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House File 311

H-1058

- 1 Amend House File 311 as follows:
- 2 1. Page 1, by striking line 8.
- 3 2. Page 1, lines 9 and 10, by striking <two
- 4 newspapers> and inserting <~~two newspapers~~ one
- 5 newspaper>

SCHULTZ of Crawford



Iowa General Assembly
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House File 474 - Introduced

HOUSE FILE 474
BY KOESTER

A BILL FOR

- 1 An Act establishing a municipal youth sports injury prevention
- 2 study and report.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2355YH (2) 85
je/sc



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H.F. 474

1 Section 1. MUNICIPAL YOUTH SPORTS INJURY PREVENTION STUDY
2 AND REPORT.

3 1. A municipal youth sports injury prevention study is
4 established to make recommendations regarding how cities can
5 most effectively prevent concussions and other sports-related
6 injuries in children participating in municipal youth
7 sports programs. The national center for sports safety is
8 requested to administer the study in coordination with the
9 department of public health and interested parties representing
10 cities, municipal youth sports programs, parents, coaches,
11 trainers, and other stakeholders. The study shall include
12 recommendations for safety equipment for participants and
13 training for employees and volunteers to be required by cities
14 as part of municipal youth sports programs.

15 2. The national center for sports safety is requested to
16 submit a report on its findings and recommendations to the
17 general assembly by January 10, 2014.

18 EXPLANATION

19 This bill establishes a municipal youth sports injury
20 prevention study to make recommendations regarding how cities
21 can most effectively prevent sports-related injuries in
22 children participating in municipal youth sports programs. The
23 national center for sports safety is requested to administer
24 the study in coordination with the Iowa department of public
25 health and other interested parties. The study must include
26 recommendations for safety equipment for participants and
27 training for employees and volunteers to be required by
28 cities as part of municipal youth sports programs. The
29 center is requested to submit a report on its findings and
30 recommendations to the general assembly by January 10, 2014.



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House File 475 - Introduced

HOUSE FILE 475
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 91)

A BILL FOR

- 1 An Act relating to the issuance of a search warrant to
- 2 authorize the placement, tracking, monitoring, and removal
- 3 of a global positioning device.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1944HV (1) 85
jm/rj



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H.F. 475

1 Section 1. Section 808.1, subsection 1, Code 2013, is
 2 amended to read as follows:

3 1. "*Search warrant*" means an order in writing pursuant
 4 ~~to the requirements of section 808.3~~, in the name of the
 5 state, signed by a magistrate, and directed to a peace officer
 6 commanding the officer to search a person, premises, or thing,
 7 issued pursuant to the requirements of section 808.3, or to
 8 place, track, monitor, or remove a global positioning device,
 9 issued pursuant to the requirements of section 808.3A.

10 Sec. 2. **NEW SECTION. 808.3A Application for search warrant**
 11 **— global positioning device.**

12 A peace officer may make application to a judicial
 13 officer for the issuance of a search warrant to authorize
 14 the placement, tracking, monitoring, or removal of a global
 15 positioning device, supported by a peace officer's oath
 16 or affirmation, which includes facts, information, and
 17 circumstances tending to establish sufficient grounds for
 18 granting the peace officer's application, and probable cause
 19 for believing the grounds exist. Upon a finding of probable
 20 cause to issue such a warrant, the judicial officer shall issue
 21 a warrant, signed by the judicial officer with the judicial
 22 officer's name of office, directed to any peace officer,
 23 commanding that the peace officer place, track, monitor, or
 24 remove the global positioning device.

25 EXPLANATION

26 This bill relates to the issuance of a search warrant
 27 regarding the use of a global positioning device.

28 The bill authorizes a peace officer to make an application
 29 to a judicial officer for the issuance of a search warrant to
 30 authorize the placement, tracking, monitoring, or removal of
 31 a global positioning device, if the application is supported
 32 by the peace officer's oath and affirmation, including other
 33 facts and circumstances that establish sufficient grounds for
 34 granting the peace officer's application, and probable cause
 35 for believing the grounds exist. Upon a finding of probable



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1 cause to issue a search warrant, the judicial officer shall
2 issue the search warrant, commanding that the peace officer
3 place, track, monitor, or remove the global positioning device.
4 Current law only allows a special state agent, defined in
5 Code section 808B.1 as a peace officer of the department of
6 public safety, to make an application to a judicial officer for
7 the issuance of a search warrant for the placement, tracking,
8 or monitoring of a global positioning device in Code section
9 808B.5(12).



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House File 476 - Introduced

HOUSE FILE 476
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 47)

A BILL FOR

1 An Act relating to the transfer of assets under the Medicaid
2 program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1170HV (1) 85
pf/nh



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H.F. 476

1 Section 1. Section 249F.1, Code 2013, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 01. *a.* *"Fair consideration"* means full
 4 and adequate consideration which is, under all circumstances,
 5 equivalent to the value of the property transferred and which
 6 is honest, reasonable, and free of suspicion. A determination
 7 of fair consideration is separate and distinct from and
 8 independent and exclusive of any prior value determination
 9 relating to the medical assistance application or ongoing
 10 medical assistance participation of the transferor.

11 *b.* For the purposes of determining fair consideration
 12 in transfers of a life estate or remainder interests, the
 13 determination shall be made in accordance with rules adopted
 14 by the department of human services pursuant to chapter 17A.
 15 The rules shall specify the computation to be utilized in such
 16 determination, which shall be based on the program operations
 17 manual system life estate table published by the United
 18 States social security administration, and shall not include
 19 subjective considerations such as the health and personal
 20 circumstances of the life estate holder.

21 Sec. 2. Section 249F.1, subsection 2, paragraph a, Code
 22 2013, is amended to read as follows:

23 *a.* *"Transfer of assets"* means any transfer or assignment
 24 of a legal or equitable interest in property, as defined in
 25 section 702.14, from a transferor to a transferee for less
 26 than fair consideration, made within five years prior to the
 27 application for medical assistance by the transferor, while
 28 the transferor is receiving medical assistance, or within
 29 five years prior to application for medical assistance by
 30 the transferor after the transferor is no longer receiving
 31 medical assistance but has an existing medical assistance
 32 debt. Any such transfer or assignment is presumed to be made
 33 with the intent, on the part of the transferee; transferor;
 34 or another person acting on behalf of a transferor who is an
 35 actual or implied agent, guardian, attorney-in-fact, or person



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1 acting as a fiduciary, of enabling the transferor to obtain or
 2 maintain eligibility for medical assistance or of impacting
 3 the recovery or payment of a medical assistance debt. This
 4 presumption is rebuttable only by clear and convincing evidence
 5 that the transferor's eligibility or potential eligibility for
 6 medical assistance or the impact on the recovery or payment
 7 of a medical assistance debt was no part of the reason of
 8 the transferee; transferor; or other person acting on behalf
 9 of a transferor who is an actual or implied agent, guardian,
 10 attorney-in-fact, or person acting as a fiduciary for making
 11 or accepting the transfer or assignment. A transfer of assets
 12 includes a transfer of an interest in the transferor's home,
 13 domicile, or land appertaining to such home or domicile
 14 while the transferor is receiving medical assistance, unless
 15 otherwise exempt under paragraph "b".

16 Sec. 3. Section 249F.1, subsection 2, paragraph b,
 17 subparagraph (5), Code 2013, is amended by striking the
 18 subparagraph.

19 Sec. 4. Section 249F.2, Code 2013, is amended to read as
 20 follows:

21 **249F.2 Creation of debt.**

22 A transfer of assets creates a debt due and owing to the
 23 department of human services from the transferee in an amount
 24 equal to medical assistance provided to or on behalf of the
 25 transferor, on or after the date of the transfer of assets, but
 26 not exceeding the fair ~~market value of~~ consideration of the
 27 assets at the time of the transfer.

28 **EXPLANATION**

29 This bill relates to transfers of assets under the medical
 30 assistance (Medicaid) program.

31 The bill defines "fair consideration" for the purposes of
 32 determining whether an asset was transferred for less than the
 33 fair consideration amount.

34 The bill amends the definition of "transfer of asset" to
 35 include a transfer made after the transferor is no longer



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1 receiving Medicaid, but has an existing Medicaid debt.
2 The bill eliminates, as an exception to the definition
3 of a "transfer of asset", transfers of less than \$2,000 on
4 an aggregated basis during the five-year period prior to
5 application for medical assistance by the transferor.



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House File 477 - Introduced

HOUSE FILE 477
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 126)

A BILL FOR

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

TLSB 1931HV (1) 85
dea/nh



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H.F. 477

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

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

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

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

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

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

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

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

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

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dea/nh



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1 2013, is amended to read as follows:

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

5 EXPLANATION

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

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

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

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

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

LSB 1931HV (1) 85
 dea/nh



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House File 478 - Introduced

HOUSE FILE 478
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 3)

A BILL FOR

1 An Act relating to the individual income tax by creating an
2 alternative base income tax and an alternative cumulative
3 income surtax imposed at the election of the taxpayer and
4 including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1421HV (2) 85
mm/sc



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1 provided in section 298.14.

2 Sec. 2. Section 298.14, Code 2013, is amended to read as
 3 follows:

4 **298.14 School district income surtaxes.**

5 1. a. For each fiscal year, the cumulative total of the
 6 percents of surtax approved by the board of directors of a
 7 school district and collected by the department of revenue
 8 under sections 257.21, 257.29, and 298.2, and the enrichment
 9 surtax under section 442.15, Code 1989, and an income surtax
 10 collected by a political subdivision under chapter 422D, shall
 11 not exceed twenty percent.

12 b. Notwithstanding paragraph "a", or any other provision
 13 of law to the contrary, for a taxpayer who makes an election
 14 under section 422.5A, subsection 2, and who is subject to an
 15 income surtax as provided in section 257.21, 257.29, 298.2,
 16 442.15, Code 1989, or chapter 422D, the appropriate governing
 17 body shall impose, and the department of revenue shall collect,
 18 an alternative cumulative income surtax from the taxpayer in an
 19 amount equal to one hundred twenty-two percent of the amount
 20 generated by each surtax imposed by the school district or
 21 political subdivision for the tax year in which the election
 22 is made.

23 2. A school district income surtax fund is created in the
 24 office of treasurer of state. Income surtaxes collected by
 25 the department of revenue under sections 257.21, 257.29, and
 26 298.2 and section 442.15, Code 1989, shall be deposited in the
 27 school district income surtax fund to the credit of each school
 28 district. A separate accounting of each surtax, by school
 29 district, shall be maintained.

30 3. The director of the department of administrative
 31 services shall draw warrants in payment of the surtaxes
 32 collected in each school district. Warrants shall be payable
 33 in two installments to be paid on approximately the first day
 34 of December and the first day of February following collection
 35 of the taxes and shall be delivered to the respective school



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1 districts.

2 DIVISION II

3 CONFORMING CHANGES

4 Sec. 3. Section 68A.102, subsection 21, Code 2013, is
 5 amended to read as follows:

6 21. *"State income tax liability"* means either the state
 7 individual income tax imposed under section 422.5, less the
 8 amounts of nonrefundable credits allowed under chapter 422,
 9 division II, or the alternative base income tax imposed under
 10 section 422.5A if applicable.

11 Sec. 4. Section 257.21, unnumbered paragraph 2, Code 2013,
 12 is amended to read as follows:

13 The instructional support income surtax shall be imposed on
 14 the state individual income tax for the calendar year during
 15 which the school's budget year begins, or for a taxpayer's
 16 fiscal year ending during the second half of that calendar year
 17 and after the date the board adopts a resolution to participate
 18 in the program or the first half of the succeeding calendar
 19 year, and shall be imposed on all individuals residing in the
 20 school district on the last day of the applicable tax year. As
 21 used in this section, *"state individual income tax"* means either
 22 the taxes computed under section 422.5, less the amounts of
 23 nonrefundable credits allowed under chapter 422, division II,
 24 or the tax computed under section 422.5A if applicable.

25 Sec. 5. Section 422.16, subsection 8, Code 2013, is amended
 26 to read as follows:

27 8. An employer or withholding agent shall be liable for
 28 the payment of the tax required to be deducted and withheld
 29 or the amount actually deducted, whichever is greater, under
 30 subsections 1 and 12 of this section; and any amount deducted
 31 and withheld as tax under subsections 1 and 12 of this section
 32 during any calendar year upon the wages of any employee,
 33 nonresident, or other person shall be allowed as a credit to
 34 the employee, nonresident, or other person against the tax
 35 imposed by section 422.5, or section 422.5A if applicable,



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1 irrespective of whether or not such tax has been, or will
 2 be, paid over by the employer or withholding agent to the
 3 department as provided by this chapter.

4 Sec. 6. Section 422.21, subsection 1, Code 2013, is amended
 5 to read as follows:

6 1. Returns shall be in the form the director prescribes,
 7 and shall be filed with the department on or before the last
 8 day of the fourth month after the expiration of the tax year.
 9 However, cooperative associations as defined in section 6072(d)
 10 of the Internal Revenue Code shall file their returns on or
 11 before the fifteenth day of the ninth month following the
 12 close of the taxable year and nonprofit corporations subject
 13 to the unrelated business income tax imposed by section
 14 422.33, subsection 1A, shall file their returns on or before
 15 the fifteenth day of the fifth month following the close of
 16 the taxable year. If, under the Internal Revenue Code, a
 17 corporation is required to file a return covering a tax period
 18 of less than twelve months, the state return shall be for the
 19 same period and is due forty-five days after the due date of
 20 the federal tax return, excluding any extension of time to
 21 file. In case of sickness, absence, or other disability, or
 22 if good cause exists, the director may allow further time for
 23 filing returns. The director shall cause to be prepared blank
 24 forms for the returns and shall cause them to be distributed
 25 throughout the state and to be furnished upon application,
 26 but failure to receive or secure the form does not relieve
 27 the taxpayer from the obligation of making a return that is
 28 required. The department may as far as consistent with the
 29 Code draft income tax forms to conform to the income tax
 30 forms of the internal revenue department of the United States
 31 government. Each return by a taxpayer upon whom a tax is
 32 imposed by section 422.5 or 422.5A shall show the county of the
 33 residence of the taxpayer.

34 Sec. 7. Section 422D.2, Code 2013, is amended to read as
 35 follows:

LSB 1421HV (2) 85
 mm/sc



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1 **422D.2 Local income surtax.**

2 A county may impose by ordinance a local income surtax as
3 provided in section 422D.1 at the rate set by the board of
4 supervisors, of up to one percent, on the state individual
5 income tax of each individual residing in the county at the
6 end of the individual's applicable tax year. However, the
7 cumulative total of the percents of income surtax imposed on
8 any taxpayer in the county shall not exceed twenty percent,
9 except as provided in section 298.14. The reason for imposing
10 the surtax and the amount needed shall be set out in the
11 ordinance. The surtax rate shall be set to raise only the
12 amount needed. For purposes of this section, "*state individual*
13 *income tax*" means either the tax computed under section 422.5,
14 less the amounts of nonrefundable credits allowed under chapter
15 422, division II, or the tax computed under section 422.5A if
16 applicable.

17 DIVISION III

18 IMPLEMENTATION

19 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 Sec. 9. RETROACTIVE APPLICABILITY. This Act applies
22 retroactively to January 1, 2013, for tax years beginning on
23 or after that date.

24 EXPLANATION

25 This bill relates to the individual income tax by creating
26 an alternative base income tax imposed at the election of the
27 taxpayer.

28 Division I relates to the computation and imposition of an
29 alternative base income tax.

30 In lieu of the regular personal net income tax computed and
31 imposed under Code section 422.5, a resident or nonresident
32 individual may elect to be subject to an alternative base
33 income tax as provided in the division. An election must be
34 made not later than the due date for filing the return for
35 a taxable year, including extensions, and under rules to be



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1 prescribed by the director.

2 The state income tax of a taxpayer making an election shall
3 be an amount of tax equal to the taxpayer's base income times
4 4.5 percent. "Base income" is defined as the taxpayer's
5 adjusted gross income before the net operating loss deduction
6 as properly computed for federal income tax purposes, less
7 a standard deduction of \$6,235 for a married person who
8 files separately or a single person or \$12,470 for a married
9 couple filing a joint return, a surviving spouse, or a head
10 of household and less interest and dividends from federal
11 securities. A taxpayer shall not be allowed any nonrefundable
12 or refundable tax credit for the tax year for which the
13 election is made, except the credits for withheld tax and
14 estimated tax paid under Code section 422.16.

15 If a taxpayer making an election is also subject to a local
16 income surtax, that taxpayer is subject to a local income
17 surtax rate that is 22 percent higher than the rate otherwise
18 imposed by the school district or political subdivision.

19 Division II relates to miscellaneous conforming changes.

20 The division makes conforming changes to the definitions of
21 "state income tax liability" for purposes of the Iowa election
22 campaign fund income tax checkoff in Code chapter 68A, and
23 "state individual income tax" for purposes of the emergency
24 medical services income surtax in Code chapter 422D, the
25 instructional support income surtax in Code section 257.21,
26 and, by reference, the educational improvement income surtax
27 in Code section 257.29 and the physical plant and equipment
28 income surtax in Code section 298.2, to include income tax
29 computed and imposed under the alternative system in new Code
30 section 422.5A. The division also amends Code sections 422.16
31 and 422.21 to include references to new Code section 422.5A
32 in provisions of those Code sections that reference the tax
33 imposed under Code section 422.5.

34 Division III relates to implementation of the bill.

35 The division provides that the bill takes effect upon

LSB 1421HV (2) 85

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mm/sc

6/7



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1 enactment and applies retroactively to January 1, 2013, for tax
2 years beginning on or after that date.



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House File 479 - Introduced

HOUSE FILE 479
BY T. TAYLOR

A BILL FOR

- 1 An Act concerning the base salary of employees at board of
- 2 regents institutions for retirement and insurance benefit
- 3 purposes.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2391YH (2) 85
ec/nh



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1 Section 1. Section 262.9, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 2A. Establish a policy requiring
4 institutions under the control of the board to determine the
5 base salary of an employee who is classified by the institution
6 in a ninety percent position and not a full-time position
7 during a pay period based upon the actual earnings of the
8 employee during that pay period for purposes of retirement and
9 insurance benefit purposes.

10 EXPLANATION

11 This bill requires the board of regents to establish a policy
12 requiring institutions under its control to determine the
13 base salary of an employee based upon the actual earnings of
14 the employee for purposes of retirement and insurance benefit
15 purposes.



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House File 480 - Introduced

HOUSE FILE 480
BY KELLEY

A BILL FOR

- 1 An Act appropriating moneys to support soil and water
- 2 conservation districts in this state, by funding secretary
- 3 positions assigned to each district office.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2290YH (2) 85
da/jp



Iowa General Assembly
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House File 481 - Introduced

HOUSE FILE 481
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 5)

A BILL FOR

1 An Act requiring the county commissioner of elections to
2 provide notice following receipt of a motion adopted by a
3 local government requesting a ballot proposition concerning
4 the imposition of the local sales and services tax.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1083HV (1) 85
md/sc



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H.F. 481

1 Section 1. Section 423B.1, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:
3 b. The question of the imposition of a local sales and
4 services tax shall be submitted to the registered voters
5 of the incorporated and unincorporated areas of the county
6 upon receipt by the county commissioner of elections of the
7 motion or motions, requesting such submission, adopted by the
8 governing body or bodies of the city or cities located within
9 the county or of the county, for the unincorporated areas of
10 the county, representing at least one half of the population of
11 the county. Upon adoption of such motion, the governing body
12 of the city or of the county, for the unincorporated areas,
13 shall submit the motion to the county commissioner of elections
14 ~~and in the case of the governing body of the city shall notify~~
15 ~~the board of supervisors of the adoption of the motion.~~
16 Within fifteen days of receiving such a motion submitted by
17 a city located within the county or by the county for the
18 unincorporated areas of the county, the county commissioner
19 of elections shall send written notice to all other cities
20 located in whole or in part within the county and to the board
21 of supervisors if the motion is submitted by a city. The
22 notice shall name the city that submitted the motion or the
23 county that submitted the motion for the unincorporated areas
24 of the county, the date the motion was adopted by the governing
25 body of the city or county, the population of the city or
26 unincorporated areas represented by the governing body that
27 submitted the motion, the names of all other jurisdictions from
28 which the commissioner of elections holds valid motions, the
29 populations of such other jurisdictions, the total population
30 of the county, and a description of the approval procedures
31 and population requirements for submission of the question to
32 the registered voters of the county. The county commissioner
33 of elections shall keep a file on all the motions received
34 and, upon reaching the population requirements, shall publish
35 notice of the ballot proposition concerning the imposition of

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1 the local sales and services tax. A motion ceases to be valid
 2 at the time of the holding of the regular election for the
 3 election of members of the governing body which adopted the
 4 motion. The county commissioner of elections shall eliminate
 5 from the file any motion that ceases to be valid. The manner
 6 provided under this paragraph for the submission of the
 7 question of imposition of a local sales and services tax is an
 8 alternative to the manner provided in paragraph "a".

9 EXPLANATION

10 Code section 423B.1 governs the procedures for approval
 11 and imposition of a local option sales and services tax. The
 12 question of the imposition of a local sales and services tax is
 13 to be submitted to the registered voters of the incorporated
 14 and unincorporated areas of the county upon receipt by the
 15 county commissioner of elections of the motion or motions,
 16 requesting such submission, adopted by the governing body or
 17 bodies of the city or cities located within the county or
 18 of the county for the unincorporated areas of the county,
 19 representing at least one-half of the population of the county.

20 When a motion is adopted by the governing body of the
 21 city or by the board of supervisors of the county for the
 22 unincorporated areas, that governing body must submit the
 23 motion to the county commissioner of elections. This bill
 24 requires that within 15 days of receiving such a motion, the
 25 county commissioner of elections must send written notice to
 26 all other cities located in whole or in part within the county
 27 and to the board of supervisors if the motion is submitted by
 28 a city. The bill requires the notice to name the city that
 29 submitted the motion or the county that submitted the motion
 30 for the unincorporated areas of the county, the date the motion
 31 was adopted by the city council or the board of supervisors,
 32 as applicable, the population of the jurisdiction or area that
 33 submitted the motion, the names of all other jurisdictions from
 34 which the commissioner of elections holds valid motions, the
 35 populations of such other jurisdictions, the population of

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1 the county, and a description of the approval procedures and
2 population requirements for submission of the question to the
3 registered voters of the county.



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House File 482 - Introduced

HOUSE FILE 482
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 256)

A BILL FOR

1 An Act relating to the membership requirements for early
2 childhood Iowa area boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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jp/nh



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1 Section 1. Section 256I.7, subsection 1, paragraph a, Code
 2 2013, is amended to read as follows:

3 a. The early childhood Iowa functions for an area shall be
 4 performed under the authority of an early childhood Iowa area
 5 board. The initial members of an area board shall be elected
 6 officials or members of the public who are not employed by a
 7 provider of services to or for the area board. ~~In addition,~~
 8 ~~the~~ However, for subsequent members, an area board's bylaws
 9 may provide that not more than twenty percent of the area
 10 board's voting membership may consist of persons who are
 11 employed by a public agency provider of services to or for the
 12 area board. The bylaws shall include provisions to reduce
 13 the potential for conflicts of interest among such members.
 14 The membership of an area board shall include representation
 15 from early care, education, health, human services, business,
 16 and faith interests, and at least one parent, grandparent,
 17 or guardian of a child from zero through age five. For the
 18 purposes of this paragraph, "public agency" means any agency of
 19 state government or a city, county, school district, or other
 20 political subdivision of this state.

21 EXPLANATION

22 This bill relates to the membership requirements for early
 23 childhood Iowa area boards. Under current law, membership is
 24 limited to persons who are either elected officials or members
 25 of the public who are not employed by a provider of services to
 26 or for the area board.

27 The bill provides that the limitation applies to the initial
 28 members of an area board, and for subsequent members the
 29 board's bylaws may provide for up to 20 percent of the voting
 30 members to be employed by a public agency provider of services
 31 to or for the area board. The bylaws shall include provisions
 32 to reduce the potential for conflicts of interest among such
 33 members. The term "public agency" is defined to mean any
 34 agency of state government or a city, county, school district,
 35 or other political subdivision of this state.

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House File 483 - Introduced

HOUSE FILE 483
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 51)

A BILL FOR

1 An Act relating to employers seeking referrals for employment
2 under the state unemployment compensation program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1130HV (1) 85
je/rj



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1 Section 1. NEW SECTION. 96.36 Referral of applicants for
2 employment — employer notification and verification.

3 If an employer files a request with the department for
4 referral of applicants by the department to the employer for
5 a job opening, the department shall notify the employer on a
6 monthly basis of the number of referrals the department has
7 made to the employer for the job opening. In addition to the
8 notification, the department shall request verification that
9 the employer is still in need of referral of applicants for the
10 job opening.

11 EXPLANATION

12 This bill provides that if an employer files a request
13 with the department of workforce development for referral of
14 applicants by the department to the employer for a job opening,
15 the department must notify the employer on a monthly basis
16 of the number of referrals the department has made to the
17 employer for the job opening. The department must also request
18 verification that the employer is still in need of referral of
19 applicants for the job opening.



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House File 484 - Introduced

HOUSE FILE 484
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 169)

A BILL FOR

1 An Act relating to boiler inspections and including effective
2 date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2317HV (3) 85
je/sc



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1 Section 1. Section 89.3, subsection 8, Code 2013, is amended
 2 to read as follows:

3 8. ~~Internal inspections~~ Inspections of unfired steam
 4 pressure vessels operating in excess of fifteen pounds per
 5 square inch and low pressure steam boilers shall be conducted
 6 ~~once every two years. External inspections shall be conducted~~
 7 annually at least once each calendar year. The inspections
 8 conducted over each two-year period shall include an external
 9 inspection conducted while the boiler is operating and an
 10 internal inspection, where construction permits. No more than
 11 one inspection shall be conducted over a six-month period.

12 An internal inspection of an unfired steam pressure vessel
 13 or low pressure steam boiler may be required at any time by
 14 the commissioner upon the observation by an inspector of
 15 conditions, enumerated by the commissioner through rules,
 16 warranting an internal inspection.

17 Sec. 2. Section 89.4, subsection 1, Code 2013, is amended by
 18 adding the following new paragraphs:

19 NEW PARAGRAPH. j. An electric boiler with a water capacity
 20 of six gallons or less that is used as an integral part of an
 21 espresso coffee machine, cappuccino coffee machine, or cleaning
 22 machine.

23 NEW PARAGRAPH. k. Continuous coil-type hot water boilers
 24 used only for steam vapor cleaning, to which all of the
 25 following apply:

26 (1) The size of the tubing or pipe, with no drums or
 27 headers attached, does not exceed three-fourths of one inch in
 28 diameter.

29 (2) Nominal water capacity of the boiler does not exceed six
 30 gallons.

31 (3) Water temperature in the boiler does not exceed three
 32 hundred fifty degrees Fahrenheit.

33 (4) Steam is not generated within the coil.

34 Sec. 3. Section 89.4, Code 2013, is amended by adding the
 35 following new subsection:



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1 NEW SUBSECTION. 4. An object shall not be considered under
2 pressure and shall not be within the scope of this chapter when
3 there is clear evidence that the manufacturer did not intend
4 the object to be operated at more than three pounds per square
5 inch and the object is operating at three pounds per square
6 inch or less.

7 Sec. 4. Section 89.14, Code 2013, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 10. The board may adopt rules establishing
10 an internal inspection interval of up to four years for objects
11 that are subject to inspection pursuant to section 89.3,
12 subsection 4, and are owned and operated by electric public
13 utilities subject to rate regulation under chapter 476.

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

16 EXPLANATION

17 This bill provides for required inspections of unfired steam
18 pressure vessels operating in excess of 15 pounds per square
19 inch to occur at least once a year. The bill provides that
20 such inspections shall include one internal inspection and one
21 external inspection in each two-year period. The bill provides
22 that such inspections shall occur no more than once every six
23 months. The bill also applies this requirement to low pressure
24 steam boilers.

25 The bill provides for two additional exemptions from
26 Code chapter 89 governing boilers and unfired steam pressure
27 vessels. The bill exempts an electric boiler with a water
28 capacity of six gallons or less that is used as an integral
29 part of an espresso coffee machine, cappuccino coffee machine,
30 or cleaning machine. The bill also exempts continuous
31 coil-type hot water boilers used only for steam vapor cleaning
32 that meet certain criteria.

33 The bill provides that an object is not considered under
34 pressure and is not within the scope of Code chapter 89,
35 relating to regulation of boilers and unfired steam pressure

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1 vessels by the labor commissioner, when there is clear evidence
2 that the manufacturer did not intend the object to be operated
3 at more than three pounds per square inch and the object is
4 operating at three pounds per square inch or less.

5 The bill permits the labor commissioner to adopt rules
6 establishing an internal inspection interval of up to four
7 years for certain objects owned and operated by electric public
8 utilities subject to rate regulation under Code chapter 476.

9 The bill takes effect upon enactment.



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House File 485 - Introduced

HOUSE FILE 485
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 23)

A BILL FOR

1 An Act relating to elections and voter registration by
2 requiring proof of identification to vote, modifying
3 in-person absentee registration procedures, modifying
4 absentee voting procedures for eligible voters in assisted
5 living programs, creating a criminal offense for falsely
6 swearing certain oaths and affidavits, and including
7 applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

13 Sec. 5. Section 49.77, subsection 3, Code 2013, is amended
 14 by striking the subsection and inserting in lieu thereof the
 15 following:

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

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

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

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

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

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



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

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

21 Sec. 6. Section 49.77, Code 2013, is amended by adding the
 22 following new subsection:

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

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

33 Sec. 7. Section 49.77, subsection 4, paragraph a, Code 2013,
 34 is amended to read as follows:

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



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

13 Sec. 8. Section 49.81, subsection 1, Code 2013, is amended
 14 to read as follows:

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

28 Sec. 9. Section 49.81, subsection 2, paragraph b, Code 2013,
 29 is amended to read as follows:

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



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1 county, or a resident of any facility in that county shown to
2 be a health care facility by the list of licenses provided the
3 commissioner under section 135C.29, the absentee ballot shall
4 be delivered to the voter and returned to the commissioner in
5 the manner prescribed by section 53.22.

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

8 2. Each person who wishes to vote by absentee ballot at
9 the commissioner's office shall first sign an application
10 for a ballot including the following information: name,
11 current address, and the election for which the ballot is
12 requested. The person may report a change of address or other
13 information on the person's voter registration record at that
14 time. The person must also provide proof of identification
15 pursuant to section 49.77, subsection 3, or be offered the
16 option to vote a provisional ballot pursuant to section 49.77,
17 subsection 3A, paragraph "b", before receiving an absentee
18 ballot. Upon receipt of the absentee ballot, the registered
19 voter shall immediately mark the ballot; enclose the ballot in
20 a secrecy envelope, if necessary, and seal it in an affidavit
21 envelope; subscribe to the affidavit on the reverse side of the
22 envelope; and return the absentee ballot to the commissioner.
23 The commissioner shall record the numbers appearing on the
24 application and affidavit envelope along with the name of the
25 registered voter.

26 Sec. 13. Section 53.22, subsection 1, paragraph a,
27 subparagraphs (1) and (2), Code 2013, are amended to read as
28 follows:

29 (1) A registered voter who has applied for an absentee
30 ballot, in a manner other than that prescribed by section 53.10
31 or 53.11, and who is a resident, tenant, or patient in a health
32 care facility, assisted living program, or hospital located in
33 the county to which the application has been submitted shall
34 be delivered the appropriate absentee ballot by two special
35 precinct election officers, one of whom shall be a member of

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1 each of the political parties referred to in section 49.13, who
2 shall be appointed by the commissioner from the election board
3 panel for the special precinct established by section 53.20.
4 The special precinct election officers shall be sworn in the
5 manner provided by section 49.75 for election board members,
6 shall receive compensation as provided in section 49.20,
7 and shall perform their duties during the ten calendar days
8 after the ballots are printed if the commissioner so elects,
9 during the fourteen calendar days preceding the election, and
10 on election day if all ballots requested under section 53.8,
11 subsection 3, have not previously been delivered and returned.

12 (2) If materials are prepared for the two special precinct
13 election officials, a list shall be made of all voters to whom
14 ballots are to be delivered. The list shall be sent with the
15 officials who deliver the ballots and shall include spaces
16 to indicate whether the person was present at the hospital,
17 assisted living program, or health care facility when the
18 officials arrived, whether the person requested assistance
19 from the officials, whether the person was assisted by another
20 person of the voter's choice, the time that the ballot was
21 returned to the officials, and any other notes the officials
22 deem necessary.

23 Sec. 14. Section 53.22, subsection 1, paragraph b, Code
24 2013, is amended to read as follows:

25 b. If an applicant under this subsection notifies the
26 commissioner that the applicant will not be available at the
27 health care facility, assisted living program, or hospital
28 address at any time during the ten-day period after the ballots
29 are printed, if applicable, or during the fourteen-day period
30 immediately prior to the election, but will be available there
31 at some other time prior to the election or on election day,
32 the commissioner shall direct the two special precinct election
33 officers to deliver the applicant's ballot at an appropriate
34 time preceding the election or on election day. If a person
35 who so requested an absentee ballot has been dismissed from the

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1 health care facility, assisted living program, or hospital, the
2 special precinct election officers may take the ballot to the
3 voter if the voter is currently residing in the county.

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

6 NEW PARAGRAPH. *d.* Before receiving a ballot under
7 this subsection, each applicant shall present proof of
8 identification pursuant to section 49.77, subsection 3, to
9 the special precinct election board members. If an applicant
10 is unable to present proof of identification, the applicant
11 shall have an opportunity to execute an affidavit in the form
12 prescribed by the state commissioner of elections affirming
13 that the voter does not have and is unable to obtain proof
14 of identification and that the voter resides in a hospital,
15 assisted living program, or health care facility and is casting
16 a ballot pursuant to this section. If the applicant refuses to
17 execute an affidavit, the voter's ballot shall be considered a
18 provisional ballot cast pursuant to section 49.81.

19 Sec. 16. Section 53.22, subsections 2, 3, 4, and 6, Code
20 2013, are amended to read as follows:

21 2. Any registered voter who becomes a patient, tenant, or
22 resident of a hospital, assisted living program, or health
23 care facility in the county where the voter is registered to
24 vote within three days prior to the date of any election or on
25 election day may request an absentee ballot during that period
26 or on election day. As an alternative to the application
27 procedure prescribed by section 53.2, the registered voter
28 may make the request directly to the officers who are
29 delivering and returning absentee ballots under this section.
30 Alternatively, the request may be made by telephone to the
31 office of the commissioner not later than four hours before
32 the close of the polls. If the requester is found to be a
33 registered voter of that county, these officers shall deliver
34 the appropriate absentee ballot to the registered voter in the
35 manner prescribed by this section.

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1 the commissioner not later than four hours before the close of
 2 the polls. If the requester is found to be a registered voter
 3 of that county, the ballot shall be delivered by mail or by the
 4 person designated by the voter. An application form shall be
 5 included with the absentee ballot and shall be signed by the
 6 voter and returned with the ballot.

7 Sec. 18. Section 321.190, subsection 1, paragraph d, Code
 8 2013, is amended to read as follows:

9 d. The fee for a nonoperator's identification card shall
 10 be five dollars and the card shall be valid for a period
 11 of five years from the date of issuance. A nonoperator's
 12 identification card shall be issued without expiration
 13 to anyone age seventy or over. If an applicant for a
 14 nonoperator's identification card is a foreign national
 15 who is temporarily present in this state, the nonoperator's
 16 identification card shall be issued only for the length of time
 17 the foreign national is authorized to be present as determined
 18 by the department, not to exceed two years. An issuance fee
 19 shall not be charged for a person whose driver's license or
 20 driving privilege has been suspended under section 321.210,
 21 subsection 1, paragraph "a", subparagraph (3), or for a person
 22 obtaining an identification card to be used under section
 23 49.77, subsection 3, for voting purposes. Identification cards
 24 obtained for voting purposes shall be labeled by the department
 25 as "For Voting Purposes Only".

26 DIVISION II

27 CONFORMING PROVISIONS

28 Sec. 19. Section 48A.8, subsection 2, unnumbered paragraph
 29 1, Code 2013, is amended to read as follows:

30 An eligible elector who registers by mail and who has
 31 not previously voted in an election for federal office in
 32 the county of registration shall be required to provide
 33 additional identification documents when voting for the first
 34 time in the county, unless the registrant provided on the
 35 registration form the registrant's Iowa driver's license

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1 number, or the registrant's Iowa nonoperator's identification
2 card number, or the last four numerals of the registrant's
3 social security number and the driver's license, nonoperator's
4 identification, or partial social security number matches
5 an existing state or federal identification record with the
6 same number, name, and date of birth. If the registrant
7 is required to show additional identification under this
8 subsection and votes in person at the polls, or by absentee
9 ballot at the commissioner's office or at a satellite voting
10 station, the registrant shall provide a current and valid
11 photo identification card, or shall present to the appropriate
12 election official one of the following current documents that
13 shows the name and address of the registrant:

14 Sec. 20. Section 48A.8, subsection 4, Code 2013, is amended
15 to read as follows:

16 4. A registrant under subsection 2 who is required to
17 present additional identification when casting a ballot in
18 person shall be permitted to vote a provisional ballot if the
19 voter does not provide the required additional identification
20 documents pursuant to subsection 2. If a voter who is required
21 to present such additional identification when casting a ballot
22 votes an absentee ballot by mail, the ballot returned by the
23 voter shall be considered a provisional ballot pursuant to
24 sections 49.81 and 53.31.

25 Sec. 21. Section 48A.27, subsection 4, paragraph c,
26 subparagraph (2), Code 2013, is amended to read as follows:

27 (2) The notice shall contain a statement in substantially
28 the following form:

29 Information received from the United States postal service
30 indicates that you are no longer a resident of, and therefore
31 not eligible to vote in (name of county) County, Iowa. If this
32 information is not correct, and you still live in (name of
33 county) County, please complete and mail the attached postage
34 paid card at least ten days before the primary or general
35 election and at least eleven days before any other election at

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1 which you wish to vote. If the information is correct and you
2 have moved, please contact a local official in your new area
3 for assistance in registering there. ~~If you do not mail in~~
4 ~~the card, you may be required to show identification before~~
5 ~~being allowed to vote in (name of county) County.~~ If you do not
6 return the card, and you do not vote in an election in (name
7 of county) County, Iowa, on or before (date of second general
8 election following the date of the notice) your name will be
9 removed from the list of voters in that county.

10 Sec. 22. Section 48A.29, subsection 1, paragraph b, Code
11 2013, is amended to read as follows:

12 *b.* The notice shall contain a statement in substantially the
13 following form:

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

30 Sec. 23. Section 48A.29, subsection 3, paragraph b, Code
31 2013, is amended to read as follows:

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

34 Information received by this office indicates that you are no
35 longer a resident of (residence address) in (name of county)

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1 County, Iowa. If the information is not correct, and you still
 2 live at that address, please complete and mail the attached
 3 postage paid card at least ten days before the primary or
 4 general election and at least eleven days before any other
 5 election at which you wish to vote. If the information is
 6 correct, and you have moved within the county, you may update
 7 your registration by listing your new address on the card and
 8 mailing it back. If you have moved outside the county, please
 9 contact a local official in your new area for assistance in
 10 registering there. ~~If you do not mail in the card, you may be~~
 11 ~~required to show identification before being allowed to vote in~~
 12 ~~(name of county) County.~~ If you do not return the card, and you
 13 do not vote in some election in (name of county) County, Iowa,
 14 on or before (date of second general election following the
 15 date of the notice) your name will be removed from the list of
 16 registered voters in that county.

