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House File 2061 - Introduced

HOUSE FILE 2061
BY HEATON and HEDDENS

A BILL FOR

1 An Act relating to third-party payment of services provided by
2 physical therapists and occupational therapists.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5686HH (4) 85
av/rj

H.F. 2061

1 Section 1. NEW SECTION. **514C.30 Services provided by a**
2 **physical therapist.**
3 1. Notwithstanding the uniformity of treatment requirements
4 of section 514C.6, a policy, contract, or plan providing
5 for third-party payment or prepayment of health or medical
6 expenses shall not impose a copayment or coinsurance amount
7 on an insured for services provided by a physical therapist
8 licensed pursuant to chapter 148A or by an occupational
9 therapist licensed pursuant to chapter 148B that is greater
10 than the copayment or coinsurance amount imposed on the insured
11 for services provided by a person engaged in the practice of
12 medicine and surgery or osteopathic medicine and surgery under
13 chapter 148 for the same or a similar diagnosed condition even
14 if a different nomenclature is used to describe the condition
15 for which the services are provided.
16 2. This section applies to the following classes of
17 third-party payment provider policies, contracts, or plans
18 delivered, issued for delivery, continued, or renewed in this
19 state on or after July 1, 2014:
20 *a.* Individual or group accident and sickness insurance
21 providing coverage on an expense-incurred basis.
22 *b.* An individual or group hospital or medical service
23 contract issued pursuant to chapter 509, 514, or 514A.
24 *c.* An individual or group health maintenance organization
25 contract regulated under chapter 514B.
26 *d.* A plan established pursuant to chapter 509A for public
27 employees.
28 *e.* An organized delivery system licensed by the director of
29 public health.
30 3. This section shall not apply to accident-only,
31 specified disease, short-term hospital or medical, hospital
32 confinement indemnity, credit, dental, vision, Medicare
33 supplement, long-term care, basic hospital and medical-surgical
34 expense coverage as defined by the commissioner, disability
35 income insurance coverage, coverage issued as a supplement

H.F. 2061

1 to liability insurance, workers' compensation or similar
2 insurance, or automobile medical payment insurance.
3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill provides that a policy, contract, or plan
7 providing for third-party payment or prepayment of health or
8 medical expenses shall not impose a copayment or coinsurance
9 amount on an insured for services provided by a physical
10 therapist or occupational therapist that is greater than the
11 copayment or coinsurance amount imposed on the insured for
12 services rendered by a person engaged in the practice of
13 medicine and surgery or osteopathic medicine and surgery for
14 the same or a similar diagnosed condition even if a different
15 nomenclature is used to describe the condition for which the
16 services are provided.
17 The bill applies to specified individual and group policies,
18 contracts, and plans that are issued for delivery, continued,
19 or renewed in this state on or after July 1, 2014.

House File 2062 - Introduced

HOUSE FILE 2062
BY JORGENSEN and DAWSON

A BILL FOR

1 An Act authorizing the natural resource commission to issue a
2 paddlefish fishing license and tag and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5544YH (1) 85
av/nh

H.F. 2062

1 Section 1. Section 483A.1, subsection 1, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *Og.* Paddlefish fishing license,
4 annual .....$ 20.00
5 Sec. 2. Section 483A.1, subsection 2, Code 2014, is amended
6 by adding the following new paragraph:
7 NEW PARAGRAPH. *Of.* Paddlefish fishing license,
8 annual .....$ 40.00
9 Sec. 3. NEW SECTION. **483A.6A Paddlefish fishing license and**
10 **tag.**
11 1. A resident fishing for paddlefish on the Missouri or
12 Big Sioux river who is required to have a fishing license
13 must purchase a paddlefish fishing license, in addition to a
14 resident fishing license.
15 2. A nonresident fishing for paddlefish on the Missouri
16 or Big Sioux river is required to have a fishing license that
17 is valid in Iowa and, in addition, purchase a nonresident
18 paddlefish fishing license.
19 3. The commission shall establish the number of annual
20 paddlefish fishing licenses that may be issued pursuant to
21 section 481A.39 for use on the Missouri or Big Sioux river.
22 A paddlefish fishing license shall be accompanied by a tag
23 designed to be used only once. If a paddlefish is taken
24 pursuant to a paddlefish fishing license, the paddlefish shall
25 be tagged immediately and the tag shall be dated.
26 Sec. 4. Section 483A.24, subsection 6, Code 2014, is amended
27 to read as follows:
28 6. A resident or nonresident of the state under sixteen
29 years of age is not required to have a license to fish in the
30 waters of the state. However, residents and nonresidents under
31 sixteen years of age must pay the trout fishing fee to possess
32 trout or they must fish for trout with a licensed adult who has
33 paid the trout fishing fee and limit their combined catch to
34 the daily limit established by the commission. A resident or
35 nonresident of the state under sixteen years of age is required

H.F. 2062

to have a paddlefish fishing license to fish for paddlefish on the Missouri or Big Sioux river.

Sec. 5. Section 805.8B, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. For violations of sections 481A.6, 481A.21, 481A.22, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections 483A.6A, 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28, the scheduled fine is twenty-five dollars.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill authorizes the natural resource commission to issue paddlefish fishing licenses for use on the Missouri and Big Sioux rivers pursuant to the commission's powers to maintain biological balance pursuant to Code section 481A.39. The license must be accompanied by a tag designed to be used only once. If a paddlefish is taken pursuant to the license, the paddlefish shall be tagged and the tag dated.

A resident fishing for paddlefish on the Missouri or Big Sioux river who is required to have a fishing license must have a resident fishing license and also purchase an annual paddlefish fishing license that costs $20.

A nonresident fishing for paddlefish on the Missouri or Big Sioux river must have a fishing license that is valid in Iowa and also purchase an annual paddlefish fishing license that costs $40.

A resident or nonresident of the state under 16 years of age is not required to have a fishing license to fish in the waters of the state but is required to have a paddlefish fishing license to fish for paddlefish on the Missouri or Big Sioux river.

A violation of the bill's requirements is punishable by a scheduled fine of $25. In addition, a person who illegally takes a paddlefish must reimburse the state for the value of

H.F. 2062

1 the fish in the amount of $1,000 per fish pursuant to Code
2 section 481A.130(1)(i)(3).

House File 2063 - Introduced

HOUSE FILE 2063
BY HAGENOW

A BILL FOR

1 An Act relating to the operation of a rescue vehicle when
2 responding to an emergency.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5600YH (2) 85
dea/nh

H.F. 2063

Section 1. Section 321.231, subsections 3 and 4, Code 2014, are amended to read as follows:

3. The driver of a fire department vehicle, police vehicle, rescue vehicle, or ambulance, or a peace officer riding a police bicycle in the line of duty may do any of the following:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle under subsection 2 and for a fire department vehicle, police vehicle, rescue vehicle, or ambulance as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section 321.433 or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection 3, paragraph *"b"* of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

Under current law, the driver of an authorized emergency vehicle may exercise driving privileges relating to parking and directional signs when responding to an emergency call. Certain types of authorized emergency vehicles including fire department vehicles, police vehicles, and ambulances, as well as peace officers riding on police bicycles, may proceed past red stop signals or stop signs and exceed speed limits while exercising necessary safety precautions and using an audible or visual signal. This bill includes rescue vehicles in that category of authorized emergency vehicles that may ignore red

H.F. 2063

1 stop signals or stop signs and exceed speed limits in emergency
2 situations. A "rescue vehicle" is a motor vehicle which is
3 equipped with rescue, fire, or life support equipment used to
4 assist and rescue persons in emergencies or support emergency
5 personnel in the performance of their duties.

House File 2064 - Introduced

HOUSE FILE 2064
BY STANERSON

A BILL FOR

1 An Act concerning the placement of stop or yield signs at
2 certain intersections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5425YH (3) 85
dea/nh

H.F. 2064

Section 1. Section 321.236, subsection 6, Code 2014, is amended to read as follows:

6. Designating ~~any~~ a highway as a through highway and requiring that all vehicles stop or yield the right-of-way before entering or crossing the same or designating ~~any~~ an intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections, consistent with section 321.255A.

Sec. 2. NEW SECTION. **321.255A Intersections requiring stop or yield signs.**

1. At each intersection of two different highways having speed limits above 35 miles per hour, an official traffic control device shall be placed at the entrance to the intersection in both directions along the least-traveled highway, directing traffic to stop or yield the right-of-way before entering the intersection.

2. This section shall not apply to an intersection controlled by an official traffic control signal or to an intersection where official traffic control devices direct traffic approaching from every direction to stop or yield before entering the intersection.

Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill requires that at every intersection of two highways having a speed limit above 35 miles per hour, a stop or yield sign must be posted at the entrance to the intersection in both directions along the least-traveled highway. The requirement does not apply at intersections with official traffic control signals or at intersections that are posted in all directions with stop or yield signs.

Pursuant to current law, local authorities may designate through highways and intersections where vehicles must stop or

H.F. 2064

yield. The bill states that the exercise of that authority must be consistent with the requirements of the bill.

The bill may include a state mandate as defined in Code section 25B.3. The bill makes inapplicable Code section 25B.2, subsection 3, which would relieve a political subdivision from complying with a state mandate if funding for the cost of the state mandate is not provided or specified. Therefore, political subdivisions are required to comply with any state mandate included in the bill.

House File 2065 - Introduced

HOUSE FILE 2065
BY HUNTER

A BILL FOR

1 An Act authorizing certain cities to conduct city elections by
2 absentee ballot.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5803HH (4) 85
aw/sc

H.F. 2065

Section 1. Section 376.1, Code 2014, is amended to read as follows:

376.1 City election held — absentee ballot elections authorized.

1. A city shall hold a regular city election on the first Tuesday after the first Monday in November of each odd-numbered year. A city shall hold regular, special, primary, or runoff city elections as provided by state law.

2. The mayor or council shall give notice of any special election to the county commissioner of elections. The county commissioner of elections shall publish notice of any city election and conduct the election pursuant to the provisions of chapters 39 to 53, except as otherwise specifically provided in chapters 362 to 392. The results of any election shall be canvassed by the county board of supervisors and certified by the county commissioner of elections to the mayor and the council of the city for which the election is held.

3. *a.* The council of a city with a population of two hundred or less according to the most recent federal decennial census may adopt an ordinance providing that elections be conducted by absentee ballot. If the city council adopts such an ordinance, the clerk shall notify the commissioner of elections of the adoption of the ordinance, and the commissioner shall mail an absentee ballot application form by forwardable mail to each registered voter within the city who is on active status pursuant to section 48A.37 no fewer than twenty-five days before each regular city election or special election for the city. The commissioner shall also enclose a postage paid return envelope and a notice in the form prescribed by the state commissioner informing the voter that voting in person on election day will also be available at the commissioner's office during the time the polls are open. The commissioner may designate one additional site as an election day polling place for a city that adopts an ordinance pursuant to this subsection. The location of the additional polling

H.F. 2065

place shall be included in the notice to the voter.

b. The additional polling place designated under this subsection is subject to the requirements of section 49.21 relating to accessibility to persons with disabilities and relating to the posting of signs. The location of the additional polling place shall be published by the county commissioner of elections as required by section 49.53.

c. The provisions of chapter 53, insofar as applicable, shall apply to absentee ballot elections authorized under this subsection.

d. The county commissioner of elections conducting an election pursuant to this subsection shall submit a report to the state commissioner of elections within sixty days following the election. The report shall include information on the number of voters who were sent an absentee ballot, the number of returned absentee ballots, the number of voters who cast ballots at the county commissioner's office, whether an additional site was made available as a polling place on election day pursuant to paragraph *"a"*, and, if such an additional site was made available, the number of voters who cast ballots at that site, and any obstacles encountered in the voting process for the election. The state commissioner shall submit a copy of the report to the chairpersons and ranking members of the general assembly's standing committees on state government within ten days following the receipt of the report.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill authorizes certain cities to conduct city elections by absentee ballot.

The bill allows cities with populations of 200 or less to adopt an ordinance providing that city elections be conducted by absentee ballot. The bill requires the county commissioner of elections responsible for conducting elections for such a city to mail an absentee ballot application form by forwardable

H.F. 2065

mail to each active status registered voter within the city no fewer than 25 days before each regular city election or special election for that city. The bill requires that the county commissioner of elections also enclose a postage paid return envelope and a notice that in-person voting will also be available at the county commissioner's office on the day of the election and, if applicable, the location of the additional polling place. The bill allows the county commissioner to designate one additional election day polling place for such cities.

The bill further requires the county commissioner of elections to submit a report on the city election to the state commissioner of elections within 60 days following the city election. The bill further requires that the state commissioner submit a copy of the report to the chairpersons and ranking members of the general assembly's standing committees on state government.

House File 2066 - Introduced

HOUSE FILE 2066
BY HAGENOW

A BILL FOR

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

TLSB 5738YH (2) 85
mm/sc

H.F. 2066

Section 1. Section 423.2, subsection 6, paragraph a, Code 2014, is amended to read as follows:

a. The sales price of any of the following enumerated services is subject to the tax imposed by subsection 5: alteration and garment repair; armored car; vehicle repair; battery, tire, and allied; ~~investment counseling;~~ service charges of all financial institutions, excluding service charges for investment counseling; barber and beauty; boat repair; vehicle wash and wax; campgrounds; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dating services; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; excavating and grading; farm implement repair of all kinds; flying service; furniture, rug, carpet, and upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; gun and camera repair; house and building moving; household appliance, television, and radio repair; janitorial and building maintenance or cleaning; jewelry and watch repair; lawn care, landscaping, and tree trimming and removal; limousine service, including driver; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pay television; pet grooming; pipe fitting and plumbing; wood preparation; executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; reflexology; security and detective services, excluding private security and detective services furnished by a peace officer with the knowledge and consent of the chief executive officer of the peace officer's law enforcement agency; sewage services for nonresidential commercial operations; sewing and stitching; shoe repair and shoeshine; sign construction and installation; storage

H.F. 2066

of household goods, mini-storage, and warehousing of raw agricultural products; swimming pool cleaning and maintenance; tanning beds or salons; taxidermy services; telephone answering service; test laboratories, including mobile testing laboratories and field testing by testing laboratories, and excluding tests on humans or animals; termite, bug, roach, and pest eradicators; tin and sheet metal repair; transportation service consisting of the rental of recreational vehicles or recreational boats, or the rental of motor vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less, or the rental of aircraft for a period of sixty days or less; Turkish baths, massage, and reducing salons, excluding services provided by massage therapists licensed under chapter 152C; water conditioning and softening; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl, and vegetables; wrecking service; wrecker and towing.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

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

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

House File 2067 - Introduced

HOUSE FILE 2067
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HF 2004)

A BILL FOR

1 An Act relating to the use of youth spring wild turkey hunting
2 licenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5048HV (2) 85
da/rj

H.F. 2067

1 Section 1. Section 483A.7, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 4. A person who is issued a youth spring
4 wild turkey hunting license and does not take a wild turkey
5 during the youth spring wild turkey hunting season may use
6 the wild turkey hunting license and unused tag during any
7 other wild turkey hunting season that is established by the
8 commission.
9 EXPLANATION
10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.
12 This bill provides that a person who is issued a youth spring
13 wild turkey hunting license and does not take a wild turkey
14 during the youth spring wild turkey hunting season may use the
15 license and unused tag during any other wild turkey hunting
16 season that is established by the natural resource commission.

House File 2068 - Introduced

HOUSE FILE 2068
BY WOOD, GASKILL, RUFF, WINCKLER, H. MILLER, ISENHART, MURPHY, JACOBY, LYKAM, HANSON, GAINES, BEARINGER, RIDING, DUNKEL, MASCHER, OLDSON, RUNNING-MARQUARDT, FORBES, OURTH, R. OLSON, MEYER, KRESSIG, BERRY, and STUTSMAN

A BILL FOR

1 An Act relating to the establishment of the state percent of
2 growth and the categorical state percent of growth and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5354YH (4) 85
md/sc

H.F. 2068

Section 1. Section 257.8, subsections 1 and 2, Code 2014, are amended to read as follows:

1. *State percent of growth.* The state percent of growth for the budget year beginning July 1, 2012, is two percent. The state percent of growth for the budget year beginning July 1, 2013, is two percent. The state percent of growth for the budget year beginning July 1, 2014, is four percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year. <u>If the statute establishing the state percent of growth for a budget year is not enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21, the director of the department of management shall set the state percent of growth for that budget year at a percent equal to the percent increase in the total amount of general fund revenues collected during the most recently completed fiscal year as compared to the total amount of general fund revenues collected during the fiscal year preceding the most recently completed fiscal year, as certified by the revenue estimating conference during its final meeting of the previous calendar year.</u>

2. *Categorical state percent of growth.* The categorical state percent of growth for the budget year beginning July 1, 2012, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2013, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2014, is four percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment

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of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, the early intervention supplement, and the teacher leadership supplement. If the statute establishing the categorical state percent of growth for a budget year is not enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21, the director of the department of management shall set the categorical state percent of growth for that budget year at a percent equal to the percent increase in the total amount of general fund revenues collected during the most recently completed fiscal year as compared to the total amount of general fund revenues collected during the fiscal year preceding the most recently completed fiscal year, as certified by the revenue estimating conference during its final meeting of the previous calendar year.

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

Sec. 3. APPLICABILITY. This Act applies to the establishment of the state percent of growth and the categorical state percent of growth for school budget years beginning on or after July 1, 2015.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

Current Code section 257.8 requires the statute establishing the state percent of growth and the statute establishing the categorical state percent of growth to each be enacted within 30 days of the submission in the year preceding the base year of the governor's budget. This bill provides that if for a budget year a statute establishing the state percent of growth is not enacted within such 30-day period, the state percent of

H.F. 2068

growth established for that budget year shall be equal to the percent increase in the total amount of general fund revenues collected during the most recently completed fiscal year as compared to the total amount of general fund revenues collected during the fiscal year preceding the most recently completed fiscal year, as certified by the revenue estimating conference during its final meeting of the previous calendar year.

The bill further provides that if for a budget year a statute establishing a categorical state percent of growth is not enacted within such 30-day period, the categorical state percent of growth established for that budget year shall be equal to the percent increase in the total amount of general fund revenues collected during the most recently completed fiscal year as compared to the total amount of general fund revenues collected during the fiscal year preceding the most recently completed fiscal year, as certified by the revenue estimating conference during its final meeting of the previous calendar year.

The bill takes effect upon enactment. The bill applies to the establishment of the state percent of growth and the categorical state percent of growth for school budget years beginning on or after July 1, 2015.

House File 2069 - Introduced

HOUSE FILE 2069
BY KAUFMANN

A BILL FOR

1 An Act relating to solid waste.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5559YH (2) 85
tm/nh

H.F. 2069

Section 1. Section 455B.301, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. *"Managed output product"* means any material which is an intended output or result of a fabrication, manufacturing, or production process that is sold and distributed in the stream of commerce for consumption, use, or further processing into another commodity provided the product is managed as an item of value in a controlled manner and is not managed as a discarded material.

Sec. 2. Section 455B.301, subsection 23, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* A managed output product.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to solid waste.

The bill excludes managed output products from the term "solid waste". The term "managed output product" is a new term that means any material which is an intended output or result of a fabrication, manufacturing, or production process that is sold and distributed in the stream of commerce for consumption, use, or further processing into another commodity provided the product is managed as an item of value in a controlled manner and is not managed as a discarded material.

House File 2070 - Introduced

HOUSE FILE 2070
BY HEATON

A BILL FOR

1 An Act relating to state child care assistance program
2 eligibility requirements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5642YH (2) 85
jp/nh

H.F. 2070

Section 1. Section 237A.13, subsection 7, paragraphs a and c, Code 2014, are amended to read as follows:

a. Families with an income at or below one hundred percent of the federal poverty level whose members ~~are employed~~, for at least twenty-eight hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program, and parents with a family income at or below one hundred percent of the federal poverty level who are under the age of twenty-one years and are participating in an educational program leading to a high school diploma or the equivalent.

c. Families with an income of more than one hundred percent but not more than one hundred forty-five percent of the federal poverty level whose members ~~are employed~~, for at least twenty-eight hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to state child care assistance program eligibility requirements in Code section 237A.13. The program is administered by the department of human services. The department establishes waiting list requirements for the program based upon the availability of funding and eligibility requirements for the program generally match the waiting list requirements. The bill amends two of the waiting list requirements that are based upon income and employment for at least 28 hours per week or participation in an educational program.

The bill revises the 28-hour-per-week employment requirement to apply to a combination of employment and participation at a satisfactory level in an approved training or education program for 28 hours per week in the aggregate.

House File 2071 - Introduced

HOUSE FILE 2071
BY DAWSON

A BILL FOR

1 An Act concerning review by the board of trustees of the
2 statewide fire and police retirement system of certain
3 determinations by participating cities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5721HH (2) 85
ec/sc

H.F. 2071

Section 1. Section 411.6, subsection 5, paragraph b, Code 2014, is amended to read as follows:

b. If a member in service or the chief of the police or fire departments becomes incapacitated for duty as a natural or proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time or place or while acting, pursuant to order, outside the city by which the member is regularly employed, the member, upon being found to be temporarily incapacitated following a medical examination as directed by the city, is entitled to receive the member's full pay and allowances from the city's general fund or trust and agency fund until reexamined as directed by the city and found to be fully recovered or until the city determines that the member is likely to be permanently disabled. If the temporary incapacity of a member continues more than sixty days, or if the city expects the incapacity to continue more than sixty days, the city shall notify the system of the temporary incapacity. Upon notification by a city, the system may refer the matter to the medical board for review and consultation with the member's treating physician during the temporary incapacity. ~~Except as provided by this paragraph, the~~ The board of trustees of the statewide system has ~~no~~ jurisdiction over ~~these matters until~~ an appeal by a member of a determination by a city that the member is not temporarily incapacitated and is not entitled to receive the member's full pay and allowances. The board of trustees also has jurisdiction once the city determines that the disability is likely to be permanent.

Sec. 2. Section 411.15, Code 2014, is amended to read as follows:

411.15 Hospitalization and medical attention.

Cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of the cities, when injured while in the performance of their duties as members of such department, and shall continue to

H.F. 2071

1 provide hospital, nursing, and medical attention for injuries
2 or diseases incurred while in the performance of their duties
3 for members receiving a retirement allowance under section
4 411.6, subsection 6. The board of trustees has jurisdiction
5 over an appeal by a member of a determination by a city that
6 the member was not injured while in the performance of the
7 member's duties and not entitled to hospitalization and medical
8 attention under this section. Cities may fund the cost of
9 the hospital, nursing, and medical attention required by this
10 section through the purchase of insurance, by self-insuring
11 the obligation, or through payment of moneys into a local
12 government risk pool established for the purpose of covering
13 the costs associated with the requirements of this section.
14 However, the cost of the hospital, nursing, and medical
15 attention required by this section shall not be funded through
16 an employee-paid health insurance policy. The cost of the
17 hospital, nursing, and medical attention required by this
18 section shall be paid from moneys held in a trust and agency
19 fund established pursuant to section 384.6, or out of the
20 appropriation for the department to which the injured person
21 belongs or belonged; provided that any amounts received by
22 the injured person from any other source for such specific
23 purposes, shall be deducted from the amount paid by the city
24 under the provisions of this section.
25 EXPLANATION
26 **The inclusion of this explanation does not constitute agreement with**
27 **the explanation's substance by the members of the general assembly.**
28 This bill provides that the board of trustees of the
29 statewide fire and police retirement system has jurisdiction
30 to review a determination by a city that a member of the
31 retirement system is not temporarily incapacitated and is not
32 entitled to receive the member's full pay and allowances under
33 section 411.6(5), or was not injured while in the performance
34 of the member's duties and not entitled to hospitalization and
35 medical attention under section 411.15.

House File 2072 - Introduced

HOUSE FILE 2072
BY HAGENOW

A BILL FOR

1 An Act relating to video machine tournament contests.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5878HH (3) 85
ec/nh

H.F. 2072

Section 1. Section 99B.11, subsection 2, paragraph e, Code 2014, is amended to read as follows:

e. A video machine ~~golf~~ tournament game which is an interactive bona fide contest. A player operates a video machine ~~golf~~ tournament game with a trackball assembly or by player-directed movement with a video or electronic gaming device which ~~acts as the golfer's swing and~~ determines the results of play and tournament scores. A video machine ~~golf~~ tournament game is capable of receiving program and data information from an off-site location. A tournament operator shall prominently display all tournament rules.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill authorizes the paying of awards and prizes to participants in video machine tournament games.

Code section 99B.11, concerning bona fide contests, is amended to provide that a video machine tournament game is a bona fide contest, allowing the payment of awards to persons winning the contest. The bill provides that a player operates a video machine tournament game with a trackball assembly or by player-directed movement with a video or electronic gaming device which determines the results of play and tournament scores. Under current law, only video machine golf tournament games using a trackball assembly are considered bona fide contests.

House Resolution 103 - Introduced

HOUSE RESOLUTION NO. 103
BY UPMEYER and M. SMITH

A Resolution celebrating the fine arts in Iowa's schools and communities.

WHEREAS, music, drama, and the visual arts have always played a valuable role in Iowa education and in Iowa's communities; and

WHEREAS, at all educational levels Iowa's schools offer a variety of fine arts education and experience that can enrich students' lives and broaden students' horizons; and

WHEREAS, every year young Iowans hone their skills in school theatrics, singing groups, bands, and art studios; and

WHEREAS, those experiences sometimes lead to a lifelong career, and sometimes a lifelong avocation; and

WHEREAS, whichever path is chosen, the fine arts bring enrichment and enjoyment, adding vibrancy to community life and a sense of accomplishment and purpose to the individual; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House of Representatives urges all Iowans to enrich their lives and their communities by taking advantage of the fine arts programs providing educational, professional, and individual opportunities throughout the state; and

BE IT FURTHER RESOLVED, That the House of Representatives urges all schools, public and private, to offer a variety of fine arts opportunities to their

H.R. 103

1 students at every level.

House Study Bill 568 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to federal home loan bank rights regarding
2 collateral pledged by insurer-members.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5775HC (2) 85
rn/nh

H.F. _____

1 Section 1. Section 507C.2, Code 2014, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 10A. *"Federal home loan bank"* means a
4 federal home loan bank established under the federal Home Loan
5 Bank Act, 12 U.S.C. §1421 et seq.
6 NEW SUBSECTION. 16A. *"Insurer-member"* means an insurer who
7 is a member of a federal home loan bank.
8 Sec. 2. Section 507C.5, Code 2014, is amended by adding the
9 following new subsection:
10 NEW SUBSECTION. 3. *a.* Notwithstanding any other provision
11 to the contrary, a federal home loan bank shall not be stayed
12 or prohibited from exercising its rights regarding collateral
13 pledged by an insurer-member.
14 *b.* If a federal home loan bank exercises its rights
15 regarding collateral pledged by an insurer-member who is
16 subject to a delinquency proceeding, the federal home loan
17 bank shall repurchase any outstanding capital stock that is in
18 excess of that amount of federal home loan bank stock that the
19 insurer-member is required to hold as a minimum investment, to
20 the extent the federal home loan bank in good faith determines
21 the repurchase to be permissible under applicable laws,
22 regulations, regulatory obligations, and the federal home loan
23 bank's capital plan, and consistent with the federal home loan
24 bank's current capital stock practices applicable to its entire
25 membership.
26 *c.* Following the appointment of a receiver for an
27 insurer-member, the federal home loan bank shall, within ten
28 business days after a request from the receiver, provide a
29 process and establish a timeline for all of the following:
30 (1) The release of collateral that exceeds the amount
31 required to support secured obligations remaining after
32 any repayment of loans as determined in accordance with the
33 applicable agreements between the federal home loan bank and
34 the insurer-member.
35 (2) The release of any of the insurer-member's collateral

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1 remaining in the federal home loan bank's possession following
2 repayment of all outstanding secured obligations of the
3 insurer-member in full.
4 (3) The payment of fees owed by the insurer-member and the
5 operation of deposits and other accounts of the insurer-member
6 with the federal home loan bank.
7 (4) The possible redemption or repurchase of federal
8 home loan bank stock or excess stock of any class that an
9 insurer-member is required to own.
10 *d.* Upon request from a receiver, the federal home loan
11 bank shall provide any available options for an insurer-member
12 subject to a delinquency proceeding to renew or restructure
13 a loan to defer associated prepayment fees, subject to
14 market conditions, the terms of any loans outstanding to the
15 insurer-member, the applicable policies of the federal home
16 loan bank, and the federal home loan bank's compliance with
17 federal laws and regulations.
18 Sec. 3. Section 507C.28A, Code 2014, is amended by adding
19 the following new subsection:
20 NEW SUBSECTION. 10. Notwithstanding any other provision
21 of this chapter to the contrary, the receiver for an
22 insurer-member shall not void any transfer of, or any
23 obligation to transfer, money or any other property arising
24 under or in connection with any federal home loan bank
25 security agreement, or any pledge, security, collateral,
26 or guarantee agreement, or any other similar arrangement
27 or credit enhancement relating to a federal home loan bank
28 security agreement made in the ordinary course of business
29 and in compliance with the applicable federal home loan bank
30 agreement. However, a transfer may be avoided under this
31 subsection if the transfer was made with actual intent to
32 hinder, delay, or defraud the insurer-member, the receiver for
33 the insurer-member, or existing or future creditors. This
34 subsection shall not affect a receiver's rights regarding
35 advances to an insurer-member in delinquency proceedings

H.F. _____

1 pursuant to 12 C.F.R. §1266.4.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to federal home loan bank rights regarding
6 collateral pledged by insurer-members in delinquency or
7 receivership proceedings. The bill defines a "federal home
8 loan bank" to mean a federal home loan bank established under
9 the federal Home Loan Bank Act, and an "insurer-member" to mean
10 an insurer who is a member of a federal home loan bank.
11 The bill provides that a federal home loan bank shall not
12 be stayed or prohibited from exercising its rights regarding
13 collateral pledged by an insurer-member.
14 The bill provides that if a federal home loan bank exercises
15 its rights regarding collateral pledged by an insurer-member
16 who is subject to a delinquency proceeding, the federal home
17 loan bank shall repurchase any outstanding capital stock that
18 is in excess of that amount of federal home loan bank stock
19 that the insurer-member is required to hold as a minimum
20 investment, to the extent the federal home loan bank in
21 good faith determines the repurchase to be permissible under
22 applicable laws, regulations, regulatory obligations, and the
23 federal home loan bank's capital plan, and consistent with
24 the federal home loan bank's current capital stock practices
25 applicable to its entire membership.
26 The bill provides that after the appointment of a receiver
27 for an insurer-member, the federal home loan bank shall,
28 within 10 business days after a request from the receiver,
29 provide a process and establish a timeline for the release of
30 collateral that exceeds the amount required to support secured
31 obligations remaining after any repayment of loans, the release
32 of any of the insurer-member's collateral remaining in the
33 federal home loan bank's possession following repayment of
34 all outstanding secured obligations of the insurer-member in
35 full, the payment of fees owed by the insurer-member and the

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1 operation of deposits and other accounts of the insurer-member
2 with the federal home loan bank, and the possible redemption or
3 repurchase of federal home loan bank stock or excess stock of
4 any class that an insurer-member is required to own.
5 The bill additionally provides that upon request from
6 a receiver, the federal home loan bank shall provide
7 any available options for an insurer-member subject to a
8 delinquency proceeding to renew or restructure a loan to defer
9 associated prepayment fees. Such a renewal or restructuring
10 would be subject to market conditions, the terms of any loans
11 outstanding to the insurer-member, the applicable policies of
12 the federal home loan bank, and the federal home loan bank's
13 compliance with federal laws and regulations.
14 The bill also provides that a receiver for an insurer-member
15 shall not void any transfer of, or any obligation to transfer,
16 money or any other property arising under or in connection with
17 any federal home loan bank security agreement, or any pledge,
18 security, collateral, or guarantee agreement, or any other
19 similar arrangement or credit enhancement relating to a federal
20 home loan bank security agreement made in the ordinary course
21 of business and in compliance with the applicable federal
22 home loan bank agreement, unless the transfer was made with
23 actual intent to hinder, delay, or defraud the insurer-member,
24 the receiver for the insurer-member, or existing or future
25 creditors. The bill adds that this provision shall not affect
26 a receiver's rights regarding advances to an insurer-member in
27 delinquency proceedings pursuant to federal law.

House Study Bill 569 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
COMMERCE/CREDIT UNION
DIVISION BILL)

A BILL FOR

1 An Act relating to matters under the purview of the credit
2 union division of the department of commerce.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5580DP (3) 85
rn/rj

S.F. _____ H.F. _____

1 Section 1. NEW SECTION. **533.209A Prohibited relationships.**
2 A director shall not be related by consanguinity or affinity
3 within the third degree to any person employed by a state
4 credit union in a senior management position. For purposes
5 of this section, *"senior management position"* includes a state
6 credit union's chief executive officer, president, or manager;
7 assistant chief executive officer, assistant president, vice
8 president, or assistant manager; or chief financial officer or
9 treasurer.
10 Sec. 2. Section 533.301, subsection 5, paragraph i, Code
11 2014, is amended to read as follows:
12 *i.* Corporate bonds as defined by and subject to terms
13 and conditions imposed by the superintendent, provided that
14 the superintendent shall not approve investment in corporate
15 bonds unless the bonds are ~~rated in the two highest grades~~
16 ~~of corporate bonds by a nationally accepted rating agency~~
17 investment grade. For purposes of this paragraph, *"investment*
18 *grade"* means the issuer of a security has an adequate capacity
19 to meet the financial commitments under the security for the
20 projected life of the asset or exposure, even under adverse
21 economic conditions. An issuer has adequate capacity to
22 meet the financial commitments of a security if the risk of
23 default by the obligor is low and the full and timely repayment
24 of principal and interest on the security is expected. A
25 state credit union may consider any or all of the following
26 nonexhaustive or nonmutually exclusive factors, to the extent
27 appropriate, with respect to the credit risk of a security:
28 (1) Credit spreads.
29 (2) Securities-related research.
30 (3) Internal or external credit risk assessments.
31 (4) Default statistics.
32 (5) Inclusion on an index.
33 (6) Priorities and enhancements.
34 (7) Price, yield, or volume.
35 (8) Asset class-specific factors.

