 invasive species in the state and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2500YC (1) 85
av/nh

H.F. _____

1 Section 1. Section 456A.37, Code 2013, is amended by
2 striking the section and inserting in lieu thereof the
3 following:
4 **456A.37 Aquatic invasive species — prevention and control.**
5 1. *Definitions.* As used in this section:
6 *a. "Aquatic invasive species"* means nonnative wildlife or
7 plant species that have been determined by the department to
8 pose a significant threat to the aquatic resources or water
9 infrastructure of the state.
10 *b. "Aquatic plant"* means a submergent, emergent, floating,
11 or floating-leaved plant, including algae, and includes any
12 part of such a plant.
13 *c. "Bait"* means the same as defined in section 481A.1.
14 *d. "Water-related equipment"* means a motor vehicle,
15 boat, watercraft, dock, boat lift, raft, vessel, trailer,
16 tool, implement, device, or any other associated equipment
17 or container, including but not limited to portable bait
18 containers, live wells, ballast tanks, bilge areas, and
19 water-hauling equipment that is capable of containing or
20 transporting aquatic invasive species, aquatic plants, or
21 water.
22 2. *Rulemaking.* The commission shall adopt rules pursuant to
23 chapter 17A for the implementation and administration of this
24 section. The rules shall do all of the following:
25 *a.* Restrict the introduction, propagation, use, possession,
26 and spread of aquatic invasive species.
27 *b.* Identify waters of the state with infestations of aquatic
28 invasive species. The commission shall require that such
29 waters be posted as infested.
30 *c.* If the commission determines that an additional species
31 should be defined as an *"aquatic invasive species"*, the species
32 shall be defined by the commission by rule as an *"aquatic*
33 *invasive species"*.
34 3. *Prohibitions.*
35 *a.* A person shall not transport on a public road, or place

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1 or attempt to place into waters of the state, any water-related
2 equipment that has an aquatic invasive species or aquatic plant
3 attached to or within the water-related equipment except as
4 follows:
5 (1) When authorized by a written permit issued by the
6 director upon a finding that the person is unable to comply
7 with the requirements of this lettered paragraph *"a"*, is
8 substantially impacted by the prohibitions of this lettered
9 paragraph *"a"*, and is affording adequate protection of the
10 aquatic resources or water infrastructure of the state by an
11 alternative means.
12 (2) When the department, or other governmental entity
13 approved by the director, is undertaking management activities
14 that would constitute prohibited activities under this lettered
15 paragraph *"a"* but are necessary to manage the aquatic resources
16 or water infrastructure of the state, including but not limited
17 to aquatic invasive species control, and sufficient mitigation
18 efforts are undertaken to avoid or minimize, to the greatest
19 extent possible, exposure of the waters of the state to an
20 aquatic invasive species.
21 (3) When disposing of or engaging in a control activity of
22 an aquatic invasive species and exposure to other waters of the
23 state is minimized.
24 (4) When transporting commercial or municipal aquatic plant
25 harvesting equipment to a suitable location away from any
26 waters of the state, for purposes of cleaning the equipment of
27 any remaining aquatic plants or wildlife.
28 (5) When water-related equipment is legally purchased or
29 traded by or from a commercial source.
30 (6) For purposes of constructing or transporting a shooting
31 or observation blind, provided that there are no aquatic
32 invasive species present on or in the blind, and the aquatic
33 plants used on or in the blind are emergent, cut above the
34 waterline, and contain no propagules such as seed heads, roots,
35 or rhizomes.

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1 (7) For purposes of submitting a sample to the department or
2 to another entity as directed by the department, provided that
3 the sample is in a sealed container. Any test results of such
4 samples shall be reported to the department.
5 (8) When engaged in emergency response activities, provided
6 that the person engaged in such activities is affiliated with
7 a law enforcement agency or an agency with emergency response
8 authority.
9 (9) When otherwise permitted under a disaster declaration
10 issued consistent with chapter 29C.
11 *b.* A person shall drain all water from water-related
12 equipment when leaving the waters of the state and before
13 transporting the water-related equipment off a water access
14 area or riparian property. Drain plugs, bailers, valves,
15 or other devices used to control the drainage of water from
16 ballast tanks, bilges, and live wells shall be removed or
17 opened while transporting water-related equipment except as
18 follows:
19 (1) When authorized by a written permit issued by the
20 director upon a finding that the person is unable to comply
21 with the requirements of this lettered paragraph *"b"*, is
22 substantially impacted by the prohibitions of this lettered
23 paragraph *"b"*, and is affording adequate protection of the
24 aquatic resources or water infrastructure of the state by an
25 alternative means.
26 (2) When the department, or other governmental entity
27 approved by the director, is undertaking management activities
28 that would constitute prohibited activities under this lettered
29 paragraph *"b"* but are necessary to manage the aquatic resources
30 or water infrastructure of the state, including but not limited
31 to aquatic invasive species control, and sufficient mitigation
32 efforts are undertaken to avoid or minimize, to the greatest
33 extent possible, exposure of the waters of the state to an
34 aquatic invasive species.
35 (3) When water-related equipment constitutes a marine

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sanitary system, a closed engine cooling system, or is a tank or container of potable drinking water or other beverage intended for human consumption.

(4) When engaged in emergency response activities, provided that the person engaged in such activities is affiliated with a law enforcement agency or an agency with emergency response authority.

(5) When otherwise permitted under a disaster declaration issued consistent with chapter 29C.

c. A person who violates this subsection is subject to a scheduled fine pursuant to section 805.8B, subsection 5.

4. *Inspections.* Persons operating and transporting water-related equipment shall inspect the equipment for aquatic invasive species when the equipment is removed from, or before entering waters of the state. If an aquatic invasive species is present on or within the water-related equipment, the aquatic invasive species shall be removed immediately. Any water-related equipment is subject to inspection by a representative of the department. A representative of the department may prohibit a person from placing or operating water-related equipment in waters of the state if the person refuses to allow an inspection of the water-related equipment or refuses to remove and dispose of aquatic invasive species, aquatic plants, or water on or within the water-related equipment.

Sec. 2. Section 805.8B, subsection 5, Code 2013, is amended to read as follows:

5. *Aquatic invasive species violations.* For violations of section 456A.37, subsection ~~5~~ 3, the scheduled fine is ~~five hundred dollars.~~ as follows:

a. For violations of section 456A.37, subsection 3, paragraph *"a"*, the scheduled fine is five hundred dollars.

b. For violations of section 456A.37, subsection 3, paragraph *"b"*, the scheduled fine is seventy-five dollars.

c. For repeat violations of section 456A.37, subsection 3,

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1 paragraph "a" or "b" within the same twelve-month period, the
2 scheduled fine shall include an additional fine of five hundred
3 dollars for each violation.
4 EXPLANATION
5 This bill relates to the prevention and control of aquatic
6 invasive species in the waters of the state and provides
7 penalties.
8 Code section 456A.37, relating to the same subject,
9 is stricken and rewritten with a new definition for what
10 constitutes an "aquatic invasive species" and new definitions
11 of "aquatic plant", "bait", and "water-related equipment".
12 The natural resource commission is directed to adopt rules to
13 implement and administer the bill. The rules are required to
14 restrict the introduction, propagation, use, possession, and
15 spread of aquatic invasive species; identify waters of the
16 state with infestations of aquatic invasive species and post
17 such waters as infested; and define additional aquatic species
18 as invasive if necessary.
19 The bill prohibits a person from transporting on a public
20 road, or placing or attempting to place into waters of the
21 state, any water-related equipment that has an aquatic
22 invasive species or aquatic plant attached to or within the
23 water-related equipment unless specified exceptions apply. A
24 violation of these provisions is punishable by a scheduled
25 fine of $500 plus an additional fine of $500 for each repeat
26 violation within the same 12-month period.
27 The bill requires a person leaving the waters of the
28 state to drain all water from water-related equipment before
29 transporting the equipment off a water access area or riparian
30 property. Specified equipment used to control drainage of
31 water from water-related equipment must be removed or opened
32 while being transported unless specified exceptions apply. A
33 violation of these provisions is punishable by a scheduled
34 fine of $75 plus an additional fine of $500 for each repeat
35 violation within the same 12-month period.

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1 Persons who operate and transport water-related equipment
2 are required to inspect the equipment for aquatic invasive
3 species when the equipment is removed from, or before entering,
4 waters of the state. Any water-related equipment is also
5 subject to inspection by a representative of the department
6 of natural resources. A representative of the department may
7 prohibit a person from placing or operating water-related
8 equipment in the waters of the state if the person refuses to
9 allow an inspection of the equipment or refuses to remove and
10 dispose of aquatic invasive species, aquatic plants, or water
11 on or within the equipment.

House Study Bill 210 - Introduced

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

A BILL FOR

1 An Act relating to temporary restricted licenses and ignition
2 interlock devices for operating-while-intoxicated offenses
3 and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2352HC (6) 85
rh/nh

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1 Section 1. Section 321J.2, subsection 3, paragraph c,
2 unnumbered paragraph 1, Code 2013, is amended to read as
3 follows:
4 Assessment of a fine of one thousand two hundred fifty
5 dollars. However, in the discretion of the court, if no
6 personal or property injury has resulted from the defendant's
7 actions, the court may waive up to six hundred twenty-five
8 dollars of the fine when the defendant presents to the court at
9 the end of ~~the~~ any minimum period of ineligibility a temporary
10 restricted license issued pursuant to section 321J.20.
11 Sec. 2. Section 321J.2, subsection 3, paragraph d, Code
12 2013, is amended by striking the paragraph and inserting in
13 lieu thereof the following:
14 *d.* Revocation of the person's driver's license for a minimum
15 period of one hundred eighty days up to a maximum revocation
16 period of one year, pursuant to section 321J.4, subsection 1,
17 section 321J.9, or section 321J.12, subsection 2.
18 (1) A defendant whose alcohol concentration is .08 or more
19 shall be eligible for a temporary restricted license upon
20 conviction if a test was obtained and no accident resulting in
21 personal injury or property damage occurred. If such accident
22 occurred, the defendant shall be eligible for a temporary
23 restricted license after any period of ineligibility as
24 determined by the court.
25 (2) A defendant whose revocation occurs because the
26 defendant refused to submit to chemical testing under section
27 321J.9 shall be eligible for a temporary restricted license
28 ninety days after conviction.
29 (3) The department shall require the defendant to install
30 an ignition interlock device of a type approved by the
31 commissioner of public safety on all vehicles owned or operated
32 by the defendant if the defendant seeks a temporary restricted
33 license.
34 Sec. 3. Section 321J.4, subsections 1 through 4, Code 2013,
35 are amended by striking the subsections and inserting in lieu

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1 thereof the following:
2 1. If a defendant is convicted of a violation of section
3 321J.2 and the defendant's driver's license or nonresident
4 operating privilege has not been revoked under section 321J.9
5 or 321J.12 for the occurrence from which the arrest arose, the
6 department shall revoke the defendant's driver's license or
7 nonresident operating privilege for one hundred eighty days
8 if the defendant submitted to chemical testing and has had
9 no previous conviction or revocation under this chapter and
10 shall revoke the defendant's driver's license or nonresident
11 operating privilege for one year if the defendant refused to
12 submit to chemical testing and has had no previous conviction
13 or revocation under this chapter.
14 *a.* A defendant whose alcohol concentration is .08 or more
15 shall be eligible for a temporary restricted license upon
16 conviction if a test was obtained and no accident resulting in
17 personal injury or property damage occurred. If such accident
18 occurred, the defendant shall be eligible for a temporary
19 restricted license after any period of ineligibility as
20 determined by the court.
21 *b.* A defendant whose revocation occurs because the person
22 refused to submit to chemical testing under section 321J.9
23 shall be eligible for a temporary restricted license ninety
24 days after conviction.
25 *c.* The department shall require the defendant to install
26 an ignition interlock device of a type approved by the
27 commissioner of public safety on all vehicles owned or operated
28 by the defendant if the defendant seeks a temporary restricted
29 license.
30 *d.* If the defendant is under the age of twenty-one, the
31 defendant shall be eligible for a temporary restricted license
32 after any period of ineligibility as determined by the court.
33 2. If a defendant is convicted of a violation of section
34 321J.2, and the defendant's driver's license or nonresident
35 operating privilege has not already been revoked under section

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1 321J.9 or 321J.12 for the occurrence from which the arrest
2 arose, the department shall revoke the defendant's driver's
3 license or nonresident operating privilege for one year if the
4 defendant submitted to chemical testing and has had a previous
5 conviction or revocation under this chapter and shall revoke
6 the defendant's driver's license or nonresident operating
7 privilege for two years if the defendant refused to submit to
8 chemical testing and has had a previous revocation under this
9 chapter.
10 *a.* The defendant shall be eligible for a temporary
11 restricted license on or after the effective date of revocation
12 if the defendant submitted to chemical testing and shall be
13 eligible for a temporary restricted license ninety days after
14 the effective date of revocation if the defendant refused to
15 submit to chemical testing.
16 *b.* The temporary restricted license shall be issued in
17 accordance with section 321J.20, subsection 2.
18 *c.* The department shall require the defendant to install
19 an ignition interlock device of a type approved by the
20 commissioner of public safety on all vehicles owned or operated
21 by the defendant for a minimum period of one year if the
22 defendant seeks a temporary restricted license. A temporary
23 restricted license shall not be granted by the department until
24 the defendant installs the ignition interlock device.
25 3. If the court defers judgment pursuant to section 907.3
26 for a violation of section 321J.2, and if the defendant's
27 driver's license or nonresident operating privilege has not
28 been revoked under section 321J.9 or 321J.12, or has not
29 otherwise been revoked for the occurrence from which the arrest
30 arose, the department shall revoke the defendant's driver's
31 license or nonresident operating privilege for a period of not
32 less than thirty days nor more than ninety days.
33 *a.* A defendant whose alcohol concentration is .08 or more
34 shall be eligible for a temporary restricted license upon
35 conviction if a test was obtained and no accident resulting in

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1 personal injury or property damage occurred. If such accident
2 occurred, the defendant shall be eligible for a temporary
3 restricted license after any period of ineligibility as
4 determined by the court.
5 *b.* A defendant whose revocation occurs because the person
6 refused to submit to chemical testing under section 321J.9
7 shall be eligible for a temporary restricted license ninety
8 days after conviction.
9 *c.* The department shall require the defendant to install
10 an ignition interlock device of a type approved by the
11 commissioner of public safety on all vehicles owned or operated
12 by the defendant if the defendant seeks a temporary restricted
13 license.
14 *d.* If the defendant is under the age of twenty-one, the
15 defendant shall be eligible for a temporary restricted license
16 after any period of ineligibility as determined by the court
17 upon conviction.
18 4. Upon a plea or verdict of guilty of a third or subsequent
19 violation of section 321J.2, the department shall revoke the
20 defendant's driver's license or nonresident operating privilege
21 for a period of six years.
22 *a.* The department shall credit any period that the
23 defendant's driver's license or nonresident operating privilege
24 was revoked under section 321J.9 or 321J.12 for the same
25 occurrence toward the six-year revocation period, limiting the
26 total revocation period for the same occurrence to six years.
27 *b.* The defendant shall be eligible for a temporary
28 restricted license for the remainder of the six-year period
29 after any period of ineligibility as determined by the court.
30 *c.* The department shall require the defendant to install
31 an ignition interlock device of a type approved by the
32 commissioner of public safety on all vehicles owned or operated
33 by the defendant if the defendant seeks a temporary restricted
34 license. A temporary restricted license shall not be granted
35 by the department until the defendant installs the ignition

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1 interlock device.
2 Sec. 4. Section 321J.4, subsections 5 and 6, Code 2013, are
3 amended to read as follows:
4 5. Upon a plea or verdict of guilty of a violation of
5 section 321J.2 which involved a personal injury, the court
6 shall determine in open court, from consideration of the
7 information in the file and any other evidence the parties may
8 submit, whether a serious injury was sustained by any person
9 other than the defendant and, if so, whether the defendant's
10 conduct in violation of section 321J.2 caused the serious
11 injury. If the court so determines, the court shall order
12 the department to revoke the defendant's driver's license or
13 nonresident operating privilege for a period of one year in
14 addition to any other period of suspension or revocation. The
15 defendant shall not be eligible for any temporary restricted
16 license until the ~~minimum~~ period of ineligibility as determined
17 by the court has expired ~~under this section or section 321J.9,~~
18 ~~321J.12, or 321J.20~~. The defendant shall surrender to the
19 court any Iowa license or permit and the court shall forward it
20 to the department with a copy of the order for revocation.
21 6. Upon a plea or verdict of guilty of a violation of
22 section 321J.2 which involved a death, the court shall
23 determine in open court, from consideration of the information
24 in the file and any other evidence the parties may submit,
25 whether a death occurred and, if so, whether the defendant's
26 conduct in violation of section 321J.2 caused the death. If
27 the court so determines, the court shall order the department
28 to revoke the defendant's driver's license or nonresident
29 operating privilege for a period of six years. The defendant
30 shall not be eligible for any temporary restricted license
31 ~~for at least two years after the revocation~~ until the period
32 of ineligibility as determined by the court has expired. The
33 defendant shall surrender to the court any Iowa license or
34 permit and the court shall forward it to the department with a
35 copy of the order for revocation.

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1 Sec. 5. Section 321J.4, subsection 8, paragraph f, Code
2 2013, is amended to read as follows:
3 *f.* (i) A person who tampers with or circumvents an ignition
4 interlock device ~~installed under a court order while an order~~
5 ~~is in effect~~ commits a serious misdemeanor.
6 (ii) A person who assists a person who tampers with or
7 circumvents an ignition interlock device commits a serious
8 misdemeanor.
9 Sec. 6. Section 321J.4, subsection 8, Code 2013, is amended
10 by adding the following new paragraph:
11 NEW PARAGRAPH. *g.* The department shall credit, on a
12 day-for-day basis, any period of time during which a defendant
13 has held a valid temporary restricted license against the
14 period of time during which the defendant is required to
15 install an ignition interlock device pursuant to this chapter.
16 Sec. 7. Section 321J.12, subsection 2, Code 2013, is amended
17 by striking the subsection and inserting in lieu thereof the
18 following:
19 2. *a.* A person whose driver's license or nonresident
20 operating privileges have been revoked under subsection 1,
21 paragraph "*a*", whose alcohol concentration is .08 or more shall
22 be eligible for a temporary restricted license on or after the
23 effective date of the revocation if a test was obtained and
24 no accident resulting in personal injury or property damage
25 occurred. If such an accident occurred, the defendant shall
26 be eligible for a temporary restricted license after any
27 period of ineligibility established by the court at the time
28 of arraignment. The department shall require the person to
29 install an ignition interlock device of a type approved by the
30 commissioner of public safety on all vehicles owned or operated
31 by the defendant if the defendant seeks a temporary restricted
32 license.
33 *b.* If the person is under the age of twenty-one, the person
34 shall be eligible for a temporary restricted license after any
35 period of ineligibility as determined by the court at the time

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1 of arraignment.
2 *c.* A person whose license or privileges have been revoked
3 under subsection 1, paragraph *"b"*, for one year shall be
4 eligible for a temporary restricted license on or after the
5 effective date of the revocation. The temporary restricted
6 license shall be issued in accordance with section 321J.20,
7 subsection 2. A temporary restricted license shall not
8 be granted by the department until the defendant installs
9 the ignition interlock device of a type approved by the
10 commissioner of public safety on all vehicles owned or operated
11 by the defendant.
12 Sec. 8. Section 321J.17, subsections 1 and 3, Code 2013, are
13 amended to read as follows:
14 1. If the department revokes a person's driver's license
15 or nonresident operating privilege under this chapter, the
16 department shall assess the person a civil penalty of two
17 hundred dollars. The money collected by the department under
18 this section shall be transmitted to the treasurer of state
19 who shall deposit one-half of the money in the separate fund
20 established in section 915.94 and one-half of the money in the
21 general fund of the state. A temporary restricted license
22 shall not be issued unless an ignition interlock device has
23 been installed pursuant to section 321J.4. A driver's license
24 or nonresident operating privilege shall not be reinstated
25 unless proof ~~of deinstallation of~~ that an ignition interlock
26 device installed pursuant to section 321J.4 remained installed
27 and functioning until the end of such period of revocation
28 has been submitted to the department in a format acceptable
29 to the department. Except as provided in section 321.210B, a
30 temporary restricted license shall not be issued or a driver's
31 license or nonresident operating privilege reinstated until
32 the civil penalty has been paid. A person assessed a penalty
33 under this section may remit the civil penalty along with a
34 processing fee of five dollars to a county treasurer authorized
35 to issue driver's licenses under chapter 321M, or the civil

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1 penalty may be paid directly to the department.
2 3. The department shall also require certification of
3 installation of an ignition interlock device of a type approved
4 by the commissioner of public safety on all motor vehicles
5 owned or operated by any person seeking reinstatement following
6 a ~~second or subsequent~~ revocation under section 321J.4, 321J.9,
7 or 321J.12, unless such a person has previously received a
8 temporary restricted license during the term of the revocation
9 as authorized by this chapter. ~~The requirement for the~~
10 ~~installation~~ Installation of an approved ignition interlock
11 device ~~shall be~~ is required for a minimum period of six months
12 for a person with no prior license revocations under this
13 chapter, and a minimum period of one year for a person who
14 has had a previous revocation, from the date of reinstatement
15 unless a ~~different time~~ longer period of time is required
16 by statute. The department shall credit, on a day-for-day
17 basis, any period of time during which a person has held a
18 valid temporary restricted license during any revocation for
19 the occurrence from which the arrest arose against the period
20 of time during which the defendant is required to install an
21 ignition interlock device. The person shall not operate any
22 motor vehicle that is not equipped with an approved functioning
23 ignition interlock device during the period in which an
24 ignition interlock device must be installed, and the department
25 shall not grant reinstatement unless the person certifies
26 installation of an ignition interlock device as required in
27 this subsection.
28 Sec. 9. Section 321J.20, subsections 1 and 2, Code 2013,
29 are amended by striking the subsections and inserting in lieu
30 thereof the following:
31 1. The department may, on application, issue a temporary
32 restricted license to a person whose noncommercial driver's
33 license is revoked under section 321J.4, 321J.9, or 321J.12,
34 allowing the person to drive a motor vehicle equipped with an
35 ignition interlock device for all lawful purposes not requiring

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1 a commercial driver's license, subject to any court-ordered
2 or statutory period of ineligibility. A temporary restricted
3 license shall not be issued until the applicant installs a
4 functioning ignition interlock device of a type approved by the
5 commissioner of public safety on all motor vehicles owned or
6 operated by the applicant in accordance with section 321J.2,
7 321J.4, 321J.9, or 321J.12. Installation of an ignition
8 interlock device under this subsection shall be required for
9 the period of time for which the temporary restricted license
10 is issued and for any such additional period of time following
11 reinstatement required pursuant to section 321J.17, subsection
12 3.
13 2. *a.* Notwithstanding section 321.560, the department may,
14 on application, and upon the expiration of the minimum period
15 of ineligibility for a temporary restricted license provided
16 for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a
17 temporary restricted license to a person whose noncommercial
18 driver's license has either been revoked under this chapter, or
19 revoked or suspended under chapter 321 for violations of this
20 chapter, or who has been determined to be a habitual offender
21 under chapter 321 based on violations of this chapter or on
22 violations listed in section 321.560, subsection 1, paragraph
23 *"b"*, and who is not eligible for a temporary restricted license
24 under subsection 1. However, the department may not issue
25 a temporary restricted license under this subsection for a
26 violation of section 321J.2A or to a person under the age
27 of twenty-one whose license is revoked under section 321J.4,
28 321J.9, or 321J.12.
29 *b.* A temporary restricted license issued under this
30 subsection shall not be issued until the applicant installs
31 an approved ignition interlock device on all motor vehicles
32 owned or operated by the applicant. Installation of an
33 approved ignition interlock device under this subsection shall
34 be required for the period of time for which the temporary
35 restricted license is issued and for such additional period

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1 of time following reinstatement required pursuant to section
2 321J.17, subsection 3. However, a person whose driver's
3 license or nonresident operating privilege has been revoked
4 under section 321J.21 may apply to the department for a
5 temporary restricted license without the requirement of
6 an ignition interlock device if at least twelve years have
7 elapsed since the end of the underlying revocation period for
8 a violation of section 321J.2.
9 Sec. 10. Section 321J.20, subsection 4, Code 2013, is
10 amended by striking the subsection.
11 Sec. 11. Section 321J.20, subsection 8, Code 2013, is
12 amended to read as follows:
13 8. *a.* A person who tampers with or circumvents an ignition
14 interlock device installed as required in this chapter and
15 while the requirement for the ignition interlock device is in
16 effect commits a serious misdemeanor.
17 *b.* A person who assists a person who tampers with or
18 circumvents an ignition interlock device installed as required
19 in this chapter and while the requirement for the ignition
20 interlock device is in effect commits a serious misdemeanor.
21 Sec. 12. Section 321J.20, Code 2013, is amended by adding
22 the following new subsection:
23 NEW SUBSECTION. 9. The department shall credit, on a
24 day-for-day basis, any period of time during which a person has
25 held a temporary restricted license against the period of time
26 during which the person is required to install the ignition
27 interlock device pursuant to this chapter.
28 EXPLANATION
29 This bill relates to temporary restricted licenses for
30 operating-while-intoxicated violators and provides penalties.
31 TEMPORARY RESTRICTED LICENSES. Current law provides
32 different statutory periods of ineligibility for a temporary
33 restricted license for persons whose licenses are revoked
34 due to a criminal conviction or an administrative action
35 under Code chapter 321J (Iowa's operating-while-intoxicated

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1 law) depending upon the circumstances of the offense or
2 violation. The bill provides that a first-time offender who
3 is convicted of or who has received a deferred judgment for an
4 operating-while-intoxicated offense pursuant to Code section
5 321J.2 while having an alcohol concentration of .08 or more and
6 a person who has not had an administrative license revocation
7 due to a test failure pursuant to Code section 321J.12 may
8 apply to the department of transportation (department) for a
9 temporary restricted license immediately upon conviction or
10 revocation unless an accident with property damage or personal
11 injury occurred. In those cases, the court has the discretion
12 to impose a period of ineligibility for a temporary restricted
13 license on the offender. The bill also amends prior law to
14 allow the court to impose a period of ineligibility for a
15 temporary restricted license in all cases involving persons
16 under the age of 21, for criminal convictions under Code
17 section 321J.2 that involve serious injury or death, and for
18 third and subsequent criminal convictions under Code section
19 321J.2. The bill retains current law relating to the 90-day
20 ineligibility period for persons who refuse to submit to
21 testing pursuant to Code section 321J.9.
22 The bill requires a person who has had a previous license
23 revocation under Code chapter 321J who applies for a temporary
24 restricted license to install an ignition interlock device
25 on the defendant's vehicle for one year after any period of
26 ineligibility to conform to federal law.
27 The bill requires the department to credit, on a day-for-day
28 basis, any period of time during which a defendant holds a
29 valid temporary restricted license against the period of time
30 during which the defendant is otherwise required to install an
31 ignition interlock device under Code chapter 321J.
32 TEMPORARY RESTRICTED LICENSE RESTRICTIONS. Current law
33 provides that the department may issue a temporary restricted
34 license to allow a person to drive to and from the person's
35 home and specified places at specified times which are required

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1 by the person's full-time or part-time employment, continuing
2 education while enrolled in an educational institution on a
3 part-time or full-time basis and while pursuing a course of
4 study leading to a diploma, degree, or other certification
5 of successful educational completion, or substance abuse
6 treatment. A person holding a temporary restricted license is
7 also restricted from operating a motor vehicle for pleasure.
8 The bill eliminates these driving restrictions for persons who
9 hold temporary restricted licenses.
10 NEW OFFENSE —— TAMPERING OR CIRCUMVENTING IGNITION INTERLOCK
11 DEVICE —— ASSISTANCE. Current law provides that a person
12 who tampers with or circumvents an ignition interlock device
13 installed pursuant to court order is guilty of a serious
14 misdemeanor. The bill provides that a person who assists a
15 person in the tampering with or circumvention of an ignition
16 interlock device is also guilty of a serious misdemeanor. A
17 serious misdemeanor is punishable by confinement for no more
18 than one year and a fine of at least $315 but not more than
19 $1,875.
20 CONDITIONS FOR LICENSE REINSTATEMENT. Under current law,
21 if the department revokes a person's driver's license or
22 nonresident operating privilege under Code chapter 321J, a
23 driver's license or nonresident operating privilege shall not
24 be reinstated by the department unless the person seeking
25 reinstatement completes certain requirements. The bill
26 provides that a driver's license or nonresident operating
27 privilege shall not be reinstated unless proof that an ignition
28 interlock device remained installed and functioning until the
29 end of the revocation period is submitted to the department in
30 a format acceptable to the department. The bill also provides
31 that, unless a person has previously received a temporary
32 restricted license during any term of revocation under Code
33 chapter 321J, a functioning ignition interlock device shall
34 be installed for a minimum period of six months for a person
35 whose driver's license or nonresident operating privilege

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1 has not been previously revoked under Code chapter 321J, and
2 a minimum of one year for a person who has had a previous
3 revocation from the date of reinstatement unless a longer time
4 period is required by statute. The department is required
5 to credit, on a day-for-day basis, any period of time during
6 which a person has held a valid temporary restricted license
7 during any revocation for the occurrence from which the arrest
8 arose against the period of time during which the defendant is
9 otherwise required to install an ignition interlock device.