17 DIVISION III

18 APPLICABILITY

19 Sec. 24. APPLICABILITY. This Act applies to elections held
 20 on or after January 1, 2015.

21 EXPLANATION

22 This bill requires that a person provide certain proof of
 23 identification at the time that the person votes, modifies
 24 proof of identification and proof of residence requirements
 25 for election day and in-person absentee registration, modifies
 26 absentee voting procedures for eligible voters in assisted
 27 living programs, and creates a criminal offense for falsely
 28 swearing certain oaths and affidavits.

29 Division I of the bill relates to voter identification
 30 requirements. The bill maintains current law allowing a person
 31 wishing to register to vote on election day, or in person when
 32 voting an absentee ballot, to establish proof of identity
 33 and proof of residence by written oath of a person who is
 34 registered to vote in the precinct, but requires that the oath
 35 of the person wishing to vote and the registered voter's oath

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1 be executed on the same piece of paper.

2 The bill requires that a voter provide proof of
3 identification to a precinct election official before being
4 allowed to vote, and also requires that a person wishing to
5 vote by absentee ballot at a county commissioner of elections
6 office or at a satellite absentee voting station present
7 the same proof of identification. The bill requires that
8 acceptable proof of identification show the name of the
9 individual voter, include a photograph of the voter, and be
10 issued by the government of the United States, the state of
11 Iowa, an Iowa public or private university or college, an Iowa
12 secondary school, or a political subdivision of the state.

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

32 The bill provides that if proof of identification is
33 established the person shall then be allowed to vote. If a
34 person is unable or refuses to present proof of identification,
35 or if the precinct election official determines that the

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1 proof of identification does not meet specified requirements,
2 the person shall be offered the option to vote a provisional
3 ballot. If a person is casting a provisional ballot
4 under these circumstances, the person shall receive a
5 printed statement giving notice of the types of acceptable
6 identification and notice that the person is required to show
7 acceptable identification before the provisional ballot can
8 be counted. However, the bill provides that a voter casting
9 a provisional ballot for this reason may execute an affidavit
10 in the form prescribed by the state commissioner of elections,
11 affirming that the voter is the person the voter claims to be
12 and affirming that the voter is either indigent and unable to
13 obtain proof of identification without the payment of a fee or
14 that the voter has a religious objection to being photographed.

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

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

31 The bill requires that persons residing in a hospital or
32 health care facility who apply to vote by absentee ballot
33 shall present proof of identification. If the applicant is
34 unable to present proof of identification they shall be able
35 to execute an affidavit in the form prescribed by the state

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1 commissioner of elections, stating that the voter does not have
2 and is unable to obtain proof of identification and that the
3 voter resides in a hospital or health care facility. If the
4 applicant refuses to execute such an affidavit and is unable to
5 present proof of identification, the voter is allowed to cast a
6 provisional ballot. The bill further extends all provisions
7 applying to balloting by residents of a health care facility
8 and hospital patients to include tenants of an assisted living
9 program.

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

17 Division II of the bill makes conforming changes to certain
18 required notices on forms related to voter registration and
19 registration by mail.

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



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House File 486 - Introduced

HOUSE FILE 486
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 166)

A BILL FOR

1 An Act relating to persons offering orthotic, prosthetic, and
2 pedorthic services to the public, and relating to the scope
3 of orthotic, prosthetic, and pedorthic services which may
4 be ordered by certain health care providers, and including
5 transition provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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jr/sc



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1 Section 1. Section 148F.2, subsections 2 and 4, Code 2013,
 2 are amended to read as follows:

3 2. *“Orthosis”* means a custom-fabricated or custom-fitted
 4 brace or support designed to provide for alignment, correction,
 5 or prevention of neuromuscular or musculoskeletal dysfunction,
 6 disease, injury, or deformity. *“Orthosis”* does not include
 7 fabric or elastic supports, corsets, arch supports, low
 8 temperature plastic splints, trusses, elastic ~~hoses~~ hose,
 9 canes, crutches, soft cervical collars, dental appliances,
 10 or other similar devices carried in stock and sold as
 11 “over-the-counter” items by a drug store, department store,
 12 corset shop, or surgical supply facility.

13 4. *“Orthotic and prosthetic scope of practice”* means a
 14 list of tasks, with relative weight given to such factors as
 15 importance, criticality, and frequency, based on nationally
 16 accepted standards of orthotic and prosthetic care as
 17 outlined by the American board for certification in orthotics,
 18 prosthetics, and pedorthics, incorporated.

19 Sec. 2. Section 148F.2, subsection 3, unnumbered paragraph
 20 1, Code 2013, is amended to read as follows:

21 *“Orthotic and prosthetic education program”* means a course
 22 of instruction accredited by the ~~national~~ commission on
 23 accreditation of allied health education programs, consisting
 24 of both of the following:

25 Sec. 3. Section 148F.2, subsection 8, unnumbered paragraph
 26 1, Code 2013, is amended to read as follows:

27 *“Pedorthic education program”* means an educational program
 28 ~~accredited by the American board for certification in~~
 29 ~~orthotics, prosthetics, and pedorthics~~ approved by the national
 30 commission on orthotic and prosthetic education consisting of
 31 all of the following:

32 Sec. 4. Section 148F.2, subsections 9 and 16, Code 2013, are
 33 amended to read as follows:

34 9. *“Pedorthic scope of practice”* means a list of tasks
 35 with relative weight given to such factors as importance,



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1 criticality, and frequency based on nationally accepted
 2 standards of pedorthic care as outlined by the American board
 3 for certification in orthotics, prosthetics, and pedorthics,
 4 incorporated.

5 16. "Resident" means a person who has completed an education
 6 program in either orthotics or prosthetics and is continuing
 7 the person's clinical education in a residency accredited by
 8 the ~~American board for certification in orthotics, prosthetics~~
 9 ~~and pedorthics~~ national commission on orthotic and prosthetic
 10 education.

11 Sec. 5. Section 148F.5, subsection 2, paragraph c, Code
 12 2013, is amended to read as follows:

13 c. Complete a qualified ~~work~~ clinical experience program
 14 ~~or internship~~ in pedorthics that has a minimum of one thousand
 15 hours of pedorthic patient care experience in accordance
 16 with any standards, guidelines, or procedures established
 17 and approved by the board. The majority of training must
 18 be devoted to services performed under the supervision of a
 19 licensed orthotist or licensed practitioner of pedorthics or a
 20 person certified as a certified pedorthist whose practice is
 21 located outside the state.

22 Sec. 6. Section 148F.7, Code 2013, is amended to read as
 23 follows:

24 **148F.7 Limitation on provision of care and services.**

25 A licensed orthotist, prosthetist, or pedorthist may provide
 26 care or services only if the care or services are provided
 27 pursuant to an order from a licensed physician, a licensed
 28 podiatric physician, an advanced registered nurse practitioner
 29 ~~who has a written collaborative agreement with a collaborating~~
 30 ~~physician or podiatric physician that specifically authorizes~~
 31 ~~ordering the services of an orthotist, prosthetist, or~~
 32 ~~pedorthist, an advanced registered nurse practitioner who~~
 33 ~~practices in a hospital or ambulatory surgical treatment center~~
 34 ~~and possesses clinical privileges to order services of an~~
 35 ~~orthotist, prosthetist, or pedorthist~~ licensed pursuant to



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1 ~~chapter 152 or 152E~~, or a physician assistant who has been
 2 delegated the authority to order the services of an orthotist,
 3 prosthetist, or pedorthist by the assistant's supervising
 4 physician. ~~A licensed podiatric physician or an advanced~~
 5 ~~registered nurse practitioner collaborating with a podiatric~~
 6 ~~physician may only order care or services concerning the foot~~
 7 ~~from a licensed pedorthist or orthotist.~~

8 Sec. 7. NEW SECTION. **148F.9 Transition period.**

9 1. Through June 30, 2014, a person certified as an
 10 orthotist, prosthetist, or pedorthist by the American board
 11 for certification in orthotics, prosthetics, and pedorthics,
 12 incorporated, or holding similar certification from other
 13 accrediting bodies, may apply for and may be issued an initial
 14 license to practice orthotics, prosthetics, or pedorthics under
 15 the provisions of this chapter without meeting the requirements
 16 of section 148F.5, upon proof of current certification in good
 17 standing and payment of the required licensure fees.

18 2. Through June 30, 2014, a person not certified as
 19 described in subsection 1 who has practiced continuously
 20 for at least thirty hours per week on average for at least
 21 five of seven years in an accredited and bonded facility
 22 as an orthotist, prosthetist, or pedorthist may file an
 23 application with the board to continue to practice orthotics,
 24 prosthetics, or pedorthics. The practice described under this
 25 subsection shall only be required to have been performed in
 26 an accredited and bonded facility if the facility is required
 27 to be accredited and bonded by Medicare. The five years of
 28 continuous practice must occur between July 1, 2007, and July
 29 1, 2014. A person applying under this subsection may be
 30 issued an initial license to practice orthotics, prosthetics,
 31 or pedorthics under the provisions of this chapter without
 32 meeting the requirements of section 148F.5, upon payment of the
 33 licensure fees required by the department and after the board
 34 has reviewed the application.

35 3. On or after July 1, 2014, an applicant for licensure

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1 as an orthotist, prosthetist, or pedorthist shall meet the
2 requirements of section 148F.5.

3 4. The board shall adopt rules to administer this section.

4 EXPLANATION

5 This bill contains several amendments to Code chapter 148F
6 regulating orthotic, prosthetic, and pedorthic practice and
7 services. The name of the national organization which approves
8 the course of instruction has been changed, and the bill makes
9 related conforming changes. The bill also provides that the
10 work component of the licensing requirement include a clinical
11 component and eliminates provisions for internships.

12 The bill strikes a provision in Code section 148F.7 that
13 specified circumstances under which a licensed advanced
14 registered nurse practitioner could order care or services
15 concerning the foot from a licensed pedorthist or orthotist,
16 and, instead, generally gives a licensed advanced registered
17 nurse practitioner that authority.

18 The bill creates a transition period through June 30,
19 2014, allowing persons who are certified as an orthotist,
20 prosthetist, or pedorthist by a national organization or who
21 have worked continuously as an orthotist, prosthetist, or
22 pedorthist for five of seven specified years to be licensed
23 without otherwise meeting the requirements of Code chapter
24 148F.



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House File 487 - Introduced

HOUSE FILE 487
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 191)

A BILL FOR

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

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dea/nh



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

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

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

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

25 EXPLANATION

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



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House File 488 - Introduced

HOUSE FILE 488
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 147)

A BILL FOR

1 An Act concerning the alcoholic beverages division of the
2 department of commerce and alcoholic beverage control, and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 each applicant shall ~~file with~~ submit to the division
 2 electronically, or in a manner prescribed by the administrator,
 3 the name and address of its authorized agent for service of
 4 process which shall remain effective until changed for another,
 5 and a list of names and addresses of all representatives,
 6 employees, or attorneys whom the applicant has appointed in the
 7 state of Iowa to represent it for any purpose. The listing
 8 shall be amended from time to time by the certificate holder as
 9 necessary to keep the listing current with the division.

10 Sec. 3. Section 123.31, unnumbered paragraph 1, Code 2013,
 11 is amended to read as follows:

12 Verified applications for the original issuance or the
 13 renewal of liquor control licenses shall be ~~filed at the~~
 14 ~~time and in the number of copies as the administrator shall~~
 15 ~~prescribe, on forms~~ submitted electronically, or in a manner
 16 prescribed by the administrator, and shall set forth under oath
 17 the following information:

18 Sec. 4. Section 123.32, subsection 1, Code 2013, is amended
 19 to read as follows:

20 1. *Filing of application.* An application for a class "A",
 21 class "B", class "C", or class "E" liquor control license, for
 22 a class "A" micro-distilled spirits permit, for a retail beer
 23 permit as provided in sections 123.128 and 123.129, or for a
 24 class "B", class "B" native, or class "C" native retail wine
 25 permit as provided in section 123.178, 123.178A, or 123.178B,
 26 accompanied by the necessary fee and bond, if required, shall
 27 be filed with the appropriate city council if the premises for
 28 which the license or permit is sought are located within the
 29 corporate limits of a city, or with the board of supervisors
 30 if the premises for which the license or permit is sought are
 31 located outside the corporate limits of a city. An application
 32 for a class "D" liquor control license and for a class "A"
 33 beer or class "A" wine permit, accompanied by the necessary
 34 fee and bond, if required, shall be ~~filed with~~ submitted to
 35 the division electronically, or in a manner prescribed by the



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1 administrator, which shall proceed in the same manner as in the
 2 case of an application approved by local authorities.

3 Sec. 5. Section 123.33, Code 2013, is amended to read as
 4 follows:

5 **123.33 Records.**

6 Every holder of a liquor control license shall keep a
 7 daily record, in printed or electronic format, of the gross
 8 receipts of the holder's business. The records required and
 9 the premises of the licensee shall be accessible and open to
 10 inspection pursuant to section 123.30, subsection 1, during
 11 normal business hours of the licensee.

12 Sec. 6. Section 123.41, subsection 1, Code 2013, is amended
 13 to read as follows:

14 1. ~~Upon Each application in the prescribed form to obtain~~
 15 or renew a manufacturer's license shall be submitted to the
 16 division electronically, or in a manner prescribed by the
 17 administrator, and shall be accompanied by a fee of three
 18 hundred fifty dollars, the payable to the division. The
 19 administrator may in accordance with this chapter grant and
 20 issue a manufacturer's license, valid for a one-year period
 21 after date of issuance, to a manufacturer which shall allow
 22 the manufacture, storage, and wholesale disposition and sale
 23 of alcoholic liquors to the division and to customers outside
 24 of the state.

25 Sec. 7. Section 123.42, subsection 1, Code 2013, is amended
 26 to read as follows:

27 1. Prior to representing or promoting a distiller's
 28 alcoholic liquor products in the state, the broker shall
 29 ~~make submit an application to the administrator on forms~~
 30 provided division electronically, or in a manner prescribed
 31 by the division administrator, for a broker's permit. The
 32 administrator may in accordance with this chapter issue a
 33 broker's permit which shall be valid for one year from the
 34 date of issuance unless it is sooner suspended or revoked
 35 for a violation of this chapter. A broker's permit is valid



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1 throughout the state, and a broker who represents more than one
 2 distiller is required to obtain only one broker's permit.

3 Sec. 8. Section 123.127, subsection 1, paragraph a,
 4 unnumbered paragraph 1, Code 2013, is amended to read as
 5 follows:

6 Submits ~~a written~~ an application ~~for such permit~~
 7 electronically, or in a manner prescribed by the administrator,
 8 which ~~application~~ shall state under oath:

9 Sec. 9. Section 123.127, subsection 1, paragraph c, Code
 10 2013, is amended to read as follows:

11 c. Furnishes a bond ~~in the form~~ a manner prescribed ~~and~~
 12 ~~to be furnished~~ by the ~~division~~ administrator, with good
 13 and sufficient sureties to be approved by the administrator
 14 conditioned upon the faithful observance of this chapter, in
 15 the ~~penal~~ sum of five thousand dollars, payable to the state.

16 Sec. 10. Section 123.128, subsection 1, unnumbered
 17 paragraph 1, Code 2013, is amended to read as follows:

18 Submits ~~a written~~ an application ~~for such permit~~
 19 electronically, or in a manner prescribed by the administrator,
 20 which ~~application~~ shall state under oath:

21 Sec. 11. Section 123.129, subsection 2, paragraph a, Code
 22 2013, is amended to read as follows:

23 a. Submits ~~a written~~ an application ~~for such permit~~
 24 electronically, or in a manner prescribed by the administrator,
 25 which ~~application~~ shall state under oath all the information
 26 required of a class "A" applicant by section 123.127,
 27 subsection 1, paragraph "a".

28 Sec. 12. Section 123.135, subsections 1 and 3, Code 2013,
 29 are amended to read as follows:

30 1. A manufacturer, brewer, bottler, importer, or vendor
 31 of beer or any agent thereof desiring to ship or sell beer,
 32 or have beer brought into this state for resale by a class
 33 "A" permittee shall first make application for and be issued
 34 a brewer's certificate of compliance by the administrator
 35 for that purpose. The certificate of compliance expires at



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1 the end of one year from the date of issuance and shall be
 2 renewed for a like period upon application to the administrator
 3 unless otherwise revoked for cause. Each application for a
 4 certificate of compliance or renewal of a certificate shall
 5 be submitted electronically, or in a manner prescribed by
 6 the administrator, and shall be accompanied by a fee of five
 7 hundred dollars payable to the division. Each holder of a
 8 certificate of compliance shall furnish the information in ~~the~~
 9 ~~form~~ a manner the administrator requires.

10 3. All class "A" permit holders shall sell only those brands
 11 of beer which are manufactured, brewed, bottled, shipped,
 12 or imported by a person holding a current certificate of
 13 compliance. Any employee or agent working for or representing
 14 the holder of a certificate of compliance within this state
 15 shall ~~register~~ submit electronically, or in a manner prescribed
 16 by the administrator, the employee's or agent's name and
 17 address with the division, which names and addresses shall be
 18 ~~filed with the division's copy of the certificate of compliance~~
 19 ~~issued.~~

20 Sec. 13. Section 123.137, unnumbered paragraph 1, Code
 21 2013, is amended to read as follows:

22 A person holding a class "A" or special class "A" permit
 23 shall on or before the tenth day of each calendar month
 24 commencing on the tenth day of the calendar month following the
 25 month in which the person is issued a permit, make a report
 26 under oath to the division ~~upon forms to be furnished by~~
 27 ~~the division for that purpose~~ electronically, or in a manner
 28 prescribed by the administrator, showing the exact number of
 29 barrels of beer, or fractional parts of barrels, sold by the
 30 permit holder during the preceding calendar month. The report
 31 shall also state information the administrator requires, and
 32 permit holders shall at the time of filing a report pay to the
 33 division the amount of tax due at the rate fixed in section
 34 123.136.

35 Sec. 14. Section 123.173, subsection 4, Code 2013, is

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1 amended to read as follows:

2 4. When a class "B" or class "B" native wine permittee who
3 also holds a class "E" liquor control license sells wine to a
4 class "A", class "B", or class "C" liquor control licensee, the
5 liquor control licensee shall sign a report attesting to the
6 purchase. The class "B" or class "B" native wine permittee who
7 also holds a class "E" liquor control license shall submit a
8 report to the division electronically, on forms supplied by the
9 division or in a manner prescribed by the administrator, not
10 later than the tenth of each month ~~a report~~ stating each sale
11 of wine to class "A", class "B", and class "C" liquor control
12 licensees during the preceding month, the date of each sale,
13 and the brands and numbers of bottles with each sale. A class
14 "B" permittee who holds a class "E" liquor control license
15 may sell to class "A", class "B", or class "C" liquor control
16 licensees only if the licensed premises of the liquor control
17 licensee is located within the geographic territory of the
18 class "A" wine permittee from which the wine was originally
19 purchased by the class "B" wine permittee.

20 Sec. 15. Section 123.175, subsection 1, unnumbered
21 paragraph 1, Code 2013, is amended to read as follows:

22 Submits a written an application electronically, or in a
23 manner prescribed by the administrator, for the permit and
24 states on the application which shall state under oath:

25 Sec. 16. Section 123.175, subsection 3, Code 2013, is
26 amended to read as follows:

27 3. Submits, in the case of a class "A" wine permit, a bond
28 in the amount of five thousand dollars in ~~the form~~ a manner
29 prescribed and furnished by the division administrator with
30 good and sufficient sureties to be approved by the division
31 conditioned upon compliance with this chapter.

32 Sec. 17. Section 123.180, subsection 1, Code 2013, is
33 amended to read as follows:

34 1. A manufacturer, vintner, bottler, importer, or vendor
35 of wine or an agent thereof desiring to ship, sell, or have



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1 wine brought into this state for resale by the division or for
2 sale at wholesale by a class "A" permittee shall first make
3 application for and shall be issued a vintner's certificate
4 of compliance by the administrator for that purpose. The
5 vintner's certificate of compliance shall expire at the end of
6 one year from the date of issuance and shall be renewed for
7 a like period upon application to the administrator unless
8 otherwise revoked for cause. Each application for a vintner's
9 certificate of compliance or renewal of a certificate shall
10 be submitted electronically, or in a manner prescribed by the
11 administrator, and shall be accompanied by a fee of one hundred
12 dollars payable to the division. Each holder of a vintner's
13 certificate of compliance shall furnish the information
14 required by the administrator in the form the administrator
15 requires. A vintner or wine bottler whose plant is located in
16 Iowa and who otherwise holds a class "A" wine permit to sell
17 wine at wholesale is exempt from the fee, but not the other
18 terms and conditions. The holder of a vintner's certificate of
19 compliance may also hold a class "A" wine permit.

20 Sec. 18. Section 123.184, Code 2013, is amended to read as
21 follows:

22 **123.184 Report of gallonage sales — penalty.**

23 Each class "A" wine permit holder on or before the tenth
24 day of each calendar month commencing on the tenth day of the
25 calendar month following the month in which the person is
26 issued a permit, shall make a report under oath to the division
27 upon forms to be furnished by the division electronically, or
28 in a manner prescribed by the administrator, showing the exact
29 number of gallons of wine and fractional parts of gallons, sold
30 by that permit holder during the preceding calendar month.
31 The report also shall state whatever reasonable additional
32 information the administrator requires. The permit holder
33 at the time of filing this report shall pay to the division
34 the amount of tax due at the rate fixed in section 123.183.
35 A penalty of ten percent of the amount of the tax shall be

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1 assessed and collected if the report is not filed and the tax
 2 paid within the time required by this section.

3 Sec. 19. Section 123.187, subsection 2, paragraph a, Code
 4 2013, is amended to read as follows:

5 a. The administrator shall issue a wine direct shipper
 6 license to a wine manufacturer who submits ~~a written~~ an
 7 application for the license ~~on a form to be established~~
 8 electronically, or in a manner prescribed by the administrator
 9 ~~by rule~~, accompanied by a true copy of the manufacturer's
 10 current alcoholic beverage license or permit and a copy of the
 11 manufacturer's winery license issued by the federal alcohol and
 12 tobacco tax and trade bureau.

13 DIVISION II

14 COMMISSION AND DIVISION DUTIES — BONDS, PAYMENTS, AND REPORTS

15 Sec. 20. Section 123.10, unnumbered paragraph 1, Code 2013,
 16 is amended to read as follows:

17 The governor shall appoint the administrator of the
 18 alcoholic beverages division, subject to confirmation by the
 19 senate, to a four-year term. A vacancy in an unexpired term
 20 shall be filled in the same manner as a full-term appointment
 21 is made. The administrator shall not be a member of the
 22 commission. The administrator's salary shall be fixed by the
 23 general assembly. The administrator shall be qualified to
 24 perform the administrator's duties by managerial ability and
 25 experience as a business executive. ~~The administrator shall~~
 26 ~~post a bond paid from the state general fund in an amount~~
 27 ~~established by the governor to insure proper discharge of the~~
 28 ~~administrator's duties.~~

29 Sec. 21. Section 123.24, subsections 2 and 3, Code 2013, are
 30 amended to read as follows:

31 2. a. The division may accept from a class "E" liquor
 32 control licensee ~~a cashier's check which shows the licensee~~
 33 ~~is the remitter or a check issued by the licensee~~ electronic
 34 funds transferred by automated clearing house, wire transfer,
 35 or another method deemed acceptable by the administrator,



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1 in payment of alcoholic liquor. If a ~~check~~ payment is
 2 subsequently dishonored, the division shall cause a notice
 3 of nonpayment and penalty to be served upon the class "E"
 4 liquor control licensee or upon any person in charge of the
 5 licensed premises. The notice shall state that if payment
 6 or satisfaction for the dishonored ~~check~~ payment is not made
 7 within ten days of the service of notice, the licensee's liquor
 8 control license may be suspended under section 123.39. The
 9 notice of nonpayment and penalty shall be in a form prescribed
 10 by the administrator, and shall be sent by certified mail.

11 *b.* If upon notice and hearing under section 123.39 and
 12 pursuant to the provisions of chapter 17A concerning a
 13 contested case hearing, the administrator determines that
 14 the class "E" liquor control licensee failed to satisfy the
 15 obligation for which the ~~check~~ payment was issued within ten
 16 days after the notice of nonpayment and penalty was served on
 17 the licensee as provided in paragraph "a" of this subsection,
 18 the administrator may suspend the licensee's class "E" liquor
 19 control license for a period not to exceed ten days.

20 3. The administrator may refuse to sell alcoholic liquor
 21 to a class "E" liquor control licensee who tenders a ~~check~~
 22 ~~or electronic funds transfer~~ payment which is subsequently
 23 dishonored until the outstanding obligation is satisfied.

24 Sec. 22. Section 123.55, unnumbered paragraph 1, Code 2013,
 25 is amended to read as follows:

26 The commission shall cause to be prepared an annual report to
 27 the governor of the state, ending with June 30 of each fiscal
 28 year, showing fully the results of on the operations operation
 29 and financial position of the division covering the period
 30 since the last previous report for the preceding fiscal year.
 31 ~~Such~~ The report shall show include but is not limited to the
 32 following information:

33 Sec. 23. REPEAL. Section 123.8, Code 2013, is repealed.

34 DIVISION III
 35 BEER AND WINE PROVISIONS

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1 Sec. 24. Section 123.3, subsections 7 and 19, Code 2013, are
 2 amended to read as follows:

3 7. *“Beer”* means any liquid capable of being used for
 4 beverage purposes made by the fermentation of an infusion
 5 in potable water of barley, malt, and hops, with or without
 6 unmalted grains or decorticated and degerminated grains or made
 7 by the fermentation of or by distillation of the fermented
 8 products of fruit, fruit extracts, or other agricultural
 9 products, containing more than one-half of one percent of
 10 alcohol by volume but not more than five percent of alcohol by
 11 weight or six and twenty-five hundredths percent of alcohol by
 12 volume but not including mixed drinks or cocktails mixed on the
 13 premises.

14 19. *“High alcoholic content beer”* means beer which
 15 contains more than five percent of alcohol by weight or six
 16 and twenty-five hundredths percent of alcohol by volume, but
 17 not more than twelve percent of alcohol by weight or fifteen
 18 percent of alcohol by volume, that is made by the fermentation
 19 of an infusion in potable water of barley, malt, and hops, with
 20 or without unmalted grains or decorticated and degerminated
 21 grains. Not more than one and five-tenths percent of the
 22 volume of a *“high alcoholic content beer”* may consist of alcohol
 23 derived from added flavors and other nonbeverage ingredients
 24 containing alcohol. The added flavors and other nonbeverage
 25 ingredients may not include added caffeine or other added
 26 stimulants including but not limited to guarana, ginseng, and
 27 taurine.

28 Sec. 25. Section 123.99, Code 2013, is amended to read as
 29 follows:

30 **123.99 False statements.**

31 If any person, for the purpose of procuring the shipment,
 32 transportation, or conveyance of any intoxicating ~~liquors~~
 33 liquor, wine, or beer within this state, shall make to any
 34 person, company, corporation, or common carrier, or to any
 35 agent thereof, any false statements as to the character



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1 or contents of any box, barrel, or other vessel or package
2 containing such ~~liquors~~ liquor, wine, or beer; or shall refuse
3 to give correct and truthful information as to the contents of
4 any such box, barrel, or other vessel or package so sought to
5 be transported or conveyed; or shall falsely mark, brand, or
6 label such box, barrel, or other vessel or package in order to
7 conceal the fact that the same contains intoxicating ~~liquors~~
8 liquor, wine, or beer; or shall by any device or concealment
9 procure or attempt to procure the conveyance or transportation
10 of such ~~liquors~~ liquor, wine, or beer as herein prohibited, the
11 person shall be guilty of a simple misdemeanor.

12 Sec. 26. Section 123.100, Code 2013, is amended to read as
13 follows:

14 **123.100 Packages in transit.**

15 Any peace officer of the county under process or warrant to
16 the peace officer directed shall have the right to open any
17 box, barrel, or other vessel or package for examination, if
18 the peace officer has reasonable ground for believing that it
19 contains intoxicating ~~liquors~~ liquor, wine, or beer, either
20 before or while the same is being so transported or conveyed.

21 Sec. 27. Section 123.101, Code 2013, is amended to read as
22 follows:

23 **123.101 Record of shipments.**

24 It shall be the duty of all common carriers, or corporations,
25 or persons who shall for hire carry any intoxicating ~~liquors~~
26 liquor, wine, or beer into the state, or from one point to
27 another within the state, for the purpose of delivery, and
28 who shall deliver such intoxicating liquor, wine, or beer to
29 any person, company, or corporation, to ~~keep, at each station~~
30 ~~or office where it employs an agent or other person to make~~
31 ~~delivery of freight and keep records relative thereto, a record~~
32 ~~book, wherein such carrier shall, promptly upon receipt and~~
33 ~~prior to delivery, enter in ink, in legible writing, in full,~~
34 maintain a proper record of the name of the consignor of each
35 shipment of intoxicating liquor ~~to be delivered from or through~~

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1 ~~such station, wine, or beer~~ from where shipped, the date of
 2 arrival, the quantity and kind of intoxicating liquor, wine,
 3 or beer, so far as disclosed by lettering on the package or by
 4 the carrier's records, and to whom and where consigned, and the
 5 date delivered.

6 Sec. 28. Section 123.102, Code 2013, is amended to read as
 7 follows:

8 **123.102 Inspection of shipping records.**

9 The ~~record book~~ records required by section 123.101 shall,
 10 during business hours, be open to inspection by any peace or
 11 law enforcing officer. It ~~shall be~~ is a simple misdemeanor to
 12 refuse such inspection.

13 Sec. 29. Section 123.103, Code 2013, is amended to read as
 14 follows:

15 **123.103 Record receipt upon delivery.**

16 ~~No shipment billed in whole or in part as intoxicating~~
 17 ~~liquor shall be delivered to the consignee until such consignee~~
 18 ~~upon such record book enters in ink, in legible writing, the~~
 19 ~~consignee's~~ The full name and residence or place of business,
 20 ~~giving the name of the city, and the street name and number if~~
 21 ~~any, and certifies~~ of the consignee of a shipment billed in
 22 whole or in part as intoxicating liquor, wine, or beer, shall
 23 be properly recorded at the time of delivery and the consignee
 24 shall certify that such the intoxicating liquor, wine, or beer
 25 is for the consignee's own lawful purposes.

26 Sec. 30. Section 123.104, Code 2013, is amended to read as
 27 follows:

28 **123.104 Unlawful delivery.**

29 It ~~shall be~~ is a simple misdemeanor for any corporation,
 30 common carrier, person, or any agent or employee thereof:

31 1. To deliver any intoxicating ~~liquors~~ liquor, wine, or beer
 32 to any person other than to the consignee.

33 2. To deliver any intoxicating ~~liquors~~ liquor, wine, or
 34 beer without having the same ~~receipted for~~ properly recorded
 35 as provided in section 123.103.



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1 3. To deliver any intoxicating ~~liquors~~ liquor, wine, or
 2 beer where there is reasonable ground to believe that such
 3 intoxicating liquor, wine, or beer is intended for unlawful
 4 use.

5 Sec. 31. Section 123.106, Code 2013, is amended to read as
 6 follows:

7 **123.106 Federal statutes.**

8 The requirements of this chapter relative to the shipment
 9 and delivery of intoxicating ~~liquors~~ liquor, wine, or beer and
 10 the records to be kept thereof shall be construed in harmony
 11 with federal statutes relating to interstate commerce in such
 12 ~~liquors~~ liquor, wine, or beer.

13 Sec. 32. Section 123.107, subsection 1, paragraph a, Code
 14 2013, is amended to read as follows:

15 a. To set out exactly the kind or quantity of intoxicating
 16 ~~liquors~~ liquor, wine, or beer manufactured, sold, given in
 17 evasion of the statute, or kept for sale.

18 Sec. 33. Section 123.111, Code 2013, is amended to read as
 19 follows:

20 **123.111 Purchaser as witness.**

21 The person purchasing any intoxicating liquor, wine, or
 22 beer sold in violation of this chapter shall in all cases be a
 23 competent witness to prove such sale.

24 Sec. 34. Section 123.115, Code 2013, is amended to read as
 25 follows:

26 **123.115 Defense.**

27 In any prosecution under this chapter for the unlawful
 28 transportation of intoxicating ~~liquors~~ liquor, wine, or beer
 29 it shall be a defense that the character and contents of the
 30 shipment or thing transported were not known to the accused or
 31 to the accused's agent or employee.

32 Sec. 35. Section 123.116, Code 2013, is amended to read as
 33 follows:

34 **123.116 Right to receive ~~liquors~~ liquor, wine, or beer.**

35 The consignee of intoxicating ~~liquors~~ liquor, wine, or beer



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1 shall, on demand of the carrier transporting such ~~liquors~~
 2 liquor, wine, or beer, furnish the carrier, at the place of
 3 delivery, with legal proof of the consignee's legal right to
 4 receive such ~~liquors~~ liquor, wine, or beer at the time of
 5 delivery, and until such proof is furnished the carrier shall
 6 be under no legal obligation to make delivery nor be liable for
 7 failure to deliver.

8 Sec. 36. Section 123.117, Code 2013, is amended to read as
 9 follows:

10 **123.117 Delivery to sheriff.**

11 If such proof is not furnished the carrier within ten days
 12 after demand, the carrier may deliver such ~~liquors~~ liquor,
 13 wine, or beer to the sheriff of the county embracing the place
 14 of delivery, and such delivery shall absolve the carrier from
 15 all liability pertaining to such ~~liquors~~ liquor, wine, or beer.

16 Sec. 37. Section 123.118, Code 2013, is amended to read as
 17 follows:

18 **123.118 Destruction.**

19 The sheriff shall, on receipt of such ~~liquors~~ liquor, wine,
 20 or beer from the carrier, report the receipt to the district
 21 court of the sheriff's county, and the court shall proceed to
 22 summarily enter an order for the destruction or forfeiture to
 23 the state of such ~~liquors~~ liquor, wine, or beer.

24 Sec. 38. Section 123.120, Code 2013, is amended to read as
 25 follows:

26 **123.120 Attempt to destroy.**

27 The destruction of or attempt to destroy any liquid by
 28 any person while in the presence of peace officers or while
 29 a property is being searched by a peace officer, shall be
 30 competent evidence that such liquid is intoxicating liquor,
 31 wine, or beer and intended for unlawful purposes.

32 Sec. 39. Section 123.121, unnumbered paragraph 2, Code
 33 2013, is amended to read as follows:

34 In any prosecution under this chapter for the unlawful
 35 transportation of intoxicating liquor, wine, or beer,



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1 the offense shall be held to have been committed in any
 2 county in which such liquor, wine, or beer is received for
 3 transportation, through which it is transported, or in which it
 4 is delivered.

5 Sec. 40. Section 123.138, subsection 1, Code 2013, is
 6 amended to read as follows:

7 1. Each class "A" or special class "A" permittee shall
 8 keep proper ~~books of account and~~ records showing the amount of
 9 beer sold by the permittee, and these ~~books of account~~ records
 10 shall be at all times open to inspection by the administrator
 11 and to other persons pursuant to section 123.30, subsection

12 1. Each class "B" ~~and~~ permittee, class "C" permittee, and
 13 retail liquor control licensee shall keep proper ~~books of~~
 14 ~~account and~~ records showing each purchase of beer made by the
 15 permittee and licensee, and the date and the amount of each
 16 purchase and the name of the person from whom each purchase
 17 was made, which ~~books of account and~~ records shall be open to
 18 inspection pursuant to section 123.30, subsection 1, during
 19 normal business hours of the permittee or licensee.

20 Sec. 41. Section 123.144, Code 2013, is amended to read as
 21 follows:

22 **123.144 Bottling beer.**

23 1. No person shall bottle beer within the state of Iowa ~~for~~
 24 ~~purposes other than for individual consumption in a private~~
 25 ~~home~~, except class "A", special class "A", class "AA", and
 26 special class "AA" permittees who have complete equipment for
 27 bottling beer and who have received the approval of the local
 28 board of health as to sanitation, ~~and it.~~ It shall be the duty
 29 of local boards of health to inspect the premises and equipment
 30 of class "A", special class "A", class "AA", and special class
 31 "AA" permittees who desire to bottle beer.

32 2. However, any person of legal age may bottle beer for
 33 personal use and if it is not sold or offered in exchange for
 34 any type of consideration. In addition, such beer may be
 35 removed from the premises where it was bottled for personal use



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1 including use at bona fide exhibitions, competitions, contests,
 2 tastings, or judged events, if the beer is not sold or offered
 3 in exchange for any type of consideration.

4 Sec. 42. Section 123.185, Code 2013, is amended to read as
 5 follows:

6 **123.185 Records required.**

7 Each class "A" wine permittee shall keep ~~books of account and~~
 8 records showing each sale of wine, which shall be at all times
 9 open to inspection by the administrator and pursuant to section
 10 123.30, subsection 1. Each class "B" wine permittee shall keep
 11 proper ~~books of account and~~ records showing each purchase of
 12 wine and the date and the amount of each purchase and the name
 13 of the person from whom each purchase was made, which shall be
 14 open to inspection pursuant to section 123.30, subsection 1,
 15 during normal business hours of the permittee.

16 EXPLANATION

17 This bill makes several changes relative to the alcoholic
 18 beverages division of the department of commerce and alcoholic
 19 beverage control.

20 Division I, concerning applications, forms, and records,
 21 amends several provisions of Code chapter 123 to provide that
 22 various forms and applications currently submitted to and
 23 supplied by the division in written form shall be submitted or
 24 supplied electronically, or in a manner as prescribed by the
 25 administrator of the division.

26 Division II concerns certain reports, payments, and bonding
 27 requirements relative to the alcoholic beverages commission and
 28 division.

29 Code section 123.10, concerning the duties of the
 30 administrator of the division, is amended to remove the
 31 requirement that the administrator post a surety bond.

32 Code section 123.24, concerning alcoholic liquor sales by
 33 the division, is amended to provide that payment for liquor
 34 sales by liquor control licensees can be made by electronic
 35 funds transfer, wire transfer, or other method deemed

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1 acceptable by the administrator.

2 Code section 123.55, concerning the annual report of the
3 commission, is amended to clarify that the report covers a
4 fiscal year and concerns the operation and financial position
5 of the division.

6 Code section 123.8, requiring alcoholic beverages commission
7 members and certain division employees to post a surety bond,
8 is repealed.

9 Division III of the bill makes changes relative to alcoholic
10 beverage control of wine and beer.

11 Code section 123.3(7) and (19), concerning the definitions
12 of beer and high alcoholic content beer, are amended to provide
13 the allowable alcoholic content of beer and high alcoholic
14 content beer by volume. Current law defines the allowable
15 alcoholic content of beer and high alcoholic content beer by
16 weight.

17 Code sections 123.99, 123.100, 123.101, 123.103, 123.104,
18 123.106, 123.107, 123.111, 123.115, 123.116, 123.120, and
19 123.121, generally related to the shipment and delivery of
20 intoxicating liquors, and applicable criminal penalties, are
21 amended to provide that the requirements of these sections also
22 apply to wine and beer.