S.F. _____ H.F. _____

1 Sec. 3. Section 533.301, subsection 28, Code 2014, is
2 amended to read as follows:
3 28. Sell, to persons in the field of membership, negotiable
4 checks, including traveler's checks; money orders; and other
5 similar money transfer instruments including international
6 and domestic electronic fund transfers and remittance ~~checks~~
7 transfers.
8 Sec. 4. NEW SECTION. **533.405A Involuntary dissolution.**
9 1. If the superintendent has taken over management of the
10 property and business of a state credit union pursuant to
11 section 533.502, and determined that the state credit union
12 cannot be reorganized or merged with another credit union, the
13 superintendent may move for the involuntary dissolution of the
14 state credit union and shall apply to the district court for
15 appointment as receiver with the authority to dissolve the
16 state credit union.
17 2. If a state credit union is in the process of a
18 voluntary dissolution, and pursuant to section 533.405,
19 the superintendent finds that the state credit union is not
20 making reasonable progress toward terminating its affairs, the
21 superintendent may move for the involuntary dissolution of the
22 state credit union and shall apply to the district court for
23 appointment as receiver with the authority to dissolve the
24 state credit union.
25 3. The provisions of section 533.503 shall apply when the
26 superintendent is acting as receiver, and as receiver the
27 superintendent shall distribute the assets pursuant to the
28 provisions of section 533.404.
29 Sec. 5. Section 533.503, Code 2014, is amended by adding the
30 following new subsections:
31 NEW SUBSECTION. 2A. The superintendent as receiver may sue
32 and defend in the superintendent's name with respect to the
33 affairs of a state credit union.
34 NEW SUBSECTION. 5. The superintendent as receiver shall
35 hold all records of the receivership for a period of two years

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1 after the court decree dissolving the state credit union
2 and discharging the receiver, and at the termination of the
3 two-year period, the records may then be destroyed.
4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill relates to matters under the purview of the credit
8 union division of the department of commerce.
9 The bill provides that a director shall not be related
10 by consanguinity or affinity within the third degree to any
11 person employed by a state credit union in a senior management
12 position. The bill defines "senior management position" to
13 include a credit union's chief executive officer, president,
14 or manager; assistant chief executive officer, assistant
15 president, vice president, or assistant manager; or chief
16 financial officer or treasurer.
17 The bill modifies provisions relating to investments by a
18 state credit union in corporate bonds to delete a requirement
19 that the bonds are rated in the two highest grades of corporate
20 bonds by a nationally accepted rating agency and substituting
21 the requirement that the bonds be considered investment grade.
22 The bill defines "investment grade" to mean the issuer of
23 a security has an adequate capacity to meet the financial
24 commitments under the security for the projected life of the
25 asset or exposure, even under adverse economic conditions. The
26 bill provides that an issuer has adequate capacity to meet the
27 financial commitments of a security if the risk of default
28 by the obligor is low and the full and timely repayment of
29 principal and interest on the security is expected. The bill
30 specifies a list of nonexhaustive or nonmutually exclusive
31 factors which a credit union may consider, to the extent
32 appropriate, with respect to the credit risk of a security.
33 The bill changes a reference to "remittance checks" to
34 "remittance transfers" regarding the ability of a state credit
35 union to sell, to persons in the field of membership, specified

S.F. _____ H.F. _____

1 checks, money orders, and other similar money transfer
2 instruments.
3 Additionally, the bill establishes new involuntary
4 dissolution provisions relating to state credit unions. The
5 bill provides that if the superintendent has taken over
6 management of the property and business of a state credit
7 union and determined that the state credit union cannot
8 be reorganized or merged with another credit union, the
9 superintendent may move for the involuntary dissolution of the
10 state credit union and shall apply to the district court for
11 appointment as receiver with the authority to dissolve the
12 state credit union. Further, the bill provides that if a state
13 credit union is in the process of a voluntary dissolution, and
14 the superintendent of credit unions finds that the state credit
15 union is not making reasonable progress toward terminating
16 its affairs, the superintendent may move for the involuntary
17 dissolution of the state credit union and shall apply to the
18 district court for appointment as receiver with the authority
19 to dissolve the state credit union.
20 The bill adds two new provisions applicable to the
21 superintendent acting as receiver. The bill provides that
22 the superintendent as receiver may sue and defend in the
23 superintendent's name with respect to the affairs of a state
24 credit union, and shall hold all records of the receivership
25 for a period of two years after the court decree dissolving the
26 state credit union and discharging the receiver, which, at the
27 termination of the two-year period, may be destroyed.

House Study Bill 570 - Introduced

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

A BILL FOR

1 An Act relating to sex offender registry requirements for
2 juveniles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5160YC (5) 85
jm/rj

H.F. _____

1 Section 1. Section 232.54, subsection 1, paragraph i, Code
2 2014, is amended to read as follows:
3 *i.* With respect to a dispositional order requiring a
4 child to register as a sex offender pursuant to chapter 692A,
5 the juvenile court shall determine under section 692A.103,
6 subsection 5, whether the child shall remain on the sex
7 offender registry prior to termination of the dispositional
8 order for the offense requiring registration and the entry
9 of any order discharging the offender from juvenile court
10 supervision for the offense requiring registration.
11 Sec. 2. Section 692A.103, subsections 3, 4, 5, and 6, Code
12 2014, are amended to read as follows:
13 3. A juvenile adjudicated delinquent for an offense that
14 requires registration shall ~~be required to~~ register as required
15 in this chapter unless the juvenile court, upon a motion
16 filed by the juvenile under subsection 5, permanently waives,
17 modifies, or temporarily suspends the requirement and finds
18 that the person should not be required to register as specified
19 under this chapter.
20 4. Notwithstanding ~~subsections 3 and~~ subsection 5, a
21 juvenile fourteen years of age or older at the time the
22 offense was committed shall be required to register if
23 the adjudication was for an offense committed by force or
24 the threat of serious violence, by rendering the victim
25 unconscious, or by involuntary drugging of the victim. At the
26 time of adjudication the judge shall make a determination as
27 to whether the offense was committed by force or the threat of
28 serious violence, by rendering the victim unconscious, or by
29 involuntary drugging of the victim.
30 5. ~~If a juvenile is required to register pursuant to~~
31 ~~subsection 3, the~~ The juvenile court may, upon motion of the
32 juvenile, and after reasonable notice to the parties and
33 hearing, ~~modify or suspend~~ permanently waive the registration
34 requirements, modify the duration of registration under section
35 692A.106, or temporarily suspend the registration requirements

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1 pursuant to paragraph "b", if good cause for the waiver,
2 modification, or suspension is shown.
3 *a.* The motion of the juvenile to waive, modify, or
4 temporarily suspend the registration requirements shall be
5 made and the hearing and final order shall occur prior to
6 ~~the discharge of the juvenile from the jurisdiction of the~~
7 ~~juvenile court for the sex offense that requires registration~~
8 the termination of the dispositional order for the offense
9 requiring registration and the entry of any order discharging
10 the offender from juvenile court supervision for the offense
11 requiring registration. Any subsequent motions to modify the
12 sex offender registry requirements shall be made in district
13 court pursuant to section 692A.128.
14 *b.* (1) If at the time of the hearing on the motion the
15 juvenile is participating in or has been ordered to participate
16 in an appropriate outpatient treatment program for juvenile
17 sex offenders, or if the juvenile has successfully completed
18 an appropriate outpatient or in-patient treatment program
19 for juvenile sex offenders and remains under juvenile court
20 supervision for the offense requiring registration, the
21 juvenile court may enter orders temporarily suspending the
22 requirement that the juvenile register and may defer entry of
23 a final order ~~on the matter until such time that the juvenile~~
24 ~~has completed or been discharged from the outpatient treatment~~
25 ~~program~~ on the registration requirements as provided in
26 subparagraph (2).
27 ~~*c.*~~ (2) ~~Final orders~~ A final order on the juvenile's motion
28 to permanently waive the registration requirements or modify
29 the duration of registration under section 692A.106 shall ~~then~~
30 be entered ~~within thirty days from the date of the juvenile's~~
31 ~~completion or discharge from outpatient treatment~~ prior to
32 the termination of the dispositional order for the offense
33 requiring registration and the entry of any order discharging
34 the offender from juvenile court supervision for the offense
35 requiring registration.

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1 ~~*d.*~~ *c.* Any order entered pursuant to this subsection that
2 permanently waives the registration requirements, modifies
3 the duration of registration, or temporarily suspends the
4 requirement to register shall include written findings
5 stating the reason for the waiver, modification, or temporary
6 suspension, and shall include appropriate restrictions upon
7 the juvenile to protect the public during any period of
8 time the registry requirements are ~~modified or~~ temporarily
9 suspended. Upon entry of an order permanently waiving
10 the registration requirements, modifying the duration of
11 registration, or temporarily suspending the requirement to
12 register, the juvenile court shall notify the superintendent or
13 the superintendent's designee where the juvenile is enrolled of
14 the decision.
15 ~~*e.*~~ *d.* This subsection does not apply to a juvenile fourteen
16 years of age or older at the time the offense was committed
17 if the adjudication was for a sex offense committed by force
18 or the threat of serious violence, by rendering the victim
19 unconscious, or by involuntary drugging of the victim.
20 *e.* A juvenile shall not file more than one motion pursuant
21 to this subsection during the period the juvenile is required
22 to register under this chapter.
23 6. If ~~a juvenile is required to register and~~ the court ~~later~~
24 permanently waives, modifies, or temporarily suspends ~~the order~~
25 ~~regarding~~ the requirement to register pursuant to subsection
26 5, the court shall notify the department within five days of
27 the decision.
28 EXPLANATION
29 **The inclusion of this explanation does not constitute agreement with**
30 **the explanation's substance by the members of the general assembly.**
31 This bill relates to sex offender registry requirements for
32 juveniles.
33 The bill eliminates the requirement the court make an
34 initial determination, after adjudication, that the juvenile
35 register as a sex offender and requires all juveniles required

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1 to register as a sex offender to register, unless upon motion
2 by the juvenile, the court permanently waives, modifies, or
3 temporarily suspends the sex offender registration requirement.
4 Under current law, a juvenile adjudicated delinquent for
5 an offense that requires the juvenile to register as a sex
6 offender may have the registration requirement modified or
7 suspended by the court or the juvenile may file a motion to
8 have the registration requirement modified or suspended after
9 the court makes the initial determination that the juvenile
10 register as a sex offender.
11 The bill specifies that the court may permanently waive,
12 modify the duration of registration, or temporarily suspend the
13 requirements, if good cause for the waiver, modification, or
14 suspension is shown. Current law specifies that the court may
15 modify or suspend the registration requirements.
16 The bill specifies that a juvenile required to register
17 as a sex offender is entitled to only file one motion under
18 Code section 692A.103(5) to permanently waive, modify, or
19 temporarily suspend the registration requirements. The bill
20 further specifies that any subsequent motions to modify the sex
21 offender registry requirements shall be made in district court
22 pursuant to Code section 692A.128.
23 If the juvenile files a motion to waive, modify, or
24 temporarily suspend the registration requirements, and the
25 juvenile has been ordered to participate in an appropriate
26 outpatient treatment program for juvenile sex offenders or
27 the juvenile has successfully completed an outpatient or
28 in-patient treatment program for juvenile sex offenders and
29 remains under juvenile court supervision for the offense
30 requiring registration, the bill allows the court to enter a
31 preliminary order that temporarily suspends the registration
32 requirements. Under current law, if the juvenile files the
33 motion and the juvenile is participating in an appropriate
34 outpatient treatment program for juvenile sex offenders, the
35 court may enter a preliminary order that temporarily suspends

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1 the registration requirements.
2 After temporarily suspending the registration requirements,
3 the bill authorizes the court to delay entry of a final order
4 on the juvenile's motion to permanently waive the registration
5 requirements or modify the duration of registration, until
6 prior to the termination of the dispositional order for the
7 offense requiring registration and the entry of any order
8 discharging the offender from juvenile court supervision for
9 the offense requiring registration.
10 Under current law and the bill, a juvenile 14 years of
11 age or older at the time the offense was committed and
12 adjudicated for a sex offense committed by force or the threat
13 of serious violence, by rendering the victim unconscious,
14 or by involuntary drugging of the victim, is ineligible to
15 file a motion to waive, modify, or temporarily suspend the
16 registration requirements.

House Study Bill 571 - Introduced

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

A BILL FOR

1 An Act relating to transfer of guardianship in child in need of
2 assistance proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5635YC (1) 85
ad/nh

H.F. _____

1 Section 1. NEW SECTION. **232.101A Transfer of guardianship**
2 **to custodian.**
3 1. After a dispositional hearing the court may enter an
4 order transferring guardianship of the child to a custodian if
5 all of the following conditions are met:
6 *a.* The person receiving guardianship meets the definition
7 of custodian in section 232.2.
8 *b.* The person receiving guardianship has assumed
9 responsibility for the child for at least the six consecutive
10 months prior to filing of the petition under this division and
11 has maintained placement of the child since the filing of the
12 petition under this division.
13 *c.* The parent of the child does not appear at the
14 dispositional hearing, or the parent appears at the
15 dispositional hearing, does not object to the transfer of
16 guardianship, and agrees to waive the requirement for making
17 reasonable efforts as defined in section 232.102.
18 2. If the court transfers guardianship pursuant to
19 subsection 1, the court may close the child in need of
20 assistance case by transferring jurisdiction over the child's
21 guardianship to the probate court. The court shall inform the
22 proposed guardian of the guardian's reporting duties under
23 section 633.669 and other duties under chapter 633. Upon
24 transferring jurisdiction, the court shall direct the probate
25 clerk, once the proposed guardian has filed an oath of office
26 and identification in accordance with section 602.6111, to
27 issue letters of appointment for guardianship and docket the
28 case in probate. Records contained in the probate case file
29 that were copied or transferred from the juvenile court file
30 concerning the case shall be subject to section 232.147 and
31 other confidentiality provisions of this chapter for cases not
32 involving juvenile delinquency.
33 Sec. 2. Section 633.675, subsection 2, Code 2014, is amended
34 to read as follows:
35 2. Notwithstanding subsection 1, paragraphs "*a*" through

H.F. _____

1 "d", if the court appointed a guardian for a minor child for
2 whom the court's jurisdiction over the child's guardianship
3 was established pursuant to transfer of the child's case in
4 accordance with section 232.101A or 232.104, the court shall
5 not enter an order terminating the guardianship before the
6 child becomes age eighteen unless the court finds by clear
7 and convincing evidence that the best interests of the child
8 warrant a return of custody to the child's parent.
9 Sec. 3. Section 633.679, subsection 2, Code 2014, is amended
10 to read as follows:
11 2. Unless the child or guardian dies or other exceptional
12 circumstances arise, if the court has appointed a guardian
13 for a minor child for whom the court's jurisdiction over the
14 child's guardianship was established pursuant to transfer
15 of the child's case in accordance with section 232.101A
16 or 232.104, a petition shall not be filed asking that the
17 guardianship be terminated or modified until at least six
18 months has elapsed from the date the order was entered
19 appointing the guardian.
20 EXPLANATION
21 **The inclusion of this explanation does not constitute agreement with**
22 **the explanation's substance by the members of the general assembly.**
23 This bill relates to transfer of guardianship in child in
24 need of assistance proceedings. Currently, a court must enter
25 the least restrictive disposition that is appropriate following
26 a hearing on the child in need of assistance petition. These
27 dispositions include a suspended judgment, the retention of
28 custody by a parent, and the transfer of legal custody of the
29 child. The bill adds another disposition: the transfer of
30 guardianship of the child. The bill allows the transfer of
31 guardianship of a child to a custodian after the dispositional
32 hearing if the person receiving guardianship meets the
33 statutory definition of a custodian, the person receiving
34 guardianship has assumed responsibility for the child for six
35 consecutive months prior to the filing of the child in need

H.F. _____

of assistance petition and has maintained responsibility for the child after the filing of the petition, and the parent of the child either does not appear at the dispositional hearing or the parent appears and does not object to the transfer of guardianship and agrees to waive the requirement for making reasonable efforts to prevent or eliminate the need for removal of the child from the child's home.

The bill also states that if the court transfers guardianship pursuant to the bill, the court may close the child in need of assistance case by transferring the case to probate court. The court has the responsibility to inform the guardian of the statutory reporting requirements and other duties of the guardianship.

The bill makes conforming changes.

House Study Bill 572 - Introduced

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

A BILL FOR

1 An Act relating to recording custodial interrogations in a
2 criminal or juvenile case.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5081YC (4) 85
jm/rj

H.F. _____

1 Section 1. NEW SECTION. **823.1 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. *"Custodial interrogation"* means questioning or other
5 conduct by a law enforcement officer which is reasonably likely
6 to elicit an incriminating response from an individual and
7 occurs when reasonable individuals in the same circumstances
8 would consider themselves in custody.
9 2. *"Electronic recording"* means an audio and video
10 recording that accurately records a custodial interrogation.
11 "Record electronically" and "recorded electronically" have a
12 corresponding meaning.
13 3. *"Law enforcement agency"* means a governmental entity
14 or other entity authorized by a governmental entity or state
15 law to enforce criminal laws or investigate suspected criminal
16 activity. The term does not include a law enforcement officer.
17 4. *"Law enforcement officer"* means an individual employed
18 by a law enforcement agency whose responsibilities include
19 enforcing criminal laws or investigating suspected criminal
20 activity, including but not limited to a peace officer as
21 defined in section 801.4 and a reserve officer as defined in
22 section 80D.2.
23 5. *"Place of detention"* means a fixed location under the
24 control of a law enforcement agency where individuals are
25 questioned about alleged crimes or delinquent acts. The term
26 includes a jail, police or sheriff's station, holding cell, and
27 correctional or detention facility.
28 6. *"State"* means a state of the United States, the District
29 of Columbia, Puerto Rico, the United States Virgin Islands, or
30 any territory or insular possession subject to the jurisdiction
31 of the United States.
32 7. *"Statement"* means a communication whether oral, written,
33 electronic, or nonverbal.
34 Sec. 2. NEW SECTION. **823.2 Electronic recording**
35 **requirement.**

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1 1. Except as provided in this section and sections
2 823.4 through 823.9, a custodial interrogation at a place
3 of detention, including the giving of any required warning,
4 advice of the rights of the individual being questioned, and
5 the waiver of any rights by the individual, shall be recorded
6 electronically in its entirety means if the interrogation
7 relates to any crime or delinquent act.
8 2. If subsection 1 applies and a law enforcement officer
9 conducts a custodial interrogation without electronically
10 recording the interrogation in its entirety, the officer
11 shall prepare a written or electronic report explaining the
12 reason for not complying with this section and summarizing
13 the custodial interrogation process and the individual's
14 statements.
15 3. A law enforcement officer shall prepare the report
16 required by subsection 2 as soon as practicable after
17 completing the custodial interrogation.
18 4. This section does not apply to a spontaneous statement
19 made outside the course of a custodial interrogation or a
20 statement made in response to a question asked routinely during
21 the processing of an individual following an arrest.
22 Sec. 3. NEW SECTION. **823.3 Notice and consent not required.**
23 A law enforcement officer conducting a custodial
24 interrogation is not required to obtain consent to electronic
25 recording from the individual being interrogated or to
26 inform the individual that an electronic recording is being
27 made of the interrogation. This chapter does not permit
28 a law enforcement officer or a law enforcement agency to
29 record a private communication between an individual and the
30 individual's lawyer.
31 Sec. 4. NEW SECTION. **823.4 Feasibility of recording —**
32 **exception.**
33 A custodial interrogation is not required to be recorded
34 electronically pursuant to section 823.2 if the recording is
35 not reasonably feasible under the circumstances. The law

H.F. _____

1 enforcement officer conducting the custodial interrogation
2 shall record electronically an explanation of the exigent
3 circumstances before conducting the custodial interrogation,
4 if feasible, or as soon as practicable after the custodial
5 interrogation is completed.
6 Sec. 5. NEW SECTION. **823.5 Refusal to be electronically**
7 **recorded — exception.**
8 1. A custodial interrogation is not required to be recorded
9 electronically pursuant to section 823.2 if the individual
10 to be interrogated indicates that the individual will not
11 participate in the interrogation if the interrogation is
12 recorded electronically. If feasible, the agreement to
13 participate without recording must be recorded electronically.
14 2. If, during a custodial interrogation that applies under
15 section 823.2, the individual being interrogated indicates that
16 the individual will not participate in further interrogation
17 unless electronic recording ceases, the remainder of the
18 custodial interrogation is not required to be recorded
19 electronically. If feasible, the individual's agreement
20 to participate without further recording must be recorded
21 electronically.
22 3. A law enforcement officer, with intent to avoid the
23 requirement of electronic recording in section 823.2, shall
24 not encourage an individual to request that a recording not be
25 made.
26 Sec. 6. NEW SECTION. **823.6 Interrogation conducted by other**
27 **jurisdiction — exception.**
28 If a custodial interrogation occurs in another state
29 in compliance with that state's law or is conducted by a
30 federal law enforcement agency in compliance with federal law,
31 the custodial interrogation is not required to be recorded
32 electronically unless the custodial interrogation is conducted
33 on behalf of an Iowa law enforcement agency with the specific
34 intent to avoid the requirement of electronic recording in
35 section 823.2.

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1 Sec. 7. NEW SECTION. **823.7 Belief — exception.**
2 1. A custodial interrogation is not required to be
3 recorded electronically pursuant to section 823.2 if the
4 custodial interrogation occurs when no law enforcement officer
5 conducting the custodial interrogation has knowledge of facts
6 and circumstances that would lead a law enforcement officer
7 reasonably to believe that the individual being interrogated
8 may have committed an act which requires that a custodial
9 interrogation be recorded electronically under section 823.2.
10 2. If, during such a custodial interrogation, the
11 individual being interrogated reveals facts and circumstances
12 giving a law enforcement officer conducting the custodial
13 interrogation reason to believe that an act has been
14 committed which requires that a custodial interrogation
15 be recorded electronically under section 823.2, continued
16 custodial interrogation concerning that act must be recorded
17 electronically, if feasible.
18 Sec. 8. NEW SECTION. **823.8 Safety — exception.**
19 A custodial interrogation is not required to be recorded
20 electronically pursuant to section 823.2 if a law enforcement
21 officer conducting the custodial interrogation or the officer's
22 superior reasonably believes that electronic recording
23 would disclose the identity of a confidential informant
24 or jeopardize the safety of a law enforcement officer, the
25 individual being interrogated, or another individual. If
26 feasible and consistent with the safety of a confidential
27 informant, an explanation of the basis for the belief that
28 electronic recording would disclose the informant's identity
29 must be recorded electronically at the time of the custodial
30 interrogation. If contemporaneous recording of the basis for
31 the belief is not feasible, the recording must be made as soon
32 as practicable after the custodial interrogation is completed.
33 Sec. 9. NEW SECTION. **823.9 Equipment malfunction —**
34 **exception.**
35 All or part of a custodial interrogation is not required to

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1 be recorded electronically pursuant to section 823.2 to the
2 extent that recording is not feasible because the available
3 electronic recording equipment fails, despite reasonable
4 maintenance of the equipment, and timely repair or replacement
5 is not feasible.
6 Sec. 10. NEW SECTION. **823.10 Burden of proof.**
7 If the prosecution relies on an exception described in
8 sections 823.4 through 823.9 to justify a failure to record
9 electronically a custodial interrogation, the prosecution must
10 prove by a preponderance of the evidence that the exception
11 applies.
12 Sec. 11. NEW SECTION. **823.11 Notice of intent to introduce**
13 **unrecorded statement.**
14 If the prosecution intends to introduce in its case in chief
15 a statement made during a custodial interrogation which was
16 not recorded electronically and section 823.2 applies to that
17 statement, the prosecution, not later than the time specified
18 by rule of criminal procedure 2.11(4), Iowa court rules, shall
19 serve the defendant with written notice of that intent and of
20 any exception on which the prosecution intends to rely.
21 Sec. 12. NEW SECTION. **823.12 Procedural remedies.**
22 1. Unless the court finds that an exception in sections
23 823.4 through 823.9 applies, the court shall consider the
24 failure to record electronically all or part of a custodial
25 interrogation in compliance with section 823.2 as a factor
26 in determining whether a statement made during the custodial
27 interrogation is admissible, including whether it was
28 voluntarily made.
29 2. If the court admits into evidence a statement made during
30 a custodial interrogation that was not recorded electronically
31 in compliance with section 823.2, the court, on request of the
32 defendant, shall give a cautionary instruction to the jury,
33 unless such an instruction would be confusing or not beneficial
34 to the jury.
35 Sec. 13. NEW SECTION. **823.13 Handling and preserving**

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1 **electronic recording — spoliation.**
2 1. Each law enforcement agency in this state shall establish
3 and enforce procedures to ensure that the electronic recording
4 of all or part of a custodial interrogation is identifiable,
5 accessible, and preserved for a period of three years after
6 the date of the limitation for the commencement of a criminal
7 action as set forth in chapter 802.
8 2. This chapter does not create a cause of action for
9 damages or a presumption of spoliation in the event evidence
10 is no longer available.
11 Sec. 14. NEW SECTION. **823.14 Rules relating to electronic**
12 **recording.**
13 1. Each law enforcement agency that is a governmental entity
14 of this state shall adopt and enforce rules to administer this
15 chapter.
16 2. The rules adopted under subsection 1 shall address the
17 following:
18 *a.* The manner in which an electronic recording is made.
19 *b.* The collection and supervisory review of an electronic
20 recording.
21 *c.* Supervisory responsibilities imposed on individuals
22 in specific positions in order to ensure adequate staffing,
23 education, training, material resources, and a chain of command
24 to promote internal accountability.
25 *d.* A process that details when noncompliance with procedures
26 occurs.
27 *e.* The imposition of administrative sanctions for a failure
28 to comply with procedures that is not justified.
29 *f.* A process for monitoring the chain of custody of an
30 electronic recording.
31 3. The rules adopted under subsection 2, paragraph *"a"*, for
32 video recordings must contain standards for the angle, focus,
33 and field of vision of a recording device which reasonably
34 promote accurate recording of a custodial interrogation at a
35 place of detention and reliable assessment of its accuracy and

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1 completeness.
2 Sec. 15. NEW SECTION. **823.15 Self-authentication.**
3 1. In any pretrial or posttrial proceeding, an electronic
4 recording of a custodial interrogation is self-authenticating
5 if it is accompanied by a certificate of authenticity sworn
6 under oath or affirmation by an appropriate law enforcement
7 officer.
8 2. This chapter does not limit the right of an individual
9 to challenge the authenticity of an electronic recording of a
10 custodial interrogation under law of this state other than this
11 chapter.
12 Sec. 16. NEW SECTION. **823.16 Right to electronic recording**
13 **or transcript.**
14 1. This chapter does not create a right of an individual
15 to require a custodial interrogation to be recorded
16 electronically.
17 2. This chapter does not require preparation of a transcript
18 of an electronic recording of a custodial interrogation.
19 Sec. 17. NEW SECTION. **823.17 Relation to Electronic**
20 **Signatures in Global and National Commerce Act.**
21 This chapter modifies, limits, and supersedes the federal
22 Electronic Signatures in Global and National Commerce Act, 15
23 U.S.C. §7001 et seq., but does not modify, limit, or supersede
24 section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize
25 electronic delivery of any of the notices described in section
26 103(b) of that Act, 15 U.S.C. §7003(b).
27 Sec. 18. IMPLEMENTATION OF ACT. Section 25B.2, subsection
28 3, shall not apply to this Act.
29 EXPLANATION

30 **The inclusion of this explanation does not constitute agreement with**
31 **the explanation's substance by the members of the general assembly.**

32 This bill relates to electronically recording a custodial
33 interrogation in a criminal or juvenile case.
34 Under the bill, a custodial interrogation at a place of
35 detention, including the giving of any required warning,

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1 advice of the rights of the individual being questioned, and
2 the waiver of any rights by the individual, must be recorded
3 electronically in its entirety by both audio and video means if
4 the interrogation relates to any crime or delinquent act.
5 The bill defines "custodial interrogation" to mean
6 questioning or other conduct by a law enforcement officer which
7 is reasonably likely to elicit an incriminating response from
8 an individual and occurs when reasonable individuals in the
9 same circumstances would consider themselves in custody.
10 The bill defines "place of detention" to mean a fixed
11 location under the control of a law enforcement agency where
12 individuals are questioned about alleged crimes or delinquent
13 acts. The term includes a jail, police or sheriff's station,
14 holding cell, and correctional or detention facility.
15 The bill does not require a law enforcement officer to
16 obtain consent or inform the person being interrogated that the
17 interrogation is being electronically recorded.
18 The bill does not apply to a spontaneous statement made
19 outside the course of the custodial interrogation or a
20 statement made in response to a question asked routinely during
21 the processing of the arrest of an individual.
22 The requirements of the bill also do not apply to
23 the following situations: the electronic recording is
24 not reasonably feasible under the circumstances, the
25 individual refuses to participate in the interrogation
26 if the interrogation is being recorded, the interrogation
27 occurs in another jurisdiction in compliance with the other
28 jurisdiction's laws or by federal law enforcement in compliance
29 with federal law, the law enforcement officer has no knowledge
30 of the facts that would lead the officer to reasonably believe
31 that the individual being interrogated committed an act which
32 would require the interrogation to be electronically recorded,
33 the law enforcement officer conducting the interrogation
34 reasonably believes the electronic recording would disclose
35 the identity of a confidential informant or jeopardize the

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1 safety of an officer or another individual, or the electronic
2 recording equipment fails.
3 If feasible under the circumstances, the bill requires the
4 reason for not electronically recording an interrogation to be
5 contemporaneously electronically recorded.
6 The bill prohibits a law enforcement officer from
7 encouraging an individual to request an interrogation not be
8 electronically recorded.
9 If the prosecution relies on an exception to not
10 electronically record an interrogation, the bill specifies that
11 the burden is on the prosecution to prove by a preponderance of
12 the evidence that an exception does apply.
13 The bill requires the prosecution to provide written notice
14 to a defendant of the intent to rely upon a statement made in a
15 custodial interrogation which was not electronically recorded
16 within 40 days of arraignment.
17 The bill specifies that the court shall consider the
18 failure to electronically record all or part of a custodial
19 interrogation, unless an exception applies, as a factor in
20 determining whether a statement made during the interrogation
21 is admissible, including whether the statement was voluntarily
22 made.
23 The bill requires each law enforcement agency to establish
24 and enforce procedures to ensure that the electronic recording
25 is identifiable, accessible, and preserved for a period
26 of three years after the date of the limitation for the
27 commencement of a criminal action as set forth in Code chapter
28 802.
29 The bill requires each law enforcement agency to establish
30 rules relating to the following: the manner in which an
31 electronic recording is made including the angle and focus
32 of the camera, supervisory responsibilities, a process
33 that details when noncompliance with procedures occurs, the
34 imposition of administrative sanctions for a failure to comply
35 with the procedures, and a process for monitoring the chain of

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1 custody of an electronic recording.
2 The bill does not create a right to require a custodial
3 interrogation to be recorded electronically or require a
4 transcript of electronically recorded interrogation to be
5 prepared.
6 The bill may include a state mandate as defined in Code
7 section 25B.3. The bill makes inapplicable Code section 25B.2,
8 subsection 3, which would relieve a political subdivision from
9 complying with a state mandate if funding for the cost of
10 the state mandate is not provided or specified. Therefore,
11 political subdivisions are required to comply with any state
12 mandate included in the bill.

House Study Bill 573 - Introduced

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

A BILL FOR

1 An Act relating to the scope and nature of use restrictions on
2 land.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5475YC (3) 85
rh/sc

H.F. _____

1 Section 1. Section 614.24, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 4. As used in this section, *"use*
4 *restrictions"* means a limitation or prohibition on the rights
5 of a landowner to make use of the landowner's real estate,
6 including but not limited to limitations or prohibitions
7 on commercial uses, rental use, parking and storage of
8 recreational vehicles and their attachments, ownership
9 of pets, outdoor domestic uses, construction and use of
10 accessory structures, building dimensions and colors, building
11 construction materials, and landscaping. A use restriction
12 claimed for purposes of this section shall not limit or
13 prohibit the following:
14 *a.* An easement granting a person an affirmative right
15 to use land in the possession of another person including
16 but not limited to an easement for pedestrian or vehicular
17 access, reasonable ingress and egress, solar access, utilities,
18 supporting utilities, parking areas, bicycle paths, and water
19 flow.
20 *b.* An agreement between two or more parcel owners providing
21 for the sharing of costs and other obligations for real
22 estate taxes, insurance premiums, and for maintenance, repair,
23 improvements, services, or other costs related to two or more
24 parcels of real estate regardless of whether the parties to
25 the agreement are owners of individual lots or incorporated
26 or unincorporated lots or have ownership interests in common
27 areas in a horizontal property regime or residential housing
28 development.
29 *c.* An agreement between two or more parcel owners for
30 the joint use and maintenance of driveways, party walls,
31 landscaping, fences, wells, roads, common areas, waterways, or
32 bodies of water.
33 EXPLANATION
34 **The inclusion of this explanation does not constitute agreement with**
35 **the explanation's substance by the members of the general assembly.**

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1 Iowa Code sections 614.24 through 614.28 (known as the
2 "stale uses and reversions Act") require the filing of a
3 verified claim with the county recorder in the county where the
4 real estate is located within 21 years after the recording of
5 a use restriction or the last verified claim to continue the
6 use restriction. If a verified claim is not timely filed, the
7 use restriction becomes unenforceable by operation of law 21
8 years after the recording of the last verified claim of use
9 restriction.
10 The bill defines the meaning of the term "use restriction"
11 for the filing of a verified claim to include but not be
12 limited to limitations or prohibitions on uses specified in the
13 bill. The bill also provides that a use restriction shall not
14 limit or prohibit easements granting a person an affirmative
15 right to use land in the possession of another person, certain
16 agreements providing for the sharing of costs and other
17 obligations for real estate taxes, insurance premiums, and
18 maintenance, repair, improvements, services, or other costs,
19 and agreements between two or more parcel owners for the joint
20 use and maintenance of driveways, party walls, landscaping,
21 fences, wells, roads, common areas, waterways, or bodies of
22 water.

House Study Bill 574 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act providing for the licensing of polysomnographic
2 technologists, making penalties applicable, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5277YC (8) 85
jr/nh

H.F. _____

1 Section 1. Section 135.24, subsection 2, paragraph a, Code
2 2014, is amended to read as follows:
3 *a.* Procedures for registration of health care providers
4 deemed qualified by the board of medicine, the board of
5 physician assistants, the dental board, the board of nursing,
6 the board of chiropractic, the board of psychology, the board
7 of social work, the board of behavioral science, the board
8 of pharmacy, the board of optometry, the board of podiatry,
9 the board of physical and occupational therapy, the board of
10 respiratory care and polysomnography, and the Iowa department
11 of public health, as applicable.
12 Sec. 2. Section 147.1, subsections 3 and 6, Code 2014, are
13 amended to read as follows:
14 3. *"Licensed"* or *"certified"*, when applied to a physician
15 and surgeon, podiatric physician, osteopathic physician and
16 surgeon, physician assistant, psychologist, chiropractor,
17 nurse, dentist, dental hygienist, dental assistant,
18 optometrist, speech pathologist, audiologist, pharmacist,
19 physical therapist, physical therapist assistant, occupational
20 therapist, occupational therapy assistant, orthotist,
21 prosthetist, pedorthist, respiratory care practitioner,
22 practitioner of cosmetology arts and sciences, practitioner
23 of barbering, funeral director, dietitian, marital and
24 family therapist, mental health counselor, polysomnographic
25 technologist, social worker, massage therapist, athletic
26 trainer, acupuncturist, nursing home administrator, hearing aid
27 dispenser, or sign language interpreter or transliterator means
28 a person licensed under this subtitle.
29 6. *"Profession"* means medicine and surgery, podiatry,
30 osteopathic medicine and surgery, practice as a physician
31 assistant, psychology, chiropractic, nursing, dentistry,
32 dental hygiene, dental assisting, optometry, speech pathology,
33 audiology, pharmacy, physical therapy, physical therapist
34 assisting, occupational therapy, occupational therapy
35 assisting, respiratory care, cosmetology arts and sciences,

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1 barbering, mortuary science, marital and family therapy, mental
2 health counseling, polysomnography, social work, dietetics,
3 massage therapy, athletic training, acupuncture, nursing
4 home administration, hearing aid dispensing, sign language
5 interpreting or transliterating, orthotics, prosthetics, or
6 pedorthics.
7 Sec. 3. Section 147.2, subsection 1, Code 2014, is amended
8 to read as follows:
9 1. A person shall not engage in the practice of medicine
10 and surgery, podiatry, osteopathic medicine and surgery,
11 psychology, chiropractic, physical therapy, physical
12 therapist assisting, nursing, dentistry, dental hygiene,
13 dental assisting, optometry, speech pathology, audiology,
14 occupational therapy, occupational therapy assisting,
15 orthotics, prosthetics, pedorthics, respiratory care,
16 pharmacy, cosmetology arts and sciences, barbering, social
17 work, dietetics, marital and family therapy or mental health
18 counseling, massage therapy, mortuary science, polysomnography,
19 athletic training, acupuncture, nursing home administration,
20 hearing aid dispensing, or sign language interpreting
21 or transliterating, or shall not practice as a physician
22 assistant, unless the person has obtained a license for that
23 purpose from the board for the profession.
24 Sec. 4. Section 147.13, subsection 18, Code 2014, is amended
25 to read as follows:
26 18. For respiratory care and polysomnography, the board of
27 respiratory care and polysomnography.
28 Sec. 5. Section 147.14, subsection 1, paragraph o, Code
29 2014, is amended to read as follows:
30 *o.* For respiratory care, one licensed physician with
31 training in respiratory care, ~~three~~ two respiratory care
32 practitioners who have practiced respiratory care for a minimum
33 of six years immediately preceding their appointment to the
34 board and who are recommended by the society for respiratory
35 care, one member who is recommended by the Iowa sleep society

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1 and is licensed to practice polysomnography, and one member
2 not licensed to practice medicine, osteopathic medicine,
3 polysomnography, or respiratory care who shall represent the
4 general public.
5 Sec. 6. Section 147.74, Code 2014, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION. 22A. A person who is licensed to engage in
8 the practice of polysomnography shall have the right to use the
9 title "polysomnographic technologist" or the letters "P.S.G.T."
10 after the person's name. No other person may use that title
11 or letters or any other words or letters indicating that the
12 person is a polysomnographic technologist.
13 Sec. 7. NEW SECTION. **148G.1 Definitions.**
14 As used in this chapter, unless the context otherwise
15 requires:
16 1. *"Board"* means the board of respiratory care and
17 polysomnography established in chapter 147.
18 2. *"Direct supervision"* means that the polysomnographic
19 technologist providing supervision must be present where the
20 polysomnographic procedure is being performed and immediately
21 available to furnish assistance and direction throughout the
22 performance of the procedure.
23 3. *"General supervision"* means that the polysomnographic
24 procedure is provided under a physician's or physician
25 assistant's overall direction and control, but the physician's
26 or physician assistant's presence is not required during the
27 performance of the procedure.
28 4. *"Physician"* means a person who is currently licensed in
29 Iowa to practice medicine and surgery or osteopathic medicine
30 and surgery and who is board certified in sleep medicine and
31 who is actively involved in the sleep medicine center or
32 laboratory.
33 5. *"Physician assistant"* means a person licensed as a
34 physician assistant under chapter 148C who performs medical
35 services under the supervision of a physician.