House Study Bill 211 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BYRNES)

A BILL FOR

1 An Act providing for special vehicle registration plates
2 displaying a decal designed and issued by a nonprofit
3 organization, providing fees, making a penalty applicable,
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2265HC (2) 85
dea/nh

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1 Section 1. Section 321.34, subsection 13, Code 2013, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:
4 13. *Special plates displaying organization decal.*
5 *a.* (1) The owner of a motor vehicle subject to registration
6 pursuant to section 321.109, subsection 1, motor truck, motor
7 home, multipurpose vehicle, motorcycle, trailer, or travel
8 trailer may upon request be issued special registration
9 plates that contain a space reserved for the placement of an
10 organization decal. If the special plates are requested at the
11 time of initial application for registration and certificate
12 of title for the vehicle, no special plate fee is required
13 other than the regular annual registration fee for the vehicle.
14 If the special plates are requested as replacement plates,
15 the owner shall surrender the current regular or special
16 registration plates in exchange for the special plates and
17 shall pay a replacement plate fee of five dollars. The county
18 treasurer shall validate special plates with an organization
19 decal in the same manner as regular plates, upon payment of the
20 annual registration fee.
21 (2) An applicant may obtain a personalized special
22 registration plate with space reserved for an organization
23 decal, subject to the additional fees for a personalized plate
24 as provided in subsection 5. Personalized plates with space
25 reserved for an organization decal shall be limited to no more
26 than five initials, letters, or combinations of numerals and
27 letters.
28 *b.* (1) An organization may apply to the department
29 for approval to issue a decal to be displayed on vehicle
30 registration plates. To qualify for such approval, an
31 organization must have at least two hundred members in this
32 state and shall meet the following requirements:
33 (a) The primary activity or interest of the organization
34 serves the community, contributes to the welfare of others,
35 and is not discriminatory in its purpose, nature, activity, or

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1 name.
2 (b) The name and purpose of the organization do not promote
3 any specific product or brand name that is provided for sale.
4 (c) The organization is a nonprofit corporation which is
5 exempt from taxation under section 501(c)(3) of the Internal
6 Revenue Code and is organized under the laws of this state or
7 authorized to do business within this state.
8 (2) The department may accept an application for a decal
9 design from a group of nonprofit organizations with a common
10 purpose, provided that each organization within the group meets
11 the requirements for a qualifying organization established by
12 the department under this subsection.
13 *c.* An organization desiring to issue a decal shall submit an
14 application to the department on a form to be provided by the
15 department. Along with the application, the organization shall
16 furnish to the department all of the following:
17 (1) A copy of the articles of incorporation for the
18 organization.
19 (2) A copy of the charter or by-laws for the organization.
20 (3) Any Internal Revenue Service rulings concerning the
21 organization's nonprofit tax exemption status.
22 (4) A color copy of the completed decal design.
23 (5) A clear and concise explanation of the purpose of the
24 decal, all eligibility requirements for purchasing the decal,
25 and fees to be charged for the decal.
26 (6) Certification by the person who has legal rights to the
27 decal design allowing use of the design.
28 (7) Any other information required by the department.
29 *d.* The department shall consider a proposed decal design
30 based upon criteria established by the department, which shall
31 include but not be limited to the following:
32 (1) A decal shall not promote a specific religion, faith, or
33 anti-religious sentiment.
34 (2) A decal shall not have any sexual connotation and shall
35 not be not vulgar, prejudiced, hostile, insulting, or racially

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1 or ethnically degrading.
2 *e.* Upon approval by the department of an organization's
3 application to issue a decal and approval of the design of the
4 decal, the organization is responsible for the production,
5 administration, and issuance of the decal. An organization
6 shall not issue a decal that has not been approved by the
7 department or alter the approved design of a decal without the
8 department's approval.
9 *f.* A person shall not display a decal on a vehicle
10 registration plate other than a decal approved by the
11 department.
12 *g.* The department may adopt rules pursuant to chapter 17A as
13 necessary to implement this subsection.
14 Sec. 2. Section 321.166, subsection 9, Code 2013, is amended
15 to read as follows:
16 9. Special registration plates issued pursuant to section
17 321.34, other than gold star, medal of honor, collegiate, fire
18 fighter, and natural resources registration plates, shall be
19 consistent with the design and color of regular registration
20 plates but shall provide a space on a portion of the plate
21 for the purpose of allowing the placement of a distinguishing
22 processed emblem <u>or an organization decal</u>. Special
23 registration plates shall also comply with the requirements
24 for regular registration plates as provided in this section to
25 the extent the requirements are consistent with the section
26 authorizing a particular special vehicle registration plate.
27 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
28 2014.
29 EXPLANATION
30 This bill provides for the issuance of special vehicle
31 registration plates containing a space for the placement of
32 an organization decal and provides a process for the approval
33 of registration plate decals to be issued by qualifying
34 organizations.
35 Under current law, anyone may submit a request to the

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1 department of transportation for approval of a new special
2 registration plate with a processed emblem. If the department
3 approves the request and the design of the proposed emblem,
4 a minimum of 500 paid applications are required before the
5 department begins issuing the plate. The department may cancel
6 its approval if sufficient applications are not received within
7 one year. A vehicle owner is charged a fee of $25 for the
8 issuance of the special plates, and an annual $5 validation
9 fee for renewal. Those fees are deposited in the road use
10 tax fund. An alternative process allows for a state agency
11 to sponsor a special registration plate, with fees of $35 for
12 issuance and $10 for renewal. Those fees are credited to the
13 sponsoring state agency.
14 The bill eliminates the current process for a person to
15 request a new special plate and eliminates state agency
16 sponsorship of new special plates. Under the bill, the
17 department will begin issuing special registration plates with
18 a space reserved for placement of an organization decal to be
19 designed, produced, and issued by a qualifying organization,
20 rather than the department. The plates will be available
21 without an additional special plate fee at the time of initial
22 registration of a vehicle, and will be renewed annually upon
23 payment of the regular annual registration fee for the vehicle.
24 A $5 replacement fee applies if the plates are issued in
25 exchange for regular or special plates. The new plates will
26 also be available as personalized plates upon payment of
27 personalized plate fees.
28 A qualifying organization must be a nonprofit corporation
29 with at least 200 members, whose primary activity or interest
30 serves the community, contributes to the welfare of others, and
31 is not discriminatory. A group of such organizations with a
32 common purpose may also be approved to issue a decal. The bill
33 specifies that organizations that promote a specific product
34 or brand name are not eligible to issue organization decals.
35 An organization desiring to issue a decal must apply to the

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1 department for approval by submitting information concerning
2 its nonprofit corporation identity along with a copy of the
3 proposed decal design, certification of legal rights to use
4 the design, and an explanation of the purpose of the decal,
5 eligibility requirements, and fees the organization will charge
6 for the decal. The department may establish criteria for decal
7 designs, including that a decal shall not promote a specific
8 religion, faith, or anti-religious sentiment, shall not have
9 any sexual connotation, and shall not be vulgar, prejudiced,
10 hostile, insulting, or racially or ethnically degrading. If
11 the department approves the application, the organization is
12 responsible for the production, administration, and issuance
13 of the decal, and any fees charged by the organization for the
14 decals will be retained by the organization.
15 The bill prohibits any organization from issuing a decal
16 without the approval of the department. The bill also
17 prohibits a person from displaying a decal other than an
18 approved decal on a vehicle registration plate. Pursuant to
19 current law, a person who violates Code provisions relating
20 to vehicle registration plates commits a simple misdemeanor
21 punishable by a scheduled fine of $20.
22 The bill takes effect January 1, 2014.

Senate File 309

S-3011

1 Amend Senate File 309 as follows:
2 1. By striking page 57, line 29, through page 58,
3 line 14.
4 2. By renumbering, redesignating, and correcting
5 internal references as necessary.

COMMITTEE ON JUDICIARY
ROBERT M. HOGG, CHAIRPERSON

Senate File 315 - Introduced

SENATE FILE 315
BY BEALL, HOUSER, SENG, and BOLKCOM

A BILL FOR

1 An Act establishing farm-owned distributed generation facility
2 purchase requirements applicable to specified utilities,
3 making penalties applicable, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2299SS (14) 85
rn/nh

S.F. 315

Section 1. NEW SECTION. **476.49 Distributed generation — purchase requirements — penalties.**

1. Notwithstanding section 476.44 or any other provision of law to the contrary, the board shall require rate-regulated public utilities and generation and transmission electric cooperatives to purchase specified amounts of their required electrical output from distributed generation facilities. For purposes of this section, *"distributed generation facility"* means a biomass conversion facility, a solar energy conversion facility, or a wind energy conversion facility, as those terms are defined in section 476C.1, which is located on farm property and meets the requirements of section 476C.1, subsection 6, paragraph *"a"*, and section 476C.1, subsection 6, paragraph *"b"*, subparagraph (2) or (6). For purposes of this section, *"generation and transmission electric cooperatives"* means the same as defined in section 437A.3, subsection 10.

2. An electric utility or generation and transmission electric cooperative subject to this section shall submit filings to the board documenting the following:

a. (1) That by July 1, 2018, the utility or cooperative is purchasing a minimum of two percent of their required electrical output from distributed generation facilities. The utility or cooperative shall submit a filing by January 1, 2014, and by each January 1 through January 1, 2018, demonstrating proportional progress toward attainment of this requirement.

(2) That the electricity is purchased from distributed generation facilities in the following percentage amounts:

(i) Sixty percent from wind energy conversion facilities. Of this sixty percent, fifteen percent shall be purchased from facilities with a nameplate generating capacity or the energy production capacity equivalent of each of the following: between zero and ten kilowatts; between ten and one hundred kilowatts; between one hundred and one thousand kilowatts; and between one thousand and twenty thousand kilowatts.

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1 (ii) Twenty percent from solar energy conversion
2 facilities. Of this twenty percent, five percent shall be
3 purchased from facilities with a nameplate generating capacity
4 or the energy production capacity equivalent of each of the
5 following: between zero and ten kilowatts; between ten and
6 twenty kilowatts; between twenty and one hundred kilowatts; and
7 between one hundred and twenty thousand kilowatts.
8 (iii) Twenty percent from biomass conversion facilities.
9 Of this twenty percent, five percent shall be purchased from
10 facilities with a nameplate generating capacity or the energy
11 production capacity equivalent of each of the following:
12 between zero and one hundred kilowatts; between one hundred and
13 five hundred kilowatts; between five hundred and one thousand
14 kilowatts; and between one thousand kilowatts and twenty
15 megawatts.
16 (3) If the utility or cooperative fails to document
17 purchasing of the required amounts and percentages of
18 electricity from distributed generation facilities pursuant
19 to this lettered paragraph *"a"*, it shall be subject to the
20 penalty provisions of section 476A.14, and possible suspension
21 or revocation of a license or permit as determined by the board
22 by rule.
23 *b.* That the utility or cooperative is in compliance with all
24 applicable rules relating to distributed generation adopted by
25 the board.
26 3. *a.* The board shall utilize existing standard offer
27 contract forms to facilitate interconnection between the
28 utility or cooperative and a distributed generation facility
29 as required pursuant to this section. The standard offer
30 contracts shall continue in effect for a twenty-year period,
31 subject to termination provisions for failure to perform, to
32 be established by the board by rule. The board shall ensure
33 that the contracts are calculated at reasonable and competitive
34 rates determined by the board and sufficient to facilitate
35 distributed generation facility financing. The forms shall be

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1 made available for utilization by July 1, 2013.
2 *b.* The contracts shall be made available to any distributed
3 generation facility of up to twenty megawatts of nameplate
4 generating capacity.
5 *c.* The standard offer contracts shall not contain any
6 provision or impose any requirement which could create
7 or constitute an unreasonable barrier to or burden on the
8 development of distributed generation in this state.
9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.
11 EXPLANATION
12 This bill directs the Iowa utilities board to require
13 rate-related public utilities and generation and transmission
14 electric cooperatives to purchase specified amounts of
15 electricity from farm-owned distributed generation facilities.
16 The bill defines a "distributed generation facility" to mean
17 a biomass conversion facility, a solar energy conversion
18 facility, or a wind energy conversion facility, as those terms
19 are defined in Code section 476C.1, which is located on farm
20 property and meets specified ownership requirements contained
21 in Code section 476C.1, subsection 6.
22 Rate-regulated electric utilities and generation and
23 transmission electric cooperatives would be required within
24 five years to be purchasing a minimum of 2 percent of their
25 required electrical output from distributed generation
26 facilities. The bill specifies percentage requirements
27 applicable to the purchase of electricity from wind, solar,
28 and biomass facilities, and further specifies percentage
29 requirements applicable to such purchases from facilities
30 of varying sizes. If the utility or cooperative fails to
31 document purchasing the required amounts and percentages, the
32 bill states that the civil penalty provisions of Code section
33 476A.14 shall be applicable. This penalty shall not exceed
34 $10,000 for each day of continuing violation. The bill also
35 provides that the board may suspend or revoke the utility's or

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cooperative's license or permit.

The bill states that the board shall utilize existing standard offer contract forms to facilitate interconnection between the utility or cooperative and distributed generation facilities, which would continue in effect for 20 years and be calculated at reasonable and competitive rates. A distributed generating facility, as defined in the bill, of up to 20 megawatts of nameplate generating capacity would be eligible for interconnection. The bill provides that the contract forms shall not contain any provision or impose any requirement which could create or constitute an unreasonable barrier to or burden on the development of distributed generation facilities in Iowa.

The bill takes effect upon enactment.

Senate File 316 - Introduced

SENATE FILE 316
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 200)

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 2113SV (2) 85
da/nh

S.F. 316

1 Section 1. Section 562.1A, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 01. *"Animal feeding operation"* means the
4 same as defined in section 459.102.
5 Sec. 2. Section 562.6, Code 2013, is amended to read as
6 follows:
7 **562.6 Agreement for termination.**
8 If an agreement is made fixing the time of the termination
9 of a tenancy, whether in writing or not, the tenancy shall
10 terminate at the time agreed upon, without notice. Except for
11 a farm tenant who is a mere cropper or a person who holds a
12 farm tenancy with an acreage of less than forty acres where an
13 animal feeding operation is the primary use of the acreage,
14 a farm tenancy ~~with an acreage of forty acres or more~~ shall
15 continue beyond the agreed term for the following crop year and
16 otherwise upon the same terms and conditions as the original
17 lease unless written notice for termination is served upon
18 either party or a successor of the party in the manner provided
19 in section 562.7, whereupon the farm tenancy shall terminate
20 March 1 following. However, the tenancy shall not continue
21 because of an absence of notice if there is default in the
22 performance of the existing rental agreement.
23 EXPLANATION
24 BACKGROUND. Code chapter 562, and specifically Code
25 sections 562.6 and 562.7, provides procedures for terminating a
26 lease involving a farm tenancy. For example, there must be a
27 fixed amount of time between a notice of termination and the
28 actual termination date. Written notice must be given by the
29 first day of September to terminate the lease for the following
30 crop year. The lease then terminates on the first day of
31 March. If there is no timely notice of the termination or the
32 notice does not otherwise satisfy the requirements of the law,
33 the farm tenancy automatically continues under the same terms
34 and conditions of the original lease for the following crop
35 year unless there is a breach in the lease agreement or the

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1 parties agree otherwise. These requirements do not apply to a
2 so-called mere cropper (e.g., a person who farms land on a crop
3 share basis) or a person who leases less than 40 acres.
4 BILL — ELIMINATION OF THE EXCEPTION. This bill eliminates
5 the general exception applying to a farm tenancy in which the
6 lease is for less than 40 acres, but provides that the 40-acre
7 exception would continue to apply where an animal feeding
8 operation is the primary use of the acreage. An animal feeding
9 operation is a place where animals are confined for 45 days or
10 more in a 12-month period (Code section 459.102). Otherwise,
11 under the bill, written notice would also have to be given
12 by the first day of September to terminate the lease for the
13 following crop year, and if notice were given, the lease would
14 terminate on the following first day of March.

Senate File 317 - Introduced

SENATE FILE 317
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 7)

A BILL FOR

1 An Act prohibiting the disbursement of a certain plant,
2 including its seeds, commonly classified as garlic mustard,
3 oriental bittersweet, Japanese knotweed, and Japanese hop
4 within this state, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1345SV (3) 85
da/sc

S.F. 317

Section 1. Section 317.25, Code 2013, is amended to read as follows:

317.25 ~~Teasel,~~ Invasive plants prohibited — teasel, multiflora rose, ~~and~~ purple loosestrife ~~prohibited — exceptions~~, and oriental bittersweet exception — penalty.

1. A person shall not import, sell, offer for sale, or distribute teasel (Dipsacus) biennial, the multiflora rose (Rosa multiflora), purple loosestrife (Lythrum salicaria), purple loosestrife (Lythrum virgatum), ~~or~~ garlic mustard (Alliaria petiolata), oriental bittersweet (Celastrus orbiculatus), Japanese knotweed (Fallopia japonica), or Japanese hop (Humulus japonicus), including the seeds of ~~them~~ those plants, in any form in this state. However, this ~~section~~ subsection does not prohibit the sale, offer for sale, or distribution of the multiflora rose (Rosa multiflora) used for understock for either cultivated roses or ornamental shrubs in gardens.

2. Any person violating ~~the provisions of this section~~ subsection 1 is subject to a fine ~~of~~ not ~~exceeding~~ to exceed one hundred dollars.

EXPLANATION

Current Code section 317.25 originated in 1973 when the 56th General Assembly prohibited the sale, offer for sale, or distribution of teasel (Dipsacus) biennial or its seeds (1973 Iowa Acts, ch. 206). Since then, the general assembly has prohibited the importation of teasel, as well as the importation, sale, offer for sale, or distribution of other plants or their seeds classified as invasive, including the multiflora rose (Rosa multiflora), and purple loosestrife (Lythrum salicaria or Lythrum virgatum). This bill adds garlic mustard (Alliaria petiolata), oriental bittersweet (Celastrus orbiculatus), Japanese knotweed (Fallopia japonica), and Japanese hop (Humulus japonicus) and its seeds to that list.

A person who imports, sells, offers for sale, or distributes these plants is subject to the Code section's existing fine of

S.F. 317

1 not more than $100.

Senate File 318 - Introduced

SENATE FILE 318
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1039)

A BILL FOR

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

TLSB 1163SV (2) 85
jm/rj

S.F. 318

1 Section 1. Section 602.3106, subsection 2, Code 2013,
2 is amended by striking the subsection and inserting in lieu
3 thereof the following:
4 2. The fees collected are appropriated to the judicial
5 branch and shall be used to offset the expenses of the board,
6 including the costs of administering the examination.
7 Sec. 2. Section 602.10108, subsection 2, Code 2013, is
8 amended to read as follows:
9 2. Fees shall be collected by the board and ~~transmitted~~
10 ~~to the treasurer of state who shall deposit the fees in the~~
11 ~~general fund of the state~~ are appropriated to the judicial
12 branch and shall be used to offset the costs of administering
13 this article.
14 EXPLANATION
15 This bill relates to the administration of the judicial
16 branch and makes appropriations.
17 The bill specifies that the fees assessed for shorthand
18 certification examinations are appropriated to the judicial
19 branch and shall be used to offset the expenses of the board
20 of examiners of shorthand reporters, including the costs of
21 administering examinations.
22 The bill specifies that the fees collected for examination
23 and admission to practice law are appropriated to the judicial
24 branch and shall be used to offset the costs of administering
25 the examination and admission process to practice law.

Senate File 319 - Introduced

SENATE FILE 319
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1142)

A BILL FOR

1 An Act relating to the Iowa early intervention block grant
2 program by eliminating the future repeal of the chapter
3 establishing the program and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1958SV (1) 85
kh/sc

S.F. 319

1 Section 1. REPEAL. Section 256D.9, Code 2013, is repealed.
2 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 immediate importance, takes effect upon enactment.
4 EXPLANATION
5 This bill repeals a provision that specifies a date for the
6 future repeal of Code chapter 256D, the Code chapter which
7 establishes the Iowa early intervention block grant program,
8 and makes the repeal effective upon enactment.

Senate File 320 - Introduced

SENATE FILE 320
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1226)

A BILL FOR

1 An Act requiring the board of directors of a school district to
2 develop and implement a comprehensive emergency management
3 plan.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2495SV (1) 85
rh/rj

S.F. 320

1 Section 1. NEW SECTION. **279.9C School safety plan.**
2 Each board of directors of a school district shall develop
3 and implement a comprehensive emergency management plan that
4 addresses school safety, security procedures, and emergency
5 guidelines relating to school shootings, assaults, and other
6 incidences that threaten the safety and security of school
7 students and school employees. The emergency management plan
8 shall include training procedures for teachers and other school
9 employees and students and shall also include a plan to develop
10 and implement school-community partnerships, including mental
11 health service partnerships, in the local community.
12 EXPLANATION
13 The bill requires each board of directors of a school
14 district to develop and implement a comprehensive emergency
15 management plan that addresses school safety, security
16 procedures, and emergency guidelines relating to school
17 shootings, assaults, and other incidences that threaten the
18 safety and security of school students and school employees,
19 which shall include training procedures for teachers and other
20 school employees and students. The plan shall also include a
21 plan to develop and implement school-community partnerships,
22 including mental health service partnerships, in the local
23 community.

Senate File 321 - Introduced

SENATE FILE 321
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 120)

A BILL FOR

1 An Act modifying the funding requirements for whole grade
2 sharing agreements and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1885SV (1) 85
md/sc

S.F. 321

Section 1. Section 282.12, subsection 2, Code 2013, is amended to read as follows:

2. For one-way sharing, the sending district shall pay ~~no less than one-half~~ a percentage of the district cost per pupil of the sending district that is proportionate to the percentage of the pupil's school day during which the pupil attends classes in the receiving district minus any actual costs incurred by the sending district including but not limited to transportation and administration costs, if such costs are specified in the agreement.

Sec. 2. APPLICABILITY. This Act applies to sharing agreements entered into on or after July 1, 2013.

EXPLANATION

Current Code section 282.12 requires a sending district in a one-way whole grade sharing agreement to pay to the receiving district not less than one-half of the sending district's cost per pupil. This bill requires a sending district in a one-way whole grade sharing agreement to pay a percentage of the sending district's cost per pupil that is proportionate to the percentage of the pupil's school day during which the pupil attends classes in the receiving district minus any actual costs incurred by the sending district including but not limited to transportation and administration costs, if such costs are specified in the agreement.

The bill applies to sharing agreements entered into on or after July 1, 2013.

Senate File 322 - Introduced

SENATE FILE 322
BY BERTRAND, CHELGREN, SMITH,
and SORENSON

A BILL FOR

1 An Act requiring bills designed to amend, revise, enact,
2 codify, or repeal a law to include a statement specifying
3 the purpose for enactment of the bill.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2252ST (2) 85
ec/rj

S.F. 322

1 Section 1. Section 3.1, subsection 1, Code 2013, is amended
2 by adding the following new paragraph:
3 NEW PARAGRAPH. *d.* Shall include a concise and definite
4 statement of the purpose for the enactment of the bill.
5 EXPLANATION
6 The bill requires all bills designed to amend, revise,
7 enact, codify, or repeal a law to include a statement
8 specifying the purpose for the enactment of the bill.

Senate File 323 - Introduced

SENATE FILE 323
BY BEHN, BOETTGER, JOHNSON, ZAUN, HOUSER, KAPUCIAN, GREINER, CHAPMAN, CHELGREN, SORENSON, BERTRAND, ERNST, ANDERSON, FEENSTRA, SINCLAIR, and ROZENBOOM

A BILL FOR

1 An Act providing education savings grants for pupils attending
2 a nonpublic school or receiving competent private
3 instruction, establishing an education savings grant fund,
4 making appropriations, providing penalties, and including
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2006XS (7) 85
md/sc

S.F. 323

1 Section 1. Section 256.7, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 33. Adopt rules relating to applications
4 for an education savings grant pursuant to section 257.11B,
5 including application processing timelines and information
6 required to be submitted by a parent or guardian.
7 Sec. 2. NEW SECTION. **257.11B Education savings grant**
8 **program.**
9 1. Pupils eligible to enroll in grades kindergarten through
10 twelve and attending a nonpublic school or receiving competent
11 private instruction under chapter 299A shall be eligible to
12 receive an education savings grant in the manner provided in
13 this section for school years beginning on or after July 1,
14 2014. Education savings grants shall be made available to
15 parents and guardians in the manner authorized under subsection
16 4, paragraph *"c"*, for the payment of qualified education
17 expenses as provided in this section.
18 2. *a.* (1) By January 31 preceding the school year for
19 which the education savings grant is requested, the parent
20 or guardian of the pupil requesting to receive an education
21 savings grant shall submit an application to the department of
22 education, on application forms developed by the department,
23 indicating that the parent or guardian intends to enroll the
24 pupil in a nonpublic school or provide competent private
25 instruction for the pupil under chapter 299A.
26 (2) In addition to such information deemed appropriate by
27 the department of education, the application shall require
28 certification from the nonpublic school of the pupil's
29 enrollment for the following school year or a statement
30 indicating the parent or guardian's intent to provide or
31 arrange for competent private instruction for the pupil for the
32 following school year.
33 *b.* By March 1 preceding the school year for which the
34 education savings grant is requested, the department of
35 education shall notify the department of management of the

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1 number of pupils in each school district designated for the
2 following school year to receive an education savings grant
3 and the amount of the education savings grant for each pupil.
4 The department of education shall also notify the parent
5 or guardian of such pupils who are approved to receive an
6 education savings grant.
7 *c.* Education savings grants shall only be approved for one
8 school year and applications must be submitted under paragraph
9 *"a"* for education savings grants in subsequent school years.
10 3. *a.* The department of management shall assign each pupil
11 an education savings grant in an amount equal to the statewide
12 average state foundation aid per pupil in the same school year.
13 *b.* The department of management shall on July 1 following
14 the determination of the amount of the education savings grant
15 for each approved pupil transfer such amounts to the pupil's
16 account in the education savings grant fund established under
17 subsection 4. Such amount shall be available to the pupil's
18 parent or guardian in the manner authorized under subsection
19 4, paragraph *"c"*, for the payment of qualified educational
20 expenses incurred by such persons for the pupil during that
21 school year.
22 4. An education savings grant fund is created in the state
23 treasury under the control of the department of management
24 consisting of moneys appropriated to the department for the
25 purpose of providing education savings grants under this
26 section. For the fiscal year commencing July 1, 2014, and
27 each succeeding fiscal year, there is appropriated from the
28 general fund of the state to the department of management to be
29 credited to the fund the amount necessary to pay all education
30 savings grants approved for that fiscal year. The director of
31 the department of management has all powers necessary to carry
32 out and effectuate the purposes, objectives, and provisions of
33 this section pertaining to the fund, including the power to do
34 all of the following:
35 *a.* Make and enter into contracts necessary for the

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1 administration of the fund.
2 *b.* Procure insurance against any loss in connection with the
3 assets of the fund or require a surety bond.
4 *c.* Contract with a private financial management firm to
5 manage the fund, in collaboration with the treasurer of state,
6 including providing for the disbursement of education savings
7 grants in the form of an electronic debit card or checks that
8 are payable directly from the pupil's account within the fund.
9 *d.* Conduct audits or other review necessary to properly
10 administer the program.
11 *e.* Adopt rules pursuant to chapter 17A for the
12 administration of the fund and accounts within the fund.
13 5. *a.* For each pupil approved for an education savings
14 grant, the department shall establish an account for that
15 pupil in the education savings grant fund. The amount of the
16 pupil's education savings grant determined under subsection
17 3 shall be deposited into the pupil's account on July 1 and
18 such amount shall be immediately available for the payment of
19 qualified education expenses incurred by the parent or guardian
20 for the pupil during that fiscal year using the payment method
21 authorized under subsection 4, paragraph *"c"*.
22 *b.* A nonpublic school or other entity that accepts payment
23 from a parent or guardian using funds from a pupil's account in
24 the education savings grant fund shall not refund, rebate, or
25 share any portion of such payment with the parent, guardian, or
26 pupil.
27 *c.* Moneys remaining in a pupil's account upon conclusion
28 of the fiscal year shall remain in the pupil's account within
29 the education savings grant fund for the payment of qualified
30 educational expenses in future fiscal years or for the payment
31 of higher education costs under subsection 8.
32 6. For purposes of this section, *"qualified educational*
33 *expense"* includes tuition and fees at a nonpublic school,
34 textbooks, fees or payments for tutoring or cognitive skills
35 training, curriculum materials, tuition or fees for nonpublic

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online education programs, education materials and services for pupils with disabilities, standardized test fees, fees required by the department not to exceed for each grant recipient five percent of the total grant amount in any fiscal year, and other expenses incurred by the parent or guardian that are directly related to the education of the pupil at a nonpublic school, including a nonpublic school accredited by an independent accrediting agency approved by the department of education, or directly related to providing competent private instruction for the pupil under chapter 299A. The cost of one computer or other portable computing device shall be allowed as a qualified educational expense for a pupil if such a purchase has not been made using funds from that pupil's account in either of the two immediately preceding fiscal years. *"Qualified educational expenses"* do not include transportation costs for the pupil, the cost of food or refreshments consumed by the pupil, the cost of clothing for the pupil, or the cost of disposable materials including but not limited to paper, notebooks, pencils, pens, and art supplies.

7. A person who makes a false claim for the purpose of obtaining an education savings grant provided for in this section or who knowingly receives the grant or makes a payment from an account within the education savings grant fund without being legally entitled to it is guilty of a fraudulent practice. The false claim for an education savings grant or a payment from an account shall be disallowed and if amounts from the grant have been disbursed from the applicable account in the education savings grant fund, the department of management shall initiate legal proceedings to recover such amounts. A parent or guardian, or a pupil for purposes of subsection 8, who violates this subsection is prohibited from participating in the education savings grant program in the future.