23 Code section 123.138(1), concerning records a permittee is
24 required to maintain relative to the sale of beer, is amended
25 to extend this requirement to retail liquor control licensees
26 that also sell beer.

27 Code section 123.144, concerning bottling beer, is amended
28 to allow beer bottled for personal use to be used other
29 than where it was bottled for use at bona fide exhibitions,
30 competitions, contests, tastings, and judged events, if
31 the beer is not sold or offered in exchange for any type of
32 consideration.

33 Code sections 123.138 and 123.185, concerning records a
34 permittee is required to maintain, are amended by striking
35 language relative to keeping books of account.

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House File 489 - Introduced

HOUSE FILE 489
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 83)

A BILL FOR

1 An Act relating to various matters under the purview of the
2 insurance division of the department of commerce, providing
3 penalties, and including applicability and effective date
4 provisions.

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

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1 Section 1. Section 135.22A, subsection 2, paragraph g, Code
 2 2013, is amended by striking the paragraph.

3 Sec. 2. Section 249A.3, Code 2013, is amended by adding the
 4 following new subsection:

5 NEW SUBSECTION. 15. An insurance policy or annuity
 6 purchased to fund an irrevocable purchase agreement to furnish
 7 cemetery merchandise, funeral merchandise, funeral services,
 8 or a combination thereof as provided in chapter 523A, which is
 9 owned by or assigned to a seller or a provider as defined in
 10 section 523A.102, and in which the department is designated as
 11 the primary beneficiary as provided in section 523A.304, shall
 12 be excluded as a resource for eligibility under this chapter.

13 Sec. 3. Section 502.102, subsection 16, paragraph c, Code
 14 2013, is amended to read as follows:

15 c. Is employed by or associated with a federal covered
 16 investment adviser, unless the individual has a "place of
 17 business" in this state as that term is defined by rule adopted
 18 by the ~~securities and exchange commission under section 203A~~
 19 ~~of the Investment Advisers Act of 1940, 15 U.S.C. § 80b-3a,~~
 20 administrator pursuant to chapter 17A and is any of the
 21 following:

22 (1) An "investment adviser representative" as that term is
 23 defined by rule adopted under section 203A of the Investment
 24 Advisers Act of 1940, 15 U.S.C. § 80b-3a.

25 (2) Not a "supervised person" as that term is defined in
 26 ~~section 202(a)(25) of the Investment Advisers Act of 1940, 15~~
 27 ~~U.S.C. § 80b-2(a)(25)~~ by rule adopted by the administrator
 28 pursuant to chapter 17A.

29 Sec. 4. Section 502.412, subsection 3, Code 2013, is amended
 30 to read as follows:

31 3. *Disciplinary penalties — registrants.* If the
 32 administrator finds that the order is in the public interest
 33 and subsection 4, paragraphs "a" through "f", "h", "i", "j",
 34 "l", or "m", authorizes the action, an order under this chapter
 35 may censure, impose a bar, or impose a civil penalty in an



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1 Sec. 10. NEW SECTION. **507C.17A Rehabilitation or**
2 **liquidation of certain covered domestic insurers.**

3 1. The provisions of this section apply in accordance
4 with Tit. II of the federal Dodd-Frank Wall Street Reform and
5 Consumer Protection Act, Pub. L. No. 111-203, 12 U.S.C. § 5301
6 et seq., with respect to a domestic insurer that is a covered
7 financial company, as that term is defined under 12 U.S.C. §
8 5381.

9 2. The commissioner may petition the district court for an
10 order of rehabilitation or liquidation of a domestic insurer
11 pursuant to this section on any of the following grounds:

12 *a.* Upon a determination and notification given by the
13 secretary of the treasury of the United States, in consultation
14 with the president of the United States, that the insurer is
15 a covered financial company satisfying the requirements of
16 12 U.S.C. § 5383(b), and the board of directors, or a body
17 performing similar functions of a board of directors, of the
18 insurer acquiesces or consents to the appointment of a receiver
19 pursuant to 12 U.S.C. § 5382(a)(1)(A)(i) with such consent
20 to be considered as consent to an order of rehabilitation or
21 liquidation.

22 *b.* Upon an order of the United States district court for
23 the District of Columbia under 12 U.S.C. § 5382(a)(1)(A)(iv)(I)
24 granting the petition of the secretary of the treasury of
25 the United States concerning the insurer under 12 U.S.C. §
26 5382(a)(1)(A)(i).

27 *c.* A petition by the secretary of the treasury of the United
28 States concerning the insurer is granted by operation of law
29 under 12 U.S.C. § 5382(a)(1)(A)(v).

30 3. Notwithstanding any other provision of law to the
31 contrary, after notice to the insurer, a district court
32 may grant an order of rehabilitation or liquidation within
33 twenty-four hours after the filing of such a petition pursuant
34 to this section.

35 4. If the district court does not make a determination on a



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1 petition for an order of rehabilitation or liquidation filed by
2 the commissioner pursuant to this section within twenty-four
3 hours after the filing of the petition, the order shall be
4 deemed granted by operation of law upon the expiration of the
5 twenty-four-hour period.

6 *a.* At the time that an order is deemed granted under this
7 subsection, the provisions of this chapter shall be deemed
8 to be in effect, and the commissioner shall be deemed to be
9 affirmed as receiver and to have all of the applicable powers
10 provided by this chapter, regardless of whether an order has
11 been entered by the district court.

12 *b.* If an order is deemed granted by operation of law under
13 this subsection, the district court shall expeditiously enter
14 an order of rehabilitation or liquidation that does all of the
15 following:

16 (1) Is effective as of the date that the order is deemed
17 granted by operation of law.

18 (2) Conforms to the provisions for rehabilitation or
19 liquidation of an insurer contained in this chapter, as
20 applicable.

21 5. An order of rehabilitation or liquidation made pursuant
22 to this section shall not be subject to a stay or injunction
23 pending appeal.

24 6. Nothing in this section shall be construed to supersede
25 or impair any other power or authority of the commissioner or
26 the district court under this chapter.

27 Sec. 11. Section 511.8, subsection 14, Code 2013, is amended
28 to read as follows:

29 14. *Urban real estate and personal property.*

30 *a.* Personal or real property or both located within the
31 United States or the Dominion of Canada, other than real
32 property used or to be used primarily for agricultural,
33 horticultural, ranching or mining purposes, which produces
34 income or which by suitable improvement will produce income.
35 However, personal property acquired under this subsection shall

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1 be acquired for the purpose of entering into a contract for
2 the sale or for a use under which the contractual payments
3 may reasonably be expected to result in the recovery of the
4 investment and an investment return within the anticipated
5 useful life of the property. Legal title to the real property
6 may be acquired subject to a contract of sale.

7 b. "Real property" as used in this subsection includes a all
8 of the following:

9 (1) A leasehold of real estate, ~~an.~~

10 (2) An undivided interest in a leasehold of real estate, ~~and~~
11 an.

12 (3) An undivided interest in the fee title of real estate.

13 (4) A controlling membership, partnership, shareholder, or
14 trust interest in any entity created solely for the purpose
15 of owning and operating any of the interests described in
16 subparagraph (1), (2), or (3), if the entity is expressly
17 limited to that purpose within its organizational documents.

18 c. Investments under this subsection are not eligible in
19 excess of ten percent of the legal reserve.

20 Sec. 12. Section 511.8, subsection 23, Code 2013, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. g. For securities loaned pursuant to this
23 subsection that are included in the legal reserve of the life
24 insurance company or association, the collateral received for
25 the loaned securities shall not be eligible for inclusion in
26 the legal reserve.

27 Sec. 13. Section 511.40, Code 2013, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 5. a. The gross amount of premiums
30 received by a life insurance company or association for an
31 employer-owned life insurance contract which has not been
32 allocated to another state shall be allocated to this state
33 for purposes of section 432.1, subsection 1, if either of the
34 following is applicable:

35 (1) The contract is issued or delivered in this state.



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1 (2) The company or association is domiciled in this state.
2 *b.* To the extent that premiums are allocated to this state
3 pursuant to paragraph *"a"*, the provisions of section 505.14 are
4 not applicable to those premiums.
5 *c.* As used in this subsection, *"employer-owned life*
6 *insurance contract"* means a policy which provides coverage on
7 a life for which the employer has an insurable interest under
8 this section or a similar provision of the laws of another
9 state and the policy is owned by either the employer or a trust
10 established by the employer for the benefit of the employer or
11 the employer's active or retired employees.

12 Sec. 14. Section 514.4, Code 2013, is amended to read as
13 follows:

14 **514.4 Directors.**

15 1. At least two-thirds of the directors of a hospital
16 service corporation, medical service corporation, dental
17 service corporation, or pharmaceutical or optometric service
18 corporation subject to this chapter shall be at all times
19 subscribers and not more than one-third of the directors
20 shall be providers as provided in this section. The board of
21 directors of each corporation shall consist of at least nine
22 members.

23 2. A subscriber director is a director of the board of
24 a corporation who is a subscriber and who is not a provider
25 of health care pursuant to section 514B.1, subsection 7, a
26 person who has material financial or fiduciary interest in the
27 delivery of health care services or a related industry, an
28 employee of an institution which provides health care services,
29 or a spouse or a member of the immediate family of such a
30 person. However, a subscriber director of a dental service
31 corporation may be an employee, officer, director, or trustee
32 of a hospital or other entity that does not have a provider
33 contract with the dental service corporation. A subscriber
34 director of a hospital or medical service corporation shall be
35 a subscriber of the services of that corporation.

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1 3. A provider director of a corporation subject to this
2 chapter shall be at all times a person who has a material
3 financial interest in or is a fiduciary to or an employee
4 of or is a spouse or member of the immediate family of a
5 provider having a contract with such corporation to render to
6 its subscribers the services of such corporation or who is a
7 hospital trustee.

8 4. A director may serve on a board of only one corporation
9 at a time subject to this chapter.

10 5. The commissioner of insurance shall adopt rules pursuant
11 to chapter 17A to implement the process of the election of
12 subscriber directors of the board of directors of a corporation
13 to ensure the representation of a broad spectrum of subscriber
14 interest on each board and establish criteria for the selection
15 of nominees. The rules shall provide for an independent
16 subscriber nominating committee to serve until the composition
17 of the board of directors meets the percentage requirements
18 of this section. Once the composition requirements of this
19 section are met, the nominations for subscriber directors
20 shall be made by the subscriber directors of the board under
21 procedures the board establishes which shall also permit
22 nomination by a petition of at least fifty subscribers. The
23 board shall also establish procedures to permit nomination of
24 provider directors by petition of at least fifty participating
25 providers. A member of the board of directors of a corporation
26 subject to this chapter shall not serve on the independent
27 subscriber nominating committee. The nominating committee
28 shall consist of subscribers as defined in this section. The
29 rules of the commissioner of insurance shall also permit
30 nomination of subscriber directors by a petition of at least
31 fifty subscribers, and nomination of provider directors
32 by a petition of at least fifty participating providers.
33 These petitions shall be considered only by the independent
34 nominating committee during the duration of the committee.
35 Following the discontinuance of the committee, the petition



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1 process shall be continued and the board of directors of the
 2 corporation shall consider the petitions. The independent
 3 subscriber nominating committee is not subject to chapter 17A.
 4 The nominating committee shall not receive per diem or expenses
 5 for the performance of their duties.

6 6. Population factors, representation of different
 7 geographic regions, and the demography of the service area of
 8 the corporation subject to this chapter shall be considered
 9 when making nominations for the board of directors of a
 10 corporation subject to this chapter.

11 7. A corporation serving states in addition to Iowa shall be
 12 required to implement this section only for directors who are
 13 residents of Iowa and elected as board members from Iowa.

14 Sec. 15. Section 515.26, Code 2013, is amended to read as
 15 follows:

16 **515.26 Directors.**

17 The affairs of a company organized as provided by this
 18 chapter shall be managed by a number of directors, of not less
 19 than five nor more than twenty-one. ~~In the case of a mutual~~
 20 ~~company, all such directors shall be policyholders.~~

21 Sec. 16. Section 515.35, subsection 4, paragraph f, Code
 22 2013, is amended to read as follows:

23 *f. Stocks, limited partnership interests, and limited*
 24 *liability company interests.*

25 (1) A company may invest in common stocks, common stock
 26 equivalents, mutual fund shares, securities convertible into
 27 common stocks or common stock equivalents, or preferred stocks
 28 issued or guaranteed by a corporation incorporated under the
 29 laws of the United States or a state of the United States, or
 30 the laws of Canada or a province of Canada.

31 ~~(1)~~ (a) Stocks purchased under this section shall not
 32 exceed one hundred percent of capital and surplus. With the
 33 approval of the commissioner, a company may invest any amount
 34 in common stocks, preferred stocks, or other securities of one
 35 or more subsidiaries provided that after such investments the



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1 insurer's surplus as regards policyholders will be reasonable
 2 in relation to the insurer's outstanding liabilities and
 3 adequate to its financial needs.

4 ~~(2)~~ (b) A company shall not invest more than ten percent of
 5 its capital and surplus in the stocks of any one corporation.

6 (2) In addition to those investments permitted under
 7 subparagraph (1), a company may invest in or otherwise
 8 acquire and hold a limited partnership interest in any limited
 9 partnership formed under the laws of any state, commonwealth,
 10 or territory of the United States, or under the laws of the
 11 United States. A company may invest in or otherwise acquire
 12 and hold a member interest in any limited liability company
 13 formed under the laws of any state, commonwealth, or territory
 14 of the United States or under the laws of the United States.
 15 A limited partnership or limited liability company interest
 16 shall not be acquired if the investment, valued at cost,
 17 exceeds two percent of the capital and surplus of the company
 18 or if the investment, plus the book value on the date of the
 19 investment of all limited partnership or limited liability
 20 company interests then held by the company and held under the
 21 authority of this subparagraph, exceeds ten percent of the
 22 capital and surplus of the company. A limited partnership
 23 or limited liability company interest shall not be acquired
 24 under this subparagraph unless the limited partnership or
 25 limited liability company is audited annually by an independent
 26 auditor.

27 Sec. 17. Section 515.48, Code 2013, is amended by adding the
 28 following new subsection:

29 NEW SUBSECTION. 11. Insure risks on an excess and aggregate
 30 limit basis.

31 Sec. 18. Section 515.69, subsection 1, Code 2013, is amended
 32 to read as follows:

33 1. A stock insurance company organized under or by the
 34 laws of any other state or foreign government for the purpose
 35 specified in this chapter, shall not, directly or indirectly,



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1 take risks or transact business of insurance in this state
 2 unless the company has ~~two and one-half million dollars of~~
 3 ~~actual paid-up capital, and a surplus in cash or invested in~~
 4 ~~securities authorized by law of not less than two and one-half~~
 5 ~~million dollars, possesses the actual amount of capital and~~
 6 ~~surplus required of any company organized pursuant to this~~
 7 ~~chapter, or if the company is a mutual insurance company, the~~
 8 ~~actual amount of surplus required of any mutual insurance~~
 9 ~~company organized pursuant to this chapter, exclusive of assets~~
 10 ~~deposited in a state, territory, district, or country for the~~
 11 ~~special benefit or security of those insured in that state,~~
 12 ~~territory, district, or country.~~

13 Sec. 19. Section 515.128, subsection 1, Code 2013, is
 14 amended to read as follows:

15 1. An insurer shall not fail to renew a commercial line
 16 policy or contract of insurance except by notice to the
 17 named insured as provided in this section. ~~Nonrenewal of a~~
 18 ~~commercial line policy or contract includes a decision by the~~
 19 ~~insurer not to renew the policy or contract, an increase in~~
 20 ~~the premium of twenty-five percent or more, an increase in~~
 21 ~~the deductible of twenty-five percent or more, or a material~~
 22 ~~reduction in the limits or coverage of the policy or contract.~~
 23 ~~However, a premium charge which is assessed after the beginning~~
 24 ~~date of the policy period for which the premium is due shall~~
 25 ~~not be deemed a premium increase for the purpose of this~~
 26 ~~section.~~

27 Sec. 20. NEW SECTION. 515.128A **Material changes in**
 28 **commercial lines policies or contracts — notice required.**

29 1. If an insurer has an increase in the premium rates of
 30 twenty-five percent or more, an increase in the deductible
 31 of twenty-five percent or more, or a material reduction in
 32 the limits or coverage of the policy or contract, the insurer
 33 shall notify the named insured by a letter of explanation of
 34 the changes by mail at least forty-five days prior to the
 35 expiration date of the policy or contract. However, a premium



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1 charge that is assessed after the beginning date of the policy
2 or contract period for which the premium is due shall not be
3 deemed a premium increase for the purposes of this section.

4 2. If the insurer fails to meet the notice requirements of
5 this section, the named insured has the option of continuing
6 the policy or contract for the remainder of the notice
7 period plus an additional thirty days at the premium rate of
8 the existing policy or contract. A post office department
9 certificate of mailing to the named insured at the address
10 shown in the policy or contract is proof of receipt of the
11 mailing.

12 Sec. 21. Section 515.136, Code 2013, is amended to read as
13 follows:

14 **515.136 Value of building — liability.**

15 ~~The insurance company or association issuing such policy may~~
16 ~~show the actual value of said property at date of policy, and~~
17 ~~any depreciation in the value thereof before the loss occurred,~~
18 ~~but the said~~ An insurance company or association shall be
19 liable for the actual cash value of the property insured at the
20 date of the loss, unless such value exceeds the amount stated
21 in the policy.

22 Sec. 22. Section 515A.7, subsection 1, paragraph b,
23 subparagraph (5), Code 2013, is amended to read as follows:

24 (5) An insurer may adopt a ~~scheduled or~~ schedule rating plan
25 providing for credits or debits in an amount not exceeding the
26 maximum modification allowed as set forth by the commissioner
27 by rule. This amount shall be in addition to the permitted
28 deviations set forth in subparagraphs (1) through (4).

29 Sec. 23. Section 518.14, subsection 4, paragraph f,
30 unnumbered paragraph 1, Code 2013, is amended to read as
31 follows:

32 Common stocks, common stock equivalents, mutual fund
33 shares, securities convertible into common stocks or common
34 stock equivalents, or preferred stocks issued or guaranteed
35 by a corporation incorporated under the laws of the United



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1 States or a state, or the laws of Canada or a province of
 2 Canada, or limited partnerships publicly traded on a nationally
 3 established stock exchange in the United States. Aggregate
 4 investments in nondividend paying stocks shall not exceed five
 5 percent of surplus.

6 Sec. 24. Section 518A.12, subsection 4, paragraph f,
 7 unnumbered paragraph 1, Code 2013, is amended to read as
 8 follows:

9 Common stocks, common stock equivalents, mutual fund
 10 shares, securities convertible into common stocks or common
 11 stock equivalents, or preferred stocks issued or guaranteed
 12 by a corporation incorporated under the laws of the United
 13 States or a state, or the laws of Canada or a province of
 14 Canada, or limited partnerships publicly traded on a nationally
 15 established stock exchange in the United States. Aggregate
 16 investments in nondividend paying stocks shall not exceed five
 17 percent of surplus.

18 Sec. 25. Section 521E.1, subsection 4, unnumbered paragraph
 19 1, Code 2013, is amended to read as follows:

20 "*Domestic insurer*" means an insurance company domiciled in
 21 this state and licensed to transact the business of insurance
 22 under chapter 508, 512B, 515, or 520, except that it shall not
 23 include any of the following:

24 Sec. 26. Section 521E.1, subsection 4, paragraph b, Code
 25 2013, is amended by striking the paragraph.

26 Sec. 27. Section 521E.1, subsections 6 and 7, Code 2013, are
 27 amended to read as follows:

28 6. "*Foreign insurer*" means an insurance company not
 29 domiciled in this state which is licensed to transact the
 30 business of insurance in this state under chapter 508, 512B,
 31 515, or 520.

32 7. "*Life and health insurer*" means an insurance company
 33 licensed under chapter 508, a fraternal benefit society
 34 organized under chapter 512B, or a licensed property and
 35 casualty insurer writing only accident and health insurance

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1 under chapter 515.

2 Sec. 28. Section 521E.3, subsection 1, paragraph a,
 3 subparagraph (2), Code 2013, is amended to read as follows:

4 (2) For a life and health insurer, the insurer's
 5 total adjusted capital is greater than or equal to its
 6 company-action-level risk-based capital but less than the
 7 product of its authorized-control-level risk-based capital and
 8 ~~two and one-half~~ three, and has a negative trend.

9 Sec. 29. Section 522C.6, Code 2013, is amended by adding the
 10 following new subsection:

11 NEW SUBSECTION. 3. a. A licensed public adjuster who,
 12 after hearing, is found to have violated this chapter or any
 13 rule adopted or order issued pursuant to this chapter, may
 14 be ordered to cease and desist from engaging in the conduct
 15 resulting in the violation and may be assessed a civil penalty
 16 as provided in section 505.7A.

17 b. A person who, after hearing, is found to have violated
 18 this chapter by acting as a public adjuster without proper
 19 licensure may be ordered to cease and desist from engaging in
 20 the conduct resulting in the violation and may be assessed a
 21 civil penalty according to the provisions of chapter 507A.

22 c. If a person has engaged, is engaging, or is about to
 23 engage in any act or practice constituting a violation of
 24 this chapter or any rule adopted or order issued pursuant to
 25 this chapter, the commissioner may issue a summary order that
 26 includes a brief statement of findings of fact, conclusions of
 27 law, and policy reasons for the order, and that directs the
 28 person to cease and desist from engaging in the act or practice
 29 constituting the violation and that may assess a civil penalty
 30 or take other affirmative action as in the judgment of the
 31 commissioner is necessary to assure that the person complies
 32 with the requirements of this chapter as provided in chapter
 33 507A.

34 d. If a person does not comply with an order issued pursuant
 35 to this subsection, the commissioner may petition a court of

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1 competent jurisdiction to enforce the order. The court shall
 2 not require the commissioner to post a bond in an action or
 3 proceeding under this subsection. If the court finds, after
 4 notice and opportunity for hearing, that the person is not in
 5 compliance with an order, the court may adjudge the person to
 6 be in civil contempt of the order. The court may impose a civil
 7 penalty against the person for contempt in an amount not less
 8 than three thousand dollars but not greater than ten thousand
 9 dollars for each violation and may grant any other relief that
 10 the court determines is just and proper in the circumstances.

11 Sec. 30. Section 523A.301, Code 2013, is amended to read as
 12 follows:

13 **523A.301 Definition.**

14 As used in sections 523A.302 ~~and~~, 523A.303, and 523A.304,
 15 "*director*" means the director of human services.

16 Sec. 31. Section 523A.303, subsection 1, unnumbered
 17 paragraph 1, Code 2013, is amended to read as follows:

18 If funds remain in a nonguaranteed irrevocable burial trust
 19 ~~fund or from the proceeds of an insurance policy or annuity~~
 20 ~~made payable or assigned to the seller or a provider after the~~
 21 payment of funeral and burial expenses in accordance with the
 22 conditions and terms of the purchase agreement for cemetery
 23 merchandise, funeral merchandise, or funeral services, the
 24 seller shall comply with all of the following:

25 Sec. 32. NEW SECTION. **523A.304 Disbursement of insurance or**
 26 **annuity proceeds — medical assistance debts.**

27 1. If an insurance policy or annuity is purchased or
 28 assigned to fund a purchase agreement and the insured or
 29 annuitant is or may become a recipient of medical assistance
 30 benefits under chapter 249A, unless the primary beneficiary
 31 of the policy or annuity is the spouse or disabled child of
 32 the insured or annuitant, the policy owner of the insurance
 33 policy or annuity shall designate, or shall amend the insurance
 34 policy or annuity to designate, the department as the primary
 35 beneficiary of any funds that remain from the proceeds of the



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1 insurance policy or annuity after payment of funeral and burial
 2 expenses in accordance with the terms and conditions of the
 3 purchase agreement.

4 2. If the funds remaining from the proceeds of the insurance
 5 policy or annuity are disbursed as provided in subsection 1
 6 and as otherwise provided in the insurance policy or annuity,
 7 if applicable, the seller, provider, or insurer shall not be
 8 liable to the director, the estate of the deceased insured or
 9 annuitant, a personal representative, or any other interested
 10 person for the remaining funds, and any lien imposed by the
 11 director shall be unenforceable against the seller, provider,
 12 or insurer.

13 3. This section applies to an insurance policy or annuity
 14 issued prior to January 1, 2014, that funds a purchase
 15 agreement for an insured or annuitant who receives or may
 16 receive medical assistance benefits under chapter 249A, and who
 17 dies on or after January 1, 2014.

18 4. This section applies to an insurance policy or annuity
 19 issued on or after January 1, 2014, to fund a purchase
 20 agreement for an insured or annuitant who receives or may
 21 receive medical assistance benefits under chapter 249A, and who
 22 dies on or after January 1, 2014, and on or after the date of
 23 issuance of the insurance policy or annuity.

24 Sec. 33. Section 598.20A, Code 2013, is amended to read as
 25 follows:

26 **598.20A Beneficiary revocation — life insurance.**

27 1. Except as preempted by federal law, if a decree of
 28 dissolution, annulment, or separate maintenance is issued after
 29 ~~an insured~~ the policy owner of an insurance contract insuring
 30 the policy owner's own life has designated the ~~insured's~~ policy
 31 owner's spouse or one or more relatives of the ~~insured's~~ policy
 32 owner's spouse as a beneficiary under a life insurance policy
 33 in effect on the date of the decree, a provision in the life
 34 insurance policy making such a designation is voided by the
 35 issuance of the decree unless any of the following apply:



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1 *a.* The decree designates the ~~insured's~~ policy owner's former
2 spouse or one or more relatives of the ~~insured's~~ policy owner's
3 spouse as beneficiary.

4 *b.* After issuance of the decree, the ~~insured~~ policy owner
5 executes a designation of beneficiary form provided by the
6 insurance company naming the ~~insured's~~ policy owner's former
7 spouse or one or more relatives of the ~~insured's~~ policy owner's
8 former spouse as beneficiary.

9 *c.* The ~~insured~~ policy owner and the ~~insured's~~ policy owner's
10 former spouse remarry.

11 2. If a beneficiary designation is not effective pursuant to
12 subsection 1, the benefits or proceeds of the life insurance
13 policy are payable to an alternate beneficiary, or if there is
14 no alternate beneficiary, to the estate of the ~~insured~~ policy
15 owner.

16 3. An insurer who pays benefits or proceeds of a life
17 insurance policy to a beneficiary under a designation that is
18 void pursuant to subsection 1 is not liable for payment to an
19 alternative beneficiary as provided under subsection 2 unless
20 both of the following apply:

21 *a.* At least ten days prior to payment of the benefits
22 or proceeds of the life insurance policy to the designated
23 beneficiary, the insurer receives written notice at the home
24 office of the insurer that the designation of the beneficiary
25 is not effective pursuant to subsection 1.

26 *b.* The insurer has failed to interplead the benefits or
27 proceeds of the life insurance policy in a court of competent
28 jurisdiction in accordance with the rules of civil procedure.

29 4. This section does not limit the right of a beneficiary
30 to seek recovery from any person or entity that erroneously
31 receives or collects the benefits or proceeds from a life
32 insurance policy.

33 5. This section does not affect the right of ~~an insured's~~ a
34 policy owner's former spouse to assert an ownership interest in
35 a life insurance policy insuring the life of the policy owner

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1 that is not disclosed to the ~~insured's~~ policy owner's spouse
2 prior to the decree of dissolution, annulment, or separate
3 maintenance and that is not addressed by the decree.

4 6. For purposes of this section, "*relative of the insured's*
5 *policy owner's spouse*" means a person who is related to the
6 ~~insured's~~ policy owner's former spouse by blood, adoption,
7 or affinity, and who, subsequent to a decree of dissolution,
8 annulment, or separate maintenance, ceases to be related to the
9 ~~insured~~ policy owner by blood, adoption, or affinity.

10 Sec. 34. EFFECTIVE UPON ENACTMENT. The following
11 provision or provisions of this Act, being deemed of immediate
12 importance, take effect upon enactment:

13 1. The section of this Act enacting section 507C.17A.

14 Sec. 35. EFFECTIVE DATE. The following provision or
15 provisions of this Act take effect January 1, 2014:

16 1. The section of this Act amending section 523A.303,
17 subsection 1, unnumbered paragraph 1.

18 EXPLANATION

19 This bill relates to various matters under the purview of the
20 insurance division of the department of commerce.

21 DEPARTMENT OF PUBLIC HEALTH. Code section 135.22A(2)(g)
22 is stricken to remove the commissioner of insurance from the
23 membership of the advisory council on brain injuries.

24 MEDICAL ASSISTANCE. New Code section 249A.3(15) provides
25 that an insurance policy or annuity purchased to fund an
26 irrevocable purchase agreement to furnish cemetery and funeral
27 merchandise, funeral services, or a combination thereof as
28 provided in Code chapter 523A, which is owned or assigned
29 to a seller or provider and in which the department of
30 human services is designated as the primary beneficiary, is
31 excluded as a resource for determining eligibility for medical
32 assistance under Code chapter 249A. For purposes of this
33 provision, a "seller" is a person doing business in this state,
34 including one who sells insurance, who sells or offers to
35 furnish cemetery and funeral merchandise, funeral services, or



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1 a combination of those products on a preneed basis.
2 UNIFORM SECURITIES ACT (BLUE SKY LAW). Code section 502.102
3 (16)(c) is amended to provide that the definitions of what
4 constitutes an investment advisor representative's "place of
5 business" or who is a "supervised person" will be determined by
6 rules adopted by the commissioner of insurance pursuant to Code
7 chapter 17A, instead of by the federal securities and exchange
8 commission. Code section 502.412(3) is amended to increase the
9 amount of the disciplinary penalty for registrants that the
10 administrator (commissioner of insurance or the commissioner's
11 deputy) can impose for a violation of the Code chapter from a
12 maximum of \$5,000 to \$10,000 for a single violation, and from
13 \$500,000 to \$1 million for more than one violation, or in such
14 amount as agreed to by the parties.
15 Code section 502.604(4) is amended to increase the amount
16 of a civil penalty the administrator can impose against a
17 person for engaging in an act, practice, or course of business
18 in violation of the Code chapter from a maximum of \$5,000 to
19 \$10,000 for a single violation, and from \$500,000 to \$1 million
20 for more than one violation, or in an amount agreed to by the
21 parties.
22 New Code section 502.604(5A) provides that a person
23 who fails to obey a valid cease and desist order issued by
24 the administrator may be subject to a civil penalty in an
25 amount of not less than \$1,000 and not more than \$10,000 for
26 violating the order. Each day the failure to obey continues
27 constitutes a separate violation. The penalties provided in
28 this subsection are in addition to, and not exclusive of other
29 remedies that may be available.
30 INSURANCE DIVISION. Code section 505.8(10) is amended to
31 allow the commissioner to assess the costs of the examination
32 of a regulated entity necessary to accomplish compliance with
33 the insurance laws of this state.
34 DOMESTIC INSURANCE COMPANIES. New Code section 506.14
35 provides that any plan for the voluntary dissolution of a

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1 domestic mutual insurance company licensed in this state shall
 2 be presented for approval by the commissioner not less than 90
 3 days prior to notice of the plan to the policyholders. The
 4 commissioner must approve the plan if it complies with all
 5 applicable laws and is fair and equitable to the company and to
 6 its policyholders.

7 EXAMINATION OF INSURANCE COMPANIES. Code section
 8 507.10(4)(a) is amended to allow the board of directors of
 9 an insurance company to signal that each member has reviewed
 10 an examination report with a notation in the board's meeting
 11 minutes instead of by filing affidavits indicating that each
 12 member has received a copy of the report.

13 INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION.
 14 New Code section 507C.17A contains provisions that apply in
 15 accordance with the federal Dodd-Frank Wall Street Reform and
 16 Consumer Protection Act to a domestic insurer that is a covered
 17 financial company, as that term is defined in federal law.

18 The bill provides that the commissioner of insurance may
 19 file a petition in the state district court for an order of
 20 rehabilitation or liquidation of such a domestic insurer upon
 21 receiving notice from the secretary of the treasury of the
 22 United States that the insurer acquiesces or consents to the
 23 appointment of a receiver; upon an order of the United States
 24 district court for the District of Columbia as to that insurer;
 25 or when a petition of the secretary of the treasury of the
 26 United States concerning the insurer is granted by operation
 27 of law.

28 Notwithstanding any other provision of law to the contrary,
 29 the state district court, after notice to the insurer, may
 30 grant an order on such a petition within 24 hours after the
 31 filing of the petition. If the district court does not make a
 32 determination on the petition within 24 hours of its filing,
 33 the order is deemed granted by operation of law upon expiration
 34 of the 24-hour period.

35 At the time an order is deemed granted, the provisions of



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1 Code chapter 507C are deemed to be in effect, the commissioner
2 is deemed to be affirmed as the receiver and to have all of
3 the applicable powers provided by Code chapter 507C, and the
4 state district court must expeditiously enter an order of
5 rehabilitation or liquidation. An order of rehabilitation or
6 liquidation made pursuant to the provisions of the bill is not
7 subject to a stay or injunction pending appeal.

8 This provision is effective upon enactment.

9 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. Code section
10 511.8(14) is amended to provide that a life insurance company
11 can include in its legal reserve as real property a controlling
12 membership, partnership, shareholder, or trust interest in any
13 entity created solely for the purpose of owning and operating a
14 leasehold of real estate, an undivided interest in a leasehold
15 of real estate, or an undivided interest in the fee title of
16 real estate. The entity must be expressly limited to that
17 purpose by its organizational documents.

18 Code section 511.8(23) is amended to provide that if
19 securities held in a life insurance company's legal reserve are
20 loaned, the collateral received for the loaned securities is
21 not eligible for inclusion in the legal reserve.

22 New Code section 511.40(5) provides that the gross amount of
23 premiums received by a life insurance company or association
24 for an employer-owned life insurance contract shall be
25 allocated to this state for purposes of calculating the state
26 premium tax if the contract is issued or delivered in this
27 state or the company or association is domiciled in this state.
28 For purposes of the subsection, "employer-owned life insurance
29 contract" means a policy which provides coverage on a life for
30 which the employer has an insurable interest under this Code
31 section or the laws of another state and the policy is owned by
32 either the employer or a trust established by the employer for
33 the benefit of the employer or the employer's active or retired
34 employees.

35 NONPROFIT HEALTH SERVICE CORPORATIONS. Code section 514.4

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1 is amended to provide that a person who is affiliated with a
2 hospital or other entity that does not have a provider contract
3 with a dental service corporation can serve as a subscriber
4 director of that corporation.

5 INSURANCE OTHER THAN LIFE. Code section 515.26 is amended to
6 strike a requirement that all directors of a mutual insurance
7 company must be policyholders.

8 Code section 515.35(4)(f) is amended to provide that an
9 insurance company may invest in or otherwise acquire or hold
10 certain interests in a limited partnership or limited liability
11 company subject to specified limitations on the value of such
12 investments as compared to the value of the capital and surplus
13 of the company.

14 Code section 515.48 is amended to provide that an insurance
15 company may insure risk on an excess and aggregate limit basis.

16 Code section 515.69(1) is amended to require that a foreign
17 stock insurance company must possess the actual amount of
18 capital and surplus required of any company organized pursuant
19 to Code chapter 515, or if the insurer is a mutual company,
20 the actual amount of surplus required of any mutual company
21 organized pursuant to Code chapter 515. Currently, a foreign
22 stock insurance company is required to have \$2.5 million of
23 actual paid-up capital, and a surplus in cash or invested in
24 securities authorized by law of not less than \$2.5 million.

25 Code section 515.128(1) is amended to provide that an
26 insurer shall not fail to renew a commercial lines policy or
27 contract of insurance except by notice to the named insured.
28 Provisions relating to nonrenewal of such a policy are stricken
29 and placed with modifications, in new Code section 515.128A.

30 New Code section 515.128A provides that an insurer must
31 notify the named insured in a commercial lines policy or
32 contract of increases in premium rates or deductibles of 25
33 percent or more, or of a material reduction in the limits or
34 coverage of the policy. The notice must be mailed to the
35 insured at least 45 days prior to the expiration date of the

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1 policy or contract. A premium charge that is assessed after
2 the beginning date of the policy or contract period for which
3 the premium is due is not considered a premium increase for
4 purposes of the bill. If the insurer fails to meet the notice
5 requirements, the named insured has the option to continue
6 the policy or contract for the remainder of the notice period
7 plus an additional 30 days at the premium rate of the existing
8 policy or contract.

9 Code section 515.136 is amended to provide that an insurance
10 company or association is liable for the actual cash value of
11 the property insured at a date of a loss, unless that value
12 exceeds the amount stated in the policy. Currently, the
13 insurer issuing such a policy may show the actual value of
14 the property at the date of issuance of the policy and any
15 depreciation in the value of the property after a loss occurred
16 but is still liable for the actual value of the property
17 insured on the date of loss or the policy amount, whichever is
18 less.

19 WORKERS' COMPENSATION LIABILITY INSURANCE. Code section
20 515A.7(1)(b)(5) is amended to remove a reference to a
21 "scheduled rating plan", a term that is not defined in the Code
22 chapter.

23 COUNTY MUTUAL INSURANCE ASSOCIATIONS. Code section
24 518.14(4)(f) is amended to allow county mutual insurance
25 associations to invest in limited partnerships publicly traded
26 on a nationally established stock exchange in the United
27 States.

28 STATE MUTUAL INSURANCE ASSOCIATIONS. Code section
29 518A.12(4)(f) is amended to allow state mutual insurance
30 associations to invest in limited partnerships publicly traded
31 on a nationally established stock exchange in the United
32 States.

33 RISK-BASED CAPITAL REQUIREMENTS FOR INSURERS. Code section
34 521E.1(4) is amended to provide that for purposes of the Code
35 chapter, a fraternal benefit society organized under Code

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1 chapter 512B is a domestic insurer. Code section 521E.1(4)(b),
 2 which excepted a fraternal benefit society from inclusion as
 3 a domestic insurer, is stricken. Corresponding changes to
 4 include such a society are made in Code section 521E.1(6) and
 5 (7).

6 Code section 521E.3(1)(a)(2) is amended to provide that for
 7 a life and health insurer, a company-action-level event means
 8 the insurer's total adjusted capital is greater than or equal
 9 to its company-action-level risk-based capital but less than
 10 the product of its authorized-control-level risk-based capital
 11 and three, instead of two and one-half, and has a negative
 12 trend.

13 LICENSING OF PUBLIC ADJUSTERS. Code section 522C.6 is
 14 amended to add provisions allowing the commissioner of
 15 insurance to hold hearings, issue cease and desist orders,
 16 assess civil penalties, and petition for enforcement of those
 17 orders by the district court against persons who violate
 18 the provisions of Code chapter 522C. The district court is
 19 authorized to adjudge a violator in civil contempt of an order
 20 and to impose a civil penalty for contempt of not less than
 21 \$3,000 but not more than \$10,000 for each violation and grant
 22 any other relief the court determines is just and proper under
 23 the circumstances.

24 CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SERVICES. Code
 25 section 523A.301 is amended to provide that for purposes of new
 26 Code section 523A.304, "director" means the director of human
 27 services.