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1 6. *"Polysomnographic student"* means a person who is enrolled
2 in a commission on accreditation of allied health education
3 program or an equivalent program accredited by a nationally
4 recognized accrediting agency and who may provide sleep-related
5 services under the direct supervision of a polysomnographic
6 technologist as a part of the person's educational program.
7 7. *"Polysomnographic technician"* means a person who has
8 graduated from a commission on accreditation of allied health
9 education program or equivalent program accredited by a
10 nationally recognized accrediting agency, but has not yet
11 passed an accepted national credentialing examination given by
12 a testing body that is accredited by a nationally recognized
13 accrediting agency, credentialed in one of the health-related
14 fields accepted by the board of registered polysomnographic
15 technologists, may provide sleep-related services under the
16 direct supervision of a licensed polysomnographic technologist
17 for a period of up to thirty days postgraduation while awaiting
18 credentialing examination scheduling and results.
19 8. *"Polysomnographic technologist"* means a person who is
20 credentialed by a nationally recognized accrediting agency
21 and is licensed by the board to engage in the practice of
22 polysomnography under the general supervision of a physician
23 or physician assistant.
24 9. *"Practice of polysomnography"* means as described in
25 section 148G.2.
26 10. *"Qualified health care practitioner"* means an individual
27 licensed as described in section 147.2 who is determined by the
28 board to be qualified to perform polysomnography.
29 11. *"Sleep-related services"* means acts performed by
30 polysomnographic technicians, polysomnographic students, and
31 other persons permitted to perform those services under this
32 chapter, in a setting described in this chapter that would be
33 considered the practice of polysomnography if performed by a
34 polysomnographic technologist.
35 Sec. 8. NEW SECTION. **148G.2 Practice of polysomnography.**

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1 The practice of polysomnography consists of but is not
2 limited to the following tasks as performed for the purpose of
3 polysomnography, under the general supervision of a licensed
4 physician or physician assistant:
5 1. Monitoring, recording, and evaluating physiologic
6 data during polysomnographic testing and review during the
7 evaluation of sleep-related disorders, including sleep-related
8 respiratory disturbances, by applying any of the following
9 techniques, equipment, or procedures:
10 *a.* Noninvasive continuous, bilevel positive airway pressure,
11 or adaptive servo-ventilation titration on spontaneously
12 breathing patients using a mask or oral appliance; provided,
13 that the mask or oral appliance does not extend into the
14 trachea or attach to an artificial airway.
15 *b.* Supplemental low-flow oxygen therapy of less than six
16 liters per minute, utilizing a nasal cannula or incorporated
17 into a positive airway pressure device during a polysomnogram.
18 *c.* Capnography during a polysomnogram.
19 *d.* Cardiopulmonary resuscitation.
20 *e.* Pulse oximetry.
21 *f.* Gastroesophageal pH monitoring.
22 *g.* Esophageal pressure monitoring.
23 *h.* Sleep stage recording using surface
24 electroencephalography, surface electrooculography, and surface
25 submental electromyography.
26 *i.* Surface electromyography.
27 *j.* Electrocardiography.
28 *k.* Respiratory effort monitoring, including thoracic and
29 abdominal movement.
30 *l.* Plethysmography blood flow monitoring.
31 *m.* Snore monitoring.
32 *n.* Audio and video monitoring.
33 *o.* Body movement monitoring.
34 *p.* Nocturnal penile tumescence monitoring.
35 *q.* Nasal and oral airflow monitoring.

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1 *r.* Body temperature monitoring.
2 2. Monitoring the effects that a mask or oral appliance
3 used to treat sleep disorders has on sleep patterns; provided,
4 however, that the mask or oral appliance shall not extend into
5 the trachea or attach to an artificial airway.
6 3. Observing and monitoring physical signs and symptoms,
7 general behavior, and general physical response to
8 polysomnographic evaluation and determining whether initiation,
9 modification, or discontinuation of a treatment regimen is
10 warranted.
11 4. Analyzing and scoring data collected during the
12 monitoring described in this section for the purpose of
13 assisting a physician in the diagnosis and treatment of sleep
14 and wake disorders that result from developmental defects,
15 the aging process, physical injury, disease, or actual or
16 anticipated somatic dysfunction.
17 5. Implementation of a written or verbal order from a
18 physician or physician assistant to perform polysomnography.
19 6. Education of a patient regarding the treatment regimen
20 that assists the patient in improving the patient's sleep.
21 7. Use of any oral appliance used to treat sleep-disordered
22 breathing while under the care of a licensed polysomnographic
23 technologist during the performance of a sleep study, as
24 directed by a licensed dentist.
25 Sec. 9. NEW SECTION. **148G.3 Location of services.**
26 The practice of polysomnography shall take place only in a
27 facility that is accredited by a nationally recognized sleep
28 medicine laboratory or center accrediting agency, in a hospital
29 licensed under chapter 135B, or in a patient's home pursuant to
30 rules adopted by the board; provided, however, that the scoring
31 of data and the education of patients may take place in another
32 setting.
33 Sec. 10. NEW SECTION. **148G.4 Scope of chapter.**
34 Nothing in this chapter shall be construed to limit or
35 restrict a health care practitioner licensed in this state from

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1 engaging in the full scope of practice of the individual's
2 profession. This chapter shall not apply to licensed
3 respiratory therapists.
4 Sec. 11. NEW SECTION. **148G.5 Rulemaking.**
5 The board shall adopt rules necessary for the implementation
6 and administration of this chapter and the applicable
7 provisions of chapters 147 and 272C.
8 Sec. 12. NEW SECTION. **148G.6 Licensing requirements.**
9 1. Beginning January 1, 2015, a qualified health care
10 practitioner, as determined by the board by rule, may apply to
11 the board for a license to perform polysomnography. The board
12 shall issue a license to the health care practitioner, without
13 examination, provided the application contains verification
14 that the health care practitioner has completed five hundred
15 hours of paid clinical or nonclinical polysomnographic work
16 experience within the three years prior to submission of the
17 application. The application shall also contain verification
18 from the health care practitioner's supervisor that the health
19 care practitioner is competent to perform polysomnography.
20 An individual licensed to practice polysomnography pursuant
21 to this subsection shall not use the title "polysomnographic
22 technologist" or the letters "P.S.G.T."
23 2. Beginning January 1, 2015, a person seeking licensure
24 as a polysomnographic technologist shall be of good moral
25 character, be at least eighteen years of age, pay the fees
26 established by the board for licensure, and present proof that
27 the person has satisfied one of the following educational
28 requirements:
29 *a.* Graduation from a polysomnographic educational program
30 that is accredited by the committee on accreditation for
31 polysomnographic technologist education or by a committee
32 on accreditation for the commission on accreditation of
33 allied health education programs, or an equivalent program as
34 determined by the board.
35 *b.* Graduation from a respiratory care educational program

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1 that is accredited by the commission on accreditation
2 for respiratory care or by a committee on accreditation
3 for the commission on accreditation of allied health
4 education programs, and completion of the curriculum for a
5 polysomnographic certificate established and accredited by the
6 commission on accreditation of allied health education programs
7 as an extension of the respiratory care program.
8 *c.* Graduation from an electroneurodiagnostic technologist
9 educational program that is accredited by the committee
10 on accreditation for education in electroneurodiagnostic
11 technology or by a committee on accreditation for the
12 commission on accreditation of allied health education
13 programs, and completion of the curriculum for a
14 polysomnographic certificate established and accredited by the
15 commission on accreditation of allied health education programs
16 as an extension of the electroneurodiagnostic educational
17 program.
18 Sec. 13. NEW SECTION. **148G.7 Persons exempt from licensing**
19 **requirement.**
20 1. The following persons may provide sleep-related services
21 without being licensed as a polysomnographic technologist under
22 this chapter:
23 *a.* A polysomnographic technician may provide sleep-related
24 services under the general supervision of a physician or
25 physician assistant for a period of up to six months from the
26 date of the technician's graduation from one of the accredited
27 programs described in section 148G.6. The board may in its
28 sole discretion grant a one-time extension of up to three
29 months beyond this one-year period.
30 *b.* A polysomnographic student may provide sleep-related
31 services under the direct supervision of a polysomnographic
32 technologist as a part of the student's educational program
33 while actively enrolled in a polysomnographic educational
34 program that is accredited by the commission on accreditation
35 of allied health education programs or an equivalent program as

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1 determined by the board.
2 2. Before providing any sleep-related services, a
3 polysomnographic technician or polysomnographic student who is
4 obtaining clinical experience shall give notice to the board
5 that the person is working under the direct supervision of a
6 polysomnographic technologist in order to gain the experience
7 to be eligible to sit for a national certification examination.
8 The person shall wear a badge that appropriately identifies the
9 person while providing such services.
10 Sec. 14. NEW SECTION. **148G.8 Licensing sanctions.**
11 The board may impose sanctions for violations of this
12 chapter as provided in chapters 147 and 272C.
13 Sec. 15. Section 152B.1, subsection 1, Code 2014, is amended
14 to read as follows:
15 1. *"Board"* means the board of respiratory care and
16 polysomnography created under chapter 147.
17 Sec. 16. Section 272C.1, subsection 6, paragraph z, Code
18 2014, is amended to read as follows:
19 *z.* The board of respiratory care and polysomnography in
20 licensing respiratory care practitioners pursuant to chapter
21 152B and polysomnographic technologists pursuant to chapter
22 148G.
23 Sec. 17. INITIAL APPOINTMENT OF POLYSOMNOGRAPHIC
24 TECHNOLOGIST TO BOARD. For the initial appointment of the
25 polysomnographic member to the board of respiratory care and
26 polysomnography pursuant to section 147.14, as amended in this
27 Act, such appointee must be eligible for licensure pursuant to
28 this Act. The appointment shall be effective upon the first
29 expiration of the term of an existing respiratory care board
30 member.
31 Sec. 18. EFFECTIVE DATE. The following provision or
32 provisions of this Act take effect January 1, 2015:
33 1. The section of this Act amending section 147.2,
34 subsection 1.
35 EXPLANATION

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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill requires the licensing of polysomnographic
4 technologists beginning January 1, 2015, and makes the
5 provisions of Code chapters 147 and 272C, including penalty
6 and other regulatory provisions, applicable to other health
7 professions applicable to the practice of polysomnography.
8 Code section 147.86 provides that it is a serious misdemeanor
9 to violate a provision of the licensing laws. A serious
10 misdemeanor is punishable by confinement for no more than one
11 year and a fine of at least $315 but not more than $1,875. The
12 licensing program is administered and regulated by the board
13 of respiratory care and polysomnography, with one respiratory
14 care practitioner replaced by a person licensed to practice
15 polysomnography.
16 A licensed polysomnographic technologist practices under
17 the general supervision of a licensed physician or physician
18 assistant, providing specifically enumerated services related
19 to sleep disorders. A polysomnographic student enrolled in an
20 approved educational program provides services under the direct
21 supervision of a polysomnographic technologist.
22 The bill sets out educational standards and testing
23 requirements, and provides for disciplinary actions.

House Study Bill 575 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act concerning the rights of parties to private construction
2 contracts and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5188YC (4) 85
je/rj

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1 Section 1. NEW SECTION. **573B.1 Title.**
2 This chapter shall be known as the *"Iowa Fairness in Private*
3 *Construction Contracts Act"*.
4 Sec. 2. NEW SECTION. **573B.2 Definitions.**
5 For the purposes of this chapter:
6 1. *"Construction"* means furnishing labor, equipment,
7 material, or supplies used or consumed for the design,
8 construction, alteration, renovation, repair, or maintenance of
9 a building, structure, appurtenance, or other improvement to
10 real property, including any moving, demolition, or excavation.
11 2. *"Contract"* means a contract or agreement concerning
12 construction entered into by and between an owner and
13 a contractor, a contractor and a subcontractor, or a
14 subcontractor and another subcontractor.
15 3. *"Contractor"* means a person or entity that engages in
16 the business of construction and has a contract with an owner
17 of the real property or with a trustee, agent, or spouse of an
18 owner.
19 4. *"Owner"* means the record titleholder or a person or
20 entity for whose use or benefit any construction is undertaken,
21 who has the capacity to contract, including a guardian.
22 5. *"Private construction"* means construction of or on
23 private property.
24 6. *"Retainage"* means money earned by a contractor or
25 subcontractor but withheld to ensure proper performance by the
26 contractor or subcontractor.
27 7. *"Subcontractor"* means a person or entity that engages
28 in the business of construction, except a person or entity
29 entering into a contract directly with the owner of the real
30 property.
31 Sec. 3. NEW SECTION. **573B.3 Private construction contracts**
32 **— payment — provisions against public policy — failure to pay.**
33 1. A person or entity that enters into a contract for
34 private construction shall make all payments pursuant to the
35 terms of the contract and in accordance with this chapter.

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1 2. A provision in a contract for private construction
2 that purports to waive, release, or extinguish the right to
3 resolve disputes through litigation in court or substantive or
4 procedural rights in connection with such litigation is void
5 and unenforceable as contrary to public policy. However, a
6 contract may require binding arbitration as a substitute for
7 litigation or require nonbinding alternative dispute resolution
8 as a prerequisite to litigation.
9 3. A provision in a contract for private construction
10 providing that a payment from a contractor or subcontractor
11 to a subcontractor is contingent or conditioned upon receipt
12 of a payment from any other private party is no defense to a
13 claim to enforce a mechanic's lien or bond to secure payment of
14 claims pursuant to chapter 572.
15 4. A contract for private construction shall provide that
16 payment of amounts due a contractor from an owner, except
17 retainage, shall be made within thirty days after the owner
18 receives a timely, properly completed, undisputed request for
19 payment. If an owner fails to pay a contractor by the date
20 payment is due, the owner shall pay interest to the contractor
21 beginning on the first business day after payment is due,
22 computed at the rate of twelve percent per annum.
23 5. For a contract for private construction, a contractor
24 shall pay a subcontractor any amounts due within seven business
25 days of whichever of the following is later:
26 *a.* Receipt of payment by the contractor from the owner,
27 including payment of retainage, if retainage is released by the
28 owner.
29 *b.* The date payment to the subcontractor is due pursuant to
30 the contract.
31 6. If a contractor fails to pay a subcontractor pursuant
32 to subsection 5, the contractor shall pay interest to the
33 subcontractor beginning on the first business day after payment
34 becomes due, computed at the rate of twelve percent per annum.
35 7. The provisions of subsections 5 and 6 shall apply to a

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1 payment from a subcontractor to its subcontractor.
2 Sec. 4. NEW SECTION. **573B.4 Retainage.**
3 1. An owner, contractor, or subcontractor may withhold
4 no more than five percent retainage from the amount of any
5 undisputed payment due.
6 2. If an owner, contractor, or subcontractor fails to pay
7 retainage pursuant to the terms of a contract for private
8 construction or as required by this chapter, the owner,
9 contractor, or subcontractor shall pay interest to the
10 contractor or subcontractor to whom payment was due, beginning
11 on the first business day after the payment was due, at a rate
12 of twelve percent per annum.
13 Sec. 5. NEW SECTION. **573B.5 Action or arbitration to**
14 **enforce.**
15 In any action to enforce the provisions of this chapter,
16 including arbitration, the court or arbitrator shall award
17 costs and reasonable attorney fees to the prevailing party.
18 Venue of such an action shall be in the county where the
19 applicable real property is located. The hearing in such an
20 arbitration shall be held in the county where the applicable
21 real property is located.
22 Sec. 6. NEW SECTION. **573B.6 Waiver or variance prohibited.**
23 The rights and duties prescribed by this chapter shall not be
24 waived or varied under the terms of a contract. The terms of a
25 contract waiving or varying the rights and duties prescribed by
26 this chapter shall be unenforceable.
27 Sec. 7. NEW SECTION. **573B.7 Applicability.**
28 The provisions of this chapter do not apply to single-family
29 residential housing and multifamily residential housing of four
30 units or less. The provisions of this chapter shall not apply
31 to public works or public improvement projects.
32 Sec. 8. APPLICABILITY. This Act applies to construction
33 contracts entered into on or after the effective date of this
34 Act.
35 EXPLANATION

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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill creates the "Iowa Fairness in Private Construction
4 Contracts Act". The bill requires a person or entity that
5 enters into a contract for private construction to make
6 all payments pursuant to the terms of the contract and in
7 accordance with the bill. The bill provides that a provision
8 in a private construction contract that waives, releases, or
9 extinguishes the right to resolve disputes through litigation
10 is void as contrary to public policy, although arbitration
11 may be required as a prerequisite to or a substitution for
12 litigation.
13 The bill provides that a provision in a contract for
14 private construction making a payment from a contractor or
15 subcontractor to a subcontractor contingent or conditioned upon
16 receipt of a payment from any other private party is no defense
17 to a claim to enforce a mechanic's lien or bond to secure
18 payment of claims pursuant to Code chapter 572.
19 The bill requires that a contract for private construction
20 provide that payment of amounts due a contractor from an owner,
21 except retainage, shall be made within 30 days after the owner
22 receives a timely, properly completed, undisputed request for
23 payment. The bill provides that if an owner fails to pay a
24 contractor by the date payment is due, the owner must pay
25 interest to the contractor beginning the first business day
26 after payment is due, at the rate of 12 percent per annum.
27 The bill provides that for a contract for private
28 construction, a contractor must pay a subcontractor any
29 amounts due within seven business days of the later of either
30 the receipt of payment by the contractor from the owner,
31 including retainage, if released, or the date payment to the
32 subcontractor is due pursuant to the subcontract. The bill
33 provides that if a contractor fails to pay a subcontractor in
34 this way, the contractor must pay interest to the subcontractor
35 beginning the first business day after payment is due, at a

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1 rate of 12 percent per annum.
2 The bill defines "retainage" for the purposes of the "Iowa
3 fairness in private construction contracts Act" as money
4 earned by a contractor or subcontractor but withheld to ensure
5 proper performance by the contractor or subcontractor. The
6 bill provides that an owner, contractor, or subcontractor may
7 withhold no more than 5 percent retainage from the amount of
8 any undisputed payment due. The bill provides that if an
9 owner, contractor, or subcontractor fails to pay retainage
10 as required, they must pay interest beginning on the first
11 business day after the payment was due, at a rate of 12 percent
12 per annum.
13 The bill provides that in any action to enforce the
14 provisions of the bill, including arbitration, the court or
15 arbitrator will award costs and reasonable attorney fees to the
16 prevailing party. The bill provides that such an action will
17 take place in the county where the applicable real property is
18 located.
19 The bill provides that the rights and duties prescribed
20 by the bill cannot be waived or varied under the terms
21 of a contract, and a provision of a contract doing so is
22 unenforceable.
23 The bill does not apply to single-family residential housing
24 and multifamily residential housing of four units or less or
25 public works or public improvement projects.
26 The bill applies to construction contracts entered into on
27 or after the effective date of the bill.

House Study Bill 576 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM BILL)

A BILL FOR

1 An Act concerning the Iowa public employees' retirement system
2 and including effective date and retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5224DP (6) 85
ec/sc

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Section 1. Section 97B.1A, subsection 5, Code 2014, is amended to read as follows:

5. *"Beneficiary"* means the person or persons who are entitled to receive any benefits payable under this chapter at the death of a member, if the person or persons have been designated on a form provided by the system and filed with the system or designated pursuant to a qualified domestic relations order on file with the system. If no such designation is in effect at the time of death of the member or if no person so designated is living at that time, then the beneficiary is the estate of the member.

Sec. 2. Section 97B.1A, subsection 8, paragraph b, subparagraph (7), Code 2014, is amended to read as follows:

(7) Employees of an area agency on aging~~, if as of July 1, 1994, the agency provides for participation by all of its employees~~ who were participating in an alternative qualified plan pursuant to the requirements of the federal Internal Revenue Code on June 30, 2012, and who by September 1, 2013, filed with the system a valid decision to elect out of coverage under this chapter.

Sec. 3. Section 97B.1A, subsection 14A, Code 2014, is amended to read as follows:

14A. *"Member account"* means the account established for each member and includes the member's accumulated contributions and the member's share of the accumulated employer contributions as provided in section 97B.53. ~~*"Member account"* does not mean the supplemental account for active members.~~

Sec. 4. Section 97B.1A, subsection 22A, Code 2014, is amended by striking the subsection.

Sec. 5. Section 97B.7A, subsection 5, Code 2014, is amended to read as follows:

5. *Travel.* In the administration of the investment of moneys in the retirement fund, employees of the system and members of the board may travel outside the state for the purpose of meeting with investment firms and consultants and

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1 attending conferences and meetings to fulfill their fiduciary
2 responsibilities. ~~This travel is not subject to section~~
3 ~~8A.512, subsection 2.~~
4 Sec. 6. Section 97B.40, subsection 2, Code 2014, is amended
5 to read as follows:
6 2. If the system determines that a person may have engaged
7 in a fraudulent practice as described under this section, the
8 system may, in addition to any statutory or equitable remedies
9 provided by law, refuse to approve an application for benefits,
10 suspend or reduce benefits to the person, and refer the matter
11 to the auditor of state and to the appropriate law enforcement
12 authorities for possible investigation and prosecution.
13 Sec. 7. Section 97B.44, Code 2014, is amended to read as
14 follows:
15 **97B.44 Beneficiary.**
16 1. Each member shall ~~designate,~~ on a form to be furnished
17 by the system or through a qualified domestic relations order
18 on file with the system, designate a beneficiary for death
19 benefits payable under this chapter on the death of the member.
20 The designation may be changed from time to time by the member
21 by filing a new designation with the system. A designation
22 or change in designation made by a member on or after July
23 1, 2000, shall contain the written consent of the member's
24 spouse, if applicable. The designation of a beneficiary is not
25 applicable if the member receives a refund of all contributions
26 of the member. If a member who has received a refund of
27 contributions returns to employment, the member shall file a
28 new designation with the system.
29 2. If a member has not designated a beneficiary ~~on a form~~
30 ~~furnished by the system~~ as provided by this section, or if
31 there are no surviving designated beneficiaries of a member,
32 death benefits payable under this chapter shall be paid to the
33 member's estate.
34 3. ~~However, the~~ The system may accept a married member's
35 designation or change in designation under this section without

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1 the written consent of the member's spouse if the member
2 submits a notarized statement indicating that the member has
3 been unable to locate the member's spouse to obtain the written
4 consent of the spouse after reasonable diligent efforts. The
5 member's designation or change in designation shall become
6 effective upon filing the necessary forms, including the
7 notarized statement, or orders, with the system. The system
8 shall not be liable to the member, the member's spouse, or
9 to any other person affected by the member's designation or
10 change of designation, based upon a designation or change of
11 designation accomplished without the written consent of the
12 member's spouse.
13 Sec. 8. Section 97B.46, subsection 2, Code 2014, is amended
14 to read as follows:
15 2. A member remaining in service after attaining the age
16 of seventy years is entitled to receive a retirement allowance
17 under sections 97B.49A through ~~97B.49H~~ 97B.49G, as applicable,
18 without terminating employment.
19 Sec. 9. Section 97B.48, subsection 4, Code 2014, is amended
20 to read as follows:
21 4. Payment of a member's retirement allowance pursuant to
22 sections 97B.49A through ~~97B.49H~~ 97B.49G shall commence no
23 later than the required beginning date specified under section
24 401(a)(9) of the federal Internal Revenue Code regardless of
25 whether the member has submitted the appropriate notice to
26 receive an allowance. If the lump sum actuarial equivalent
27 under subsection 1 could have been selected by the member,
28 payments shall be made in a lump sum rather than as a monthly
29 allowance.
30 Sec. 10. Section 97B.49F, subsection 2, Code 2014, is
31 amended by striking the subsection.
32 Sec. 11. Section 97B.50A, subsection 1, paragraph b, Code
33 2014, is amended to read as follows:
34 *b. "Net disability retirement allowance"* means the amount
35 determined by subtracting the amount paid during the previous

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1 calendar year by the member for health insurance or similar
2 health care coverage for the member and the member's dependents
3 from the amount of the member's disability retirement
4 allowance, including any dividends ~~and distributions from~~
5 ~~supplemental accounts,~~ paid for that year pursuant to this
6 section.
7 Sec. 12. Section 97B.50A, subsection 9, Code 2014, is
8 amended to read as follows:
9 9. *Medical board.* The system shall designate a medical
10 board to be composed of ~~three~~ a physician or physicians from
11 the university of Iowa hospitals and clinics who shall arrange
12 for and pass upon the medical examinations required under
13 this section and shall report in writing to the system the
14 conclusions and recommendations upon all matters duly referred
15 to the medical board. Each report of a medical examination
16 under this section shall include the medical board's findings
17 as to the extent of the member's physical or mental impairment.
18 Except as required by this section, each report shall be
19 confidential and shall be maintained in accordance with the
20 federal Americans With Disabilities Act, and any other state
21 or federal law containing requirements for confidentiality of
22 medical records.
23 Sec. 13. Section 97B.53, Code 2014, is amended by adding the
24 following new subsection:
25 NEW SUBSECTION. 11. A request for a refund under this
26 section made by a member who is married requires the written
27 acknowledgment of the member's spouse. However, the system
28 may accept a married member's request for a refund under this
29 section without the written acknowledgment of the member's
30 spouse if the member submits a statement affirming that after
31 reasonable diligent efforts the member has been unable to
32 locate the member's spouse to obtain the written acknowledgment
33 of the spouse. A married member's request for a refund under
34 this section shall become effective upon filing the necessary
35 forms, or including the affirmation if applicable, with the

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1 system. The system shall not be liable to the member, the
2 member's spouse, nor to any other person affected by the
3 member's request for a refund based upon a request for a refund
4 accomplished without the written acknowledgment of the member's
5 spouse.
6 Sec. 14. Section 97B.53A, Code 2014, is amended to read as
7 follows:
8 **97B.53A Duty of system.**
9 Upon a member's termination of covered employment prior to
10 the member's retirement, the system shall send the member by
11 first class mail, to the member's last known mailing address,
12 a notice setting forth the balance and status of the member's
13 account ~~and supplemental account~~ and an explanation of the
14 courses of action available to the member under this chapter.
15 Sec. 15. Section 97B.53B, subsection 1, paragraph d,
16 subparagraph (1), subparagraph division (a), Code 2014, is
17 amended to read as follows:
18 (a) All or any portion of a member's account ~~and~~
19 ~~supplemental account~~.
20 Sec. 16. Section 97B.70, subsection 3, Code 2014, is amended
21 to read as follows:
22 3. Interest shall be credited to the accumulated
23 contributions and accumulated employer contributions accounts~~,~~
24 ~~and supplemental accounts~~ of ~~active members,~~ inactive vested
25 members, and, effective January 1, 1999, to inactive nonvested
26 members, until the quarter prior to the quarter in which the
27 member's first retirement allowance is paid or in which the
28 member is issued a refund under section 97B.53, or in which a
29 death benefit is issued.
30 Sec. 17. Section 97B.80, subsection 1, Code 2014, is amended
31 to read as follows:
32 1. *a.* For purposes of this subsection, *"eligible member"*
33 means as follows:
34 (1) For the period beginning July 1, 1992, and ending June
35 30, 2014, a vested or retired member who has one or more full

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calendar years of covered wages.

(2) Beginning on or after July 1, 2014, a member vested by service or a retired member who is vested by service and who is within six months of the retired member's first month of entitlement.

b. ~~Effective July 1, 1992, a vested or retired~~ An eligible member ~~who has one or more full calendar years of covered wages and~~ who at any time served on active duty in the armed forces of the United States, upon submitting verification of the dates of the active duty service, may make contributions to the retirement system for all or a portion of the period of time of the active duty service, in increments of one or more calendar quarters, and receive credit for membership service and prior service for the period of time for which the contributions are made.

Sec. 18. Section 97B.80C, subsection 1, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0a.* *"Eligible member"* means as follows:

(1) Prior to July 1, 2014, a vested or retired member.

(2) Beginning on or after July 1, 2014, a member vested by service or a retired member who is vested by service and who is within six months of the retired member's first month of entitlement.

Sec. 19. Section 97B.80C, subsection 2, paragraphs a, b, and c, Code 2014, are amended to read as follows:

a. ~~A vested or retired~~ An eligible member may make contributions to the retirement system to purchase up to the maximum amount of permissive service credit for qualified service as determined by the system, pursuant to Internal Revenue Code section 415(n), the requirements of this section, and the system's administrative rules.

b. ~~A vested or retired~~ An eligible member of the retirement system may make contributions to the retirement system to purchase up to a maximum of twenty quarters of permissive service credit for nonqualified service as determined by the

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system, pursuant to Internal Revenue Code section 415(n), the requirements of this section, and the system's administrative rules. ~~A vested or retired~~ An eligible member must have at least twenty quarters of covered wages in order to purchase permissive service credit for nonqualified service.

c. ~~A vested or retired~~ An eligible member may convert regular member service credit to special service credit by payment of the amount actuarially determined as necessary to fund the resulting increase in the member's accrued benefit. The conversion shall be treated as a purchase of qualified service credit subject to the requirements of paragraph *"a"* if the service credit to be converted was or would have been for qualified service. The conversion shall be treated as a purchase of nonqualified service credit subject to the requirements of paragraph *"b"* if the service credit to be converted was purchased as nonqualified service credit.

Sec. 20. Section 231.33, subsection 21, Code 2014, is amended to read as follows:

21. Comply with all applicable requirements of the Iowa public employees' retirement system established pursuant to chapter 97B. ~~Notwithstanding any provision to the contrary, an employee of an area agency on aging that was enrolled in an alternative qualified plan prior to July 1, 2012, may continue participation in that alternative qualified plan in lieu of mandatory participation in the Iowa public employees' retirement system.~~

Sec. 21. Section 602.11115, subsection 2, Code 2014, is amended to read as follows:

2. To commence coverage under the judicial retirement system pursuant to article 9, part 1, effective July 1, 1984, but to become an inactive member of the Iowa public employees' retirement system pursuant to chapter 97B and remain eligible for benefits under sections 97B.49A through ~~97B.49H~~ 97B.49G for the period of membership service under chapter 97B.

Sec. 22. Section 602.11116, subsection 2, Code 2014, is

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1 amended to read as follows:
2 2. To commence membership under the judicial retirement
3 system pursuant to article 9, part 1, effective July 1, 1998,
4 but to become an inactive member of the Iowa public employees'
5 retirement system pursuant to chapter 97B and remain eligible
6 for benefits under sections 97B.49A through ~~97B.49H~~ 97B.49G, as
7 applicable, for the period of membership service under chapter
8 97B.
9 Sec. 23. REPEAL. Sections 97B.49H and 97B.49I, Code 2014,
10 are repealed.
11 Sec. 24. EFFECTIVE UPON ENACTMENT. The following
12 provision or provisions of this Act, being deemed of immediate
13 importance, take effect upon enactment:
14 1. The section of this Act amending section 97B.1A,
15 subsection 8, paragraph b, subparagraph (7).
16 Sec. 25. RETROACTIVE APPLICABILITY. The following
17 provision or provisions of this Act apply retroactively to June
18 30, 2012:
19 1. The section of this Act amending section 97B.1A,
20 subsection 8, paragraph b, subparagraph (7).
21 2. The section of this Act amending section 231.33,
22 subsection 21.
23 EXPLANATION
24 **The inclusion of this explanation does not constitute agreement with**
25 **the explanation's substance by the members of the general assembly.**
26 This bill concerns the Iowa Public Employees' Retirement
27 System (IPERS).
28 Code sections 97B.1A(5) and 97B.44, concerning beneficiaries
29 under IPERS, are amended to provide that beneficiaries can be
30 designated through a qualified domestic relations order.
31 Code section 97B.1A(8)(b), defining employees who are not
32 covered under IPERS, is amended to provide that employees of an
33 area agency on aging who were participating in an alternative
34 retirement plan on June 30, 2012, and who elected out of IPERS
35 coverage by September 1, 2013, are excluded from coverage under

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1 IPERS. A corresponding amendment is made to Code section
2 231.33, concerning area agencies on aging. These provisions
3 take effect upon enactment and apply retroactively to June 30,
4 2012.
5 Code section 97B.40, concerning fraudulent practices under
6 IPERS, is amended. The bill authorizes IPERS to refuse to
7 approve an application for benefits or to suspend or reduce
8 benefits to a person if the IPERS system determines the person
9 may have engaged in a fraudulent practice.
10 Code section 97B.49F(2), establishing the favorable
11 experience dividend program for IPERS members who retired on or
12 after July 1, 1990, is stricken.
13 Code section 97B.49H, establishing active member
14 supplemental accounts, is repealed. The bill includes
15 corresponding amendments related to the repeal.
16 Code section 97B.49I, providing for a qualified benefits
17 arrangement, is repealed.
18 Code section 97B.50A(9), concerning the medical board
19 used for purposes of disability benefits for special service
20 IPERS members, is amended to allow IPERS to use one or more
21 physicians from the University of Iowa as the medical board.
22 Current law requires that the medical board consist of three
23 physicians from the University of Iowa.
24 Code section 97B.53, concerning refunds, is amended to
25 require a married IPERS member seeking a refund to submit
26 a written acknowledgment of the member's spouse to IPERS.
27 The bill provides that a married member may still receive
28 a refund if the member is unable to locate the spouse and
29 IPERS shall not be liable based upon a refund made without the
30 acknowledgment of the member's spouse.
31 Code section 97B.80, concerning the purchase of IPERS
32 service for military service, is amended to provide that only a
33 member vested by service or a retired member who is vested by
34 service and is within six months of the member's first month
35 of entitlement may make a service purchase under this Code

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1 section. Currently, any vested or retired member, regardless
2 of how the member became vested, who has at least one year of
3 IPERS wages may make a service purchase at any time.
4 Code section 97B.80C, concerning purchases of permissive
5 service credit, is amended to provide that only a member
6 vested by service or a retired member who is vested by
7 service and is within six months of the member's first month
8 of entitlement may make a service purchase under this Code
9 section. Currently, any vested or retired member, regardless
10 of how the member became vested, may make a service purchase
11 under this Code section at any time.