8. For each pupil with a positive balance in the pupil's account in the education savings grant fund upon graduation from high school or completion of an equivalent level of

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1 competent private instruction under chapter 299A, the
2 department of management shall maintain such account in the
3 fund until the pupil is twenty-five years of age. Following
4 graduation from high school until the pupil is twenty-five
5 years of age, moneys in the pupil's account may be used for
6 higher education costs, as defined in section 12D.1, subsection
7 2, incurred by the pupil while attending an institution of
8 higher education under the control of the state board of
9 regents, a community college located in this state, or a
10 private college or university located in this state. Payments
11 from a pupil's account for higher education costs shall be
12 made in the same manner as payments for qualified educational
13 expenses under subsection 5. Moneys in a pupil's account when
14 the pupil turns twenty-five years of age shall be transferred
15 by the department for deposit in the general fund of the state.
16 9. This section shall not be construed to authorize this
17 state or any political subdivision of this state to exercise
18 authority over any nonpublic school or pupil receiving
19 competent private instruction under chapter 299A or construed
20 to require a nonpublic school to modify its admissions or
21 educational program in order to receive payment from a parent
22 or guardian using funds from a pupil's account in the education
23 savings grant fund. A nonpublic school or entity providing
24 competent private instruction under chapter 299A, that accepts
25 payment from a parent or guardian using funds from a pupil's
26 account in the education savings grant fund is not an agent of
27 this state or other political subdivision of this state. Rules
28 adopted by the department to implement this section that impose
29 an undue burden on a nonpublic school or entity providing
30 competent private instruction under chapter 299A are invalid.
31 Sec. 3. APPLICABILITY. This Act applies to school budget
32 years and fiscal years beginning on or after July 1, 2014.
33 EXPLANATION
34 This bill provides education savings grants for pupils
35 attending a nonpublic school or receiving competent private

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1 instruction and establishes an education savings grant fund.
2 Under the bill, pupils eligible to enroll in grades
3 kindergarten through 12 and attending a nonpublic school or
4 receiving competent private instruction under Code chapter
5 299A are eligible to receive an education savings grant for
6 school years beginning on or after July 1, 2014. By January 31
7 preceding the school year for which the education savings grant
8 is requested, the parent or guardian of the pupil requesting to
9 receive an education savings grant must submit an application
10 to the department of education indicating that the parent or
11 guardian intends to enroll the pupil in a nonpublic school or
12 provide competent private instruction for the pupil.
13 The bill requires that by March 1 preceding the school
14 year for which the education savings grant is requested,
15 the department of education must notify the department of
16 management of the number of pupils in each school district
17 designated for the following school year to receive an
18 education savings grant and the amount of the education savings
19 grant for each pupil. Education savings grants may only be
20 approved for one school year and applications must be submitted
21 for education savings grants in subsequent school years.
22 The amount of each education savings grant is equal to the
23 statewide average state foundation aid per pupil in the same
24 school year.
25 The bill creates an education savings grant fund in the state
26 treasury under the control of the department of management
27 consisting of moneys appropriated to the department for the
28 purpose of providing education savings grants. For the fiscal
29 year commencing July 1, 2014, and each succeeding fiscal year,
30 there is appropriated from the general fund of the state to the
31 department of management for deposit in the fund the amount
32 necessary to pay all education savings grants approved for that
33 fiscal year. For each pupil approved for an education savings
34 grant, the department of management must establish an account
35 for that pupil in the education savings grant fund. The amount

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1 of the pupil's education savings grant is deposited into the
2 pupil's account on July 1 and such amount is available for use
3 by parents and guardians for the payment of qualified education
4 expenses, as defined in the bill, incurred by the parent or
5 guardian for the pupil during that fiscal year.
6 The bill authorizes the department of education to
7 contract with a private financial management firm to manage
8 the education savings grant fund, in collaboration with the
9 treasurer of state, including providing for the disbursement
10 of education savings grants in the form of an electronic debit
11 card or checks that are payable directly from the pupil's
12 account within the fund.
13 The bill provides that moneys remaining in a pupil's account
14 upon the conclusion of the fiscal year shall remain in the
15 pupil's account within the education savings grant fund for
16 the payment of qualified educational expenses in future fiscal
17 years or for higher education costs as authorized in the bill.
18 Under the bill, for each pupil with a positive balance in
19 the pupil's account in the education savings grant fund upon
20 graduation from high school or completion of an equivalent
21 level of competent private instruction under Code chapter
22 299A, the department of management is required to maintain the
23 account in the fund until the pupil is 25 years old. Until
24 the pupil is 25 years old, moneys in the pupil's account may
25 be used by the pupil for higher education costs, as defined
26 in Code section 12D.1. Moneys in a pupil's account when the
27 pupil turns 25 years old are transferred by the department of
28 management for deposit in the general fund of the state.
29 The bill provides that a person who makes a false claim for
30 the purpose of obtaining an education savings grant or who
31 knowingly receives the grant or makes a payment from an account
32 within the education savings grant fund without being legally
33 entitled to it is guilty of a fraudulent practice and is
34 subject to a criminal penalty. The bill allows the department
35 of management to initiate legal proceedings to recover grants

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1 and amounts improperly awarded or paid from accounts under the
2 bill.
3 The bill applies to school budget years and fiscal years
4 beginning on or after July 1, 2014.

Senate File 324 - Introduced

SENATE FILE 324
BY CHAPMAN, ANDERSON,
CHELGREN, BERTRAND,
SORENSON, and WHITVER

A BILL FOR

1 An Act to establish a future repeal date for all administrative
2 rules.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1688XS (3) 85
jr/rj

S.F. 324

Section 1. Section 17A.5, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A rule made effective in whole or in part pursuant to this section on or after July 1, 2013, shall expire and be of no effect five years after such effective date. The rule, or portion of the rule, may be adopted anew by the agency using the procedure set out in section 17A.4, subsection 1.

EXPLANATION

This bill establishes a five-year sunset for all rules made effective in whole or in part on or after July 1, 2013. The rule or portion of the rule may be readopted by publishing a new notice of intended action and subsequently acting to adopt the noticed rule.

Senate File 325 - Introduced

SENATE FILE 325
BY CHAPMAN, ERNST, JOHNSON,
GUTH, and ANDERSON

A BILL FOR

1 An Act relating to the rights of members of a residential
2 cooperative or owners of a condominium.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2158XS (3) 85
jr/sc

S.F. 325

1 Section 1. Section 499A.2A, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3. *a.* The bylaws shall not prohibit
4 or restrict a member from displaying political signs for
5 sixty days prior to the day of an election and fourteen days
6 following such election, or restrict the size of the sign to
7 less than seven hundred fifty square inches.
8 *b.* Subject to the size provisions in this subsection, signs
9 advocating for or against a specific issue may be displayed at
10 any time.
11 Sec. 2. Section 499B.15, Code 2013, is amended to read as
12 follows:
13 **499B.15 Contents of bylaws.**
14 1. The bylaws must provide for at least the following:
15 ~~1.~~ *a.* The form of administration, indicating whether
16 this shall be in charge of an administrator or of a board of
17 administration, or otherwise, and specifying the powers, manner
18 of removal, and, where proper, the compensation thereof.
19 ~~2.~~ *b.* If the form of administration is a board of
20 administration, board meetings must be open to all apartment
21 owners except for meetings between the board and its attorney
22 with respect to proposed or pending litigation where the
23 contents of the discussion would otherwise be governed by
24 the attorney-client privilege. Notice of each board meeting
25 must be mailed or delivered to each apartment owner at least
26 seven days before the meeting. Minutes of meetings of the
27 board of administration must be maintained in written form
28 or in another form that can be converted into written form
29 within a reasonable time. The official records of the board
30 of administration must be open to inspection and available for
31 photocopying at reasonable times and places. Any action taken
32 by a board of administration at a meeting that is in violation
33 of any of the provisions of this subsection is not valid or
34 enforceable.
35 ~~3.~~ *c.* Method of calling or summoning the co-owners

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to assemble; what percentage, if other than a majority of apartment owners, shall constitute a quorum; who is to preside over the meeting and who will keep the minute book wherein the resolutions shall be recorded.

~~4.~~ *d.* Maintenance, repair, and replacement of the common areas and facilities and payments therefor including the method of approving payment vouchers.

~~5.~~ *e.* Manner of collecting from the apartment owners their share of the common expenses.

~~6.~~ *f.* Designation and removal of personnel necessary for the maintenance, repair, and replacement of the common areas and facilities.

~~7.~~ *g.* The percentage of votes required to amend the bylaws.

2. *a.* The bylaws shall not prohibit or restrict a member from displaying political signs for sixty days prior to the day of an election and fourteen days following such election, or restrict the size of the sign to less than seven hundred fifty square inches.

b. Subject to the size provisions in this subsection, signs advocating for or against a specific issue may be displayed at any time.

EXPLANATION

This bill prohibits the bylaws of homeowners associations or of housing cooperatives from restricting individual owners from displaying political signs less than 60 days prior to any election and 14 days following any election, and cannot restrict the size of the sign to less than 750 square inches.

The bill provides that signs advocating for or against a specific issue may be displayed at any time.

Senate File 326 - Introduced

SENATE FILE 326
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1189)

A BILL FOR

1 An Act making modifications to the sex offender registry and
2 the statute of limitations for sex abuse offenses, creating
3 a missing children safety fund, and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2091SV (1) 85
jm/rj

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DIVISION I
SEX OFFENDER REGISTRY MODIFICATIONS

Section 1. Section 692A.102, Code 2013, is amended to read as follows:

692A.102 Sex offense classifications.

~~1.~~ For purposes of this chapter, all individuals required to register shall be classified as a tier I, tier II, or tier III offender pursuant to section 692A.102B. Convictions of more than one sex offense which require registration under this chapter but which are prosecuted within a single indictment shall be considered as a single offense for purposes of registration. For purposes of this chapter, sex offenses are ~~classified into the following tiers~~ the following:

~~*a.* Tier I offenses include a conviction for the following sex offenses:~~

~~(1)~~ 1. Sexual abuse in the second degree in violation of section 709.3, subsection 2, if committed by a person under the age of fourteen.

~~(2)~~ 2. Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3, or 4, if committed by a person under the age of fourteen.

~~(3)~~ 3. Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph *"a"* or *"b"*, if committed by a person under the age of fourteen.

~~(4)~~ 4. Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph *"c"*.

~~(5)~~ 5. Indecent exposure in violation of section 709.9.

~~(6) (a)~~ 6. *a.* Harassment in violation of section 708.7, subsection 1, 2, or 3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

~~(b)~~ *b.* Stalking in violation of section 708.11, if a determination is made that the offense was sexually motivated pursuant to section 692A.126, except a violation of section 708.11, subsection 3, paragraph *"b"*, subparagraph (3)~~, shall be classified a tier II offense as provided in paragraph *"b"*~~.

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1 ~~(c)~~ *c.* Any other indictable offense in violation of chapter
2 708 if the offense is committed against a minor and if a
3 determination is made that the offense was sexually motivated
4 pursuant to section 692A.126.
5 ~~(7)~~ 7. Pimping in violation of section 725.2 if the offense
6 was committed against a minor or otherwise involves a minor
7 and if a determination is made that the offense was sexually
8 motivated pursuant to section 692A.126.
9 ~~(8)~~ 8. Pandering in violation of section 725.3, subsection
10 2, if a determination is made that the offense was sexually
11 motivated pursuant to section 692A.126.
12 ~~(9)~~ 9. Any indictable offense in violation of chapter
13 726 if the offense is committed against a minor or otherwise
14 involves a minor and if a determination is made that the
15 offense was sexually motivated pursuant to section 692A.126.
16 ~~(10) (a)~~ 10. *a.* Dissemination or exhibition of obscene
17 material to minors in violation of section 728.2 or telephone
18 dissemination of obscene material to minors in violation of
19 section 728.15.
20 ~~(b)~~ *b.* Rental or sale of hard-core pornography, if delivery
21 is to a minor, in violation of section 728.4.
22 ~~(11)~~ 11. Admitting minors to premises where obscene
23 material is exhibited in violation of section 728.3.
24 ~~(12)~~ 12. Receipt or possession of child pornography in
25 violation of 18 U.S.C. § 2252.
26 ~~(13)~~ 13. Material containing child pornography in
27 violation of 18 U.S.C. § 2252A.
28 ~~(14)~~ 14. Misleading domain names on the internet in
29 violation of 18 U.S.C. § 2252B.
30 ~~(15)~~ 15. Misleading words or digital images on the internet
31 in violation of section 18 U.S.C. § 2252C.
32 ~~(16)~~ 16. Failure to file a factual statement about an alien
33 individual in violation of 18 U.S.C. § 2424.
34 ~~(17)~~ 17. Transmitting information about a minor to further
35 criminal sexual conduct in violation of 18 U.S.C. § 2425.

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1 ~~(18) Any sex offense specified in the laws of another~~
2 ~~jurisdiction or any sex offense that may be prosecuted in~~
3 ~~federal, military, or foreign court, that is comparable to an~~
4 ~~offense listed in subparagraphs (1) through (17).~~
5 ~~(19) Any sex offense under the prior laws of this state or~~
6 ~~another jurisdiction, or any sex offense under prior law that~~
7 ~~was prosecuted in a federal, military, or foreign court, that~~
8 ~~is comparable to an offense listed in subparagraphs (1) through~~
9 ~~(17).~~
10 ~~*b.* Tier II offenses include a conviction for the following~~
11 ~~sex offenses:~~
12 ~~(1)~~ 18. Lascivious acts with a child in violation of
13 section 709.8, subsection 3 or 4.
14 ~~(2)~~ 19. Solicitation of a minor to engage in an illegal sex
15 act in violation of section 705.1.
16 ~~(3)~~ 20. Solicitation of a minor to engage in an illegal
17 act under section 709.8, subsection 3, in violation of section
18 705.1.
19 ~~(4)~~ 21. Solicitation of a minor to engage in an illegal act
20 under section 709.12, in violation of section 705.1.
21 ~~(5)~~ 22. False imprisonment of a minor in violation of
22 section 710.7, except if committed by a parent.
23 ~~(6)~~ 23. Assault with intent to commit sexual abuse if no
24 injury results in violation of section 709.11.
25 ~~(7)~~ 24. Invasion of privacy — nudity in violation of
26 section 709.21.
27 ~~(8)~~ 25. Stalking in violation of section 708.11, subsection
28 3, paragraph *"b"*, subparagraph (3), if a determination is made
29 that the offense was sexually motivated pursuant to section
30 692A.126.
31 ~~(9)~~ 26. Indecent contact with a child in violation of
32 section 709.12, if the child is thirteen years of age.
33 ~~(10)~~ 27. Lascivious conduct with a minor in violation of
34 section 709.14.
35 ~~(11)~~ 28. Sexual exploitation by a counselor, therapist, or

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1 school employee in violation of section 709.15, if the victim
2 is thirteen years of age or older.
3 ~~(12)~~ 29. Sexual misconduct with offenders and juveniles in
4 violation of section 709.16, if the victim is thirteen years of
5 age or older.
6 ~~(13)~~ 30. Sexual abuse of a corpse in violation of section
7 709.18.
8 ~~(14)~~ 31. Kidnapping of a person who is not a minor in
9 violation of section 710.2, 710.3, or 710.4, if a determination
10 is made that the offense was sexually motivated pursuant to
11 section 692A.126.
12 ~~(15)~~ 32. Pandering in violation of section 725.3.
13 ~~(16)~~ 33. Solicitation of a minor to engage in an illegal
14 act under section 725.3, subsection 2, in violation of section
15 705.1.
16 ~~(17)~~ 34. Incest committed against a dependent adult as
17 defined in section 235B.2 in violation of section 726.2.
18 ~~(18)~~ 35. Incest committed against a minor in violation of
19 section 726.2.
20 ~~(19)~~ 36. Sexual exploitation of a minor in violation of
21 section 728.12, subsection 2 or 3.
22 ~~(20)~~ 37. Material involving the sexual exploitation of a
23 minor in violation of 18 U.S.C. § 2252(a), except receipt or
24 possession of child pornography.
25 ~~(21)~~ 38. Production of sexually explicit depictions of
26 a minor for import into the United States in violation of 18
27 U.S.C. § 2260.
28 ~~(22)~~ 39. Transportation of a minor for illegal sexual
29 activity in violation of 18 U.S.C. § 2421.
30 ~~(23)~~ 40. Coercion and enticement of a minor for illegal
31 sexual activity in violation of 18 U.S.C. § 2422(a) or (b).
32 ~~(24)~~ 41. Transportation of minors for illegal sexual
33 activity in violation of 18 U.S.C. § 2423(a).
34 ~~(25)~~ 42. Travel with the intent to engage in illegal sexual
35 conduct with a minor in violation of 18 U.S.C. § 2423.

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1 ~~(26)~~ 43. Engaging in illicit sexual conduct in foreign
2 places in violation of 18 U.S.C. § 2423(c).
3 ~~(27)~~ 44. Video voyeurism of a minor in violation of 18
4 U.S.C. § 1801.
5 ~~(28) Any sex offense specified in the laws of another~~
6 ~~jurisdiction or any offense that may be prosecuted in a~~
7 ~~federal, military, or foreign court, that is comparable to an~~
8 ~~offense listed in subparagraphs (1) through (27).~~
9 ~~(29) Any sex offense under the prior laws of this state~~
10 ~~or another jurisdiction, or any sex offense under prior law~~
11 ~~that was prosecuted in a federal, military, or foreign court,~~
12 ~~that is comparable to a sex offense listed in subparagraphs (1)~~
13 ~~through (27).~~
14 ~~*c.* Tier III offenses include a conviction for the following~~
15 ~~sex offenses:~~
16 ~~(1)~~ 45. Murder in violation of section 707.2 or 707.3 if
17 sexual abuse as defined in section 709.1 is committed during
18 the commission of the offense.
19 ~~(2)~~ 46. Murder in violation of section 707.2 or 707.3, if
20 a determination is made that the offense was sexually motivated
21 pursuant to section 692A.126.
22 ~~(3)~~ 47. Voluntary manslaughter in violation of section
23 707.4, if a determination is made that the offense was sexually
24 motivated pursuant to section 692A.126.
25 ~~(4)~~ 48. Involuntary manslaughter in violation of section
26 707.5, if a determination is made that the offense was sexually
27 motivated pursuant to section 692A.126.
28 ~~(5)~~ 49. Attempt to commit murder in violation of section
29 707.11, if a determination is made that the offense was
30 sexually motivated pursuant to section 692A.126.
31 ~~(6)~~ 50. Penetration of the genitalia or anus with an object
32 in violation of section 708.2, subsection 5.
33 ~~(7)~~ 51. Sexual abuse in the first degree in violation of
34 section 709.2.
35 ~~(8)~~ 52. Sexual abuse in the second degree in violation of

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1 section 709.3, subsection 1 or 3.
2 ~~(9)~~ 53. Sexual abuse in the second degree in violation of
3 section 709.3, subsection 2, if committed by a person fourteen
4 years of age or older.
5 ~~(10)~~ 54. Sexual abuse in the third degree in violation of
6 section 709.4, subsection 1, 3, or 4, if committed by a person
7 fourteen years of age or older.
8 ~~(11)~~ 55. Sexual abuse in the third degree in violation of
9 section 709.4, subsection 2, paragraph *"a"* or *"b"*, if committed
10 by a person fourteen years of age or older.
11 ~~(12)~~ 56. Lascivious acts with a child in violation of
12 section 709.8, subsection 1 or 2.
13 ~~(13)~~ 57. Kidnapping in violation of section 710.2 if sexual
14 abuse as defined in section 709.1 is committed during the
15 commission of the offense.
16 ~~(14)~~ 58. Kidnapping of a minor in violation of section
17 710.2, 710.3, or 710.4, if a determination is made that the
18 offense was sexually motivated pursuant to section 692A.126.
19 ~~(15)~~ 59. Assault with intent to commit sexual abuse
20 resulting in serious or bodily injury in violation of section
21 709.11.
22 ~~(16)~~ 60. Burglary in the first degree in violation of
23 section 713.3, subsection 1, paragraph *"d"*.
24 ~~(17)~~ 61. Any other burglary in the first degree offense in
25 violation of section 713.3 that is not included in ~~subparagraph~~
26 ~~(16)~~ subsection 60, if a determination is made that the offense
27 was sexually motivated pursuant to section 692A.126.
28 ~~(18)~~ 62. Attempted burglary in the first degree in
29 violation of section 713.4, if a determination is made that the
30 offense was sexually motivated pursuant to section 692A.126.
31 ~~(19)~~ 63. Burglary in the second degree in violation of
32 section 713.5, if a determination is made that the offense was
33 sexually motivated pursuant to section 692A.126.
34 ~~(20)~~ 64. Attempted burglary in the second degree in
35 violation of section 713.6, if a determination is made that the

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offense was sexually motivated pursuant to section 692A.126.

~~(21)~~ 65. Burglary in the third degree in violation of section 713.6A, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

~~(22)~~ 66. Attempted burglary in the third degree in violation of section 713.6B, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

~~(23)~~ 67. Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph *"a"*.

~~(24)~~ 68. Human trafficking in violation of section 710A.2 if sexual abuse or assault with intent to commit sexual abuse is committed or sexual conduct or sexual contact is an element of the offense.

~~(25)~~ 69. Purchase or sale of an individual in violation of section 710.11 if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

~~(26)~~ 70. Sexual exploitation of a minor in violation of section 728.12, subsection 1.

~~(27)~~ 71. Indecent contact with a child in violation of section 709.12 if the child is under thirteen years of age.

~~(28)~~ 72. Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the child is under thirteen years of age.

~~(29)~~ 73. Sexual misconduct with offenders and juveniles in violation of section 709.16, if the child is under thirteen years of age.

~~(30)~~ 74. Child stealing in violation of section 710.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

~~(31)~~ 75. Enticing a minor in violation of section 710.10, if the violation includes an intent to commit sexual abuse, sexual exploitation, sexual contact, or sexual conduct directed towards a minor.

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1 ~~(32)~~ 76. Solicitation of commercial sexual activity in
2 violation of section 710A.2A.
3 ~~(33)~~ 77. Sex trafficking of children in violation of 18
4 U.S.C. § 1591.
5 ~~(34)~~ 78. Aggravated sexual abuse in violation of 18 U.S.C.
6 § 2241.
7 ~~(35)~~ 79. Sexual abuse in violation of 18 U.S.C. § 2242.
8 ~~(36)~~ 80. Sexual abuse of a minor or ward in violation of
9 18 U.S.C. § 2243.
10 ~~(37)~~ 81. Abusive sexual contact in violation of 18 U.S.C.
11 § 2244.
12 ~~(38)~~ 82. Offenses resulting in death in violation of 18
13 U.S.C. § 2245.
14 ~~(39)~~ 83. Sexual exploitation of children in violation of
15 18 U.S.C. § 2251.
16 ~~(40)~~ 84. Selling or buying of children in violation of 18
17 U.S.C. § 2251A.
18 ~~(41)~~ 85. Any sex offense specified in the laws of another
19 jurisdiction or any sex offense that may be prosecuted in
20 federal, military, or foreign court, that is comparable to an
21 offense listed in ~~subparagraphs (1) through (40)~~ this section.
22 ~~(42)~~ 86. Any sex offense under the prior laws of this state
23 or another jurisdiction, or any sex offense under prior law
24 that was prosecuted in federal, military, or foreign court,
25 that is comparable to a sex offense listed in ~~subparagraphs (1)~~
26 ~~through (40)~~ this section.
27 ~~2. A sex offender classified as a tier I offender shall be~~
28 ~~reclassified as a tier II offender, if it is determined the~~
29 ~~offender has one previous conviction for an offense classified~~
30 ~~as a tier I offense.~~
31 ~~3. A sex offender classified as a tier II offender, shall be~~
32 ~~reclassified as a tier III offender, if it is determined the~~
33 ~~offender has a previous conviction for a tier II offense or has~~
34 ~~been reclassified as a tier II offender because of a previous~~
35 ~~conviction.~~

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1 ~~4. Notwithstanding the classifications of sex offenses~~
2 ~~in subsection 1, any sex offense which would qualify a sex~~
3 ~~offender as a sexually violent predator shall be classified as~~
4 ~~a tier III offense.~~
5 ~~5. An offense classified as a tier II offense if committed~~
6 ~~against a person under thirteen years of age shall be~~
7 ~~reclassified as a tier III offense.~~
8 ~~6. Convictions of more than one sex offense which require~~
9 ~~registration under this chapter but which are prosecuted within~~
10 ~~a single indictment shall be considered as a single offense for~~
11 ~~purposes of registration.~~
12 Sec. 2. NEW SECTION. **692A.102A Assessment of risks —**
13 **tiers.**
14 1. The department of corrections, the department of human
15 services, and the department of public safety shall, in
16 consultation with one another, develop methods and procedures
17 for the assessment of the risk to reoffend for a sex offender
18 newly required to register under this chapter on or after July
19 1, 2013, or for an offender required to register prior to
20 July 1, 2013, but who have not registered. The department
21 of corrections, in consultation with the department of human
22 services, the department of public safety, and the attorney
23 general, shall adopt rules relating to assessment procedures.
24 The assessment procedures shall include procedures for the
25 sharing of information between the department of corrections,
26 department of human services, the juvenile court, and the
27 division of criminal investigation of the department of public
28 safety, as well as the communication of the results of the risk
29 assessment to criminal and juvenile justice agencies. The
30 assignment of responsibility for the assessment of risk shall
31 be as follows:
32 *a.* The department of corrections or a judicial district
33 department of correctional services shall perform the
34 assessment of risk for sex offenders who are incarcerated
35 in institutions under the control of the director of

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1 the department of corrections, persons who are under the
2 supervision of the department of corrections or a judicial
3 district department of correctional services, and sex offenders
4 who are under the supervision or control of the department of
5 corrections or a judicial district department of correctional
6 services through an interstate compact.
7 *b.* The department of human services shall perform the
8 assessment of risk for sex offenders who are confined in
9 institutions under the control of the director of human
10 services, sex offenders who are under the supervision of the
11 department of human services, and sex offenders who are under
12 the supervision or control of the department of human services
13 through an interstate compact.
14 *c.* The division of criminal investigation of the department
15 of public safety shall perform the assessment of risk for
16 sex offenders who have moved to Iowa but are not under the
17 supervision of the department of corrections, a judicial
18 district department of correctional services, or the department
19 of human services; federal parolees or probationers; sex
20 offenders who have been released from a county jail but are
21 not under the supervision of the department of corrections,
22 a judicial district department of correctional services,
23 a juvenile court officer of the judicial branch, or the
24 department of human services; and persons who are convicted
25 and released by the courts and are not incarcerated or placed
26 under supervision pursuant to the court's sentencing order.
27 Assessments of sex offenders who have moved to Iowa and sex
28 offenders on federal parole or probation shall be performed
29 on an expedited basis if the sex offender was classified as a
30 person with a high degree of likelihood of reoffending by the
31 other jurisdiction or the federal government.
32 *d.* A juvenile court officer shall perform the assessment of
33 risk for a juvenile sex offender who is adjudicated delinquent
34 for a criminal offense listed in section 692A.102 and who is
35 under the juvenile court officer's supervision.

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1 2. The department of public safety shall be responsible
2 for disclosing the classification of risk information to a
3 criminal or juvenile justice agency for law enforcement,
4 prosecution, or for public notification purposes. The results
5 of the assessment of risk shall be disclosed as other relevant
6 information is disclosed under section 692A.121.
7 3. A sex offender on the sex offender registry prior to July
8 1, 2013, and who is on the sex offender registry on or after
9 July 1, 2013, shall remain in the tier classification assigned
10 to the sex offender as of July 1, 2013, until such time that a
11 risk assessment is performed pursuant to this section.
12 Sec. 3. NEW SECTION. **692A.102B Tiers.**
13 After the assessment of risk has been performed pursuant
14 to section 602A.102A, a sex offender assessed a high risk
15 to reoffend shall be classified a tier III offender, a
16 sex offender assessed a moderate risk to reoffend shall be
17 classified as a tier II offender, and a sex offender assessed a
18 low risk to reoffend shall be classified a tier I offender.
19 Sec. 4. Section 692A.103, subsection 1, unnumbered
20 paragraph 1, Code 2013, is amended to read as follows:
21 A person who has been convicted of any sex offense ~~classified~~
22 ~~as a tier I, tier II, or tier III offense~~, or an offender
23 required to register in another jurisdiction under the other
24 jurisdiction's sex offender registry, shall register as a sex
25 offender as provided in this chapter if the offender resides,
26 is employed, or attends school in this state. A sex offender
27 shall, upon a first or subsequent conviction, register in
28 compliance with the procedures specified in this chapter, for
29 the duration of time specified in this chapter, commencing as
30 follows:
31 Sec. 5. Section 692A.121, subsection 2, paragraph b,
32 subparagraph (1), Code 2013, is amended by adding the following
33 new subparagraph division:
34 NEW SUBPARAGRAPH DIVISION. (i) The classification that
35 results from risk assessment performed pursuant to section

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692A.102A.

Sec. 6. Section 692A.125, subsection 1, Code 2013, is amended to read as follows:

1. The registration requirements of this chapter shall apply to sex offenders convicted on or after July 1, 2009, of a sex offense ~~classified~~ enumerated under section 692A.102.

DIVISION II

STATUTE OF LIMITATIONS — SEXUAL ABUSE

Sec. 7. Section 802.2, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

802.2 Sexual abuse — first, second, or third degree.

1. A prosecution for sexual abuse in the first, second, or third degree may be commenced at any time after the commission of the act.

2. If the person against whom an information or indictment is sought for prosecution under subsection 1 is identified through the use of a DNA profile, the information or indictment may be commenced at any time.

Sec. 8. Section 802.10, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. "Identified" means ~~the same as defined in section 802.2~~ a person's legal name is known and the person has been determined to be the source of the DNA.

DIVISION III

MISSING CHILDREN SAFETY REVOLVING FUND — APPROPRIATION

Sec. 9. NEW SECTION. **80.44 Missing children safety — revolving fund.**

1. A missing children safety revolving fund is created in the state treasury under the control of the department. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law.