28 Code section 523A.303(1) is amended so that the section
 29 only applies to funds remaining in a nonguaranteed irrevocable
 30 burial trust fund and does not apply to the proceeds of an
 31 insurance policy or annuity assigned to a preneed seller or
 32 provider of cemetery and funeral merchandise, and funeral
 33 services. This provision takes effect January 1, 2014.

34 New Code section 523A.304 provides that if an insurance
 35 policy or annuity is purchased or assigned to fund a preneed



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1 separate maintenance.



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House File 490 - Introduced

HOUSE FILE 490
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 146)

A BILL FOR

1 An Act concerning applications for liquor control licenses and
2 micro-distilled spirits, beer, and wine permits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1169HV (1) 85
ec/nh



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1 Section 1. Section 123.32, Code 2013, is amended by adding
 2 the following new subsections:

3 NEW SUBSECTION. 1A. *Misrepresentation of material fact on*
 4 *application.* A person who makes a false statement of material
 5 fact on an application for a liquor license, micro-distilled
 6 spirits permit, wine permit, or beer permit, or who has been a
 7 party to the preparation or submission of any false application
 8 for such a license or permit, may be denied the license or
 9 permit on the grounds of the false statement or submission.

10 NEW SUBSECTION. 1B. *Criminal history record checks.*

11 *a.* The division may request and obtain criminal history
 12 data from the department of public safety for an applicant for
 13 a liquor license, micro-distilled spirits permit, wine permit,
 14 or beer permit under this chapter and any other person required
 15 to be listed on the application pursuant to section 123.31,
 16 subsection 3 for the purpose of evaluating an applicant's
 17 fitness to hold such license or permit.

18 *b.* The division may also require that a full set of
 19 fingerprints be provided by an applicant for a liquor license,
 20 micro-distilled spirits permit, wine permit, or beer permit
 21 issued pursuant to this chapter and by any other person
 22 required to be listed on the application pursuant to section
 23 123.31, subsection 3 for purposes of conducting a national
 24 criminal history check. The division shall provide the
 25 fingerprints to the department of public safety for submission
 26 through the state criminal history repository to the federal
 27 bureau of investigation for the national criminal history
 28 check.

29 *c.* Persons subject to a criminal history check conducted
 30 pursuant to this subsection shall authorize release of
 31 the results of the criminal history check to the division.
 32 Failure of the applicant or any other person subject to the
 33 requirements of this subsection to fully cooperate in the
 34 conduct of a criminal history check shall be grounds to deny
 35 the license or permit application.

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1 *d.* Criminal history data obtained by the division pursuant
2 to this subsection is confidential and shall not be considered
3 a public record under chapter 22. The division may, however,
4 use such information in a license or permit denial proceeding
5 or other regulatory proceeding brought under this chapter.

6 *e.* The division shall pay the actual cost of all
7 fingerprinting and criminal history checks conducted pursuant
8 to this subsection, if any.

9 Sec. 2. Section 123.32, subsections 2, 7, and 9, Code 2013,
10 are amended to read as follows:

11 2. *Action by local authorities.* The local authority shall
12 either approve or disapprove the issuance of a liquor control
13 license, micro-distilled spirits permit, retail wine permit, or
14 retail beer permit, shall endorse its approval or disapproval
15 on the application and shall forward the application with
16 the necessary fee and bond, if required, to the division.
17 There is no limit upon the number of liquor control licenses,
18 micro-distilled spirits permits, retail wine permits, or retail
19 beer permits which may be approved for issuance by local
20 authorities.

21 7. *Appeal to administrator.* An applicant for a liquor
22 control license, micro-distilled spirits permit, wine
23 permit, or beer permit may appeal from the local authority's
24 disapproval of an application for a license or permit to the
25 administrator. In the appeal the applicant shall be allowed
26 the opportunity to demonstrate in an evidentiary hearing
27 conducted pursuant to chapter 17A that the applicant complies
28 with all of the requirements for holding the license or permit.
29 The administrator may appoint a member of the division or may
30 request an administrative law judge from the department of
31 inspections and appeals to conduct the evidentiary hearing
32 and to render a proposed decision to approve or disapprove
33 the issuance of the license or permit. The administrator may
34 affirm, reverse, or modify the proposed decision. If the
35 administrator determines that the applicant complies with

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1 background checks of applicants for licenses and permits and
2 any other person required to be listed on the application for
3 that license or permit. The bill authorizes the division
4 to obtain criminal history data from the department of
5 public safety and to require applicants to provide a set of
6 fingerprints for purposes of conducting a national criminal
7 history check. The bill provides that criminal history data
8 obtained pursuant to this new provision is confidential but
9 may be used in a license or permit denial or other regulatory
10 proceeding brought by the division. The bill also provides
11 that the division pay the cost of all fingerprinting and
12 criminal history checks conducted pursuant to this new
13 provision.

14 Code section 123.32 is also amended to provide that the
15 requirements and procedures for applications for liquor
16 control licenses and wine and beer permits also apply to
17 micro-distilled spirits permits.



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House File 491 - Introduced

HOUSE FILE 491
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 181)

A BILL FOR

1 An Act relating to certain title abstracts to property with
2 private sewage disposal systems and providing effective date
3 and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2227HV (1) 85
tm/sc



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H.F. 491

1 Section 1. 2010 Iowa Acts, chapter 1120, is amended by
2 adding the following new section:

3 NEW SECTION. SEC. 8. RETROACTIVE APPLICABILITY. The
4 following provision or provisions of this Act apply
5 retroactively to July 1, 2009:

6 1. The portion of the section of this Act amending section
7 455B.172, subsection 11, paragraph "i".

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

10 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
11 retroactively to July 1, 2010.

12 EXPLANATION

13 This bill relates to certain abstracts to property with
14 private sewage disposal systems.

15 Pursuant to 2008 Iowa Acts, chapter 1033, beginning July
16 1, 2009, certain title transfers required an inspection of
17 any private sewage disposal system located on the property.
18 Title abstracts to such property were required to include
19 documentation of the inspection. Pursuant to 2010 Iowa Acts,
20 chapter 1120, the title abstract requirement was eliminated.

21 The bill adds a retroactive applicability provision to 2010
22 Iowa Acts, chapter 1120, making the elimination of the title
23 abstract requirement retroactively applicable to July 1, 2009,
24 which is the original enactment date of the title abstract
25 requirement.

26 The bill takes effect upon enactment and applies
27 retroactively to July 1, 2010.



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House File 492 - Introduced

HOUSE FILE 492
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 332)

A BILL FOR

1 An Act concerning persons voluntarily excluded from gambling
2 facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1127HV (2) 85
ec/nh



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H.F. 492

1 Section 1. Section 99D.7, subsection 23, Code 2013, is
 2 amended to read as follows:
 3 23. To require licensees to establish a process to allow
 4 a person to be voluntarily excluded ~~for life~~ from a racetrack
 5 enclosure and all other licensed facilities under this chapter
 6 and chapter 99F as provided in this subsection. The process
 7 shall provide that an initial request by a person to be
 8 voluntarily excluded shall be for a period of five years or
 9 life and a subsequent request following the five-year period
 10 shall be for a period of five years or life. A request by
 11 a person to be voluntarily excluded following the second
 12 five-year period shall be for life. The process established
 13 shall also require that a licensee disseminate information
 14 regarding persons voluntarily excluded to all licensees under
 15 this chapter and chapter 99F. The state and any licensee under
 16 this chapter or chapter 99F shall not be liable to any person
 17 for any claim which may arise from this process. In addition
 18 to any other penalty provided by law, any money or thing of
 19 value that has been obtained by, or is owed to, a voluntarily
 20 excluded person by a licensee as a result of wagers made by the
 21 person after the person has been voluntarily excluded shall not
 22 be paid to the person but shall be credited to the general fund
 23 of the state.

24 Sec. 2. Section 99F.4, subsection 22, Code 2013, is amended
 25 to read as follows:

26 22. To require licensees to establish a process to allow a
 27 person to be voluntarily excluded ~~for life~~ from an excursion
 28 gambling boat and all other licensed facilities under this
 29 chapter and chapter 99D as provided in this subsection. The
 30 process shall provide that an initial request by a person to
 31 be voluntarily excluded shall be for a period of five years
 32 or life and a subsequent request following the five-year
 33 period shall be for a period of five years or life. A request
 34 by a person to be voluntarily excluded following the second
 35 five-year period shall be for life. The process established

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1 subsequent request by that person after the five-year period
2 shall be for five years or life. The bill further provides
3 that a request following the second five-year exclusion
4 period shall be for life. Under current law, a request to be
5 voluntarily excluded is for life.

6 The bill also provides that for a person who has been
7 voluntarily excluded for life from a gambling facility prior to
8 the effective date of the bill, the person may reapply to have
9 the exclusion revoked if the person has been excluded for at
10 least five years. The bill provides that if a person revokes
11 their exclusion, a subsequent request for exclusion shall be as
12 otherwise provided in the bill.



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House File 493 - Introduced

HOUSE FILE 493
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 140)

A BILL FOR

- 1 An Act relating to the penalty for failing to return a persons
- 2 with disabilities parking permit and using the permit to
- 3 park illegally.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1965HV (1) 85
dea/nh



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H.F. 493

1 Section 1. Section 321L.3, subsection 2, Code 2013, is
 2 amended to read as follows:

3 2. A person who fails to return the persons with
 4 disabilities parking permit and subsequently misuses the
 5 permit by illegally parking in a persons with disabilities
 6 parking space is guilty of a simple misdemeanor punishable
 7 ~~as a scheduled violation under section 805.8A, subsection 1,~~
 8 ~~paragraph "c"~~ by a fine of not less than five hundred dollars or
 9 by imprisonment not to exceed thirty days, or by both.

10 Sec. 2. Section 805.8A, subsection 1, paragraph c, Code
 11 2013, is amended to read as follows:

12 c. For violations under section 321L.2A, subsection 3,
 13 ~~sections 321L.3, section 321L.4, subsection 2, and section~~
 14 ~~321L.7, the scheduled fine is two hundred dollars.~~

15 EXPLANATION

16 Under current law, a persons with disabilities parking
 17 permit must be returned to the department of transportation,
 18 a driver's license station, or any law enforcement officer
 19 when the person to whom the permit was issued is deceased or
 20 moves out of state; when a person finds or obtains possession
 21 of a permit not issued to that person; when the permit has
 22 expired or has been revoked; or when a permit reported lost or
 23 stolen is found, if the permit was subsequently replaced. A
 24 person who fails to return a persons with disabilities parking
 25 permit and subsequently uses the permit illegally to park in a
 26 persons with disabilities parking space is guilty of a simple
 27 misdemeanor punishable by a scheduled fine of \$200. This bill
 28 changes that penalty to a simple misdemeanor punishable by a
 29 minimum fine of \$500 or by imprisonment for not more than 30
 30 days, or by both.

31 Pursuant to current law, persons with disabilities license
 32 plates, persons with disabilities parking stickers, and
 33 persons with disabilities removable windshield placards are
 34 all included in the definition of "persons with disabilities
 35 parking permit".

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 dea/nh



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House File 494 - Introduced

HOUSE FILE 494
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 183)

A BILL FOR

- 1 An Act relating to the fee charged for the issuance of
- 2 duplicate driver's licenses and nonoperator's identification
- 3 cards.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2056HV (1) 85
dea/nh



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H.F. 494

1 Section 1. Section 321.189, subsection 8, Code 2013, is
 2 amended to read as follows:

3 8. *Veterans status.* ~~Beginning no later than July 1,~~
 4 ~~2013, a~~ A licensee who is an honorably discharged veteran of
 5 the armed forces of the United States ~~seeking to obtain a~~
 6 ~~license, other than a replacement license, pursuant to this~~
 7 ~~section~~ may request that ~~such a~~ the license be marked to
 8 reflect the licensee's veteran status. Upon such a request,
 9 the word "VETERAN" shall be marked prominently on the face
 10 of the license. Such a license shall be issued only upon
 11 receipt of satisfactory proof of veteran status pursuant to
 12 procedures established by the department in consultation with
 13 the department of veterans affairs. ~~This subsection shall~~
 14 ~~not apply to duplicate or substitute licenses or nonoperator~~
 15 ~~identification cards obtained pursuant to section 321.195.~~

16 Sec. 2. Section 321.195, Code 2013, is amended to read as
 17 follows:

18 **321.195 Duplicate Replacement of driver's licenses and**
 19 **nonoperator's identification cards.**

20 A fee of ten dollars shall be charged for the replacement of
 21 a driver's license or nonoperator's identification card. If a
 22 driver's license or nonoperator's identification card issued
 23 under this chapter is lost or destroyed, the person to whom the
 24 license or card was issued ~~may, upon payment of a fee of three~~
 25 ~~dollars for a driver's license or nonoperator's identification~~
 26 ~~card, obtain a duplicate, or substitute, upon furnishing must~~
 27 furnish proof satisfactory to the department that the driver's
 28 license or nonoperator's identification card has been lost
 29 or destroyed in order to obtain a replacement. ~~A fee of one~~
 30 ~~dollar shall be charged for the voluntary replacement of a~~
 31 ~~driver's license or nonoperator's identification card.~~

32 EXPLANATION

33 Currently, under Code section 321.195, the fee for
 34 replacement of a driver's license or nonoperator's
 35 identification card that was lost or destroyed is \$3, and

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1 the fee for voluntary replacement of a driver's license or
2 nonoperator's identification card is \$1. The bill establishes
3 a single replacement fee of \$10.

4 In addition, the bill amends a provision which allows
5 honorably discharged veterans of the armed forces to have their
6 veteran status noted on the face of their driver's licenses.
7 Currently, that option is available at the time a veteran is
8 applying for a new license or for renewal of a license, but
9 not for a replacement license. Under the bill, a licensee may
10 obtain a replacement license marked with the word "VETERAN".
11 The replacement license is subject to the \$10 replacement
12 fee provided for in the bill. The same provisions apply for
13 veterans with nonoperator's identification cards.



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House File 495 - Introduced

HOUSE FILE 495
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 28)

A BILL FOR

1 An Act relating to the residential landlord and tenant laws and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ad/sc



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H.F. 495

1 Section 1. Section 535.2, subsection 7, Code 2013, is
 2 amended to read as follows:

3 7. This section does not apply to a charge imposed for late
 4 payment of rent. ~~However, in the case of a residential lease,~~
 5 ~~a late payment fee shall not exceed ten dollars a day or forty~~
 6 ~~dollars per month.~~

7 Sec. 2. Section 562A.6, Code 2013, is amended by adding the
 8 following new subsections:

9 NEW SUBSECTION. 7A. "Presumption" means that the trier of
 10 fact must find the existence of the fact presumed unless and
 11 until evidence is introduced which would support a finding of
 12 its nonexistence.

13 NEW SUBSECTION. 11A. "Resident" means an occupant of a
 14 dwelling unit who is at least eighteen years of age.

15 Sec. 3. Section 562A.9, Code 2013, is amended by adding the
 16 following new subsection:

17 NEW SUBSECTION. 3A. For rental agreements in which the
 18 rent does not exceed six hundred dollars per month, a rental
 19 agreement shall not provide for a late fee that exceeds twelve
 20 dollars per day or a total amount of sixty dollars per month.
 21 For rental agreements in which the rent is six hundred dollars
 22 or greater per month, a rental agreement shall not provide for
 23 a late fee that exceeds a total amount equal to ten percent of
 24 the monthly rent.

25 Sec. 4. Section 562A.17, subsection 6, Code 2013, is amended
 26 to read as follows:

27 6. Not deliberately or negligently destroy, deface,
 28 damage, impair or remove a part of the premises or knowingly
 29 permit a person to do so. If damage, defacement, alteration,
 30 or destruction of property by the tenant is intentional,
 31 the tenant may be criminally charged with criminal mischief
 32 pursuant to chapter 716.

33 Sec. 5. Section 562A.30, Code 2013, is amended to read as
 34 follows:

35 **562A.30 Waiver of landlord's right to terminate.**

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 ad/sc



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1 1. Acceptance of performance by the tenant that varies
2 from the terms of the rental agreement or rules subsequently
3 adopted by the landlord constitutes a waiver of the landlord's
4 right to terminate the rental agreement for that breach, ~~unless~~
5 ~~otherwise agreed after the breach has occurred.~~

6 2. Nothing in this section shall prohibit a landlord from
7 granting a waiver for a term of days, provided the landlord
8 gives notice of the breach and temporary waiver to a tenant
9 consistent with section 562A.8 prior to a tenant acting or
10 failing to act in reliance on the grant of a temporary waiver.

11 Sec. 6. Section 562A.36, subsection 2, Code 2013, is amended
12 to read as follows:

13 2. If the landlord acts in violation of subsection 1 of
14 this section, the tenant may recover from the landlord the
15 actual damages sustained by the tenant and reasonable attorney
16 fees, and has a defense in action against the landlord for
17 possession. In an action by or against the tenant, evidence
18 of a ~~good-faith~~ good-faith complaint within one year prior to
19 the alleged act of retaliation creates a presumption that the
20 landlord's conduct was in retaliation. The presumption does
21 not arise if the tenant made the complaint after notice of a
22 proposed rent increase or diminution of services. Evidence
23 by the landlord that legitimate costs and charges of owning,
24 maintaining or operating a dwelling unit have increased shall
25 be a defense against the presumption of retaliation when a
26 rent increase is commensurate with the increase in costs and
27 charges. ~~"Presumption" means that the trier of fact must find~~
28 ~~the existence of the fact presumed unless and until evidence is~~
29 ~~introduced which would support a finding of its nonexistence.~~

EXPLANATION

31 This bill makes changes to the residential landlord and
32 tenant laws in Code chapter 562A.

33 The bill strikes language regarding maximum fees for late
34 payment of rent in Code section 535.2, and the substance of
35 the provision is transferred to Code section 562A.9, except

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ad/sc



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1 that the bill increases the maximum payment that may be imposed
2 for late payment of rent from \$10 a day or \$40 per month to an
3 amount not to exceed \$12 per day or a total amount equal to \$60
4 per month for rental agreements in which monthly rent does not
5 exceed \$600. For rental agreements in which monthly rent is at
6 or above \$600, the maximum payment that may be imposed for late
7 payment of rent may not exceed an amount equal to 10 percent of
8 the monthly rent.

9 The bill amends Code section 562A.6 regarding general
10 definitions for Code chapter 562A. The bill strikes language in
11 Code section 562A.36, concerning the meaning of "presumption",
12 and transfers the substance of the provision to Code section
13 562A.6. The bill defines "resident" as an occupant of a
14 dwelling unit who is at least 18 years of age.

15 The bill adds that a tenant who intentionally destroys or
16 damages a premises may face criminal charges pursuant to Code
17 chapter 716, regarding damage to property.

18 The bill amends the provision relating to waiver of a
19 landlord's right to terminate a rental agreement to provide
20 that a landlord may grant a waiver for a term of days if the
21 landlord gives the tenant notice of the breach and temporary
22 waiver prior to the tenant acting or failing to act in reliance
23 on the temporary waiver.



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House File 496 - Introduced

HOUSE FILE 496
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 138)

A BILL FOR

- 1 An Act relating to the service of notice of no-contact orders
- 2 and protective orders, and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1750HV (2) 85
rh/rj



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1 Section 1. Section 236.3, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. a. The filing fee and court costs for an order for
4 protection and in a contempt action under this chapter shall be
5 waived for the plaintiff.

6 b. The clerk of court, the sheriff of any county in this
7 state, and other law enforcement and corrections officers shall
8 perform their duties relating to service of process without
9 charge to the plaintiff. When an order for protection is
10 entered by the court, the court may direct the defendant to pay
11 to the clerk of court the fees for the filing of the petition
12 and reasonable costs of service of process if the court
13 determines the defendant has the ability to pay the plaintiff's
14 fees and costs. In lieu of personal service of an order for
15 protection issued pursuant to this section, the sheriff of any
16 county in this state, and other law enforcement and corrections
17 officers may serve a defendant with a short-form notification
18 pursuant to section 664A.4A.

19 Sec. 2. **NEW SECTION. 664A.4A Short-form notification —**
20 **no-contact order or protective order.**

21 1. In lieu of personal service of a no-contact order or a
22 protective order on a person whose activities are restrained
23 by the order, a sheriff of any county in this state or any
24 peace officer or corrections officer in this state may serve
25 the person with a short-form notification pursuant to this
26 section to effectuate service of an unserved no-contact order
27 or protective order.

28 2. Service of a short-form notification under this section
29 shall be allowed during traffic stops and other contacts with
30 the person by a sheriff, peace officer, or corrections officer
31 in this state in the course of performing official duties.
32 The person may be detained for a reasonable period of time to
33 complete the short-form notification process.

34 3. When the short-form notification process is complete,
35 the sheriff, peace officer, or corrections officer serving the



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1 notification shall file a copy of the notification with the
 2 clerk of the district court. The filing shall indicate the
 3 date and time the notification was served on the person.

4 4. The short-form notification shall be on a form
 5 prescribed by the state court administrator. The state court
 6 administrator shall prescribe rules relating to the content
 7 and distribution of the form to appropriate law enforcement
 8 agencies in this state. The form shall include but not be
 9 limited to all of the following statements:

10 a. The person shall have no contact with the protected
 11 party.

12 b. The person is responsible for obtaining a full copy of
 13 the no-contact order or the protective order from the county
 14 sheriff of the county in which the order was entered or from
 15 the clerk of the district court.

16 c. The terms and conditions of the no-contact order or
 17 protective order are enforceable, and the person is subject to
 18 arrest for violating the no-contact order or the protective
 19 order.

20 Sec. 3. EFFECTIVE DATE. This Act takes effect April 1,
 21 2014.

EXPLANATION

23 This bill relates to the service of notice of no-contact
 24 orders and protective orders.

25 The bill provides that, in lieu of personal service of a
 26 no-contact order or a protective order, a sheriff of any county
 27 in this state or any peace officer or corrections officer in
 28 this state may serve the person subject to the order with a
 29 short-form notification to effectuate service of an unserved
 30 no-contact order or protective order. The bill allows service
 31 of a short-form notification during traffic stops and other
 32 contacts with the person by a sheriff, peace officer, or
 33 corrections officer in the course of performing official
 34 duties. The detention of the person shall be for a reasonable
 35 period of time to complete the short-form notification process.

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1 When the short-form notification process is complete, the
2 sheriff, peace officer, or corrections officer serving the
3 notification shall file a copy of the notification with the
4 clerk of the district court which shall indicate the date and
5 time the notification was served on the person. The short-form
6 notification shall be on a form prescribed by the state court
7 administrator. The state court administrator shall prescribe
8 rules relating to the content and distribution of the form to
9 the appropriate law enforcement agencies in this state. The
10 form shall include but not be limited to statements that the
11 person shall have no contact with the protected party, is
12 responsible for obtaining a full copy of the no-contact order
13 or protective order from the county sheriff of the county in
14 which the order was entered or from the clerk of the district
15 court, and that the terms and conditions of the no-contact
16 order or protective order are enforceable, and the person
17 is subject to arrest for violating the no-contact order or
18 protective order.

19 The bill takes effect April 1, 2014.



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House File 497 - Introduced

HOUSE FILE 497
BY KELLEY

A BILL FOR

1 An Act relating to alternate and renewable energy by creating a
2 school wind generation revolving loan and grant program and
3 fund within the Iowa energy center to fund wind generation
4 projects, expanding authorized uses of physical plant and
5 equipment revenue, and making an appropriation.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 266.39C, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. The Iowa energy center shall establish
4 and administer the school wind generation revolving loan and
5 grant program pursuant to section 473.21.

6 Sec. 2. Section 298.3, subsection 1, paragraph g, Code 2013,
7 is amended to read as follows:

8 g. (1) Expenditures for energy conservation, including
9 payments made pursuant to a guarantee furnished by a school
10 district entering into a financing agreement for energy
11 management improvements, limited to agreements pursuant to
12 section 473.19, 473.20, or 473.20A.

13 (2) Expenditures for the construction of alternate energy
14 production facilities as defined in section 476.42, subsection
15 1, or the modification or repair of existing alternate energy
16 production facilities.

17 Sec. 3. NEW SECTION. 473.21 **School wind generation**
18 **revolving loan and grant program.**

19 1. The Iowa energy center created under section 266.39C
20 shall establish and administer a school wind generation
21 revolving loan and grant program to encourage wind generation
22 projects at school districts and Iowa community colleges
23 within the state. For purposes of this section, "*wind*
24 *generation project*" means the purchase and installation at a
25 school district or Iowa community college of a wind energy
26 conversion system or systems that in the aggregate will produce
27 electricity which has a nameplate generating capacity not in
28 excess of one hundred kilowatts.

29 2. a. A school wind generation revolving loan and grant
30 fund is created in the office of the treasurer of state to be
31 administered by the Iowa energy center.

32 b. The fund shall consist of any moneys appropriated
33 or otherwise directed to the fund. Section 8.33 shall not
34 apply to moneys in the fund. Notwithstanding section 12C.7,
35 subsection 2, interest or earnings on moneys in the fund shall

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1 be credited to the fund.

2 *c.* Moneys in the fund shall be used to provide grants
3 and loans to fund wind generation projects as provided in
4 subsection 3.

5 3. Any school district or Iowa community college in this
6 state may apply to the Iowa energy center to receive a grant
7 and loan for a wind generation project, which grant and loan
8 shall be available as follows:

9 *a.* A school district or Iowa community college may receive a
10 grant for an amount not to exceed forty percent of the purchase
11 and installation costs associated with that part of the wind
12 generation project that will produce electricity which has a
13 nameplate generating capacity of ten kilowatts or less.

14 *b.* (1) A school district or Iowa community college may
15 receive a loan for an amount not to exceed forty percent of the
16 remaining purchase and installation costs associated with the
17 wind generation project that were not used to calculate the
18 grant pursuant to paragraph "a".

19 (2) Each loan under this paragraph "b" shall be for a
20 period not to exceed twenty years, shall bear no interest,
21 and shall be repayable to the fund created under this section
22 in installments as determined by the Iowa energy center.
23 The interest rate upon delinquent payments shall accelerate
24 immediately to the current legal usury limit.

25 (3) Any loan made pursuant to this program shall immediately
26 become due for payment upon sale of the wind energy conversion
27 system for which the loan was made.

28 **Sec. 4. SCHOOL WIND GENERATION REVOLVING LOAN AND GRANT**
29 **PROGRAM — APPROPRIATION.**

30 1. There is appropriated from the general fund of the state
31 to the school wind generation revolving loan and grant fund in
32 section 473.21 for the fiscal year beginning July 1, 2013, and
33 ending June 30, 2014, the following amount, or so much thereof
34 as is necessary, to be used for the purposes designated:

35 For providing grants and loans to fund wind generation

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1 projects as provided in section 473.21:
2 \$ 5,000,000
3 2. Notwithstanding section 8.33, moneys appropriated
4 pursuant to this section shall not revert but shall remain
5 available to the school wind generation revolving loan
6 and grant fund for the purposes designated until expended.
7 Notwithstanding section 12C.7, subsection 2, earnings or
8 interest on moneys appropriated pursuant to this section shall
9 be credited to the school wind generation revolving loan and
10 grant fund and used for the purposes designated until expended.

11 EXPLANATION

12 This bill establishes a school wind generation revolving
13 loan and grant program within the Iowa energy center, creates
14 a corresponding fund, and makes a \$5 million appropriation
15 to the fund for FY 2013-2014. Moneys in the fund will be
16 used to provide loans and grants to school districts and Iowa
17 community colleges to invest in wind generation projects.
18 "Wind generation project" is defined as the purchase and
19 installation of a wind energy conversion system or systems that
20 in the aggregate will produce electricity which has a nameplate
21 generating capacity not in excess of 100 kilowatts.
22 School districts or Iowa community colleges may apply to the
23 Iowa energy center to receive a grant and loan for the purchase
24 and installation costs of a wind generation project.
25 A grant not to exceed 40 percent of the purchase and
26 installation costs may be provided for that part of a wind
27 generation project that will produce electricity which has a
28 nameplate generating capacity of up to 10 kilowatts. If the
29 wind generation project will produce electricity which has a
30 nameplate generating capacity of greater than 10 kilowatts,
31 a school district or Iowa community college may receive the
32 grant listed above and a loan not to exceed 40 percent of the
33 remaining purchase and installation costs that are in excess of
34 those established for the grant.
35 Each loan provided in the bill shall be for a period not to

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1 exceed 20 years, shall bear no interest, and shall be repayable
2 to the fund in installments determined by the Iowa energy
3 center. The interest rate upon delinquent payments shall
4 accelerate immediately to the current legal usury limit. Loans
5 shall become due immediately upon the sale of the wind energy
6 conversion system for which the loan was made.

7 Additionally, the bill adds as one of the authorized uses
8 of physical plant and equipment levy revenues by a school
9 district expenditures for the construction of alternate energy
10 production facilities as defined in Code section 476.42,
11 subsection 1, or the modification or repair of existing
12 alternate energy production facilities.



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House Joint Resolution 13 - Introduced

HOUSE JOINT RESOLUTION 13
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HJR 7)

HOUSE JOINT RESOLUTION

1 A Joint Resolution relating to the location and exhibition of
2 the statue of James Harlan, currently on display in the
3 United States capitol.
4 WHEREAS, James Harlan was an early president of Iowa
5 Wesleyan College; and
6 WHEREAS, Mr. Harlan's home was and final resting place is in
7 Mount Pleasant, Iowa; and
8 WHEREAS, House Joint Resolution 16, enacted in 2011,
9 provides for the relocation of the James Harlan statue from
10 Washington, D.C., to the Iowa statehouse; NOW THEREFORE,
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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jr/rj



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H.J.R. 13

1 Section 1. PERMANENT LOAN AND PERPETUAL EXHIBITION.

2 1. Upon the replacement of the statue of James Harlan in the
3 United States capitol, that statue shall be the property of the
4 State of Iowa.

5 2. The provisions of 2011 Iowa Acts, chapter 136 (House
6 Joint Resolution 16) notwithstanding, upon return of the James
7 Harlan statue to Iowa, the department of cultural affairs
8 shall negotiate an agreement with Iowa Wesleyan College for
9 the permanent loan of the statue to the college for perpetual
10 exhibition.

11 3. The agreement shall provide for the perpetual exhibition
12 of the James Harlan statue at a suitable location on the campus
13 of Iowa Wesleyan College and for its care and maintenance by
14 the college.

15 EXPLANATION

16 Under federal law, each state is allowed to place two statues
17 of its noted personages in the United States capitol. House
18 Joint Resolution 16, enacted in 2011, provides for the exchange
19 of the statue of James Harlan with a statue of Dr. Norman
20 Borlaug.

21 This joint resolution revises House Joint Resolution 16 by
22 providing that the State of Iowa will place the James Harlan
23 statue on permanent loan to Iowa Wesleyan College. The college
24 must provide for the perpetual exhibition of the statue and
25 provide for its care and maintenance.



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Senate File 355 - Introduced

SENATE FILE 355
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1148)

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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



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1 follows:

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

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

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

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

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

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

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

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

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

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

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

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

35 2. At the request of a local authority, the department shall



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1 ~~issue annual, multi-trip, and single-trip~~ permits under this
 2 chapter for highways or streets that are under the jurisdiction
 3 of the local authority if the local authority has indicated to
 4 the department in writing, including by means of electronic
 5 communication, those streets or highways for which a permit is
 6 not valid.

7 Sec. 4. Section 321E.7, subsections 1 and 2, Code 2013, are
 8 amended to read as follows:

9 1. The gross weight on any axle of any vehicle or
 10 combination of vehicles traveling under a permit issued in
 11 accordance with ~~the provisions of~~ this chapter shall not exceed
 12 the maximum axle load prescribed in section 321.463~~7~~, except
 13 ~~that cranes~~ for the following:

14 a. Cranes being temporarily moved on streets, roads, or
 15 highways may have a gross weight of twenty-four thousand pounds
 16 on any single axle; ~~and construction machinery.~~

17 b. (1) Special mobile equipment other than cranes being
 18 temporarily moved on streets, roads, or highways may have a
 19 maximum gross weight of thirty-six thousand pounds on any
 20 single axle equipped with flotation pneumatic tires with a
 21 minimum size of twenty-six point five-inch by twenty-five-inch
 22 ~~flotation pneumatic tires~~ five inches by twenty-five inches and
 23 a maximum gross weight of twenty thousand pounds on any single
 24 axle equipped with flotation pneumatic tires with a minimum
 25 size eighteen-inch by twenty-five-inch flotation pneumatic
 26 ~~tires, with the~~ of eighteen inches by twenty-five inches.

27 (2) The department is authorized to adopt rules to permit
 28 the use of tire sizes and weights within the minimum and
 29 maximum specifications provided in ~~this section~~ subparagraph
 30 (1), provided that the total gross weight of the vehicle or
 31 a combination of vehicles does not exceed ~~a maximum of one~~
 32 ~~hundred twenty-six thousand pounds; and except that a.~~

33 (3) A manufacturer of machinery or equipment manufactured
 34 or assembled in Iowa may be granted a permit for the movement
 35 of such machinery or equipment mounted on pneumatic tires



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1 paragraph "c", subparagraph (1), a total gross weight not to
2 exceed eighty thousand pounds, may be moved as follows:

3 *a.* Vehicles with indivisible loads, or manufactured or
4 mobile homes including appurtenances, having an overall width
5 not to exceed twelve feet five inches, an overall length not
6 to exceed one hundred twenty feet zero inches, and an overall
7 height not to exceed thirteen feet ten inches may be moved for
8 unlimited distances without route approval from the ~~permitting~~
9 permit-issuing authority.

10 *b.* Vehicles with indivisible loads, or manufactured or
11 mobile homes including appurtenances, having an overall width
12 not to exceed fourteen feet six inches, an overall length not
13 to exceed one hundred twenty feet zero inches, and an overall
14 height not to exceed fifteen feet five inches may be moved
15 on the interstate highway system and primary highways with
16 more than one lane traveling in each direction for unlimited
17 distances and no more than fifty miles from the point of origin
18 on all other highways without route approval from the ~~permit~~
19 issuing permit-issuing authority.

20 *c.* All other vehicles with indivisible loads operating under
21 this subsection shall obtain route approval from the ~~permitting~~
22 permit-issuing authority.

23 *d.* Vehicles with indivisible loads may operate under an
24 all-systems permit in compliance with paragraph "a", "b", or
25 "c".

26 2. Vehicles with indivisible loads, or manufactured or
27 mobile homes including appurtenances, having an overall width
28 not to exceed thirteen feet five inches and an overall length
29 not to exceed one hundred twenty feet zero inches may be
30 moved on highways specified by the ~~permitting~~ permit-issuing
31 authority for unlimited distances if the height of the vehicle
32 and load does not exceed fifteen feet five inches and the
33 total gross weight of the vehicle does not exceed one hundred
34 fifty-six thousand pounds.

35 a. The vehicle owner or operator shall verify with the

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1 ~~permitting~~ permit-issuing authority prior to movement of the
 2 load that highway conditions have not changed so as to prohibit
 3 movement of the vehicle.

4 b. Any cost to repair damage to highways or highway
 5 structures shall be borne by the owner or operator of the
 6 vehicle causing the damage.

7 c. Permitted vehicles under this subsection shall not be
 8 allowed to travel on any portion of the interstate highway
 9 system.

10 d. Vehicles with indivisible loads operating under the
 11 permit provisions of this subsection may operate under the
 12 permit provisions of subsection 1 provided the vehicle and load
 13 comply with the limitations described in subsection 1.

14 3. Notwithstanding any other provision of law to the
 15 contrary, cranes exceeding the maximum gross weight on any axle
 16 as prescribed in section 321.463 or 321E.7 and used in the
 17 construction of alternative energy facilities may be moved with
 18 approval from the ~~permit-issuing~~ permit-issuing authority.

19 Sec. 6. Section 321E.9, Code 2013, is amended to read as
 20 follows:

21 **321E.9 Single-trip permits.**

22 Subject to the discretion and judgment provided for in
 23 section 321E.1, single-trip permits, which may include a round
 24 trip to and from a job or delivery site, shall be issued in
 25 accordance with the following provisions:

26 1. ~~Vehicles with indivisible loads having an overall width~~
 27 ~~not to exceed forty feet, zero inches, an overall length not to~~
 28 ~~exceed one hundred twenty feet, zero inches, or a total gross~~
 29 ~~weight not to exceed one hundred thousand pounds may be moved,~~
 30 ~~provided the gross weight on any one axle shall not exceed~~
 31 ~~the maximum prescribed in section 321.463, pursuant to rules~~
 32 ~~adopted pursuant to chapter 17A. The height of the vehicles~~
 33 ~~and loads shall be limited only to height limitations of~~
 34 ~~underpasses, bridges, power lines and other established height~~
 35 ~~restrictions on the specified route. The maximum height,~~

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1 width, length, and weight of vehicles and loads operating under
 2 permits authorized by this section shall be limited to the
 3 maximum physical limitations and clearances of the roadway and
 4 infrastructure of the intended route of travel, provided that
 5 the gross weight on any one axle does not exceed the maximum
 6 prescribed in section 321.463, pursuant to rules adopted
 7 pursuant to chapter 17A. The permit-issuing authority shall
 8 make the final determination regarding the issuance of a permit
 9 and the suitability of the intended route based upon known
 10 roadway clearances and capacities. Permits shall be authorized
 11 only when the movement will not cause undue stress or damage to
 12 highway pavement, bridges, or other highway infrastructure. In
 13 addition to the dimension and weight limitations of an intended
 14 route, a permit-issuing authority shall consider the interests
 15 of public safety and, at the discretion of the permit-issuing
 16 authority, may deny the issuance of a permit when the intended
 17 movement of any vehicle or load poses a potential risk to the
 18 public.

19 2. Vehicles with indivisible loads ~~exceeding the width,~~
 20 ~~length, and total gross weight provided in subsection 1,~~ may
 21 be moved in special or emergency situations, provided the
 22 ~~permitting~~ permit-issuing authority has reviewed the route and
 23 has approved the movement of the vehicle and load. The ~~issuing~~
 24 permit-issuing authority may impose any special restrictions on
 25 movements as deemed necessary ~~on movements~~ or exempt movements
 26 from the restrictions of section 321E.11 by permit under this
 27 subsection.

28 3. ~~Cranes exceeding the maximum gross weight on any axle~~
 29 ~~as prescribed in section 321.463 but not exceeding twenty-four~~
 30 ~~thousand pounds may be moved in accordance with rules adopted~~
 31 ~~pursuant to chapter 17A.~~ Notwithstanding any other provision
 32 of law to the contrary, cranes exceeding the maximum gross
 33 weight on any axle as prescribed in section 321.463 or
 34 321E.7 and used in the construction of alternative energy
 35 facilities may be moved with approval from the ~~permit-issuing~~

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1 permit-issuing authority.

2 Sec. 7. Section 321E.9A, subsections 1 and 2, Code 2013, are
 3 amended to read as follows:

4 1. Vehicles with indivisible loads having an overall length
 5 not to exceed one hundred twenty feet, an overall width not to
 6 exceed sixteen feet, and ~~of any a~~ height not to exceed fifteen
 7 feet five inches may be moved on highways specified by the
 8 permitting authority, provided the gross weight on any one axle
 9 shall not exceed the maximum prescribed in section 321.463
 10 and the total gross weight is not greater than one hundred
 11 fifty-six thousand pounds.