House Study Bill 577 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to the licensure of naturopathic physicians.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.1, subsections 3 and 6, Code 2014,
2 are amended to read as follows:
3 3. *"Licensed"* or *"certified"*, when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician
5 and surgeon, naturopathic physician, physician assistant,
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 dental assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 orthotist, prosthetist, pedorthist, respiratory care
11 practitioner, practitioner of cosmetology arts and sciences,
12 practitioner of barbering, funeral director, dietitian, marital
13 and family therapist, mental health counselor, social worker,
14 massage therapist, athletic trainer, acupuncturist, nursing
15 home administrator, hearing aid dispenser, or sign language
16 interpreter or transliterator means a person licensed under
17 this subtitle.
18 6. *"Profession"* means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, naturopathic medicine,
20 practice as a physician assistant, psychology, chiropractic,
21 nursing, dentistry, dental hygiene, dental assisting,
22 optometry, speech pathology, audiology, pharmacy, physical
23 therapy, physical therapist assisting, occupational therapy,
24 occupational therapy assisting, respiratory care, cosmetology
25 arts and sciences, barbering, mortuary science, marital
26 and family therapy, mental health counseling, social work,
27 dietetics, massage therapy, athletic training, acupuncture,
28 nursing home administration, hearing aid dispensing, sign
29 language interpreting or transliterating, orthotics,
30 prosthetics, or pedorthics.
31 Sec. 2. Section 147.2, subsection 1, Code 2014, is amended
32 to read as follows:
33 1. A person shall not engage in the practice of medicine
34 and surgery, naturopathic medicine, podiatry, osteopathic
35 medicine and surgery, psychology, chiropractic, physical

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1 therapy, physical therapist assisting, nursing, dentistry,
2 dental hygiene, dental assisting, optometry, speech pathology,
3 audiology, occupational therapy, occupational therapy
4 assisting, orthotics, prosthetics, pedorthics, respiratory
5 care, pharmacy, cosmetology arts and sciences, barbering,
6 social work, dietetics, marital and family therapy or mental
7 health counseling, massage therapy, mortuary science, athletic
8 training, acupuncture, nursing home administration, hearing aid
9 dispensing, or sign language interpreting or transliterating,
10 or shall not practice as a physician assistant, unless the
11 person has obtained a license for that purpose from the board
12 for the profession.
13 Sec. 3. Section 147.13, subsection 1, Code 2014, is amended
14 to read as follows:
15 1. For medicine and surgery, osteopathic medicine and
16 surgery, ~~and~~ acupuncture, and naturopathic medicine, the board
17 of medicine.
18 Sec. 4. Section 147.74, Code 2014, is amended by adding the
19 following new subsection:
20 NEW SUBSECTION. 23A. A naturopathic physician licensed
21 under chapter 148G may use the words *"naturopathic physician"*,
22 *"naturopathic doctor"*, *"doctor of naturopathy"*, *"naturopathic*
23 *medical doctor"*, *"doctor of naturopathic medicine"*, *"naturopath"*
24 or the initials *"N.D."* or *"N.M.D."* after the person's name.
25 Sec. 5. Section 147.107, Code 2014, is amended by adding the
26 following new subsection:
27 NEW SUBSECTION. 8A. A licensed naturopathic physician
28 may prescribe all substances and devices consistent with the
29 level of training of the naturopathic physician unless added
30 to the exclusionary naturopathic formulary by the naturopathic
31 advisory council.
32 Sec. 6. Section 148E.3, subsection 1, Code 2014, is amended
33 to read as follows:
34 1. A person otherwise licensed to practice medicine and
35 surgery, osteopathic medicine and surgery, naturopathic

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1 medicine, chiropractic, podiatry, or dentistry who is
2 exclusively engaged in the practice of the person's profession.
3 Sec. 7. NEW SECTION. **148G.1 Definitions.**
4 As used in this chapter, unless the context otherwise
5 requires:
6 1. *"Approved naturopathic medical program"* means any of the
7 following:
8 *a.* A naturopathic medical education program in the
9 United States providing the degree of doctor of naturopathy
10 or doctor of naturopathic medicine. Such program shall
11 offer graduate-level, full-time didactic and supervised
12 clinical training and shall be accredited, or shall have
13 achieved candidacy status for accreditation by the council
14 on naturopathic medical education or by an equivalent
15 federally recognized accrediting body for naturopathic medical
16 programs also recognized by the board. Additionally, the
17 program shall be an institution, or part of an institution of
18 higher education that is either accredited or is a candidate
19 for accreditation by a regional or national institutional
20 accrediting agency recognized by the United States secretary
21 of education.
22 *b.* A diploma-granting, degree-equivalent college or
23 university in Canada that offers graduate-level, full-time
24 didactic and supervised clinical training and is accredited, or
25 has achieved candidacy status for accreditation by the council
26 on naturopathic medical education or an equivalent federally
27 recognized accrediting body for naturopathic medical programs
28 also recognized by the board; and the college or university
29 has provincial approval for participation in government-funded
30 student aid.
31 2. *"Board"* means the board of medicine established in
32 section 147.13.
33 3. *"Director"* means the executive director of the board of
34 medicine.
35 4. *"Exclusionary naturopathic formulary"* means the

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1 exclusionary list of medicines, nonprescription and
2 prescription, which naturopathic physicians may not use in the
3 practice of their profession, as determined by the naturopathic
4 advisory council.
5 5. *"Minor office procedures"* means methods for the repair
6 and care incidental to superficial lacerations and abrasions,
7 superficial lesions, and the removal of foreign bodies located
8 in the superficial tissues.
9 6. *"Naturopathic advisory council"* means the naturopathic
10 advisory council established under this chapter.
11 7. *"Naturopathic medicine"* means a system of primary health
12 care for the prevention, diagnosis, and treatment of human
13 health conditions, injury, and disease, and the promotion or
14 restoration of health. *"Naturopathic medicine"* includes the use
15 of physiological, psychological, or mechanical methods, and the
16 use of natural medicines, prescription or legend drugs, foods,
17 herbs, or other natural remedies.
18 8. *"Naturopathic physician"* means a practitioner of
19 naturopathic medicine who has been properly licensed for that
20 purpose by the board of medicine under this chapter, who may
21 diagnose, treat, and help prevent diseases using a system
22 of practice that is based on the natural healing capacity
23 of individuals, and may use physiological, psychological,
24 or mechanical methods, and may use natural medicines,
25 prescription, or legend drugs, foods, herbs, or other natural
26 remedies.
27 9. *"Prescription drug"* means any drug described in section
28 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C.
29 §353, if its label is required to bear the symbol "RX only".
30 Sec. 8. NEW SECTION. **148G.2 Licensure — naturopathic**
31 **medicine.**
32 1. *Qualifications for licensure.* An applicant for a license
33 to practice naturopathic medicine shall be granted a license
34 by the board if the applicant satisfies all of the following
35 requirements:

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1 *a.* Submits an application for licensure designed and
2 approved by the naturopathic advisory council.
3 *b.* Pays an application fee established by the board.
4 *c.* Has graduated from an approved naturopathic medical
5 program.
6 *d.* Has passed a competency-based national naturopathic
7 licensing examination administered by the north American board
8 of naturopathic examiners or successor agency, that has been
9 nationally recognized to administer a naturopathic examination
10 representing federal standards of education and training. For
11 applicants who completed an approved naturopathic medical
12 program located in Canada, eligibility for licensure may be
13 granted with evidence of successful passage of a Canadian
14 provincial competency examination.
15 *e.* Provides evidence that the applicant is of good ethical
16 and professional reputation. An applicant shall not have had
17 a license to practice naturopathic medicine or other health
18 care license, registration, or certificate refused, revoked,
19 or suspended by this state or any other jurisdiction for
20 reasons that relate to the applicant's ability to skillfully
21 and safely practice naturopathic medicine unless that license,
22 registration, or certification has been restored to good
23 standing.
24 *f.* Provides evidence that the applicant is physically and
25 mentally capable of safely practicing naturopathic medicine
26 with or without reasonable accommodation.
27 2. *Term of license.* A license granted pursuant to this
28 section shall be renewed every two years.
29 Sec. 9. NEW SECTION. **148G.3 Use of title — exceptions.**
30 1. A person shall not represent that the person is a
31 naturopathic physician, a doctor of naturopathic medicine, a
32 doctor of naturopathy, a naturopath, or as being otherwise
33 authorized to practice naturopathic medicine in this state, or
34 use the titles "*N.D.*" or "*N.M.D.*" or any other titles, words,
35 letters, abbreviations, or insignia indicating or implying that

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1 the individual is a licensed naturopathic physician unless
2 the individual has been licensed as a naturopathic physician
3 pursuant to this chapter without first obtaining from the board
4 a license to practice naturopathic medicine pursuant to the
5 provisions of this chapter.
6 2. The practice of naturopathic medicine by a naturopathic
7 physician licensed pursuant to this chapter does not constitute
8 the practice of medicine and surgery under chapter 148, the
9 practice of osteopathic medicine and surgery under chapter 148,
10 or the practice of nursing under chapter 152.
11 3. This chapter and chapter 147 do not prevent qualified
12 members of other professions including but not limited
13 to individuals licensed under chapter 148, 150, 150A, or
14 152 from providing services consistent with the nature of
15 naturopathic medicine, but these persons shall not use a title
16 or description denoting that they are licensed naturopathic
17 physicians.
18 Sec. 10. NEW SECTION. **148G.4 Duties of board.**
19 The board shall adopt rules consistent with this chapter,
20 chapter 147, and as recommended by the naturopathic advisory
21 council which are necessary for the performance of the board's
22 duties.
23 Sec. 11. NEW SECTION. **148G.5 Naturopathic advisory council.**
24 1. A naturopathic advisory council is established,
25 consisting of the following members, appointed by the governor:
26 *a.* Prior to July 1, 2016, four members who are naturopathic
27 physicians who are residents of the state of Iowa and who are
28 currently licensed in good standing in another state. On
29 and after July 1, 2016, such members shall be naturopathic
30 physicians licensed under this chapter.
31 *b.* One member who is a pharmacist licensed in Iowa.
32 *c.* One member who is a medical or osteopathic physician
33 licensed in Iowa, who has expertise in integrative medicine.
34 *d.* One member representing the general public.
35 2. Members shall not receive per diem or expense payments.

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1 3. Members shall serve two-year terms, and shall serve until
2 their successors have been appointed.
3 4. The council shall select a chairperson from its
4 membership.
5 Sec. 12. NEW SECTION. **148G.6 Council powers and duties.**
6 The naturopathic advisory council shall do all of the
7 following:
8 1. Advise the board regarding standards for licensed
9 naturopathic physicians.
10 2. Provide for distribution of information regarding
11 licensed naturopathic physician standards.
12 3. Advise the board on enforcement issues.
13 4. Review applications for licensure and license renewal
14 and recommend the granting or denial thereof.
15 5. Advise the board on issues related to receiving and
16 investigating complaints, conducting hearings, and imposing
17 disciplinary action in relation to complaints against licensed
18 naturopathic physicians.
19 6. Review naturopathic education and training for and
20 make specific recommendations to the board regarding the
21 qualifications to practice naturopathic childbirth attendance.
22 7. Recommend to the board any prescription drugs which
23 should be included on the exclusionary naturopathic formulary.
24 8. Advise the board regarding approval of continuing
25 education programs specific to naturopathic practice.
26 Sec. 13. NEW SECTION. **148G.7 Scope of practice.**
27 A naturopathic physician may do any of the following:
28 1. Order and perform physical and laboratory examinations
29 consistent with naturopathic education and training for
30 diagnostic purposes, including but not limited to phlebotomy,
31 clinical laboratory tests, orificial examinations, and
32 physiological function tests.
33 2. Order diagnostic imaging studies consistent with
34 naturopathic training. All diagnostic tests not consistent
35 with naturopathic medical education and training must be

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1 referred for performance and interpretation to an appropriately
2 licensed health care professional.
3 3. Dispense, administer, order, and prescribe, provide, or
4 perform the following, as applicable:
5 *a.* Food, extracts of food, nutraceuticals, vitamins, amino
6 acids, minerals, enzymes, botanicals and their extracts,
7 botanical medicines, homeopathic medicines, and all dietary
8 supplements and nonprescription drugs as defined by the federal
9 Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq.
10 *b.* Prescription or legend drugs and hormonal replacement.
11 *c.* Hot or cold hydrotherapy, naturopathic physical medicine,
12 and therapeutic exercise.
13 *d.* Devices, including but not limited to therapeutic
14 devices, barrier contraception, and durable medical equipment.
15 *e.* Health education and health counseling.
16 *f.* Repair and care incidental to superficial lacerations and
17 abrasions.
18 *g.* Removal of foreign bodies located in the superficial
19 tissues.
20 *h.* Musculoskeletal manipulation consistent with
21 naturopathic education and training.
22 4. Utilize routes of administration that include oral,
23 nasal, auricular, ocular, rectal, vaginal, transdermal,
24 intradermal, subcutaneous, intravenous, and intramuscular
25 consistent with the education and training of a naturopathic
26 physician.
27 5. Perform all therapies as trained and educated, which are
28 approved by the naturopathic advisory council.
29 Sec. 14. NEW SECTION. **148G.8 Prohibitions.**
30 A naturopathic physician licensed under this chapter shall
31 not do any of the following:
32 1. Perform or induce abortions.
33 2. Perform surgical procedures except those minor office
34 procedures authorized by this chapter.
35 3. Practice or claim to practice as a medical or osteopathic

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1 physician, dentist, pharmacist, podiatrist, optometrist,
2 psychologist, advanced practice registered nurse, physician
3 assistant, chiropractor, physical therapist, acupuncturist, or
4 any other health care provider not authorized in this chapter
5 unless licensed by the state of Iowa as such.
6 4. Use general or spinal anesthetics.
7 5. Administer ionizing radioactive substances for
8 therapeutic purposes.
9 6. Administer or prescribe chemotherapeutic medications for
10 the purpose of cancer treatment.
11 7. Perform surgical procedures of the eye, ear, nerves,
12 veins, or arteries extending beyond superficial tissue.
13 Sec. 15. NEW SECTION. **148G.9 Exemptions.**
14 Nothing in this chapter shall be construed to prohibit or
15 restrict:
16 1. The practice of a profession by an individual who is
17 licensed, certified, or registered under another law of this
18 state who is performing services within the individual's
19 authorized scope of practice.
20 2. The practice of naturopathic medicine by an individual
21 employed by the government of the United States while the
22 individual is engaged in the performance of duties prescribed
23 by the laws and regulations of the United States.
24 3. The practice of naturopathic medicine by students
25 enrolled in an approved naturopathic medical program. The
26 performance of services shall be pursuant to a course of
27 instruction or assignments from an instructor and under the
28 supervision of the instructor. The instructor shall be a
29 naturopathic physician licensed pursuant to this chapter or a
30 duly licensed professional in the instructed field.
31 4. Persons from treating themselves and family members
32 based on religious or health beliefs.
33 5. Persons who sell vitamins and herbs from providing
34 information about their products.
35 6. Persons or practitioners from advising in the use

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1 of a therapy including but not limited to herbal medicine,
2 homeopathy, nutrition, or other nondrug or nonsurgical therapy
3 that is within the scope of practice of naturopathic physicians
4 as provided in this chapter as long as such therapy is lawful,
5 or, if a licensed health care provider, within the scope of
6 practice of the profession; and provided that such person is
7 not using a title protected pursuant to this chapter or holding
8 themselves out to be a naturopathic physician.
9 7. The practice of naturopathic medicine by persons who
10 are licensed to practice in any other state as practicing
11 naturopathic physicians, who enter this state to consult with
12 a licensed naturopathic physician in this state; provided,
13 however, that the consultation is to be limited to examination,
14 recommendation, or testimony in litigation.
15 Sec. 16. FUNDING. The board of medicine shall apply
16 to the department of administrative services to request an
17 allocation of moneys from the IowAccess revolving fund to fund
18 the estimated costs for expansion of the advanced Maryland
19 automatic network disk archiver (AMANDA) system to allow
20 licensure of naturopathic physicians in the AMANDA system.
21 The board shall not implement a fee increase to make this
22 adjustment to the AMANDA system for naturopathic physicians.
23 EXPLANATION

24 **The inclusion of this explanation does not constitute agreement with**
25 **the explanation's substance by the members of the general assembly.**

26 This bill requires the licensing of naturopathic physicians
27 and makes the provisions of Code chapter 147, including
28 penalty and other regulatory provisions, applicable to other
29 health professions applicable to the practice of naturopathic
30 medicine. The bill provides that the practice of naturopathic
31 medicine means the provision of naturopathic services defined
32 as a system of primary health care for the prevention,
33 diagnosis, and treatment of human health conditions, injury,
34 and disease, and the promotion or restoration of health.
35 Naturopathic medicine includes the use of physiological,

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1 psychological, or mechanical methods, and the use of natural
2 medicines, prescription or legend drugs, foods, herbs, or
3 other natural remedies. The bill specifies qualifications
4 for licensure and the scope of practice for a naturopathic
5 physician, and details functions that a naturopathic physician
6 may not perform.
7 The practice of naturopathic medicine is regulated by the
8 board of medicine, with the advice of a naturopathic advisory
9 council. The council consists of seven members, four of
10 whom are naturopathic physicians, one medical or osteopathic
11 physician, a pharmacist, and one member representing the
12 general public. The council does not receive a per diem or
13 expenses.
14 The bill provides that qualified members of other
15 professions, including physicians and nurses, are not prevented
16 from providing services consistent with naturopathic medicine,
17 but these persons shall not use a title or description denoting
18 that they are naturopathic physicians. The bill sets out these
19 titles.
20 The bill provides for inclusion of licensed naturopathic
21 physicians in the AMANDA system. This system is a network
22 disk archiver system currently used by the boards of nursing,
23 dentistry, and medicine.
24 Code section 422.7(27) provides an income tax exemption for
25 payments received by an individual providing unskilled in-home
26 health-related care services to a member of the individual
27 caregiver's family. This exemption is not available to health
28 care professionals licensed by the board of medicine. Under
29 the bill, naturopathic physicians are to be licensed by the
30 board of medicine, making them ineligible for this exemption.

House Study Bill 578 - Introduced

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

A BILL FOR

1 An Act relating to reporting and other requirements concerning
2 the department of administrative services and other state
3 agencies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 7A.3, subsection 2, Code 2014, is amended
2 by striking the subsection.
3 Sec. 2. Section 8A.110, subsection 5, Code 2014, is amended
4 by striking the subsection.
5 Sec. 3. Section 8A.111, subsection 2, Code 2014, is amended
6 to read as follows:
7 2. ~~Internal service fund service business plans and~~
8 ~~financial reports as required under section 8A.123, subsection~~
9 ~~5, paragraph "a", and an~~ An annual internal service fund
10 expenditure report as required under section 8A.123, subsection
11 5, paragraph "b".
12 Sec. 4. Section 8A.111, subsections 5 and 11, Code 2014, are
13 amended by striking the subsections.
14 Sec. 5. Section 8A.123, subsection 5, paragraph a, Code
15 2014, is amended by striking the paragraph.
16 Sec. 6. Section 8A.315, subsection 2, Code 2014, is amended
17 by adding the following new paragraph:
18 NEW PARAGRAPH. *e.* Notwithstanding the requirements of this
19 subsection regarding the purchase of recycled printing and
20 writing paper, the department may purchase printing and writing
21 paper in lieu of recycled paper if the department determines
22 that the purchase will result in significant savings to the
23 state.
24 Sec. 7. Section 8A.321, subsection 6, paragraph c,
25 subparagraph (1), Code 2014, is amended to read as follows:
26 (1) ~~The department shall annually issue a request for~~
27 ~~proposals for leasing privately owned office space for state~~
28 ~~employees in the downtown area of the city of Des Moines.~~
29 Prior to replacing or renovating publicly owned buildings or
30 relocating any state agencies at the seat of government to
31 any space in publicly owned buildings, the department shall
32 issue a request for proposals for leasing privately owned
33 office space for state employees in the downtown area of the
34 city of Des Moines and shall use such proposals to compare the
35 costs of privately owned space to publicly owned space. The

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department shall locate state employees in office space in the most cost-efficient manner possible. In determining cost efficiency, the department shall consider all costs of the publicly owned space, the costs of the original acquisition of the publicly owned space, the costs of tenant improvements to the publicly owned space, and the anticipated economic and useful life of the publicly owned building space.

Sec. 8. Section 8A.362, subsection 4, paragraph c, Code 2014, is amended by striking the paragraph.

Sec. 9. Section 8A.378, unnumbered paragraph 3, Code 2014, is amended to read as follows:

The department shall negotiate implementation of the plan with the city of Des Moines with the goal of entering into a memorandum of understanding in relation to the plan. ~~The department shall provide the governor and the capitol planning commission with quarterly reports regarding progress made on the capitol view preservation plan and execution of the memorandum of understanding.~~

Sec. 10. Section 8A.504, subsection 2, paragraph f, subparagraph (1), Code 2014, is amended to read as follows:

(1) Upon notice of entitlement to a payment, the state agency shall send written notification to that person of the state agency's assertion of its rights to all or a portion of the payment and of the state agency's entitlement to recover the liability through the setoff procedure, the basis of the assertion, the opportunity to request that a jointly or commonly owned right to payment be divided among owners, and the person's opportunity to give written notice of intent to contest the amount of the allegation. ~~The state agency shall send a copy of the notice to the collection entity.~~ A state agency subject to chapter 17A shall give notice, conduct hearings, and allow appeals in conformity with chapter 17A.

Sec. 11. Section 8B.9, subsection 2, Code 2014, is amended to read as follows:

2. ~~Internal service fund service business plans and~~

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~~financial reports as required under section 8B.13, subsection 5, paragraph "a", and an~~ An annual internal service fund expenditure report as required under section 8B.13, subsection 5, paragraph "b".

Sec. 12. Section 8B.13, subsection 5, paragraph a, Code 2014, is amended by striking the paragraph.

Sec. 13. Section 70A.25, subsection 3, Code 2014, is amended by striking the subsection.

Sec. 14. 2003 Iowa Acts, chapter 179, section 21, unnumbered paragraph 4, as amended and redesignated as subsection 6, by 2005 Iowa Acts, chapter 161, section 1, is amended to read as follows:

~~6. The department or agency receiving funds under this section shall report monthly to the fiscal committee of the legislative council on the use of the funds.~~

Sec. 15. REPEAL. Section 8D.10, Code 2014, is repealed.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill concerns various reporting and other time-specific or purchasing requirements applicable to the department of administrative services (DAS) and other state agencies.

Code section 7A.3, providing for biennial reports for various state officials and departments, is amended by striking the requirement that the officials and departments covered by this Code section also file a summary report in the year the biennial report is not required.

Code section 8A.110, concerning the state employee suggestion system, is amended by striking the requirement that each state agency keep a record of suggestions implemented for up to one year and the requirement that the DAS director file a report with the governor and the general assembly on the program each fiscal year.

Code section 8A.123, concerning department internal service funds, is amended by striking the requirement that the DAS

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1 director annually provide internal service fund service
2 business plans and financial reports to the department of
3 management and the general assembly. Code section 8A.111,
4 concerning DAS reporting requirements, is also amended to
5 conform to this change.
6 Code section 8A.315, concerning the purchase of recycled
7 products, is amended to allow the department of administrative
8 services to purchase nonrecycled printing and writing paper if
9 the purchase will result in significant savings to the state.
10 Code section 8A.321, concerning physical resources and
11 facility management, is amended to remove the requirement
12 that DAS annually issue a request for proposals for leasing
13 privately owned office space for state employees in the
14 downtown area of the city of Des Moines. Instead, the bill
15 provides that DAS will issue the request for proposals when
16 considering replacing or renovating publicly owned buildings or
17 relocating any state agencies at the seat of government to any
18 space in publicly owned buildings.
19 Code section 8A.362, concerning fleet management, is amended
20 to eliminate the requirement that the DAS director submit an
21 annual corporate average fuel economy standards compliance
22 report to the economic development authority. Code section
23 8A.111, concerning DAS reporting requirements, is also amended
24 to conform to this change.
25 Code section 8A.378, concerning state capitol view
26 preservation, is amended to delete the requirement that
27 DAS provide quarterly reports relative to the capitol view
28 preservation plan to the governor and the capitol planning
29 commission.
30 Code section 8A.504, concerning setoff procedures, is
31 amended to eliminate the requirement that the state agency
32 asserting a setoff payment against a person send a copy of the
33 notice sent to that person to DAS or other state agency that
34 has established a debt collection setoff procedure.
35 Code section 8B.13, concerning internal service funds, is

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1 amended by striking the requirement that the chief information
2 officer annually provide internal service fund service business
3 plans and financial reports to the department of management and
4 the general assembly. Code section 8B.9, concerning reporting
5 requirements, is also amended to conform to this change.
6 Code section 70A.25, concerning educational leave, is
7 amended to eliminate the reporting and review requirements
8 relative to the program contained within that Code section.
9 2003 Iowa Acts, chapter 179, section 21, as amended in 2004
10 and 2005, concerning an appropriation related to military pay
11 differential, is amended to eliminate the requirement that each
12 department or agency receiving funds from this appropriation
13 report monthly to the fiscal committee of the legislative
14 council on the use of the funds.
15 Code section 8D.10, concerning report of savings by state
16 agencies concerning their use of the Iowa communications
17 network, is repealed.

House Study Bill 579 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act concerning allowable uses for purse moneys designated
2 for standardbred horse racing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5479YC (3) 85
ec/nh

H.F. _____

1 Section 1. Section 99D.7, subsection 5, paragraph b, Code
2 2014, is amended to read as follows:
3 *b.* The commission shall, beginning January 1, 2012, regulate
4 the purse structure for all horse racing so that seventy-six
5 percent is designated for thoroughbred racing, fifteen and
6 one-quarter percent is designated for quarter horse racing, and
7 eight and three-quarter percent is designated for standardbred
8 racing. The purse moneys designated for standardbred racing
9 may only be used to support standardbred harness racing purses,
10 breeder's awards, or expenses at the state fair, county fairs,
11 or other harness racing tracks approved by the commission,
12 or for the maintenance, construction, or repair of harness
13 racing tracks at the fairgrounds for such fairs or other
14 harness racing tracks approved by the commission. The horse
15 racetrack in Polk county shall not provide funding to support
16 standardbred racing at such county fairs that is not otherwise
17 provided for in this paragraph.
18 EXPLANATION

19 **The inclusion of this explanation does not constitute agreement with**
20 **the explanation's substance by the members of the general assembly.**

21 Code section 99D.7(5), concerning purse moneys for horse
22 racing, is amended to allow purse moneys designated for
23 standardbred racing to also be used for breeder's awards,
24 standardbred harness racing expenses, and the construction of
25 harness racing tracks.

House Study Bill 580 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON JORGENSEN)

A BILL FOR

1 An Act relating to high school graduation requirements.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5574YC (2) 85
kh/rj

H.F. _____

1 Section 1. Section 256.7, subsection 26, paragraph a,
2 subparagraph (1), Code 2014, is amended to read as follows:
3 (1) The rules establishing high school graduation
4 requirements shall authorize a school district or
5 accredited nonpublic school to consider that any student
6 who satisfactorily completes a high school-level unit of
7 English or language arts, mathematics, science, or social
8 studies has satisfactorily completed a unit of the high school
9 graduation requirements for that area as specified in this
10 lettered paragraph, and shall authorize the school district or
11 accredited nonpublic school to issue high school credit for
12 the unit to the student. For purposes of this subsection, an
13 advanced placement computer science course may be considered as
14 equivalent to a high school mathematics or science course.
15 Sec. 2. Section 280.3, Code 2014, is amended by adding the
16 following new subsection:
17 NEW SUBSECTION. 6. The board of directors of each public
18 school district and the authorities in charge of each nonpublic
19 school may approve and offer an advanced placement computer
20 science course as equivalent to a high school mathematics or
21 science course for purposes of the graduation requirements
22 established pursuant to section 256.7, subsection 26. However,
23 a student successfully completing an advanced placement
24 computer science course shall only be issued credit for the
25 course that counts toward meeting the graduation requirements
26 established pursuant to section 256.7, subsection 26, if the
27 student has also successfully completed an advanced mathematics
28 course.
29 EXPLANATION

30 **The inclusion of this explanation does not constitute agreement with**
31 **the explanation's substance by the members of the general assembly.**

32 This bill authorizes school districts and accredited
33 nonpublic schools to consider a unit of advanced placement
34 computer science to be equivalent to a unit of high school
35 mathematics or science for purposes of fulfilling high school

H.F. _____

1 graduation requirements.
2 Currently, the state board of education is required to
3 authorize a school district or accredited nonpublic school to
4 consider that any student who satisfactorily completes a high
5 school-level unit of English or language arts, mathematics,
6 science, or social studies has satisfactorily completed a unit
7 of the high school graduation requirements for that area, and
8 to authorize the school district or school to issue high school
9 credit for the unit to the student. The bill adds that an
10 advanced placement computer science course may be considered as
11 equivalent to a high school mathematics or science course.
12 The bill authorizes school districts and accredited
13 nonpublic schools to approve and offer an advanced placement
14 computer science course as equivalent to high school
15 mathematics or science for purposes of the state board's
16 graduation requirements. However, a student successfully
17 completing an advanced placement computer science course shall
18 only be issued credit for the course that counts toward meeting
19 the graduation requirements established by the state board
20 if the student has also successfully completed an advanced
21 mathematics course.

Senate File 2063 - Introduced

SENATE FILE 2063
BY SODDERS

A BILL FOR

1 An Act relating to an exemption from municipal liability for
2 recreational trails.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5825SS (2) 85
rh/rj

S.F. 2063

Section 1. Section 670.4, subsection 1, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *p.* Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a recreational trail that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction or reconstruction.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill provides an exemption from liability under the Iowa municipal tort claims Act (Code chapter 670) for any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a recreational trail that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction or reconstruction.

A municipality in Code chapter 670 is defined as a city, county, township, school district, or other unit of local government.

Senate File 2064 - Introduced

SENATE FILE 2064
BY CHELGREN

A BILL FOR

1 An Act relating to fireworks possession, use, sales, transfers,
2 and purchases, including by transferring sales taxes on
3 certain fireworks to a new local fire department equipment
4 fund, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5185XS (4) 85
aw/nh

S.F. 2064

1 Section 1. Section 100.1, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 8. To administer the local fire department
4 equipment fund created pursuant to section 100.19.
5 Sec. 2. NEW SECTION. **100.19 Local fire department equipment**
6 **fund.**
7 A local fire department equipment fund is created in the
8 state treasury under the control of the state fire marshal.
9 The fund is separate from the general fund of the state. The
10 fund is composed of moneys transferred to the fund pursuant
11 to section 423.2, subsection 11, paragraph *"b"*, subparagraph
12 (05). Moneys in the fund shall be used to provide grants
13 to local fire departments in this state for the purchase or
14 maintenance of fire equipment. The fire marshal shall adopt
15 rules pursuant to chapter 17A for the administration of the
16 fund. Notwithstanding section 12C.7, subsection 2, interest or
17 earnings on moneys in the fund shall be credited to the fund.
18 Moneys credited to the fund shall not be transferred, used,
19 obligated, appropriated, or otherwise encumbered, except as
20 provided in this section.
21 Sec. 3. Section 101A.1, subsection 3, Code 2014, is amended
22 to read as follows:
23 3. *"Explosive"* means any chemical compound, mixture
24 or device, the primary or common purpose of which is to
25 function by explosion with substantially instantaneous
26 release of gas and heat, unless such compound, mixture, or
27 device is otherwise specifically classified by the United
28 States department of transportation. The term *"explosive"*
29 includes all materials which are classified as a class 1,
30 division 1.1, 1.2, 1.3, or 1.4 explosive by the United States
31 department of transportation, under 49 C.F.R. § 173.50, and
32 all materials classified as explosive materials under 18
33 U.S.C. § 841, and includes, but is not limited to, dynamite,
34 black powder, pellet powders, initiating explosives, blasting
35 caps, electric blasting caps, safety fuse, fuse lighters, fuse

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1 igniters, squibs, cordeau detonative fuse, instantaneous fuse,
2 igniter cord, igniters, smokeless propellant, cartridges for
3 propellant-actuated power devices, cartridges for industrial
4 guns, and overpressure devices, but does not include ~~*"fireworks"*~~
5 ~~as~~ *"consumer fireworks"*, *"display fireworks"*, or *"novelties"* as
6 those terms are defined in section 727.2 or ammunition or small
7 arms primers manufactured for use in shotguns, rifles, and
8 pistols. Commercial explosives are those explosives which are
9 intended to be used in commercial or industrial operations.
10 Sec. 4. Section 331.301, Code 2014, is amended by adding the
11 following new subsection:
12 NEW SUBSECTION. 17. The board of supervisors may by
13 resolution suspend the use of display fireworks as described
14 in section 727.2, if the board determines that the use of such
15 devices would constitute a threat to public safety.
16 Sec. 5. Section 331.304, subsection 9, Code 2014, is amended
17 to read as follows:
18 9. The board, upon application, may grant permits for the
19 display of display fireworks as provided in section 727.2.
20 Sec. 6. Section 364.2, Code 2014, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 6. A city council may by resolution suspend
23 the use of display fireworks as described in section 727.2, if
24 the city council determines that the use of such devices would
25 constitute a threat to public safety.
26 Sec. 7. Section 423.2, subsection 11, paragraph a, Code
27 2014, is amended by adding the following new subparagraph:
28 NEW SUBPARAGRAPH. (3) Subsequent to the deposit into
29 the general fund of the state, the director shall credit an
30 amount equal to the product of the sales tax rate imposed in
31 this section times the sales price of consumer fireworks and
32 novelties as defined in section 727.2, into the local fire
33 department equipment fund created pursuant to section 100.19.
34 The director shall credit the moneys beginning the first day of
35 the quarter following July 1, 2015.

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Sec. 8. Section 423.2, subsection 11, paragraph b, Code 2014, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (05) Transfer to the local fire department equipment fund that portion of the sales tax receipts described in paragraph *"a"*, subparagraph (3), remaining after the transfers required under subparagraphs (1), (2), (3), and (4) of this paragraph *"b"*.

Sec. 9. Section 461A.42, subsection 2, Code 2014, is amended to read as follows:

2. The use of consumer fireworks, display fireworks, and novelties, as defined in section 727.2, in state parks and preserves is prohibited except as authorized by a permit issued by the department. The commission shall establish, by rule adopted pursuant to chapter 17A, a fireworks permit system which authorizes the issuance of a limited number of permits to qualified persons to use or display fireworks in selected state parks and preserves.