2. The department shall use the moneys in the fund for establishing and supporting joint training and best practice protocols between state and local law enforcement agencies for

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1 finding missing children. The best practice protocols shall
2 include but not be limited to the following:
3 *a.* A statewide alert system separate from the amber alert
4 system.
5 *b.* An active alert system based upon geographic proximity
6 to the location involving the missing child using electronic
7 and social media.
8 *c.* The establishment of voluntary community neighborhood
9 search teams that can be mobilized within two hours of the
10 report of a missing child.
11 *d.* The establishment of a statewide human trafficking task
12 force with the capability to coordinate a search for a missing
13 child based upon localized knowledge of human trafficking in
14 the area where the child is reported missing.
15 3. The department shall submit an annual report not later
16 than January 31 to the members of the general assembly and the
17 legislative services agency of the training activities funded
18 by and expenditures made from the revolving fund during the
19 preceding fiscal year.
20 4. Notwithstanding section 8.33, moneys in the fund at the
21 end of a fiscal year shall not revert to the general fund of the
22 state. Notwithstanding section 12C.7, subsection 2, interest
23 or earnings on moneys in the fund shall be credited to the
24 fund.
25 Sec. 10. MISSING CHILDREN SAFETY — REVOLVING FUND. There
26 is appropriated from the general fund of the state to the
27 department of public safety for the fiscal year beginning July
28 1, 2013, and ending June 30, 2014, the following amount, or
29 so much thereof as is necessary, to be used for the purposes
30 designated:
31 For deposit in the missing children safety fund created in
32 section 80.44:
33 ..... $ 2,000,000
34 EXPLANATION
35 This bill makes modifications to the sex offender registry

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1 and the statute of limitations for sex abuse offenses, creates
2 a missing children safety fund, and makes appropriations.
3 DIVISION I — SEX OFFENDER REGISTRY. The bill modifies the
4 application of the tier structure of the sex offender registry.
5 Under the bill, a person newly required to register under
6 this Code chapter on or after July 1, 2013, or a person
7 required to register prior to July 1, 2013, but who has not yet
8 registered as of July 1, 2013, is required to undergo a risk
9 assessment.
10 The bill requires the department of corrections to
11 perform the risk assessment of sex offenders incarcerated
12 in the institutions under the control of the department of
13 corrections, or for persons under the supervision of the
14 department of corrections or judicial district department of
15 correctional services. The bill requires the department of
16 human services to perform the risk assessment for sex offenders
17 confined in institutions under the control of the department
18 or under supervision of the department. The bill requires the
19 division of criminal investigation of the department of public
20 safety to perform the risk assessment for sex offenders who
21 move to this state but who are not under supervision and for
22 offenders convicted in this state on or after July 1, 2013,
23 and who are not placed under supervision. The bill requires
24 a juvenile court officer to perform the risk assessment
25 for a juvenile who is adjudicated delinquent and under the
26 supervision of the juvenile court officer.
27 The bill requires the results of the risk classification to
28 be disclosed to the general public through the sex offender
29 registry internet site.
30 The bill provides that a person assessed a high risk to
31 reoffend shall be classified a tier III offender. A tier III
32 offender is required to appear at the sheriff's office, allow
33 the sheriff to photograph the offender, and to verify relevant
34 information every three months.
35 The bill provides that a person assessed a moderate risk to

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1 reoffend shall be classified a tier II offender. A tier II
2 offender is required to appear at the sheriff's office, allow
3 the sheriff to photograph the offender, and to verify relevant
4 information every six months.
5 The bill provides that a person assessed a low risk to
6 reoffend shall be classified a tier I offender. A tier I
7 offender is required to appear at the sheriff's office, allow
8 the sheriff to photograph the offender, and to verify relevant
9 information once a year.
10 Under current law, the tier classification of a person is
11 based upon the type of offense committed, not the results of a
12 risk assessment as provided in the bill.
13 DIVISION II — STATUTE OF LIMITATIONS — SEXUAL ABUSE. The
14 bill eliminates the statute of limitations for the criminal
15 prosecution of sexual abuse in the first, second, or third
16 degree. The bill provides that a prosecution for sexual abuse
17 in the first, second, or third degree may be commenced at any
18 time after the commission of the act.
19 The bill further provides that if the person against whom
20 an information or indictment is sought for prosecution is
21 identified through the use of a DNA profile, the information or
22 indictment may be commenced at any time.
23 Under current law, a prosecution for sexual abuse in the
24 first, second, or third degree shall be found within 10
25 years after its commission, or if the person against whom the
26 information or indictment is sought is identified through the
27 use of a DNA profile, an information or indictment shall be
28 found within three years from the date the person is identified
29 by the person's DNA profile, whichever is later.
30 In addition, under current law, a prosecution for sexual
31 abuse in the first, second, or third degree committed on or
32 with a person who is under 18 years of age shall be found within
33 10 years after the victim attains 18 years of age, or if the
34 person against whom the information or indictment is sought is
35 identified through the use of a DNA profile, an information or

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1 indictment shall be found within three years from the date the
2 person is identified by the person's DNA profile, whichever is
3 later.
4 DIVISION III — MISSING CHILDREN SAFETY REVOLVING FUND —
5 APPROPRIATIONS. The bill creates a missing children safety
6 revolving fund in the state treasury under the control of
7 the department of public safety. The bill requires the
8 department of public safety to use the moneys in the fund for
9 establishing and supporting joint training and best practice
10 protocols between state and local law enforcement agencies for
11 finding missing children. The best practice protocols shall
12 include but not be limited to the following: a statewide
13 alert system separate from the amber alert system; an active
14 alert system based upon geographic proximity to the location
15 involving the missing child using electronic and social media;
16 the establishment of voluntary community neighborhood search
17 teams that can be mobilized within two hours of the report of
18 a missing child; and the establishment of a statewide human
19 trafficking task force with the capability to coordinate a
20 search for a missing child based upon localized knowledge of
21 human trafficking in the area where the child is reported
22 missing.
23 The bill appropriates $2 million to the department of public
24 safety for deposit in the missing children safety revolving
25 fund for FY 2013-2014.

Senate File 327 - Introduced

SENATE FILE 327
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1201)

A BILL FOR

1 An Act concerning the municipal fire and police retirement
2 system and including effective date and retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2278SV (1) 85
ec/sc

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1 Section 1. Section 400.8, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. The commission, when necessary under the rules,
4 including minimum and maximum age limits, which shall be
5 prescribed and published in advance by the commission and
6 posted in the city hall, shall hold examinations for the
7 purpose of determining the qualifications of applicants
8 for positions under civil service, other than promotions,
9 which examinations shall be practical in character and shall
10 relate to matters which will fairly test the mental and
11 physical ability of the applicant to discharge the duties of
12 the position to which the applicant seeks appointment. The
13 physical examination of applicants for appointment to the
14 positions of police officer, police matron, or fire fighter
15 shall be held in accordance with medical protocols established
16 by the board of trustees of the fire and police retirement
17 system established by section 411.5 and shall be conducted
18 in accordance with the directives of the board of trustees.
19 However, the prohibitions of section 216.6, subsection 1,
20 paragraph *"d"*, regarding tests for the presence of the antibody
21 to the human immunodeficiency virus shall not apply to such
22 examinations. The board of trustees may change the medical
23 protocols at any time the board so determines. <u>In the event of</u>
24 <u>a conflict between the medical protocols established under this</u>
25 <u>section and the minimum entrance requirements of the Iowa law</u>
26 <u>enforcement academy under section 80B.11, the medical protocols</u>
27 <u>established under this section shall control.</u> The physical
28 examination of an applicant for the position of police officer,
29 police matron, or fire fighter shall be conducted after a
30 conditional offer of employment has been made to the applicant.
31 An applicant shall not be discriminated against on the basis
32 of height, weight, sex, or race in determining physical or
33 mental ability of the applicant. Reasonable rules relating to
34 strength, agility, and general health of applicants shall be
35 prescribed. The costs of the physical examination required

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1 under this subsection shall be paid from the trust and agency
2 fund of the city.
3 Sec. 2. Section 411.1, subsection 14, Code 2013, is amended
4 to read as follows:
5 14. *"Member in good standing"* means a member in service who
6 is not subject to removal by the employing city of the member
7 pursuant to section 400.18 or 400.19, or other comparable
8 process, and who is not the subject of an investigation that
9 could lead to such removal. ~~A~~ Except as specifically provided
10 pursuant to section 411.9, a person who is restored to active
11 service for purposes of applying for a pension under this
12 chapter is not a member in good standing.
13 Sec. 3. Section 411.1, Code 2013, is amended by adding the
14 following new subsection:
15 NEW SUBSECTION. 23. *"Vested member"* means a member who has
16 become eligible to receive monthly retirement benefits upon the
17 member's retirement as the result of either completing at least
18 four years of service or of attaining the age of fifty-five
19 while performing membership service.
20 Sec. 4. Section 411.5, subsection 12, paragraph e, Code
21 2013, is amended by striking the paragraph and inserting in
22 lieu thereof the following:
23 *e.* Notwithstanding any provision of this chapter to the
24 contrary, all benefits under this chapter shall commence no
25 later than the required beginning date specified under section
26 401(a)(9) of the federal Internal Revenue Code and shall comply
27 with the required minimum distribution provisions of that
28 section.
29 Sec. 5. Section 411.6, subsection 1, paragraph b, Code 2013,
30 is amended to read as follows:
31 *b.* Any vested member in service ~~who has been a member of~~
32 ~~the retirement system four or more years and~~ whose employment
33 is terminated ~~prior to the member's retirement~~, other than by
34 death or disability, prior to the member being credited with
35 twenty-two years of service shall, upon attaining retirement

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1 age for a vested member with four or more years of service
2 or upon application to the system for a vested member with
3 less than four years of service, receive a service retirement
4 allowance ~~of four~~ as calculated in the manner provided in this
5 paragraph. A vested member receiving a retirement allowance
6 pursuant to this paragraph shall receive a service retirement
7 allowance equal to one twenty-seconds of the retirement
8 allowance the member would receive ~~at retirement if the~~
9 ~~member's employment had not been terminated, and an additional~~
10 ~~one twenty-second of such retirement allowance for each~~
11 ~~additional year of service not exceeding~~ based on twenty-two
12 years of service, multiplied by the number of years of service
13 credited to the member. The amount of the retirement allowance
14 shall be calculated in the manner provided in this paragraph
15 using the average final compensation at the time of termination
16 of employment.
17 Sec. 6. Section 411.6, subsection 8, paragraph c,
18 subparagraph (3), Code 2013, is amended by striking the
19 subparagraph.
20 Sec. 7. Section 411.9, subsection 2, Code 2013, is amended
21 to read as follows:
22 2. In the case of a member's death occurring on or after
23 January 1, 2007, if the member dies while performing qualified
24 military service as defined in section 414(u) of the Internal
25 Revenue Code, the survivors of the member are entitled to any
26 additional benefits~~, other than benefit accruals relating to~~
27 ~~the period of qualified military service,~~ provided by the
28 system as if the member had resumed membership service and
29 had died as the natural and proximate result of an injury or
30 disease incurred in or aggravated by the actual performance of
31 duty at some definite time and place.
32 Sec. 8. Section 411.9, Code 2013, is amended by adding the
33 following new subsection:
34 NEW SUBSECTION. 2A. In the case of a member's disability
35 incurred while performing qualified military service as defined

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in section 414(u) of the Internal Revenue Code, the member shall be treated as a member in good standing, whether or not the member returns to membership service, and shall be permitted to file an application for an ordinary disability retirement benefit as provided in section 411.6.

Sec. 9. Section 411.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2B. In the case of a member's death or disability occurring on or after January 1, 2007, if the member is unable to resume membership service as a result of death or disability incurred while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member shall be treated as if the member had returned to membership service and the period of military service shall be treated as membership service.

Sec. 10. Section 411.23, subsection 1, Code 2013, is amended to read as follows:

1. Commencing July 1, 1990, if an active member, in service on or after that date, terminates service, other than by death or disability, the member may elect to withdraw the member's contributions under section 411.8, subsection 1, paragraphs *"f"* and *"h"*, together with interest thereon at a rate determined by the board of trustees. If the member is married at the time of the application for withdrawal, the application is subject to the consent of the member's spouse unless the amount to be withdrawn does not exceed the amount that may be withdrawn without consent as established by section 401(a) of the federal Internal Revenue Code. If a member withdraws contributions as provided in this section, the member shall be deemed to have waived all claims for other benefits from the system for the period of membership service for which the contributions are withdrawn.

Sec. 11. Section 411.36, subsection 1, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) A city treasurer, city financial officer, ~~or~~ city clerk,

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1 or other city officer involved with the management of the
2 financial matters of the city from four participating cities,
3 one of whom is from a city having a population of less than
4 thirty thousand, and three of whom are from cities having a
5 population of thirty thousand or more. The members authorized
6 pursuant to this paragraph shall be appointed by the governing
7 body of the Iowa league of cities.
8 Sec. 12. EFFECTIVE UPON ENACTMENT. The following
9 provision or provisions of this Act, being deemed of immediate
10 importance, take effect upon enactment:
11 1. The section of this Act amending section 411.9,
12 subsection 2.
13 2. The section of this Act enacting section 411.9,
14 subsection 2B.
15 3. The section of this Act amending section 411.36,
16 subsection 1.
17 Sec. 13. RETROACTIVE APPLICABILITY. The following
18 provision or provisions of this Act apply retroactively to
19 January 1, 2007:
20 1. The section of this Act amending section 411.9,
21 subsection 2.
22 2. The section of this Act enacting section 411.9,
23 subsection 2B.
24 Sec. 14. RETROACTIVE APPLICABILITY. The following
25 provision or provisions of this Act apply retroactively to
26 appointments made on or after January 1, 2013:
27 1. The section of this Act amending section 411.36,
28 subsection 1.
29 EXPLANATION
30 This bill makes changes to the Municipal Fire and Police
31 Retirement System (MFPRSI).
32 Code section 400.8, concerning entrance examinations for
33 civil service employees, is amended to provide that if a
34 conflict exists between the medical protocols established by
35 the board of trustees of MFPRSI for police and fire fighters

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1 and the entrance requirements for the Iowa Law Enforcement
2 Academy, the medical protocols established by the MFPRSI board
3 shall control.
4 Code section 411.1 is amended to define a vested member of
5 MFPRSI as a member who is eligible to receive a retirement
6 benefit by completing at least four years of service or
7 attaining age 55 while performing membership service.
8 Code section 411.5, concerning the administration of MFPRSI,
9 is amended to provide that benefits paid under MFPRSI shall
10 comply with the required beginning date and required minimum
11 distribution provisions of the federal Internal Revenue Code.
12 Code section 411.6(1), concerning calculation of a service
13 retirement benefit, is amended to provide that a vested member
14 of MFPRSI with less than 22 years of membership service is
15 entitled to receive a service retirement allowance based on the
16 number of years of service credited to the member. Current
17 law provides this service retirement allowance only to those
18 members with at least four years of service.
19 Code section 411.6(8), concerning an ordinary death benefit
20 under MFPRSI, is amended by striking the provision granting
21 to the deceased member´s dependent parents, if there is no
22 surviving spouse or child, an option to elect as the death
23 benefit a monthly pension benefit in lieu of a lump sum
24 payment. The change does not eliminate the ability of a
25 deceased member´s parents to receive a lump sum ordinary death
26 benefit if otherwise eligible.
27 Code section 411.9, concerning military service, is amended
28 by adding two new subsections.
29 New Code section 411.9(2A) provides that if a member´s
30 disability was incurred while performing qualified military
31 service, the member shall be permitted to file an application
32 for an ordinary disability retirement regardless of whether the
33 member returned to membership service following the disability.
34 New Code section 411.9(2B) provides that if a member is
35 unable to return to membership service following the member´s

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1 death or disability occurring on or after January 1, 2007,
2 while performing qualified military service, the member shall
3 be treated as having returned to membership service and the
4 period of military service shall be treated as membership
5 service for purposes of Code chapter 411. Code section
6 411.9(2) is also amended to reflect that the period of military
7 service shall be counted as membership service for purposes of
8 providing death benefits to a member who dies while performing
9 qualified military service. The bill provides that both
10 changes take effect upon enactment and apply retroactively to
11 January 1, 2007.
12 Code section 411.23(1), concerning withdrawal of
13 contributions, is amended to provide that a member who
14 terminates service and elects to withdraw the member's
15 contributions to MFPRSI shall be subject to the consent of
16 the member's spouse if the amount to be withdrawn exceeds the
17 amount that may be withdrawn as established by the federal
18 Internal Revenue Code. Currently, the maximum amount that
19 may be withdrawn without consent as provided by the federal
20 Internal Revenue Code is $5,000.
21 Code section 411.36, concerning the board of trustees of the
22 MFPRSI, is amended to provide that the appointment of the city
23 representative of the board is not limited to individuals with
24 the title of city treasurer, city financial officer, or city
25 clerk, but instead allows the appointment of those specified
26 officers or any city officer involved with the management of
27 the financial matters of the city. The bill provides that this
28 change takes effect upon enactment and applies retroactively to
29 appointments to the board made on or after January 1, 2013.

Senate File 328 - Introduced

SENATE FILE 328
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1209)

A BILL FOR

1 An Act authorizing lottery games to benefit special olympics
2 programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2480SV (1) 85
ec/rj

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1 Section 1. Section 8.8, Code 2013, is amended to read as
2 follows:
3 **8.8 Special olympics fund — appropriation.**
4 1. A special olympics fund is created in the office of
5 the treasurer of state under the control of the department
6 of management. ~~There~~ The fund consists of all moneys
7 transferred or appropriated to the fund. In addition, there
8 is appropriated annually from the general fund of the state to
9 the special olympics fund fifty thousand dollars to be used for
10 the purposes of the fund.
11 2. Moneys in the fund shall be for distribution to one or
12 more organizations which administer special olympics programs
13 benefiting the citizens of Iowa with disabilities.
14 3. Moneys in the special olympics fund are not subject to
15 section 8.33. Notwithstanding section 12C.7, subsection 2,
16 interest or earnings on moneys in the special olympics fund
17 shall be credited to the fund.
18 Sec. 2. NEW SECTION. **99G.9B Limited series of lottery games**
19 **to benefit special olympics programs.**
20 The chief executive officer, in consultation with the board,
21 shall develop and conduct one additional instant scratch
22 lottery game annually to provide moneys for the benefit of
23 special olympics programs. The moneys received from the sale
24 of tickets for the lottery game shall be deposited in a special
25 account in the lottery fund. Notwithstanding section 99G.39,
26 after payment of the prizes, the remaining moneys shall be
27 transferred to the special olympics fund established pursuant
28 to section 8.8.
29 EXPLANATION
30 This bill provides that the chief executive officer of the
31 lottery authority shall develop and conduct one additional
32 instant scratch lottery game annually for the benefit of
33 special olympics programs. Moneys received from the games,
34 less prizes, shall be transferred to the special olympics fund
35 created in Code section 8.8, and may be distributed to one or

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1 more organizations which administer special olympic programs
2 for Iowans with disabilities.

Senate File 329 - Introduced

SENATE FILE 329
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1114)

A BILL FOR

1 An Act making changes to the campaign finance laws relating to
2 independent expenditures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1300SV (1) 85
jr/sc

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Section 1. Section 68A.201, subsection 1, Code 2013, is amended to read as follows:

1. *a.* Every committee, as defined in this chapter, shall file a statement of organization within ten days from the date of its organization. Unless formal organization has previously occurred, a committee is deemed to have organized as of the date that committee transactions exceed the financial activity threshold established in section 68A.102, subsection 5 or 18. If committee transactions exceed the financial activity threshold prior to the due date for filing a disclosure report as established under section 68A.402, the committee shall file a disclosure report whether or not a statement of organization has been filed by the committee.

b. A person who makes one or more independent expenditures and files all statements required by section 68A.404 shall not be required to organize a committee or file the statement of organization required under this section.

Sec. 2. Section 68A.404, subsections 1, 2, 3, and 7, Code 2013, are amended to read as follows:

1. As used in this section, *"independent expenditure"* means one or more expenditures in excess of seven hundred fifty dollars in the aggregate for a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate ~~or the passage or defeat of a ballot issue~~ that is made without the prior approval or coordination with a candidate, candidate's committee, state statutory political committee, county statutory political committee, or a ~~ballot issue~~ political committee.

2. *a.* ~~An entity~~ A person, other than an individual or individuals, shall not make an independent expenditure or disburse funds from its treasury to pay for, in whole or in part, an independent expenditure made by another person without the authorization of a majority of the ~~entity's~~ person's board of directors, executive council, or similar organizational leadership body of the use of treasury funds for an independent

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1 expenditure involving a candidate ~~or ballot issue committee~~.
2 Such authorization must occur in the same calendar year in
3 which the independent expenditure is incurred.
4 *b.* Such authorization shall expressly provide whether
5 the board of directors, executive council, or similar
6 organizational leadership body authorizes one or more
7 independent expenditures that expressly advocate the nomination
8 or election of a candidate ~~or passage of a ballot issue~~ or
9 authorizes one or more independent expenditures that expressly
10 advocate the defeat of a candidate ~~or ballot issue~~.
11 *c.* A foreign national shall not make an independent
12 expenditure, directly or indirectly, that advocates the
13 nomination, election, or defeat of any candidate ~~or the~~
14 ~~passage or defeat of any ballot issue~~. As used in this
15 section, *"foreign national"* means a person who is not a citizen
16 of the United States and who is not lawfully admitted for
17 permanent residence. *"Foreign national"* includes a foreign
18 principal, such as a government of a foreign country or a
19 foreign political party, partnership, association, corporation,
20 organization, or other combination of persons that has its
21 primary place of business in or is organized under the laws of
22 a foreign country. *"Foreign national"* does not include a person
23 who is a citizen of the United States or who is a national of
24 the United States.
25 *d.* This section does not apply to a candidate, candidate's
26 committee, state statutory political committee, county
27 statutory political committee, or a political committee.
28 This section does not apply to a federal committee or an
29 out-of-state committee that makes an independent expenditure.
30 A person who makes one or more independent expenditures and
31 files all statements required by this section shall not be
32 required to organize a committee or file the statement of
33 organization required under section 68A.201.
34 3. A person, other than a committee registered under this
35 chapter, that makes one or more independent expenditures shall

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1 file an independent expenditure statement. All statements
2 ~~and reports~~ required by this section shall be filed in an
3 electronic format as prescribed by rule.
4 ~~*a.* Subject to paragraph "*b*", the person filing the~~
5 ~~independent expenditure statement shall file reports under~~
6 ~~sections 68A.402 and 68A.402A. An initial report shall be filed~~
7 ~~at the same time as the independent expenditure statement.~~
8 ~~Subsequent reports shall be filed according to the same~~
9 ~~schedule as the office or election to which the independent~~
10 ~~expenditure was directed.~~
11 ~~(1) A supplemental report shall be filed on the same dates~~
12 ~~as in section 68A.402, subsection 2, paragraph "*b*", if the~~
13 ~~person making the independent expenditure either raises or~~
14 ~~expends more than one thousand dollars.~~
15 ~~(2) A report filed as a result of this paragraph "*a*" shall~~
16 ~~not require the identification of individual members who~~
17 ~~pay dues to a labor union, organization, or association, or~~
18 ~~individual stockholders of a business corporation. A report~~
19 ~~filed as a result of this paragraph "*a*" shall not require the~~
20 ~~disclosure of any donor or other source of funding to the~~
21 ~~person making the independent expenditure except when the~~
22 ~~donation or source of funding, or a portion of the donation or~~
23 ~~source of funding, was provided for the purpose of furthering~~
24 ~~the independent expenditure.~~
25 ~~*b.* This section does not apply to a candidate, candidate's~~
26 ~~committee, state statutory political committee, county~~
27 ~~statutory political committee, or a political committee.~~
28 ~~This section does not apply to a federal committee or an~~
29 ~~out-of-state committee that makes an independent expenditure.~~
30 7. A person making an independent expenditure shall not
31 engage or retain an advertising firm or consultant that has
32 also been engaged or retained within the prior six months
33 by the candidate~~,~~ or candidate's committee~~, or ballot issue~~
34 ~~committee~~ that is benefited by the independent expenditure.
35 Sec. 3. Section 68A.404, subsection 5, paragraphs b, c, and

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1 g, Code 2013, are amended to read as follows:
2 *b.* Description of the position advocated by the individuals
3 or persons with regard to the clearly identified candidate ~~or~~
4 ~~ballot issue~~.
5 *c.* Identification of the candidate ~~or ballot issue~~ benefited
6 by the independent expenditure.
7 *g.* A certification by an officer ~~of the corporation~~
8 representing the person, if the person is other than an
9 individual or individuals, that the board of directors,
10 executive council, or similar organizational leadership body
11 expressly authorized the independent expenditure or use of
12 treasury funds for the independent expenditure by resolution
13 or other affirmative action within the calendar year when the
14 independent expenditure was incurred.
15 Sec. 4. Section 68A.404, subsection 5, Code 2013, is amended
16 by adding the following new paragraphs:
17 NEW PARAGRAPH. *h.* The name and address of every donor or
18 other source of funding in excess of twenty-five dollars which
19 was provided for the purpose of furthering the independent
20 expenditure.
21 NEW PARAGRAPH. *i.* If the person making the independent
22 expenditure uses, in whole or in part, anything of value
23 from one or more donors which was not given for the purpose
24 of furthering the independent expenditure, the person making
25 the independent expenditure must disclose the top five donors
26 in the twelve months prior to the independent expenditure
27 being made who gave to the person making the independent
28 expenditure. For purposes of this section, a donor is a person
29 who has rendered anything of value in return for which legal
30 consideration of equal or greater value is not given and
31 received.
32 Sec. 5. Section 68A.405, subsection 1, paragraph h, Code
33 2013, is amended to read as follows:
34 *h.* If the published material is the result of an independent
35 expenditure subject to section 68A.404, the published material

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1 shall include a statement that the published material was not
2 authorized by any candidate, candidate's committee, state
3 statutory political committee, county statutory political
4 committee, or ~~ballot issue~~ political committee.
5 EXPLANATION
6 This bill makes changes to the campaign finance laws
7 relating to independent expenditures.
8 The bill provides that a person who makes independent
9 expenditures and files all required statements is not required
10 to organize a committee or file a statement of organization.
11 The bill strikes current Code language requiring the filing
12 of independent expenditure reports.
13 The bill prohibits a person making an independent
14 expenditure from coordinating with a state statutory political
15 committee, a county statutory political committee, or other
16 political committee as well as a candidate or candidate's
17 committee. The statute currently only prohibits coordination
18 with a candidate, candidate's committee, or ballot issue
19 committee.
20 The bill eliminates the ability to make independent
21 expenditures in favor of or opposed to ballot issues.
22 The bill requires any person, other than one or more
23 individuals, who makes an independent expenditure to obtain
24 prior authorization for the independent expenditure from its
25 governing or leadership body. The statute currently only
26 requires an entity or corporation other, than an individual or
27 individuals, to obtain prior authorization.
28 The bill strikes current Code language which provides that
29 the identification of individual members who pay dues to a
30 labor union, organization, or association, or individual
31 stockholders of a business corporation is not required.
32 The bill requires disclosure of the name and address of every
33 donor or other source of funding in excess of $25 provided
34 for the independent expenditure. The bill further requires
35 that if a person making an independent expenditure uses

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1 anything of value from a donor, as defined in the bill, that
2 was not donated for the purpose of furthering the independent
3 expenditure, the person must disclose the person's top five
4 donors in the 12 months prior to the making of the independent
5 expenditure. The statute currently only requires disclosure
6 of donors if the donations were given for the purpose of
7 furthering the independent expenditure.

Senate File 330 - Introduced

SENATE FILE 330
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1186)

A BILL FOR

1 An Act creating a licensed social worker loan repayment program
2 and revolving fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1987SV (1) 85
jr/nh

S.F. 330

1 Section 1. NEW SECTION. **261.115 Licensed social worker loan**
2 **repayment program — definitions.**
3 1. A licensed social worker loan repayment program is
4 established, to be administered by the college student aid
5 commission for the purpose of increasing the number of social
6 workers serving in critical human service areas.
7 2. For purposes of this division:
8 *a. "Critical human service area"* includes but is not limited
9 to an area of the state with a shortage of social workers
10 providing health, mental health, substance abuse, aging,
11 HIV/AIDS, victim, or child welfare services, or communities
12 with multilingual needs. A critical human service area shall
13 be an area designated as a mental health professional shortage
14 area by the United States department of health and human
15 services health resources and services administration.
16 *b. "Licensed social worker"* means an individual holding a
17 license issued under chapter 154C who is employed in a critical
18 human service area.
19 Sec. 2. NEW SECTION. **261.116 Licensed social worker loan**
20 **repayment revolving fund.**
21 1. *a.* A licensed social worker loan repayment revolving
22 fund is created in the state treasury as a separate fund under
23 the control of the commission. The commission shall deposit
24 moneys appropriated for purposes of the licensed social worker
25 loan repayment program, moneys repaid by loan repayment award
26 recipients who fail to meet the service area requirements, and
27 any other moneys obtained or accepted by the commission for
28 deposit into the fund.
29 *b.* Moneys in the fund shall be used for purposes of the
30 licensed social worker loan repayment program. Notwithstanding
31 section 8.33, moneys deposited in the fund shall not revert
32 to any fund of the state at the end of any fiscal year but
33 shall remain in the fund and be continuously available for the
34 program.
35 2. Notwithstanding section 12C.7, subsection 2, interest

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1 or earnings on moneys deposited in the fund shall be credited
2 to the fund.
3 Sec. 3. NEW SECTION. **261.117 Loan payment awards.**
4 1. Each applicant for loan repayment shall, in accordance
5 with the rules of the commission, do the following:
6 *a.* Complete and file an application for licensed social
7 worker loan repayment. The individual shall be responsible
8 for the prompt submission of any information required by the
9 commission.
10 *b.* File a new application and submit information as
11 required by the commission annually on the basis of which the
12 applicant's eligibility for the renewed loan repayment will be
13 evaluated and determined.
14 *c.* Complete and return on a form approved by the commission
15 an affidavit of practice verifying that the applicant is a
16 licensed social worker in a critical human service area.
17 2. Loan repayment awards shall be made annually to
18 applicants in the following order of priority:
19 *a.* Applicants who have received payment of an award pursuant
20 to this section in a prior year and who have provided social
21 work services in a critical human service area in the year
22 prior to such application.
23 *b.* Applicants who have not received payment of an award
24 pursuant to this section in a prior year and who have provided
25 social work services in a critical human service area in the
26 year prior to such application.
27 *c.* Applicants from underrepresented racial, cultural, and
28 ethnic groups and individuals with disabilities.
29 3. The contract for the loan repayment shall stipulate the
30 time period the licensed social worker shall practice in a
31 critical human service area. In addition, the contract shall
32 stipulate that the licensed social worker shall repay any funds
33 paid on the person's loan by the commission if the person fails
34 to practice in a critical human service area for the required
35 period of time.