12 2. Vehicles or combinations of vehicles consisting of
 13 ~~construction machinery~~ special mobile equipment not exceeding
 14 the height, length, and width limitations of this section being
 15 temporarily moved on highways with a maximum total gross weight
 16 limitation and a single axle weight limitation in accordance
 17 with section 321E.7 may be moved.

18 Sec. 8. Section 321E.9B, subsections 1 and 3, Code 2013, are
 19 amended to read as follows:

20 1. Vehicles with an indivisible load having an overall
 21 length not to exceed two hundred twenty-five feet, an overall
 22 width not to exceed sixteen feet, a height not to exceed
 23 sixteen feet, and a total gross weight not to exceed two
 24 hundred fifty-six thousand pounds may be moved on highways
 25 specified by the ~~permitting~~ permit-issuing authority to an
 26 alternative energy construction site or staging area for
 27 alternative energy transportation, provided the gross weight on
 28 any one axle shall not exceed twenty thousand pounds.

29 3. The ~~permitting~~ permit-issuing authority shall have
 30 discretion to include restrictions and require special
 31 considerations, such as responsibility for protection or repair
 32 of the roadway and bridges, prior to issuance of the permit.

33 Sec. 9. Section 321E.10, Code 2013, is amended to read as
 34 follows:

35 **321E.10 Truck Semitrailers and trailers manufactured in Iowa.**



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1 The department or local authorities may upon application
 2 issue annual ~~trip~~ permits for the movement of ~~truck~~
 3 semitrailers and trailers manufactured or assembled in this
 4 state that exceed the maximum length specified in section
 5 321.457 and the maximum width specified in section 321.454.
 6 Movement of the ~~truck~~ semitrailers and trailers shall be solely
 7 for the purpose of delivery or transfer from the point of
 8 manufacture or assembly to another point of manufacture or
 9 assembly within the state or to a point outside the state;
 10 shall be only on roadways of twenty-four feet or more in width
 11 or on four-lane highways; shall be on the most direct route
 12 necessary for such movement; and shall display the special
 13 plates designated in section 321.57. All ~~truck~~ semitrailers
 14 and trailers under permit for such movement shall not contain
 15 freight or additional load. A vehicle or combination of two or
 16 more vehicles inclusive of front and rear bumpers, including
 17 towing units, involved in the movement of ~~truck~~ semitrailers
 18 and trailers shall not exceed an overall width of ten feet.
 19 ~~Vehicles or combinations shall be distinctly marked on both~~
 20 ~~the front and rear of the unit in a manner the director of~~
 21 ~~transportation designates to indicate that the vehicles or~~
 22 ~~combinations are being moved for delivery or transfer purposes~~
 23 ~~only.~~

24 ~~Permits issued under the provisions of this section shall be~~
 25 ~~in writing and shall be carried in the cabs of the vehicles for~~
 26 ~~which the permits have been issued and shall be available for~~
 27 ~~inspection at all times. The vehicles for which the permits~~
 28 ~~have been issued shall be open to inspection by any peace~~
 29 ~~officer or to any authorized agent of any permit granting~~
 30 ~~authority.~~

31 Sec. 10. Section 321E.11, Code 2013, is amended to read as
 32 follows:

33 ~~321E.11 Daylight movement only — exceptions — holidays~~
 34 Movement under permit — penalty.

35 1. Movements by under permit in accordance with this chapter



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1 shall be permitted only during the hours from thirty minutes
 2 prior to sunrise to thirty minutes following sunset unless the
 3 ~~issuing~~ permit-issuing authority determines that the movement
 4 can be better accomplished at another period of time because
 5 of traffic volume or other roadway-related conditions or the
 6 vehicle subject to the permit qualifies for nighttime movement
 7 as specified in subsection 2.

8 2. A permitted vehicle which has an overall length not
 9 to exceed one hundred feet, an overall width not to exceed
 10 eleven feet, and an overall height not to exceed fourteen
 11 feet, ~~four~~ six inches, ~~and the permit requires the vehicle to~~
 12 ~~operate only on those highways designated by the department~~
 13 may operate under permit from thirty minutes following sunset
 14 to thirty minutes prior to sunrise on primary and nonprimary
 15 highway system roadways that are at least twenty-two feet in
 16 total width with at least eleven feet of lane width. Vehicles
 17 operating under the provisions of this subsection shall be
 18 equipped with operating projecting-load lighting devices which
 19 are in addition to the required vehicle lighting and the signs,
 20 flags, and warning lights required for vehicles operating under
 21 permit. Additional safety lighting and escorts may be required
 22 for movement at night as determined by the permit-issuing
 23 authority.

24 ~~2-~~ 3. Except as provided in section 321.457, no movement
 25 ~~by~~ under permit shall be permitted on holidays, after ~~twelve~~
 26 ~~o'clock~~ 12:00 noon on days preceding holidays and holiday
 27 weekends, or special events when abnormally high traffic
 28 volumes can be expected. Such restrictions shall not be
 29 applicable to urban transit systems as defined in section
 30 321.19, subsection 2.

31 ~~3-~~ 4. For the purposes of this chapter, "holidays" shall
 32 include Memorial Day, Independence Day, and Labor Day.

33 ~~4-~~ 5. A person who violates this section commits a simple
 34 misdemeanor.

35 Sec. 11. Section 321E.12, Code 2013, is amended to read as



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1 follows:

2 **321E.12 Registration must be consistent.**

3 1. A vehicle traveling under permit shall be ~~properly~~
4 registered for the gross weight of the vehicle and load. A
5 trip permit issued according to section 326.23 shall not be
6 used in lieu of the registration provided for in this section.
7 ~~A person owning special mobile equipment may use a transport~~
8 ~~vehicle registered for the gross weight of the transport~~
9 ~~without a load.~~

10 2. A private carrier who is not for hire may transport
11 special mobile equipment on a vehicle registered for the gross
12 weight of the transport vehicle and cargo, minus the weight of
13 the special mobile equipment, when the special mobile equipment
14 is owned, leased, or rented and under exclusive control of the
15 private carrier.

16 3. Vehicles, while being used for the transportation of
17 buildings, ~~except~~ other than mobile homes and factory-built
18 structures, may be registered for the combined gross weight of
19 the vehicle and load on a single-trip basis. The fee is five
20 cents per ton exceeding the weight registered under section
21 321.122 per mile of travel. Fees shall not be prorated for
22 fractions of miles. This provision does not exempt these
23 vehicles from any other provision of this chapter.

24 Sec. 12. Section 321E.13, Code 2013, is amended to read as
25 follows:

26 **321E.13 Financial responsibility.**

27 Prior to the issuance of any permit, the applicant
28 for a permit shall be required to file proof of financial
29 responsibility or ~~to~~ post a bond with the ~~issuing~~
30 permit-issuing authority. The amount of the bond shall be
31 determined by the ~~issuing~~ permit-issuing authority and shall be
32 used as security for repair or replacement of official signs,
33 signals, and roadway foundations, surfaces, or structures which
34 may be damaged or destroyed during the movement of a vehicle
35 and load operating under the permit. The duration of the bond

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1 shall be determined by the issuing permit-issuing authority for
 2 a period not to exceed one year.

3 Sec. 13. Section 321E.14, Code 2013, is amended to read as
 4 follows:

5 **321E.14 Fees for permits.**

6 1. Permit-issuing authorities may charge the following
 7 fees:

8 1. a. ~~The department or local authorities issuing permits~~
 9 ~~shall charge a fee of twenty-five~~ Twenty-five dollars for
 10 an annual permit issued ~~under~~ pursuant to section 321E.8,
 11 subsection 1, ~~a fee of three.~~

12 b. Three hundred dollars for an annual permit issued ~~under~~
 13 pursuant to section 321E.8, subsection 2, ~~a fee of two.~~

14 c. Two hundred dollars for a multi-trip permit issued ~~under~~
 15 pursuant to section 321E.9A, ~~a fee of six.~~

16 d. Six hundred dollars for a special alternative energy
 17 multi-trip permit issued ~~under~~ pursuant to section 321E.9B, ~~and~~
 18 ~~a fee of ten.~~

19 e. Ten dollars for a single-trip permit, ~~and shall determine~~
 20 ~~charges for special permits~~ issued pursuant to section 321E.9.

21 f. Twenty-five dollars for an annual permit for special
 22 mobile equipment, as defined in section 321.1, subsection
 23 75, issued pursuant to section 321E.7, subsection 3, with a
 24 combined gross weight of not more than eighty thousand pounds.

25 g. Twenty-five dollars for a permit issued pursuant to
 26 section 321E.29 ~~by rules adopted pursuant to chapter 17A or~~
 27 321E.29A.

28 h. One hundred dollars for a permit issued pursuant to
 29 section 321E.30.

30 i. One hundred twenty dollars for an annual all-systems
 31 permit issued pursuant to section 321E.8, which shall be
 32 deposited in the road use tax fund.

33 2. Fees for the movement of buildings, parts of buildings,
 34 or unusual vehicles or loads may be increased to cover the
 35 costs of inspections by the issuing permit-issuing authority.



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1 3. A fee not to exceed two hundred fifty dollars per day or
2 a prorated fraction of that fee per person and car for escort
3 service may be charged when requested or when required under
4 this chapter. Proration of escort fees between state and
5 local authorities when more than one governmental authority
6 provides or is required to provide escort for a movement during
7 the period of a day shall be determined by rule under section
8 321E.15.

9 4. The department and local authorities may charge a
10 permit applicant for the cost of trimming trees and removal
11 and replacement of natural obstructions or official signs and
12 signals or other public or private property required to be
13 removed during the movement of a vehicle and load. ~~In addition~~
14 ~~to the fees provided in this section, the annual fee for a~~
15 ~~permit for special mobile equipment, as defined in section~~
16 ~~321.1, subsection 75, operated pursuant to section 321E.7,~~
17 ~~subsection 3, with a combined gross weight up to and including~~
18 ~~eighty thousand pounds shall be twenty five dollars and for a~~
19 ~~combined gross weight exceeding eighty thousand pounds, fifty~~
20 ~~dollars.~~

21 ~~2.~~ ~~The annual fee for an all-system permit is one hundred~~
22 ~~twenty dollars which shall be deposited in the road use tax~~
23 ~~fund.~~

24 Sec. 14. Section 321E.16, Code 2013, is amended to read as
25 follows:

26 **321E.16 Violations — penalties.**

27 1. A person who violates a provision of a permit issued
28 pursuant to this chapter or rules adopted under section
29 321E.15, other than a provision relating to weight, shall be
30 subject to a scheduled fine under section 805.8A, subsection
31 12, paragraph “f”.

32 2. The fine for violation of the weight allowed by a
33 permit shall be based upon the difference between the actual
34 weight of the vehicle and load and the maximum allowable by
35 permit in accordance with section 321.463. If a vehicle with

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1 an indivisible load traveling under permit is found to be in
2 violation of weight limitations, the vehicle operator shall be
3 allowed a reasonable amount of time to remove any ice, mud,
4 snow, and other weight attributable to climatic conditions
5 accumulated along the route prior to application of the
6 penalties prescribed in section 321.463.

7 3. A person operating a civilian escort vehicle in violation
8 of rules adopted pursuant to section 321E.15 shall be subject
9 to a scheduled fine under section 805.8A, subsection 12,
10 paragraph "f".

11 Sec. 15. Section 321E.17, Code 2013, is amended to read as
12 follows:

13 **321E.17 ~~Five or more Serious~~ violations.**

14 Proof of imposition of ~~penalties on five or more occasions a~~
15 penalty for a violation of sections section 321.256, 321.454,
16 321.456, 321.457, 321.463, 321.471, 321.474, or 321E.16 or
17 any combination of penalties for violation of said those
18 sections totaling five or more incurred during any twelve month
19 period with respect to the operation of one or more vehicles
20 by any one permit holder, whether operated personally or
21 through agents, servants, or employees of the permit holder,
22 shall constitute prima facie evidence that the permit holder
23 has willfully operated or caused to be operated a vehicle or
24 vehicles in violation of this chapter.

25 Sec. 16. Section 321E.18, Code 2013, is amended to read as
26 follows:

27 **321E.18 Overall operations considered.**

28 In any proceeding brought under this chapter, the ~~issuing~~
29 permit-issuing authority shall consider evidence relating to
30 ~~the character and gravity~~ nature and severity of the violations
31 and the extent of the operations of any vehicles by or on
32 behalf of the permit holder upon the public highways of this
33 state, which did not involve any violations.

34 Sec. 17. Section 321E.19, Code 2013, is amended to read as
35 follows:



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1 **321E.19 Permit ~~suspended, changed, or revoked~~ denial, change,**
2 **suspension, or revocation.**

3 ~~Upon complaint by local authorities or on the department's~~
4 ~~own initiative and after notice and hearing before one or~~
5 ~~more members of the permit issuing body in the case of local~~
6 ~~authorities or the department of inspections and appeals for~~
7 ~~permits issued by the state department of transportation,~~
8 ~~permit privileges under this chapter may be suspended, changed,~~
9 ~~or revoked in whole or in part by the issuing authority for~~
10 ~~willful failure to comply with a provision of this chapter,~~
11 ~~a rule adopted under this chapter, or a term, condition, or~~
12 ~~limitation of the permit. The permit-issuing authority may~~
13 ~~deny, change, suspend, or revoke any permit issued by the~~
14 ~~authority pursuant to this chapter for good cause. A decision~~
15 ~~of the department may be appealed in accordance with chapter~~
16 ~~17A, and a decision of a local authority may be appealed in~~
17 ~~accordance with the appeal procedures of the local authority.~~

18 Sec. 18. Section 321E.20, Code 2013, is amended to read as
19 follows:

20 **321E.20 Suspension period.**

21 Whenever the ~~issuing~~ permit-issuing authority finds from the
22 evidence adduced at hearing that a permit holder has willfully
23 operated or caused to be operated a vehicle or vehicles in
24 violation of this chapter, the permit-issuing authority may
25 enter an order suspending, modifying, or revoking the permit
26 in whole or in part at its discretion for a period not to
27 exceed one hundred eighty days. If the ~~issuing~~ permit-issuing
28 authority finds in a subsequent proceeding within twelve months
29 from the date of the initial suspension, modification, or
30 revocation that a permit holder has again willfully operated in
31 violation of this chapter, the ~~issuing~~ permit-issuing authority
32 shall order suspension, modification, or revocation of permit
33 privileges in whole or in part for a period not to exceed two
34 years.

35 Sec. 19. Section 321E.24, Code 2013, is amended by striking



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1 vehicles not to exceed eighty thousand pounds.

2 Sec. 22. Section 321E.29A, Code 2013, is amended to read as
3 follows:

4 **321E.29A Raw milk transporters.**

5 ~~The department or a local~~ A permit-issuing authority may
6 issue annual permits authorizing a raw milk transporter to
7 transport by motor truck raw milk to or from a milk plant,
8 receiving station, or transfer station. The combined gross
9 weight or gross weight on any axle or ~~groups~~ group of axles of
10 the motor truck shall not exceed the limits established under
11 section 321.463. The ~~issuing~~ permit-issuing authority may
12 specify weight limits or routes for each raw milk transporter
13 or establish weight limits or routes under section 321E.8.

14 Sec. 23. NEW SECTION. **321E.30 Compacted rubbish**
15 **transporters.**

16 1. A permit-issuing authority may issue annual permits for
17 the operation of compacted rubbish vehicles and vehicles which
18 transport compacted rubbish from a rubbish collection point to
19 a landfill area, exceeding the weight limitation of section
20 321.463 but not exceeding twenty thousand pounds per axle,
21 and for tandem axle vehicles or transferrable axle vehicles,
22 not exceeding a gross weight on the rear axles of thirty-six
23 thousand pounds.

24 2. Vehicles operated pursuant to an annual permit
25 issued under this section shall be operated only over routes
26 designated by the permit-issuing authority.

27 3. Annual permits approved by the permit-issuing authority
28 shall be issued upon payment of an annual fee, in addition
29 to other registration fees imposed, to be paid to the
30 permit-issuing authority for all nongovernmental vehicles.

31 Sec. 24. Section 321E.32, Code 2013, is amended to read as
32 follows:

33 **321E.32 Movement of structures and other loads on dolly**
34 **axles.**

35 ~~The weight limits on axles used for the movement of physical~~



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1 ~~structures and buildings shall be subject to the same weight~~
 2 ~~limits which are placed on all other axles. However, when~~
 3 ~~physical structures or buildings are moved and the axles~~
 4 ~~under the load are five feet or more apart, each axle shall~~
 5 ~~be considered a separate axle in determining the axle weight~~
 6 ~~limitations provided by law. The movement of structures and~~
 7 ~~other indivisible loads on dolly axles shall be subject to the~~
 8 ~~same weight limits that apply to all other indivisible loads.~~
 9 ~~However, when an indivisible load is moved and the transverse~~
 10 ~~dolly axles under the load have a clear inside spacing of five~~
 11 ~~feet or more, each axle shall be considered a separate axle in~~
 12 ~~determining the axle weight limitations provided by law.~~

13 Sec. 25. Section 321E.34, Code 2013, is amended to read as
 14 follows:

15 **321E.34 Escort requirements.**

16 1. ~~An~~ The operator of an escort vehicle, serving as an
 17 escort in the movement of vehicles and loads of excess size
 18 and weight under permits required by this chapter shall have
 19 a driver's license as defined in section 321.1 valid for the
 20 operation of the escort vehicle.

21 ~~2. Vehicles under permit, the width of which, including any~~
 22 ~~load, exceeds that prescribed in section 321.454 but does not~~
 23 ~~exceed fourteen feet six inches including appurtenances, may be~~
 24 ~~moved on two-lane highways of this state without an escort if~~
 25 ~~the highway being traversed has a minimum lane width of twelve~~
 26 ~~feet and a sufficient shoulder width and if an amber revolving~~
 27 ~~light or strobe light is displayed on the power unit and on the~~
 28 ~~rear extremity of the vehicle or load. In addition, vehicles~~
 29 ~~moving under permit, including any load, with an overall width~~
 30 ~~not exceeding sixteen feet six inches may be moved on an~~
 31 ~~interstate or four-lane highway of this state without an escort~~
 32 ~~if an amber revolving light or strobe light is displayed on the~~
 33 ~~power unit and on the rear extremity of the vehicle or load.~~

34 ~~3.~~ 2. The department shall adopt rules pursuant to chapter
 35 17A for all escort requirements ~~other than those exempted in~~

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1 all highways or streets under the jurisdiction of either the
2 state or local authorities that have indicated in writing those
3 streets or highways for which an all-systems permit is not
4 valid. Under the bill, at the request of a local authority,
5 the department shall also issue other types of permits for
6 streets under local jurisdiction if the local authority
7 has indicated to the department in writing those streets or
8 highways where a permit is not valid. The bill stipulates that
9 "in writing" includes electronic communication.

10 Code section 321E.7, which relates to load limits per axle,
11 is amended by making technical revisions to existing language
12 and by including the axle and gross weight limitations for raw
13 milk transporters and compact rubbish vehicles by reference
14 to those provisions, which are found elsewhere in the Code
15 chapter.

16 Code section 321E.8, which provides for the issuance of
17 annual permits, is amended to provide that certain commercial
18 vehicles other than special trucks, which are currently
19 allowed to operate at weight limits of up to 90,000 pounds
20 with six axles, and up to 96,500 pounds with seven axles, are
21 exempt from permitting requirements based on weight in excess
22 of 80,000 pounds. Currently, cranes that are used in the
23 construction of alternative energy facilities and which exceed
24 the 20,000 weight limit established under Code chapter 321 on
25 any one axle may be moved with approval of the permit-issuing
26 authority, without the requirement of an annual permit. The
27 bill allows such cranes to exceed the 24,000 pound weight limit
28 established under Code section 321E.7 for any one axle. The
29 exemption is also allowed for such cranes operating under a
30 single-trip permit.

31 Currently, Code section 321E.9 provides that a vehicle
32 with an indivisible load, having an overall width of 40 feet,
33 overall length of 120 feet, or a total gross weight of 100,000
34 pounds may be moved under a single-trip permit provided the
35 gross weight on any one axle does not exceed maximum weight



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1 limits. The height of vehicles and loads is currently limited
2 by the height of underpasses, bridges, power lines, and other
3 restrictions on the route specified in the permit. The bill
4 strikes those provisions and instead provides that maximum
5 height, width, length, and weight of vehicles and loads
6 operating under single-trip permits shall be limited to the
7 maximum physical limitations and clearances of the roadway
8 and infrastructure of the intended route. Permit-issuing
9 authorities are authorized to make the final determination
10 regarding the issuance of single-trip permits, based on whether
11 the movement will cause undue stress or damage to pavement,
12 bridges, or other highway infrastructure, and taking into
13 consideration the interest of public safety.

14 The bill amends Code section 321E.9A to limit the maximum
15 height allowed for a vehicle with an indivisible load moved
16 under a multi-trip permit to 15 feet, 5 inches. Current law
17 does not provide a height restriction.

18 Code section 321E.9B is amended by making technical
19 changes to the language in the Code section to conform to the
20 terminology used throughout the Code chapter.

21 Code section 321E.10 currently relates to requirements
22 for annual trip permits for trucks and trailers manufactured
23 in Iowa that exceed length and width limits and are moved
24 from the point of manufacture or assembly to another point of
25 manufacture or assembly. The bill amends the Code section
26 by limiting its applicability to semitrailers and trailers.
27 Current requirements for the marking of vehicles being moved
28 for delivery or transfer purposes and accessibility to peace
29 officers' inspections are stricken.

30 Code section 321E.11 provides for movements under permit
31 during daylight hours, with certain exceptions, and on
32 holidays. The Code section is amended to specify that a
33 permitted vehicle with an overall length of not more than 100
34 feet and an overall width of not more than 14 feet, 6 inches,
35 may operate from 30 minutes after sunset to 30 minutes before

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1 sunrise on primary and nonprimary highway system roadways that
2 are at least 22 feet in total width with at least 11 feet of
3 lane width. The bill requires such vehicles to be equipped
4 with projecting-load lights which are operating in addition
5 to signs, flags, and warning lights required for vehicles
6 operating under permit. The permit-issuing authority may
7 impose additional lighting and escort requirements for night
8 movement.

9 Code section 321E.12 provides that, with certain exceptions,
10 a vehicle traveling under permit must be registered for the
11 gross weight of the vehicle and load. A current exception
12 exists to allow the owner of special mobile equipment
13 registered for the gross weight of the vehicle without the
14 load. The bill amends that exception to provide that a private
15 carrier who is not for hire may transport special mobile
16 equipment on a vehicle registered for the gross weight of the
17 transport vehicle and cargo, minus the weight of the special
18 mobile equipment, when the special mobile equipment is owned,
19 leased, or rented and under exclusive control of the private
20 carrier.

21 Code section 321E.13 is amended by making technical
22 changes to the language in the Code section to conform to the
23 terminology used throughout the Code chapter.

24 Code section 321E.14 contains a schedule of fees for permits
25 currently issued by the department or local authorities. The
26 Code section is amended to include all permit fees in one Code
27 section. The specified fees are as follows:

28 \$25 for an annual permit issued under Code section 321E.8,
29 subsection 1.

30 \$300 for an annual permit issued under Code section 321E.8,
31 subsection 2.

32 \$200 for a multi-trip permit issued under Code section
33 321E.9A.

34 \$600 for a special alternative energy multi-trip permit.

35 \$10 for a single-trip permit issued under Code section

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1 321E.9.

2 \$25 for an annual permit for special mobile equipment with a
3 combined gross weight of not more than 80,000 pounds.

4 \$25 for a vehicle of excessive size with a divisible load.

5 \$25 for a raw milk transporter permit.

6 \$100 for a compact rubbish transporter permit.

7 \$120 for an annual all-systems permit. Pursuant to current
8 law, all-systems permit fees are to be deposited in the road
9 use tax fund.

10 An escort fee of up to \$250 per day, or a fee prorated per
11 person and car, may be charged to provide escort for a movement
12 under permit. Proration of the fees between governmental
13 entities involved in the escort service is determined by
14 administrative rule.

15 Code section 321E.16, which contains penalties for
16 violations of permit provisions, is amended to include a
17 penalty for violations by escort vehicle operators. The bill
18 provides that operating a civilian escort vehicle in violation
19 of administrative rules is a simple misdemeanor punishable
20 by a scheduled fine of \$200. This is the same fine which is
21 currently applicable to violations of Code chapter 321E, other
22 than weight violations.

23 Code section 321E.17 currently provides that the imposition
24 of penalties on five or more occasions within a 12-month period
25 for violations of certain Code sections in Code chapters 321
26 and 321E with respect to the operation of one or more vehicles
27 by any one permit holder constitutes prima facie evidence
28 of a willful violation of Code chapter 321E. The bill adds
29 violations of Code sections 321.256 (obedience to official
30 traffic-control devices), 321.457 (maximum length of vehicles
31 and combinations of vehicles), and 321.474 (authority of the
32 department to restrict weight) to the list of violations to
33 which this provision applies.

34 Code section 321E.18 currently requires that in proceedings
35 involving violations under Code chapter 321E, permit-issuing

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1 authorities consider, among other things, evidence relating to
2 the character and gravity of the violations. The bill replaces
3 the terms "character and gravity" with the terms "nature and
4 severity".

5 Code section 321E.19 is amended to provide that a
6 permit-issuing authority may deny, change, suspend, or revoke
7 any permit issued by the authority for good cause. Decisions
8 of the department may be appealed according to administrative
9 procedures, and decisions of local authorities may be
10 appealed in accordance with the appeal procedures of the local
11 authority. This replaces current requirements for hearings
12 before one or more members of the permit-issuing body for
13 permits issued by local authorities, and before the department
14 of inspections and appeals for permits issued by the department
15 of transportation.

16 Code section 321E.20 is amended by making technical
17 changes to the language in the Code section to conform to the
18 terminology used throughout the Code chapter.

19 Code section 321E.24 currently requires vehicles of a
20 certain size and weight to carry a warning device clearly
21 visible from a distance of 500 feet to the rear. The bill
22 replaces that requirement with a provision for the adoption
23 by the department of administrative rules regarding oversize
24 load signs, warning flags, warning lights, and projecting-load
25 lights.

26 Code section 321E.25 is amended to conform the citation of
27 federal law to the style of the Code.

28 Code section 321E.29 is amended to specify that permits
29 which currently may be issued for vehicles with divisible
30 loads of hay, straw, or stover without a finding of special or
31 emergency situations are annual permits which allow the vehicle
32 to be moved with a width not exceeding 12 feet 5 inches, a
33 length not exceeding 75 feet, a height not exceeding 14 feet
34 6 inches, and a total gross weight of not more than 80,000
35 pounds.



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1 Code section 321E.29A is amended by making technical
2 changes to the language in the Code section to conform to the
3 terminology used throughout the Code chapter.

4 New Code section 321E.30 contains current provisions for the
5 permitting of compacted rubbish vehicles, which are transferred
6 from Code chapter 321 into Code chapter 321E. The bill moves
7 the responsibility for issuance of the permits and designation
8 of routes over which compacted rubbish vehicles may be operated
9 from the department to local authorities. The \$100 annual
10 permit fee, which is currently paid to the department, is to be
11 paid instead to the issuing authority under the bill.

12 Code section 321E.32 is amended to provide that current
13 requirements for the movement of structures and buildings on
14 dolly axles apply to the movement of structures and other
15 indivisible loads.

16 Code section 321E.34 is amended by deleting current specific
17 requirements for escort vehicles used in the movement of
18 vehicles of excessive size and weight. The bill requires
19 the department to adopt administrative rules for escort
20 requirements.

21 Code section 331.362, which provides for a county's
22 authority over specific issues relating to roads, is amended to
23 include the regulation of traffic on and the use of secondary
24 roads in accordance with Code chapter 321E, relating to
25 vehicles of excessive size and weight.

26 The bill repeals Code sections 321E.21, 321E.22, and
27 321E.23, designating the Iowa secretary of state as the agent
28 for service of process for a nonresident operating a vehicle
29 in this state under Code chapter 321E, providing a procedure
30 for service of process in a proceeding against a nonresident,
31 and establishing the rights of a person to receive notice of
32 the service, a copy of the process, and an opportunity for a
33 hearing; Code section 321E.28, containing specific provisions
34 for the issuance of single-trip, multi-trip, and annual
35 permits for the movement of manufactured or mobile homes or

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1 factory-built structures; Code section 321E.31, relating to the
2 movement of manufactured and mobile homes which are registered
3 in another state; and Code section 321E.33, concerning
4 reciprocal agreements with other states for the movement of
5 vehicles under permit.

6 The bill requests that the Code editor transfer Code
7 sections 321E.1, 321E.2, and 321E.27 to new positions within
8 the Code chapter to improve readability.



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Senate File 356 - Introduced

SENATE FILE 356
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO SSB 1023)

A BILL FOR

1 An Act relating to the termination of the targeted small
2 business financial assistance program and transferring funds
3 for assistance to targeted small businesses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8.6, subsection 12, Code 2013, is amended
2 to read as follows:

3 12. *Targeted small businesses.* To assist the director
4 of the economic development authority as requested in the
5 establishment and implementation of the Iowa targeted small
6 business procurement Act ~~and the targeted small business loan~~
7 ~~guarantee program.~~

8 Sec. 2. Section 15.107B, subsection 2, paragraph c, Code
9 2013, is amended by striking the paragraph.

10 Sec. 3. Section 15.108, subsection 7, paragraph c,
11 unnumbered paragraph 1, Code 2013, is amended to read as
12 follows:

13 Aid for the development and implementation of the Iowa
14 targeted small business procurement Act established in sections
15 73.15 through 73.21 ~~and the targeted small business financial~~
16 ~~assistance program established in section 15.247.~~

17 Sec. 4. Section 15.108, subsection 7, paragraph c,
18 subparagraph (1), subparagraph division (c), Code 2013, is
19 amended by striking the subparagraph division.

20 Sec. 5. Section 15.108, subsection 7, paragraph c,
21 subparagraphs (3) and (5), Code 2013, are amended by striking
22 the subparagraphs.

23 Sec. 6. Section 15.240, subsection 2, paragraph f, Code
24 2013, is amended by striking the paragraph.

25 Sec. 7. Section 15.313, subsection 2, paragraph c, Code
26 2013, is amended by striking the paragraph.

27 Sec. 8. Section 73.20, Code 2013, is amended to read as
28 follows:

29 **73.20 Determination of ability to perform.**

30 Before announcing a contract award pursuant to the targeted
31 small business procurement goal program, the purchasing
32 authority shall evaluate whether the targeted small business
33 scheduled to receive the award is able to perform the contract.
34 This determination shall include consideration of production
35 and financial capacity and technical competence. If the

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1 purchasing authority determines that the targeted small
 2 business may be unable to perform, the director of the economic
 3 development authority shall be notified ~~and shall assist the~~
 4 ~~targeted small business pursuant to section 15.108, subsection~~
 5 ~~7, paragraph "c", subparagraph (3).~~

6 Sec. 9. REPEAL. Section 15.247, Code 2013, is repealed.

7 Sec. 10. TRANSITION UPON REPEAL.

8 1. Upon repeal of the targeted small business financial
 9 assistance program established in section 15.247, the authority
 10 shall transfer all unencumbered and unobligated moneys accruing
 11 to the authority pursuant to existing agreements to a fund
 12 established by the authority in the state treasury under
 13 the control of the authority pursuant to section 15.106A,
 14 subsection 1, paragraph "o", to be used for the purposes of
 15 providing assistance to targeted small businesses pursuant to
 16 subsection 3 of this section of this Act.

17 2. Loan payments or repayments and recaptures of principal,
 18 interest, or other moneys accruing to the authority on or after
 19 June 30, 2013, pursuant to an agreement under section 15.247,
 20 shall be transferred to a fund established by the authority in
 21 the state treasury under the control of the authority pursuant
 22 to section 15.106A, subsection 1, paragraph "o", to be used
 23 for the purposes of providing assistance to targeted small
 24 businesses pursuant to subsection 3 of this section of this
 25 Act.

26 3. a. From the moneys transferred pursuant to subsections 1
 27 and 2, the authority shall procure the services of a qualified
 28 microloan service provider to provide financial and technical
 29 assistance to targeted small businesses in Iowa.

30 b. The authority shall enter into an agreement with a
 31 microloan service provider for the provision of services to
 32 targeted small businesses. The agreement shall provide for
 33 an initial performance period of three years. In engaging
 34 the services of a qualified microloan service provider, the
 35 authority shall require the service provider to offer financial

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1 and technical assistance to targeted small businesses at a
2 discounted rate. The authority shall ensure that the moneys
3 transferred for purposes of this subsection are used to
4 subsidize the provision of financial and technical assistance
5 by the microloan service provider to targeted small businesses
6 in order for the microloan service provider to offer its
7 services at a discounted rate.

8 c. The authority shall, upon completion of the initial
9 performance period and the other applicable terms of the
10 agreement with the microloan service provider, submit a report
11 to the general assembly and the governor's office describing
12 the results achieved by the service provider and shall make
13 recommendations as to whether the state should continue to
14 provide funds for future fiscal years for the purpose of
15 providing financial and technical assistance to targeted
16 small businesses through the services of a microloan service
17 provider.

18 d. For purposes of this subsection, "targeted small
19 business" means the same as defined in section 15.102.

20 EXPLANATION

21 This bill terminates the targeted small business financial
22 assistance program and transfers funds to the economic
23 development authority for the services of a microloan service
24 provider to assist targeted small businesses.

25 The Code defines a targeted small business as a small
26 business that is 51 percent or more owned, operated, and
27 actively managed by a minority person, a person with a
28 disability, or a woman. A targeted small business must also be
29 located in the state, operated for profit, and have an average
30 annual gross income of less than \$4 million over the three
31 preceding fiscal years. The targeted small business financial
32 assistance program is a program that provides loan-based
33 financing and grants to eligible targeted small businesses
34 through the strategic investment fund created in Code section
35 15.313. The bill terminates the targeted small business

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1 financial assistance program, as well as the program's board,
2 and the targeted small business advocate service provider which
3 provided mentoring, outreach, and professional development
4 services to certified targeted small businesses.

5 The bill allows the economic development authority, upon
6 repeal of the program, to transfer all unencumbered and
7 unobligated moneys as well as loan payments or repayments
8 and recaptures of principal, interest, or other moneys
9 accruing from an existing agreement entered into under the
10 targeted small business financial assistance program to a fund
11 established by the economic development authority.

12 The bill requires the authority to use the moneys
13 transferred to provide assistance to targeted small businesses
14 through the procurement of the services of a qualified
15 microloan service provider that will provide financial and
16 technical assistance to targeted small businesses in Iowa.

17 The bill provides that the economic development authority
18 shall enter into an agreement with a microloan service provider
19 for the provision of financial and technical services to
20 targeted small businesses. The economic development authority
21 shall require that the microloan service provider offer
22 such assistance to targeted small businesses at a discounted
23 rate, and the transferred moneys shall be used to enable the
24 microloan service provider to offer that discounted rate. The
25 agreement shall provide for a three-year initial performance
26 period.

27 After completion of the initial performance period, the
28 bill requires the economic development authority to submit
29 a report to the governor and the general assembly with the
30 results achieved by the service provider and recommendations
31 as to whether the state should continue to provide funds for
32 future fiscal years for the purpose of providing assistance to
33 targeted small businesses through a microloan service provider.



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Senate File 357 - Introduced

SENATE FILE 357
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1127)

A BILL FOR

1 An Act relating to Medicaid program integrity, and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 10A.108, subsections 6 and 7, Code 2013,
 2 are amended to read as follows:

3 6. The department shall pay, from moneys appropriated to
 4 the department for this purpose, recording fees as provided
 5 in section 331.604, for the recording of the lien, ~~or for~~
 6 ~~satisfaction of the lien.~~

7 7. Upon payment of a debt for which the director has filed
 8 notice with a county recorder, the director shall ~~file a~~
 9 provide to the debtor a satisfaction of the debt. The debtor
 10 shall be responsible for filing the satisfaction of the debt
 11 with the recorder and the recorder shall enter the satisfaction
 12 on the notice on file in the recorder's office.

13 Sec. 2. Section 249A.2, Code 2013, is amended by adding the
 14 following new subsection:

15 NEW SUBSECTION. 8A. "*Overpayment*" means any funds that
 16 a provider receives or retains under the medical assistance
 17 program to which the person, after applicable reconciliation,
 18 is not entitled. To the extent the provider and the department
 19 disagree as to whether the provider is entitled to funds
 20 received or retained under the medical assistance program,
 21 "*overpayment*" includes such funds for which the provider's
 22 administrative and judicial review remedies under 441 IAC
 23 ch. 7 and chapter 17A have been exhausted. For purposes of
 24 repayment, an overpayment may include interest in accordance
 25 with section 249A.41.

26 Sec. 3. NEW SECTION. **249A.39 Reporting of overpayment.**

27 1. A provider who has received an overpayment shall notify
 28 in writing, and return the overpayment to, the department,
 29 the department's agent, or the department's contractor, as
 30 appropriate. The notification shall include the reason for the
 31 return of the overpayment.

32 2. Notification and return of an overpayment under this
 33 section shall be provided by no later than the later of either
 34 of the following, as applicable:

35 a. The date which is sixty days after the date on which the



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1 4. At the discretion of the director, interest on an
2 overpayment may be waived in whole or in part when the
3 department determines the imposition of interest would produce
4 an unjust result, would unduly burden the provider, or would
5 substantially delay the prompt and efficient resolution of an
6 outstanding audit or investigation.

7 Sec. 6. NEW SECTION. **249A.42 Overpayment — limitations**
8 **periods.**

9 1. An administrative action to recover an overpayment to a
10 provider shall be commenced within five years of the date the
11 overpayment was incurred. For the purposes of this subsection,
12 “incurred” means the date the medical assistance claim was
13 paid, or the date any applicable reconciliation was completed,
14 whichever is later.

15 2. An administrative action to impose a sanction related
16 to an overpayment to a provider shall be commenced within
17 five years of the date the conduct underlying the sanction
18 concluded, or the director discovered such conduct, whichever
19 is later.

20 Sec. 7. NEW SECTION. **249A.43 Provider overpayment — notice**
21 **— judgment.**

22 1. Any overpayment to a provider under this chapter shall
23 become a judgment against the provider, by operation of law,
24 ninety days after a notice of overpayment is personally served
25 upon the enrolled provider as required in the Iowa rules of
26 civil procedure or by certified mail, return receipt requested,
27 by the director or the attorney general or, if applicable,
28 upon exhaustion of the provider’s administrative and judicial
29 review remedies under 441 IAC ch. 7 or chapter 17A, whichever
30 is later. The judgment is entitled to full faith and credit in
31 all states.

32 2. The notice of overpayment shall include the amount and
33 cause of the overpayment, the provider’s appeal rights, and a
34 disclaimer that a judgment may be established if an appeal is
35 not timely filed or if an appeal is filed and at the conclusion



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1 of the administrative process under chapter 17A a determination
 2 is made that there is an overpayment.

3 3. An affidavit of service of a notice of entry of judgment
 4 shall be made by first class mail at the address where the
 5 debtor was served with the notice of overpayment. Service is
 6 completed upon mailing as specified in this paragraph.

7 4. On or after the date an unpaid overpayment becomes a
 8 judgment by operation of law, the director or the attorney
 9 general may file all of the following with the district court:

10 a. A statement identifying, or a copy of, the notice of
 11 overpayment.