Sec. 10. Section 727.2, Code 2014, is amended to read as follows:

727.2 Fireworks.

1. For purposes of this section:

a. "Consumer fireworks" includes all consumer fireworks enumerated in chapter 3 of the American pyrotechnics association's standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

b. ~~The term *"fireworks"*~~ *"Display fireworks"* includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes ~~blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and~~ fireworks containing any explosive or flammable compound, or other device containing any explosive substance. ~~The term *"fireworks"*~~ *"Display fireworks"* does not

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1 include ~~goldstar-producing sparklers on wires which contain~~
2 ~~no magnesium or chlorate or perchlorate, flitter sparklers~~
3 ~~in paper tubes that do not exceed one-eighth of an inch in~~
4 ~~diameter, toy snakes which contain no mercury, or caps used~~
5 ~~in cap pistols~~ novelties or consumer fireworks enumerated in
6 chapter 3 of the American pyrotechnics association's standard
7 87-1.
8 *c. "Novelties"* includes all novelties enumerated in chapter
9 3 of the American pyrotechnics association's standard 87-1, and
10 that comply with the labeling regulations promulgated by the
11 United States consumer product safety commission.
12 2. A person, firm, partnership, or corporation who offers
13 for sale, exposes for sale, sells at retail, or uses or
14 explodes any display fireworks, commits a simple misdemeanor~~.~~
15 ~~In addition to any other penalties, the punishment imposed~~
16 ~~for a violation of this section shall include assessment~~
17 ~~of~~, punishable by a fine of not less than two hundred fifty
18 dollars. However, ~~the~~ a city council ~~of a city~~ or a county
19 board of supervisors may, upon application in writing, grant a
20 permit for the display of display fireworks by municipalities,
21 fair associations, amusement parks, and other organizations
22 or groups of individuals approved by the city or the county
23 board of supervisors when the display fireworks ~~display~~ will
24 be handled by a competent operator, but no such permit shall
25 be required for the display of display fireworks at the Iowa
26 state fairgrounds by the Iowa state fair board, at incorporated
27 county fairs, or at district fairs receiving state aid. Sales
28 of display fireworks for such display may be made for that
29 purpose only.
30 3. The governor may order the suspension of the use of
31 consumer fireworks, display fireworks, or novelties, if
32 the governor determines that the use of such devices would
33 constitute a threat to public safety.
34 4. *a.* A person who uses or explodes display fireworks while
35 the use of such devices is suspended by a resolution adopted

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1 by the county or city in which the fireworks are used commits a
2 simple misdemeanor, punishable by a fine of not less than two
3 hundred fifty dollars.
4 *b.* A person who uses or explodes consumer fireworks,
5 display fireworks, or novelties while the use of such devices
6 is suspended by an order of the governor commits a simple
7 misdemeanor, punishable by a fine of not less than two hundred
8 fifty dollars.
9 5. *a.* A person who is at least eighteen years of age or
10 a firm, partnership, or corporation may possess or transfer,
11 offer for sale, expose for sale, or sell at retail to a person
12 who is eighteen years of age or older novelties or consumer
13 fireworks. A person who is eighteen years of age or older may
14 use or explode novelties or consumer fireworks.
15 *b.* A person, firm, partnership, or corporation who transfers
16 or sells novelties or consumer fireworks to a person who is
17 less than eighteen years of age commits a simple misdemeanor,
18 punishable by a fine of not less than two hundred fifty
19 dollars. A person who is less than eighteen years of age who
20 purchases, possesses, uses, or explodes novelties or consumer
21 fireworks commits a simple misdemeanor, punishable by a fine of
22 not less than two hundred fifty dollars.
23 ~~3.~~ 6. *a.* This section does not prohibit the sale by a
24 resident, dealer, manufacturer, or jobber of such fireworks as
25 are not prohibited by this section, or the sale of any kind
26 of fireworks if they are to be shipped out of the state, or
27 the sale or use of blank cartridges for a show or the theater,
28 or for signal purposes in athletic sports or by railroads
29 or trucks, for signal purposes, or by a recognized military
30 organization.
31 *b.* This section does not apply to any substance or
32 composition prepared and sold for medicinal or fumigation
33 purposes.
34 *c.* This section does not apply to goldstar-producing
35 sparklers on wires which contain no magnesium or chlorate or

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1 perchlorate, flitter sparklers in paper tubes that do not
2 exceed one-eighth of an inch in diameter, toy snakes which
3 contain no mercury, or caps used in cap pistols.
4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill provides for the legal sale and use of novelties
8 and consumer fireworks within the state.
9 Current law provides that a person, firm, partnership, or
10 corporation who offers for sale, exposes for sale, sells at
11 retail, or uses or explodes any fireworks, commits a simple
12 misdemeanor. Current law, however, also provides that a city
13 council or a county board of supervisors may grant a permit
14 for the display of fireworks if the fireworks display will be
15 handled by a competent operator. Current law further provides
16 that the term "fireworks" includes any explosive composition,
17 or combination of explosive substances, or article prepared
18 for the purpose of producing a visible or audible effect by
19 combustion, explosion, deflagration, or detonation, including
20 blank cartridges, firecrackers, torpedoes, skyrockets, roman
21 candles, or other fireworks of like construction and fireworks
22 containing any explosive or flammable compound, or other device
23 containing any explosive substance with limited exceptions.
24 The bill maintains these restrictions for display fireworks
25 and provides that the term "display fireworks" shall not
26 include novelties or consumer fireworks. The bill provides
27 that the terms "novelties" and "consumer fireworks" each
28 respectively include all novelties or consumer fireworks
29 enumerated in chapter 3 of the American pyrotechnics
30 association's standard 87-1, which comply with the labeling
31 regulations promulgated by the United States consumer product
32 safety commission.
33 The bill provides that a person who is at least 18 years
34 of age or a firm, partnership, or corporation may possess, or
35 transfer, offer for sale, expose for sale, or sell at retail

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1 any novelties or consumer fireworks to any person who is at
2 least 18 years of age. The bill provides that any person who
3 is at least 18 years of age may use or explode novelties or
4 consumer fireworks.
5 The bill provides that a person, firm, partnership, or
6 corporation who transfers or sells novelties or any consumer
7 firework to a person who is less than 18 years of age commits
8 a simple misdemeanor. A person who is less than 18 years of
9 age who purchases, possesses, uses, or explodes novelties or
10 any consumer fireworks commits a simple misdemeanor. A simple
11 misdemeanor is generally punishable by confinement for no more
12 than 30 days or a fine of at least $65 but not more than $625 or
13 by both, but the bill provides for a fine of a least $250.
14 The bill provides that the governor may order the suspension
15 of the use of consumer fireworks, display fireworks, or
16 novelties if the governor determines that the use of such
17 devices would constitute a threat to public safety. The bill
18 further provides that a county board of supervisors or city
19 council may by ordinance suspend the use of display fireworks,
20 if the board or council determines that the use of such devices
21 would constitute a threat to public safety. The bill provides
22 that a person who violates such an order or ordinance commits a
23 simple misdemeanor, punishable by a fine of at least $250.
24 The bill also creates a local fire department equipment
25 fund in the state treasury under the control of the state fire
26 marshal to be composed of moneys transferred to the fund by the
27 director of the department of revenue from the sales tax on
28 sales of consumer fireworks and novelties. Moneys in the fund
29 shall be used to provide grants to local fire departments for
30 the purchase or maintenance of fire equipment pursuant to rules
31 adopted by the fire marshal. Interest or earnings on moneys in
32 the fund shall be credited to the fund.
33 The bill maintains current exemptions for goldstar-producing
34 sparklers on wires which contain no magnesium or chlorate or
35 perchlorate, flitter sparklers in paper tubes that do not

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1 exceed one-eighth of an inch in diameter, toy snakes which
2 contain no mercury, and caps used in cap pistols.

Senate File 2065 - Introduced

SENATE FILE 2065
BY CHELGREN

A BILL FOR

1 An Act relating to community-directed attendant care
2 requirements, and including effective, retroactive, and
3 applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5159XS (6) 85
pf/nh

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1 Section 1. 2013 Iowa Acts, chapter 138, section 12,
2 subsection 19, paragraph a, subparagraph (6), is amended by
3 striking the subparagraph.
4 Sec. 2. 2013 Iowa Acts, chapter 138, section 142, subsection
5 18, paragraph a, is amended to read as follows:
6 a. The department shall continue to implement the cost
7 containment strategies for the medical assistance program in
8 the fiscal year beginning July 1, 2014, that were recommended
9 by the governor for the fiscal year beginning July 1, 2013,
10 as specified in this Act and may adopt emergency rules for
11 such implementation. The department shall not implement the
12 cost containment strategy that requires transition of the
13 provision by individual providers of personal care under the
14 consumer-directed attendant care option to agency-provided
15 personal care services while retaining the consumer choice
16 option for those individuals able and desiring to self-direct
17 services.
18 Sec. 3. CONSUMER-DIRECTED ATTENDANT CARE PROVIDERS —
19 LEGAL REPRESENTATIVE. The department of human services shall
20 adopt rules pursuant to chapter 17A to allow a guardian or
21 attorney in fact under a durable power of attorney for health
22 care for a consumer-directed attendant care program member to
23 provide consumer-directed attendant care services. Payment to
24 a guardian or attorney in fact for health care for a program
25 member acting as a provider under the consumer-directed
26 attendant care program shall not be considered funds
27 incorrectly paid.
28 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
29 immediate importance, takes effect upon enactment.
30 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies
31 retroactively to July 1, 2013.
32 EXPLANATION
33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.
35 This bill relates to a cost containment strategy that

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1 would require transition under the Medicaid program of the
2 provision by individual providers of personal care under the
3 consumer-directed attendant care option to agency-provided
4 personal care services while retaining the consumer choice
5 option for those individuals able and desiring to self-direct
6 services. Because the provision was included in the
7 appropriation for the Medicaid program for FY 2013-2014 and
8 continued in FY 2014-2015, the bill eliminates the initial
9 directive for FY 2013-2014, and directs the department of human
10 services not to implement the strategy for FY 2014-2015.
11 The bill also provides that under the consumer-directed
12 attendant care program, a guardian or attorney in fact under
13 a durable power of attorney for health care for a program
14 member may be a provider of services under the program.
15 Additionally, payment to such guardian or attorney in fact for
16 health care for a program member acting as a provider under
17 the consumer-directed attendant care program is not to be
18 considered funds incorrectly paid.
19 The bill takes effect upon enactment and is retroactively
20 applicable to July 1, 2013.

Senate File 2066 - Introduced

SENATE FILE 2066
BY COURTNEY

A BILL FOR

1 An Act relating to providers of medical assistance program
2 consumer-directed attendant care and consumer choices
3 option services, including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5665XS (3) 85
pf/nh

S.F. 2066

1 Section 1. MEDICAL ASSISTANCE PROGRAM — PROVIDERS OF
2 CONSUMER-DIRECTED ATTENDANT CARE AND CONSUMER CHOICES OPTION
3 SERVICES.
4 1. The department of human services shall adopt
5 rules pursuant to chapter 17A to provide for all of the
6 following regarding providers of medical assistance program
7 consumer-directed attendant care and consumer choices option
8 services:
9 a. That an individual who serves as a member's legal
10 representative and also provided services to the member under
11 a home and community-based services waiver consumer-directed
12 attendant care agreement or under a community choices option
13 employment agreement in effect on December 31, 2013, may
14 continue to act as a provider under the agreement and payment
15 to such provider is not considered funds incorrectly paid under
16 the medical assistance program.
17 b. Beginning July 1, 2014, the department shall require
18 transition of individual providers under the consumer-directed
19 attendant care option to agency-provided services and shall
20 retain the consumer choices option for those individuals able
21 and desiring to self-direct services. However, an individual
22 providing services to a member under a home and community-based
23 services consumer-directed attendant care agreement in effect
24 on December 31, 2013, may continue to act as an individual
25 provider under the agreement and payment to such provider
26 is not considered funds incorrectly paid under the medical
27 assistance program.
28 c. Beginning July 1, 2014, a provider of agency-provided
29 services under the consumer-directed attendant care option or a
30 provider of services under the consumer choices option may also
31 serve as the member's legal representative.
32 d. Any provider of consumer-directed attendant care or
33 consumer choices option services shall certify in writing that
34 the provider has the necessary skills and meets the necessary
35 requirements to be able to perform the services the provider is

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1 hired to perform.
2 2. For the purposes of this section, "legal representative"
3 means a person, including an attorney, who is authorized by
4 law to act on behalf of the medical assistance program member.
5 "Legal representative" does not include the spouse of a member
6 or the parent or stepparent of a member aged seventeen or
7 under.
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 December 31, 2013.
12 EXPLANATION
13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.
15 This bill relates to providers of medical assistance
16 (Medicaid) consumer-directed attendant care (CDAC) and consumer
17 choices option (CCO) services.
18 The bill directs the department of human services (DHS) to
19 adopt rules pursuant to Code chapter 17A to:
20 1. Provide that an individual who also serves as the
21 Medicaid member's legal representative and provided services to
22 the member under a CDAC agreement or CCO employment agreement
23 in effect on December 31, 2013, may continue to act as a
24 provider under the agreement and payment to such provider
25 is not considered funds incorrectly paid under the medical
26 assistance program.
27 2. Provide that beginning July 1, 2014, DHS will
28 require transition of individual providers under CDAC
29 to agency-provided services and retain the CCO for those
30 individuals able and desiring to self-direct services.
31 However, an individual providing services to a Medicaid
32 member under a CDAC agreement in effect on December 31,
33 2013, may continue to act as an individual provider under the
34 agreement and payment to such provider is not considered funds
35 incorrectly paid under the medical assistance program.

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3. Provide that beginning July 1, 2014, a provider of agency-provided services under CDAC or the CCO may also serve as the member's legal representative.

4. Require any provider of services under CDAC or the CCO to certify in writing that the provider has the necessary skills and meets the necessary requirements to be able to perform the services the provider is hired to perform.

Under the bill, "legal representative" means a person, including an attorney, who is authorized by law to act on behalf of the medical assistance program member. "Legal representative" does not include the spouse of a member or the parent or stepparent of a member aged 17 or under.

The bill takes effect upon enactment and is retroactively applicable to December 31, 2013.

Senate File 2067 - Introduced

SENATE FILE 2067
BY FEENSTRA

A BILL FOR

1 An Act relating to transitional coaching authorizations issued
2 by the board of educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5778XS (3) 85
kh/rj

S.F. 2067

Section 1. Section 272.2, subsection 14, paragraph b, subparagraph (2), Code 2014, is amended to read as follows:

(2) The applicant is less than twenty-one years of age except as provided in section 272.31, subsection 1~~, paragraph "e"~~. However, a student enrolled in a practitioner preparation program who meets board requirements for a temporary, limited-purpose license who is seeking to teach as part of a practicum or internship may be less than twenty-one years of age.

Sec. 2. Section 272.31, subsection 1, Code 2014, is amended to read as follows:

1. *a.* ~~The~~ Except as provided in paragraph *"b"*, the minimum requirements for the board to ~~award~~ issue a coaching authorization to an applicant are:

~~*a.*~~ (1) Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of the structure and function of the human body in relation to physical activity.

~~*b.*~~ (2) Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of human growth and development of children and youth in relation to physical activity.

~~*c.*~~ (3) Successful completion of two semester credit hours or twenty contact hours in a course relating to knowledge and understanding of the prevention and care of athletic injuries and medical and safety problems relating to physical activity.

~~*d.*~~ (4) Successful completion of one semester credit hour or ten contact hours relating to knowledge and understanding of the techniques and theory of coaching interscholastic athletics.

~~*e.*~~ (5) Attainment of at least eighteen years of age.

b. The board shall issue a transitional coaching authorization to an individual who is at least eighteen years of age and who provides verification of an offer of a coaching position by a school district or by a consortium of school

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1 districts, but who has not completed the coursework required
2 for a coaching authorization as specified in paragraph "a". A
3 transitional coaching authorization is valid for not more than
4 one year, may not be renewed, and is valid only in the hiring
5 school district or districts.
6 Sec. 3. Section 279.19B, subsection 1, paragraph a,
7 subparagraph (2), Code 2014, is amended to read as follows:
8 (2) A qualified individual who meets the requirements of
9 section 272.31, subsection 1, paragraph "a", and possesses
10 a coaching authorization issued by the board of educational
11 examiners.
12 Sec. 4. Section 279.19B, subsection 1, paragraph a, Code
13 2014, is amended by adding the following new subparagraph:
14 NEW SUBPARAGRAPH. (3) A qualified individual who meets the
15 requirements of section 272.31, subsection 1, paragraph "b",
16 and possesses a transitional coaching authorization issued by
17 the board of educational examiners.
18 EXPLANATION
19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.
21 This bill requires the board of educational examiners to
22 issue a transitional coaching authorization to an individual
23 who is at least 18 years of age and who provides verification
24 of an offer of a coaching position by a school district or by
25 a consortium of school districts, but who has not completed
26 the coursework required for a coaching authorization. A
27 transitional coaching authorization is valid for not more than
28 one year, may not be renewed, and is valid only in the hiring
29 school district or districts. In employing a head coach or
30 assistant coach, the Code requires each school district to
31 consider applicants in a priority order, with teachers having
32 first priority and persons with a coaching authorization
33 second. To this priority list, the bill adds in the third
34 position those individuals who possess a transitional coaching
35 authorization.

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1 Currently, the coursework needed for a full coaching
2 authorization includes successful completion of five semester
3 credit hours or 50 contact hours in courses relating to
4 knowledge and understanding of the structure and function of
5 the human body in relation to physical activity; to knowledge
6 and understanding of human growth and development of children
7 and youth in relation to physical activity; to knowledge and
8 understanding of the prevention and care of athletic injuries
9 and medical and safety problems relating to physical activity;
10 and to knowledge and understanding of the techniques and theory
11 of coaching interscholastic athletics.

Senate File 2068 - Introduced

SENATE FILE 2068
BY CHELGREN

A BILL FOR

1 An Act requiring the rates of the excise taxes on motor fuel
2 and certain special fuel used in motor vehicles to be
3 based on changes in the consumer price index and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5377XS (5) 85
dea/sc

S.F. 2068

1 Section 1. Section 452A.3, subsection 1A, Code 2014, is
2 amended to read as follows:
3 1A. Except as otherwise provided in this section and in this
4 division, after June 30, 2014, an excise tax ~~of twenty cents~~ is
5 imposed on each gallon of motor fuel used for any purpose for
6 the privilege of operating motor vehicles in this state. The
7 rate shall be determined by the department as follows:
8 *a.* For the period beginning July 1, 2014, and ending June
9 30, 2015, the rate of the excise tax shall be the amount
10 calculated by applying the percentage change in the consumer
11 price index for all urban consumers for the twelve-month period
12 commencing April 1, 2013, as published in the federal register
13 by the United States department of labor, bureau of labor
14 statistics, to twenty cents, rounded to the nearest one-half of
15 a cent. For purposes of this paragraph "*a*", if the percentage
16 change is zero or less, the rate in effect for the period
17 beginning July 1, 2014, and ending June 30, 2015, shall be
18 twenty cents.
19 *b.* Beginning July 1, 2015, and annually on July 1
20 thereafter, the rate of the excise tax shall be the amount
21 calculated by applying to the amount of the excise tax in
22 effect on the preceding June 30, as an increase or decrease,
23 the percentage change in the consumer price index for all urban
24 consumers for the twelve-month period commencing April 1 of the
25 calendar year preceding the calendar year in which the rate
26 determined under this paragraph takes effect, as published in
27 the federal register by the United States department of labor,
28 bureau of labor statistics, rounded to the nearest one-half of
29 a cent.
30 Sec. 2. Section 452A.3, subsection 3, Code 2014, is amended
31 to read as follows:
32 3. *a.* For the privilege of operating motor vehicles or
33 aircraft in this state, there is imposed an excise tax on the
34 use of special fuel in a motor vehicle or aircraft.
35 *b.* The tax rate on special fuel for diesel engines of motor

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vehicles ~~is twenty-two and one-half cents per gallon~~ shall be determined by the department as follows:

(1) For the period beginning July 1, 2014, and ending June 30, 2015, the rate of the tax shall be the amount calculated by applying the percentage change in the consumer price index for all urban consumers for the twelve-month period commencing April 1, 2013, as published in the federal register by the United States department of labor, bureau of labor statistics, to twenty-two and one-half cents, rounded to the nearest one-half of a cent. For purposes of this subparagraph (1), if the percentage change is zero or less, the rate in effect for the period beginning July 1, 2014, and ending June 30, 2015, shall be twenty-two and one-half cents.

(2) Beginning July 1, 2015, and annually on July 1 thereafter, the rate of the excise tax on each gallon of special fuel for diesel engines of motor vehicles shall be the amount calculated by applying to the amount of the excise tax in effect on the preceding June 30, as an increase or decrease, the percentage change in the consumer price index for all urban consumers for the twelve-month period commencing April 1 of the calendar year preceding the calendar year in which the rate determined under this subparagraph takes effect, as published in the federal register by the United States department of labor, bureau of labor statistics, rounded to the nearest one-half of a cent.

(3) The rate of tax on special fuel for aircraft is three cents per gallon.

(4) On all other special fuel, unless otherwise specified in this section, the per gallon rate is the same as the motor fuel tax.

c. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to fuel before or upon withdrawal at a terminal or refinery rack for that fuel to be exempt from tax and the dyed fuel may be used only for an exempt purpose.

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1 Sec. 3. Section 452A.3, Code 2014, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 8. Annually by May 31, the director
4 shall cause an advisory notice to be published in the Iowa
5 administrative bulletin and in a newspaper of general
6 circulation in this state, stating the rate of taxes to be in
7 effect on or after July 1 of the same year, as established
8 pursuant to subsection 1A, subsection 1C if applicable, and
9 subsection 3, paragraph "b", subparagraphs (1), (2), and (4).
10 The publication of the rate of tax by the director is exempt
11 from chapter 17A.
12 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
13 immediate importance, takes effect upon enactment.
14 EXPLANATION
15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.
17 This bill provides for the determination of the rates of
18 the excise taxes on motor fuel and special fuel used in diesel
19 engines of motor vehicles based on changes in the consumer
20 price index (CPI).
21 Currently, the rate of the excise tax on a gallon of motor
22 fuel is linked to the distribution percentage of ethanol
23 blended gasoline and fuel other than ethanol blended gasoline
24 sold in this state, but beginning July 1, 2014, the tax rate
25 for both ethanol blended gasoline and motor fuel other than
26 ethanol blended gasoline will be 20 cents per gallon. The
27 current rate of the excise tax on special fuel for diesel
28 engines of motor vehicles is 22.5 cents per gallon.
29 The bill provides that for the period beginning July 1,
30 2014, and ending June 30, 2015, the rate of the excise tax on
31 motor fuel — both ethanol blended gasoline and fuel other
32 than ethanol blended gasoline — will be the amount calculated
33 by applying the percentage change in the CPI for all urban
34 consumers for the 12-month period commencing April 1, 2013,
35 as published in the federal register by the United States

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department of labor, bureau of labor statistics, to 20 cents, rounded to the nearest one-half of a cent. However, if the percentage change in the CPI is zero or less, the rate of the tax will remain at 20 cents. For the period beginning July 1, 2014, and ending June 30, 2015, the rate of the excise tax on special fuel for diesel engines of motor vehicles will be the amount calculated by applying the percentage change in the CPI to 22.5 cents, rounded to the nearest one-half of a cent. However, if the percentage change in the CPI is zero or less, the rate of the tax will remain at 22.5 cents. By operation of law, the rate determined under the bill for motor fuel is also the rate for special fuel that is not for diesel engines of motor vehicles or for aircraft, and under specified circumstances, the rate determined under the bill for motor fuel may also be the rate for E-85 gasoline.

Beginning July 1, 2015, and annually on July 1 thereafter, the rate of the excise tax on a gallon of motor fuel or on a gallon of special fuel used in diesel engines of motor vehicles will be the amount calculated by applying, as an increase or decrease, the percentage change in the CPI for the 12-month period commencing April 1 of the previous year to the amount of the applicable excise tax in effect on June 30 immediately preceding the effective date of the new tax rate.

The bill requires the director of revenue to have an advisory notice published in the Iowa administrative bulletin and in a newspaper of general circulation in the state by May 31 annually stating the rate of the taxes on motor fuel, special fuel for diesel engines of motor vehicles, and other affected fuels to be in effect the following July 1.

The bill takes effect upon enactment.

Senate Resolution 103 - Introduced

SENATE RESOLUTION NO. 103

BY BEALL, DOTZLER, RAGAN, HOGG, HART, DVORSKY, DANIELSON, BOWMAN, MATHIS, SCHOENJAHN, QUIRMBACH, McCOY, BRASE, BLACK, SENG, SODDERS, JOCHUM, GRONSTAL, COURTNEY, DEARDEN, HORN, TAYLOR, WILHELM, HATCH, BOLKCOM, ANDERSON, BERTRAND, FEENSTRA, KAPUCIAN, ZUMBACH, BREITBACH, WHITVER, SMITH, SINCLAIR, GARRETT, ERNST, BOETTGER, ROZENBOOM, SEGEBART, JOHNSON, and PETERSEN

A Resolution in support of extending the federal production tax credit for wind energy.

WHEREAS, Iowa is the third largest producer of wind energy in the nation; and

WHEREAS, Iowa leads the nation in wind generation as a percentage of total power output; and

WHEREAS, it has been estimated that 75 percent of Iowa is suitable for wind energy development with an estimated total wind resource of 570,000 megawatts; and

WHEREAS, 1,000 megawatts of energy can power 250,000 homes and is equivalent to removing the emissions placed in the atmosphere by 682,000 cars in the state in one year´s time; and

WHEREAS, the wind energy industry in Iowa currently employs several thousand full-time workers in manufacturing, operations, and maintenance with a substantial annual payroll; and

WHEREAS, the federal production tax credit for wind energy reflects the economic, environmental, and national security benefits of clean homegrown renewable electricity; and

S.R. 103

1 WHEREAS, the federal production tax credit for wind
2 energy has fostered innovation in the wind energy
3 industry and will encourage further innovation if
4 extended; and
5 WHEREAS, the federal production tax credit for wind
6 energy provides a 2.2 percent per kilowatt-hour tax
7 credit for the first 10 years of electricity production
8 from utility-scale wind turbines; and
9 WHEREAS, the federal production tax credit for
10 wind energy has repeatedly been allowed to sunset and
11 then extended since its original enactment, which has
12 contributed to a boom-bust cycle of development that
13 has been detrimental to the wind industry; and
14 WHEREAS, the federal production tax credit for wind
15 energy expired on December 31, 2013; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate
17 supports the extension of the federal production tax
18 credit for wind energy, preferably for a multiple-year
19 period to maximize the benefits of the production tax
20 credit; and
21 BE IT FURTHER RESOLVED, That copies of this
22 resolution be sent to the members of Iowa's
23 congressional delegation and to the President of the
24 United States.

Senate Study Bill 3111 - Introduced

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

A BILL FOR

1 An Act relating to the grounds for termination of parental
2 rights.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5340XC (4) 85
pf/nh

S.F. _____

1 Section 1. Section 600A.8, Code 2014, is amended to read as
2 follows:
3 **600A.8 Grounds for termination.**
4 The juvenile court shall base its findings and order under
5 section 600A.9 on clear and convincing proof. The following
6 shall be, either separately or jointly, grounds for ordering
7 termination of parental rights:
8 1. A parent has signed a release of custody pursuant to
9 section 600A.4 and the release has not been revoked.
10 2. A parent has petitioned for the parent's termination of
11 parental rights pursuant to section 600A.5.
12 3. The parent has abandoned the child. For the purposes of
13 this subsection, a parent is deemed to have abandoned a child
14 as follows:
15 *a.* (1) If the child is less than six months of age
16 when the termination hearing is held, a parent is deemed to
17 have abandoned the child unless the parent does all of the
18 following:
19 (a) Demonstrates a willingness to assume custody of the
20 child rather than merely objecting to the termination of
21 parental rights.
22 (b) Takes prompt action to establish a parental
23 relationship with the child.
24 (c) Demonstrates, through actions, a commitment to the
25 child.
26 (2) In determining whether the requirements of this
27 paragraph "*a*" are met, the court may consider all of the
28 following:
29 (a) The fitness and ability of the parent in personally
30 assuming custody of the child, including a personal and
31 financial commitment which is timely demonstrated.
32 (b) Whether efforts made by the parent in personally
33 assuming custody of the child are substantial enough to evince
34 a settled purpose to personally assume all parental duties.
35 (c) With regard to a putative father, whether the putative

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1 father publicly acknowledged paternity or held himself out to
2 be the father of the child during the six continuing months
3 immediately prior to the termination proceeding.
4 (d) With regard to a putative father, whether the putative
5 father paid a fair and reasonable sum, in accordance with the
6 putative father's means, for medical, hospital, and nursing
7 expenses incurred in connection with the mother's pregnancy or
8 with the birth of the child, or whether the putative father
9 demonstrated emotional support as evidenced by the putative
10 father's conduct toward the mother.
11 (e) Any measures taken by the parent to establish legal
12 responsibility for the child.
13 (f) Any other factors evincing a commitment to the child.
14 *b.* If the child is six months of age or older when the
15 termination hearing is held, a parent is deemed to have
16 abandoned the child unless the parent maintains substantial and
17 continuous or repeated contact with the child as demonstrated
18 by contribution toward support of the child of a reasonable
19 amount, according to the parent's means, and as demonstrated
20 by any of the following:
21 (1) Visiting the child at least monthly when physically and
22 financially able to do so and when not prevented from doing so
23 by the person having lawful custody of the child.
24 (2) Regular communication with the child or with the person
25 having the care or custody of the child, when physically and
26 financially unable to visit the child or when prevented from
27 visiting the child by the person having lawful custody of the
28 child.
29 (3) Openly living with the child for a period of six
30 months within the one-year period immediately preceding the
31 termination of parental rights hearing and during that period
32 openly holding himself or herself out to be the parent of the
33 child.
34 *c.* The subjective intent of the parent, whether expressed
35 or otherwise, unsupported by evidence of acts specified in

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paragraph *"a"* or *"b"* manifesting such intent, does not preclude a determination that the parent has abandoned the child. In making a determination, the court shall not require a showing of diligent efforts by any person to encourage the parent to perform the acts specified in paragraph *"a"* or *"b"*. In making a determination regarding a putative father, the court may consider the conduct of the putative father toward the child's mother during the pregnancy. Demonstration of a commitment to the child is not met by the putative father marrying the mother of the child after adoption of the child.

4. A parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has failed to do so without good cause.

5. A parent does not object to the termination after having been given proper notice and the opportunity to object.

6. A parent does not object to the termination although every reasonable effort has been made to identify, locate and give notice to that parent as required in section 600A.6.

7. An adoptive parent requests termination of parental rights and the parent-child relationship based upon a showing that the adoption was fraudulently induced in accordance with the procedures set out in section 600A.9, subsection 3.

8. ~~Both of the following circumstances apply to a parent:~~

~~*a.* The parent has been determined to be a person with a substance-related disorder as defined in section 125.2 and the~~ The parent has committed ~~a second or subsequent~~ domestic abuse assault pursuant to section 708.2A.

~~*b.*~~ 9. The parent has abducted the child, has improperly removed the child from the physical custody of the person entitled to custody without the consent of that person, or has improperly retained the child after a visit or other temporary relinquishment of physical custody.

~~9.~~ 10. The parent has been imprisoned for a crime against the child, the child's sibling, or another child in the household, or ~~the~~ has been convicted of a felony offense

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1 that is a sex offense against a minor as defined in section
2 692A.101.
3 11. The parent has been convicted of first degree murder in
4 the murder of the child's other parent.
5 12. The parent has been convicted of a crime of sexual abuse
6 as defined in chapter 709.
7 13. The parent has been convicted of a felony offense of
8 such a nature as to indicate the unfitness of the parent to
9 provide adequate care and support to the extent necessary
10 for the child's physical, mental, or emotional health and
11 development.
12 14. The parent has been imprisoned and it is unlikely that
13 the parent will be released from prison for a period of five or
14 more years.
15 ~~10. The parent has been convicted of a felony offense~~
16 ~~that is a sex offense against a minor as defined in section~~
17 ~~692A.101, the parent is divorced from or was never married~~
18 ~~to the minor's other parent, and the parent is serving a~~
19 ~~minimum sentence of confinement of at least five years for that~~
20 ~~offense.~~
21 15. The parent has neglected the child or is unfit to be a
22 parent. In determining whether the parent has neglected the
23 child or is unfit, the court shall consider whether the parent
24 has a consistent pattern of specific conduct or a specific
25 condition directly relating to the parent-child relationship
26 which is determined by the court to be of a duration or nature
27 that renders the parent unable, for the reasonably foreseeable
28 future, to provide the appropriate care and support for the
29 ongoing physical, mental, or emotional needs of the child.
30 The court shall consider at a minimum the following specific
31 conduct or conditions which may result in neglect or diminished
32 fitness as a parent:
33 *a.* A medically-verifiable emotional illness, mental illness,
34 mental deficiency, or substance-related disorder as defined in
35 section 125.2.

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1 *b.* Prior abuse or neglect of the child, the child's sibling,
2 or another child in the household, or conduct toward a child of
3 a physically, emotionally, or sexually cruel or abusive nature.
4 *c.* Repeated or continuous failure by the parent, although
5 physically and financially able, to provide the child with
6 adequate food, clothing, shelter, education, or other care
7 and support necessary for the child's physical, mental, or
8 emotional health and development.
9 *d.* Abandonment of the child for a period of sixty or more
10 days.
11 *e.* The termination of the parent's parental rights to
12 another child.
13 EXPLANATION
14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.
16 This bill relates to the grounds for termination of parental
17 rights.
18 The bill amends the existing ground requiring that
19 the parent has both been determined to be a person with a
20 substance-related disorder as defined in Code section 125.2 and
21 has committed a second or subsequent domestic abuse assault,
22 to require only that the parent has committed domestic abuse
23 assault. The existence of a substance-related disorder is
24 later included in a ground relating to the fitness of the
25 parent.
26 The bill divides the existing ground which provides that
27 the parent has been imprisoned for a crime against the child,
28 the child's sibling, or another child in the household, or the
29 parent has been imprisoned and it is unlikely that the parent
30 will be released from prison for a period of five or more years
31 into two separate grounds.
32 The bill amends the existing ground which requires that the
33 parent has been convicted of a felony offense that is a sex
34 offense against a minor, the parent is divorced from or was
35 never married to the minor's other parent, and the parent is

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1 serving a minimum sentence of confinement of at least five
2 years for that offense, by deleting the conditions that the
3 parent is divorced from or was never married to the minor's
4 other parent and that the parent is serving a minimum sentence
5 of confinement of at least five years, and instead combining
6 the ground that the parent has been convicted of a felony
7 offense that is a sex offense against a minor with other
8 divisible grounds that relate to crimes against a child.
9 The bill adds the following new grounds for termination
10 of parental rights: the parent has been convicted of first
11 degree murder in the murder of the child's other parent;
12 the parent has been convicted of a crime of sexual abuse as
13 defined in Code chapter 709; the parent has been convicted
14 of a felony offense of such a nature as to indicate the
15 unfitness of the parent to provide adequate care and support
16 to the extent necessary for the child's physical, mental, or
17 emotional health and development; and the parent has neglected
18 the child or is unfit to be a parent. The bill provides that
19 in determining whether the parent has neglected the child or
20 is unfit, the court shall consider whether the parent has a
21 consistent pattern of specific conduct or a specific condition
22 directly relating to the parent-child relationship which is
23 determined by the court to be of a duration or nature that
24 renders the parent unable, for the reasonably foreseeable
25 future, to provide the appropriate care and support for the
26 ongoing physical, mental, or emotional needs of the child.
27 The bill specifies certain conduct or conditions that the
28 court shall consider in determining neglect or diminished
29 fitness as a parent. Such conduct and conditions include: a
30 medically-verifiable emotional illness, mental illness, mental
31 deficiency, or substance-related disorder as defined in Code
32 section 125.2; prior abuse or neglect of the child, the child's
33 sibling, or another child in the household, or conduct toward
34 a child of a physically, emotionally, or sexually cruel or
35 abusive nature; repeated or continuous failure by the parent,

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1 although physically and financially able, to provide the child
2 with adequate food, clothing, shelter, education, or other care
3 and support necessary for the child's physical, mental, or
4 emotional health and development; abandonment of the child for
5 a period of 60 or more days; or the termination of the parent's
6 parental rights to another child.