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1 4. *a.* The annual amount of a licensed social worker loan
2 repayment award shall be six thousand five hundred dollars or
3 twenty percent of the licensed social worker's total federally
4 guaranteed Stafford loan amount under the federal family
5 education loan program or the federal direct loan program,
6 including principal and interest, whichever amount is less. A
7 recipient shall not receive loan repayment that exceeds the
8 total remaining balance of the recipient's student loan debt or
9 twenty-five thousand dollars, whichever is less.
10 *b.* Awards shall be within the amounts appropriated for such
11 purpose and shall be based on the availability of funds.
12 5. The commission shall adopt rules pursuant to chapter 17A
13 to administer this division.
14 EXPLANATION
15 This bill creates a licensed social worker loan repayment
16 program administered by the college student aid commission.
17 Applicants for the program must enter into an agreement with
18 the commission, agreeing to work for a specific period of time
19 in a "critical human service area", defined as a geographic
20 area in Iowa with a shortage of social workers in health,
21 mental health, substance abuse, aging, HIV/AIDS, victim, or
22 child welfare concerns, or communities with multilingual needs.
23 The program provides a specific annual benefit, up to
24 $6,500, for licensed social workers who have worked in a
25 critical human service area in the previous year. No recipient
26 shall receive loan repayment that exceeds the total remaining
27 balance of the student loan debt and no recipient shall receive
28 cumulative awards in excess of $25,000.
29 The program is funded by a special revolving fund in
30 the state treasury, controlled by the college student aid
31 commission. The fund consists of moneys appropriated for
32 purposes of the program, repayments by participants who fail
33 to meet the service area requirements, and any other available
34 moneys. Moneys deposited in the fund do not revert to any
35 other fund at the end of any fiscal year but shall remain in the

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1 fund and be continuously available for the program. Interest
2 or earnings on moneys deposited in the fund shall also be
3 credited to the fund.

Senate File 331 - Introduced

SENATE FILE 331
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1020)

A BILL FOR

1 An Act relating to the renewal of driver's licenses
2 electronically and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1288SV (2) 85
dea/nh

S.F. 331

1 Section 1. Section 321.196, subsection 4, Code 2013, is
2 amended to read as follows:
3 4. The department in its discretion may authorize the
4 renewal of a valid driver's license other than a commercial
5 driver's license upon application without an examination
6 provided that the applicant meets one of the following
7 conditions:
8 *a.* The applicant satisfactorily passes a vision test as
9 prescribed by the department ~~or~~.
10 *b.* The applicant files a vision report in accordance with
11 section 321.186A which shows that the applicant's visual acuity
12 level meets or exceeds those required by the department.
13 *c.* The applicant is eligible for license renewal
14 electronically, pursuant to rules adopted by the department.
15 4A. An application for renewal of a driver's license shall
16 include a statement for the applicant to sign that acknowledges
17 the applicant's knowledge of the requirement to notify the
18 department of a mailing address change under section 321.182,
19 subsection 1.
20 Sec. 2. EMERGENCY RULES. The department of transportation
21 may adopt emergency rules under section 17A.4, subsection 3,
22 and section 17A.5, subsection 2, paragraph "b", to implement
23 section 321.196, subsection 4, paragraph "c", as enacted in
24 this Act, and the rules shall be effective immediately upon
25 filing unless a later date is specified in the rules. Any
26 rules adopted in accordance with this section shall also be
27 published as a notice of intended action as provided in section
28 17A.4.
29 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
30 immediate importance, takes effect upon enactment.
31 EXPLANATION
32 Under current law, an applicant for renewal of a driver's
33 license must either pass a vision test or file a vision report
34 that meets requirements of the department of transportation.
35 This bill provides that when the department renews a driver's

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1 license electronically, it may do so without requiring the
2 licensee to pass a vision test or file a vision report,
3 pursuant to rules of the department. The bill authorizes the
4 adoption of emergency rules to implement this provision. The
5 bill is effective upon enactment.

Senate File 332 - Introduced

SENATE FILE 332
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 174)

A BILL FOR

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

TLSB 1817SV (1) 85
aw/nh

S.F. 332

1 Section 1. Section 261.86, subsection 1, paragraph f, Code
2 2013, is amended to read as follows:
3 *f.* Submits an application to the adjutant general of
4 Iowa, on forms prescribed by the adjutant general, who
5 shall determine eligibility and whose decision is final.
6 Notwithstanding any deadline established for the administration
7 of this paragraph, the adjutant general shall accept an
8 application submitted pursuant to this paragraph from an
9 otherwise eligible member of the national guard who was on
10 federal active duty at the time of such deadline.
11 EXPLANATION
12 This bill relates to the administration of the national
13 guard educational assistance program. The bill requires that
14 the adjutant general accept an application regardless of any
15 application deadline from an otherwise eligible member of the
16 national guard, provided that the otherwise eligible member was
17 on federal active duty at the time of such deadline.

Senate File 333 - Introduced

SENATE FILE 333
BY ERNST

A BILL FOR

1 An Act establishing a civil cause of action for physical injury
2 or emotional distress resulting from an abortion.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1940ST (1) 85
pf/nh

S.F. 333

1 Section 1. NEW SECTION. **686.1 Cause of action — abortion**
2 **resulting in physical injury or emotional distress.**
3 1. A woman upon whom an abortion has been performed may
4 maintain a cause of action against the physician who performed
5 the abortion to recover damages for any physical injury or
6 emotional distress, whether or not independent of the physical
7 injury, proximately caused as the result of the physician's
8 negligence or failure to obtain informed consent prior to
9 performance of the abortion.
10 2. Notwithstanding any law to the contrary regarding
11 limitations of actions, an action under this section may be
12 brought at any time during the lifetime of the woman.
13 3. The signing of a consent form by the woman prior to the
14 abortion shall not negate the cause of action, but may reduce
15 the recovery of damages to the extent that the content of the
16 consent form informed the woman of the risk of the type of
17 injuries for which the woman is seeking damages.
18 4. This section shall not be construed to render any other
19 statutory or common law cause of action for medical malpractice
20 otherwise available inapplicable to abortion procedures or
21 diminish the nature or the extent of those causes of action.
22 The cause of action expressly specified in this section is in
23 addition to any other statutory or common law cause of action.
24 5. A cause of action shall not be brought under this section
25 if the abortion was performed due to a medical emergency.
26 6. For the purposes of this section:
27 *a. "Abortion"* means abortion as defined in section 146.1.
28 *b. "Damages"* means all special and general damages which
29 are recoverable in tort for injuries incurred by the woman
30 including but not limited to actual and punitive damages.
31 *c. "Emotional distress"* means a severe, debilitating, and
32 persistent negative emotional or mental reaction including
33 but not limited to mental anguish, fright, nervousness,
34 grief, anxiety, worry, mortification, shock, humiliation, and
35 indignity, as well as physical pain.

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1 *d. "Informed consent"* means the duty of a physician to
2 disclose all facts about the nature of the procedure, the risks
3 of the procedure, and the alternatives to the procedure that a
4 reasonable patient would consider significant to the patient's
5 decision to undergo or forego an abortion.
6 *e. "Medical emergency"* means any condition which, on the
7 basis of the physician's good faith clinical judgment, so
8 complicates the medical condition of a pregnant woman as to
9 necessitate the immediate abortion of her pregnancy to avert
10 her death or for which a delay will create serious risk of
11 substantial and irreversible impairment of a major bodily
12 function.
13 EXPLANATION
14 This bill establishes a cause of action that may be
15 maintained by a woman upon whom an abortion has been performed
16 against the physician who performed the abortion to recover
17 damages for any physical injury or emotional distress
18 proximately caused as the result of the physician's negligence
19 or failure to obtain informed consent prior to performance of
20 the abortion. The action may be brought at any time during the
21 lifetime of the woman. The bill provides that the signing of a
22 consent form by the woman prior to the abortion does not negate
23 the cause of action, but may reduce the recovery of damages
24 to the extent that the content of the consent form informed
25 the woman of the risk of the type of injuries for which the
26 woman is seeking damages. The bill also provides that other
27 existing statutory or common law causes of action for medical
28 malpractice are not to be construed to be rendered inapplicable
29 to abortion procedures or diminish the nature or the extent
30 of those causes of action. The cause of action expressly
31 specified in the bill is in addition to any other statutory or
32 common law cause of action. A cause of action is prohibited
33 under the bill if the abortion was performed due to a medical
34 emergency.
35 The bill defines "abortion", "damages", "emotional

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1 distress", "informed consent", and "medical emergency" for the
2 purposes of the bill.

Senate File 334 - Introduced

SENATE FILE 334
BY COURTNEY

A BILL FOR

1 An Act to increase the state minimum hourly wage.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2310XS (2) 85
je/rj

S.F. 334

Section 1. Section 91D.1, subsection 1, paragraphs a and d, Code 2013, are amended to read as follows:

a. The state hourly wage shall be at least ~~$6.20 as of April 1, 2007, and~~ $7.25 as of January 1, 2008, $8.10 as of January 1, 2014, and $9.00 as of January 1, 2015.

d. An employer is not required to pay an employee the applicable state hourly wage provided in paragraph *"a"* until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer ~~prior to April 1, 2007, or January 1, 2008,~~ shall earn the applicable state hourly minimum wage as of ~~that~~ the date of completion. An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least ~~$5.30 as of April 1, 2007,~~ and $6.35 as of January 1, 2008, $7.20 as of January 1, 2014, and $8.10 as of January 1, 2015.

EXPLANATION

This bill increases the state minimum hourly wage to $8.10 as of January 1, 2014, and $9.00 as of January 1, 2015. The bill increases the state minimum hourly wage for employees employed for less than 90 days to $7.20 as of January 1, 2014, and $8.10 as of January 1, 2015.

Senate File 335 - Introduced

SENATE FILE 335
BY TAYLOR

A BILL FOR

1 An Act concerning matters relating to the transportation of
2 railroad workers and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2300SS (4) 85
dea/nh

S.F. 335

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

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

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

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

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

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

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

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

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

3. A person who violates this section commits a simple

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1 misdemeanor punishable as a scheduled violation under section
2 805.8A, subsection 13, paragraph *"b"*.
3 Sec. 2. Section 327F.39, Code 2013, is amended to read as
4 follows:
5 **327F.39 Transportation of railroad employees and equipment.**
6 1. *Definitions.* As used in this section, unless the context
7 otherwise requires:
8 *a. "Administrator"* means the department's administrator for
9 rail and water, or the administrator's designee.
10 ~~*a.*~~ *b. "Department"* means the ~~state~~ department of
11 transportation.
12 ~~*b.*~~ *c. "Director"* means the director of transportation.
13 ~~*c. "Administrator"* means the department's administrator for~~
14 ~~rail and water, or the administrator's designee.~~
15 *d. "Driver"* means a driver, as defined in 49 C.F.R. § 390.5,
16 who operates a motor vehicle owned or operated by a railroad
17 worker transportation company.
18 *e. "Employee"* means an employee, as defined in 49 C.F.R.
19 § 390.5, who is a driver for a railroad worker transportation
20 company.
21 *f. "Employer"* means as defined in 49 C.F.R. § 390.5,
22 and includes a railroad worker transportation company for
23 whom a driver performs a service, either for wages or as an
24 independent contractor.
25 ~~*d.*~~ *g. "Motor vehicle"* means a vehicle which is
26 self-propelled and designed primarily for highway use, and
27 which may or may not be equipped with retractably flanged
28 wheels for operation on railroad tracks.
29 ~~*e.*~~ *h. "Owner"* means a person having the lawful use or
30 control of a motor vehicle as holder of the legal title of the
31 motor vehicle or under contract or lease or otherwise.
32 ~~*f.*~~ *i. "Place of employment"* means that location where one
33 or more workers are actually performing the labor incident to
34 their employment.
35 *j. "Railroad worker transportation company"* means a person,

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other than a railroad corporation, organized for the purpose of or engaged in the business of transporting, for hire, railroad workers to or from their places of employment or in the course of their employment in motor vehicles designed to carry seven or more persons but fewer than sixteen persons including the driver.

~~*g.*~~ *k.* *"Worker"* means an individual employed for any period in work for which the individual is compensated, whether full-time or part-time.

2. *Compliance with regulations.* Motor vehicles, as defined in section 321.1, which are subject to registration and which are provided by a railroad ~~company~~ corporation and used to transport railroad workers to and from their places of employment or during the course of their employment shall:

a. Meet all state and federal regulations pertaining to safe construction and maintenance of motor vehicles, including their coupling devices, lighting devices and reflectors, motor exhaust systems, rear-vision mirrors, service and parking brakes, steering mechanisms, tires, warning and signaling devices, and windshield wipers.

b. Meet all state and federal requirements for safety devices, first-aid kits, and sidewalls, canopies, tailgates, or other means of retaining freight safely.

c. Be operated in compliance with all state and federal regulations pertaining to driving, loading, carrying freight and employees, road warning devices, and the transportation of flammable material.

3. *Motor vehicle maintained in safe manner.* A motor vehicle provided by a railroad ~~company~~ corporation and used to transport one or more workers to and from their places of employment or during the course of their employment shall be maintained in a safe manner at all times, whether or not used upon a public highway.

a. An employer who owns or operates a motor vehicle for the transportation of railroad workers shall inspect the motor

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1 vehicle or cause the motor vehicle to be inspected annually in
2 compliance with 49 C.F.R. § 396.17, as amended, by a person
3 qualified to perform the inspection as provided in 49 C.F.R. §
4 396.19, as amended. In addition, the employer shall require
5 each employee who drives a motor vehicle for the transportation
6 of railroad workers to complete a written daily report as
7 provided in 49 C.F.R. § 396.11, as amended.
8 *b.* An employer shall establish a maintenance and repair
9 program that provides for weekly inspection of each motor
10 vehicle operated by its employees for the transportation of
11 railroad workers to assure overall cleanliness of the motor
12 vehicle, that parts and accessories are in safe and operable
13 condition, and that the motor vehicle is equipped with all of
14 the following in good repair:
15 (1) Tires with sufficient tread as prescribed in 49 C.F.R. §
16 393.75, as amended.
17 (2) A fully inflated spare tire.
18 (3) A secure location for personal baggage, including
19 proper baggage restraints.
20 (4) Fully operational seatbelts for all passenger seats.
21 (5) If required by weather conditions, traction devices,
22 studs, or chains.
23 (6) A heater and air conditioner that are properly working
24 with properly working fans.
25 (7) An emergency road kit that contains, at a minimum, a
26 tire-inflating aerosol can, flares or reflective triangles,
27 jumper cables, and a fire extinguisher.
28 (8) A readily available first aid kit in compliance with
29 29 C.F.R. § 1910.151, as amended, which includes the articles
30 described in appendix A of that section.
31 *c.* A motor vehicle used for the transportation of railroad
32 workers shall be equipped with an operable amber flashing light
33 mounted on the rear one-third portion of the roof in order to
34 provide warning to other motorists whenever the vehicle has
35 slowed or stopped on or near the roadway.

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1 *d.* A motor vehicle used for the transportation of railroad
2 workers shall not be operated in a condition that is likely to
3 cause an accident or a mechanical breakdown.
4 *e.* An employer shall maintain records relating to the
5 maintenance and repair program for each motor vehicle operated
6 by its employees for the transportation of railroad workers.
7 The records shall include:
8 (1) Identifying information for the motor vehicle,
9 including the vehicle identification number; make, model,
10 and year of manufacture; and the railroad corporation's
11 identification number if provided.
12 (2) Owner information if the employer is not the owner of
13 the vehicle.
14 (3) The history of inspections, repairs, and maintenance
15 that describes each activity and the date the activity was
16 performed.
17 *f.* Records required under this section shall be maintained
18 by an employer at its principal place of business for one year.
19 If a motor vehicle leaves the employer's control, the records
20 pertaining to that vehicle shall be maintained by the employer
21 at the employer's principal place of business for six months.
22 *g.* An employer and the employer's officers, agents, and
23 employees who are involved with the inspection or maintenance
24 of motor vehicles shall comply with the employer's maintenance
25 and repair program as provided under this section.
26 4. *Heating system.* The director shall adopt rules requiring
27 a motor vehicle, as defined in section 321.1, which is subject
28 to registration and which is provided by a railroad ~~company~~
29 corporation and used to transport railroad workers to and
30 from their places of employment or during the course of
31 their employment to be provided with a safe heating system to
32 maintain a reasonable comfort level in those spaces of the
33 vehicle where the workers are required to ride.
34 5. *Rest periods for drivers.*
35 *a.* An employer shall not require a driver to operate a

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1 motor vehicle in violation of section 321.449A. An employer
2 may require a period of uninterrupted rest for a driver at
3 any time. The period of uninterrupted rest shall not be less
4 than eight hours, and shall be at least ten hours following an
5 on-duty period of more than eight hours. An employer shall
6 clearly communicate to a driver when a period of uninterrupted
7 rest is to begin.
8 *b.* A railroad corporation shall not require a driver to
9 operate a motor vehicle in violation of section 321.449A or
10 this subsection.
11 *c.* For purposes of this subsection, *"uninterrupted rest"* and
12 *"on duty"* mean the same as defined in section 321.449A.
13 6. *Driver qualifications.*
14 *a.* An employer shall maintain a driver qualification
15 file for each employee who drives a motor vehicle for the
16 transportation of railroad workers. The driver qualification
17 file shall include all of the following:
18 (1) A certificate of physical examination signed and dated
19 within the previous two years by a physician licensed under
20 chapter 148 certifying that the employee is physically able to
21 operate a motor vehicle.
22 (2) Documentation that the employer has reviewed the
23 driver's driving record within the previous twelve months.
24 (3) Documentation relating to the driver's violation of any
25 applicable motor vehicle laws or ordinances.
26 (4) Other documentation related to the driver's
27 qualification or ability to drive a motor vehicle.
28 (5) The driver's application for employment as provided by
29 49 C.F.R. § 391.21, as amended.
30 (6) References from previous employers, if required by the
31 current employer.
32 (7) A copy of the driver's current class D driver's license
33 or an equivalent driver's license.
34 *b.* A person shall be disqualified from driving for an
35 employer if the driver is convicted of two or more serious

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1 traffic violations committed within a three-year period in this
2 state or another state. For purposes of this section, *"serious*
3 *traffic violation"* means any violation committed while operating
4 a motor vehicle if the violation resulted in the suspension
5 or revocation of the person's driver's license, or any of the
6 following violations, whether or not the violation resulted in
7 license suspension or revocation:
8 (1) A violation of chapter 321J or an equivalent law of
9 another state.
10 (2) A seat belt violation.
11 (3) A violation of commercial motor vehicle laws.
12 (4) A speeding violation for a speed of fifteen miles per
13 hour or more over the legal limit.
14 (5) Negligent homicide.
15 (6) Using a motor vehicle in the commission of a felony.
16 (7) Evading arrest.
17 (8) Using a motor vehicle to flee law enforcement.
18 (9) Careless driving.
19 (10) Prohibited passing of another vehicle.
20 (11) Unlawfully passing a stopped school bus.
21 (12) Failure to obey an official traffic-control signal or
22 device.
23 (13) Failure to obey a railroad crossing gate.
24 (14) Driving while the person's driver's license or
25 operating privileges are suspended, canceled, or revoked.
26 (15) Driving the wrong way on a one-way street.
27 *c.* Prior to allowing a person to perform the duties of
28 a driver, an employer shall require the person to submit to
29 testing for alcohol and controlled substances as provided in
30 49 C.F.R. pts. 40 and 382, as amended. A person shall not be
31 allowed to perform the duties of a driver unless the alcohol
32 test result for the person indicates an alcohol concentration
33 of zero and the controlled substances test result from a
34 medical review officer, as defined in 49 C.F.R. § 40.3, as
35 amended, indicates a verified negative.

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1 *d.* (1) As soon as practicable following an accident
2 involving a motor vehicle owned or operated by an employer,
3 the employer shall test each surviving driver for alcohol and
4 controlled substances if any of the following apply:
5 (a) The accident involved the death of a person.
6 (b) The driver received a citation for a moving violation
7 arising from the accident and the accident involved bodily
8 injury to a person who immediately received medical treatment
9 after the accident.
10 (c) The driver received a citation for a moving violation
11 arising from the accident and the accident involved disabling
12 damage to one or more motor vehicles involved in the accident.
13 (2) Testing for the presence of alcohol shall be conducted
14 immediately following the accident or no later than eight hours
15 after the accident. Testing for the presence of controlled
16 substances shall be conducted immediately following the
17 accident or no later than thirty-two hours after the accident.
18 The test results shall be submitted to the department. The
19 employer shall maintain a record of the test results for five
20 years following the date of the accident.
21 *e.* Notwithstanding any other provision, a person shall be
22 disqualified from driving for the employer upon the occurrence
23 of any of the following:
24 (1) The person's alcohol and controlled substances test
25 results are not in compliance with paragraph *"c"*.
26 (2) The person refuses to provide a specimen for alcohol
27 testing, testing for controlled substances, or both.
28 (3) The person submits an adulterated specimen, a dilute
29 positive specimen, or a substituted specimen for an alcohol
30 test or a test for controlled substances.
31 *f.* Testing of an employee for the presence of alcohol or a
32 controlled substance under this subsection shall be performed
33 in accordance with section 730.5.
34 7. *Financial liability coverage.*
35 *a.* An employer shall maintain financial liability coverage

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in the amount of one million dollars per person, up to a maximum of five million dollars, for each motor vehicle owned or operated by the employer to transport railroad workers.

b. An employer shall maintain uninsured and underinsured motor vehicle coverage in the amount of one million dollars per motor vehicle occupant, up to a maximum of five million dollars, for each motor vehicle owned or operated by the employer to transport railroad workers.

~~5.~~ 8. *Rule violations.* When the administrator finds that a motor vehicle used to transport workers to and from their places of employment or during the course of their employment ~~violates~~ is not in compliance with this section or a rule adopted under this section, the administrator shall make, enter, and serve upon the owner of the motor vehicle an order as necessary to protect the safety of workers transported in the motor vehicle. The administrator may direct in the order, as a condition to the continued use of the motor vehicle for transporting workers to and from their places of employment or during the course of their employment, that additions, repairs, improvements, or changes be made and that safety devices and safeguards be furnished and used as required to satisfy the rules in the manner and within the time specified in the order. The order may also require that any driver of the motor vehicle satisfy the minimum standards for a driver under ~~the~~ this section or rules adopted pursuant to this section.

9. *Access provided to department.* An employer shall provide the department, or an agent or employee of the department, with access to the following:

a. A facility owned or controlled by the employer, for the purpose of determining compliance with this section.

b. Records related to an accident involving a vehicle owned or operated by the employer.

~~6.~~ 10. *Penalty.*

a. ~~Violation~~ Except as otherwise provided, a violation by the owner of a motor vehicle of this section, a rule adopted

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1 under this section, or an order issued under subsection ~~5~~
2 8, or willful failure to comply with such an order is, upon
3 conviction, subject to a schedule "one" penalty as provided
4 under section 327C.5.
5 *b.* A violation of subsection 5, or rules adopted pursuant to
6 subsection 5, by a railroad worker transportation company or a
7 railroad corporation is punishable as a schedule "one" penalty
8 under section 327C.5.
9 *c.* A railroad worker transportation company or a railroad
10 corporation that violates this section or a rule adopted
11 pursuant to this section may be subject to a civil penalty not
12 to exceed two thousand dollars in addition to any other penalty
13 provided by law.
14 *d.* Each violation of this section or a rule adopted pursuant
15 to this section constitutes a separate and distinct offense,
16 and for violations of a continuing nature, each day that a
17 violation continues constitutes a separate offense.
18 Sec. 3. Section 805.8A, subsection 13, paragraph b, Code
19 2013, is amended to read as follows:
20 *b.* For a violation under section 321.449~~,~~ or 321.449A, the
21 scheduled fine is fifty dollars.
22 EXPLANATION
23 This bill contains provisions relating to companies
24 that operate motor vehicles and employ drivers for the
25 transportation of railroad workers.
26 Under the bill, the term "employer" means a person engaged
27 in a business affecting interstate commerce who owns or leases
28 a commercial motor vehicle or assigns employees to operate
29 a commercial motor vehicle, including a railroad worker
30 transportation company. The term "employee" refers to a driver
31 who performs a service for a railroad worker transportation
32 company, either for wages or as an independent contractor.
33 The bill requires an employer to provide for annual
34 inspection of the employer's motor vehicles by a qualified
35 person. In addition, each employee who drives a motor vehicle

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1 must complete a daily written vehicle report. An employer is
2 also required to establish a maintenance and repair program
3 that includes weekly inspection of each motor vehicle, with a
4 focus on cleanliness and the condition of vehicle parts and
5 accessories specified in the bill. An employer is required to
6 maintain records relating to vehicle maintenance and repair for
7 one year, or for a vehicle no longer in the employer's control,
8 for six months.
9 The bill provides that a person who drives a motor vehicle
10 transporting railroad workers is subject to hours-of-service
11 restrictions similar to those that apply to commercial
12 vehicle operators. The bill prohibits a driver from driving
13 for more than 10 hours following eight consecutive hours of
14 uninterrupted rest; prohibits driving such a motor vehicle
15 for any period after having been on duty for 15 hours
16 following eight consecutive hours of uninterrupted rest; and
17 prohibits accepting a call for service during a period of
18 uninterrupted rest. The bill provides detailed definitions
19 of "on duty" and "uninterrupted rest". A driver who violates
20 the hours-of-service restrictions commits a simple misdemeanor
21 punishable by a scheduled fine of $50. This is the same
22 penalty that currently applies for hours-of-service violations
23 by commercial vehicle operators.
24 The bill prohibits an employer from requiring a driver to
25 operate a motor vehicle in violation of the hours-of-service
26 requirements established under the bill. An employer may
27 require a period of uninterrupted rest at any time and must
28 clearly communicate to a driver when a period of uninterrupted
29 rest is to begin.
30 The bill requires an employer to maintain a driver
31 qualification file for each employee that includes specified
32 documentation relating to the employee's driving record
33 and employment record. The bill states that an employee is
34 disqualified from driving for an employer if the driver is
35 convicted of two or more serious traffic violations committed

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1 within three years in Iowa or in any other state. For purposes
2 of the bill, "serious violation" includes operating while
3 intoxicated, a seat belt violation, a violation of commercial
4 motor vehicle laws, speeding more than 15 miles per hour
5 over the limit, negligent homicide, using a motor vehicle in
6 commission of a felony, evading arrest, using a motor vehicle
7 to flee law enforcement, careless driving, prohibited passing,
8 unlawfully passing a school bus, failure to obey a traffic
9 control signal or device, driving while suspended, and driving
10 the wrong way on a one-way street.
11 The bill requires drivers to be tested for the presence of
12 alcohol and controlled substances as a condition of employment.
13 In addition, an employer is required to have a driver tested
14 for alcohol and controlled substances following an accident
15 occurring in the course of the driver's employment if the
16 accident involved the death of a person, or if the accident
17 resulted in bodily injury to a person or disabling damage to a
18 motor vehicle and the driver received a citation for a moving
19 violation. Grounds for disqualification of a driver include
20 a test result indicating an alcohol concentration above zero
21 or a controlled substance test result other than a verified
22 negative; refusing to provide a specimen for testing; or
23 adulteration, dilution, or substitution of a specimen.
24 The bill requires an employer to maintain financial
25 liability coverage in the amount of $1 million per person, up
26 to a maximum of $5 million per motor vehicle owned or operated
27 by the employer and uninsured or underinsured motorist coverage
28 in the amount of $1 million per motor vehicle occupant, up to a
29 maximum of $5 million per motor vehicle.
30 The bill requires an employer to provide the department of
31 transportation with access to the employer's facilities and to
32 records relating to accidents involving the employer's motor
33 vehicles.
34 Pursuant to current law, a violation of the provisions
35 relating to the transportation of railroad workers is

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1 punishable by a schedule "one" penalty, which is a fine of
2 $100. The bill provides that a schedule "one" penalty also
3 applies to a violation of the provisions relating to rest
4 periods for drivers by a railroad corporation or a railroad
5 worker transportation company. The bill also allows an
6 additional civil penalty of up to $2,000 to be imposed for
7 any violation of the provisions of the bill by a railroad
8 corporation or a railroad worker transportation company. Each
9 violation of the provisions relating to the transportation of
10 railroad workers constitutes a separate and distinct offense,
11 and for violations of a continuing nature, each day that a
12 violation continues constitutes a separate offense.