12 b. Proof of service of the notice of overpayment.

13 c. An affidavit of default, stating the full name,
 14 occupation, place of residence, and last known post office
 15 address of the debtor; the name and post office address of the
 16 department; the date or dates the overpayment was incurred;
 17 the program under which the debtor was overpaid; and the total
 18 amount of the judgment.

19 5. Nothing in this section shall be construed to impede or
 20 restrict alternative methods of recovery of the overpayments
 21 specified in this section or of overpayments which do not meet
 22 the requirements of this section.

23 **Sec. 8. NEW SECTION. 249A.44 Overpayment — emergency**
 24 **relief.**

25 1. Concurrently with a withholding of payment, the
 26 imposition of a sanction, or the institution of a criminal,
 27 civil, or administrative proceeding against a provider or
 28 other person for overpayment, the director or the attorney
 29 general may bring an action for a temporary restraining order
 30 or injunctive relief to prevent a provider or other person
 31 from whom recovery may be sought, from transferring property
 32 or otherwise taking action to protect the provider's or other
 33 person's business inconsistent with the recovery sought.

34 2. To obtain such relief, the director or the attorney
 35 general shall demonstrate all necessary requirements for the



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1 third party shall be strictly liable to the provider for all
 2 fees incurred in preparation of the cost report, as well as
 3 reasonable attorney fees and costs. The department shall not
 4 take any adverse action against a provider that results from
 5 the unintentional delay in the submission of a new cost report
 6 or other submission necessitated by the department's refusal to
 7 accept a cost report or other submission under this section.
 8 The department shall notify an affected provider within seven
 9 business days of any refusal to accept a cost report.

10 **Sec. 10. NEW SECTION. 249A.46 Liability of other persons**
 11 **— repayment of claims.**

12 1. The department may require repayment of medical
 13 assistance paid from the person submitting an incorrect or
 14 improper claim, the person causing the claim to be submitted,
 15 or the person receiving payment for the claim.

16 2. Nothing in this section shall be construed to impede or
 17 restrict alternative recovery methods for claims specified in
 18 this section or claims which do not meet the requirements of
 19 this section.

20 **Sec. 11. NEW SECTION. 249A.47 Improperly filed claims**
 21 **— other violations — imposition of monetary recovery and**
 22 **sanctions.**

23 1. In addition to any other remedies or penalties prescribed
 24 by law, including but not limited to those specified pursuant
 25 to section 249A.8 or chapter 685, all of the following shall be
 26 applicable to violations under the medical assistance program:

27 *a.* A person who intentionally and purposefully presents
 28 or causes to be presented to the department a claim that the
 29 department determines meets any of the following criteria
 30 is subject to a civil penalty of not more than ten thousand
 31 dollars for each item or service:

32 (1) A claim for medical or other items or services that
 33 the provider knows was not provided as claimed, including a
 34 claim by any provider who engages in a pattern or practice
 35 of presenting or causing to be presented a claim for an item



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1 or service that is based on a billing code that the provider
2 knows will result in a greater payment to the provider than the
3 billing code the provider knows is applicable to the item or
4 service actually provided.

5 (2) A claim for medical or other items or services the
6 provider knows to be false or fraudulent.

7 (3) A claim for a physician service or an item or service
8 incident to a physician service by a person who knows that the
9 individual who furnished or supervised the furnishing of the
10 service meets any of the following:

11 (a) Was not licensed as a physician.

12 (b) Was licensed as a physician, but such license had been
13 obtained through a misrepresentation of material fact.

14 (c) Represented to the patient at the time the service
15 was furnished that the physician was certified in a medical
16 specialty by a medical specialty board when the individual was
17 not so certified.

18 (4) A claim for medical or other items or services furnished
19 during a period in which the provider was excluded from
20 providing such items or services.

21 (5) A claim for a pattern of medical or other items or
22 services that a provider knows were not medically necessary.

23 *b.* A provider who intentionally and purposefully presents
24 or causes to be presented to any person a request for payment
25 which is in violation of the terms of either of the following
26 is subject to a civil penalty of not more than ten thousand
27 dollars for each item or service:

28 (1) An agreement with the department or a requirement of a
29 state plan under Tit. XIX or XXI of the federal Social Security
30 Act not to charge a person for an item or service in excess of
31 the amount permitted to be charged.

32 (2) An agreement to be a participating provider.

33 *c.* A provider who is not an organization, agency, or
34 other entity, and knowing that the provider is excluded from
35 participating in a program under Tit. XVIII, XIX, or XXI of the

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1 federal Social Security Act at the time of the exclusion, who
2 does any of the following, is subject to a civil penalty of ten
3 thousand dollars for each day that the prohibited relationship
4 occurs:

5 (1) Retains a direct or indirect ownership or control
6 interest in an entity that is participating in such programs,
7 and knows of the action constituting the basis for the
8 exclusion.

9 (2) Is an officer or managing employee of such an entity.

10 *d.* A provider who intentionally and purposefully offers
11 to or transfers remuneration to any individual eligible for
12 benefits under Tit. XIX or XXI of the federal Social Security
13 Act and who knows such offer or remuneration is likely to
14 influence such individual to order or receive from a particular
15 provider any item or service for which payment may be made, in
16 whole or in part, under Tit. XIX or XXI of the federal Social
17 Security Act, is subject to a civil penalty of not more than
18 ten thousand dollars for each item or service.

19 *e.* A provider who intentionally and purposefully arranges or
20 contracts, by employment or otherwise, with an individual or
21 entity that the provider knows is excluded from participation
22 under Tit. XVIII, XIX, or XXI of the federal Social Security
23 Act, for the provision of items or services for which payment
24 may be made under such titles, is subject to a civil penalty of
25 not more than ten thousand dollars for each item or service.

26 *f.* A provider who intentionally and purposefully offers,
27 pays, solicits, or receives payment, directly or indirectly, to
28 reduce or limit services provided to any individual eligible
29 for benefits under Tit. XVIII, XIX, or XXI of the federal
30 Social Security Act, is subject to a civil penalty of not more
31 than fifty thousand dollars for each act.

32 *g.* A provider who intentionally and purposefully makes,
33 uses, or causes to be made or used, a false record or statement
34 material to a false or fraudulent claim for payment for items
35 and services furnished under Tit. XIX or XXI of the federal

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1 posing an increased risk to the medical assistance program.

2 *a.* This section shall not be interpreted to require the
3 Iowa Medicaid enterprise to impose a moratorium if the Iowa
4 Medicaid enterprise determines that imposition of a temporary
5 moratorium would adversely affect access of recipients to
6 medical assistance services.

7 *b.* If the Iowa Medicaid enterprise makes a determination
8 as specified in paragraph "a", the Iowa Medicaid enterprise
9 shall notify the centers for Medicare and Medicaid services of
10 the United States department of health and human services in
11 writing.

12 2. The Iowa Medicaid enterprise may impose a temporary
13 moratorium on the enrollment of new providers, or impose
14 numerical caps or other limits that the Iowa Medicaid
15 enterprise and the centers for Medicare and Medicaid services
16 identify as having a significant potential for fraud, waste, or
17 abuse.

18 *a.* Before implementing the moratorium, caps, or other
19 limits, the Iowa Medicaid enterprise shall determine that its
20 action would not adversely impact access by recipients to
21 medical assistance services.

22 *b.* The Iowa Medicaid enterprise shall notify, in writing,
23 the centers for Medicare and Medicaid services, if the Iowa
24 Medicaid enterprise seeks to impose a moratorium under this
25 subsection, including all of the details of the moratorium.
26 The Iowa Medicaid enterprise shall receive approval from the
27 centers for Medicare and Medicaid services prior to imposing a
28 moratorium under this subsection.

29 3. *a.* The Iowa Medicaid enterprise shall impose any
30 moratorium for an initial period of six months.

31 *b.* If the Iowa Medicaid enterprise determines that it
32 is necessary, the Iowa Medicaid enterprise may extend the
33 moratorium in six-month increments. Each time a moratorium
34 is extended, the Iowa Medicaid enterprise shall document, in
35 writing, the necessity for extending the moratorium.

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1 The Code editor shall renumber the transferred sections as
 2 follows:

- 3 (1) Section 249A.4A as section 249A.52.
- 4 (2) Section 249A.5 as section 249A.53.
- 5 (3) Section 249A.6 as section 249A.54.
- 6 (4) Section 249A.6A as section 249A.55.
- 7 (5) Section 249A.7 as section 249A.50.
- 8 (6) Section 249A.8 as section 249A.51.
- 9 (7) Section 249A.14 as section 249A.56.
- 10 (8) Section 249A.19 as section 249A.57.

11 b. The Code editor shall correct internal references as
 12 necessary.

EXPLANATION

13 This bill relates to medical assistance (Medicaid) program
 14 integrity.

15 The bill amends Code section 10A.108, which provides that
 16 if a person refuses or neglects to repay benefits or provider
 17 payments inappropriately obtained from the department of human
 18 services (DHS), the amount inappropriately obtained constitutes
 19 a debt and is a lien in favor of the state upon all property
 20 belonging to the person. The bill provides that DHS is no
 21 longer responsible for paying the fee for recording of the
 22 satisfaction of the lien or the debt, but that this is the
 23 responsibility of the debtor.

24 The bill requires a provider who has received an overpayment
 25 to provide notification in writing and return the overpayment
 26 to the department, department's agent, or the department's
 27 contractor, as applicable. The notification and return of the
 28 overpayment are to be completed the later of 60 days after the
 29 date on which the overpayment was identified by the provider or
 30 the date any corresponding cost report is due, as applicable.
 31 Violation of this provision constitutes a violation of the
 32 false claims Act (Code chapter 685).

33 The bill provides that if a provider is administratively and
 34 involuntarily dissolved and receives payments following the
 35



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1 provider for improper payments including the person submitting
2 an incorrect or improper claim, the person causing the claim to
3 be submitted, or the person receiving payment for the claim.

4 The bill provides specific civil penalties and assessments
5 or damages for improperly filed claims and other violations
6 relating to improper reimbursement under the Medicaid program.

7 The bill directs the Iowa Medicaid enterprise (IME) to
8 impose temporary moratoria on enrollment of new providers or
9 provider types identified by the centers for Medicare and
10 Medicaid services of the United States department of health
11 and human services (CMS) as posing an increased risk to the
12 Medicaid program. The moratoria are not required if the IME
13 determines that imposition of a temporary moratorium would
14 adversely affect access of recipients to Medicaid services.
15 However, if the IME makes such a determination, IME is to
16 notify CMS in writing. The bill also authorizes IME to
17 impose temporary moratoria on enrollment of new providers, or
18 impose numerical caps or other limits that the IME and CMS
19 identify as having a significant potential for fraud, waste,
20 or abuse. Before implementing the moratoria, caps, or other
21 limits, IME must determine that its action would not adversely
22 impact access by recipients to Medicaid services, notify CMS
23 in writing, and receive approval from CMS. Any moratorium is
24 to be imposed for an initial period of six months and may then
25 be extended in six-month increments. The necessity for any
26 extension is to be documented in writing.

27 The bill requires the director of human services to maintain
28 on the department's internet site, in a manner readily
29 accessible by the public, lists of all providers that the
30 department has terminated, suspended, or placed on probation;
31 all providers that have failed to return an identified
32 overpayment; and all providers found liable for a false claims
33 law violation related to Medicaid.

34 The bill provides for all Medicaid program integrity
35 provisions to be codified in a new subchapter under Code



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1 chapter 249A (medical assistance), including the new provisions
2 enacted in the bill and existing provisions under Code sections
3 249A.4A (garnishment), 249A.5 (recovery of payment), 249A.6
4 (assignment — lien), 249A.6A (restitution), 249A.7 (fraudulent
5 practices — investigations and audits — Medicaid fraud fund),
6 249A.8 (fraudulent practice), 249A.14 (county attorney to
7 enforce), and 249A.19 (health care facilities — penalty).



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Senate File 358 - Introduced

SENATE FILE 358
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1220)

A BILL FOR

- 1 An Act concerning title to real estate.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 558.5, Code 2013, is amended to read as
 2 follows:

3 **558.5 Contract for deed — presumption of abandonment.**

4 1. When the record shows that a contract or bond for a deed
 5 ~~has been was~~ executed more than ten years earlier, ~~and the~~
 6 ~~record discloses no performance of the same and that more than~~
 7 ~~ten years have elapsed since the contract by its terms was to~~
 8 ~~be performed,~~ the contract or bond shall be deemed abandoned
 9 by the vendee and ~~of no effect~~ void and the land shall be freed
 10 from any lien or defect on account of the contract or bond in
 11 any of the following situations:

12 a. The record does not indicate the contract or bond has
 13 been performed and more than ten years have elapsed since the
 14 contract or bond by its terms was to be performed.

15 b. A performance date for the contract or bond is not stated
 16 in the contract or bond or any extensions thereof and more than
 17 twenty years have elapsed from the date the contract or bond
 18 was executed.

19 2. ~~On and after July 1, 1992, this~~ This section shall
 20 apply to a contract or bond described in this section, if the
 21 contract or bond is not filed of record but is referred to in
 22 another instrument which is filed of record. The contract or
 23 bond shall be deemed abandoned by the vendee ten years from the
 24 date that the contract or bond is to be performed according to
 25 the recorded instrument. However, if the recorded instrument
 26 does not refer to a performance date for the contract or bond,
 27 the contract or bond shall be deemed abandoned ~~ten~~ twenty years
 28 after the date that the instrument containing the reference is
 29 recorded.

30 3. This section shall not apply to a vendee or a vendee's
 31 successor in interest if the vendee or the vendee's successor
 32 in interest is in possession of the property or has been
 33 continuously paying the total amount due, as defined in
 34 section 445.1, of the taxes levied against the property for the
 35 preceding five years.



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1 Sec. 2. Section 614.21, Code 2013, is amended to read as
 2 follows:

3 **614.21 Foreclosure of ancient mortgages.**

4 1. ~~No An~~ action shall be maintained to foreclose or
 5 enforce any real estate mortgage, bond for deed, trust deed,
 6 or contract for the sale or conveyance of real estate, after
 7 twenty years from the date thereof, as shown by the record of
 8 such instrument, shall be barred, unless ~~the~~ either of the
 9 following:

10 a. The record of such instrument shows that less than
 11 ten years have elapsed since the date of maturity of the
 12 indebtedness or part thereof, secured thereby, or since the
 13 right of action has accrued ~~thereon, or unless the.~~

14 b. The record shows an extension of the maturity of the
 15 instrument or of the debt or a part thereof, and that ten years
 16 from the expiration of the time of such extension have not yet
 17 expired.

18 2. The date of maturity, when different than as appears by
 19 the record of the instrument, and the date of maturity of any
 20 extension of said indebtedness or part thereof, may be shown
 21 at any time prior to the expiration of the ~~above~~ periods of
 22 limitation specified in subsection 1 by the holder of the debt
 23 or the owner or assignee of the instrument filing an extension
 24 agreement, duly acknowledged as the original instrument was
 25 required to be acknowledged, in the office of the recorder
 26 where the instrument is recorded.

27 3. ~~From and after July 4, 1946, this~~ This section shall also
 28 apply to any instrument ~~of the kind~~ described in this section
 29 which is not of record but which is described or referred to
 30 in any other instrument which is filed of record ~~and the.~~
 31 The limitation shall be ten years from the due date of the
 32 instrument referred to if disclosed in the record and, if not
 33 so disclosed, then within ten years from the date ~~of the record~~
 34 ~~of the instrument containing such reference~~ is recorded.

35 4. a. A vendee of a real estate contract or bond for deed,

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1 or a vendee's successor in interest, who is barred by this
 2 section from maintaining an action to foreclose or enforce
 3 the contract or bond and who is in physical possession of the
 4 property may serve the vendor with a demand for a deed as
 5 provided in the contract. The notice may be served personally
 6 or by publication, on the same conditions, and in the same
 7 manner as is provided for the service of original notices,
 8 except that when the notice is served by publication an
 9 affidavit shall not be required before publication. Service
 10 by publication shall be deemed complete on the day of the last
 11 publication. Service may be made on a judgment creditor of
 12 the deceased vendor or any other person who is, as a matter of
 13 record, interested in the estate of a deceased vendor, in the
 14 manner provided in section 654.4A, subsections 4 and 5.

15 b. The demand shall state that if a deed is not provided
 16 within forty-five days of service and an action to foreclose
 17 or forfeit the contract has not been commenced within such
 18 forty-five-day period, the vendee may file an affidavit showing
 19 service and compliance with this subsection whereupon the
 20 auditor shall correct the county records as provided in section
 21 558.67 to indicate that the rights of the vendor have vested
 22 in the vendee.

23 Sec. 3. Section 656.3, Code 2013, is amended to read as
 24 follows:

25 **656.3 Service.**

26 1. ~~Said~~ The notice provided for in section 656.2 may be
 27 served personally or by publication, on the same conditions,
 28 and in the same manner as is provided for the service of
 29 original notices, except that when the notice is served by
 30 publication ~~no~~ an affidavit ~~therefor~~ shall not be required
 31 before publication. Service by publication shall be deemed
 32 complete on the day of the last publication.

33 2. The notice provided for in section 656.2 may be served
 34 on a judgment creditor of a deceased vendor or on any other
 35 person who is, as a matter of record, interested in the estate



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1 of a deceased vendor in the manner provided in section 654.4A,
 2 subsections 4 and 5.

3 Sec. 4. Section 656.9, Code 2013, is amended to read as
 4 follows:

5 **656.9 Defect in forfeiture proceedings — limitation of**
 6 **actions.**

7 1. An action shall not be commenced after July 1, 1992,
 8 which that asserts a claim against real estate previously
 9 subject to a forfeiture proceeding, and such claim is based
 10 upon a defect in the forfeiture proceeding, in which the proof
 11 and record of service of notice of forfeiture required by
 12 section 656.5 has been filed for record in the office of the
 13 county recorder prior to July 1, 1991.

14 2. a. An action shall not be commenced by a vendee who
 15 is not in possession of the property, or by a party to the
 16 forfeiture proceeding who is other than a vendee or vendor,
 17 that asserts a claim against real estate previously subject to
 18 a forfeiture proceeding, and such claim is based upon a defect
 19 in the forfeiture proceeding, in which the proof and record of
 20 service of notice of forfeiture required by section 656.6 has
 21 been filed of record for more than ten years.

22 b. A vendee who is not in possession of the property, or a
 23 party to the forfeiture proceeding who is other than the vendee
 24 or vendor, may commence an action described in paragraph "a" at
 25 any time prior to July 1, 2014, if, as of June 30, 2013, more
 26 than nine years but ten years or less have elapsed since the
 27 proof and record of service of notice of forfeiture required by
 28 section 656.6 was filed of record.

29 c. This subsection is repealed July 1, 2014.

EXPLANATION

31 This bill makes changes relating to the sale of real estate
 32 by contract or bond.

33 The bill amends Code section 558.5, relating to a
 34 presumption of abandonment of a contract or bond for the sale
 35 of real estate. Under current law, a contract or bond for the

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1 sale of real estate is presumed abandoned and of no effect if
2 the record of the contract or bond was executed or recorded,
3 as applicable, more than 10 years earlier and no performance
4 had been made on the contract or bond and 10 years have elapsed
5 since the performance date stated in the record of the contract
6 or bond. The bill provides that if the record of the contract
7 or bond for the sale of real estate executed more than 10 years
8 earlier does not indicate a performance date, the contract or
9 bond is presumed abandoned and of no effect when more than 20
10 years have elapsed since the record of the contract or bond
11 was executed or recorded, as applicable. Code section 558.5
12 is also amended to remove a July 1, 1992, date relating to
13 prospective applicability of Code section 558.5 to a contract
14 or bond for the sale of real estate that is not recorded but is
15 referred to in another recorded instrument.

16 This bill amends Code section 614.21, relating to the
17 foreclosure of ancient mortgages. Current law provides that an
18 action to foreclose or enforce any real estate mortgage, bond
19 for deed, trust deed, or contract for the sale or conveyance
20 of real estate, after 20 years from the date thereof, as shown
21 by the record of such instrument, shall not be barred under
22 certain circumstances. The bill provides that a vendee of a
23 real estate contract or bond for deed, or a vendee's successor
24 in interest, who is barred under Code section 614.21 from
25 maintaining an action to foreclose or enforce the contract or
26 bond and who is in physical possession of the property may
27 serve the vendor with a demand for a deed as provided in the
28 contract. The written notice may be served personally or by
29 publication, on the same conditions, and in the same manner as
30 is provided for the service of original notices, except that
31 when the notice is served by publication an affidavit shall
32 not be required before publication. Service by publication
33 shall be deemed complete on the day of the last publication.
34 The bill also provides for service on a judgment creditor of
35 a deceased vendor or any other person who is, as a matter of

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1 record, interested in the estate of a deceased vendor. The
2 demand shall state that if a deed is not provided within 45
3 days of service and an action to foreclose or forfeit the
4 contract has not been commenced within such period, the vendee
5 may file an affidavit showing service. In such a case the
6 county auditor is required to correct the county records to
7 indicate that the rights of the vendor have vested in the
8 vendee.

9 The bill amends Code section 656.3 to specify that the
10 written notice that a vendor is required to serve on a vendee
11 pursuant to Code section 656.2 to forfeit a contract for the
12 sale of real estate located in this state may be served on a
13 judgment creditor of a deceased vendor or on any other person
14 who is, as a matter of record, interested in the estate of a
15 deceased vendor in the manner provided for service of process
16 in Code section 654.4A.

17 The bill provides that an action that asserts a claim against
18 real estate previously subject to a forfeiture proceeding,
19 based upon a defect in the forfeiture proceeding, shall not be
20 commenced by a vendee who is not in possession of the property,
21 or by a party to the forfeiture proceeding who is other than
22 a vendee or vendor, in which the proof and record of service
23 of notice of forfeiture has been filed of record for more than
24 10 years. A vendee who is not in possession of the property,
25 or a party to the forfeiture proceeding who is other than the
26 vendee or vendor, may commence such an action at any time prior
27 to July 1, 2014, if, as of June 30, 2013, more than nine years
28 but 10 years or less have elapsed since the proof and record of
29 service of notice of forfeiture was filed of record. The bill
30 repeals this provision on July 1, 2014.



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Senate File 359 - Introduced

SENATE FILE 359
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 163)

A BILL FOR

1 An Act relating to an assault that occurs between persons in
2 an intimate relationship and the crime of domestic abuse
3 assault and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 708.2A, subsection 1, Code 2013, is
 2 amended to read as follows:

3 1. For the purposes of this chapter, "*domestic abuse*
 4 *assault*" means an assault, as defined in section 708.1, which
 5 is domestic abuse as defined in section 236.2, subsection 2,
 6 paragraph "*a*", "*b*", "*c*", ~~or~~ "*d*", or "*e*".

7 EXPLANATION

8 This bill relates to an assault that occurs between persons
 9 in an intimate relationship and the crime of domestic abuse
 10 assault.

11 The bill includes an assault, as defined in Code section
 12 708.1, that occurs between persons who are in an intimate
 13 relationship or who have been in an intimate relationship and
 14 who have had contact within the past year of the assault,
 15 in the definition of domestic abuse assault pursuant to Code
 16 section 708.2A. In determining whether persons are or have
 17 been in an intimate relationship, the court may consider the
 18 duration of the relationship, the frequency of interaction,
 19 whether the relationship has been terminated, and the nature of
 20 the relationship, characterized by either party's expectation
 21 of sexual or romantic involvement.

22 A person who commits domestic abuse assault commits a simple
 23 misdemeanor, a serious misdemeanor, an aggravated misdemeanor,
 24 or a class "D" felony depending upon the circumstances
 25 involved in the offense. A simple misdemeanor is punishable
 26 by confinement for no more than 30 days or a fine of at least
 27 \$65 but not more than \$625 or by both; a serious misdemeanor
 28 is punishable by confinement for no more than one year and a
 29 fine of at least \$315 but not more than \$1,875; an aggravated
 30 misdemeanor is punishable by confinement for no more than two
 31 years and a fine of at least \$625 but not more than \$6,250; and
 32 a class "D" felony is punishable by confinement for no more
 33 than five years and a fine of at least \$750 but not more than
 34 \$7,500.

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Senate File 360 - Introduced

SENATE FILE 360
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1229)

A BILL FOR

1 An Act relating to mechanic's liens and the mechanics' notice
2 and lien registry.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 572.8, subsection 1, paragraphs b and e,
 2 Code 2013, are amended to read as follows:

3 *b.* The legal description ~~of~~ that accurately describes the
 4 property to be charged with the lien.

5 *e.* The ~~tax~~ parcel identification number required by law to
 6 be assigned to the property for real estate tax administration
 7 purposes.

8 Sec. 2. Section 572.11, Code 2013, is amended to read as
 9 follows:

10 **572.11 Extent of lien posted after ninety days.**

11 Liens perfected under section 572.10 shall be enforced
 12 against the property or upon the bond, if given, by the owner
 13 or by the owner-builder's buyer, only to the extent of the
 14 balance due from the owner to the general contractor or from
 15 the owner-builder's buyer to the owner-builder at the time of
 16 the service of such notice; but if the bond was given by the
 17 general contractor or owner-builder, or person contracting with
 18 the subcontractor filing posting the claim for a lien, such
 19 bond shall be enforced to the full extent of the amount found
 20 due the subcontractor.

21 Sec. 3. Section 572.13A, subsections 1 and 2, Code 2013, are
 22 amended to read as follows:

23 1. A general contractor, or owner-builder who has
 24 contracted or will contract with a subcontractor to provide
 25 labor or furnish material for the property, shall post a
 26 notice of commencement of work to the mechanics' notice and
 27 lien registry internet website ~~within~~ no later than ten days
 28 ~~of~~ after the commencement of work on the property. A notice
 29 of commencement of work is effective only as to any labor,
 30 service, equipment, or material furnished to the property
 31 subsequent to the posting of the notice of commencement of
 32 work. A notice of commencement of work shall include all of
 33 the following information:

34 *a.* The name and address of the owner.

35 *b.* The name, address, and telephone number of the general



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1 contractor or owner-builder.

2 *c.* The address of the property or a description of the
 3 location of the property if the property cannot be reasonably
 4 identified by an address.

5 *d.* The legal description of that accurately describes the
 6 property to be charged with the lien.

7 *e.* The date work commenced.

8 *f.* The ~~tax~~ parcel identification number required by law to
 9 be assigned to the property for real estate tax administration
 10 purposes.

11 *g.* Any other information prescribed by the administrator
 12 pursuant to rule.

13 2. If a general contractor or owner-builder fails to
 14 post the required notice of commencement of work to the
 15 mechanics' notice and lien registry internet website pursuant
 16 to subsection 1, within no later than ten days of after the
 17 commencement of the work on the property, a subcontractor may
 18 post the notice in conjunction with the filing posting of the
 19 required preliminary notice pursuant to section 572.13B. A
 20 notice of commencement of work must be posted to the mechanics'
 21 notice and lien registry internet website before preliminary
 22 notices pursuant to section 572.13B may be posted.

23 Sec. 4. Section 572.13A, subsection 3, paragraph c, Code
 24 2013, is amended to read as follows:

25 *c.* The notice described in subsection 1 shall be sent to
 26 the owner's address as posted to the mechanics' notice and
 27 lien registry by the general contractor, owner-builder, or
 28 subcontractor. ~~If the owner's address is different than the~~
 29 ~~property address, a copy of the notice shall also be sent to~~
 30 ~~the property address, addressed to the owner.~~

31 Sec. 5. Section 572.13A, subsection 3, Code 2013, is amended
 32 by adding the following new paragraph:

33 NEW PARAGRAPH. *d.* Notices under this section shall not be
 34 sent to owner-builders.

35 Sec. 6. Section 572.13B, subsection 1, paragraphs g and i,



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1 Code 2013, are amended to read as follows:

2 *g.* The legal description of that accurately describes the
 3 property to be charged with the lien.

4 *i.* The ~~tax~~ parcel identification number required by law to
 5 be assigned to the property for real estate tax administration
 6 purposes.

7 Sec. 7. Section 572.13B, subsection 2, Code 2013, is amended
 8 to read as follows:

9 2. At the time a preliminary notice is posted to the
 10 mechanics' notice and lien registry, the administrator shall
 11 send notification to the owner, including the owner notice
 12 described in section 572.13, subsection 1, and shall ~~deket~~
 13 post the mailing of the notice on the mechanics' notice and
 14 lien registry as prescribed by the administrator pursuant
 15 to rule. Notices under this section shall not be sent to
 16 owner-builders. Upon request, the administrator shall provide
 17 ~~an affidavit of mailing~~ proof of service at no cost for the
 18 notice required under this section.

19 Sec. 8. Section 572.15, Code 2013, is amended to read as
 20 follows:

21 **572.15 Discharge of mechanic's lien — bond.**

22 A mechanic's lien may be discharged at any time by submitting
 23 a bond to the administrator in twice the amount of the sum
 24 for which the claim for the lien is ~~filed~~ posted, with surety
 25 or sureties, to be approved by the administrator, conditioned
 26 for the payment of any sum for which the claimant may obtain
 27 judgment upon the claim.

28 Sec. 9. Section 572.19, Code 2013, is amended to read as
 29 follows:

30 **572.19 Priority over garnishments of the owner.**

31 Mechanics' liens shall take priority of ~~of~~ over all
 32 garnishments of the owner for the contract debts, whether made
 33 prior or subsequent to the commencement of the furnishing of
 34 the material or performance of the labor, without regard to the
 35 date of ~~filing~~ posting the claim for such lien.



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1 Sec. 10. Section 572.22, unnumbered paragraph 1, Code 2013,
 2 is amended to read as follows:

3 ~~The administrator shall endorse upon every claim for a~~
 4 ~~mechanic's lien posted to the mechanics' notice and lien~~
 5 ~~registry internet website the date and hour of posting.~~
 6 Each claim posted to the mechanics' notice and lien registry
 7 internet website shall be properly indexed and shall contain
 8 the following items:

9 Sec. 11. Section 572.22, subsections 5 and 6, Code 2013, are
 10 amended to read as follows:

11 5. The legal description ~~of~~ that accurately describes the
 12 property to be charged with the lien.

13 6. The ~~tax~~ parcel identification number ~~of the property to~~
 14 ~~be charged~~ required by law to be assigned to the property for
 15 real estate tax administration purposes.

16 Sec. 12. Section 572.23, Code 2013, is amended to read as
 17 follows:

18 **572.23 Acknowledgment of satisfaction of claim.**

19 1. When a mechanic's lien is satisfied by payment of the
 20 claim, the claimant shall acknowledge post to the mechanics'
 21 notice and lien registry an acknowledgment of satisfaction
 22 ~~thereof of claim~~ and, if the claimant neglects to do so for
 23 thirty days after demand in writing is personally served upon
 24 the claimant, the claimant shall forfeit and pay twenty-five
 25 dollars to the owner, general contractor, or owner-builder and
 26 be liable to any person injured to the extent of the injury.

27 2. If ~~satisfaction is not acknowledged~~ an acknowledgment of
 28 satisfaction of claim is not posted to the mechanics' notice
 29 and lien registry within thirty days after service of the
 30 demand in writing, the party serving the demand or causing the
 31 demand to be served may ~~file for record with the administrator~~
 32 post to the mechanics' notice and lien registry a copy of
 33 the demand with proofs of service attached and endorsed and,
 34 in case of service by publication, a personal affidavit that
 35 personal service could not be made within this state. Upon



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1 completion of the requirements of this subsection, the ~~record~~
 2 posting shall be constructive notice to all parties of the
 3 due forfeiture and cancellation of the lien. Upon the ~~filing~~
 4 posting of the demand with the required attachments, the
 5 administrator shall mail a date-stamped copy of the demand to
 6 both parties.

7 Sec. 13. NEW SECTION. **572.23A Partial satisfaction of money**
 8 **debt after posting notice.**

9 1. A general contractor or subcontractor shall post an
 10 acknowledgment of partial satisfaction of a money debt to the
 11 mechanics' notice and lien registry for material, labor, and
 12 equipment furnished by the general contractor or subcontractor.

13 2. If an acknowledgment of partial satisfaction pursuant
 14 to subsection 1 is not posted to the mechanic's notice and
 15 lien registry within thirty days after receipt of written
 16 demand from the owner, general contractor, or owner-builder,
 17 the owner, general contractor, or owner-builder may post an
 18 acknowledgment of partial satisfaction of the money debt and a
 19 copy of the written demand to the mechanics' notice and lien
 20 registry.

21 3. This section applies in situations where the required
 22 notices pursuant to sections 572.13A and 572.13B have been
 23 posted to the mechanics' notice and lien registry but a
 24 mechanic's lien has not been posted.

25 Sec. 14. Section 572.28, subsection 1, Code 2013, is amended
 26 to read as follows:

27 1. Upon the written demand of the owner served on the
 28 ~~lienholder~~ claimant requiring the ~~lienholder~~ claimant to
 29 commence action to enforce the lien, such action shall be
 30 commenced within thirty days thereafter, or the lien and all
 31 benefits derived therefrom shall be forfeited.

32 Sec. 15. Section 572.30, subsection 2, Code 2013, is amended
 33 to read as follows:

34 2. Within fifteen days after receiving notice of nonpayment
 35 the general contractor or owner-builder gives a bond ~~or makes~~



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1 ~~a deposit with the administrator~~, in an amount not less than
 2 the amount necessary to satisfy the nonpayment for which notice
 3 has been given under this section, and in a form approved
 4 by ~~a judge of the district court~~ the administrator, to hold
 5 harmless the owner or person having the improvement made from
 6 any claim for payment of anyone furnishing labor or material
 7 for the improvement, other than the general contractor or
 8 owner-builder.

9 Sec. 16. Section 572.31, Code 2013, is amended to read as
 10 follows:

11 **572.31 Cooperative and condominium housing.**

12 A lien arising under this chapter as a result of the
 13 construction of an apartment house or apartment building which
 14 is owned on a cooperative basis under chapter 499A, or which is
 15 submitted to a horizontal property regime under chapter 499B,
 16 is not enforceable, notwithstanding any contrary provision of
 17 this chapter, as against the interests of an owner in a unit
 18 contained in the apartment house or apartment building acquired
 19 in good faith and for valuable consideration, unless a lien
 20 statement specifically describing the unit is ~~filed~~ posted
 21 under section 572.8 within the applicable time period specified
 22 in section 572.9, but determined from the date on which the
 23 last of the material was supplied or the last of the labor was
 24 performed in the construction of that unit.

25 Sec. 17. Section 572.33A, Code 2013, is amended to read as
 26 follows:

27 **572.33A Liability of owner to general contractor —**
 28 **commercial construction.**

29 1. An owner of a building, land, or improvement upon which
 30 a mechanic's lien of a subcontractor may be ~~filed~~ posted, is
 31 not required to pay the general contractor for compensation
 32 for work done or material furnished for the building, land,
 33 or improvement until the expiration of ninety days after the
 34 completion of the building or improvement unless the general
 35 contractor furnishes to the owner one of the following:

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1 ~~1-~~ a. Receipts and waivers of claims for mechanics' liens,
2 signed by all persons who furnished material or performed labor
3 for the building, land, or improvement.

4 ~~2-~~ b. A good and sufficient bond to be approved by the
5 owner, conditioned that the owner shall be held harmless from
6 any loss which the owner may sustain by reason of the ~~filing~~
7 posting of mechanics' liens by subcontractors.

8 2. This section applies only to commercial construction
9 properties.

10 Sec. 18. Section 572.34, Code 2013, is amended to read as
11 follows:

12 **572.34 Mechanics' notice and lien registry — ~~residential~~**
13 **~~construction.~~**

14 1. A mechanics' notice and lien registry is created and
15 shall be administered by the administrator. The administrator
16 shall adopt rules pursuant to chapter 17A for the creation and
17 administration of the registry.

18 2. The mechanics' notice and lien registry shall be
19 accessible to the general public through the administrator's
20 internet website.

21 3. a. The administrator shall index the legal descriptions
22 of the properties for which notices and liens are posted to
23 the registry. For the purpose of performing a search of the
24 registry the legal description shall be the controlling index
25 category.

26 b. The registry shall be indexed by owner name, general
27 contractor name, mechanics' notice and lien registry number,
28 property address, legal description, ~~tax~~ parcel identification
29 number required by law to be assigned to the property for real
30 estate tax administration purposes, and any other identifier
31 considered appropriate as determined by the administrator
32 pursuant to rule.

33 4. ~~A general contractor, owner-builder, or subcontractor~~
34 Any person who posts fictitious, forged, or false information
35 to the mechanics' notice and lien registry shall be subject



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1 information required for precommencement and preliminary
2 notices.

3 The bill specifies that general contractors and
4 owner-builders do not have to send precommencement notices to
5 owner-builders.

6 The bill requires the administrator (secretary of state) to
7 provide proof of service for notices posted on the registry and
8 eliminates the requirement that the administrator endorse every
9 claim for a mechanic's lien posted on the registry.

10 The bill specifies that each claim posted to the
11 registry internet website shall be properly indexed by the
12 administrator, and shall include items including the name
13 of the person who posted the claim, the date and hour of
14 the posting, and the amount of the claim. The bill makes
15 changes to the registry indexing requirements and requires the
16 administrator to index the legal descriptions of the properties
17 for which notices and liens are posted to the registry.

18 The bill provides that when a mechanic's lien is satisfied
19 by payment of the claim, the claimant must acknowledge
20 satisfaction by posting an acknowledgment of the satisfaction
21 to the registry. If such an acknowledgment is not posted to
22 the registry within 30 days after service of the demand in
23 writing, the party serving the demand may post a copy of the
24 demand to the registry.

25 The bill provides that a general contractor or subcontractor
26 shall post an acknowledgment of partial satisfaction of a money
27 debt to the mechanics' notice and lien registry for material,
28 labor, and equipment furnished by the general contractor or
29 subcontractor. If an acknowledgment of partial satisfaction
30 is not posted to the registry within 30 days after receipt
31 of written demand from the owner, general contractor, or
32 owner-builder, the owner, general contractor, or owner-builder
33 may post an acknowledgment of partial satisfaction of the money
34 debt and a copy of the written demand to the mechanics' notice
35 and lien registry. This provision applies in situations where



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1 the required notices pursuant to Code sections 572.13A and
2 572.13B have been posted to the mechanics' notice and lien
3 registry but a mechanic's lien has not been posted.

4 The bill provides that in a civil action by a subcontractor
5 or owner against a general contractor or owner-builder, a
6 bond given by a general contractor or owner-builder shall be
7 approved by the administrator instead of the court.

8 The bill provides that the posting by any person of
9 fictitious, forged, or false information to the registry is
10 subject to a penalty as determined by the administrator.

11 The bill provides that precommencement and preliminary
12 notices and mechanic's liens shall be posted to the mechanics'
13 notice and lien registry electronically on the administrator's
14 internet website.

15 The bill provides that the posting of a notice or a lien
16 to the mechanics' notice and lien registry internet website
17 along with the requisite filing fees and the sending of an
18 acknowledgment receipt by the administrator is equivalent to a
19 filing and recording of the appropriate notice or lien in the
20 county in which the real estate is located.

21 The bill provides that a preliminary notice that remains
22 posted on the mechanics' notice and lien registry internet
23 website two years after the date of posting shall be declared
24 inactive by the administrator, unless renewed. A commencement
25 of work, if there are no related active postings, shall be
26 declared inactive two years from the date of posting, unless
27 renewed. The administrator is also required to establish a
28 process for the removal of inactive notices and for the renewal
29 of notices pursuant to rule.