Senate Study Bill 3112 - Introduced

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

A BILL FOR

1 An Act modifying the periods of time to bring civil and
2 criminal actions relating to the sexual abuse of minors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5435XC (3) 85
jm/rj

S.F. _____

1 Section 1. Section 614.8, subsection 2, Code 2014, is
2 amended to read as follows:
3 2. Except as provided in section 614.1, subsection 9, or
4 section 614.8A, the times limited for actions in this chapter,
5 or chapter 216, 669, or 670, except those brought for penalties
6 and forfeitures, are extended in favor of minors, so that they
7 shall have one year from and after attainment of majority
8 within which to file a complaint pursuant to chapter 216, to
9 make a claim pursuant to chapter 669, or to otherwise commence
10 an action.
11 Sec. 2. Section 614.8A, Code 2014, is amended to read as
12 follows:
13 **614.8A ~~Damages~~ Commencement of action for minor or child**
14 **sexual abuse — time limitation.**
15 1. Notwithstanding section 614.8, subsection 2, and the
16 times limited for actions in this chapter, the time to file an
17 action relating to sexual abuse which occurred when the injured
18 person was a minor, is extended twenty-five years beyond the
19 minor's attainment of eighteen years of age.
20 2. ~~An~~ In addition to the extension of time provided in
21 subsection 1, an action for damages for injury suffered as
22 a result of sexual abuse which occurred when the injured
23 person was a child, but not discovered until after the injured
24 person is of the age of majority, shall be brought within ~~four~~
25 twenty-five years from the time of discovery by the injured
26 party of both the injury and the causal relationship between
27 the injury and the sexual abuse.
28 Sec. 3. Section 802.2, subsection 1, Code 2014, is amended
29 to read as follows:
30 1. An information or indictment for sexual abuse in the
31 first, second, or third degree committed on or with a person
32 who is under the age of eighteen years shall be found within
33 ~~ten~~ twenty-five years after the person upon whom the offense
34 is committed attains eighteen years of age, or if the person
35 against whom the information or indictment is sought is

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1 identified through the use of a DNA profile, an information or
2 indictment shall be found within three years from the date the
3 person is identified by the person's DNA profile, whichever is
4 later.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill modifies the periods of time to bring civil and
9 criminal actions relating to the sexual abuse of minors.
10 Under the bill, the time for filing a civil action relating
11 to sexual abuse which occurred when the injured person was
12 a minor is extended from one year after the attainment of
13 majority to 25 years after the attainment of majority.
14 The bill also provides that a civil action for damages
15 relating to sexual abuse which occurred when the injured party
16 was a child under 14 years of age, shall be brought within
17 25 years from the time of the discovery of both the injury
18 and the causal relationship between the injury and the sexual
19 abuse. Current law specifies such an action shall be brought
20 within four years from the time of discovery of both the injury
21 and the causal relationship between the injury and the sexual
22 abuse.
23 The bill also specifies that a criminal information
24 or indictment for sexual abuse in the first, second, or
25 third degree committed on or with a person under the age of
26 18 shall be found within 25 years of the sexually abused
27 person attaining 18 years of age. Current law specifies the
28 indictment or information for such sexual abuse be found within
29 10 years of the sexually abused person attaining 18 years of
30 age.

Senate Study Bill 3113 - Introduced

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

A BILL FOR

1 An Act providing an exemption from liability for an officer
2 or employee of a school district or local school board
3 under the Iowa municipal tort claims Act due to a person's
4 participation in a non-school-sponsored extracurricular
5 activity on school grounds.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5420XC (5) 85
rh/rj

S.F. _____

1 Section 1. Section 670.4, subsection 1, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *p.* Any claim based upon an act or omission
4 by an officer or employee of a school district or a local
5 school board, or a local school board itself, due to a person's
6 participation in a non-school-sponsored extracurricular
7 activity on school grounds. This paragraph shall not apply
8 to claims based upon gross negligence. For purposes of this
9 paragraph, *"school grounds"* means real property, and any school
10 buildings, attendance centers, accessory buildings, structures,
11 and improvements thereon, owned, leased, or rented by a school
12 district and used primarily for public school purposes.
13 EXPLANATION

14 **The inclusion of this explanation does not constitute agreement with**
15 **the explanation's substance by the members of the general assembly.**

16 Under the Iowa municipal tort claims Act (IMTCA, Code
17 chapter 670), every municipality (defined as a city, county,
18 township, school district, and any other unit of local
19 government except soil and water conservation districts)
20 is subject to liability for its torts and those of its
21 officers and employees acting within the scope of their
22 employment or duties, whether arising out of a governmental
23 or proprietary function, except as otherwise provided in the
24 IMTCA. Municipalities are required to defend, hold harmless,
25 and indemnify municipal officers and employees from any claims
26 occurring within the scope of their employment or duties.
27 Municipal officers and employees under Code section 670.12 are
28 not liable for such exempted claims unless actual malice or
29 willful, wanton, and reckless misconduct is proven. The IMTCA
30 contains 15 exclusions from liability for certain types of
31 claims.
32 The bill excludes any claim based upon an act or omission
33 by an officer or employee of a school district or a local
34 school board, or a school board itself, due to a person's
35 participation in a non-school-sponsored extracurricular

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1 activity on school grounds, except for claims based on gross
2 negligence. For purposes of the bill, "school grounds"
3 means real property, and any school buildings, attendance
4 centers, accessory buildings, structures, and improvements
5 thereon, owned, leased, or rented by a school district and used
6 primarily for public school purposes.

Senate Study Bill 3114 - Introduced

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

A BILL FOR

1 An Act relating to criminal gang participation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5119XC (2) 85
jb/rj

S.F. _____

Section 1. Section 723A.2, Code 2014, is amended to read as follows:

723A.2 Criminal gang participation.

A person who actively participates in or is a member of a criminal street gang and who ~~willfully aids and abets any criminal act~~ commits or aids and abets any public offense punishable by a term of imprisonment of one year or more, committed for the benefit of, at the direction of, or in association with any criminal street gang, commits a class "D" felony.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill changes the requirements for an individual to be charged with a class "D" felony for participating in or being a member of a criminal street gang. To be charged with a class "D" felony, the bill requires that an individual participates in or is a member of a criminal street gang and commits, or aids and abets, a public offense that is punishable by a term of imprisonment of one year or more. The bill removes the criminal culpability requirement of "willfully" aiding or abetting a criminal act. The bill also changes what act an individual must commit, or aid and abet, to be charged under this section from "criminal act" as defined in Code chapter 723A to any public offense (see Code section 701.2) that is punished by a term of incarceration of one year or more.

Senate Study Bill 3115 - Introduced

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

A BILL FOR

1 An Act relating to the scope and nature of use restrictions on
2 land.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5475SC (4) 85
rh/sc

S.F. _____

1 Section 1. Section 614.24, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 4. As used in this section, *"use*
4 *restrictions"* means a limitation or prohibition on the rights
5 of a landowner to make use of the landowner's real estate,
6 including but not limited to limitations or prohibitions
7 on commercial uses, rental use, parking and storage of
8 recreational vehicles and their attachments, ownership
9 of pets, outdoor domestic uses, construction and use of
10 accessory structures, building dimensions and colors, building
11 construction materials, and landscaping. A use restriction
12 claimed for purposes of this section shall not limit or
13 prohibit the following:
14 *a.* An easement granting a person an affirmative right
15 to use land in the possession of another person including
16 but not limited to an easement for pedestrian or vehicular
17 access, reasonable ingress and egress, solar access, utilities,
18 supporting utilities, parking areas, bicycle paths, and water
19 flow.
20 *b.* An agreement between two or more parcel owners providing
21 for the sharing of costs and other obligations for real
22 estate taxes, insurance premiums, and for maintenance, repair,
23 improvements, services, or other costs related to two or more
24 parcels of real estate regardless of whether the parties to
25 the agreement are owners of individual lots or incorporated
26 or unincorporated lots or have ownership interests in common
27 areas in a horizontal property regime or residential housing
28 development.
29 *c.* An agreement between two or more parcel owners for
30 the joint use and maintenance of driveways, party walls,
31 landscaping, fences, wells, roads, common areas, waterways, or
32 bodies of water.
33 EXPLANATION
34 **The inclusion of this explanation does not constitute agreement with**
35 **the explanation's substance by the members of the general assembly.**

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1 Iowa Code sections 614.24 through 614.28 (known as the
2 "stale uses and reversions Act") require the filing of a
3 verified claim with the county recorder in the county where the
4 real estate is located within 21 years after the recording of
5 a use restriction or the last verified claim to continue the
6 use restriction. If a verified claim is not timely filed, the
7 use restriction becomes unenforceable by operation of law 21
8 years after the recording of the last verified claim of use
9 restriction.
10 The bill defines the meaning of the term "use restriction"
11 for the filing of a verified claim to include but not be
12 limited to limitations or prohibitions on uses specified in the
13 bill. The bill also provides that a use restriction shall not
14 limit or prohibit easements granting a person an affirmative
15 right to use land in the possession of another person, certain
16 agreements providing for the sharing of costs and other
17 obligations for real estate taxes, insurance premiums, and
18 maintenance, repair, improvements, services, or other costs,
19 and agreements between two or more parcel owners for the joint
20 use and maintenance of driveways, party walls, landscaping,
21 fences, wells, roads, common areas, waterways, or bodies of
22 water.

Senate Study Bill 3116 - Introduced

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

A BILL FOR

1 An Act creating the Iowa uniform power of attorney Act and
2 providing penalties and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5082SC (8) 85
rh/rj

S.F. _____

1 Section 1. Section 144A.7, subsection 1, paragraph a, Code
2 2014, is amended to read as follows:
3 *a.* The attorney in fact designated to make treatment
4 decisions for the patient should such person be diagnosed as
5 suffering from a terminal condition, if the designation is in
6 writing and complies with chapter 144B ~~or section 633B.1~~.
7 Sec. 2. Section 231E.3, subsection 15, Code 2014, is amended
8 to read as follows:
9 15. *"Power of attorney"* means a durable power of attorney
10 for health care as defined in section 144B.1 or a power of
11 attorney ~~that becomes effective upon the disability of the~~
12 ~~principal as described in section 633B.1~~ executed pursuant to
13 chapter 633B.
14 Sec. 3. NEW SECTION. **633B.101 Title.**
15 This chapter shall be known and may be cited as the *"Iowa*
16 *Uniform Power of Attorney Act"*.
17 Sec. 4. NEW SECTION. **633B.102 Definitions.**
18 1. *"Agent"* means a person granted authority to act for a
19 principal under a power of attorney, whether denominated an
20 agent, attorney in fact, or otherwise. The term includes an
21 original agent, coagent, successor agent, and a person to which
22 an agent's authority is delegated.
23 2. *"Conservator"* or *"conservatorship"* means a conservator
24 appointed or conservatorship established pursuant to sections
25 633.570 and 633.572 or a similar provision of the laws of
26 another state.
27 3. *"Durable"*, with respect to a power of attorney, means not
28 terminated by the principal's incapacity.
29 4. *"Electronic"* means relating to technology having
30 electrical, digital, magnetic, wireless, optical,
31 electromagnetic, or similar capabilities.
32 5. *"Good faith"* means honesty in fact.
33 6. *"Guardian"* or *"guardianship"* means a guardian appointed
34 or a guardianship established pursuant to sections 633.556 and
35 633.560 or a similar provision of the laws of another state.

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1 7. *"Incapacity"* means the inability of an individual to
2 manage property or business affairs because the individual is
3 any of the following:
4 *a.* An individual whose decision-making capacity is so
5 impaired that the individual is unable to make, communicate,
6 or carry out important decisions concerning the individual's
7 financial affairs.
8 *b.* Missing.
9 *c.* Detained, including but not limited to an individual
10 incarcerated in a penal system.
11 *d.* Outside the United States and unable to return.
12 8. *"Person"* means an individual, corporation, business
13 trust, estate, trust, partnership, limited liability company,
14 association, joint venture, public corporation, government or
15 governmental subdivision, agency, or instrumentality, or any
16 other legal or commercial entity.
17 9. *"Power of attorney"* means a writing or other record
18 that grants authority to an agent to act in the place of the
19 principal, whether or not the term "power of attorney" is used.
20 10. *"Presently exercisable general power of appointment"*,
21 with respect to property or a property interest subject to
22 a power of appointment, means power exercisable at the time
23 in question to vest absolute ownership in the principal
24 individually, the principal's estate, the principal's
25 creditors, or the creditors of the principal's estate. The
26 term includes a power of appointment not exercisable until
27 the occurrence of a specified event, the satisfaction of an
28 ascertainable standard, or the passage of a specified period
29 of time only after the occurrence of the specified event, the
30 satisfaction of the ascertainable standard, or the passage of
31 the specified period of time. The term does not include a
32 power exercisable in a fiduciary capacity or only by will.
33 11. *"Principal"* means an individual who grants authority to
34 an agent in a power of attorney.
35 12. *"Property"* means anything that may be the subject of

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1 ownership, whether real or personal, or legal or equitable, or
2 any interest or right therein.
3 13. *"Record"* means information that is inscribed on a
4 tangible medium or that is stored in an electronic or other
5 medium and is retrievable in perceivable form.
6 14. *"Sign"* means, with present intent to authenticate or
7 adopt a record, to do any of the following:
8 *a.* Execute or adopt a tangible symbol.
9 *b.* Attach to or logically associate with the record an
10 electronic sound, symbol, or process.
11 15. *"State"* means a state of the United States, the District
12 of Columbia, Puerto Rico, the United States Virgin Islands, or
13 any territory or insular possession subject to the jurisdiction
14 of the United States.
15 16. *"Stocks and bonds"* means stocks, bonds, mutual funds,
16 and all other types of securities and financial instruments,
17 whether held directly, indirectly, or in any other manner. The
18 term does not include commodity futures contracts and call or
19 put options on stocks or stock indexes.
20 Sec. 5. NEW SECTION. **633B.103 Applicability.**
21 This chapter applies to all powers of attorney except for the
22 following:
23 1. A power to the extent it is coupled with an interest
24 of the agent in the subject of the power, including but not
25 limited to a power given to or for the benefit of a creditor in
26 connection with a credit transaction.
27 2. A power to make health care decisions.
28 3. A proxy or other delegation to exercise voting rights or
29 management rights with respect to an entity.
30 4. A power created on a form prescribed by a government
31 or governmental subdivision, agency, or instrumentality for a
32 governmental purpose.
33 Sec. 6. NEW SECTION. **633B.104 Durability of power of**
34 **attorney.**
35 A power of attorney created under this chapter is durable

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1 unless the power of attorney expressly provides that it is
2 terminated by the incapacity of the principal.
3 Sec. 7. NEW SECTION. **633B.105 Execution.**
4 A power of attorney must be signed by the principal or in
5 the principal's conscious presence by another individual, other
6 than any prospective agent, directed by the principal to sign
7 the principal's name on the power of attorney. A power of
8 attorney must be acknowledged before a notary public or other
9 individual authorized by law to take acknowledgments. An
10 agent named in the power of attorney shall not notarize the
11 principal's signature. An acknowledged signature on a power of
12 attorney is presumed to be genuine.
13 Sec. 8. NEW SECTION. **633B.106 Validity.**
14 1. A power of attorney executed in this state on or
15 after July 1, 2014, is valid if the execution of the power of
16 attorney complies with section 633B.105.
17 2. A power of attorney executed in this state before July
18 1, 2014, is valid if the execution of the power of attorney
19 complied with the law of this state as it existed at the time
20 of execution.
21 3. A power of attorney executed other than in this state
22 is valid in this state if, when the power of attorney was
23 executed, the execution complied with any of the following:
24 *a.* The law of the jurisdiction that determines the meaning
25 and effect of the power of attorney pursuant to section
26 633B.107.
27 *b.* The requirements for a military power of attorney
28 pursuant to 10 U.S.C. §1044b, as amended.
29 4. Except as otherwise provided by law, a photocopy or
30 electronically transmitted copy of an original power of
31 attorney has the same effect as the original.
32 Sec. 9. NEW SECTION. **633B.107 Meaning and effect.**
33 The meaning and effect of a power of attorney is determined
34 by the law of the jurisdiction indicated in the power of
35 attorney and, in the absence of an indication of jurisdiction,

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1 by the law of the jurisdiction in which the power of attorney
2 was executed.
3 Sec. 10. NEW SECTION. **633B.108 Nomination of conservator or**
4 **guardian — relation of agent to court-appointed fiduciary.**
5 1. Under a power of attorney, a principal may nominate
6 a conservator of the principal´s estate or guardian of
7 the principal´s person for consideration by the court if
8 proceedings for the principal´s estate or person are begun
9 after the principal executes the power of attorney. Except
10 for good cause shown or disqualification, the court shall make
11 its appointment in accordance with the principal's most recent
12 nomination. This section does not prohibit an individual
13 from executing a petition for the voluntary appointment of a
14 guardian or conservator on a standby basis pursuant to sections
15 633.560 and 633.591.
16 2. If, after a principal executes a power of attorney,
17 a court appoints a conservator of the principal´s estate or
18 other fiduciary charged with the management of some or all of
19 the principal´s property, the power of attorney is suspended
20 unless the power of attorney provides otherwise or unless the
21 court appointing the conservator decides the power of attorney
22 should continue. If the power of attorney continues, the agent
23 is accountable to the fiduciary as well as to the principal.
24 The power of attorney shall be reinstated upon termination of
25 the conservatorship as a result of the principal regaining
26 capacity.
27 Sec. 11. NEW SECTION. **633B.109 When power of attorney**
28 **effective.**
29 1. A power of attorney is effective when executed unless
30 the principal provides in the power of attorney that it becomes
31 effective at a future date or upon the occurrence of a future
32 event or contingency.
33 2. If a power of attorney becomes effective upon the
34 occurrence of a future event or contingency, the principal,
35 in the power of attorney, may authorize one or more persons

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1 to determine in a writing or other record that the event or
2 contingency has occurred.
3 3. If a power of attorney becomes effective upon the
4 principal's incapacity and the principal has not authorized
5 a person to determine whether the principal is incapacitated
6 or the person authorized is unable or unwilling to make the
7 determination, the power of attorney becomes effective upon a
8 determination in a writing or other record by the occurrence
9 of any of the following:
10 *a.* A licensed physician or licensed psychologist determines
11 that the principal is incapacitated.
12 *b.* A licensed attorney at law, a judge, or an appropriate
13 governmental official determines that the principal is
14 incapacitated.
15 4. A person authorized by the principal in the power of
16 attorney to determine that the principal is incapacitated may
17 act as the principal's personal representative pursuant to the
18 federal Health Insurance Portability and Accountability Act of
19 1996, Pub. L. No. 104-191, including amendments thereto and
20 regulations promulgated thereunder, to obtain access to the
21 principal's health care information and to communicate with the
22 principal's health care provider.
23 Sec. 12. NEW SECTION. **633B.110 Termination — power of**
24 **attorney or agent authority.**
25 1. A power of attorney terminates when any of the following
26 occur:
27 *a.* The principal dies.
28 *b.* The principal becomes incapacitated, if the power of
29 attorney is not durable.
30 *c.* The principal revokes the power of attorney.
31 *d.* The power of attorney provides that it terminates.
32 *e.* The purpose of the power of attorney is accomplished.
33 *f.* The principal revokes the agent's authority or the agent
34 dies, becomes incapacitated, or resigns, and the power of
35 attorney does not provide for another agent to act under the

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1 power of attorney.
2 2. An agent's authority terminates when any of the following
3 occur:
4 *a.* The principal revokes the authority.
5 *b.* The agent dies, becomes incapacitated, or resigns.
6 *c.* An action is filed for the dissolution or annulment
7 of the agent's marriage to the principal or for their legal
8 separation, unless the power of attorney otherwise provides.
9 *d.* The power of attorney terminates.
10 3. Unless the power of attorney otherwise provides, an
11 agent's authority is exercisable until the agent's authority
12 terminates under subsection 2, notwithstanding a lapse of time
13 since the execution of the power of attorney.
14 4. Termination of a power of attorney or an agent's
15 authority under this section is not effective as to the
16 agent or another person that, without actual knowledge of the
17 termination, acts in good faith under the power of attorney.
18 An act so performed, unless otherwise invalid or unenforceable,
19 binds the principal and the principal's successors in interest.
20 5. Incapacity of the principal of a power of attorney
21 that is not durable does not revoke or terminate the power of
22 attorney as to an agent or other person that, without actual
23 knowledge of the incapacity, acts in good faith under the power
24 of attorney. An act so performed, unless otherwise invalid
25 or unenforceable, binds the principal and the principal's
26 successors in interest.
27 6. Except as provided in section 633B.103, the execution of
28 a general or plenary power of attorney revokes all general or
29 plenary powers of attorney previously executed in this state by
30 the principal, but does not revoke a power of attorney limited
31 to a specific and identifiable action or transaction, which
32 action or transaction is still capable of performance but has
33 not yet been fully accomplished by the agent.
34 Sec. 13. NEW SECTION. **633B.111 Coagents and successor**
35 **agents.**

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1 1. A principal may designate two or more persons to act as
2 coagents. Unless the power of attorney otherwise provides, all
3 of the following apply to actions of coagents:
4 *a.* A power held by coagents shall be exercised by majority
5 action.
6 *b.* If impasse occurs due to the failure to reach a majority
7 decision, any agent may petition the court to decide the issue,
8 or a majority of the agents may consent to an alternative form
9 of dispute resolution.
10 *c.* If one or more agents resigns or becomes unable to act,
11 the remaining coagents may act.
12 *d.* If a coagent is unavailable to perform duties because of
13 absence, illness, or other temporary inability to perform, the
14 remaining agents may exercise their authority as if they were
15 the only agents.
16 2. A principal may designate one or more successor agents
17 to act if an agent resigns, dies, becomes incapacitated, is
18 not qualified to serve, or declines to serve. A principal may
19 grant authority to designate one or more successor agents to an
20 agent or other person designated by name, office, or function.
21 Unless the power of attorney otherwise provides, a successor
22 agent:
23 *a.* Has the same authority as that granted to the original
24 agent.
25 *b.* Shall not act until all predecessor agents have resigned,
26 died, become incapacitated, are no longer qualified to serve,
27 or have declined to serve.
28 3. Except as otherwise provided in the power of attorney
29 and subsection 4, an agent that does not participate in or
30 conceal a breach of fiduciary duty committed by another agent,
31 including a predecessor agent, is not liable for the actions
32 of the other agent.
33 4. An agent with actual knowledge of a breach or imminent
34 breach of fiduciary duty by another agent shall notify the
35 principal and, if the principal is incapacitated, take any

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1 action reasonably appropriate in the circumstances to safeguard
2 the principal's best interest. An agent that fails to notify
3 the principal or take action as required by this subsection is
4 liable for the reasonably foreseeable damages that could have
5 been avoided if the agent had notified the principal or taken
6 such action.
7 Sec. 14. NEW SECTION. **633B.112 Reimbursement and**
8 **compensation of agent.**
9 Unless the power of attorney otherwise provides, an
10 agent who is an individual is entitled to reimbursement of
11 expenses reasonably incurred on behalf of the principal but
12 not to compensation. If a power of attorney does provide
13 for compensation or if the agent is a bank or trust company
14 authorized to administer trusts in Iowa, the compensation must
15 be reasonable under the circumstances.
16 Sec. 15. NEW SECTION. **633B.113 Agent's acceptance.**
17 Except as otherwise provided in the power of attorney,
18 a person accepts appointment as an agent under a power of
19 attorney by exercising authority or performing duties as
20 an agent or by any other assertion or conduct indicating
21 acceptance.
22 Sec. 16. NEW SECTION. **633B.114 Agent's duties.**
23 1. Notwithstanding provisions in the power of attorney, an
24 agent that has accepted appointment shall act in conformity
25 with all of the following:
26 *a.* In accordance with the principal's reasonable
27 expectations to the extent actually known by the agent and
28 otherwise in the principal's best interest.
29 *b.* In good faith.
30 *c.* Only within the scope of authority granted in the power
31 of attorney.
32 2. Except as otherwise provided in the power of attorney,
33 an agent that has accepted appointment shall do all of the
34 following:
35 *a.* Act loyally for the principal's benefit.

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1 *b.* Act so as not to create a conflict of interest that
2 impairs the agent's ability to act impartially in the
3 principal's best interest.
4 *c.* Act with the care, competence, and diligence ordinarily
5 exercised by agents in similar circumstances.
6 *d.* Keep a record of all receipts, disbursements, and
7 transactions made on behalf of the principal.
8 *e.* Cooperate with a person that has authority to make health
9 care decisions for the principal to carry out the principal's
10 reasonable expectations to the extent actually known by the
11 agent and, otherwise, act in the principal's best interest.
12 *f.* Attempt to preserve the principal's estate plan, to the
13 extent actually known by the agent, if preserving the plan is
14 consistent with the principal's best interest based upon all
15 relevant factors, including all of the following:
16 (1) The value and nature of the principal's property.
17 (2) The principal's foreseeable obligations and need for
18 maintenance.
19 (3) Minimization of the principal's taxes, including
20 income, estate, inheritance, generation-skipping transfer, and
21 gift taxes.
22 (4) The principal's eligibility for a benefit, a program, or
23 assistance under a statute or regulation or contract.
24 3. An agent that acts in good faith is not liable to any
25 beneficiary under the principal's estate plan for failure to
26 preserve the plan.
27 4. An agent that acts with care, competence, and diligence
28 for the best interest of the principal is not liable solely
29 because the agent also benefits from the act or has an
30 individual or conflicting interest in relation to the property
31 or affairs of the principal.
32 5. If an agent is selected by the principal because of
33 special skills or expertise possessed by the agent or in
34 reliance on the agent's representation that the agent has
35 special skills or expertise, the special skills or expertise

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1 shall be considered in determining whether the agent has acted
2 with care, competence, and diligence under the circumstances.
3 6. Absent a breach of duty to the principal, an agent is not
4 liable if the value of the principal's property declines.
5 7. An agent that exercises authority to delegate to another
6 person the authority granted by the principal or that engages
7 another person on behalf of the principal is not liable for an
8 act, error of judgment, or default of that person if the agent
9 exercises care, competence, and diligence in selecting and
10 monitoring the person.
11 8. Except as otherwise provided in the power of attorney,
12 an agent is not required to disclose receipts, disbursements,
13 or transactions conducted on behalf of the principal unless
14 ordered by a court or requested by the principal, a guardian,
15 a conservator, another fiduciary acting for the principal, a
16 governmental agency having authority to protect the welfare
17 of the principal, or, upon the death of the principal, by the
18 personal representative or a successor in interest of the
19 principal's estate. If an agent receives a request to disclose
20 such information, the agent shall comply with the request
21 within thirty days of the request or provide a writing or other
22 record substantiating why additional time is necessary. Such
23 additional time shall not exceed thirty days.
24 Sec. 17. NEW SECTION. **633B.115 Exoneration of agent.**
25 A provision in a power of attorney relieving an agent of
26 liability for breach of duty is binding on the principal and
27 the principal's successors in interest except to the extent the
28 provision does any of the following:
29 1. Relieves the agent of liability for a breach of duty
30 committed dishonestly, with an improper motive, or with
31 reckless indifference to the purposes of the power of attorney
32 or the best interest of the principal.
33 2. Was included in the power of attorney as a result of
34 an abuse of a confidential or fiduciary relationship with the
35 principal.

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1 Sec. 18. NEW SECTION. **633B.116 Judicial relief.**
2 1. The following persons may petition a court to construe a
3 power of attorney or to review an agent's conduct:
4 *a.* The principal or the agent.
5 *b.* A guardian, conservator, or other fiduciary acting for
6 the principal.
7 *c.* A person authorized to make health care decisions for the
8 principal.
9 *d.* The principal's spouse, parent, or descendant or an
10 individual who would qualify as a presumptive heir of the
11 principal.
12 *e.* A person named as a beneficiary to receive any property,
13 benefit, or contractual right upon the principal's death or as
14 a beneficiary of a trust created by or for the principal that
15 has a financial interest in the principal's estate.
16 *f.* A governmental agency having regulatory authority to
17 protect the welfare of the principal.
18 *g.* The principal's caregiver or another person that
19 demonstrates sufficient interest in the principal's welfare.
20 *h.* A person asked to accept the power of attorney.
21 *i.* A person designated by the principal in the power of
22 attorney.
23 2. Upon motion to dismiss by the principal, the court shall
24 dismiss a petition filed under this section unless the court
25 finds that the principal lacks the capacity to revoke the
26 agent's authority or the power of attorney.
27 3. The costs of an action under this section shall be
28 assessed against the principal or the principal's estate unless
29 the court determines such costs and fees should be assessed
30 against the petitioner or the agent for good cause shown.
31 Sec. 19. NEW SECTION. **633B.117 Agent's liability.**
32 An agent that violates this chapter is liable to the
33 principal or the principal's successors in interest for the
34 amount required to do both of the following:
35 1. Restore the value of the principal's property to what it

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1 would have been had the violation not occurred.
2 2. Reimburse the principal or the principal's successors
3 in interest for attorney fees and costs paid on the agent's
4 behalf.
5 Sec. 20. NEW SECTION. **633B.118 Agent's resignation —**
6 **notice.**
7 Unless the power of attorney provides for a different method
8 for an agent's resignation, an agent may resign by giving
9 notice to the principal and, if the principal is incapacitated,
10 to any of the following:
11 1. The conservator or guardian, if a conservator or guardian
12 has been appointed for the principal, and any coagent or
13 successor agent.
14 2. If there is no conservator, guardian, or coagent or
15 successor agent, the agent may give notice to any of the
16 following:
17 *a.* The principal's caregiver.
18 *b.* Any other person reasonably believed by the agent to have
19 sufficient interest in the principal's welfare.
20 *c.* A governmental agency having regulatory authority to
21 protect the welfare of the principal.
22 Sec. 21. NEW SECTION. **633B.119 Acknowledged power of**
23 **attorney — acceptance and reliance.**
24 1. For purposes of this section and section 633B.120,
25 *"acknowledged"* means purportedly verified before a notary public
26 or other individual authorized by law to take acknowledgments.
27 2. A person that in good faith accepts an acknowledged power
28 of attorney without actual knowledge that the signature is not
29 genuine may rely upon the presumption under section 633B.105
30 that the signature is genuine.
31 3. A person that in good faith accepts an acknowledged power
32 of attorney without actual knowledge that the power of attorney
33 is void, invalid, or terminated, that the purported agent's
34 authority is void, invalid, or terminated, or that the agent is
35 exceeding or improperly exercising the agent's authority may

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1 rely upon the power of attorney as if the power of attorney
2 were genuine, valid, and still in effect, the agent's authority
3 were genuine, valid, and still in effect, and the agent had not
4 exceeded and had not improperly exercised the authority.
5 4. A person that is asked to accept an acknowledged power
6 of attorney may request, and rely upon, all of the following
7 without further investigation:
8 *a.* An agent's certification under penalty of perjury of any
9 factual matter concerning the principal, agent, or power of
10 attorney in substantially the same form as set out in section
11 633B.302.
12 *b.* An English translation of the power of attorney if the
13 power of attorney contains, in whole or in part, language other
14 than English.
15 *c.* An opinion of agent's counsel as to any matter of law
16 concerning the power of attorney if the person making the
17 request provides the reason for the request in a writing or
18 other record.
19 5. An English translation or an opinion of counsel requested
20 under this section shall be provided at the principal's expense
21 unless the request is made more than seven business days after
22 the power of attorney is presented for acceptance.
23 6. For purposes of this section and section 633B.120, a
24 person who conducts activities through an employee is without
25 actual knowledge of a fact relating to a power of attorney,
26 a principal, or an agent if the employee conducting the
27 transaction involving the power of attorney is without actual
28 knowledge of the fact.
29 Sec. 22. NEW SECTION. **633B.120 Refusal to accept**
30 **acknowledged power of attorney — liability.**
31 1. Except as otherwise provided in subsection 2, all of
32 the following shall apply to a person's actions regarding an
33 acknowledged power of attorney:
34 *a.* A person shall either accept an acknowledged power of
35 attorney or request a certification, a translation, or an

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1 opinion of counsel under section 633B.119, subsection 4, no
2 later than seven business days after presentation of the power
3 of attorney for acceptance.
4 *b.* If a person requests a certification, a translation, or
5 an opinion of counsel under section 633B.199, subsection 4, the
6 person shall accept the power of attorney no later than five
7 business days after receipt of the certification, translation,
8 or opinion of counsel.
9 *c.* A person shall not require an additional or different
10 form of power of attorney for authority granted in the power
11 of attorney presented.
12 2. A person is not required to accept an acknowledged power
13 of attorney if any of the following occur:
14 *a.* The person is not otherwise required to engage in a
15 transaction with the principal in the same circumstances.
16 *b.* Engaging in a transaction with the agent or the principal
17 in the same circumstances would be inconsistent with federal
18 law.
19 *c.* The person has actual knowledge of the termination of the
20 agent´s authority or of the power of attorney before exercise
21 of the power.
22 *d.* A request for a certification, a translation, or an
23 opinion of counsel under section 633B.119, subsection 4, is
24 refused.
25 *e.* The person in good faith believes that the power is
26 not valid or that the agent does not have the authority to
27 perform the act requested, whether or not a certification, a
28 translation, or an opinion of counsel under section 633B.119,
29 subsection 4, has been requested or provided.
30 *f.* The person makes, or has actual knowledge that another
31 person has made, a report to the department of human services
32 stating a good-faith belief that the principal may be subject
33 to physical or financial abuse, neglect, exploitation, or
34 abandonment by the agent or a person acting for or with the
35 agent.

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1 3. A person that refuses to accept an acknowledged power of
2 attorney in violation of this section is subject to both of the
3 following:
4 *a.* A court order mandating acceptance of the power of
5 attorney.
6 *b.* Liability for damages sustained by the principal for
7 reasonable attorney fees and costs incurred in any action or
8 proceeding that confirms the validity of the power of attorney
9 or mandates acceptance of the power of attorney, provided that
10 any such action must be brought within one year of the initial
11 request for acceptance of the power of attorney.
12 Sec. 23. NEW SECTION. **633B.121 Principles of law and**
13 **equity.**
14 Unless displaced by a provision of this chapter, the
15 principles of law and equity supplement this chapter.
16 Sec. 24. NEW SECTION. **633B.122 Laws applicable to financial**
17 **institutions and entities.**
18 This chapter does not supersede any other law applicable to
19 financial institutions or other entities, and the other law
20 controls if inconsistent with this chapter.
21 Sec. 25. NEW SECTION. **633B.123 Remedies under other law.**
22 The remedies under this chapter are not exclusive and do not
23 abrogate any right or remedy under the law of this state other
24 than this chapter.
25 Sec. 26. NEW SECTION. **633B.201 Authority — specific and**
26 **general.**
27 1. An agent under a power of attorney may do any of the
28 following on behalf of the principal or with the principal's
29 property only if the power of attorney expressly grants the
30 agent the authority and the exercise of the authority is not
31 otherwise prohibited by another agreement or instrument to
32 which the authority or property is subject:
33 *a.* Create, amend, revoke, or terminate an inter vivos trust.
34 *b.* Make a gift.
35 *c.* Create or change rights of survivorship.