Senate File 336 - Introduced

SENATE FILE 336
BY ZAUN, ROZENBOOM, and CHAPMAN

A BILL FOR

1 An Act relating to education by abolishing the department of
2 education and the state board of education, modifying the
3 duties and authority of certain state and local governmental
4 entities, establishing an education savings grant program
5 and fund, making appropriations, providing penalties, and
6 including effective date and applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1868XS (7) 85
md/sc

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1 DIVISION I
2 REPEAL OF DEPARTMENT OF EDUCATION AND
3 STATE BOARD OF EDUCATION
4 Section 1. NEW SECTION. **256B.16 Transfer of authority and**
5 **duties.**
6 1. Beginning July 1, 2014, the authority and duties of the
7 department of education, the division of special education
8 created under section 256B.1, the state board of education, and
9 the director of the department of education under this chapter
10 shall to the extent feasible be transferred to the appropriate
11 area education agency where such special education services
12 are being provided. Accordingly, beginning July 1, 2014, all
13 references to the department of education or the division of
14 special education under this chapter and references to the
15 department of education or the division of special education
16 under other provisions of law relating to this chapter shall
17 mean the applicable area education agency and all references to
18 the state board of education or the director of the department
19 of education under this chapter or other provisions of law
20 relating to this chapter shall mean the board of directors of
21 the area education agency and the administrator of the area
22 education agency respectively.
23 2. Any moneys remaining in any account or fund under the
24 control of the department of education at the conclusion
25 of the fiscal year beginning July 1, 2013, relative to
26 the provisions of this chapter shall be transferred to the
27 control of the department of human services for such purposes.
28 Notwithstanding section 8.33, the moneys transferred in
29 accordance with this subsection shall not revert to the account
30 or fund from which appropriated or transferred.
31 3. Any contract entered into by the department of education
32 relating to the provisions of this chapter in effect at the
33 conclusion of the fiscal year beginning July 1, 2013, shall
34 continue in full force and effect pending transfer of such
35 contracts to the area education agencies.

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4. Any rule, regulation, form, order, or directive promulgated by the department of education relative to the provisions of this chapter in existence at the conclusion of the fiscal year beginning July 1, 2013, shall continue in full force and effect.

5. In regard to updating references and format in the Iowa administrative code in order to correspond to the transferring of duties of this chapter, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

Sec. 2. Section 256C.1, Code 2013, is amended to read as follows:

256C.1 Definitions.

As used in this chapter:

1. *"Approved local program"* means a school district's program for four-year-old children ~~approved by the department of education to provide high quality preschool instruction~~.

~~2. *"Department"* means the department of education.~~

~~3. *"Director"* means the director of the department of education.~~

~~4.~~ 2. *"Preschool program"* means the statewide preschool program for four-year-old children created in accordance with this chapter.

~~5.~~ 3. *"School district approved to participate in the preschool program"* means a school district that meets the school district requirements under section 256C.3 ~~and has been approved by the department to participate in the preschool program~~.

~~6. *"State board"* means the state board of education.~~

Sec. 3. Section 256C.2, subsection 2, Code 2013, is amended by striking the subsection.

Sec. 4. Section 256C.3, subsection 2, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

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(3) The individual possesses a bachelor's or graduate degree from an accredited college or university with a major in early childhood education or other appropriate major ~~identified in rule by the department~~ as determined by the school district's board of directors.

Sec. 5. Section 256C.3, subsection 3, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~The state board shall adopt rules to further define the following preschool program requirements which shall be used to determine whether or not a~~ Each local program implemented by a school district approved to implement the preschool program ~~qualifies as an approved local program~~ shall address or conform with all of the following:

Sec. 6. Section 256C.3, subsection 3, paragraph e, Code 2013, is amended to read as follows:

e. Collaboration with participating families, early care providers, and community partners including but not limited to early childhood Iowa area boards, head start programs, shared visions ~~and other~~ programs ~~provided under the auspices of the child development coordinating council~~, licensed child care centers, registered child development homes, area education agencies, child care resource and referral services provided under section 237A.26, early childhood special education programs, services funded by Tit. I of the federal Elementary and Secondary Education Act of 1965, and family support programs.

Sec. 7. Section 256C.3, subsection 4, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

4. *School district requirements.*

a. Subject to implementation of chapter 28E agreements between a school district and community-based providers of services to four-year-old children, a four-year-old child who is enrolled in a child care center or child development home licensed or registered under chapter 237A, or in an existing

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1 public or private preschool program, shall be eligible for
2 services provided by the school district's local preschool
3 program.
4 *b.* Professional development for school district preschool
5 teachers shall be addressed in the school district's
6 professional development plan implemented in accordance with
7 section 284.6.
8 Sec. 8. Section 256C.3, subsection 5, Code 2013, is amended
9 by striking the subsection.
10 Sec. 9. Section 256C.4, subsection 1, paragraph d, Code
11 2013, is amended to read as follows:
12 *d.* Preschool foundation aid funding shall not be commingled
13 with the other state aid payments made under section 257.16
14 to a school district and shall be accounted for by the local
15 school district separately from the other state aid payments.
16 Preschool foundation aid payments made to school districts
17 are miscellaneous income for purposes of chapter 257. A
18 school district shall maintain a separate listing within its
19 budget for preschool foundation aid payments received and
20 expenditures made. ~~A school district shall certify to the~~
21 ~~department of education that preschool~~ Preschool foundation aid
22 funding received by the school district ~~was~~ shall be used to
23 supplement, not supplant, moneys otherwise received and used by
24 the school district for preschool programming.
25 Sec. 10. Section 256C.4, subsection 2, paragraph b, Code
26 2013, is amended to read as follows:
27 *b.* The enrollment count of eligible students shall not
28 include a child who is included in the enrollment count
29 determined under section 257.6 or a child who is served by
30 a program already receiving state or federal funds for the
31 purpose of the provision of four-year-old preschool programming
32 while the child is being served by the program. Such preschool
33 programming includes but is not limited to ~~child development~~
34 ~~assistance programs provided under chapter 256A,~~ special
35 education programs provided under section 256B.9, school ready

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1 children grant programs and other programs provided under
2 chapter 256I, and federal head start programs and the services
3 funded by Tit. I of the federal Elementary and Secondary
4 Education Act of 1965.
5 Sec. 11. Section 256C.5, subsection 2, Code 2013, is amended
6 to read as follows:
7 2. *Preschool foundation aid district amount.*
8 *a.* For the initial school year for which a school district
9 approved to participate in the preschool program ~~receives that~~
10 ~~approval and~~ implements the preschool program, the funding for
11 the preschool foundation aid payable to that school district
12 shall be paid from the appropriation made for that school year
13 in section 256C.6, Code 2011, or in another appropriation
14 made for purposes of this chapter. For that school year, the
15 preschool foundation aid payable to the school district is
16 the product of the regular program state cost per pupil for
17 the school year multiplied by sixty percent of the school
18 district's eligible student enrollment on the date in the
19 school year ~~determined by rule~~.
20 *b.* For budget years subsequent to the initial school year
21 for which a school district approved to participate in the
22 preschool program ~~receives that initial approval and~~ implements
23 the preschool program, the funding for the preschool foundation
24 aid payable to that school district shall be paid from the
25 appropriation made in section 257.16. ~~Continuation of a~~
26 ~~school district's participation in the preschool program for~~
27 ~~a second or subsequent budget year is subject to the approval~~
28 ~~of the department based upon the school district's compliance~~
29 ~~with accountability provisions and the department's on-site~~
30 ~~review of the school district's implementation of the preschool~~
31 ~~program.~~
32 Sec. 12. Section 256C.5, subsection 4, Code 2013, is amended
33 by striking the subsection.
34 Sec. 13. NEW SECTION. **256F.12 Transfer of authority and**
35 **duties.**

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1 1. Beginning July 1, 2014, the authority and duties of the
2 department of education, the state board, and the director of
3 the department of education under this chapter, to the extent
4 feasible, shall be transferred to the board of directors of
5 the community college serving the merged area in which the
6 charter school or innovation zone school, or such proposed
7 school, is located. Accordingly, beginning July 1, 2014, all
8 references to the department of education, the state board of
9 education, and the director of the department of education
10 under this chapter or other provisions of law relating to this
11 chapter shall mean the board of directors of the community
12 college serving the merged area in which the charter school or
13 innovation zone school, or such proposed school, is located.
14 2. Any contract entered into by the department of education
15 relating to the provisions of this chapter in effect at the
16 conclusion of the fiscal year beginning July 1, 2013, shall
17 continue in full force and effect pending transfer of such
18 contracts to the appropriate community college board of
19 directors.
20 3. Any rule, regulation, form, order, or directive
21 promulgated by the department of education relative to the
22 provisions of this chapter in existence at the conclusion of
23 the fiscal year beginning July 1, 2013, shall continue in full
24 force and effect.
25 Sec. 14. NEW SECTION. **256H.4 Transfer of authority and**
26 **duties.**
27 1. Beginning July 1, 2014, the authority and duties of the
28 department of education and the director of the department
29 of education under this chapter shall be transferred to the
30 adjutant general of the state. Accordingly, beginning July 1,
31 2014, all references to the department of education and the
32 director of the department of education under this chapter or
33 other provisions of law relating to this chapter shall mean
34 adjutant general of the state.
35 2. Any contract entered into by the department of education

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1 relating to the provisions of this chapter in effect at the
2 conclusion of the fiscal year beginning July 1, 2013, shall
3 continue in full force and effect pending transfer of such
4 contracts to the adjutant general of the state.
5 3. Any rule, regulation, form, order, or directive
6 promulgated by the department of education relative to the
7 provisions of this chapter in existence upon conclusion of the
8 fiscal year beginning July 1, 2013, shall continue in full
9 force and effect.
10 Sec. 15. NEW SECTION. **256I.13 Transfer of authority and**
11 **duties.**
12 1. Beginning July 1, 2014, the authority and duties of the
13 department of education and the director of the department
14 of education under this chapter shall be transferred to the
15 department of management and the director of the department
16 of management. Accordingly, beginning July 1, 2014, all
17 references to the department of education or the director of
18 the department of education under this chapter or under other
19 provisions of law relating to this chapter shall mean the
20 department of management and the director of the department of
21 management.
22 2. Any moneys remaining in any account or fund under the
23 control of the department of education at the conclusion of the
24 fiscal year beginning July 1, 2013, relative to the provisions
25 of this chapter shall be transferred to the control of the
26 department of management for such purposes. Notwithstanding
27 section 8.33, the moneys transferred in accordance with this
28 subsection shall not revert to the account or fund from which
29 appropriated or transferred.
30 3. Any contract entered into by the department of education
31 relating to the provisions of this chapter in effect at the
32 conclusion of the fiscal year beginning July 1, 2013, shall
33 continue in full force and effect pending transfer of such
34 contracts to the department of management.
35 4. Any rule, regulation, form, order, or directive

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1 promulgated by the department of education relative to the
2 provisions of this chapter in existence at the conclusion of
3 the fiscal year beginning July 1, 2013, shall continue in full
4 force and effect until amended, repealed, or supplemented by
5 affirmative action of the department of management under the
6 duties and powers established in this chapter and under the
7 procedure established in subsection 5.
8 5. In regard to updating references and format in the Iowa
9 administrative code in order to correspond to the transferring
10 of duties of this chapter, the administrative rules coordinator
11 and the administrative rules review committee, in consultation
12 with the administrative code editor, shall jointly develop a
13 schedule for the necessary updating of the Iowa administrative
14 code.
15 Sec. 16. Section 257C.5, subsection 1, Code 2013, is amended
16 to read as follows:
17 1. The powers of the authority are vested in and exercised
18 by a board consisting of five members, including the treasurer
19 of state, ~~the director of the department of education,~~ and the
20 director of the department of management, and ~~two~~ three members
21 appointed by the governor, subject to confirmation by the
22 senate. The state officials may designate representatives to
23 serve on the board for them. As far as possible, the governor
24 shall appoint members who are knowledgeable or experienced in
25 the school systems of this state or in finance.
26 Sec. 17. NEW SECTION. **258.18 Transfer of authority and**
27 **duties.**
28 1. Beginning July 1, 2014, the authority and duties of the
29 department of education, the state board of education, and the
30 director of the department of education under this chapter
31 shall be transferred to the department of workforce development
32 and the director of the department of workforce development.
33 Accordingly, beginning July 1, 2014, all references to the
34 department of education under this chapter and references
35 to the department of education under other provisions of

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1 law relating to this chapter shall mean the department of
2 workforce development and all references to the state board
3 of education or the director of the department of education
4 under this chapter or other provisions of law relating to this
5 chapter shall mean the director of the department of workforce
6 development.
7 2. Any moneys remaining in any account or fund under the
8 control of the department of education at the conclusion
9 of the fiscal year beginning July 1, 2013, relative to the
10 provisions of this chapter shall be transferred to the control
11 of the department of workforce development for such purposes.
12 Notwithstanding section 8.33, the moneys transferred in
13 accordance with this subsection shall not revert to the account
14 or fund from which appropriated or transferred.
15 3. Any contract entered into by the department of education
16 relating to the provisions of this chapter in effect at the
17 conclusion of the fiscal year beginning July 1, 2013, shall
18 continue in full force and effect pending transfer of such
19 contracts to the department of workforce development.
20 4. Any rule, regulation, form, order, or directive
21 promulgated by the department of education relative to the
22 provisions of this chapter in existence at the conclusion of
23 the fiscal year beginning July 1, 2013, shall continue in full
24 force and effect until amended, repealed, or supplemented by
25 affirmative action of the department of workforce development
26 under the duties and powers established in this chapter and
27 under the procedure established in subsection 5.
28 5. In regard to updating references and format in the Iowa
29 administrative code in order to correspond to the transferring
30 of duties of this chapter, the administrative rules coordinator
31 and the administrative rules review committee, in consultation
32 with the administrative code editor, shall jointly develop a
33 schedule for the necessary updating of the Iowa administrative
34 code.
35 Sec. 18. NEW SECTION. **259.1A Transfer of authority and**

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1 **duties.**
2 1. Beginning July 1, 2014, the authority and duties of the
3 department of education, the state board of education, and the
4 director of the department of education under this chapter
5 shall be transferred to the department of workforce development
6 and the director of the department of workforce development.
7 Accordingly, beginning July 1, 2014, all references to the
8 department of education under this chapter and references
9 to the department of education under other provisions of
10 law relating to this chapter shall mean the department of
11 workforce development and all references to the state board
12 of education or the director of the department of education
13 under this chapter or other provisions of law relating to this
14 chapter shall mean the director of the department of workforce
15 development.
16 2. Beginning July 1, 2014, the division of vocational
17 rehabilitation services created within the department of
18 education under section 259.3 shall be transferred to the
19 department of workforce development.
20 3. Any moneys remaining in any account or fund under the
21 control of the department of education at the conclusion
22 of the fiscal year beginning July 1, 2013, relative to the
23 provisions of this chapter shall be transferred to the control
24 of the department of workforce development for such purposes.
25 Notwithstanding section 8.33, the moneys transferred in
26 accordance with this subsection shall not revert to the account
27 or fund from which appropriated or transferred.
28 4. Any contract entered into by the department of education
29 relating to the provisions of this chapter in effect at the
30 conclusion of the fiscal year beginning July 1, 2013, shall
31 continue in full force and effect pending transfer of such
32 contracts to the department of workforce development.
33 5. Any rule, regulation, form, order, or directive
34 promulgated by the department of education relative to the
35 provisions of this chapter in existence at the conclusion of

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the fiscal year beginning July 1, 2013, shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of workforce development under the duties and powers established in this chapter and under the procedure established in subsection 6.

6. In regard to updating references and format in the Iowa administrative code in order to correspond to the transferring of duties of this chapter, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

Sec. 19. Section 259A.1, Code 2013, is amended to read as follows:

259A.1 Tests.

~~The department of education~~ Each board of directors of the community college serving the merged area shall cause to be made available for qualified individuals a high school equivalency diploma. The diploma shall be issued on the basis of satisfactory competence as shown by tests covering all of the following: reading, arts, language arts, writing, mathematics, science, and social studies.

Sec. 20. Section 259A.2, unnumbered paragraph 2, Code 2013, is amended to read as follows:

Application shall be made to a testing center approved by the ~~department of education~~ board of directors of the community college serving the merged area, accompanied by an application fee in an amount prescribed by the ~~department~~ board of directors of the community college. The test scores shall be forwarded by the testing center to the ~~department~~ board of directors of the community college.

Sec. 21. Section 259A.3, Code 2013, is amended to read as follows:

259A.3 Notice and fee.

Any applicant who has achieved the minimum passing standards

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as established by the ~~department, and approved by the state board,~~ board of directors of the community college shall be issued a high school equivalency diploma ~~by the department~~ upon payment of an additional amount determined ~~in rules adopted by the state board of education~~ by the board to cover the actual costs of the production and distribution of the diploma. ~~The state board of education may also by rule establish a fee for the issuance or verification of a transcript which shall be based on the actual costs of the production or verification of a transcript.~~

Sec. 22. Section 259A.4, Code 2013, is amended to read as follows:

259A.4 Use of fees.

The fees collected under the provisions of this chapter shall be used for the expenses incurred in administering, providing test materials, scoring of examinations and issuance of high school equivalency diplomas, and shall be disbursed on the authorization of the ~~director of the department of education~~ board of directors of the community college. The treasurer of state shall be custodian of the funds paid to the ~~department~~ community college and shall disburse the same on vouchers audited as provided by law. The unobligated balance in such funds at the close of each biennium shall be placed in the general fund of the state.

Sec. 23. Section 259A.5, Code 2013, is amended to read as follows:

259A.5 Rules.

~~The director of the department of education~~ Each board of directors of the community college shall adopt tests, definitions of terms, and forms as necessary for the administration of this chapter. ~~The state board shall adopt rules under chapter 17A to carry out this chapter.~~

Sec. 24. NEW SECTION. **260C.1A Transfer of authority and duties.**

1. Beginning July 1, 2014, the authority and duties of the

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1 department of education, the state board of education, and the
2 director of the department of education under this chapter
3 shall, to the extent feasible, be transferred to the boards of
4 directors of the community colleges serving the merged areas of
5 the state. Accordingly, beginning July 1, 2014, all references
6 to the department of education, the state board of education,
7 and the director of the department of education under this
8 chapter and references to the department of education, the
9 state board of education, and the director of the department
10 of education under other provisions of law relating to this
11 chapter shall mean the applicable board of directors of a
12 community college.
13 2. Beginning July 1, 2014, transfer of the duties and
14 authority of the department shall also include all duties and
15 authority of the community colleges division created within the
16 department of education under section 260C.6.
17 3. Any moneys remaining in any account or fund under the
18 control of the department of education at the conclusion of the
19 fiscal year beginning July 1, 2013, relative to the provisions
20 of this chapter shall be transferred to the control of the
21 applicable board of directors of a community college for such
22 purposes. Notwithstanding section 8.33, the moneys transferred
23 in accordance with this subsection shall not revert to the
24 account or fund from which appropriated or transferred.
25 4. Any contract entered into by the department of education
26 relating to the provisions of this chapter in effect at the
27 conclusion of the fiscal year beginning July 1, 2013, shall
28 continue in full force and effect pending transfer of such
29 contracts to the boards of directors of the community colleges.
30 5. Any rule, regulation, form, order, or directive
31 promulgated by the department of education relative to the
32 provisions of this chapter in existence at the conclusion of
33 the fiscal year beginning July 1, 2013, shall continue in full
34 force and effect.
35 Sec. 25. Section 260E.7, subsection 1, Code 2013, is amended

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to read as follows:

1. The economic development authority, in consultation with the ~~department of education, the~~ department of revenue, and the department of workforce development, shall coordinate and review the new jobs training program. The economic development authority shall adopt, amend, and repeal rules under chapter 17A that the community college will use in developing projects with new and expanding industrial new jobs training proposals and that the economic development authority shall use to review and report on the new jobs training program as required in this section.

Sec. 26. Section 260F.6B, Code 2013, is amended to read as follows:

260F.6B High technology apprenticeship program.

The community colleges and the economic development authority are authorized to fund high technology apprenticeship programs which comply with the requirements specified in section 260C.44 and which may include both new and statewide apprenticeship programs. Notwithstanding the provisions of section 260F.6, subsection 2, relating to maximum award amounts, moneys allocated to the community colleges with high technology apprenticeship programs shall be distributed to the community colleges based upon contact hours under the programs administered during the prior fiscal year as determined by the ~~department of education~~ economic development authority. The economic development authority shall adopt rules governing this section's operation and participant eligibility.

Sec. 27. Section 260F.7, Code 2013, is amended to read as follows:

260F.7 Economic development authority to coordinate.

The economic development authority, in consultation with ~~the department of education and~~ the department of workforce development, shall coordinate the jobs training program. A project shall not be funded under this chapter unless the economic development authority approves the project. The

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1 authority shall adopt rules pursuant to chapter 17A governing
2 the program's operation and eligibility for participation in
3 the program. The authority shall establish by rule criteria
4 for determining what constitutes an eligible business.
5 Sec. 28. Section 260H.2, Code 2013, is amended to read as
6 follows:
7 **260H.2 Pathways for academic career and employment program.**
8 A pathways for academic career and employment program is
9 established to provide funding to community colleges for the
10 development of projects in coordination with the economic
11 development authority, ~~the department of education,~~ the
12 department of workforce development, regional advisory boards
13 established pursuant to section 84A.4, and community partners
14 to implement a simplified, streamlined, and comprehensive
15 process, along with customized support services, to enable
16 eligible participants to acquire effective academic and
17 employment training to secure gainful, quality, in-state
18 employment.
19 Sec. 29. Section 260H.8, Code 2013, is amended to read as
20 follows:
21 **260H.8 Rules.**
22 The ~~department of education~~ economic development authority,
23 in consultation with the community colleges~~, the economic~~
24 ~~development authority,~~ and the department of workforce
25 development, shall adopt rules pursuant to chapter 17A and this
26 chapter to implement the provisions of this chapter. Regional
27 advisory boards established pursuant to section 84A.4 shall be
28 consulted in the development and implementation of rules to be
29 adopted pursuant to this chapter.
30 Sec. 30. Section 260I.2, subsection 2, paragraph a, Code
31 2013, is amended to read as follows:
32 *a.* There is established for the community colleges
33 a gap tuition assistance fund in the state treasury to
34 be administered by the ~~department of education~~ economic
35 development authority. The funds in the gap tuition assistance

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1 fund are appropriated to the ~~department of education~~ economic
2 development authority for the gap tuition assistance program.
3 Sec. 31. Section 260I.3, subsection 1, Code 2013, is amended
4 to read as follows:
5 1. The ~~department of education, in consultation with the~~
6 economic development authority~~,~~ shall adopt rules pursuant to
7 this chapter defining eligibility criteria for persons applying
8 to receive tuition assistance under this chapter.
9 Sec. 32. Section 260I.10, Code 2013, is amended to read as
10 follows:
11 **260I.10 Oversight.**
12 1. The ~~department of education~~ economic development
13 authority, in coordination with the community colleges, shall
14 establish a steering committee. The steering committee shall
15 determine if the performance measures of the gap tuition
16 assistance program are being met and shall take necessary steps
17 to correct any deficiencies. The steering committee shall meet
18 at least quarterly to evaluate and monitor the performance of
19 the gap tuition assistance program.
20 2. The ~~department of education~~ economic development
21 authority, in coordination with the community colleges,
22 shall develop a common intake tracking system that shall be
23 implemented consistently by each participating community
24 college.
25 3. The ~~department of education~~ economic development
26 authority shall coordinate statewide oversight, evaluation, and
27 reporting efforts for the gap tuition assistance program.
28 Sec. 33. Section 260I.11, Code 2013, is amended to read as
29 follows:
30 **260I.11 Rules.**
31 The ~~department of education~~ economic development authority,
32 in consultation with the ~~economic development authority and the~~
33 community colleges, shall adopt rules pursuant to chapter 17A
34 and this chapter to implement the provisions of this chapter.
35 Sec. 34. Section 261.1, subsection 2, paragraph b, Code

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1 2013, is amended by striking the paragraph.
2 Sec. 35. NEW SECTION. **261.8 Transfer of authority and**
3 **duties.**
4 1. Beginning July 1, 2014, the authority and duties of the
5 department of education, the state board of education, and the
6 director of the department of education under this chapter
7 shall be transferred to the college student aid commission.
8 Accordingly, beginning July 1, 2014, all references to the
9 department of education or the director of the department of
10 education under this chapter and references to the department
11 of education or the director of the department of education
12 under other provisions of law relating to this chapter shall
13 mean the college student aid commission.
14 2. Any moneys remaining in any account or fund under the
15 control of the department of education at the conclusion
16 of the fiscal year beginning July 1, 2013, relative to the
17 provisions of this chapter shall be transferred to the control
18 of the college student aid commission for such purposes.
19 Notwithstanding section 8.33, the moneys transferred in
20 accordance with this subsection shall not revert to the account
21 or fund from which appropriated or transferred.
22 3. Any contract entered into by the department of education
23 relating to the provisions of this chapter in effect at the
24 conclusion of the fiscal year beginning July 1, 2013, shall
25 continue in full force and effect pending transfer of such
26 contracts to the college student aid commission.
27 4. Any rule, regulation, form, order, or directive
28 promulgated by the department of education relative to the
29 provisions of this chapter in existence at the conclusion of
30 the fiscal year beginning July 1, 2013, shall continue in full
31 force and effect until amended, repealed, or supplemented by
32 affirmative action of the college student aid commission under
33 the duties and powers established in this chapter and under the
34 procedure established in subsection 5.
35 5. In regard to updating references and format in the Iowa

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1 administrative code in order to correspond to the transferring
2 of duties of this chapter, the administrative rules coordinator
3 and the administrative rules review committee, in consultation
4 with the administrative code editor, shall jointly develop a
5 schedule for the necessary updating of the Iowa administrative
6 code.
7 Sec. 36. NEW SECTION. **261E.1A Transfer of authority and**
8 **duties.**
9 1. Beginning July 1, 2014, the authority and duties of
10 the department of education, the state board of education,
11 and the director of the department of education under this
12 chapter shall be transferred to the state board of regents.
13 Accordingly, beginning July 1, 2014, all references to the
14 department of education, the state board of education, or the
15 director of the department of education under this chapter
16 and references to the department of education, state board of
17 education, or director of the department of education under
18 other provisions of law relating to this chapter shall mean the
19 state board of regents.
20 2. Any moneys remaining in any account or fund under the
21 control of the department of education at the conclusion of the
22 fiscal year beginning July 1, 2013, relative to the provisions
23 of this chapter shall be transferred to the control of the
24 state board of regents for such purposes. Notwithstanding
25 section 8.33, the moneys transferred in accordance with this
26 subsection shall not revert to the account or fund from which
27 appropriated or transferred.
28 3. Any contract entered into by the department of education
29 relating to the provisions of this chapter in effect at the
30 conclusion of the fiscal year beginning July 1, 2013, shall
31 continue in full force and effect pending transfer of such
32 contracts to the state board of regents.
33 4. Any rule, regulation, form, order, or directive
34 promulgated by the department of education relative to the
35 provisions of this chapter in existence at the conclusion of

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1 the fiscal year beginning July 1, 2013, shall continue in full
2 force and effect until amended, repealed, or supplemented by
3 affirmative action of the state board of regents under the
4 duties and powers established in this chapter and under the
5 procedure established in subsection 5.
6 5. In regard to updating references and format in the Iowa
7 administrative code in order to correspond to the transferring
8 of duties of this chapter, the administrative rules coordinator
9 and the administrative rules review committee, in consultation
10 with the administrative code editor, shall jointly develop a
11 schedule for the necessary updating of the Iowa administrative
12 code.
13 Sec. 37. Section 262.9, subsection 27, Code 2013, is amended
14 to read as follows:
15 27. Explore~~, in conjunction with the department~~
16 ~~of education,~~ the need for coordination between school
17 districts, area education agencies, state board of regents
18 institutions, and community colleges for purposes of delivery
19 of courses, use of telecommunications, transportation, and
20 other similar issues. Coordination may include but is not
21 limited to coordination of calendars, programs, schedules, or
22 telecommunications emissions. The state board shall develop
23 recommendations as necessary, which shall be submitted in a
24 report to the general assembly on a timely basis.
25 Sec. 38. Section 262.9, subsection 33, unnumbered paragraph
26 1, Code 2013, is amended to read as follows:
27 ~~In consultation with the state board of education, establish~~
28 Establish and enter into a collective statewide articulation
29 agreement with the community colleges established pursuant to
30 chapter 260C, which shall provide for the seamless transfer
31 of academic credits from a completed associate of arts or
32 associate of science degree program offered by a community
33 college to a baccalaureate degree program offered by an
34 institution of higher education governed by the board. The
35 board shall also do the following:

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1 Sec. 39. Section 262.9, subsection 33, paragraph i, Code
2 2013, is amended to read as follows:
3 *i.* Prepare, jointly with ~~the department of education and~~
4 the liaison advisory committee on transfer students, and submit
5 by January 15 annually to the general assembly, an update on
6 the articulation efforts and activities implemented by the
7 community colleges and the institutions of higher education
8 governed by the board.
9 Sec. 40. Section 262.71, subsection 9, Code 2013, is amended
10 by striking the subsection.
11 Sec. 41. Section 266.39C, subsection 2, paragraph a,
12 subparagraph (5), Code 2013, is amended to read as follows:
13 (5) One representative of community colleges, appointed by
14 the ~~state board of education~~ governor.
15 Sec. 42. Section 266.39C, subsection 6, Code 2013, is
16 amended to read as follows:
17 6. The Iowa energy center shall ~~cooperate with the state~~
18 ~~board of education in developing~~ develop a curriculum which
19 promotes energy efficiency and conservation.
20 Sec. 43. Section 272.1, subsection 4, Code 2013, is amended
21 by striking the subsection.
22 Sec. 44. NEW SECTION. **272.1A Transfer of authority and**
23 **duties.**
24 1. Beginning July 1, 2014, the authority and duties of the
25 department of education, the state board of education, and the
26 director of the department of education under this chapter
27 shall be transferred to the board of educational examiners.
28 Accordingly, beginning July 1, 2014, all references to the
29 department of education, the state board of education, or the
30 director of the department of education under this chapter
31 and references to the department of education, state board of
32 education, or director of the department of education under
33 other provisions of law relating to this chapter shall mean the
34 board of educational examiners.
35 2. Any moneys remaining in any account or fund under the

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control of the department of education at the conclusion of the fiscal year beginning July 1, 2013, relative to the provisions of this chapter shall be transferred to the control of the board of educational examiners for such purposes. Notwithstanding section 8.33, the moneys transferred in accordance with this subsection shall not revert to the account or fund from which appropriated or transferred.