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Senate File 361 - Introduced

SENATE FILE 361
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1214)

A BILL FOR

1 An Act relating to estates and trusts and including retroactive
2 and other applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 633.273A **Disposition of failed**
 2 **devise.**

3 Unless from the terms of the will the intent is clear and
 4 explicit to the contrary, and except as provided in section
 5 633.273:

6 1. A devise, other than a residuary devise, that fails for
 7 any reason becomes a part of the residuary estate.

8 2. If the residuary estate is devised to two or more
 9 persons, the share of a residuary devisee that fails for any
 10 reason passes to the other residuary devisee or to the other
 11 residuary devisees in proportion to the interest of each in the
 12 remaining part of the residuary estate.

13 Sec. 2. Section 633.279, subsection 2, paragraph a, Code
 14 2013, is amended by striking the paragraph and inserting in
 15 lieu thereof the following:

16 a. An attested will may be made self-proved at the time of
 17 its execution, or at any subsequent date, by the acknowledgment
 18 thereof by the testator and the affidavits of the witnesses,
 19 each made before a person authorized to administer oaths
 20 and take acknowledgments under the laws of this state, and
 21 evidenced by such person's certificate, under seal, attached
 22 or annexed to the will, in form and content substantially as
 23 follows:

24 Affidavit

25 State of.....)
 26 County of.....) ss

27 We, the undersigned,, and, the
 28 testator and the witnesses, respectively, whose names are
 29 signed to the attached or foregoing instrument, being first
 30 duly sworn, declare to the undersigned authority that at the
 31 date of the instrument, we all knew the identity of each other;
 32 the instrument was exhibited to the witnesses by the testator,
 33 who declared it to be the testator's last will and testament
 34 and was signed by the testator or by another at the direction
 35 of the testator at, in the County of, State

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1 of, on the date shown in the instrument, and in the
2 presence of each other as subscribing witnesses; that we, as
3 witnesses, declare to the undersigned authority that in our
4 presence the testator executed and acknowledged such will as
5 the testator's will and that we, in the testator's presence, at
6 the testator's request, and in the presence of each other, did
7 subscribe our names thereto as attesting witnesses on the date
8 of such will; and that the witnesses were sixteen years of age
9 or older.

10

11 Testator

12

13 Witness

14

15 Witness

16

17 Subscribed, sworn and acknowledged before me by, the
18 testator; and subscribed and sworn before me by and
19, witnesses, this ... day of (month), ... (year)
20

21

22 Notary Public, or other notarial
23 officer authorized to take
24 (Stamp) and certify acknowledgments
25 and administer oaths

26 Sec. 3. Section 633.290, Code 2013, is amended to read as
27 follows:

28 633.290 ~~Petition for probate of will~~ Petitions after death
29 of testator.

30 ~~1. At the time the will of a decedent is filed with the~~
31 ~~clerk, or thereafter,~~ After the death of the testator, any
32 interested person may file a verified petition in the district
33 court of the proper county for any of the following:

34 ~~1- a.~~ a. To have the will admitted to probate.

35 ~~2- b.~~ b. For the appointment of the executor.



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1 c. To request a hearing before the will is admitted to
 2 probate.
 3 d. To request a hearing before the appointment of the
 4 executor.
 5 e. For the production of the purported will of the decedent
 6 to be filed by the person believed by the petitioner to be in
 7 possession of the will.

8 ~~2. A petition for probate may be combined with a petition~~
 9 ~~for appointment of the executor, and any person interested~~
 10 ~~in either the probate of a will or in the appointment of~~
 11 ~~the executor, may petition for both~~ Petitions for any of the
 12 reasons specified in subsection 1 may be combined.

13 Sec. 4. Section 633.295, Code 2013, is amended to read as
 14 follows:

15 **633.295 Testimony of witnesses.**

16 The proof may be made by the oral or written testimony of
 17 one or more of the subscribing witnesses to the will. If such
 18 testimony is in writing, it shall be substantially in the
 19 following form executed and sworn to after the death of the
 20 decedent:

21 In the District Court of Iowa
 22 In and for County
 23 In the Matter of the Estate of
 24, Deceased
 25 Probate No.

26 Testimony of Subscribing
 27 Witness on Probate of Will.

28 State of)
 29 County) ss

30 I,, being first duly sworn, state:
 31 I reside in the County of, State of; I knew
 32 the identity of the testator on the day of (month),
 33 ... (year), the date of the instrument, the original or exact
 34 reproduction of which is attached hereto, now shown to me,
 35 and purporting to be the last will and testament of the said



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1 , deceased; I am one of the subscribing witnesses
 2 to said instrument; at the said date of said instrument, I
 3 knew the identity of , the other subscribing witness;
 4 that said instrument was exhibited to me and to the other
 5 subscribing witness by the testator, who declared the same to
 6 be the testator's last will and testament, and was signed by
 7 the testator at , in the County of , State of
 8 , on the date shown in said instrument, in the presence
 9 of myself and the other subscribing witness; and the other
 10 subscribing witness and I then and there, at the request of the
 11 testator, in the presence of said testator and in the presence
 12 of each other, subscribed our names thereto as witnesses.

13

14 Name of witness

15

16 Address

17 Subscribed and sworn to before me this ... day of

18 (month), ... (year)

19

20 Notary Public in and for
 21 (Stamp) the State of

22 Sec. 5. Section 633.356, subsection 3, paragraph c, Code
 23 2013, is amended to read as follows:

24 *c.* That the gross value of the decedent's personal property
 25 that would otherwise be distributed by will or intestate
 26 succession does not exceed twenty-five thousand dollars and
 27 there is no real property or the real property passes to
 28 persons exempt from inheritance tax pursuant to section 450.9
 29 as joint tenants with right of survivorship.

30 Sec. 6. Section 633.575, Code 2013, is amended by adding the
 31 following new subsection:

32 NEW SUBSECTION. 7. If the court determines upon application
 33 that it is appropriate or necessary, the court may order that
 34 the attorney appointed pursuant to this section be given copies
 35 of and access to the proposed ward's health information by



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1 describing with reasonable specificity the health information
 2 to be disclosed or accessed, for the purpose of fulfilling the
 3 attorney's responsibilities pursuant to this section.

4 Sec. 7. Section 633A.4504, subsection 3, Code 2013, is
 5 amended to read as follows:

6 3. Any claim for breach of trust against a trustee who
 7 has presented an accounting or report to a beneficiary more
 8 than one year prior to July 1, ~~2011~~ 2000, shall be time barred
 9 unless some exception stated in this section applies which
 10 tolls the statute. Any claim arising under this section within
 11 one year of July 1, ~~2011~~ 2000, shall be time barred after one
 12 year unless an exception applies to toll the statute.

13 Sec. 8. Section 635.1, Code 2013, is amended to read as
 14 follows:

15 **635.1 When applicable.**

16 When the gross value of the probate assets of a decedent
 17 subject to the jurisdiction of this state does not exceed one
 18 hundred thousand dollars, and upon a petition as provided in
 19 section 635.2 of an authorized petitioner in accordance with
 20 ~~section~~ sections 633.227, and 633.228, or section 633.290,
 21 subsection 1, paragraph "a" or "b", the clerk shall issue
 22 letters of appointment for administration to the proposed
 23 personal representative named in the petition, if qualified to
 24 serve pursuant to section 633.63 or upon court order pursuant
 25 to section 633.64. Unless otherwise provided in this chapter,
 26 the provisions of chapter 633 apply to an estate probated
 27 pursuant to this chapter.

28 Sec. 9. APPLICABILITY.

29 1. The sections of this Act amending sections 633.273A,
 30 633.279, and 633.295 apply to estates of decedents dying on or
 31 after July 1, 2013.

32 2. The sections of this Act amending sections 633.290 and
 33 635.1 apply to petitions filed on or after July 1, 2013.

34 3. The section of this Act amending section 633.575 applies
 35 to all judicial proceedings held on or after July 1, 2013, in



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1 which an order for the appointment of a conservatorship is
 2 sought or has been issued.
 3 4. The section of this Act amending section 633A.4504
 4 applies retroactively to all reports and accountings provided
 5 by a trustee, unless an exception applies, to one year from
 6 July 1, 2000.

7 EXPLANATION

8 PROBATE CODE.
 9 DISPOSITION OF FAILED DEVISE. This bill creates new Code
 10 section 633.273A. New subsection 1 codifies the common law
 11 concept of lapse that applies in a situation where a devisee
 12 (beneficiary) named in a will dies before the testator (person
 13 who creates the will). In such a situation, the testator's
 14 estate (property) passes to the testator's residuary estate
 15 (any portion of the testator's estate not specifically devised
 16 in a will). New subsection 2 reverses the common law doctrine
 17 of "no residue of a residue" that addresses the situation
 18 where a residuary (devisee) dies before the testator and the
 19 testator's residuary estate passes as though the testator died
 20 intestate (without a will). The bill provides that if the
 21 residuary estate is devised to two or more devisees and one
 22 devisee has died, then the entire residuary estate is passed to
 23 the surviving residuary devisee or devisees. These provisions
 24 apply except as provided in Code section 633.273 relating to
 25 devises to certain relatives of the testator who survive the
 26 testator (Iowa's anti-lapse statute) and unless the terms of
 27 the will explicitly provide otherwise. This provision applies
 28 to all decedents dying on or after July 1, 2013.

29 SELF-PROVING WILL AFFIDAVIT. The bill amends Code
 30 section 633.279, subsection 2, relating to the execution of a
 31 self-proving will which allows the testator and witnesses to
 32 the will to submit a notarized affidavit. The bill amends the
 33 language of the affidavit to make the language consistent with
 34 the language of a formal will execution. A conforming change
 35 is made to Code section 633.295 relating to the testimony of

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1 witnesses to the will. The amendments apply to estates of
 2 decedents dying on or after July 1, 2013.

3 PETITIONS FILED AFTER DEATH OF TESTATOR. Current Code
 4 section 633.290 provides that after a testator (person who
 5 executed a will) dies, any interested person may file a
 6 petition with the court to admit the will to probate or to have
 7 an executor appointed. The bill expands the scope of this
 8 Code section to also allow any interested person to file a
 9 petition with the court to request a hearing before the will
 10 is admitted to probate or before an executor is appointed, and
 11 for the production of the decedent's purported will. Petitions
 12 for any of the reasons specified may be combined. The bill
 13 makes a conforming change to Code section 635.1, relating to
 14 the administration of small estates. These provisions apply to
 15 petitions filed on or after July 1, 2013.

16 DISTRIBUTION OF PROPERTY BY AFFIDAVIT. The bill amends Code
 17 section 633.356, subsection 3, relating to the distribution of
 18 property by affidavit in certain situations where the gross
 19 value of the decedent's personal property that would otherwise
 20 be distributed does not exceed \$25,000. The bill adds the
 21 words "that would otherwise be distributed by will or intestate
 22 succession" consistent with changes made to this Code section
 23 in 2010 Iowa Acts, chapter 1137 (HF 2483).

24 CONSERVATORSHIP PROCEEDINGS — APPOINTED ATTORNEY ACCESS
 25 TO HEALTH INFORMATION. The bill provides that if the court
 26 determines it would be in a ward's best interest to have legal
 27 representation with respect to conservatorship proceedings, the
 28 court may order that the attorney appointed be given copies
 29 of and access to the proposed ward's health information by
 30 describing with reasonable specificity the health information
 31 to be disclosed or accessed, for the purpose of fulfilling the
 32 attorney's responsibilities. This provision applies to all
 33 judicial proceedings, in which an order for the appointment
 34 of a conservatorship is sought or has been issued, held on or
 35 after July 1, 2013.

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1 TRUST CODE — LIMITATION OF ACTION AGAINST TRUSTEE. Current
2 law in Code section 633A.4504 bars a lawsuit against a trustee
3 for breach of trust unless the lawsuit is filed within one
4 year after the beneficiary's receipt of the final accounting
5 or report of the trustee. This law was enacted as a transition
6 provision barring claims against trustees who provided reports
7 to beneficiaries before the trust code was enacted in 2000 to
8 provide that the statute-of-limitation period was one year from
9 July 1, 2000. In 2012 Iowa Acts chapter 1123 (HF 609), the
10 year was amended to July 1, 2011. The bill amends this date
11 retroactively applicable to July 1, 2000.



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Senate File 362 - Introduced

SENATE FILE 362
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 249)

A BILL FOR

1 An Act relating to the use of the term relative in child
2 in need of assistance and termination of parental rights
3 proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 232.2, Code 2013, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 46A. "Relative" for purposes of divisions
 4 III and IV of this chapter includes the parent of a sibling.

5 Sec. 2. Section 232.84, subsection 2, Code 2013, is amended
 6 to read as follows:

7 2. Within thirty days after the entry of an order under
 8 this chapter transferring custody of a child to an agency
 9 for placement, the agency shall exercise due diligence in
 10 identifying and providing notice to the child's grandparents,
 11 aunts, uncles, adult siblings, parents of the child's siblings,
 12 and adult relatives suggested by the child's parents, subject
 13 to exceptions due to the presence of family or domestic
 14 violence.

15 **EXPLANATION**

16 This bill relates to the use of the term "relative" in
 17 child in need of assistance and termination of parental rights
 18 proceedings. The bill states that "relative" for purposes
 19 of child in need of assistance and termination of parental
 20 rights proceedings includes the parent of a child's sibling.
 21 The bill also requires the department of human services to
 22 provide notice to parents of a child's siblings within 30 days
 23 of an order in a child in need of assistance proceeding that
 24 transfers custody of the child to the department of human
 25 services, juvenile court services, or a private agency for
 26 placement.



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Senate File 363 - Introduced

SENATE FILE 363
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 215)

A BILL FOR

1 An Act relating to the intentional transmission of a contagious
2 or infectious disease, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 709D.1 Title.

2 This chapter shall be known and may be cited as the
 3 *“Contagious or Infectious Disease Transmission Act”*.

4 Sec. 2. NEW SECTION. 709D.2 Definitions.

5 As used in this chapter, unless the context otherwise
 6 requires:

7 1. *“Contagious or infectious disease”* means hepatitis in any
 8 form, meningococcal disease, AIDS or HIV as defined in section
 9 141A.1, or tuberculosis.

10 2. *“Exposes”* means engaging in conduct that poses a
 11 substantial risk of transmission, but does not include conduct
 12 posing a low or negligible risk of transmission, consistent
 13 with guidance issued by the centers for disease control and
 14 prevention of the United States department of health and human
 15 services.

16 3. *“Practical means to prevent transmission”* means
 17 substantial compliance with a treatment regimen prescribed
 18 by a health care provider that measurably limits the risk
 19 of transmission of the contagious or infectious disease,
 20 substantial compliance with behavioral recommendations of
 21 the infected person’s health care provider or public health
 22 officials to measurably limit the risk of transmission of the
 23 contagious or infectious disease, or other methods generally
 24 accepted by the medical profession to measurably limit the risk
 25 of transmission of the contagious or infectious disease, such
 26 as use of a medically indicated respiratory mask or use of a
 27 prophylactic device.

28 Sec. 3. NEW SECTION. 709D.3 Intentional transmission of a
 29 contagious or infectious disease.

30 1. A person commits a class “C” felony when the person
 31 knows the person is infected with a contagious or infectious
 32 disease and exposes an uninfected person to the contagious or
 33 infectious disease with the intent that the uninfected person
 34 contract the contagious or infectious disease, and the conduct
 35 results in the uninfected person becoming infected with the



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1 contagious or infectious disease.

2 2. A person commits a class "D" felony when the person
3 knows the person is infected with a contagious or infectious
4 disease and exposes an uninfected person to the contagious or
5 infectious disease with the intent that the uninfected person
6 contract the contagious or infectious disease, but the conduct
7 does not result in the uninfected person becoming infected with
8 the contagious or infectious disease.

9 3. A person commits an aggravated misdemeanor when the
10 person knows the person is infected with a contagious or
11 infectious disease and exposes an uninfected person to the
12 contagious or infectious disease acting with a reckless
13 disregard as to whether the uninfected person contracts the
14 contagious or infectious disease, and the conduct results in
15 the uninfected person becoming infected with the contagious or
16 infectious disease.

17 4. The act of becoming pregnant while infected with a
18 contagious or infectious disease, continuing a pregnancy while
19 infected with a contagious or infectious disease, or declining
20 treatment for a contagious or infectious disease during
21 pregnancy shall not constitute a crime under this chapter.

22 5. Evidence that a person knows the person is infected with
23 a contagious or infectious disease and has engaged in conduct
24 that exposes others to the contagious or infectious disease,
25 regardless of the frequency of the conduct, is insufficient
26 on its own to prove the intent to transmit the contagious or
27 infectious disease.

28 6. A person does not act with the intent required pursuant
29 to subsection 1 or 2, or with the reckless disregard required
30 pursuant to subsection 3, if the person takes practical
31 means to prevent transmission, or if the person informs
32 the uninfected person that the person has a contagious
33 or infectious disease and offers to take practical means
34 to prevent transmission but that offer is rejected by the
35 uninfected person subsequently exposed to the infectious or



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1 contagious disease.

2 7. It is an affirmative defense to a charge under this
 3 section if the person exposed to the contagious or infectious
 4 disease knew that the infected person was infected with the
 5 contagious or infectious disease at the time of the exposure
 6 and consented to exposure with that knowledge.

7 Sec. 4. Section 141A.9, subsection 2, paragraph i, Code
 8 2013, is amended to read as follows:

9 *i.* Pursuant to sections 915.42 and 915.43, to a convicted or
 10 alleged sexual assault offender; the physician or other health
 11 care provider who orders the test of a convicted or alleged
 12 offender; the victim; the parent, guardian, or custodian of the
 13 victim if the victim is a minor; the physician of the victim
 14 if requested by the victim; the victim counselor or person
 15 requested by the victim to provide counseling regarding the
 16 HIV-related test and results; the victim's spouse; persons
 17 with whom the victim has engaged in vaginal, anal, or oral
 18 intercourse subsequent to the sexual assault; members of the
 19 victim's family within the third degree of consanguinity; and
 20 the county attorney who ~~may use the results as evidence in the~~
 21 ~~prosecution of sexual assault under chapter 915, subchapter V,~~
 22 ~~or prosecution of the offense of criminal transmission of HIV~~
 23 ~~under chapter 709C~~ filed the petition for HIV-related testing
 24 under section 915.42. For the purposes of this paragraph,
 25 "*victim*" means victim as defined in section 915.40.

26 Sec. 5. Section 692A.101, subsection 1, paragraph a,
 27 subparagraph (9), Code 2013, is amended by striking the
 28 subparagraph.

29 Sec. 6. Section 692A.102, subsection 1, paragraph c,
 30 subparagraph (23), Code 2013, is amended by striking the
 31 subparagraph.

32 Sec. 7. Section 915.43, subsections 4 and 5, Code 2013, are
 33 amended to read as follows:

34 4. Results of a test performed under this subchapter,
 35 except as provided in subsection 13, shall be disclosed only



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1 to the physician or other practitioner who orders the test of
 2 the convicted or alleged offender; the convicted or alleged
 3 offender; the victim; the victim counselor or person requested
 4 by the victim to provide counseling regarding the HIV-related
 5 test and results; the physician of the victim if requested by
 6 the victim; the parent, guardian, or custodian of the victim,
 7 if the victim is a minor; and the county attorney who filed
 8 the petition for HIV-related testing under this chapter, ~~who~~
 9 ~~may use the results to file charges of criminal transmission~~
 10 ~~of HIV under chapter 709C.~~ Results of a test performed under
 11 this subchapter shall not be disclosed to any other person
 12 without the written informed consent of the convicted or
 13 alleged offender. A person to whom the results of a test
 14 have been disclosed under this subchapter is subject to the
 15 confidentiality provisions of section 141A.9, and shall not
 16 disclose the results to another person except as authorized by
 17 section 141A.9, subsection 2, paragraph "i".

18 5. If testing is ordered under this subchapter, the court
 19 shall also order periodic testing of the convicted offender
 20 during the period of incarceration, probation, or parole or of
 21 the alleged offender during a period of six months following
 22 the initial test if the physician or other practitioner who
 23 ordered the initial test of the convicted or alleged offender
 24 certifies that, based upon prevailing scientific opinion
 25 regarding the maximum period during which the results of an
 26 HIV-related test may be negative for a person after being
 27 HIV-infected, additional testing is necessary to determine
 28 whether the convicted or alleged offender was HIV-infected
 29 at the time the sexual assault or alleged sexual assault was
 30 perpetrated. The results of the test conducted pursuant to
 31 this subsection shall be released only to the physician or
 32 other practitioner who orders the test of the convicted or
 33 alleged offender, the convicted or alleged offender, the victim
 34 counselor or person requested by the victim to provide the
 35 counseling regarding the HIV-related test and results who shall

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1 disclose the results to the petitioner, the physician of the
 2 victim, if requested by the victim, and the county attorney
 3 who may use the results as evidence in the prosecution of the
 4 sexual assault or in the prosecution of the offense of criminal
 5 transmission of HIV under chapter 709C filed the petition for
 6 HIV-related testing under section 915.42.

7 Sec. 8. REPEAL. Chapter 709C, Code 2013, is repealed.

8 EXPLANATION

9 This bill creates the Contagious or Infectious Disease
 10 Transmission Act and establishes crimes relating to the
 11 intentional transmission of a contagious or infectious disease.

12 The bill provides that a person commits a class "C" felony
 13 when the person knows the person is infected with a contagious
 14 or infectious disease and exposes an uninfected person to
 15 the contagious or infectious disease with the intent that
 16 the uninfected person contract the contagious or infectious
 17 disease, and the conduct results in the uninfected person
 18 becoming infected with the contagious or infectious disease.
 19 A class "C" felony is punishable by confinement for no more
 20 than 10 years and a fine of at least \$1,000 but not more than
 21 \$10,000.

22 A person commits a class "D" felony when the person knows
 23 that the person has a contagious or infectious disease and
 24 exposes an uninfected person to the contagious or infectious
 25 disease with the intent that the uninfected person contract
 26 the contagious or infectious disease, but the conduct does
 27 not result in the uninfected person becoming infected with
 28 the contagious or infectious disease. A class "D" felony is
 29 punishable by confinement for no more than five years and a
 30 fine of at least \$750 but not more than \$7,500.

31 A person commits an aggravated misdemeanor when the person
 32 knows the person is infected with a contagious or infectious
 33 disease and exposes an uninfected person to the contagious
 34 or infectious disease acting with a reckless disregard as
 35 to whether the uninfected person contracts the contagious



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1 or infectious disease, and the conduct results in the
2 uninfected person becoming infected with the contagious or
3 infectious disease. An aggravated misdemeanor is punishable by
4 confinement for no more than two years and a fine of at least
5 \$625 but not more than \$6,250.

6 The bill provides that becoming pregnant while infected with
7 a contagious or infectious disease, continuing a pregnancy
8 while infected with a contagious or infectious disease, or
9 declining treatment for a contagious or infectious disease
10 during pregnancy does not constitute a crime under the bill.

11 The bill also specifies that evidence that a person knows the
12 person is infected with a contagious or infectious disease and
13 has engaged in conduct that exposes others to the contagious or
14 infectious disease, regardless of the frequency of the conduct,
15 is insufficient on its own to prove the intent to transmit
16 the contagious or infectious disease. Additionally, the bill
17 specifies that a person does not act with the intent or the
18 reckless disregard required to commit the crimes specified
19 under the bill if the person takes practical means to prevent
20 transmission, or if the person informs the uninfected person of
21 the person's contagious or infectious disease status and offers
22 to take practical means to prevent transmission but that offer
23 is rejected by the uninfected person subsequently exposed to
24 the infectious or contagious disease. Under the bill, it is an
25 affirmative defense to a charge under the bill if the person
26 exposed to the contagious or infectious disease knew that the
27 infected person was infected with the contagious or infectious
28 disease at the time of the exposure and consented to exposure
29 with that knowledge.

30 The bill also repeals the provision establishing the knowing
31 transmission of the human immunodeficiency virus (HIV) as
32 a crime under Code section 709C.1. Under current Code, a
33 person commits criminal transmission of HIV if the person,
34 knowing that the person's human immunodeficiency virus status
35 is positive, engages in intimate contact with another person;

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1 transfers, donates, or provides the person's blood, tissue,
2 semen, organs, or other potentially infectious bodily fluids
3 for transfusion, transplantation, insemination, or other
4 administration to another person; or dispenses, delivers,
5 exchanges, sells, or in any other way transfers to another
6 person any nonsterile intravenous or intramuscular drug
7 paraphernalia previously used by the person infected with the
8 human immunodeficiency virus. Under current law, criminal
9 transmission of the human immunodeficiency virus is a class "B"
10 felony, which is punishable by confinement for no more than 25
11 years. The bill also makes conforming amendments throughout
12 the Code to eliminate references to the repealed Code section.



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Senate File 364 - Introduced

SENATE FILE 364
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1204)

A BILL FOR

1 An Act concerning vehicle registration fees, including matters
2 relating to evasion of fees and to fees for electric
3 vehicles, providing penalties, and including applicability
4 provisions.

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

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1 Section 1. Section 321.55, Code 2013, is amended to read as
 2 follows:

3 **321.55 Registration and financial liability coverage required**
 4 **for certain vehicles owned or operated by nonresidents.**

5 1. A nonresident owner or operator engaged in remunerative
 6 employment within ~~the~~ this state or carrying on business
 7 within ~~the~~ this state and owning or operating a motor vehicle,
 8 trailer, or semitrailer within ~~the~~ this state shall register
 9 and maintain financial liability coverage as required under
 10 section 321.20B for each vehicle and pay the same fees for
 11 registration as are paid for like vehicles owned by residents
 12 of this state. However, this ~~paragraph~~ subsection does not
 13 apply to a person commuting from the person's residence in
 14 another state or whose employment is seasonal or temporary, not
 15 exceeding ninety days.

16 2. a. A nonresident owner of a motor vehicle operated
 17 within ~~the~~ this state by a resident of ~~the~~ this state shall
 18 register the vehicle and shall maintain financial liability
 19 coverage as required under section 321.20B for the vehicle.
 20 The nonresident owner shall pay the same fees for registration
 21 as are paid for like vehicles owned by residents of this state.
 22 However, registration under this paragraph is not required for
 23 vehicles being operated by residents temporarily, ~~not exceeding~~
 24 for not more than ninety days. For purposes of this paragraph,
 25 a vehicle is not operated in the state temporarily, and is
 26 therefore subject to registration and the owner is required
 27 to pay the applicable fees, if the vehicle is located in Iowa
 28 for more than ninety consecutive or nonconsecutive days and is
 29 operated on an Iowa highway by an Iowa resident during that
 30 time. It is unlawful for a resident to operate within the
 31 state an unregistered motor vehicle required to be registered
 32 under this paragraph. The ninety-day temporary period of
 33 operation provided for under this paragraph does not apply to a
 34 vehicle owned by a shell business as provided in paragraph "b".

35 b. On or after July 1, 2013, if the department, in



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1 consultation with the department of revenue, determines that
2 the nonresident owner of a vehicle is a partnership, limited
3 liability company, or corporation that is a shell business, it
4 shall be rebuttably presumed that the Iowa resident in control
5 of the vehicle is the actual owner of the vehicle, that the
6 vehicle is subject to registration in this state, and that
7 payment of the fee for new registration for the vehicle is owed
8 by the Iowa resident.

9 (1) Factors which indicate that a partnership, limited
10 liability company, or corporation is a shell business include
11 but are not limited to the following:

12 (a) The partnership, limited liability company, or
13 corporation lacks a specific business activity or purpose.

14 (b) The partnership, limited liability company, or
15 corporation fails to maintain a physical location in the
16 foreign state.

17 (c) The partnership, limited liability company, or
18 corporation fails to employ individual persons and provide
19 those persons with internal revenue service form W-2 wage and
20 tax statements.

21 (d) The partnership, limited liability company, or
22 corporation fails to file federal tax returns, or fails to file
23 a required state tax return in the foreign state.

24 (2) Factors which indicate that a person is in control of a
25 vehicle include but are not limited to the following:

26 (a) The person was the initial purchaser of the vehicle.

27 (b) The person operated or stored the vehicle in Iowa for
28 any period of time.

29 (c) The person is a partner, member, or shareholder of
30 the nonresident partnership, limited liability company, or
31 corporation that purports to be the owner of the vehicle.

32 (d) The person is insured to drive the vehicle.

33 (3) If the department determines that the nonresident owner
34 of a vehicle is a shell business, the department shall notify
35 the Iowa resident in control of the vehicle in writing that



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1 the Iowa resident is required to obtain an Iowa certificate of
 2 title and registration for the vehicle and pay the fee for new
 3 registration owed for the vehicle not later than thirty days
 4 from the date of the notice.

5 Sec. 2. Section 321.105A, subsection 7, Code 2013, is
 6 amended to read as follows:

7 *7. Penalty for false statement or evasion of fee.*

8 a. A person who willfully makes a false statement in
 9 regard to the purchase price of a vehicle subject to a fee
 10 for new registration or willfully attempts in any manner to
 11 evade payment of the fee required by this section is guilty
 12 of a fraudulent practice. A person who willfully makes a
 13 false statement in regard to the purchase price of such a
 14 vehicle with the intent to evade payment of the fee for new
 15 registration or willfully attempts in any manner to evade
 16 payment of the fee required by this section shall be assessed
 17 a penalty of seventy-five percent of the amount of the fee
 18 unpaid and required to be paid on the actual purchase price
 19 less trade-in allowance.

20 b. An Iowa resident found to be in control of a vehicle
 21 which is owned by a shell business and for which the fee for new
 22 registration has not been paid, as provided in section 321.55,
 23 subsection 2, is guilty of a fraudulent practice. An Iowa
 24 resident found to be in control of a vehicle which is owned by
 25 a shell business and for which the fee for new registration
 26 has not been paid, as provided in section 321.55, subsection
 27 2, shall be assessed a penalty of seventy-five percent of the
 28 amount of the fee unpaid and required to be paid on the actual
 29 purchase price less trade-in allowance.

30 Sec. 3. REPEAL. Section 321.116, Code 2013, is repealed.

31 Sec. 4. APPLICABILITY — PRIOR ELECTRIC VEHICLE
 32 REGISTRATIONS.

33 1. Except as provided in subsection 2, the section of this
 34 Act that repeals section 321.116 applies to the registration of
 35 electric motor vehicles for registration years beginning on or



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1 after January 1, 2014.

2 2. For an annual renewal of registration for an electric
3 motor vehicle which was registered to the same owner for a
4 registration year beginning prior to January 1, 2014, the
5 annual registration fee shall be according to the terms of
6 section 321.116, Code 2013.

7 EXPLANATION

8 This bill contains provisions relating to collection of
9 the fee for new registration from vehicle owners who attempt
10 to evade payment of the fee, including resident owners who
11 establish a shell business in another state. In addition,
12 the bill provides for annual registration fees for electric
13 vehicles based on the weight and value of the vehicle.

14 Under current law, the nonresident owner of a motor vehicle
15 which is operated within this state by a resident of this
16 state must register the vehicle in Iowa and pay the same fees
17 required for registration of a vehicle by a resident owner.
18 However, registration is not required for a vehicle owned by
19 a nonresident and operated in this state by an Iowa resident
20 for a temporary period of not more than 90 days. The bill
21 provides that if a vehicle owned by a nonresident is located in
22 Iowa for more than 90 consecutive or nonconsecutive days and is
23 operated by an Iowa resident during that time, the vehicle is
24 not considered to be in the state temporarily.

25 The bill provides that on or after July 1, 2013, if the
26 department of transportation, in consultation with the
27 department of revenue, determines that the nonresident owner
28 of a vehicle is a partnership, limited liability company, or
29 corporation that is a shell business, there is a rebuttable
30 presumption that the Iowa resident in control of the vehicle
31 is the actual owner of the vehicle, that the vehicle is
32 subject to registration in this state, and that the fee for
33 new registration for the vehicle is owed by the Iowa resident.
34 The 90-day grace period does not apply to such a vehicle,
35 and the department of transportation shall notify the Iowa

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1 resident in control of the vehicle of the requirement to obtain
2 a certificate of title and registration for the vehicle and
3 pay the applicable fee for registration within 30 days of the
4 date of the notice. The bill lists factors that identify a
5 shell business, including but not limited to lacking a specific
6 business activity or purpose, failing to maintain a physical
7 location in the foreign jurisdiction, failing to employ
8 individuals and issue federal W-2 forms, and failing to file
9 federal or state tax returns. Factors used to identify the
10 person in control of the vehicle include that the person was
11 the original purchaser of the vehicle; that the person operated
12 or stored the vehicle in Iowa for any period of time; that the
13 person is a partner, member, or shareholder of the nonresident
14 partnership, limited liability company, or corporation that
15 purports to be the owner of the vehicle; or that the person is
16 insured to operate the vehicle.

17 The bill provides that a person who willfully attempts to
18 evade payment of the fee for new registration is guilty of
19 a fraudulent practice. The bill also provides that a person
20 who is found to be in control of a vehicle that is owned by a
21 shell business and for which the fee for new registration is
22 unpaid is guilty of a fraudulent practice. In addition to any
23 criminal penalty, the person shall be assessed a penalty of
24 75 percent of the amount of the fee unpaid and required to be
25 paid. These are the same penalties that apply for making a
26 false statement in regard to the purchase price of a vehicle
27 subject to the fee for new registration.

28 Code section 321.116, which establishes an annual
29 registration fee of \$25 for an electric motor vehicle up to
30 five model years old and a fee of \$15 thereafter, is repealed.
31 As a result, electric motor vehicles will be subject to
32 registration fees based on the weight and value of the vehicle.
33 The change applies for registration years beginning on or after
34 January 1, 2014. However, current fees will continue to apply
35 to registration renewals for electric motor vehicles registered



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1 to the same owner for a registration year beginning prior to
2 January 1, 2014.



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Senate File 365 - Introduced

SENATE FILE 365
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1178)

A BILL FOR

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

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

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

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

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

EXPLANATION

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



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Senate File 366 - Introduced

SENATE FILE 366
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 49)

A BILL FOR

1 An Act relating to radon control and making penalties
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 103A.8D Residential construction**
 2 **requirements and standards for radon control.**

3 The state building code commissioner shall adopt as a part
 4 of the state building code construction requirements and
 5 standards for radon control in new residential construction.
 6 The requirements and standards adopted by the commissioner
 7 shall be based upon the radon control method requirements of
 8 the international code council's most recent international
 9 residential code. Notwithstanding any other provision of
 10 this chapter to the contrary, the construction requirements
 11 and standards for radon control adopted by the commissioner
 12 and approved by the council shall apply to new residential
 13 construction commenced on or after January 1, 2015, and shall
 14 supersede and replace any minimum requirements and standards
 15 for radon control in new residential construction adopted or
 16 enacted by a governmental subdivision prior to that date.
 17 The state building code commissioner may provide training to
 18 builders, contractors, and other interested persons on the
 19 construction requirements and standards for radon control
 20 in residential construction. A builder of a residence for
 21 resale shall not be liable for any claims related to radon
 22 control standards or requirements after the conveyance of the
 23 residence.

24 Sec. 2. Section 103A.10, Code 2013, is amended by adding the
 25 following new subsection:

26 **NEW SUBSECTION. 6.** Notwithstanding any other provision of
 27 this chapter to the contrary, the construction requirements and
 28 standards for radon control in new residential construction
 29 adopted by the commissioner and approved by the council shall
 30 apply to all new residential construction commenced on or after
 31 January 1, 2015, and shall supersede and replace any minimum
 32 requirements or standards for radon control in new residential
 33 construction adopted or enacted by the governmental subdivision
 34 prior to that date. A builder of a residence for resale shall
 35 not be liable for any claims related to radon control standards

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1 or requirements after the conveyance of the residence.

2 Sec. 3. Section 136B.1, subsections 2 and 3, Code 2013, are
 3 amended to read as follows:

4 2. The department shall establish programs and adopt rules
 5 for the certification of persons who test for the presence of
 6 radon gas ~~and radon progeny~~ in buildings, the credentialing of
 7 persons abating the level of radon in buildings, and standards
 8 for radon abatement systems.

9 3. Following the establishment of the certification
 10 and credentialing programs by the department, a person who
 11 is not certified, as appropriate, shall not test for the
 12 presence of radon gas ~~and radon progeny~~, and a person who is
 13 not credentialed, as required, shall not perform abatement
 14 measures. This section does not apply to a person performing
 15 the testing or abatement on a building which the person
 16 owns, or to a person performing testing or abatement without
 17 compensation.

18 Sec. 4. Section 136B.2, subsection 1, paragraph b, Code
 19 2013, is amended to read as follows:

20 b. A Except as otherwise provided in section 558A.4,
 21 subsection 1, and section 562A.13, subsection 7, a person shall
 22 not disclose to any other person, except to the department,
 23 the address or owner of a nonpublic building that the person
 24 tested for the presence of radon gas ~~and radon progeny~~, unless
 25 the owner of the building waives, in writing, this right of
 26 confidentiality. Any test results disclosed shall be results
 27 of a test performed within the five years prior to the date of
 28 the disclosure.

29 Sec. 5. Section 136B.2, subsection 2, Code 2013, is amended
 30 to read as follows:

31 2. a. Notwithstanding the requirements of this section,
 32 disclosure to any person of the results of a test performed
 33 on a nonpublic building for the presence of radon gas ~~and~~
 34 ~~radon progeny~~ is not required if the results do not exceed the
 35 currently established United States environmental protection



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1 agency action guidelines, except as otherwise provided in
 2 section 558A.4, subsection 1, and section 562A.13, subsection
 3 7.

4 **b.** A Except as otherwise provided in section 558A.4,
 5 subsection 1, and section 562A.13, subsection 7, a person
 6 who tests a nonpublic building which the person owns is not
 7 required to disclose to any person the results of a test for
 8 the presence of radon gas ~~or progeny~~ if the test is performed
 9 by the person who owns the nonpublic building.

10 Sec. 6. Section 136B.3, Code 2013, is amended to read as
 11 follows:

12 **136B.3 Testing and reporting of radon level.**

13 The department or its duly authorized agents shall from time
 14 to time perform inspections and testing of the premises of a
 15 property to determine the level at which it is contaminated
 16 with radon gas ~~or radon progeny~~ as a spot-check of the validity
 17 of measurements or the adequacy of abatement measures performed
 18 by persons certified or credentialed under section 136B.1.
 19 Following testing the department shall provide the owner of
 20 the property with a written report of its results including
 21 the concentration of radon gas ~~or radon progeny~~ contamination
 22 present, an interpretation of the results, and recommendation
 23 of appropriate action. A person certified or credentialed
 24 under section 136B.1 shall also be advised of the department's
 25 results, discrepancies revealed by the spot-check, actions
 26 required of the person, and actions the department intends to
 27 take with respect to the person's continued certification or
 28 credentialing.

29 Sec. 7. Section 136B.4, Code 2013, is amended to read as
 30 follows:

31 **136B.4 Fees — rules.**

32 1. The department shall establish ~~a fee schedule to defray~~
 33 ~~the costs of~~ and collect fees for the certification and
 34 credentialing programs established pursuant to section 136B.1
 35 and the testing conducted and the written reports provided



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1 pursuant to section 136B.3. The fees collected may be used for
 2 educational purposes to promote awareness of and testing for
 3 radon.