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1 *d.* Create or change a beneficiary designation.
2 *e.* Delegate authority granted under the power of attorney.
3 *f.* Waive the principal's right to be a beneficiary of a
4 joint and survivor annuity, including but not limited to a
5 survivor benefit under a retirement plan.
6 *g.* Exercise fiduciary powers that the principal has
7 authority to delegate.
8 *h.* Disclaim property, including but not limited to a power
9 of appointment.
10 2. Notwithstanding a grant of authority to do an act
11 described in subsection 1, unless the power of attorney
12 otherwise provides, an agent that is not an ancestor, spouse,
13 or descendant of the principal shall not exercise authority
14 under a power of attorney to create in the agent, or in an
15 individual to whom the agent owes a legal obligation of
16 support, an interest in the principal's property, whether
17 by gift, right of survivorship, beneficiary designation,
18 disclaimer, or otherwise.
19 3. Subject to subsections 1, 2, 4, and 5, if a power
20 of attorney grants an agent authority to do all acts that
21 a principal could do, the agent has the general authority
22 described in sections 633B.204 through 633B.216.
23 4. Unless the power of attorney otherwise provides, a grant
24 of authority to make a gift is subject to section 633B.217.
25 5. Subject to subsections 1, 2, and 4, if the subjects over
26 which authority is granted in a power of attorney are similar
27 or overlap, the broadest authority controls.
28 6. Authority granted in a power of attorney is exercisable
29 with respect to property that the principal has when the power
30 of attorney is executed or acquires later, whether or not
31 the property is located in this state and whether or not the
32 authority is exercised or the power of attorney is executed in
33 this state.
34 7. An act performed by an agent pursuant to a power of
35 attorney has the same effect and inures to the benefit of and

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1 binds the principal and the principal's successors in interest
2 as if the principal had performed the act.
3 Sec. 27. NEW SECTION. **633B.202 Incorporation of authority.**
4 1. An agent has authority described in this chapter if the
5 power of attorney refers to general authority with respect
6 to the descriptive term for the subjects stated in sections
7 633B.204 through 633B.217 or cites the section in which the
8 authority is described.
9 2. A reference in a power of attorney to general authority
10 with respect to the descriptive term for a subject stated in
11 sections 633B.204 through 633B.217 or a citation to a section
12 in sections 633B.204 through 633B.217 incorporates the entire
13 section as if it were set out in full in the power of attorney.
14 3. A principal may modify authority incorporated by
15 reference.
16 Sec. 28. NEW SECTION. **633B.203 Construction of authority**
17 **generally.**
18 Except as otherwise provided in the power of attorney, by
19 executing a power of attorney that incorporates by reference a
20 subject described in sections 633B.204 through 633B.217 or that
21 grants an agent authority to do all acts that a principal could
22 do pursuant to section 633B.201, subsection 3, a principal
23 authorizes the agent, with respect to that subject, to do all
24 of the following:
25 1. Demand, receive, and obtain by litigation or otherwise,
26 money or another thing of value to which the principal is,
27 may become, or claims to be entitled, and conserve, invest,
28 disburse, or use anything so received or obtained for the
29 purposes intended.
30 2. Contract in any manner with any person, on terms
31 agreeable to the agent, to accomplish a purpose of a
32 transaction and perform, rescind, cancel, terminate, reform,
33 restate, release, or modify the contract or another contract
34 made by or on behalf of the principal.
35 3. Execute, acknowledge, seal, deliver, file, or record

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1 any instrument or communication the agent considers desirable
2 to accomplish a purpose of a transaction, including but not
3 limited to creating at any time a schedule listing some or all
4 of the principal's property and attaching the instrument of
5 communication to the power of attorney.
6 4. Initiate, participate in, submit to alternative dispute
7 resolution, settle, oppose, or propose or accept a compromise
8 with respect to a claim existing in favor of or against the
9 principal or intervene in litigation relating to the claim.
10 5. Seek on the principal's behalf the assistance of a court
11 or other governmental agency to carry out an act authorized in
12 the power of attorney.
13 6. Engage, compensate, and discharge an attorney,
14 accountant, discretionary investment manager, expert witness,
15 or other advisor.
16 7. Prepare, execute, and file a record, report, or other
17 document to safeguard or promote the principal's interest under
18 a statute, rule, or regulation.
19 8. Communicate with any representative or employee
20 of a government or governmental subdivision, agency, or
21 instrumentality, on behalf of the principal.
22 9. Access communications intended for, and communicate
23 on behalf of the principal, whether by mail, electronic
24 transmission, telephone, or other means.
25 10. Do any lawful act with respect to the subject and all
26 property related to the subject.
27 Sec. 29. NEW SECTION. **633B.204 Real property.**
28 Unless the power of attorney otherwise provides and subject
29 to section 633B.201, language in a power of attorney granting
30 general authority with respect to real property authorizes the
31 agent to do all of the following:
32 1. Demand, buy, lease, receive, accept as a gift or as
33 security for an extension of credit, or otherwise acquire or
34 reject an interest in real property or a right incident to real
35 property.

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1 2. Sell; exchange; convey with or without covenants,
2 representations, or warranties; quitclaim; release; surrender;
3 retain title for security; encumber; partition; consent to
4 partitioning; be subject to an easement or covenant; subdivide;
5 apply for zoning or other governmental permits; plat or consent
6 to platting; develop; grant an option concerning; lease;
7 sublease; contribute to an entity in exchange for an interest
8 in that entity; or otherwise grant or dispose of an interest in
9 real property or a right incident to real property.
10 3. Pledge or mortgage an interest in real property or right
11 incident to real property as security to borrow money or pay,
12 renew, or extend the time of payment of a debt of the principal
13 or a debt guaranteed by the principal.
14 4. Release, assign, satisfy, or enforce by litigation
15 or otherwise, a mortgage, deed of trust, conditional sale
16 contract, encumbrance, lien, or other claim to real property
17 which exists or is asserted.
18 5. Manage or conserve an interest in real property or a
19 right incident to real property owned or claimed to be owned
20 by the principal, including but not limited to by doing all of
21 the following:
22 *a.* Insuring against liability or casualty or other loss.
23 *b.* Obtaining or regaining possession of or protecting the
24 interest or right by litigation or otherwise.
25 *c.* Paying, assessing, compromising, or contesting taxes or
26 assessments or applying for and receiving refunds in connection
27 with them.
28 *d.* Purchasing supplies, hiring assistance or labor, and
29 making repairs or alterations to the real property.
30 6. Use, develop, alter, replace, remove, erect, or install
31 structures or other improvements upon real property in or
32 incident to which the principal has, or claims to have, an
33 interest or right.
34 7. Participate in a reorganization with respect to real
35 property or an entity that owns an interest in or a right

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1 incident to real property and receive, hold, and act with
2 respect to stocks and bonds or other property received in
3 a plan of reorganization, including by doing any of the
4 following:
5 *a.* By selling or otherwise disposing of the stocks, bonds,
6 or other property.
7 *b.* By exercising or selling an option, right of conversion,
8 or similar right.
9 *c.* By exercising any voting rights in person or by proxy.
10 8. Change the form of title of an interest in or right
11 incident to real property.
12 9. Dedicate to public use, with or without consideration,
13 easements or other real property in which the principal has,
14 or claims to have, an interest.
15 Sec. 30. NEW SECTION. **633B.205 Tangible personal property.**
16 Unless the power of attorney otherwise provides and subject
17 to section 633B.201, language in a power of attorney granting
18 general authority with respect to tangible personal property
19 authorizes the agent to do all of the following:
20 1. Demand, buy, receive, accept as a gift or as security
21 for an extension of credit, or otherwise acquire or reject
22 ownership or possession of tangible personal property or an
23 interest in tangible personal property.
24 2. Sell; exchange; convey with or without covenants,
25 representations, or warranties; quitclaim; release; surrender;
26 create a security interest in; grant options concerning; lease;
27 sublease; or, otherwise dispose of tangible personal property
28 or an interest in tangible personal property.
29 3. Grant a security interest in tangible personal property
30 or an interest in tangible personal property as security to
31 borrow money or pay, renew, or extend the time of payment of a
32 debt of the principal or a debt guaranteed by the principal.
33 4. Release, assign, satisfy, or enforce by litigation or
34 otherwise, a security interest, lien, or other claim on behalf
35 of the principal, with respect to tangible personal property or

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1 an interest in tangible personal property.
2 5. Manage or conserve tangible personal property or an
3 interest in tangible personal property on behalf of the
4 principal, including by doing all of the following:
5 *a.* Insuring against liability or casualty or other loss.
6 *b.* Obtaining or regaining possession of or protecting the
7 property or interest, by litigation or otherwise.
8 *c.* Paying, assessing, compromising, or contesting taxes or
9 assessments or applying for and receiving refunds in connection
10 with taxes or assessments.
11 *d.* Moving the property from place to place.
12 *e.* Storing the property for hire or on a gratuitous
13 bailment.
14 *f.* Using and making repairs, alterations, or improvements to
15 the property.
16 6. Change the form of title of an interest in tangible
17 personal property.
18 Sec. 31. NEW SECTION. **633B.206 Stocks and bonds.**
19 Unless the power of attorney otherwise provides and subject
20 to section 633B.201, language in a power of attorney granting
21 general authority with respect to stocks and bonds authorizes
22 the agent to do all of the following:
23 1. Buy, sell, and exchange stocks and bonds.
24 2. Establish, continue, modify, or terminate an account
25 with respect to stocks and bonds.
26 3. Pledge stocks and bonds as security to borrow, pay,
27 renew, or extend the time of payment of a debt of the
28 principal.
29 4. Receive certificates and other evidence of ownership
30 with respect to stocks and bonds.
31 5. Exercise voting rights with respect to stocks and bonds
32 in person or by proxy, enter into voting trusts, and consent to
33 limitations on the right to vote.
34 Sec. 32. NEW SECTION. **633B.207 Commodities and options.**
35 Unless the power of attorney otherwise provides and subject

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1 to section 633B.201, language in a power of attorney granting
2 general authority with respect to commodities and options
3 authorizes the agent to do all of the following:
4 1. Buy, sell, exchange, assign, settle, and exercise
5 commodity futures contracts and call or put options on stocks
6 or stock indexes traded on a regulated option exchange.
7 2. Establish, continue, modify, and terminate option
8 accounts.
9 Sec. 33. NEW SECTION. **633B.208 Banks and other financial**
10 **institutions.**
11 Unless the power of attorney otherwise provides and subject
12 to section 633B.201, language in a power of attorney granting
13 general authority with respect to banks and other financial
14 institutions authorizes the agent to do all of the following:
15 1. Continue, modify, and terminate an account or other
16 banking arrangement made by or on behalf of the principal.
17 2. Establish, modify, and terminate an account or other
18 banking arrangement with a bank, trust company, savings and
19 loan association, credit union, thrift company, brokerage firm,
20 or other financial institution selected by the agent.
21 3. Contract for services available from a financial
22 institution, including but not limited to renting a safe
23 deposit box or space in a vault.
24 4. Withdraw, by check, order, electronic funds transfer, or
25 otherwise, money or property of the principal deposited with or
26 left in the custody of a financial institution.
27 5. Receive statements of account, vouchers, notices, and
28 similar documents from a financial institution and act with
29 respect to them.
30 6. Enter a safe deposit box or vault and withdraw or add to
31 the contents.
32 7. Borrow money and pledge as security personal property
33 of the principal necessary to borrow money or pay, renew, or
34 extend the time of payment of a debt of the principal or a debt
35 guaranteed by the principal.

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1 8. Make, assign, draw, endorse, discount, guarantee,
2 and negotiate promissory notes, checks, drafts, and other
3 negotiable or nonnegotiable paper of the principal or payable
4 to the principal or the principal's order, transfer money,
5 receive the cash or other proceeds of those transactions, and
6 accept a draft drawn by a person upon the principal and pay
7 the promissory note, check, draft, or other negotiable or
8 nonnegotiable paper when due.
9 9. Receive for the principal and act upon a sight draft,
10 warehouse receipt, or other document of title whether tangible
11 or electronic, or any other negotiable or nonnegotiable
12 instrument.
13 10. Apply for, receive, and use letters of credit, credit
14 and debit cards, electronic transaction authorizations, and
15 traveler's checks from a financial institution and give an
16 indemnity or other agreement in connection with letters of
17 credit.
18 11. Consent to an extension of the time of payment with
19 respect to commercial paper or a financial transaction with a
20 financial institution.
21 Sec. 34. NEW SECTION. **633B.209 Operation of entity or**
22 **business.**
23 Subject to the terms of a document or an agreement governing
24 an entity or business or an entity or business ownership
25 interest, and subject to section 633B.201, and unless the
26 power of attorney otherwise provides, language in a power of
27 attorney granting general authority with respect to operation
28 of an entity or business authorizes the agent to do all of the
29 following:
30 1. Operate, buy, sell, enlarge, reduce, or terminate an
31 ownership interest.
32 2. Perform a duty or discharge a liability and exercise in
33 person or by proxy a right, power, privilege, or option that
34 the principal has, may have, or claims to have.
35 3. Enforce the terms of an ownership agreement.

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1 4. Initiate, participate in, submit to alternative dispute
2 resolution, settle, oppose, or propose or accept a compromise
3 with respect to litigation to which the principal is a party
4 because of an ownership interest.
5 5. Exercise in person or by proxy or enforce by litigation
6 or otherwise, a right, power, privilege, or option the
7 principal has or claims to have as the holder of stocks and
8 bonds.
9 6. Initiate, participate in, submit to alternative dispute
10 resolution, settle, oppose, or propose or accept a compromise
11 with respect to litigation to which the principal is a party
12 concerning stocks and bonds.
13 7. Do all of the following with respect to an entity or
14 business owned solely by the principal:
15 *a.* Continue, modify, renegotiate, extend, and terminate a
16 contract made by or on behalf of the principal with respect
17 to the entity or business before execution of the power of
18 attorney.
19 *b.* Determine all of the following:
20 (1) The location of the entity or business operation.
21 (2) The nature and extent of the entity or business.
22 (3) The methods of manufacturing, selling, merchandising,
23 financing, accounting, and advertising employed in the
24 operation of the entity or business.
25 (4) The amount and types of insurance carried by the entity
26 or business.
27 (5) The mode of engaging, compensating, and dealing with
28 the employees, accountants, attorneys, or other advisors of the
29 entity or business.
30 *c.* Change the name or form of organization under which the
31 entity or business is operated and enter into an ownership
32 agreement with other persons to take over all or part of the
33 operation of the entity or business.
34 *d.* Demand and receive money due or claimed by the principal
35 or on the principal´s behalf in the operation of the entity or

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1 business and control and disburse the money in the operation of
2 the entity or business.
3 8. Inject needed capital into an entity or business in which
4 the principal has an interest.
5 9. Join in a plan of reorganization, consolidation,
6 conversion, domestication, or merger of the entity or business.
7 10. Sell or liquidate all or part of the entity or business.
8 11. Establish the value of an entity or business under a
9 buyout agreement to which the principal is a party.
10 12. Prepare, sign, file, and deliver reports, compilations
11 of information, returns, or other papers with respect to an
12 entity or business and make related payments.
13 13. Pay, compromise, or contest taxes, assessments, fines,
14 or penalties and perform any other act to protect the principal
15 from illegal or unnecessary taxation, assessments, fines, or
16 penalties with respect to an entity or business, including but
17 not limited to attempts to recover, in any manner permitted by
18 law, money paid before or after the execution of the power of
19 attorney.
20 Sec. 35. NEW SECTION. **633B.210 Insurance and annuities.**
21 Unless the power of attorney otherwise provides and subject
22 to section 633B.201, language in a power of attorney granting
23 general authority with respect to insurance and annuities
24 authorizes the agent to do all of the following:
25 1. Continue, pay the premium or make a contribution on,
26 modify, exchange, rescind, release, or terminate a contract
27 procured by or on behalf of the principal which insures or
28 provides an annuity to either the principal or another person
29 whether or not the principal is a beneficiary under the
30 contract.
31 2. Procure new, different, and additional contracts of
32 insurance and annuities for the principal and the principal's
33 spouse, children, and other dependents, and select the amount,
34 type of insurance or annuity, and mode of payment.
35 3. Pay the premium or make a contribution on, modify,

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1 exchange, rescind, release, or terminate a contract of
2 insurance or annuity procured by the agent.
3 4. Apply for and receive a loan secured by a contract of
4 insurance or annuity.
5 5. Surrender and receive the cash surrender value on a
6 contract of insurance or annuity.
7 6. Exercise an election.
8 7. Exercise investment powers available under a contract of
9 insurance or annuity.
10 8. Change the manner of paying premiums on a contract of
11 insurance or annuity.
12 9. Change or convert the type of insurance or annuity with
13 respect to which the principal has or claims to have authority
14 described in this section.
15 10. Apply for and procure a benefit or assistance under a
16 statute, rule, or regulation to guarantee or pay premiums of a
17 contract of insurance on the life of the principal.
18 11. Collect, sell, assign, hypothecate, borrow against, or
19 pledge the interest of the principal in a contract of insurance
20 or annuity.
21 12. Select the form and timing of the payment of proceeds
22 from a contract of insurance or annuity.
23 13. Pay, from proceeds or otherwise, compromise or contest,
24 and apply for refunds in connection with a tax or assessment
25 levied by a taxing authority with respect to a contract of
26 insurance or annuity or its proceeds or liability accruing by
27 reason of the tax or assessment.
28 Sec. 36. NEW SECTION. **633B.211 Estates, trusts, and other**
29 **beneficial interests.**
30 1. In this section, *"estate, trust, or other beneficial*
31 *interest"* means a trust, probate estate, guardianship,
32 conservatorship, escrow, or custodianship, or a fund from which
33 the principal is, may become, or claims to be, entitled to a
34 share or payment.
35 2. Unless the power of attorney otherwise provides,

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1 language in a power of attorney granting general authority with
2 respect to estates, trusts, and other beneficial interests
3 authorizes the agent to do all of the following:
4 *a.* Accept, receive, provide a receipt for, sell, assign,
5 pledge, or exchange a share in or payment from an estate,
6 trust, or other beneficial interest.
7 *b.* Demand or obtain money or another thing of value to which
8 the principal is, may become, or claims to be, entitled by
9 reason of an estate, trust, or other beneficial interest, by
10 litigation or otherwise.
11 *c.* Exercise for the benefit of the principal a presently
12 exercisable general power of appointment held by the principal.
13 *d.* Initiate, participate in, submit to alternative dispute
14 resolution, settle, oppose, or propose or accept a compromise
15 with respect to litigation to ascertain the meaning, validity,
16 or effect of a deed, will, declaration of trust, or other
17 instrument or transaction affecting the interest of the
18 principal.
19 *e.* Initiate, participate in, submit to alternative dispute
20 resolution, settle, oppose, or propose or accept a compromise
21 with respect to litigation to remove, substitute, or surcharge
22 a fiduciary.
23 *f.* Conserve, invest, disburse, or use any assets received
24 for an authorized purpose.
25 *g.* Transfer an interest of the principal in real property,
26 stocks and bonds, accounts with financial institutions or
27 securities intermediaries, insurance, annuities, and other
28 property to the trustee of a revocable trust created by the
29 principal as settlor.
30 *h.* Reject, renounce, disclaim, release, or consent to a
31 reduction in or modification of a share in or payment from an
32 estate, trust, or other beneficial interest.
33 Sec. 37. NEW SECTION. **633B.212 Claims and litigation.**
34 Unless the power of attorney otherwise provides and subject
35 to section 633B.201, language in a power of attorney granting

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1 general authority with respect to claims and litigation
2 authorizes the agent to do all of the following:
3 1. Assert and maintain before a court or administrative
4 agency a claim, claim for relief, cause of action,
5 counterclaim, offset, recoupment, or defense, including but
6 not limited to an action to recover property or other thing of
7 value, recover damages sustained by the principal, eliminate
8 or modify tax liability, or seek an injunction, specific
9 performance, or other relief.
10 2. Bring an action to determine adverse claims or intervene
11 or otherwise participate in litigation.
12 3. Seek an attachment, garnishment, or other preliminary,
13 provisional, or intermediate relief and use an available
14 procedure to effect or satisfy a judgment, order, or decree.
15 4. Make or accept a tender, offer of judgment, or admission
16 of facts, submit a controversy on an agreed statement of facts,
17 consent to examination, and bind the principal in litigation.
18 5. Submit to alternative dispute resolution, or settle,
19 propose, or accept a compromise.
20 6. Waive the issuance and service of process upon the
21 principal, accept service of process, appear for the principal,
22 designate persons upon which process directed to the principal
23 may be served, execute and file or deliver stipulations on the
24 principal's behalf, verify pleadings, seek appellate review,
25 procure and give surety and indemnity bonds, contract and
26 pay for the preparation and printing of records and briefs,
27 receive, execute, and file or deliver a consent, waiver,
28 release, confession of judgment, satisfaction of judgment,
29 notice, agreement, or other instrument in connection with the
30 prosecution, settlement, or defense of a claim or litigation.
31 7. Act for the principal with respect to bankruptcy or
32 insolvency, whether voluntary or involuntary, concerning
33 the principal or some other person, or with respect to
34 a reorganization, receivership, or application for the
35 appointment of a receiver or trustee which affects an interest

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1 of the principal in property or other thing of value.
2 8. Pay a judgment, award, or order against the principal or
3 a settlement made in connection with a claim or litigation.
4 9. Receive money or other thing of value paid in settlement
5 of or as proceeds of a claim or litigation.
6 Sec. 38. NEW SECTION. **633B.213 Personal and family**
7 **maintenance.**
8 1. Unless the power of attorney otherwise provides and
9 subject to subsection 633B.201, language in a power of attorney
10 granting general authority with respect to personal and family
11 maintenance authorizes the agent to do all of the following:
12 *a.* Perform the acts necessary to maintain the customary
13 standard of living of the principal, the principal's spouse,
14 and the following individuals, whether living when the power of
15 attorney is executed or later born:
16 (1) The principal's minor children.
17 (2) The principal's adult children who are pursuing a
18 postsecondary school education and are under the age of
19 twenty-five.
20 (3) The principal's parents or the parents of the
21 principal's spouse, if the principal had established a pattern
22 of such payments.
23 (4) Any other individuals legally entitled to be supported
24 by the principal.
25 *b.* Make periodic payments of child support and other family
26 maintenance required by a court or governmental agency or an
27 agreement to which the principal is a party.
28 *c.* Provide living quarters for the individuals described in
29 paragraph "*a*" by any of the following:
30 (1) Purchase, lease, or other contract.
31 (2) Paying the operating costs, including but not limited
32 to interest, amortization payments, repairs, improvements, and
33 taxes, for premises owned by the principal or occupied by those
34 individuals.
35 *d.* Provide funds for shelter, clothing, food, appropriate

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1 education, including postsecondary and vocational education,
2 and other current living costs for the individuals described
3 in paragraph *"a"* to enable those individuals to maintain their
4 customary standard of living.
5 *e.* Pay expenses for necessary health care and custodial care
6 on behalf of the individuals described in paragraph *"a"*.
7 *f.* Act as the principal's personal representative pursuant
8 to the federal Health Insurance Portability and Accountability
9 Act of 1996, Pub. L. No. 104-191, including amendments thereto
10 and regulations promulgated thereunder, in making decisions
11 related to past, present, or future payments for the provision
12 of health care consented to by the principal or anyone
13 authorized under the law of this state to consent to health
14 care on behalf of the principal.
15 *g.* Continue any provision made by the principal for
16 automobiles or other means of transportation, including
17 registering, licensing, insuring, and replacing them, for the
18 individuals described in paragraph *"a"*.
19 *h.* Maintain credit and debit accounts for the convenience
20 of the individuals described in paragraph *"a"* and open new
21 accounts.
22 *i.* Continue payments or contributions incidental to the
23 membership or affiliation of the principal in a religious
24 institution, club, society, order, or other organization.
25 2. Authority with respect to personal and family
26 maintenance is neither dependent upon, nor limited by,
27 authority that an agent may or may not have with respect to
28 gifts under this chapter.
29 Sec. 39. NEW SECTION. **633B.214 Benefits from governmental**
30 **programs or civil or military service.**
31 1. In this section, *"benefits from governmental programs*
32 *or civil or military service"* means any benefit, program,
33 or assistance provided under a statute, rule, or regulation
34 relating to but not limited to social security, Medicare, or
35 Medicaid.

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1 2. Unless the power of attorney otherwise provides,
2 language in a power of attorney granting general authority
3 with respect to benefits from governmental programs or civil
4 or military service authorizes the agent to do all of the
5 following:
6 *a.* Execute vouchers in the name of the principal for
7 allowances and reimbursements payable by the United States, a
8 foreign government, or a state or subdivision of a state to
9 the principal, including but not limited to allowances and
10 reimbursements for transportation of the individuals described
11 in section 633B.213, subsection 1, paragraph *"a"*, and for
12 shipment of the household effects of such individuals.
13 *b.* Take possession and order the removal and shipment of
14 property of the principal from a post, warehouse, depot, dock,
15 or other place of storage or safekeeping, either governmental
16 or private, and execute and deliver a release, voucher,
17 receipt, bill of lading, shipping ticket, certificate, or other
18 instrument for that purpose.
19 *c.* Enroll in, apply for, select, reject, change, amend, or
20 discontinue, on the principal's behalf, a benefit or program.
21 *d.* Prepare, file, and maintain a claim of the principal for
22 a benefit or assistance, financial or otherwise, to which the
23 principal may be entitled under a statute, rule, or regulation.
24 *e.* Initiate, participate in, submit to alternative dispute
25 resolution, settle, oppose, or propose or accept a compromise
26 with respect to litigation concerning any benefit or assistance
27 the principal may be entitled to receive under a statute, rule,
28 or regulation.
29 *f.* Receive the financial proceeds of a claim described in
30 paragraph *"d"* and conserve, invest, disburse, or use for a
31 lawful purpose anything so received.
32 Sec. 40. NEW SECTION. **633B.215 Retirement plans.**
33 1. In this section, *"retirement plan"* means a plan or
34 account created by an employer, the principal, or another
35 individual to provide retirement benefits or deferred

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1 compensation in which the principal is a participant,
2 beneficiary, or owner, including but not limited to a plan or
3 account under the following sections of the Internal Revenue
4 Code:
5 *a.* An individual retirement account in accordance with
6 section 408.
7 *b.* A Roth individual retirement account established under
8 section 408A.
9 *c.* A deemed individual retirement account under section
10 408(q).
11 *d.* An annuity or mutual fund custodial account under section
12 403(b).
13 *e.* A pension, profit-sharing, stock bonus, or other
14 retirement plan qualified under section 401(a).
15 *f.* An eligible deferred compensation plan under section
16 457(b).
17 *g.* A nonqualified deferred compensation plan under section
18 409A.
19 2. Unless the power of attorney otherwise provides,
20 language in a power of attorney granting general authority with
21 respect to retirement plans authorizes the agent to do all of
22 the following:
23 *a.* Select the form and timing of payments under a retirement
24 plan and withdraw benefits from a plan.
25 *b.* Make a rollover, including a direct trustee-to-trustee
26 rollover of benefits from one retirement plan to another.
27 *c.* Establish a retirement plan in the principal's name.
28 *d.* Make contributions to a retirement plan.
29 *e.* Exercise investment powers available under a retirement
30 plan.
31 *f.* Borrow from, sell assets to, or purchase assets from a
32 retirement plan.
33 Sec. 41. NEW SECTION. **633B.216 Taxes.**
34 Unless the power of attorney otherwise provides, language in
35 a power of attorney granting general authority with respect to

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1 taxes authorizes the agent to do all of the following:
2 1. Prepare, sign, and file federal, state, local, and
3 foreign income, gift, payroll, property, Federal Insurance
4 Contributions Act returns and other tax returns, claims for
5 refunds, requests for extension of time, petitions regarding
6 tax matters, and any other tax-related documents, including
7 receipts, offers, waivers, consents, including but not limited
8 to consents and agreements under section 2032A of the Internal
9 Revenue Code, closing agreements, and any power of attorney
10 required by the Internal Revenue Service or other taxing
11 authority with respect to a tax year upon which the statute of
12 limitations has not run.
13 2. Pay taxes due, collect refunds, post bonds, receive
14 confidential information, and contest deficiencies determined
15 by the Internal Revenue Service or other taxing authority.
16 3. Exercise any election available to the principal under
17 federal, state, local, or foreign tax law.
18 4. Act for the principal in all tax matters for all periods
19 before the Internal Revenue Service or any other taxing
20 authority.
21 Sec. 42. NEW SECTION. **633B.217 Gifts.**
22 1. In this section, a gift *"for the benefit of"* a person
23 includes a gift to a trust, an account under a uniform
24 transfers to minors Act, and a qualified state tuition program
25 exempt from taxation pursuant to section 529 of the Internal
26 Revenue Code.
27 2. Unless the power of attorney otherwise provides,
28 language in a power of attorney granting general authority with
29 respect to gifts authorizes the agent only to do all of the
30 following:
31 *a.* Make a gift of any of the principal's property outright
32 to, or for the benefit of, a person, including but not limited
33 to by the exercise of a presently exercisable general power
34 of appointment held by the principal, in an amount per donee
35 not to exceed the annual dollar limits of the federal gift

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1 tax exclusion under section 2503(b) of the Internal Revenue
2 Code without regard to whether the federal gift tax exclusion
3 applies to the gift or if the principal's spouse agrees
4 to consent to a split gift pursuant to section 2513 of the
5 Internal Revenue Code in an amount per donee not to exceed
6 twice the annual federal gift tax exclusion limit.
7 *b.* Consent to the splitting of a gift made by the
8 principal's spouse pursuant to section 2513 of the Internal
9 Revenue Code in an amount per donee not to exceed the aggregate
10 annual gift tax exclusions for both spouses.
11 3. An agent may make a gift of the principal's property
12 only as the agent determines is consistent with the principal's
13 objectives if actually known by the agent and, if unknown,
14 as the agent determines is consistent with the principal's
15 best interest based on all relevant factors, including but not
16 limited to all of the following:
17 *a.* The value and nature of the principal's property.
18 *b.* The principal's foreseeable obligations and need for
19 maintenance.
20 *c.* The minimization of taxes, including but not limited to
21 income, estate, inheritance, generation-skipping transfer, and
22 gift taxes.
23 *d.* Eligibility for a benefit, a program, or assistance under
24 a statute, rule, or regulation.
25 *e.* The principal's personal history of making or joining in
26 making gifts.
27 Sec. 43. NEW SECTION. **633B.301 Power of attorney — form.**
28 A document substantially in the following form may be used to
29 create a statutory power of attorney that has the meaning and
30 effect prescribed by this chapter:
31 IOWA STATUTORY POWER OF ATTORNEY FORM
32 1. POWER OF ATTORNEY
33 This power of attorney authorizes another person (your
34 agent) to make decisions concerning your property for you (the
35 principal). Your agent will be able to make decisions and act

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1 with respect to your property (including but not limited to
2 your money) whether or not you are able to act for yourself.
3 The meaning of authority over subjects listed on this form is
4 explained in the Iowa Uniform Power of Attorney Act, Iowa Code
5 chapter 633B.
6 This power of attorney does not authorize the agent to make
7 health care decisions for you.
8 You should select someone you trust to serve as your agent.
9 Unless you specify otherwise, generally the agent's authority
10 will continue until you die or revoke the power of attorney or
11 the agent resigns or is unable to act for you.
12 Your agent is not entitled to compensation unless you state
13 otherwise in the optional Special Instructions.
14 This form provides for designation of one agent. If you
15 wish to name more than one agent, you may name a coagent in the
16 optional Special Instructions. Coagents must act by majority
17 rule unless you provide otherwise in the optional Special
18 Instructions.
19 If your agent is unable or unwilling to act for you, your
20 power of attorney will end unless you have named a successor
21 agent. You may also name a second successor agent.
22 This power of attorney becomes effective immediately upon
23 signature and acknowledgment unless you state otherwise in the
24 optional Special Instructions.
25 If you have questions about this power of attorney or the
26 authority you are granting to your agent, you should seek legal
27 advice before signing this form.
28 DESIGNATION OF AGENT
29 I _____ (name of principal) name the
30 following person as my agent:
31 Name of Agent _____
32 Agent's Address _____
33 Agent's Telephone Number _____
34 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)
35 If my agent is unable or unwilling to act for me, I name as

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1 my successor agent:
2 Name of Successor Agent _____
3 Successor Agent's Address _____
4 Successor Agent's Telephone Number _____
5 If my successor agent is unable or unwilling to act for me, I
6 name as my second successor agent:
7 Name of Second Successor Agent _____
8 Second Successor Agent's Address _____
9 Second Successor Agent's Telephone Number _____
10 GRANT OF GENERAL AUTHORITY
11 I grant my agent and any successor agent general authority to
12 act for me with respect to the following subjects as defined in
13 the Iowa Uniform Power of Attorney Act, Iowa Code chapter 633B:
14 (Initial each subject you want to include in the agent's
15 general authority. If you wish to grant general authority over
16 all of the subjects you may initial "All Preceding Subjects"
17 instead of initialing each subject.)
18 ___ Real Property
19 ___ Tangible Personal Property
20 ___ Stocks and Bonds
21 ___ Commodities and Options
22 ___ Banks and Other Financial Institutions
23 ___ Operation of Entity or Business
24 ___ Insurance and Annuities
25 ___ Estates, Trusts, and Other Beneficial Interests
26 ___ Claims and Litigation
27 ___ Personal and Family Maintenance
28 ___ Benefits from Governmental Programs or Civil or Military
29 Service
30 ___ Retirement Plans
31 ___ Taxes
32 ___ All Preceding Subjects
33 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)
34 My agent shall not do any of the following specific acts for
35 me unless I have initialed the specific authority listed below:

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1 (Caution: Granting any of the following will give your agent
2 the authority to take actions that could significantly reduce
3 your property or change how your property is distributed at
4 your death. Initial only the specific authority you WANT to
5 give your agent.)
6 ___ Amend, revoke, or terminate a revocable inter vivos
7 trust, if authorized by the trust.
8 ___ Agree to the amendment or termination of any other inter
9 vivos trust.
10 ___ Make a gift to an individual who is not an agent, subject
11 to the limitations of the Iowa Uniform Power of Attorney Act,
12 Iowa Code section 633B.217, and any special instructions in
13 this power of attorney.
14 Make gifts, either direct or indirect, to my agent acting
15 under this power of attorney as follows:
16 ___ Any such gift must be approved in writing by
17 _____; or
18 ___ No third party approval is needed.
19 ___ Authorize another person to exercise the authority
20 granted under this power of attorney.
21 ___ Waive the principal's right to be a beneficiary of a
22 joint and survivor annuity, including a survivor benefit under
23 a retirement plan.
24 ___ Exercise fiduciary powers that the principal has
25 authority to delegate.
26 ___ Disclaim or refuse an interest in property, including a
27 power of appointment.
28 LIMITATION ON AGENT'S AUTHORITY
29 An agent that is not my ancestor, spouse, or descendant shall
30 not use my property to benefit the agent or a person to whom the
31 agent owes an obligation of support unless I have included that
32 authority in the optional Special Instructions.
33 SPECIAL INSTRUCTIONS (OPTIONAL)
34 You may give special instructions on the following lines:
35 _____

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1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____ shall have the authority to
12 request an accounting of any agent.
13 EFFECTIVE DATE
14 This power of attorney is effective immediately upon
15 signature and acknowledgment unless I have stated otherwise in
16 the optional Special Instructions.
17 NOMINATION OF CONSERVATOR AND GUARDIAN (OPTIONAL)
18 If it becomes necessary for a court to appoint a conservator
19 of my estate or guardian of my person, I nominate the following
20 person(s) for appointment:
21 Name of Nominee for Conservator of My Estate _____
22 Nominee´s Address _____
23 Nominee´s Telephone Number _____
24 Name of Nominee for Guardian of My Person _____
25 Nominee´s Address _____
26 Nominee´s Telephone Number _____
27 RELIANCE ON THIS POWER OF ATTORNEY
28 Any person, including my agent, may rely upon the validity of
29 this power of attorney or a copy of it unless that person knows
30 it has terminated or is invalid.
31 SIGNATURE AND ACKNOWLEDGMENT
32 _____ _____
33 Your Signature Date
34 _____
35 Your Name Printed

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1 _____
2 _____
3 Your Address
4 _____
5 Your Telephone Number
6 State of _____
7 County of _____
8 This document was acknowledged before me on _____
9 (date), by _____ (name of principal)
10 _____ (Seal, if any)
11 Signature of Notary
12 My commission expires _____
13 This document prepared by
14 _____
15 _____
16 2. IMPORTANT INFORMATION FOR AGENT
17 AGENT´S DUTIES
18 When you accept the authority granted under this power of
19 attorney, a special legal relationship is created between the
20 principal and you. This relationship imposes upon you legal
21 duties that continue until you resign or the power of attorney
22 is terminated or revoked. You must do all of the following:
23 Do what you know the principal reasonably expects you to
24 do with the principal´s property or, if you do not know the
25 principal´s expectations, act in the principal´s best interest.
26 Act in good faith.
27 Do nothing beyond the authority granted in this power of
28 attorney.
29 Disclose your identity as an agent whenever you act for the
30 principal by writing or printing the name of the principal and
31 signing your own name as agent in the following manner:
32 _____ (principal´s name) by
33 _____ (your signature) as Agent
34 Unless the Special Instructions in this power of attorney
35 state otherwise, you must also do all of the following:

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1 Act loyally for the principal's benefit.
2 Avoid conflicts that would impair your ability to act in the
3 principal's best interest.
4 Act with care, competence, and diligence.
5 Keep a record of all receipts, disbursements, and
6 transactions made on behalf of the principal.
7 Cooperate with any person that has authority to make
8 health care decisions for the principal to do what you know
9 the principal reasonably expects or, if you do not know the
10 principal's expectations, to act in the principal's best
11 interest.
12 Attempt to preserve the principal's estate plan if you
13 know the plan and preserving the plan is consistent with the
14 principal's best interest.
15 TERMINATION OF AGENT'S AUTHORITY
16 You must stop acting on behalf of the principal if you learn
17 of any event that terminates this power of attorney or your
18 authority under this power of attorney. Events that terminate
19 a power of attorney or your authority to act under a power of
20 attorney include any of the following:
21 Death of the principal.
22 The principal's revocation of the power of attorney or your
23 authority.
24 The occurrence of a termination event stated in the power of
25 attorney.
26 The purpose of the power of attorney is fully accomplished.
27 If you are married to the principal, a legal action is
28 filed with a court to end your marriage, or for your legal
29 separation, unless the Special Instructions in this power of
30 attorney state that such an action will not terminate your
31 authority.
32 LIABILITY OF AGENT
33 The meaning of the authority granted to you is defined in the
34 Iowa Uniform Power of Attorney Act, Iowa Code chapter 633B. If
35 you violate the Iowa Uniform Power of Attorney Act, Iowa Code

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1 chapter 633B, or act outside the authority granted, you may be
2 liable for any damages caused by your violation.
3 If there is anything about this document or your duties that
4 you do not understand, you should seek legal advice.
5 Sec. 44. NEW SECTION. **633B.302 Agent's certification —**
6 **optional form.**
7 The following optional form may be used by an agent to
8 certify facts concerning a power of attorney:
9 IOWA STATUTORY POWER OF ATTORNEY AGENT'S CERTIFICATION FORM
10 AGENT'S CERTIFICATION OF VALIDITY OF POWER OF ATTORNEY AND
11 AGENT'S AUTHORITY
12 State of _____
13 County of _____
14 I, _____ (name of agent), certify
15 under penalty of perjury that _____
16 (name of principal) granted me authority as an agent
17 or successor agent in a power of attorney dated
18 _____.
19 I further certify all of the following to my knowledge:
20 The principal is alive and has not revoked the power of
21 attorney or the Power of Attorney and my authority to act under
22 the Power of Attorney have not terminated.
23 If the power of attorney was drafted to become effective
24 upon the happening of an event or contingency, the event or
25 contingency has occurred.
26 If I was named as a successor agent, the prior agent is no
27 longer able or willing to serve.
28 _____
29 _____
30 _____.
31 (Insert other relevant statements)
32 SIGNATURE AND ACKNOWLEDGMENT
33 _____ _____
34 Agent's Signature Date
35 _____

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1 Agent´s Name Printed
2 _____
3 _____
4 Agent´s Address
5 _____
6 Agent´s Telephone Number
7 This document was acknowledged before me on _____
8 (date), by _____ (name of agent)
9 _____ (Seal, if any)
10 Signature of Notary
11 My commission expires _____
12 This document prepared by
13 _____
14 _____
15 Sec. 45. NEW SECTION. **633B.401 Uniformity of application**
16 **and construction.**
17 In applying and construing this chapter, consideration shall
18 be given to the need to promote uniformity of the law with
19 respect to the subject matter of this chapter among states that
20 enact the uniform power of attorney Act.
21 Sec. 46. NEW SECTION. **633B.402 Relation to Electronic**
22 **Signatures in Global and National Commerce Act.**
23 This chapter modifies, limits, and supersedes the federal
24 Electronic Signatures in Global and National Commerce Act, 15
25 U.S.C. §7001 et seq., but does not modify, limit, or supersede
26 section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize
27 electronic delivery of any of the notices described in section
28 103(b) of that Act, 15 U.S.C. §7003(b).
29 Sec. 47. NEW SECTION. **633B.403 Effect on existing powers**
30 **of attorney.**
31 1. This chapter applies to a power of attorney, regardless
32 of whether the power of attorney was created before, on, or
33 after July 1, 2014.
34 2. This chapter applies to all proceedings concerning a
35 power of attorney commenced on or after July 1, 2014.