3. Any contract entered into by the department of education relating to the provisions of this chapter in effect at the conclusion of the fiscal year beginning July 1, 2013, shall continue in full force and effect pending transfer of such contracts to the board of educational examiners.

Sec. 45. Section 272.3, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The board of educational examiners consists of twelve members. Two must be members of the general public~~, one must be the director of the department of education or the director's designee,~~ and the remaining ~~nine~~ ten members must be licensed practitioners. One of the public members shall have served on a school board. The public members shall never have held a practitioner's license, but shall have a demonstrated interest in education. The ~~nine~~ ten practitioners shall be selected from the following areas and specialties of the teaching profession:

Sec. 46. Section 272.3, subsection 2, Code 2013, is amended to read as follows:

2. A majority of the licensed practitioner members shall be nonadministrative practitioners. Four of the members shall be administrators. Membership of the board shall comply with the requirements of sections 69.16 and 69.16A. A quorum of the board shall consist of six members. Members shall elect a chairperson of the board. Members~~, except for the director of the department of education or the director's designee,~~ shall be appointed by the governor subject to confirmation by the senate.

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Sec. 47. Section 272.4, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Members~~, except for the director of the department of education or the director's designee,~~ shall be appointed to serve staggered terms of four years. A member shall not serve more than two consecutive terms~~, except for the director of the department of education or the director's designee, who shall serve until the director's term of office expires~~. A member of the board, except for the two public members ~~and the director of the department of education or the director's designee~~, shall hold a valid practitioner's license during the member's term of office. A vacancy exists when any of the following occur:

Sec. 48. Section 272.25, subsections 3, 4, and 8, Code 2013, are amended to read as follows:

3. A requirement that the program include instruction in skills and strategies to be used in classroom management of individuals, and of small and large groups, under varying conditions~~;~~, and skills for communicating and working constructively with pupils, teachers, administrators, and parents~~; and skills for understanding the role of the board of education and the functions of other education agencies in the state~~. ~~The requirement shall be based upon recommendations of the department of education after consultation with teacher education faculty members in colleges and universities.~~

4. A requirement that prescribes minimum experiences and responsibilities to be accomplished during the student teaching experience by the student teacher and by the cooperating teacher ~~based upon recommendations of the department of education after consultation with teacher education faculty members in colleges and universities~~. The student teaching experience shall include opportunities for the student teacher to become knowledgeable about the Iowa teaching standards, including a mock evaluation performed by the cooperating teacher. The mock evaluation shall not be used as

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an assessment tool by the practitioner preparation program. The student teaching experience shall consist of interactive experiences involving the college or university personnel, the student teacher, the cooperating teacher, and administrative personnel from the cooperating teacher's school district.

8. A requirement that an approved practitioner preparation institution submit evidence that the college ~~or department of education~~ is communicating with other colleges or departments in the institution so that practitioner preparation students may integrate teaching methodology with subject matter areas of specialization.

Sec. 49. NEW SECTION. **273.1A Transfer of authority and duties.**

1. Beginning July 1, 2014, the authority and duties of the department of education, the state board of education, and the director of the department of education under this chapter shall, to the extent feasible, be transferred to the area education agency boards of directors in this state. Accordingly, beginning July 1, 2014, all references to the department of education, the state board of education, and the director of the department of education under this chapter and references to the department of education, the state board of education, and the director of the department of education under other provisions of law relating to this chapter shall mean the applicable area education agency board of directors.

2. Any rule, regulation, form, order, or directive promulgated by the department of education relative to the provisions of this chapter in existence at the conclusion of the fiscal year beginning July 1, 2013, shall continue in full force and effect.

Sec. 50. Section 273.2, subsection 5, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The area education agency board may provide for the following programs and services to local school districts~~, and at the request of local school districts to providers of child~~

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1 ~~development services who have received grants under chapter~~
2 ~~256A from the child development coordinating council,~~ within
3 the limits of funds available:
4 Sec. 51. NEW SECTION. **274.1A Transfer of authority and**
5 **duties.**
6 1. Beginning July 1, 2014, the authority and duties of the
7 department of education and the director of the department of
8 education under this chapter shall, to the extent feasible, be
9 transferred to the area education agency boards of directors
10 in this state. Accordingly, beginning July 1, 2014, all
11 references to the department of education and the director of
12 the department of education under this chapter and references
13 to the department of education and the director of the
14 department of education under other provisions of law relating
15 to this chapter shall mean the applicable area education agency
16 board of directors.
17 2. Any rule, regulation, form, order, or directive
18 promulgated by the department of education or the director
19 of the department of education relative to the provisions of
20 this chapter in existence at the conclusion of the fiscal
21 year beginning July 1, 2013, shall continue in full force and
22 effect.
23 Sec. 52. NEW SECTION. **275.1A Transfer of authority and**
24 **duties.**
25 1. Beginning July 1, 2014, the authority and duties of
26 the department of education, the state board of education,
27 and the director of the department of education under this
28 chapter shall, to the extent feasible, be transferred to the
29 area education agency boards of directors in this state.
30 Accordingly, beginning July 1, 2014, all references to the
31 department of education, the state board of education, and the
32 director of the department of education under this chapter and
33 references to the department of education, the state board of
34 education, and the director of the department of education
35 under other provisions of law relating to this chapter shall

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1 mean the applicable area education agency board of directors.
2 2. Any rule, regulation, form, order, or directive
3 promulgated by the department of education, the state board
4 of education, or the director of the department of education
5 relative to the provisions of this chapter in existence at the
6 conclusion of the fiscal year beginning July 1, 2013, shall
7 continue in full force and effect.
8 Sec. 53. Section 276.3, subsections 5 and 9, Code 2013, are
9 amended by striking the subsections.
10 Sec. 54. Section 279.51, subsection 1, unnumbered paragraph
11 1, Code 2013, is amended to read as follows:
12 There is appropriated from the general fund of the state
13 to the department of ~~education~~ management for the fiscal year
14 beginning July 1, 2007, and each succeeding fiscal year, the
15 sum of twelve million six hundred six thousand one hundred
16 ninety-six dollars. The moneys shall be allocated as follows:
17 Sec. 55. Section 279.51, subsection 1, paragraphs b and d,
18 Code 2013, are amended by striking the paragraphs.
19 Sec. 56. Section 279.51, subsection 2, Code 2013, is amended
20 by striking the subsection.
21 Sec. 57. NEW SECTION. **279.69 Transfer of authority and**
22 **duties.**
23 1. Beginning July 1, 2014, the authority and duties of
24 the department of education, the state board of education,
25 and the director of the department of education under this
26 chapter, to the extent feasible, shall be transferred to the
27 boards of directors for the respective school districts in the
28 state. Accordingly, beginning July 1, 2014, all references to
29 the department of education, the state board of education, and
30 the director of the department of education under this chapter
31 and references to the department of education, the state board
32 of education, and the director of the department of education
33 under other provisions of law relating to this chapter shall
34 mean the applicable board of directors of the school district.
35 2. Any rule, regulation, form, order, or directive

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1 promulgated by the department of education, the state board
2 of education, or the director of the department of education
3 relative to the provisions of this chapter in existence at the
4 conclusion of the fiscal year beginning July 1, 2013, shall
5 continue in full force and effect.
6 Sec. 58. NEW SECTION. **280.1A Transfer of authority and**
7 **duties.**
8 1. Beginning July 1, 2014, the authority and duties of
9 the department of education, the state board of education,
10 and the director of the department of education under this
11 chapter, to the extent feasible, shall be transferred to the
12 boards of directors for the respective school districts in the
13 state. Accordingly, beginning July 1, 2014, all references to
14 the department of education, the state board of education, and
15 the director of the department of education under this chapter
16 and references to the department of education, the state board
17 of education, and the director of the department of education
18 under other provisions of law relating to this chapter shall
19 mean the applicable board of directors of the school district.
20 2. Any rule, regulation, form, order, or directive
21 promulgated by the department of education, the state board
22 of education, or the director of the department of education
23 relative to the provisions of this chapter in existence at the
24 conclusion of the fiscal year beginning July 1, 2013, shall
25 continue in full force and effect.
26 Sec. 59. NEW SECTION. **282.1A Transfer of authority and**
27 **duties.**
28 1. Beginning July 1, 2014, the authority and duties of
29 the department of education, the state board of education,
30 and the director of the department of education under this
31 chapter, to the extent feasible, shall be transferred to the
32 boards of directors for the respective school districts in the
33 state. Accordingly, beginning July 1, 2014, all references to
34 the department of education, the state board of education, and
35 the director of the department of education under this chapter

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and references to the department of education, the state board of education, and the director of the department of education under other provisions of law relating to this chapter shall mean the applicable board of directors of the school district.

2. Any rule, regulation, form, order, or directive promulgated by the department of education, the state board of education, or the director of the department of education relative to the provisions of this chapter in existence at the conclusion of the fiscal year beginning July 1, 2013, shall continue in full force and effect.

Sec. 60. Section 282.18, subsections 5 and 13, Code 2013, are amended to read as follows:

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent's or guardian's child in the receiving district. ~~A decision of either board to deny an application filed under this subsection involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address is subject to appeal under section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.~~

13. If a request under this section is for transfer to a laboratory school, as described in chapter 265, the student, who is the subject of the request, shall not be included in the basic enrollment of the student's district of residence, and the laboratory school shall report the enrollment of the student directly to the department of ~~education~~ management, unless the number of students from the district attending the laboratory school during the current school year, as a result

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of open enrollment under this section, exceeds the number of students enrolled in the laboratory school from that district during the 1989-1990 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds the number of students enrolled from that district during the 1989-1990 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the students' districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy students. The regents institution operating the laboratory school and the board of directors of the school district in the community in which the regents institution is located shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school, the viability of the education program of the local school district in which the regents institution is located, and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. ~~A denial of a request to transfer under this subsection is not subject to appeal under section 290.1.~~

Sec. 61. Section 282.18, subsection 15, Code 2013, is amended by striking the subsection.

Sec. 62. Section 283.1, Code 2013, is amended to read as follows:

283.1 Federal funds accepted.

The director of the department of ~~education~~ management is the *"state educational authority"* for the purpose of accepting and administering funds appropriated by Congress for educational purposes and the funds shall be deposited with the

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1 treasurer of state and disbursed through the department of
2 administrative services on vouchers audited as provided by law.
3 When state matching funds are required as a condition to the
4 acceptance of federal funds, the director of the department
5 of ~~education~~ management may make expenditures for matching
6 only from funds provided by the legislature for that purpose.
7 However, when federal funds may be matched with expenditures
8 from funds appropriated for the general operation of the
9 department of ~~education~~ management, this may be done with the
10 approval of the legislative council.
11 Sec. 63. NEW SECTION. **283A.1A Transfer of authority and**
12 **duties.**
13 1. Beginning July 1, 2014, the authority and duties of
14 the department of education, the state board of education,
15 and the director of the department of education under this
16 chapter, to the extent feasible, shall be transferred to the
17 boards of directors for the respective school districts in the
18 state. Accordingly, beginning July 1, 2014, all references to
19 the department of education, the state board of education, and
20 the director of the department of education under this chapter
21 and references to the department of education, the state board
22 of education, and the director of the department of education
23 under other provisions of law relating to this chapter shall
24 mean the applicable board of directors of the school district.
25 2. Any rule, regulation, form, order, or directive
26 promulgated by the department of education, the state board
27 of education, or the director of the department of education
28 relative to the provisions of this chapter in existence at the
29 conclusion of the fiscal year beginning July 1, 2013, shall
30 continue in full force and effect.
31 Sec. 64. Section 283A.3, Code 2013, is amended to read as
32 follows:
33 **283A.3 Expenditure of federal funds.**
34 The director of the department of ~~education~~ management shall
35 accept and direct the disbursement of funds appropriated by any

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1 Act of Congress and appropriated to the state of Iowa for use
2 in connection with school breakfast or lunch programs. The
3 director shall deposit the funds with the treasurer of the
4 state of Iowa, who shall make disbursements upon the direction
5 of the director.
6 Sec. 65. NEW SECTION. **284.1A Transfer of authority and**
7 **duties.**
8 1. Beginning July 1, 2014, the authority and duties of
9 the department of education, the state board of education,
10 and the director of the department of education under this
11 chapter, to the extent feasible, shall be transferred to the
12 boards of directors for the respective school districts in the
13 state. Accordingly, beginning July 1, 2014, all references to
14 the department of education, the state board of education, and
15 the director of the department of education under this chapter
16 and references to the department of education, the state board
17 of education, and the director of the department of education
18 under other provisions of law relating to this chapter shall
19 mean the applicable board of directors of the school district.
20 2. Any rule, regulation, form, order, or directive
21 promulgated by the department of education, the state board
22 of education, or the director of the department of education
23 relative to the provisions of this chapter in existence at the
24 conclusion of the fiscal year beginning July 1, 2013, shall
25 continue in full force and effect.
26 Sec. 66. NEW SECTION. **284A.1A Transfer of authority and**
27 **duties.**
28 1. Beginning July 1, 2014, the authority and duties of
29 the department of education, the state board of education,
30 and the director of the department of education under this
31 chapter, to the extent feasible, shall be transferred to the
32 boards of directors for the respective school districts in the
33 state. Accordingly, beginning July 1, 2014, all references to
34 the department of education, the state board of education, and
35 the director of the department of education under this chapter

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1 and references to the department of education, the state board
2 of education, and the director of the department of education
3 under other provisions of law relating to this chapter shall
4 mean the applicable board of directors of the school district.
5 2. Any rule, regulation, form, order, or directive
6 promulgated by the department of education, the state board
7 of education, or the director of the department of education
8 relative to the provisions of this chapter in existence at the
9 conclusion of the fiscal year beginning July 1, 2013, shall
10 continue in full force and effect.
11 Sec. 67. NEW SECTION. **285.7 Transfer of authority and**
12 **duties.**
13 1. Beginning July 1, 2014, the authority and duties of
14 the department of education, the state board of education,
15 and the director of the department of education under this
16 chapter, to the extent feasible, shall be transferred to the
17 boards of directors for the respective school districts in the
18 state. Accordingly, beginning July 1, 2014, all references to
19 the department of education, the state board of education, and
20 the director of the department of education under this chapter
21 and references to the department of education, the state board
22 of education, and the director of the department of education
23 under other provisions of law relating to this chapter shall
24 mean the applicable board of directors of the school district.
25 2. Any rule, regulation, form, order, or directive
26 promulgated by the department of education, the state board
27 of education, or the director of the department of education
28 relative to the provisions of this chapter in existence at the
29 conclusion of the fiscal year beginning July 1, 2013, shall
30 continue in full force and effect.
31 Sec. 68. Section 291.11, Code 2013, is amended to read as
32 follows:
33 **291.11 Officers reported.**
34 The secretary shall report to the director of the department
35 of ~~education~~ management, the county auditor, and county

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1 treasurer the name and post office address of the president,
2 treasurer and secretary of the board as soon as practicable
3 after the qualification of each.
4 Sec. 69. NEW SECTION. **292.1A Transfer of authority and**
5 **duties.**
6 1. Beginning July 1, 2014, the authority and duties of the
7 department of education under this chapter shall be transferred
8 to the department of revenue. Accordingly, beginning July 1,
9 2014, all references to the department of education under this
10 chapter and references to the department of education under
11 other provisions of law relating to this chapter shall mean the
12 department of revenue.
13 2. Any moneys remaining in any account or fund under the
14 control of the department of education at the conclusion of the
15 fiscal year beginning July 1, 2013, relative to the provisions
16 of this chapter shall be transferred to the control of the
17 department of revenue for such purposes. Notwithstanding
18 section 8.33, the moneys transferred in accordance with this
19 subsection shall not revert to the account or fund from which
20 appropriated or transferred.
21 3. Any contract entered into by the department of education
22 relating to the provisions of this chapter in effect at the
23 conclusion of the fiscal year beginning July 1, 2013, shall
24 continue in full force and effect pending transfer of such
25 contracts to the department of revenue.
26 4. Any rule, regulation, form, order, or directive
27 promulgated by the department of education relative to the
28 provisions of this chapter in existence at the conclusion of
29 the fiscal year beginning July 1, 2013, shall continue in full
30 force and effect until amended, repealed, or supplemented by
31 affirmative action of the department of revenue under the
32 duties and powers established in this chapter and under the
33 procedure established in subsection 5.
34 5. In regard to updating references and format in the Iowa
35 administrative code in order to correspond to the transferring

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of duties of this chapter, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

Sec. 70. Section 294.5, Code 2013, is amended to read as follows:

294.5 Reports.

The teacher shall file with the school superintendent ~~and the director of the department of education~~ such reports and in such manner as may be required.

Sec. 71. Section 296.3, Code 2013, is amended to read as follows:

296.3 Election called.

Within ten days of receipt of a petition filed under section 296.2, the president of the board of directors shall call a meeting of the board. The meeting shall be held within thirty days after the petition was received. At the meeting, the board shall call the election, fixing the time of the election, which may be at the time and place of holding the regular school election. However, if the board determines by unanimous vote that the proposition or propositions requested by a petition to be submitted at an election are grossly unrealistic or contrary to the needs of the school district, no election shall be called. If more than one petition has been received by the time the board meets to consider the petition triggering the meeting, the board shall act upon the petitions in the order they were received at the meeting called to consider the initial petition. ~~The decision of the board may be appealed to the state board of education as provided in chapter 290.~~ The president shall notify the county commissioner of elections of the time of the election.

Sec. 72. NEW SECTION. **297.37 Transfer of authority and duties.**

1. Beginning July 1, 2014, the authority and duties of the

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1 department of education and the director of the department
2 of education under this chapter shall be transferred to the
3 department of administrative services and the director of the
4 department of administrative services. Accordingly, beginning
5 July 1, 2014, all references to the department of education
6 and the director of the department of education under this
7 chapter and references to the department of education and the
8 director of the department of education under other provisions
9 of law relating to this chapter shall mean the department of
10 administrative services or the director of the department of
11 administrative services.
12 2. Any rule, regulation, form, order, or directive
13 promulgated by the department of education or the director
14 of the department of education relative to the provisions of
15 this chapter in existence at the conclusion of the fiscal
16 year beginning July 1, 2013, shall continue in full force and
17 effect.
18 Sec. 73. Section 298A.8, Code 2013, is amended to read as
19 follows:
20 **298A.8 Student activity fund.**
21 The student activity fund is a special revenue fund. A
22 student activity fund must be established in any school
23 corporation receiving money from student-related activities
24 such as admissions, activity fees, student dues, student
25 fund-raising events, or other student-related cocurricular or
26 extracurricular activities. Moneys in this fund shall be used
27 to support only the cocurricular program ~~defined in department~~
28 ~~of education administrative rules~~.
29 Sec. 74. NEW SECTION. **299.25 Transfer of authority and**
30 **duties.**
31 1. Beginning July 1, 2014, the authority and duties of
32 the department of education, the state board of education,
33 and the director of the department of education under this
34 chapter, to the extent feasible, shall be transferred to the
35 boards of directors for the respective school districts in the

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state. Accordingly, beginning July 1, 2014, all references to the department of education, the state board of education, and the director of the department of education under this chapter and references to the department of education, the state board of education, and the director of the department of education under other provisions of law relating to this chapter shall mean the applicable board of directors of the school district.

2. Any rule, regulation, form, order, or directive promulgated by the department of education, the state board of education, or the director of the department of education relative to the provisions of this chapter in existence at the conclusion of the fiscal year beginning July 1, 2013, shall continue in full force and effect.

Sec. 75. NEW SECTION. **299A.1A Transfer of authority and duties.**

1. Beginning July 1, 2014, the authority and duties of the department of education, the state board of education, and the director of the department of education under this chapter, to the extent feasible, shall be transferred to the boards of directors for the respective school districts in the state. Accordingly, beginning July 1, 2014, all references to the department of education, the state board of education, and the director of the department of education under this chapter and references to the department of education, the state board of education, and the director of the department of education under other provisions of law relating to this chapter shall mean the applicable board of directors of the school district.

2. Any rule, regulation, form, order, or directive promulgated by the department of education, the state board of education, or the director of the department of education relative to the provisions of this chapter in existence at the conclusion of the fiscal year beginning July 1, 2013, shall continue in full force and effect.

Sec. 76. NEW SECTION. **301.1A Transfer of authority and duties.**

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1 1. Beginning July 1, 2014, the authority and duties of
2 the department of education, the state board of education,
3 and the director of the department of education under this
4 chapter, to the extent feasible, shall be transferred to the
5 boards of directors for the respective school districts in the
6 state. Accordingly, beginning July 1, 2014, all references to
7 the department of education, the state board of education, and
8 the director of the department of education under this chapter
9 and references to the department of education, the state board
10 of education, and the director of the department of education
11 under other provisions of law relating to this chapter shall
12 mean the applicable board of directors of the school district.
13 2. Any rule, regulation, form, order, or directive
14 promulgated by the department of education, the state board
15 of education, or the director of the department of education
16 relative to the provisions of this chapter in existence at the
17 conclusion of the fiscal year beginning July 1, 2013, shall
18 continue in full force and effect.
19 Sec. 77. REPEAL. Sections 260C.6, 276.4, and 291.10, Code
20 2013, are repealed.
21 Sec. 78. REPEAL. Chapters 256, 256A, 256G, and 290, Code
22 2013, are repealed.
23 Sec. 79. EFFECTIVE DATE. This division of this Act takes
24 effect July 1, 2014.
25 DIVISION II
26 CORRESPONDING AMENDMENT LEGISLATION
27 Sec. 80. CORRESPONDING AMENDMENTS LEGISLATION. Additional
28 legislation is required to fully implement division I of this
29 Act. The director of the department of education shall, in
30 compliance with section 2.16, prepare draft legislation for
31 submission to the legislative services agency, as necessary,
32 to implement the transition and elimination of authority and
33 duties under division I of this Act and to implement the
34 transition and elimination of authority and duties under other
35 provisions of law including but not limited to the duties and

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1 authority of the department of education, the state board of
2 education, the director of the department of education, and any
3 division, commission, or subunit of such entities or offices
4 under chapters 7A, 7E, 8A, 8D, 8F, 11, 12, 15, 15H, 16, 19B,
5 22, 48A, 68B, 73, 80E, 84A, 85, 96, 99B, 125, 135, 139A, 141A,
6 142A, 154B, 154F, 161A, 190A, 216A, 218, 220A, 225B, 225C, 232,
7 234, 237, 237A, 237B, 239B, 241, 249A, 257, 261B, 307A, 321,
8 321J, 322, 350, 423E, 423F, 455A, 455E, 473, 514I, 714, and
9 904.
10 DIVISION III
11 EDUCATION FINANCE AND
12 EDUCATION SAVINGS GRANTS
13 Sec. 81. Section 8.6, Code 2013, is amended by adding the
14 following new subsection:
15 NEW SUBSECTION. 18. *Education savings grant*
16 *applications.* Adopt rules relating to applications for an
17 education savings grant pursuant to section 257.11B, including
18 application processing timelines, and required information for
19 submission by a parent or guardian.
20 Sec. 82. NEW SECTION. **257.1A Transfer of authority and**
21 **duties.**
22 1. Beginning July 1, 2014, the authority and duties of
23 the department of education, the state board of education,
24 and the director of the department of education under this
25 chapter shall be transferred to the department of management
26 and the director of the department of management. Accordingly,
27 beginning July 1, 2014, all references to the department of
28 education under this chapter and references to the department
29 of education under other provisions of law relating to this
30 chapter shall mean the department of management and all
31 references to the state board of education or the director
32 of the department of education under this chapter or other
33 provisions of law relating to this chapter shall mean the
34 director of the department of management.
35 2. Any moneys remaining in any account or fund under the

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control of the department of education at the conclusion of the fiscal year beginning July 1, 2013, relative to the provisions of this chapter shall be transferred to the control of the department of management for such purposes. Notwithstanding section 8.33, the moneys transferred in accordance with this subsection shall not revert to the account or fund from which appropriated or transferred.

3. Any contract entered into by the department of education relating to the provisions of this chapter in effect at the conclusion of the fiscal year beginning July 1, 2013, shall continue in full force and effect pending transfer of such contracts to the department of management.

4. Any rule, regulation, form, order, or directive promulgated by the department of education relative to the provisions of this chapter in existence at the conclusion of the fiscal year beginning July 1, 2013, shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of management under the duties and powers established in this chapter and under the procedure established in subsection 5.

5. In regard to updating references and format in the Iowa administrative code in order to correspond to the transferring of duties of this chapter, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

Sec. 83. NEW SECTION. **257.11B Education savings grant program.**

1. Pupils eligible to enroll in grades kindergarten through twelve or eligible to participate in a preschool program under chapter 256C and attending a nonpublic school, receiving competent private instruction under chapter 299A, or receiving private preschool instruction shall be eligible to receive an education savings grant in the manner provided in this section

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1 for school years beginning on or after July 1, 2014. Education
2 savings grants shall be made available to parents and guardians
3 in the manner authorized under subsection 4, paragraph *"c"*, for
4 the payment of qualified education expenses as provided in this
5 section.
6 2. *a.* (1) By January 31 preceding the school year for
7 which the education savings grant is requested, the parent
8 or guardian of the pupil requesting to receive an education
9 savings grant shall submit an application to the department of
10 management, on application forms developed by the department
11 of management, indicating that the parent or guardian intends
12 to enroll the pupil in a nonpublic school, provide competent
13 private instruction for the pupil under chapter 299A, or
14 provide private preschool instruction.
15 (2) In addition to such information deemed appropriate by
16 the department of management, the application shall require
17 certification from the nonpublic school of the pupil's
18 enrollment for the following school year or a statement
19 indicating the parent or guardian's intent to provide or
20 arrange for competent private instruction or private preschool
21 instruction for the pupil for the following school year.
22 *b.* By March 1 preceding the school year for which the
23 education savings grant is requested, the department of
24 management shall notify the parent or guardian of each pupil
25 who is approved to receive an education savings grant and the
26 amount of the grant.
27 *c.* Education savings grants shall only be approved for one
28 school year and applications must be submitted under paragraph
29 *"a"* for education savings grants in subsequent school years.
30 3. *a.* The department of management shall assign each pupil
31 an education savings grant in an amount equal to the statewide
32 average state foundation aid per pupil in the same school
33 year. However, for a pupil that is eligible to participate
34 in a preschool program under chapter 256C, the amount of the
35 grant shall be an amount equal to fifty percent of the regular

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1 program state cost per pupil for the same school year.
2 *b.* The department of management shall on July 1 following
3 the determination of the amount of the education savings grant
4 for each approved pupil transfer such amounts to the pupil's
5 account in the education savings grant fund established under
6 subsection 4. Such amount shall be available to the pupil's
7 parent or guardian in the manner authorized under subsection
8 4, paragraph *"c"*, for the payment of qualified educational
9 expenses incurred by such persons for the pupil during that
10 school year.
11 4. An education savings grant fund is created in the state
12 treasury under the control of the department of management
13 consisting of moneys appropriated to the department for the
14 purpose of providing education savings grants under this
15 section. For the fiscal year commencing July 1, 2014, and
16 each succeeding fiscal year, there is appropriated from the
17 general fund of the state to the department of management to be
18 credited to the fund the amount necessary to pay all education
19 savings grants approved for that fiscal year. The director of
20 the department of management has all powers necessary to carry
21 out and effectuate the purposes, objectives, and provisions of
22 this section pertaining to the fund, including the power to do
23 all of the following:
24 *a.* Make and enter into contracts necessary for the
25 administration of the fund.
26 *b.* Procure insurance against any loss in connection with the
27 assets of the fund or require a surety bond.
28 *c.* Contract with a private financial management firm to
29 manage the fund, in collaboration with the treasurer of state,
30 including providing for the disbursement of education savings
31 grants in the form of an electronic debit card or checks that
32 are payable directly from the pupil's account within the fund.
33 *d.* Conduct audits or other review necessary to properly
34 administer the program.
35 *e.* Adopt rules pursuant to chapter 17A for the

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1 administration of the fund and accounts within the fund.
2 5. *a.* For each pupil approved for an education savings
3 grant, the department of management shall establish an account
4 for that pupil in the education savings grant fund. The
5 amount of the pupil's education savings grant determined under
6 subsection 3 shall be deposited into the pupil's account on
7 July 1 and such amount shall be immediately available for the
8 payment of qualified education expenses incurred by the parent
9 or guardian for the pupil during that fiscal year using the
10 payment method authorized under subsection 4, paragraph *"c"*.
11 *b.* A nonpublic school or other entity that accepts payment
12 from a parent or guardian using funds from a pupil's account in
13 the education savings grant fund shall not refund, rebate, or
14 share any portion of such payment with the parent, guardian, or
15 pupil.
16 *c.* Moneys remaining in a pupil's account upon conclusion
17 of the fiscal year shall remain in the pupil's account within
18 the education savings grant fund for the payment of qualified
19 educational expenses in future fiscal years or for the payment
20 of higher education costs under subsection 8.
21 6. For purposes of this section, *"qualified educational*
22 *expense"* includes tuition and fees at a nonpublic school
23 or nonpublic preschool, textbooks, fees or payments for
24 tutoring or cognitive skills training, curriculum materials,
25 tuition or fees for nonpublic online education programs,
26 education materials and services for pupils with disabilities,
27 standardized test fees, fees required by the department not to
28 exceed for each grant recipient five percent of the total grant
29 amount in any fiscal year, and other expenses incurred by the
30 parent or guardian that are directly related to the education
31 of the pupil at a nonpublic preschool or a nonpublic school,
32 including a nonpublic school accredited by an independent
33 accrediting agency approved by the department of management, or
34 directly related to providing competent private instruction for
35 the pupil under chapter 299A or private preschool instruction.