4 2. Fees collected pursuant to this section shall be retained
 5 by the department, shall be considered repayment receipts as
 6 defined in section 8.2, and shall be used for the purposes
 7 described in this section, including but not limited to the
 8 addition of full-time equivalent positions for program services
 9 and investigations.

10 3. The department shall adopt rules, pursuant to chapter
 11 17A, to implement this chapter.

12 Sec. 8. **NEW SECTION. 136B.7 Radon education fund.**

13 1. A radon education fund is created in the state treasury
 14 to be administered by the department of public health. The
 15 fund shall consist of all moneys deposited into the fund
 16 pursuant to section 136B.4.

17 2. Moneys in the fund shall be used by the department to
 18 provide radon program education.

19 3. Notwithstanding section 12C.7, subsection 2, interest or
 20 earnings on moneys in the fund shall be credited to the fund.

21 Sec. 9. **NEW SECTION. 280.30 Radon testing and mitigation.**

22 1. For purposes of this section, "short-term test" means
 23 a test approved by the department of public health in which a
 24 testing device remains in an area for not less than two days
 25 and not more than ninety days to determine the amount of radon
 26 in the air that is acceptable for human inhalation.

27 2. The board of directors of each public school district
 28 and the authorities in charge of each nonpublic school shall
 29 establish a schedule for a short-term testing for radon gas to
 30 be performed at each attendance center under its control at
 31 least once by June 30, 2025, and at least once every ten years
 32 thereafter, and following any new construction of an attendance
 33 center or additions, renovations, or repairs to an attendance
 34 center, unless otherwise provided by subsection 5.

35 3. If the results of a test at an attendance center are at



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1 or above four picocuries per liter, the board of directors of
2 the public school district or the authorities in charge of the
3 nonpublic school shall have a second short-term test for radon
4 gas and radon progeny performed at the attendance center within
5 ninety days of the first short-term test.

6 4. If the results of a second test at an attendance center
7 pursuant to subsection 3 are at or above four picocuries per
8 liter, the board of directors of the public school district and
9 the authorities in charge of the nonpublic school shall retain
10 a person credentialed to perform radon abatement measures
11 pursuant to section 136B.1 to develop a radon mitigation plan
12 within ninety days of the second short-term test. The board
13 of directors of the public school district and the authorities
14 in charge of the nonpublic school shall implement the radon
15 mitigation plan within one year of the second short-term test.

16 5. a. The board of directors of each public school
17 district and the authorities in charge of each nonpublic school
18 shall have a short-term test for radon gas and radon progeny
19 performed every other year at any attendance center that has
20 implemented a radon mitigation plan pursuant to subsection 4 or
21 an alternative radon mitigation plan pursuant to paragraph "b"
22 of this subsection.

23 b. If the results of a biennial test at an attendance
24 center are at or above four picocuries per liter, the board of
25 directors of the public school district and the authorities
26 in charge of each nonpublic school shall retain a person
27 credentialed to perform radon abatement measures pursuant to
28 section 136B.1 to develop an alternative radon mitigation plan
29 within ninety days of the annual test. The board of directors
30 of the public school district and the authorities in charge
31 of the nonpublic school shall implement the alternative radon
32 mitigation plan within one year of the annual test.

33 c. The board of directors of each public school district
34 and the authorities in charge of each nonpublic school shall
35 continue biennial radon testing at an attendance center

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1 until the results of annual radon testing at the attendance
 2 center have been less than four picocuries per liter for four
 3 consecutive years.

4 6. Radon testing pursuant to this section shall be conducted
 5 by a person certified to conduct such testing pursuant to
 6 section 136B.1 and shall be conducted as prescribed by the
 7 department of public health. Radon mitigation plans and
 8 alternative radon mitigation plans pursuant to this section
 9 shall be developed and implemented as prescribed by the
 10 department of public health.

11 7. The department of public health and the department of
 12 education shall each adopt rules pursuant to chapter 17A to
 13 jointly administer this section.

14 Sec. 10. Section 298.3, subsection 1, Code 2013, is amended
 15 by adding the following new paragraph:

16 NEW PARAGRAPH. *n.* Radon testing and radon mitigation
 17 pursuant to section 280.30.

18 Sec. 11. STATE MANDATE FUNDING SPECIFIED. In accordance
 19 with section 25B.2, subsection 3, the state cost of requiring
 20 compliance with any state mandate included in this Act shall
 21 be paid by a school district from state school foundation
 22 aid received by the school district under section 257.16, a
 23 physical plant and equipment levy under section 298.2, or
 24 modified allowable growth under section 257.31, subsection 6.
 25 This specification of the payment of the state cost shall be
 26 deemed to meet all of the state funding-related requirements of
 27 section 25B.2, subsection 3, and no additional state funding
 28 shall be necessary for the full implementation of this Act
 29 by and enforcement of this Act against all affected school
 30 districts.

EXPLANATION

31 This bill requires that the building code commissioner,
 32 with the approval of the building code advisory council, adopt
 33 requirements and standards for radon control in new residential
 34 construction. The bill provides that the standards shall
 35

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1 supersede and replace any minimum radon control requirements
2 and standards for new residential construction adopted by
3 governmental subdivisions in Iowa. The bill requires that the
4 requirements and standards be mandatory for all new residential
5 construction beginning on or after January 1, 2015.

6 Any person who fails to comply with an order to remedy
7 any condition in violation of the adopted requirements and
8 standards within 30 days after service or within the time
9 fixed for compliance, whichever is longer, shall be guilty of
10 a simple misdemeanor pursuant to Code section 103A.21. Any
11 owner, builder, architect, tenant, contractor, subcontractor,
12 construction superintendent or their agents, or any other
13 person taking part or assisting in the construction or use
14 of any building or structure who knowingly violates such
15 requirements and standards shall also be guilty of a simple
16 misdemeanor. A simple misdemeanor is punishable by confinement
17 for no more than 30 days or a fine of at least \$65 but not more
18 than \$625 or by both.

19 The bill creates a radon education fund to be administered by
20 the department of public health to be used by the department
21 to provide radon program education. The bill provides that
22 certain fees collected by the department be deposited into this
23 fund.

24 The bill requires the board of directors of each public
25 school district and the authorities in charge of each nonpublic
26 school to have a short-term test for radon gas performed at
27 each attendance center under its control at least once by
28 June 30, 2025, and at least once every 10 years thereafter,
29 and following new construction of an attendance center or
30 additions, renovations, or repairs to an attendance center.
31 If the results of such a test are at or above four picocuries
32 per liter, the bill requires the board of directors of the
33 public school district and the authorities in charge of the
34 nonpublic school to have a second short-term test performed at
35 the attendance center within 90 days.

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1 If the results of a second test are at or above four
2 picocuries per liter, the bill requires the board of directors
3 of the public school district and the authorities in charge of
4 the nonpublic school to retain a person credentialed to perform
5 radon abatement measures to develop a radon mitigation plan
6 within 90 days. The radon mitigation plan must be implemented
7 within one year.

8 If the results of a short-term test at an attendance center
9 at which a radon mitigation plan has been implemented are at or
10 above four picocuries per liter, the bill requires the board of
11 directors of the public school district and the authorities in
12 charge of the nonpublic school to retain a person credentialed
13 to perform radon abatement measures to develop an alternative
14 radon mitigation plan within 90 days. The alternative radon
15 mitigation plan must be implemented within one year.

16 The bill requires biennial, short-term radon testing for any
17 school site at which a radon mitigation plan or an alternative
18 radon mitigation plan has been implemented, which continues
19 until the results have been less than four picocuries per liter
20 for four consecutive years.

21 The bill defines "short-term test" as a test approved by
22 the department of public health in which a testing device
23 remains in an area for not less than two days and not more than
24 90 days to determine the amount of radon in the air that is
25 acceptable for human inhalation. Radon testing pursuant to the
26 bill must be conducted by a person certified to conduct such
27 testing and must be conducted as prescribed by the department
28 of public health. Radon mitigation plans and alternative radon
29 mitigation plans pursuant to the bill must be developed and
30 implemented as prescribed by the department of public health.

31 The bill requires the department of public health and
32 the department of education to each adopt rules to jointly
33 administer the provisions of the bill relating to radon testing
34 in schools.

35 The bill adds radon testing and radon mitigation pursuant to

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1 the bill to the list of permissible uses of a physical plant
2 and equipment levy by a school district.

3 The bill makes various changes to the purposes for which fees
4 collected by the department of public health relating to radon
5 testing can be used.

6 The bill strikes references to radon progeny in the Iowa
7 Code.

8 The bill may include a state mandate as defined in Code
9 section 25B.3. The bill requires that the state cost of
10 any state mandate included in the bill be paid by a school
11 district from state school foundation aid received by the
12 school district under Code section 257.16, a physical plant
13 and equipment levy under Code section 298.2 or modified
14 allowable growth under Code section 257.31, subsection 6. The
15 specification is deemed to constitute state compliance with
16 any state mandate funding-related requirements of Code section
17 25B.2. The inclusion of this specification is intended to
18 reinstate the requirement of political subdivisions to comply
19 with any state mandates included in the bill.



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March 07, 2013

Senate File 367 - Introduced

SENATE FILE 367
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1177)

A BILL FOR

- 1 An Act providing for charitable food donations to food banks
- 2 and similar organizations, including by providing for
- 3 appropriations and a tax credit, and including applicability
- 4 provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 of the Internal Revenue Code and exempt from taxation under
 2 section 501(a) of the Internal Revenue Code.
 3 *c.* It receives contributions that are deductible under
 4 section 170 of the Internal Revenue Code.
 5 5. "Iowa food bank association" or "association" means an
 6 organization that meets all of the following requirements:
 7 *a.* It is organized as a nonprofit corporation under chapter
 8 504.
 9 *b.* Its principal office is or has been located in this
 10 state.
 11 *c.* It is an organization described in section 501(c)(3)
 12 of the Internal Revenue Code and exempt from taxation under
 13 section 501(a) of the Internal Revenue Code.
 14 *d.* It receives contributions that are deductible under
 15 section 170 of the Internal Revenue Code.
 16 *e.* Its members include Iowa food banks, or affiliations
 17 of Iowa food banks, that together serve all counties in this
 18 state.

SUBCHAPTER II

IOWA FOOD-LINK TO FOOD-BANK INITIATIVE

21 Sec. 3. NEW SECTION. 190B.201 Definition.

22 As used in this subchapter, "department" means the department
 23 of human services.

24 Sec. 4. NEW SECTION. 190B.202 Department of human services
 25 — cooperation with other agencies.

26 1. This subchapter shall be administered by the department
 27 of human services.

28 2. The department shall adopt all rules necessary to
 29 administer this subchapter.

30 3. Each fiscal year, the department shall award the
 31 amount appropriated in section 190B.203, to an Iowa food bank
 32 association selected by the department to manage programs
 33 associated with an Iowa food-link to food-bank initiative.
 34 The department shall execute a contract with the association
 35 to provide for the terms and conditions of the program's

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1 management. A contract shall not obligate the state to pay
 2 moneys for multiple fiscal years.

3 4. The department of agriculture and land stewardship,
 4 the department of public health, and the department of
 5 inspections and appeals shall cooperate with the department of
 6 human services to administer the Iowa food-link to food-bank
 7 initiative.

8 Sec. 5. NEW SECTION. 190B.203 Iowa food-link to food-bank
 9 initiative — appropriation.

10 1. For the fiscal year beginning July 1, 2013, and ending
 11 June 30, 2014, and for each subsequent fiscal year, there
 12 is appropriated from the general fund of the state to the
 13 department of human services the amount of two million dollars
 14 to support an Iowa food-link to food-bank initiative to further
 15 the purpose provided in section 190B.101.

16 2. The department of human services shall allocate
 17 one million eight hundred thousand dollars of the amount
 18 appropriated in subsection 1 to an Iowa food bank association
 19 selected by the department as provided in section 190B.201 for
 20 purposes of supporting the following programs:

21 a. An Iowa emergency food purchase program. The department
 22 shall allocate one million seven hundred thousand dollars to
 23 the association for the purchase of food on behalf of an Iowa
 24 emergency feeding organization or for the distribution of
 25 moneys to Iowa emergency feeding organizations for the purchase
 26 of food.

27 (1) A preference shall be provided to the purchase of food
 28 produced, processed, or packaged within this state whenever
 29 reasonably practicable.

30 (2) The food shall be purchased in a manner that best
 31 furthers a significant economic benefit to communities of this
 32 state.

33 b. An Iowa emergency food nutritional education program.
 34 The department shall allocate one hundred thousand dollars to
 35 the association to distribute the moneys to one or more Iowa

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1 emergency feeding organizations in order to provide instruction
 2 regarding nutrition and promote a lifelong healthy diet.

3 3. The department of human services shall allocate two
 4 hundred thousand dollars of the amount appropriated in
 5 subsection 1 to an Iowa food bank association selected by the
 6 department as provided in section 190B.202 for purposes of
 7 administering the programs provided in that section.

8 SUBCHAPTER III

9 FROM FARM TO FOOD DONATION TAX CREDIT

10 Sec. 6. NEW SECTION. 190B.301 **Definitions.**

11 As used in this subchapter, unless the context otherwise
 12 requires:

13 1. "*Agricultural land*" means the same as defined in section
 14 425A.2.

15 2. "*Department*" means the department of revenue.

16 3. "*Food commodity*" means any commodity that is derived
 17 from an agricultural animal or crop, both as defined in section
 18 717A.1, which was produced on agricultural land and which is
 19 intended to be used as food.

20 4. "*Tax credit*" means the from farm to food donation tax
 21 credit as established in this subchapter.

22 Sec. 7. NEW SECTION. 190B.302 **Department of revenue —**
 23 **cooperation with other departments.**

24 1. This subchapter shall be administered by the department
 25 of revenue.

26 2. The department shall adopt all rules necessary to
 27 administer this subchapter.

28 3. The department of agriculture and land stewardship, the
 29 department of public health, the department of human services,
 30 and the department of inspections and appeals shall cooperate
 31 with the department of revenue to administer this subchapter.

32 Sec. 8. NEW SECTION. 190B.303 **From farm to food donation**
 33 **tax credit.**

34 A from farm to food donation tax credit is allowed against
 35 the taxes imposed in chapter 422, divisions II and III, as



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1 provided in this subchapter.

2 Sec. 9. NEW SECTION. 190B.304 From farm to food donation
3 tax credit — eligibility.

4 In order to qualify for a from farm to food donation tax
5 credit, all of the following must apply:

6 1. The taxpayer must produce the donated food commodity.

7 2. The taxpayer must transfer title to a food commodity to
8 an Iowa food bank, or an Iowa emergency feeding organization,
9 recognized by the department. The taxpayer shall not receive
10 remuneration for the transfer.

11 3. a. The food commodity must be intended for human
12 consumption in its raw or processed state.

13 (1) A food commodity in its raw state for processing
14 includes but is not limited to milk, eggs, vegetables, fruits,
15 nuts, syrup, and honey.

16 (2) A food commodity in its processed state includes but is
17 not limited to dairy products, meat, or poultry products.

18 b. A food commodity cannot be damaged or out-of-condition
19 and declared to be unfit for human consumption by a federal,
20 state, or local health official. A food commodity that meets
21 the requirements for donated foods pursuant to the federal
22 emergency food assistance program satisfies this requirement.

23 4. A taxpayer claiming the tax credit shall provide
24 documentation supporting the tax credit claim in a form and
25 manner prescribed by the department by rule.

26 Sec. 10. NEW SECTION. 190B.305 From farm to food donation
27 tax credit — claims filed by individuals who belong to business
28 entities.

29 An individual may claim a from farm to food donation
30 tax credit of a partnership, limited liability company,
31 S corporation, estate, or trust electing to have income
32 taxed directly to the individual. The amount claimed by the
33 individual shall be based upon the pro rata share of the
34 individual's earnings from the partnership, limited liability
35 company, S corporation, estate, or trust.

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1 Sec. 11. NEW SECTION. 190B.306 From farm to food donation
2 tax credit — limits on claims.

3 A from farm to food donation tax credit is subject to all of
4 the following limitations:

5 1. The tax credit shall not exceed a qualifying amount for
6 the tax year that the tax credit is claimed. The qualifying
7 amount is the lesser of the following:

8 a. Fifteen percent of the value of the commodities donated
9 during the tax year for which the credit is claimed. The value
10 of the commodities shall be determined in the same manner as a
11 charitable contribution of food for federal tax purposes under
12 section 170(e)(3)(C) of the Internal Revenue Code.

13 b. Five thousand dollars.

14 2. A tax credit in excess of the taxpayer's liability for
15 the tax year is not refundable but may be credited to the tax
16 liability for the following five years or until depleted,
17 whichever is earlier.

18 3. If a tax credit is allowed, the amount of the
19 contribution for which the tax credit is claimed shall not
20 be deductible in determining taxable income for state tax
21 purposes.

22 4. A tax credit shall not be carried back to a tax year
23 prior to the tax year in which the taxpayer claims the tax
24 credit.

25 Sec. 12. NEW SECTION. 422.11E From farm to food donation
26 tax credit.

27 The taxes imposed under this division, less the credits
28 allowed under section 422.12, shall be reduced by a from farm
29 to food donation tax credit as allowed under chapter 190B,
30 subchapter III.

31 Sec. 13. Section 422.33, Code 2013, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 30. The taxes imposed under this division
34 shall be reduced by a from farm to food donation tax credit as
35 allowed under chapter 190, subchapter III.



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SENATE FILE 368
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1040)

A BILL FOR

1 An Act relating to the consumer credit code by modifying a
2 reference to the federal Truth in Lending Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 537.1302, Code 2013, is amended to read
 2 as follows:

3 **537.1302 Definition — Truth in Lending Act.**

4 As used in this chapter, "*Truth in Lending Act*" means Tit. 1
 5 of the Consumer Credit Protection Act, in subch. 1 of 15 U.S.C.
 6 ch. 41, as amended ~~to and including July 1, 2010~~, and includes
 7 regulations issued pursuant to that Act ~~prior to July 1, 2010~~.

8 EXPLANATION

9 This bill modifies a definition of the federal Truth in
 10 Lending Act contained in Code chapter 537, the Iowa consumer
 11 credit code.

12 Currently, the definition of "Truth in Lending Act"
 13 contained in Code section 537.1302 provides that the Act refers
 14 to Title 1 of the Consumer Credit Protection Act as cited in
 15 the United States Code, as amended to and including July 1,
 16 2010, and including regulations issued prior to July 1, 2010.
 17 The bill deletes the references to July 1, 2010, such that the
 18 definition refers to Title 1 of the Consumer Credit Protection
 19 Act, as amended, and including regulations issued pursuant to
 20 the Consumer Credit Protection Act.



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SENATE FILE 369
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1196)

(COMPANION TO LSB 1479HV BY
COMMITTEE ON JUDICIARY)

A BILL FOR

- 1 An Act relating to marital agreements, and including effective
- 2 date and applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 249A.3, subsection 11, paragraph d, Code
 2 2013, is amended to read as follows:

3 *d.* Unless a surviving spouse is precluded from making an
 4 election under the terms of a ~~premarital~~ marital agreement as
 5 defined in section 596.1, the failure of a surviving spouse to
 6 take an elective share pursuant to chapter 633, division V,
 7 constitutes a transfer of assets for the purpose of determining
 8 eligibility for medical assistance to the extent that the value
 9 received by taking an elective share would have exceeded the
 10 value of the inheritance received under the will.

11 Sec. 2. Section 596.1, Code 2013, is amended to read as
 12 follows:

13 **596.1 Definitions.**

14 As used in this chapter:

15 1. "Marital agreement" means any of the following:

16 *a.* A premarital agreement.

17 *b.* An amendment to a premarital agreement made between
 18 present spouses, but only relating to post-death matters.

19 *c.* An agreement or an amendment to an agreement between
 20 present spouses, but only relating to post-death matters.

21 2. "Party" means a person who has entered into a marital
 22 agreement.

23 3. "Post-death matter" includes but is not limited to the
 24 disposition of the parties' individually or jointly owned
 25 assets upon the death of either or both parties; the making of
 26 a will, trust, or other arrangements for the disposition of
 27 property upon the death of either or both parties; ownership
 28 rights in life insurance policies and retirement plans and the
 29 disposition of the death benefits of any such policy or plan;
 30 and the limitation or expansion of spousal elective shares
 31 pursuant to chapter 633, division V.

32 ~~1-~~ 4. "Premarital agreement" means an agreement between
 33 prospective spouses made in contemplation of marriage and to be
 34 effective upon marriage.

35 ~~2-~~ 5. "Property" means an interest, present or future,



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1 Witness #1: Signature: _____
 2 Date: _____
 3 Print Name: _____
 4 Telephone: _____
 5 Address: _____
 6 Witness #2: Signature: _____
 7 Date: _____
 8 Print Name: _____
 9 Telephone: _____
 10 Address: _____

ACKNOWLEDGMENT

11
 12 STATE OF IOWA, _____ COUNTY, ss:
 13 On this _____ day of _____ (month), _____ (year), the
 14 said _____, and _____, known to
 15 me (or satisfactorily proven) to be the parties named in the
 16 foregoing instrument, personally appeared before me, a Notary
 17 Public, within and for the State and County aforesaid, and
 18 acknowledged that they freely and voluntarily executed the same
 19 for the purposes stated therein.

20 2. A marital agreement between present spouses must be
 21 signed by both parties prior to the filing of an action for
 22 dissolution of marriage, for legal separation, or for separate
 23 maintenance.

24 3. A marital agreement is enforceable without consideration
 25 other than the marriage.

26 4. Both parties to the a marital agreement shall execute all
 27 documents necessary to enforce the agreement.

28 Sec. 6. Section 596.5, Code 2013, is amended to read as
 29 follows:

30 **596.5 Content.**

31 1. ~~Parties~~ Subject to the limitations of a marital agreement
 32 between present spouses, which as specified in section 596.1,
 33 subsection 1, shall only relate to post-death matters, parties
 34 to a ~~premarital~~ marital agreement may contract with respect to
 35 the following:



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1 UPON DEATH, RIGHTS TO COURT DETERMINATIONS OF DISTRIBUTIONS OF
 2 PROPERTY UPON DISSOLUTION OF MARRIAGE, AND OTHER RIGHTS YOU
 3 MAY HAVE BY REASON OF MARRIAGE. YOU MAY ALSO BE EXPANDING OR
 4 RESTRICTING THOSE TYPES OF RIGHTS OR EXPANDING OR RESTRICTING
 5 THE COURT'S POWERS TO DETERMINE THESE ISSUES.

6 ~~2.~~ 3. The right of a spouse or child to support, whether
 7 during the lifetime or after the death of a party, shall not be
 8 adversely affected by a ~~premarital~~ marital agreement.

9 Sec. 7. Section 596.6, Code 2013, is amended to read as
 10 follows:

11 **596.6 Effective date of agreement.**

12 1. A ~~premarital~~ marital agreement becomes effective upon
 13 the marriage, if signed by both of the parties prior to the
 14 marriage.

15 2. If a marital agreement is signed by the parties during
 16 their marriage, the marital agreement becomes effective on the
 17 effective date stated in the marital agreement. If no such
 18 effective date is stated in the marital agreement, the marital
 19 agreement becomes effective upon the latest date of signature
 20 by the parties.

21 Sec. 8. Section 596.7, Code 2013, is amended to read as
 22 follows:

23 **596.7 Revocation and amendment.**

24 1. Revocation. After marriage, a ~~premarital~~ marital
 25 agreement may be revoked, in whole or in part, only as follows:

26 ~~1.~~ a. By a written agreement signed by both ~~spouses~~
 27 parties. The revocation is enforceable without consideration.

28 ~~2.~~ b. ~~To revoke a premarital~~ By either party to the marital
 29 agreement without the consent of the other spouse party, the
 30 person seeking revocation must prove one or more if the party
 31 seeking revocation proves any of the following:

32 ~~a.~~ (1) The ~~person~~ party seeking revocation did not execute
 33 the marital agreement voluntarily.

34 ~~b.~~ (2) The marital agreement was unconscionable when it
 35 was executed.



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1 ~~e.~~ (3) Before the execution of the marital agreement the
 2 person party seeking revocation was not provided a fair and
 3 reasonable disclosure of the property or financial obligations
 4 of the other spouse party; and the person party seeking
 5 revocation did not have, or reasonably could not have had, an
 6 adequate knowledge of the property or financial obligations of
 7 the other spouse party; and such disclosure would have been
 8 material to the decision of the party seeking revocation to
 9 execute the marital agreement.

10 (4) Before the execution of the marital agreement the party
 11 seeking revocation was not given a reasonable opportunity to
 12 obtain independent legal representation with respect to the
 13 marital agreement.

14 2. Revocation severable. If the revocation of one or
 15 more provisions of the marital agreement, or the application
 16 of the revocation of such a provision to a party is upheld
 17 by the court, any revoked provision shall be severed from
 18 the remainder of the marital agreement, unless the marital
 19 agreement states otherwise, and shall not affect the remaining
 20 provisions.

21 3. Amendment. A marital agreement may be amended by
 22 a written agreement signed by both parties. An amendment
 23 is subject to the limitations of an amendment to a marital
 24 agreement which, as specified in section 596.1, subsection 1,
 25 shall only relate to post-death matters, and subject to the
 26 enforcement provisions of section 596.8.

27 4. Limits on amendment and revocation. A marital
 28 agreement cannot be amended or revoked by an agent, guardian,
 29 conservator, or other legal representative of either party, or
 30 after the death of either party, except as provided pursuant
 31 to subsection 1, paragraph "b", relating to revocation without
 32 the consent of the other party.

33 Sec. 9. Section 596.8, Code 2013, is amended to read as
 34 follows:

35 **596.8 Enforcement.**



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1 ~~1. A premarital marital agreement is not enforceable if the~~
2 ~~person or party against whom enforcement is sought proves any~~
3 ~~of the following:~~

- 4 ~~1. The person did not execute the agreement voluntarily.~~
5 ~~2. The agreement was unconscionable when it was executed.~~
6 ~~3. Before the execution of the agreement the person was~~
7 ~~not provided a fair and reasonable disclosure of the property~~
8 ~~or financial obligations of the other spouse; and the person~~
9 ~~did not have, or reasonably could not have had, an adequate~~
10 ~~knowledge of the property or financial obligations of the other~~
11 ~~spouse that such person or party could have revoked the marital~~
12 ~~agreement pursuant to section 596.7, subsection 1, paragraph~~
13 ~~"b", relating to revocation without consent of the other party.~~

14 ~~2. If a provision one or more of the provisions of the~~
15 ~~marital agreement or the application of the provision to a~~
16 ~~party is found determined by the court to be unenforceable~~
17 ~~pursuant to this section, the unenforceable provision shall be~~
18 ~~severed from the remainder of the marital agreement, unless the~~
19 ~~marital agreement states otherwise, and shall not affect the~~
20 ~~remaining provisions, or application, of the agreement which~~
21 ~~can be given effect without the unenforceable provision.~~

22 ~~3. Other than the determination of the issue of~~
23 ~~unconscionability, actions with respect to enforcement of a~~
24 ~~marital agreement shall be decided by the court as a matter of~~
25 ~~equity.~~

26 Sec. 10. Section 596.9, Code 2013, is amended to read as
27 follows:

28 **596.9 Unconscionability.**

29 In any action under this chapter to revoke or enforce a
30 ~~premarital marital agreement,~~ the issue of unconscionability of
31 a ~~premarital marital agreement~~ shall be decided by the court
32 as a matter of law.

33 Sec. 11. Section 596.10, Code 2013, is amended to read as
34 follows:

35 **596.10 Enforcement — void marriage.**



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1 If a marriage is determined to be void, an agreement that
2 would otherwise have been a ~~premarital~~ marital agreement
3 is enforceable only to the extent necessary to avoid an
4 inequitable result.

5 Sec. 12. Section 596.11, Code 2013, is amended to read as
6 follows:

7 **596.11 Limitation of actions.**

8 Any statute of limitations applicable to an action asserting
9 a claim for relief under a ~~premarital~~ marital agreement is
10 tolled during the marriage of the parties ~~to the agreement~~.
11 However, equitable defenses limiting the time for enforcement,
12 including laches and estoppel, are available to either party.

13 Sec. 13. NEW SECTION. 596.11A Scope of chapter — bona fide
14 purchasers and distribution of assets.

15 1. This chapter shall not affect adversely the rights of a
16 bona fide purchaser for value to the extent that this chapter
17 applies to a transfer or conveyance of property by a party to a
18 marital agreement to a nonparty.

19 2. A financial institution, insurance company, investment
20 company as defined in the federal Investment Company Act of
21 1940, 15 U.S.C. § 80a-3, or broker-dealer registered under
22 the federal Securities Exchange Act of 1934, 15 U.S.C. § 78m
23 et seq., may distribute any assets, in accordance with the
24 terms of the contract with a party to a marital agreement or in
25 accordance with any effective beneficiary designation without
26 liability to either party to the marital agreement.

27 Sec. 14. Section 596.12, Code 2013, is amended to read as
28 follows:

29 **596.12 Effective date and applicability.**

30 1. This As it relates to premarital agreements, this chapter
31 takes effect on January 1, 1992, and applies to any premarital
32 agreement executed on or after that date, in accordance
33 with the statutory provisions in effect as of the date of
34 the premarital agreement. This chapter does not affect the
35 validity under Iowa law of any premarital agreement entered



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1 into prior to January 1, 1992.

2 2. As it relates to amendments to premarital agreements
 3 and to marital agreements and amendments to marital agreements
 4 entered into after marriage, this chapter takes effect July 1,
 5 2013, and applies to any such amendments or agreements executed
 6 on or after that date.

7 Sec. 15. **NEW SECTION. 598.20C Marital agreements.**

8 Except as preempted by federal law, if a decree of
 9 dissolution, annulment, or separate maintenance is issued after
 10 a marital agreement is entered into in accordance with chapter
 11 596, the marital agreement is voided by the issuance of the
 12 decree unless the marital agreement is retained and ratified
 13 by the decree.

14 Sec. 16. Section 598.21, subsection 5, paragraph 1, Code
 15 2013, is amended to read as follows:

16 *1.* The provisions of ~~an antenuptial~~ a premarital agreement.

17 Sec. 17. Section 598.21A, subsection 1, paragraph i, Code
 18 2013, is amended to read as follows:

19 *i.* The provisions of ~~an antenuptial~~ a premarital agreement.

20 Sec. 18. Section 633.246A, Code 2013, is amended to read as
 21 follows:

22 **633.246A Medical assistance eligibility.**

23 Unless precluded from doing so under the terms of a
 24 ~~premarital~~ marital agreement as defined in section 596.1, the
 25 failure of a surviving spouse to make an election under this
 26 division constitutes a transfer of assets for the purpose of
 27 determining eligibility for medical assistance pursuant to
 28 chapter 249A to the extent that the value received by making
 29 the election would have exceeded the value of property received
 30 absent the election.

EXPLANATION

32 This bill amends Code chapter 596 (premarital agreements)
 33 to allow for marital agreements which include premarital
 34 agreements, certain amendments to premarital agreements, and
 35 the creation of agreements or amendments to agreements between



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1 present spouses. An amendment to a premarital agreement or an
2 agreement or amendment to an agreement between present spouses
3 is effective only to the extent it relates to post-death
4 matters. The bill provides for protection of the parties
5 including that the agreement must not be unconscionable at the
6 time it is entered into; the agreement must include a provision
7 that states the rights a party may be giving up; an agent is
8 prohibited from amending or revoking a marital agreement on
9 behalf of a party; and unconscionability is determined by the
10 court as a matter of law while all other matters are determined
11 in equity. The bill provides for revocation and amendment of
12 marital agreements, places limits on amendments and revocations
13 of marital agreements, provides for enforcement, provides
14 for scope of the chapter regarding bona fide purchasers and
15 distribution of assets, and makes conforming changes.

16 The bill continues the applicability of the amended Code
17 chapter to any premarital agreement executed on or after
18 January 1, 1992, in accordance with the statutory provisions
19 in effect as of the date of the premarital agreement. The
20 bill does not modify the inapplicability of the Code chapter
21 to any premarital agreement entered into prior to January
22 1, 1992. Additionally, the bill provides that as the Code
23 chapter relates to amendments to premarital agreements and to
24 marital agreements entered into after marriage, the amended
25 Code chapter takes effect July 1, 2013, and applies to any such
26 amendments or agreements executed on or after that date.

27 The bill provides that except as preempted by federal law, if
28 a decree of dissolution, annulment, or separate maintenance is
29 issued after a marital agreement is entered into, the marital
30 agreement is voided by the issuance of the decree unless the
31 marital agreement is retained and ratified by the decree.

32 The bill also makes conforming changes throughout the Code.



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Senate File 370 - Introduced

SENATE FILE 370
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1167)

A BILL FOR

- 1 An Act relating to the service of notice of no-contact orders
- 2 and protective orders, and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 236.3, subsection 3, Code 2013, is
 2 amended to read as follows:
 3 3. a. The filing fee and court costs for an order for
 4 protection and in a contempt action under this chapter shall be
 5 waived for the plaintiff.
 6 b. The clerk of court, the sheriff of any county in this
 7 state, and other law enforcement and corrections officers shall
 8 perform their duties relating to service of process without
 9 charge to the plaintiff. When an order for protection is
 10 entered by the court, the court may direct the defendant to pay
 11 to the clerk of court the fees for the filing of the petition
 12 and reasonable costs of service of process if the court
 13 determines the defendant has the ability to pay the plaintiff's
 14 fees and costs. In lieu of personal service of an order for
 15 protection issued pursuant to this section, the sheriff of any
 16 county in this state, and other law enforcement and corrections
 17 officers may serve a defendant with a short-form notification
 18 pursuant to section 664A.4A.
 19 Sec. 2. **NEW SECTION. 664A.4A Short-form notification —**
 20 **no-contact order or protective order.**
 21 1. In lieu of personal service of a no-contact order or a
 22 protective order on a person whose activities are restrained
 23 by the order, a sheriff of any county in this state or any
 24 peace officer or corrections officer in this state may serve
 25 the person with a short-form notification pursuant to this
 26 section to effectuate service of an unserved no-contact order
 27 or protective order.
 28 2. Service of a short-form notification under this section
 29 shall be allowed during traffic stops and other contacts with
 30 the person by a sheriff, peace officer, or corrections officer
 31 in this state in the course of performing official duties.
 32 The person may be detained for a reasonable period of time to
 33 complete the short-form notification process.
 34 3. When the short-form notification process is complete,
 35 the sheriff, peace officer, or corrections officer serving the

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1 notification shall file a copy of the notification with the
 2 clerk of the district court. The filing shall indicate the
 3 date and time the notification was served on the person.

4 4. The short-form notification shall be on a form
 5 prescribed by the state court administrator. The state court
 6 administrator shall prescribe rules relating to the content
 7 and distribution of the form to appropriate law enforcement
 8 agencies in this state. The form shall include but not be
 9 limited to all of the following statements:

10 a. The person shall have no contact with the protected
 11 party.

12 b. The person is responsible for obtaining a full copy of
 13 the no-contact order or the protective order from the county
 14 sheriff of the county in which the order was entered or from
 15 the clerk of the district court.

16 c. The terms and conditions of the no-contact order or
 17 protective order are enforceable, and the person is subject to
 18 arrest for violating the no-contact order or the protective
 19 order.

20 Sec. 3. EFFECTIVE DATE. This Act takes effect April 1,
 21 2014.

EXPLANATION

23 This bill relates to the service of notice of no-contact
 24 orders and protective orders.

25 The bill provides that, in lieu of personal service of a
 26 no-contact order or a protective order, a sheriff of any county
 27 in this state or any peace officer or corrections officer in
 28 this state may serve the person subject to the order with a
 29 short-form notification to effectuate service of an unserved
 30 no-contact order or protective order. The bill allows service
 31 of a short-form notification during traffic stops and other
 32 contacts with the person by a sheriff, peace officer, or
 33 corrections officer in the course of performing official
 34 duties. The detention of the person shall be for a reasonable
 35 period of time to complete the short-form notification process.

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1 When the short-form notification process is complete, the
2 sheriff, peace officer, or corrections officer serving the
3 notification shall file a copy of the notification with the
4 clerk of the district court which shall indicate the date and
5 time the notification was served on the person. The short-form
6 notification shall be on a form prescribed by the state court
7 administrator. The state court administrator shall prescribe
8 rules relating to the content and distribution of the form to
9 the appropriate law enforcement agencies in this state. The
10 form shall include but not be limited to statements that the
11 person shall have no contact with the protected party, is
12 responsible for obtaining a full copy of the no-contact order
13 or protective order from the county sheriff of the county in
14 which the order was entered or from the clerk of the district
15 court, and that the terms and conditions of the no-contact
16 order or protective order are enforceable, and the person
17 is subject to arrest for violating the no-contact order or
18 protective order.

19 The bill takes effect April 1, 2014.



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Senate File 371 - Introduced

SENATE FILE 371
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 237)

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:

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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 or an organization decal. 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.



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Senate Study Bill 1237 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON PETERSEN)

A BILL FOR

1 An Act allowing the office of citizens' aide and the Iowa
2 public information board access to the minutes and audio
3 recording of a closed session in the performance of their
4 duties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rh/rj



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1 Section 1. Section 21.5, subsection 4, Code 2013, is amended
 2 to read as follows:

3 4. a. A governmental body shall keep detailed minutes of
 4 all discussion, persons present, and action occurring at a
 5 closed session, and shall also audio record all of the closed
 6 session.

7 b. The detailed minutes and audio recording of a closed
 8 session shall be sealed and shall not be public records open
 9 to public inspection. However, upon order of the court in
 10 an action to enforce this chapter, the detailed minutes and
 11 audio recording shall be unsealed and examined by the court
 12 in camera. The court shall then determine what part, if
 13 any, of the minutes should be disclosed to the party seeking
 14 enforcement of this chapter for use in that enforcement
 15 proceeding. In determining whether any portion of the
 16 minutes or recording shall be disclosed to such a party for
 17 this purpose, the court shall weigh the prejudicial effects
 18 to the public interest of the disclosure of any portion of
 19 the minutes or recording in question, against its probative
 20 value as evidence in an enforcement proceeding. After such
 21 a determination, the court may permit inspection and use of
 22 all or portions of the detailed minutes and audio recording by
 23 the party seeking enforcement of this chapter. A governmental
 24 body shall keep the detailed minutes and audio recording of any
 25 closed session for a period of at least one year from the date
 26 of that meeting, except as otherwise required by law. This
 27 paragraph does not require the office of citizens' aide or the
 28 Iowa public information board to obtain a court order for the
 29 purpose of inspecting the detailed minutes and audio record of
 30 a closed session in the performance of their duties or under
 31 chapter 2C.

32 EXPLANATION

33 Under current law, meetings of a governmental body under
 34 Iowa's open meetings law (Code chapter 21) shall be preceded
 35 by public notice and shall be held in open session. A

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1 governmental body may hold a closed session under certain
2 circumstances and the minutes and audio recording of a closed
3 session are not accessible to the public unless the person
4 seeking access to the records files an action in court.
5 This bill provides that the office of citizens' aide and
6 the Iowa public information board are not required to obtain
7 a court order to inspect the minutes and audio recording of a
8 closed session in the performance of their duties under Code
9 chapter 2C.