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1 The cost of one computer or other portable computing device
2 shall be allowed as a qualified educational expense for
3 a pupil if such a purchase has not been made using funds
4 from that pupil's account in either of the two immediately
5 preceding fiscal years. *"Qualified educational expenses"* do not
6 include transportation costs for the pupil, the cost of food
7 or refreshments consumed by the pupil, the cost of clothing
8 for the pupil, or the cost of disposable materials including
9 but not limited to paper, notebooks, pencils, pens, and art
10 supplies.
11 7. A person who makes a false claim for the purpose of
12 obtaining an education savings grant provided for in this
13 section or who knowingly receives the grant or makes a payment
14 from an account within the education savings grant fund
15 without being legally entitled to it is guilty of a fraudulent
16 practice. The false claim for an education savings grant or a
17 payment from an account shall be disallowed and if amounts from
18 the grant have been disbursed from the applicable account in
19 the education savings grant fund, the department of management
20 shall initiate legal proceedings to recover such amounts. A
21 parent or guardian, or a pupil for purposes of subsection 8,
22 who violates this subsection is prohibited from participating
23 in the education savings grant program in the future.
24 8. For each pupil with a positive balance in the pupil's
25 account in the education savings grant fund upon graduation
26 from high school or completion of an equivalent level of
27 competent private instruction under chapter 299A, the
28 department of management shall maintain such account in the
29 fund until the pupil is twenty-five years of age. Following
30 graduation from high school until the pupil is twenty-five
31 years of age, moneys in the pupil's account may be used for
32 higher education costs, as defined in section 12D.1, subsection
33 2, incurred by the pupil while attending an institution of
34 higher education under the control of the state board of
35 regents, a community college located in this state, or a

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1 private college or university located in this state. Payments
2 from a pupil's account for higher education costs shall be
3 made in the same manner as payments for qualified educational
4 expenses under subsection 5. Moneys in a pupil's account when
5 the pupil turns twenty-five years of age shall be transferred
6 by the department of management for deposit in the general fund
7 of the state.
8 9. This section shall not be construed to authorize this
9 state or any political subdivision of this state to exercise
10 authority over any nonpublic school or pupil receiving
11 competent private instruction under chapter 299A or construed
12 to require a nonpublic school to modify its admissions or
13 educational program in order to receive payment from a parent
14 or guardian using funds from a pupil's account in the education
15 savings grant fund. A nonpublic school or entity providing
16 competent private instruction under chapter 299A, that accepts
17 payment from a parent or guardian using funds from a pupil's
18 account in the education savings grant fund is not an agent
19 of this state or other political subdivision of this state.
20 Rules adopted by the department of management to implement this
21 section that impose an undue burden on a nonpublic school or
22 entity providing competent private instruction under chapter
23 299A are invalid.
24 Sec. 84. APPLICABILITY. This division of this Act applies
25 to school budget years and fiscal years beginning on or after
26 July 1, 2014.
27 Sec. 85. EFFECTIVE DATE. The section of this division of
28 this Act enacting section 257.1A takes effect July 1, 2014.
29 DIVISION IV
30 CORRESPONDING AMENDMENTS LEGISLATION
31 Sec. 86. CORRESPONDING AMENDMENTS LEGISLATION. Additional
32 legislation is required to fully implement the section of
33 division III of this Act enacting section 257.1A. The director
34 of the department of education shall, in compliance with
35 section 2.16, prepare draft legislation for submission to the

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1 legislative services agency, as necessary, to implement the
2 transition and elimination of authority and duties of the
3 department of education, the state board of education, and
4 director of the department of education under the section
5 of division III of this Act enacting section 257.1A and to
6 implement the transition and elimination of authority and
7 duties under other provisions of law.
8 EXPLANATION
9 This bill relates to education and school district funding
10 by repealing the department of education, modifying the duties
11 and authority of certain state and local governmental entities,
12 establishing an education savings grant program, and modifying
13 the school district funding formula.
14 Division I of the bill repeals Code chapter 256, which
15 establishes the department of education, establishes the office
16 of the director of the department of education, establishes
17 the state board of education, specifies certain educational
18 standards, establishes various education programs, establishes
19 certain councils and entities within the department of
20 education, includes provisions relating to the participation in
21 extracurricular activities, establishes the division of library
22 services, includes the library compact, and establishes the
23 public broadcasting division.
24 Division I of the bill also amends and repeals other chapters
25 of the Code relating to education to transition the duties and
26 authority of the department of education, the director of the
27 department of education, and the state board of education to
28 other specified local and state governmental entities beginning
29 July 1, 2014.
30 Division I of the bill takes effect July 1, 2014.
31 Division II of the bill provides that additional legislation
32 is required to fully implement division I of the bill and
33 requires the director of the department of education to prepare
34 draft legislation in compliance with Code section 2.16 for
35 submission to the legislative services agency, as necessary,

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1 to implement the transition and elimination of authority and
2 duties under division I of the bill and to implement the
3 transition and elimination of authority and duties under other
4 provisions of law including but not limited to the duties and
5 authority of the department of education, the state board of
6 education, the director of the department of education, and any
7 division, commission, or subunit of such entities or offices
8 under specified Code chapters.
9 Division III of the bill provides that beginning July
10 1, 2014, the authority and duties of the department of
11 education, the state board of education, and the director
12 of the department of education under Code chapter 257 are
13 transferred to the department of management and the director
14 of the department of management. The bill also provides that
15 moneys remaining in any account or fund under the control of
16 the department of education at the conclusion of the fiscal
17 year beginning July 1, 2013, relative to the provisions of Code
18 chapter 257 are transferred to the control of the department
19 of management for such purposes. The bill provides that
20 any contract entered into by the department of education
21 relating to the provisions of Code chapter 257 in effect at
22 the conclusion of the fiscal year beginning July 1, 2013,
23 shall continue in full force and effect pending transfer of
24 such contracts to the department of management. The bill also
25 provides for the continuation of any rule, regulation, form,
26 order, or directive promulgated by the department of education
27 until amended, repealed, or supplemented by affirmative action
28 of the department of management.
29 Division III of the bill provides education savings grants
30 for pupils attending a nonpublic school, receiving competent
31 private instruction, or receiving private preschool instruction
32 and establishes an education savings grant fund.
33 Under division III of the bill, pupils eligible to enroll
34 in grades kindergarten through 12 or eligible to participate
35 in a preschool program under Code chapter 256C and attending a

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1 nonpublic school, receiving competent private instruction under
2 Code chapter 299A, or receiving private preschool instruction
3 are eligible to receive an education savings grant for school
4 years beginning on or after July 1, 2014. By January 31
5 preceding the school year for which the education savings grant
6 is requested, the parent or guardian of the pupil requesting to
7 receive an education savings grant must submit an application
8 to the department of management.
9 Division III of the bill requires that by March 1 preceding
10 the school year for which the education savings grant is
11 requested, the department of management must notify the parent
12 or guardian of each pupil designated to receive an education
13 savings grant and the amount of the education savings grant.
14 Education savings grants may only be approved for one school
15 year and applications must be submitted for education savings
16 grants in subsequent school years.
17 The amount of each education savings grant is equal to the
18 statewide average state foundation aid per pupil in the same
19 school year or in the case of a preschool eligible pupil an
20 amount equal to 50 percent of the regular program state cost
21 per pupil.
22 Division III of the bill creates an education savings
23 grant fund in the state treasury under the control of the
24 department of management consisting of moneys appropriated to
25 the department for the purpose of providing education savings
26 grants. For the fiscal year commencing July 1, 2014, and each
27 succeeding fiscal year, there is appropriated from the general
28 fund of the state to the department of management for deposit
29 in the fund the amount necessary to pay all education savings
30 grants approved for that fiscal year. For each pupil approved
31 for an education savings grant, the department of management
32 must establish an account for that pupil in the education
33 savings grant fund. The amount of the pupil's education
34 savings grant is deposited into the pupil's account on July 1
35 and such amount is available for use by parents and guardians

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1 for the payment of qualified education expenses, as defined
2 in the bill, incurred by the parent or guardian for the pupil
3 during that fiscal year.
4 Division III of the bill authorizes the department of
5 management to contract with a private financial management firm
6 to manage the education savings grant fund, in collaboration
7 with the treasurer of state, including providing for the
8 disbursement of education savings grants in the form of an
9 electronic debit card or checks that are payable directly from
10 the pupil's account within the fund.
11 Division III of the bill provides that moneys remaining in a
12 pupil's account upon the conclusion of the fiscal year shall
13 remain in the pupil's account within the education savings
14 grant fund for the payment of qualified educational expenses in
15 future fiscal years or for higher education costs as authorized
16 in the bill.
17 Under the division, for each pupil with a positive balance in
18 the pupil's account in the education savings grant fund upon
19 graduation from high school or completion of an equivalent
20 level of competent private instruction under Code chapter
21 299A, the department of management is required to maintain the
22 account in the fund until the pupil is 25 years old. Until
23 the pupil is 25 years old, moneys in the pupil's account may
24 be used by the pupil for higher education costs, as defined
25 in Code section 12D.1. Moneys in a pupil's account when the
26 pupil turns 25 years old are transferred by the department of
27 management for deposit in the general fund of the state.
28 Division III of the bill provides that a person who makes a
29 false claim for the purpose of obtaining an education savings
30 grant or who knowingly receives the grant or makes a payment
31 from an account within the education savings grant fund without
32 being legally entitled to it is guilty of a fraudulent practice
33 and is subject to a criminal penalty. The bill allows the
34 department of management to initiate legal proceedings to
35 recover grants and amounts improperly awarded or paid from

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accounts under the bill.

The section of division III of the bill enacting Code section 257.1A takes effect July 1, 2014. Division III of the bill applies to school budget years and fiscal years beginning on or after July 1, 2014.

Division IV of the bill provides that additional legislation is required to fully implement division III of the bill and requires the director of the department of education to prepare draft legislation in compliance with Code section 2.16 for submission to the legislative services agency, as necessary, to implement the transition and elimination of authority and duties of the department of education pursuant to new Code section 257.1A and to implement the transition and elimination of authority and duties under other provisions of law.

Senate Joint Resolution 8 - Introduced

SENATE JOINT RESOLUTION 8
BY SMITH, DIX, FEENSTRA, ANDERSON, ERNST, CHELGREN, BERTRAND, SCHNEIDER, BREITBACH, CHAPMAN, ZUMBACH, GREINER, SEGEBART, JOHNSON, HOUSER, KAPUCIAN, GUTH, SINCLAIR, ROZENBOOM, WHITVER, BOETTGER, ZAUN, SORENSON, and BEHN

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing amendments to the Constitution of
2 the State of Iowa relating to the state budget by creating
3 a state general fund expenditure limitation, providing for
4 a taxpayers trust fund, requiring authorization for certain
5 bonds, and restricting certain state revenue changes.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2125XS (6) 85
jp/sc

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1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:
3 The Constitution of the State of Iowa is amended by adding
4 the following new section to new Article XIII:
5 ARTICLE XIII.
6 EXPENDITURE LIMITATION.
7 **General fund expenditure limitation.** SECTION 1.
8 1. For the purposes of this section:
9 *a. "Adjusted revenue estimate"* means the most recent revenue
10 estimate determined before January 1, or a later and lesser
11 revenue estimate determined before adjournment of the regular
12 session of the general assembly, for the general fund for the
13 following fiscal year, as determined by a revenue estimating
14 conference which shall be established by the general assembly
15 by law, adjusted by subtracting estimated refunds payable
16 from that estimated revenue. However, if the state general
17 fund expenditure limitation is calculated based upon the
18 adjusted revenue estimate and the general assembly holds an
19 extraordinary session prior to the commencement of the fiscal
20 year to which the adjusted revenue estimate applies and before
21 or during the extraordinary session the revenue estimating
22 conference determines a lesser revenue estimate, the lesser
23 estimate shall be used for the adjusted revenue estimate.
24 *b. "Current fiscal year"* means the fiscal year preceding
25 the fiscal year to which the state general fund expenditure
26 limitation applies.
27 *c. "General fund"* means the principal operating fund of the
28 state which shall be established by the general assembly by
29 law.
30 *d. "Net revenue estimate"* means the most recent revenue
31 estimate determined before January 1, or a later and lesser
32 estimate determined before adjournment of the regular
33 session of the general assembly for the general fund for the
34 current fiscal year, as determined by the revenue estimating
35 conference, and adjusted by subtracting estimated refunds

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1 payable from that estimated revenue. However, if the state
2 general fund expenditure limitation is calculated based upon
3 the net revenue estimate and the general assembly holds an
4 extraordinary session prior to the completion of the fiscal
5 year to which the net revenue estimate applies and before
6 or during the extraordinary session the revenue estimating
7 conference determines a lesser revenue estimate for the current
8 fiscal year, such lesser estimate shall be used for calculating
9 the net revenue estimate for the general fund.
10 *e.* *"New revenue"* means moneys which are received by the
11 general fund due to increased tax rates or fees or newly
12 created taxes or fees over and above those moneys which are
13 received due to state taxes or fees which are in effect as
14 of January 1 following the most recent meeting of the state
15 revenue estimating conference. *"New revenue"* also includes
16 moneys received by the general fund due to new transfers over
17 and above those moneys received by the general fund due to
18 transfers which are in effect as of January 1 following the
19 most recent meeting of the state revenue estimating conference.
20 Except for transfers provided for by law, the state revenue
21 estimating conference shall determine whether transfers to the
22 general fund are to be considered as new revenue in determining
23 the state general fund expenditure limitation.
24 *f.* *"Surplus"* means the cumulative excess of revenue and
25 other financing sources over expenditures and other financing
26 uses for the general fund at the end of a fiscal year.
27 2. A state general fund expenditure limitation is created
28 and calculated in subsection 3, for each fiscal year beginning
29 on or after July 1 following the effective date of this
30 section.
31 3. Except as otherwise provided in this section, the state
32 general fund expenditure limitation for a fiscal year shall be
33 the lesser of the following amounts:
34 *a.* Ninety-nine percent of the adjusted revenue estimate for
35 the general fund for the following fiscal year.

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1 *b.* One hundred four percent of the current fiscal year net
2 revenue estimate for the general fund.
3 4. The state general fund expenditure limitation shall be
4 used by the governor in the preparation and approval of the
5 budget and by the general assembly in the budget process.
6 5. If a new revenue source is proposed, the budget revenue
7 projection used for that new revenue source for the period
8 beginning on the effective date of the new revenue source and
9 ending in the fiscal year in which the source is included in
10 the adjusted revenue estimate or the net revenue estimate,
11 as applicable, shall be ninety-five percent of the amount
12 remaining after subtracting estimated refunds payable from the
13 projected revenue from that source. If a new revenue source
14 is established and implemented, the original state general
15 fund expenditure limitation amount provided for in subsection
16 3 shall be recalculated to include ninety-five percent of the
17 estimated revenue from that source that is attributed to the
18 revenue estimate used to calculate the original limitation
19 amount.
20 6. *a.* Unless provided otherwise in accordance with
21 paragraph *"b"*, if there is a surplus existing at the end of a
22 fiscal year which exceeds ten percent of the revenue estimate
23 used to establish the state general fund expenditure limitation
24 for that fiscal year and the actual net revenue for the general
25 fund exceeds such revenue estimate for that fiscal year, the
26 surplus shall be transferred to a taxpayers trust fund. Except
27 for temporary cash flow purposes, moneys in the taxpayers trust
28 fund shall only be used in accordance with appropriations
29 or transfers made by the general assembly for purposes of
30 providing tax relief.
31 *b.* A portion of the surplus equal to ten percent or less
32 of the revenue estimate used to establish the state general
33 fund expenditure limitation for the following fiscal year or
34 a greater portion may be included in such revenue estimate if
35 approved in a bill receiving the affirmative votes of at least

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1 two-thirds of the members elected to each house of the general
2 assembly. The state general fund expenditure limitation shall
3 be recalculated accordingly.
4 7. If a bill or joint resolution provides for a new
5 enactment of revenue or appropriations bonding authority, or
6 an expansion of existing revenue or appropriations bonding
7 authority, which bonds are funded in whole or in part from
8 revenue from the general fund or from another portion of the
9 state treasury, the bill or joint resolution shall not become
10 law unless approved by the affirmative votes of at least
11 two-thirds of the members elected to each house of the general
12 assembly. In addition, the state general fund expenditure
13 limitation for the initial or subsequent fiscal year to
14 which the bill or joint resolution applies shall include any
15 appropriations of such revenue for the fiscal year.
16 8. The scope of the state general fund expenditure
17 limitation calculated in accordance with this section shall not
18 include federal funds, donations, constitutionally dedicated
19 moneys, and moneys expended from a state retirement system.
20 9. The governor shall submit and the general assembly shall
21 pass a budget which does not exceed the state general fund
22 expenditure limitation. The governor shall not approve or
23 disapprove appropriation bills or items of appropriation bills
24 passed by the general assembly in a manner that would cause
25 the final budget approved by the governor to exceed the state
26 general fund expenditure limitation.
27 10. The governor shall not submit and the general assembly
28 shall not pass a budget which in order to balance assumes
29 reversion of any part of the total of the appropriations
30 included in the budget.
31 11. The state shall use consistent standards, in accordance
32 with generally accepted accounting principles, for all state
33 budgeting and accounting purposes.
34 12. The general assembly shall enact laws to implement this
35 section.

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1 Sec. 2. The following amendment to the Constitution of the
2 State of Iowa is proposed:
3 The Constitution of the State of Iowa is amended by adding
4 the following new sections to new Article XIII:
5 ARTICLE XIII.
6 TWO-THIRDS MAJORITY FOR TAX LAW CHANGES.
7 **Two-thirds majority to increase taxes.** SECTION 1. A bill
8 containing provisions enacting, amending, or repealing the
9 state income tax or enacting, amending, or repealing the state
10 sales and use taxes, in which the aggregate fiscal impact of
11 those provisions relating to those taxes results in a net
12 increase in state tax revenue, as determined by the general
13 assembly, shall require the affirmative votes of at least
14 two-thirds of the members elected to each house of the general
15 assembly for passage. This section does not apply to income
16 tax or sales and use taxes imposed at the option of a local
17 government.
18 **Two-thirds majority to enact new state tax.** SEC. 2. A bill
19 that establishes a new state tax to be imposed by the state
20 shall require the affirmative votes of at least two-thirds of
21 the members elected to each house of the general assembly for
22 passage.
23 **Enforcement of two-thirds majority requirement.** SEC. 3. A
24 lawsuit challenging the proper enactment of a bill pursuant to
25 section 1 or 2 shall be filed no later than one year following
26 the enactment. Failure to file such a lawsuit within the
27 one-year time limit shall negate the two-thirds majority
28 requirement as it applies to the bill.
29 Each bill to which section 1 or 2 applies shall include a
30 separate provision describing the requirements for enactment
31 prescribed by section 1 or 2.
32 **Implementation.** SEC. 4. The general assembly shall enact
33 laws to implement sections 1 through 3.
34 Sec. 3. The foregoing proposed amendments to the
35 Constitution of the State of Iowa are referred to the general

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1 assembly to be chosen at the next general election for members
2 of the general assembly, and the Secretary of State is directed
3 to cause them to be published for three consecutive months
4 previous to the date of that election as provided by law.
5 EXPLANATION
6 This resolution proposes two amendments within a new Article
7 XIII to the Constitution of the State of Iowa which relate to
8 state budgets and state revenue.
9 The first amendment creates a state general fund expenditure
10 limitation. The amount of the limitation is the lesser of
11 99 percent of the adjusted revenue estimate for the general
12 fund of the state for the following fiscal year or 104 percent
13 of the net revenue estimate for the general fund for the
14 current fiscal year. The amendment defines adjusted revenue
15 estimate and net revenue estimate and requires that the
16 estimates be determined by a revenue estimating conference
17 which is to be created by the general assembly by law. The
18 expenditure limitation is required to be used by the governor
19 in preparation of the governor´s budget and by the general
20 assembly in the budget process. The governor is prohibited
21 from approving or disapproving of appropriations in a manner
22 that would cause the final budget approved by the governor to
23 exceed the expenditure limitation.
24 If a new revenue source is established and implemented, 95
25 percent of the estimate of that new revenue shall be included
26 in the revenue estimate used to calculate the expenditure
27 limitation.
28 If there is a surplus existing at the end of a fiscal year
29 which exceeds 10 percent of the revenue estimate used to
30 calculate the expenditure limitation for the fiscal year and
31 the actual net revenue for the general fund for the fiscal
32 year exceeds such revenue estimate for the fiscal year, the
33 surplus is required to be transferred to a taxpayers trust
34 fund. However, any portion of the surplus which is equal
35 to 10 percent or less of the amount of the adjusted revenue

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1 estimate for the following fiscal year or a greater portion
2 may be included in the revenue estimate used to calculate the
3 expenditure limitation if inclusion is approved in a bill by at
4 least two-thirds of the members elected to each house of the
5 general assembly. The expenditure limitation is recalculated
6 accordingly.
7 The enactment of a bill or joint resolution providing for new
8 or expanded authority to issue revenue or appropriations bonds
9 funded in whole or in part from revenue from the general fund
10 or from another portion of the state treasury requires a vote
11 of at least two-thirds of the members elected to each house of
12 the general assembly. In addition, the appropriations of such
13 revenue are required to be included in the state general fund
14 expenditure limitation for each applicable fiscal year.
15 The first amendment also requires the state to use generally
16 accepted accounting principles for state budgeting and
17 accounting purposes. The amendment provides that the general
18 assembly shall enact laws to implement the amendment.
19 The second amendment contained in the resolution requires a
20 two-thirds majority vote of the members elected to each house
21 of the general assembly for certain tax law changes. Any bill
22 that enacts, amends, or repeals the state income tax or the
23 state sales and use tax, and which causes, in the aggregate, an
24 increase in state tax revenues, as determined by the general
25 assembly, must be adopted by at least two-thirds of the members
26 elected to each house of the general assembly. A two-thirds
27 majority vote of the members elected to each house of the
28 general assembly is required in order to enact a new state tax
29 to be imposed by the state. A lawsuit challenging enactment
30 of a bill subject to either two-thirds majority passage
31 requirement must be filed no later than one year from the date
32 of enactment of the bill. Finally, the amendment provides
33 that the general assembly shall enact laws to implement the
34 amendment.
35 The resolution, if adopted, will be referred to the next

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1 general assembly. If the next general assembly adopts this
2 resolution, the amendments will be submitted to the voters for
3 their decision on ratification.

Senate Study Bill 1232 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT BILL BY CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act related to the liability of a land holder for the public
2 use of private lands and waters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2490XC (2) 85
av/nh

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Section 1. Section 461C.1, Code 2013, is amended to read as follows:

461C.1 Purpose.

The purpose of this chapter is to encourage private ~~owners~~ holders of land to make land and water areas available to the public for recreational purposes and for urban deer control by limiting ~~an owner's~~ a holder's liability toward persons entering onto the ~~owner's~~ holder's property for such purposes. The provisions of this chapter shall be construed liberally and broadly in favor of private holders of land to accomplish the purposes of this chapter.

Sec. 2. Section 461C.2, subsections 3 and 5, Code 2013, are amended to read as follows:

3. *"Land"* means private land located in a municipality including abandoned or inactive surface mines~~,~~; caves~~, and~~; land used for agricultural purposes~~, including~~; marshlands, timber, and grasslands; and the privately owned roads, ~~water~~ paths, trails, waters, water courses, ~~private ways~~ and exteriors and interiors of buildings, structures, ~~and~~ machinery, or equipment ~~appurtenant thereto~~ located on such land. *"Land"* includes land that is not open to the general public.

5. *"Recreational purpose"* means any activity undertaken for recreation, sport, exercise, education, relaxation, or pleasure, including but not limited to the following or any combination thereof: Hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, all-terrain vehicle riding, nature study, water skiing, snowmobiling, ~~other summer and winter~~ sports or games, ~~and~~ agricultural tours, and viewing or enjoying historical, archaeological, scenic, or scientific sites ~~while going to and from or actually engaged therein~~. *"Recreational purpose"* includes the activity of accompanying another person who is engaging in such activities. *"Recreational purpose"* is not limited to active engagement in

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1 such activities, but also includes entry onto, use of, passage
2 over, and presence on any part of the land in connection with
3 such activities.
4 Sec. 3. Section 461C.3, Code 2013, is amended to read as
5 follows:
6 **461C.3 Liability of ~~owner~~ holder limited.**
7 1. Except as specifically recognized by or provided in
8 section 461C.6, ~~an owner~~ a holder of land ~~owes no~~ does not
9 owe a duty of care to keep the premises safe for entry or use
10 by others for recreational purposes or urban deer control, or
11 to give any warning of a dangerous condition, use, structure,
12 or activity on such premises to persons entering for such
13 purposes.
14 2. Except as specifically recognized or provided in section
15 461C.6, a holder of land does not owe a duty of care to others
16 because the holder is guiding, directing, supervising, or
17 participating in any recreational purpose or urban deer control
18 undertaken by others on the holder's land.
19 Sec. 4. Section 461C.4, Code 2013, is amended by adding the
20 following new subsection:
21 NEW SUBSECTION. 2A. Assume a duty of care to a person
22 because the holder is guiding, directing, supervising, or
23 participating in any recreational purpose or urban deer control
24 undertaken by the person on the holder's land.
25 Sec. 5. Section 461C.5, Code 2013, is amended to read as
26 follows:
27 **461C.5 Duties and liabilities of ~~owner~~ holder of leased land.**
28 Unless otherwise agreed in writing, the provisions of
29 sections 461C.3 and 461C.4 shall be deemed applicable to the
30 duties and liability of ~~an owner~~ a holder of land leased,
31 or any interest or right therein transferred to, or the
32 subject of any agreement with, the United States or any agency
33 thereof, or the state or any agency or subdivision thereof, for
34 recreational purposes or urban deer control.
35 Sec. 6. Section 461C.6, Code 2013, is amended to read as

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1 follows:
2 **461C.6 When liability lies against ~~owner~~ holder.**
3 Nothing in this chapter limits in any way any liability which
4 otherwise exists:
5 1. For willful or malicious failure to guard or warn against
6 a dangerous condition, use, structure, or activity.
7 2. For injury suffered in any case where the ~~owner~~ holder of
8 land charges the person or persons who enter or go on the land
9 for the recreational use thereof or for deer hunting, except
10 that in the case of land or any interest or right therein,
11 leased or transferred to, or the subject of any agreement
12 with, the United States or any agency thereof or the state or
13 any agency thereof or subdivision thereof, any consideration
14 received by the holder for such lease, interest, right or
15 agreement shall not be deemed a charge within the meaning of
16 this section.
17 EXPLANATION
18 This bill relates to the public use of certain private
19 lands and waters. The bill provides that Code chapter 461C
20 shall be liberally and broadly construed in favor of private
21 holders of land to encourage them to make their land and water
22 areas available to the public for recreational purposes and for
23 urban deer control, by limiting the land holders' liability to
24 persons who enter onto their land to pursue such activities.
25 The bill broadens the definition of what land and water areas
26 are included in such limitations of liability and provides that
27 such land does not have to be open to the general public to be
28 subject to the protections of Code chapter 461C.
29 The bill also broadens the definition of what activities
30 constitute a "recreational purpose" by specifying additional
31 activities that are included and providing that the Code
32 chapter's protections are not limited to the activities listed.
33 In addition, the bill provides that a person engages in a
34 recreational purpose by accompanying another person who is
35 engaged in a recreational purpose. "Recreational purpose" is

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1 not limited to active engagement in the activities but also
2 includes entry onto, use of, passage over, and presence on any
3 part of the land in connection with such activities.
4 The bill provides that a holder of land does not owe or
5 assume a duty of care to others because the holder is guiding,
6 directing, supervising, or participating in any recreational
7 purpose or urban deer control undertaken by others on the
8 holder´s land.

Senate Study Bill 1233 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act eliminating a restriction on a person associated with
2 a county agricultural extension district from engaging in
3 certain activities affecting legislation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2151SC (1) 85
da/nh

S.F. _____

1 Section 1. Section 176A.9, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. *a.* The extension district, its council, or a member
4 or an employee as a representative of either one or the other
5 shall not engage in commercial or other private enterprises~~,~~
6 ~~legislative programs, nor attempt in any manner by the adoption~~
7 ~~of resolutions or otherwise to influence legislation, either~~
8 ~~state or national,~~ or other activities not authorized by this
9 chapter.
10 *b.* Nothing in this chapter prohibits an extension district,
11 its council, or a member or an employee as described in
12 paragraph *"a"* from engaging in a state or federal legislative
13 program or becoming involved in the state or federal
14 legislative process.
15 EXPLANATION
16 This bill amends a provision which restricts a person
17 associated with a county agricultural extension district,
18 organized under Code chapter 176A, from engaging in certain
19 activities which involve commercial or other private
20 enterprises, legislative programs, or the influence of state or
21 federal legislation. This includes a member of the district's
22 county agricultural extension council, or an employee or
23 representative of either the council or the district.
24 The bill eliminates the restriction upon such a person from
25 engaging in a legislative program or influencing legislation
26 and replaces it with a provision which allows a person to so
27 act.