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1 3. This chapter applies to all proceedings concerning a
2 power of attorney commenced before July 1, 2014, unless the
3 court finds that application of a provision of this chapter
4 would substantially interfere with the effective conduct of the
5 proceedings or the rights of the parties or other interested
6 persons. In that case, the provision does not apply and the
7 court shall apply prior law.
8 Sec. 48. REPEAL. Sections 633B.1 and 633B.2, Code 2014,
9 are repealed.
10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill creates the Iowa uniform power of attorney Act and
14 provides penalties and includes applicability provisions.
15 Current Code chapter 633B relating to powers of attorney
16 contains provisions relating to situations in which a power
17 of attorney is not affected by the death or disability of the
18 principal and provides notice provisions for the revocation or
19 termination of a power of attorney.
20 The bill repeals current Code chapter 633B and replaces
21 it with the Iowa uniform power of attorney Act, based on
22 the uniform power of attorney Act, which provides specific
23 provisions relating to the creation, duties, responsibilities,
24 and powers of an agent designated in the power of attorney
25 document to manage the principal's finances and property. The
26 bill also provides remedies for abuses committed by an agent
27 under a power of attorney. The bill defines "agent" to mean a
28 person who is granted authority to act for a principal under a
29 power of attorney, whether referred to as an agent, attorney
30 in fact, or otherwise in the power of attorney document, and
31 includes an original agent, coagent, successor agent, and a
32 person to which an agent's authority is delegated; "person"
33 means an individual, corporation, business trust, estate,
34 trust, partnership, limited liability company, association,
35 joint venture, public corporation, government or governmental

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1 subdivision, agency, or instrumentality, or any other legal
2 or commercial entity; and "principal" means an individual who
3 grants authority to an agent in a power of attorney.
4 GENERAL PROVISIONS. The bill contains the following general
5 provisions relating to a power of attorney:
6 APPLICABILITY. The bill applies to all powers of attorney
7 other than a durable power of attorney for health care (see
8 Code chapter 144B), a voting proxy, a power created on a
9 governmental form for a governmental purpose, and a power
10 coupled with an interest of the agent such as a creditor's
11 right to protect title in pledged collateral.
12 DURABILITY. A power of attorney is durable unless the power
13 of attorney expressly provides that it is terminated by the
14 principal's incapacity.
15 EXECUTION. A power of attorney must be signed by the
16 principal or in the principal's conscious presence by
17 another individual (not the prospective agent) directed by
18 the principal to sign the principal's name on the power of
19 attorney. A power of attorney must be acknowledged before a
20 notary public or other individual authorized by law to take
21 acknowledgments. An agent named in the power of attorney
22 cannot notarize the principal's signature. An acknowledged
23 signature on a power of attorney is presumed to be genuine.
24 VALIDITY. A power of attorney is governed by the law of the
25 jurisdiction indicated in the power of attorney when properly
26 executed. The bill does not affect the validity of the
27 following powers of attorney properly executed in Iowa prior to
28 July 1, 2014: a power of attorney properly executed in Iowa, a
29 power of attorney properly created under the laws of another
30 jurisdiction, and a military power of attorney. The bill also
31 allows the use of a photocopy or electronically transmitted
32 original.
33 MEANING AND EFFECT. The meaning and effect of a power of
34 attorney is determined by the law of the jurisdiction indicated
35 in the power of attorney and if there is no such indication,

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1 by the law of the jurisdiction where the power of attorney was
2 executed.
3 CONSERVATOR AND GUARDIAN APPOINTMENTS IN A POWER OF
4 ATTORNEY. A principal can appoint a conservator or guardian in
5 the power of attorney and specify that an agent's authority to
6 act under the power of attorney is suspended during the time a
7 conservator is acting unless provided otherwise in the power of
8 attorney or by the court appointing the conservator. The bill
9 also allows for the appointment of a conservator or guardian on
10 a standby basis pursuant to Code sections 633.560 and 633.591.
11 WHEN EFFECTIVE. The bill provides specific rules as when
12 a power of attorney is effective and provides that unless
13 otherwise provided, the power of attorney is effective when
14 executed.
15 TERMINATION. A power of attorney terminates upon the
16 death or incapacity (if not durable) of the principal, upon
17 revocation by the principal, when the power of attorney
18 specifies a termination date, when the purpose of the power
19 of attorney is accomplished, or if the agent dies, becomes
20 incapacitated, or resigns without a named successor. A general
21 or plenary power of attorney (authorizing the agent to conduct
22 all of the principal's personal business and financial affairs)
23 revokes a general or plenary power of attorney previously
24 executed in Iowa but does not revoke a power of attorney
25 limited to a specific purpose if that purpose is still capable
26 of being fully accomplished by the agent.
27 COAGENTS AND SUCCESSOR AGENTS. A principal may designate
28 two or more persons to act as coagents and specifies certain
29 standards for the actions of coagents. A principal may
30 designate one or more successor agents to act if an agent
31 resigns, dies, becomes incapacitated, is not qualified to
32 serve, or declines to serve.
33 REIMBURSEMENT AND COMPENSATION. Unless provided otherwise
34 in the power of attorney, an agent who is an individual is
35 entitled to reimbursement for expenses incurred on behalf of

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1 the principal, but not to compensation. An agent that is a
2 bank or trust company authorized to administer trusts in Iowa
3 may receive compensation if reasonable under the circumstances.
4 AGENT´S ACCEPTANCE. Unless otherwise provided in the
5 power of attorney, a person accepts appointment as an agent
6 by exercising authority, performing duties, or by any other
7 assertion or conduct indicating acceptance.
8 AGENT´S DUTIES. The bill specifies the fiduciary duties
9 an agent owes a principal under a power of attorney and
10 provides that an agent that acts in good faith and with care,
11 competence, and diligence in the best interest of the principal
12 shall not be liable for the agent´s actions in certain
13 situations.
14 EXONERATION OF AGENT. The bill provides that a provision
15 in a power of attorney that relieves an agent of liability for
16 breach of duty is binding on the principal except for breaches
17 committed dishonestly, with an improper motive, or with
18 reckless indifference to the purposes of the power of attorney
19 or the best interest of the principal or if the provision was
20 put into the power of attorney as a result of an abuse of a
21 confidential or fiduciary relationship with the principal.
22 JUDICIAL RELIEF. The bill provides that certain persons may
23 petition a court to construe a power of attorney or review an
24 agent´s conduct and the costs of the court action shall be paid
25 by the principal and the principal´s estate unless, for good
26 cause shown, the costs may be assessed against the petitioner
27 or the agent.
28 AGENT´S LIABILITY. An agent that violates the Code chapter
29 is liable to the principal or the principal´s successors in
30 interest for the amount required to restore the value of
31 the principal´s property to what it would have been had the
32 violation not occurred and to reimburse the principal or the
33 principal´s successors in interest for the attorney fees and
34 costs paid on the agent´s behalf.
35 AGENT RESIGNATION. Unless otherwise provided in the

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1 power of attorney, an agent may resign by giving notice to
2 the principal and if the principal is incapacitated, to a
3 conservator or guardian, principal's caregiver or other person
4 with sufficient interest in the welfare of the principal, or to
5 the appropriate governmental agency.
6 ACCEPTANCE AND RELIANCE UPON ACKNOWLEDGED POWER OF ATTORNEY.
7 The bill protects persons who in good faith accept and rely on
8 an acknowledged power of attorney.
9 LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED POWER OF
10 ATTORNEY. The bill specifies situations where refusals of a
11 power of attorney are acceptable and unacceptable. A person
12 that refuses to accept an acknowledged power of attorney in
13 violation of the bill is subject to a court order mandating
14 acceptance of the power of attorney and is liable for damages
15 sustained by the principal and reasonable attorney fees and
16 costs. Such an action must be brought within one year of the
17 initial request for acceptance of the power of attorney.
18 OTHER PROVISIONS. The bill includes provisions relating to
19 the application of principles of law and equity and the laws of
20 financial institutions, and remedies under other law.
21 AUTHORITY PROVISIONS. The bill distinguishes between grants
22 of specific authority requiring express language in a power of
23 attorney and grants of general authority.
24 SPECIFIC GRANT OF AUTHORITY. Specific grants of authority
25 require specific language granting certain powers to the agent
26 including powers to create, amend, revoke, or terminate an
27 inter vivos trust; make a gift; create or change rights of
28 survivorship; create or change a beneficiary designation;
29 delegate authority granted under the power of attorney;
30 waive the principal's right to be a beneficiary of a joint
31 and survivor annuity, including a survivor benefit under a
32 retirement plan; exercise fiduciary powers that the principal
33 has the authority to delegate; and disclaim property, including
34 a power of appointment.
35 GENERAL GRANT OF AUTHORITY. If a power of attorney grants an

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1 agent authority to do all acts that a principal could do, the
2 agent has general authority to act on behalf of the principal
3 with respect to the following subject areas: real property;
4 tangible personal property; stocks and bonds; commodities and
5 options; banks and other financial institutions; the operation
6 of an entity or business; insurance and annuities; estates,
7 trusts, and other beneficial interests; claims and litigation;
8 personal and family maintenance; benefits from governmental
9 programs or civil or military service; retirement plans; taxes;
10 and gifts. The bill contains specific provisions relating to
11 the authority granted to an agent in each of the abovementioned
12 subject areas.
13 CONSTRUCTION OF AUTHORITY. The bill specifies incidental
14 types of authority that accompany all authority (specific and
15 general) granted to an agent under a power of attorney, unless
16 modified in the power of attorney. Such authority includes the
17 power to demand, receive, and obtain other items of value to
18 which a principal is or may be entitled; contract on behalf
19 of a principal; execute, acknowledge, seal, deliver, file,
20 or record any instrument or communication necessary for a
21 transaction; initiate, participate in, submit to alternative
22 dispute resolution, and settle or accept a claim involving
23 the principal or intervene in litigation involving the claim;
24 seek court or other assistance to carry out an act authorized
25 under the power of attorney; engage, compensate, and discharge
26 certain professional advisors; prepare, execute, and file
27 certain documents to safeguard the principal's interests;
28 communicate with government agencies; and access certain
29 communications including electronic communications intended for
30 the principal.
31 STATUTORY FORMS. The bill includes suggested statutory
32 forms for the creation of a power of attorney and for agent
33 certification of facts relating to a power of attorney
34 consistent with the provisions of the Code chapter.
35 MISCELLANEOUS PROVISIONS. The bill provides provisions

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1 relating to uniform application and construction, the
2 applicability of the federal Electronic Signatures in Global
3 and National Commerce Act, and the effect of the bill on
4 existing powers of attorney.
5 REPEAL. The bill repeals current Code chapter 633B and makes
6 conforming Code changes.

Senate Study Bill 3117 - Introduced

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

A BILL FOR

1 An Act relating to the technical administration of the tax and
2 related laws of the state, including administration by the
3 department of revenue of certain tax credits and refunds,
4 income taxes, sales and use taxes, hotel and motel taxes,
5 and equipment taxes, and modifying provisions relating
6 to the property assessment appeal board, and including
7 effective date and retroactive applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5311XD (9) 85
mm/sc

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DIVISION I
MISCELLANEOUS ADMINISTRATIVE CHANGES

Section 1. Section 421.17, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 33. To adopt rules ensuring that the total amount of transfers and disbursements in a fiscal year by the department to a local government or other entity with respect to projects under chapter 15J, chapter 418, or section 423B.10 does not exceed the amount of applicable taxes collected during the same fiscal year within the geographic boundaries of the reinvestment districts, governmental entities, or urban renewal areas in which such projects are located.

Sec. 2. Section 441.37A, subsection 1, paragraph e, Code 2014, is amended to read as follows:

e. ~~For the assessment year beginning January 1, 2014, the~~ The property assessment appeal board may, by rule, provide for the filing of a notice of appeal and petition with the secretary of the board by electronic means. All requirements of this section for an appeal to the board shall apply to an appeal filed electronically.

DIVISION II
TAX CREDITS AND REFUNDS

Sec. 3. Section 15.293A, subsection 2, paragraph b, subparagraph (1), Code 2014, is amended to read as follows:

(1) To claim a redevelopment tax credit under this section, a taxpayer must ~~attach~~ include one or more tax credit certificates ~~to~~ with the taxpayer's tax return. A tax credit certificate shall not be ~~used or attached to~~ included with a return filed for a taxable year beginning prior to July 1, 2009.

Sec. 4. Section 15.331C, subsection 2, Code 2014, is amended to read as follows:

2. A third-party developer shall state under oath, on forms provided by the department of revenue, the amount of taxes paid as described in subsection 1 and shall submit such

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1 forms to the department of revenue. The taxes paid shall be
2 itemized to allow identification of the taxes attributable
3 to racks, shelving, and conveyor equipment to be used in a
4 warehouse or distribution center. After receiving the form
5 from the third-party developer, the department of revenue
6 shall issue a tax credit certificate to the eligible business
7 equal to the sales and use taxes paid by a third-party
8 developer under chapter 423 for gas, electricity, water, or
9 sewer utility services, goods, wares, or merchandise, or
10 on services rendered, furnished, or performed to or for a
11 contractor or subcontractor and used in the fulfillment of a
12 written contract relating to the construction or equipping
13 of a facility. The department of revenue shall also issue a
14 tax credit certificate to the eligible business equal to the
15 taxes paid and attributable to racks, shelving, and conveyor
16 equipment to be used in a warehouse or distribution center.
17 The aggregate combined total amount of tax refunds under
18 section 15.331A for taxes attributable to racks, shelving, and
19 conveyor equipment to be used in a warehouse or distribution
20 center and of tax credit certificates issued by the department
21 of revenue for the taxes paid and attributable to racks,
22 shelving, and conveyor equipment to be used in a warehouse or
23 distribution center shall not exceed five hundred thousand
24 dollars in a fiscal year. If an applicant for a tax credit
25 certificate does not receive a certificate for the taxes paid
26 and attributable to racks, shelving, and conveyor equipment to
27 be used in a warehouse or distribution center, the application
28 shall be considered in succeeding fiscal years. The eligible
29 business shall not claim a tax credit under this section
30 unless a tax credit certificate issued by the department of
31 revenue is ~~attached to~~ included with the taxpayer's tax return
32 for the tax year for which the tax credit is claimed. A tax
33 credit certificate shall contain the eligible business's
34 name, address, tax identification number, the amount of the
35 tax credit, and other information deemed necessary by the

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1 department of revenue.
2 Sec. 5. Section 15E.44, subsection 4, Code 2014, is amended
3 to read as follows:
4 4. After verifying the eligibility of a qualifying
5 business, the authority shall issue a tax credit certificate to
6 be ~~attached to~~ included with the equity investor's tax return.
7 The tax credit certificate shall contain the taxpayer's name,
8 address, tax identification number, the amount of credit, the
9 name of the qualifying business, and other information required
10 by the department of revenue. The tax credit certificate,
11 unless rescinded by the authority, shall be accepted by the
12 department of revenue as payment for taxes imposed pursuant
13 to chapter 422, divisions II, III, and V, and in chapter
14 432, and for the moneys and credits tax imposed in section
15 533.329, subject to any conditions or restrictions placed by
16 the authority upon the face of the tax credit certificate and
17 subject to the limitations of section 15E.43.
18 Sec. 6. Section 15E.45, subsection 4, Code 2014, is amended
19 to read as follows:
20 4. After verifying the eligibility of the community-based
21 seed capital fund, the authority shall issue a tax credit
22 certificate to be ~~attached to~~ included with the taxpayer's
23 tax return. The tax credit certificate shall contain the
24 taxpayer's name, address, tax identification number, the amount
25 of the tax credit, the name of the community-based seed capital
26 fund, and other information required by the department of
27 revenue. The tax credit certificate, unless rescinded by the
28 authority, shall be accepted by the department of revenue or
29 a local taxing district, as applicable, as payment for taxes
30 imposed pursuant to chapter 422, divisions II, III, and V, and
31 chapter 432, and as payment for the moneys and credits tax
32 imposed pursuant to section 533.329, subject to any conditions
33 or restrictions placed by the authority on the face of the tax
34 credit certificate and subject to the limitations of section
35 15E.43.

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1 Sec. 7. Section 15E.193B, subsection 6, paragraph a, Code
2 2014, is amended to read as follows:
3 *a.* An eligible housing business may claim a tax credit
4 up to a maximum of ten percent of the new investment which
5 is directly related to the building or rehabilitating of a
6 minimum of four single-family homes located in that part of
7 a city or county in which there is a designated enterprise
8 zone or one multiple dwelling unit building containing three
9 or more individual dwelling units located in that part of a
10 city or county in which there is a designated enterprise zone.
11 The new investment that may be used to compute the tax credit
12 shall not exceed the new investment used for the first one
13 hundred forty thousand dollars of value for each single-family
14 home or for each unit of a multiple dwelling unit building
15 containing three or more units. The tax credit may be used to
16 reduce the tax ~~liability~~ liabilities imposed under chapter 422,
17 ~~division~~ divisions II, III, ~~or~~ and V, ~~or~~ and chapter 432. Any
18 credit in excess of the tax liability for the tax year may be
19 credited to the tax liability for the following seven years or
20 until depleted, whichever occurs earlier. If the business is
21 a partnership, S corporation, limited liability company, or
22 estate or trust electing to have the income taxed directly to
23 the individual, an individual may claim the tax credit allowed.
24 The amount claimed by the individual shall be based upon the
25 pro rata share of the individual's earnings of the partnership,
26 S corporation, limited liability company, or estate or trust
27 except as allowed for under subsection 8 when low-income
28 housing tax credits authorized under section 42 of the Internal
29 Revenue Code are used to assist in the financing of the housing
30 development.
31 Sec. 8. Section 15E.193B, subsection 8, Code 2014, is
32 amended to read as follows:
33 8. *a.* The amount of the tax credits determined pursuant
34 to subsection 6, paragraph *"a"*, for each project shall be
35 approved by the economic development authority. The authority

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1 shall utilize the financial information required to be provided
2 under subsection 5, paragraph "e", to determine the tax credits
3 allowed for each project. In determining the amount of tax
4 credits to be allowed for a project, the authority shall not
5 include the portion of the project cost financed through
6 federal, state, and local government tax credits, grants,
7 and forgivable loans. Upon approving the amount of the tax
8 credit, the economic development authority shall issue a tax
9 credit certificate to the eligible housing business except
10 when low-income housing tax credits authorized under section
11 42 of the Internal Revenue Code are used to assist in the
12 financing of the housing development in which case the tax
13 credit certificate may be issued to a partner if the business
14 is a partnership, a shareholder if the business is an S
15 corporation, or a member if the business is a limited liability
16 company in the amounts designated by the eligible partnership,
17 S corporation, or limited liability company. An eligible
18 housing business or the designated partner if the business is
19 a partnership, designated shareholder if the business is an S
20 corporation, or designated member if the business is a limited
21 liability company, or transferee shall not claim the tax credit
22 unless a tax credit certificate is ~~attached to~~ included with
23 the taxpayer's return for the tax year for which the tax
24 credit is claimed. The tax credit certificate shall contain
25 the taxpayer's name, address, tax identification number, the
26 amount of the tax credit, and other information required by
27 the department of revenue. The tax credit certificate shall
28 be transferable if the housing development is located in a
29 brownfield site as defined in section 15.291, if the housing
30 development is located in a blighted area as defined in section
31 403.17, or if low-income housing tax credits authorized under
32 section 42 of the Internal Revenue Code are used to assist in
33 the financing of the housing development. Not more than three
34 million dollars worth of tax credits for housing developments
35 that are located in a brownfield site as defined in section

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1 15.291 or housing developments located in a blighted area as
2 defined in section 403.17 shall be transferred in one calendar
3 year. The three million dollar annual limit does not apply
4 to tax credits awarded to an eligible housing business having
5 low-income housing tax credits authorized under section 42 of
6 the Internal Revenue Code to assist in the financing of the
7 housing development. The authority may approve an application
8 for tax credit certificates for transfer from an eligible
9 housing business located in a brownfield site as defined in
10 section 15.291 or in a blighted area as defined in section
11 403.17 that would result in the issuance of more than three
12 million dollars of tax credit certificates for transfer,
13 provided the authority, through negotiation with the eligible
14 business, allocates those tax credit certificates for transfer
15 over more than one calendar year. The authority shall not
16 approve more than one million five hundred thousand dollars
17 in tax credit certificates for transfer to any one eligible
18 housing business located in a brownfield site as defined in
19 section 15.291 or in a blighted area as defined in section
20 403.17 in a calendar year. If three million dollars in tax
21 credit certificates for transfer have not been issued at the
22 end of a calendar year, the remaining tax credit certificates
23 for transfer may be issued in advance to an eligible housing
24 business scheduled to receive a tax credit certificate for
25 transfer in a later calendar year. Any time the authority
26 approves a tax credit certificate for transfer which has not
27 been allocated at the end of a calendar year, the authority may
28 prorate the remaining certificates to more than one eligible
29 applicant. If the entire three million dollars of tax credit
30 certificates for transfer is not issued in a given calendar
31 year, the remaining amount may be carried over to a succeeding
32 calendar year. Tax credit certificates issued under this
33 chapter may be transferred to any person or entity. The
34 economic development authority shall notify the department
35 of revenue of the tax credit certificates which have been

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1 approved for transfer. Within ninety days of transfer, the
2 transferee must submit the transferred tax credit certificate
3 to the department of revenue along with a statement containing
4 the transferee's name, tax identification number, and
5 address, and the denomination that each replacement tax credit
6 certificate is to carry and any other information required by
7 the department of revenue. Within thirty days of receiving
8 the transferred tax credit certificate and the transferee's
9 statement, the department of revenue shall issue one or more
10 replacement tax credit certificates to the transferee. Each
11 replacement certificate must contain the information required
12 to receive the original certificate and must have the same
13 expiration date that appeared in the transferred tax credit
14 certificate. Tax credit certificate amounts of less than the
15 minimum amount established by rule of the economic development
16 authority shall not be transferable. A tax credit shall not be
17 claimed by a transferee under subsection 6, paragraph *"a"*, until
18 a replacement tax credit certificate identifying the transferee
19 as the proper holder has been issued.
20 *b.* The transferee may use the amount of the tax credit
21 transferred against the taxes imposed under chapter 422,
22 divisions II, III, and V, and chapter 432 for any tax year the
23 original transferor could have claimed the tax credit. Any
24 consideration received for the transfer of the tax credit shall
25 not be included as income under chapter 422, divisions II, III,
26 and V. Any consideration paid for the transfer of the tax
27 credit shall not be deducted from income under chapter 422,
28 divisions II, III, and V.
29 Sec. 9. Section 16.211, subsection 2, paragraphs a and b,
30 Code 2014, are amended to read as follows:
31 *a.* To claim a disaster recovery housing project tax
32 credit under this section, a taxpayer must ~~attach~~ include one
33 or more tax credit certificates ~~to~~ with the taxpayer's tax
34 return. The tax credit certificate or certificates ~~attached~~
35 ~~to~~ included with the taxpayer's tax return shall be issued in

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1 the taxpayer's name, expire on or after the last day of the
2 taxable year for which the taxpayer is claiming the tax credit,
3 and show a tax credit amount equal to or greater than the tax
4 credit claimed on the taxpayer's tax return.
5 *b.* After verifying the eligibility of a taxpayer for a tax
6 credit pursuant to this section, the authority shall issue a
7 disaster recovery housing project tax credit certificate to be
8 ~~attached to~~ included with the taxpayer's tax return. The tax
9 credit certificate shall contain the taxpayer's name, address,
10 tax identification number; the amount of the credit; and any
11 other information required by the department of revenue.
12 Sec. 10. Section 175.37, subsection 7, unnumbered paragraph
13 1, Code 2014, is amended to read as follows:
14 A taxpayer shall not claim a tax credit under this section
15 unless a tax credit certificate issued by the authority is
16 ~~attached to~~ included with the taxpayer's tax return for the
17 tax year for which the tax credit is claimed. The authority
18 must review and approve an application for a tax credit as
19 provided by rules adopted by the authority. The application
20 must include a copy of the agricultural assets transfer
21 agreement. The authority may approve an application and issue
22 a tax credit certificate to a taxpayer who has previously been
23 allowed a tax credit under this section. The authority may
24 require that the parties to an agricultural assets transfer
25 agreement provide additional information as determined relevant
26 by the authority. The authority shall review an application
27 for a tax credit which includes the renewal of an agricultural
28 assets transfer agreement to determine that the parties to the
29 renewed agreement meet the same qualifications as required for
30 an original application. The authority shall not approve an
31 application or issue a tax credit certificate to a taxpayer for
32 an amount in excess of fifty thousand dollars. In addition,
33 the authority shall not approve an application or issue a
34 certificate to a taxpayer if any of the following applies:
35 Sec. 11. Section 175.38, subsection 10, unnumbered

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1 paragraph 1, Code 2014, is amended to read as follows:
2 A taxpayer shall not claim a custom farming contract tax
3 credit unless a tax credit certificate issued by the authority
4 under this section is ~~attached to~~ included with the taxpayer's
5 tax return for the tax year for which the tax credit is
6 claimed. The authority must review and approve an application
7 for a tax credit certificate as provided by rules adopted
8 by the authority. The application must include a copy of
9 the custom farming contract. The authority may approve an
10 application and issue a tax credit certificate to a taxpayer
11 who has previously been allowed a tax credit under this
12 section. The authority may require that the parties to the
13 contract provide additional information as determined relevant
14 by the authority. The authority shall review an application
15 for a tax credit certificate which includes the renewal of a
16 contract to determine that the parties to the renewed contract
17 meet the same qualifications as required for an original
18 application. The authority shall not approve an application or
19 issue a tax credit certificate to a taxpayer for an amount in
20 excess of fifty thousand dollars. In addition, the authority
21 shall not approve an application or issue a tax credit
22 certificate to a taxpayer if any of the following applies:
23 Sec. 12. Section 404A.1, subsection 1, paragraph a, Code
24 2014, is amended to read as follows:
25 *a.* A historic preservation and cultural and entertainment
26 district tax credit, subject to the availability of the credit,
27 is granted against the ~~tax~~ taxes imposed under chapter 422,
28 ~~division~~ divisions II, III, ~~or~~ and V, ~~or~~ and chapter 432, for
29 the substantial rehabilitation of eligible property located in
30 this state as provided in this chapter.
31 Sec. 13. Section 404A.4, subsection 2, unnumbered paragraph
32 1, Code 2014, is amended to read as follows:
33 After verifying the eligibility for the tax credit, the
34 state historic preservation office shall issue a historic
35 preservation and cultural and entertainment district tax credit

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1 certificate to be ~~attached to~~ included with the person's
2 tax return. The tax credit certificate shall contain the
3 taxpayer's name, address, tax identification number, the date
4 of project completion, the amount of credit, other information
5 required by the department of revenue, and a place for the name
6 and tax identification number of a transferee and the amount of
7 the tax credit being transferred. Of the amount of tax credits
8 that may be approved in a fiscal year pursuant to subsection
9 4, paragraph "*a*":
10 Sec. 14. Section 422.11S, subsection 7, paragraph a, Code
11 2014, is amended to read as follows:
12 *a.* In order for the taxpayer to claim the school tuition
13 organization tax credit under subsection 1, a tax credit
14 certificate issued by the school tuition organization to which
15 the contribution was made shall be ~~attached to~~ included with
16 the person's tax return. The tax credit certificate shall
17 contain the taxpayer's name, address, tax identification
18 number, the amount of the contribution, the amount of the
19 credit, and other information required by the department.
20 Sec. 15. Section 437A.17B, Code 2014, is amended to read as
21 follows:
22 **437A.17B Reimbursement for renewable energy.**
23 A person in possession of a wind energy tax credit
24 certificate issued pursuant to chapter 476B or a renewable
25 energy tax credit certificate issued pursuant to chapter 476C
26 may apply to the director for a reimbursement of the amount of
27 taxes imposed and paid by the person pursuant to this chapter
28 in an amount not more than the person received in wind energy
29 tax credit certificates pursuant to chapter 476B or renewable
30 energy tax credit certificates pursuant to chapter 476C. To
31 obtain the reimbursement, the person shall ~~attach to~~ include
32 with the return required under section 437A.8 the wind energy
33 tax credit certificates issued to the person pursuant to
34 chapter 476B, or the renewable energy tax credit certificates
35 issued to the person pursuant to chapter 476C, and provide any

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other information the director may require. The director shall direct a warrant to be issued to the person for an amount equal to the tax imposed and paid by the person pursuant to this chapter but for not more than the amount of the wind energy tax credit certificates or renewable energy tax credit certificates ~~attached to~~ included with the return.

Sec. 16. Section 476B.6, subsection 8, Code 2014, is amended to read as follows:

8. A tax credit certificate shall not be used or ~~attached to~~ included with a return filed for a taxable year beginning prior to July 1, 2006.

Sec. 17. Section 476B.8, Code 2014, is amended to read as follows:

476B.8 Use of tax credit certificates.

To claim a wind energy production tax credit under this chapter, a taxpayer must ~~attach~~ include one or more tax credit certificates ~~to~~ with the taxpayer's tax return, or if used against taxes imposed under chapter 423, the taxpayer shall comply with section 423.4, subsection 4, or if used against taxes imposed under chapter 437A, the taxpayer shall comply with section 437A.17B. A tax credit certificate shall not be used or ~~attached to~~ included with a return filed for a taxable year beginning prior to July 1, 2006. The tax credit certificate or certificates ~~attached to~~ included with the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return. Any tax credit in excess of the taxpayer's tax liability for the taxable year may be credited to the taxpayer's tax liability for the following seven taxable years or until depleted, whichever is the earlier. If the tax credit is applied against the taxes imposed under chapter 423 or 437A, any credit in excess of the taxpayer's tax liability is carried over and can be filed with the refund claim for

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the following seven tax years or until depleted, whichever is earlier. However, the certificate shall not be used to reduce tax liability for a tax period ending after the expiration date of the certificate.

Sec. 18. Section 476C.6, subsection 2, Code 2014, is amended to read as follows:

2. To claim a renewable energy tax credit under this chapter, a taxpayer must ~~attach~~ include one or more tax credit certificates ~~to~~ with the taxpayer's tax return, or if used against taxes imposed under chapter 423, the taxpayer shall comply with section 423.4, subsection 4, or if used against taxes imposed under chapter 437A, the taxpayer shall comply with section 437A.17B. A tax credit certificate shall not be used or ~~attached to~~ included with a return filed for a taxable year beginning prior to July 1, 2006. The tax credit certificate or certificates ~~attached to~~ included with the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return. Any tax credit in excess of the taxpayer's tax liability for the taxable year may be credited to the taxpayer's tax liability for the following seven tax years or until the credit is depleted, whichever is earlier. If the tax credit is applied against the taxes imposed under chapter 423 or 437A, any credit in excess of the taxpayer's tax liability is carried over and can be filed with the refund claim for the following seven tax years or until depleted, whichever is earlier. However, the certificate shall not be used to reduce tax liability for a tax period ending after the expiration date of the certificate.

DIVISION III
INCOME TAXES

Sec. 19. Section 422.7, subsection 2, paragraph i, Code 2014, is amended by striking the paragraph.

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Sec. 20. Section 422.13, Code 2014, is amended to read as follows:

422.13 Return by individual.

1. ~~Except as provided in subsection 2, a~~ A resident or nonresident of this state shall make a return, signed in accordance with forms and rules prescribed by the director, if any of the following are applicable:

~~*a.* The individual has net income of more than nine thousand dollars for the tax year from sources taxable under this division.~~

~~*b.*~~ *a.* The individual is claimed as a dependent on another person's return and has net income of five thousand dollars or more for the tax year from sources taxable under this division.

~~*c.*~~ *b.* ~~However, if that part of the~~ The net income of a nonresident which is allocated to Iowa pursuant to section 422.8, subsection 2, is ~~less than~~ one thousand dollars ~~the nonresident is not required to make and sign a return except when the~~ or more for the tax year from sources taxable under this division, unless the nonresident's total net income, as determined under section 422.5, subsection 3 or 3B, does not exceed the appropriate dollar amount listed in section 422.5, subsection 3 or 3B, upon which tax is not imposed. The portion of a lump sum distribution that is allocable to Iowa is included in net income for purposes of determining if the nonresident's net income allocable to Iowa is one thousand dollars or more.

c. A nonresident is subject to the state alternative minimum tax imposed pursuant to section 422.5, subsection 2.

~~2.~~ *d.* ~~Notwithstanding any other provision in this section,~~ The total net income, as determined under section 422.5, subsection 3 or 3B, of a resident or nonresident of this state ~~is not required to make and file a return if the person's net income~~ is ~~equal to or less~~ more than the appropriate dollar amount listed in section 422.5, subsection 3 or 3B, upon which tax is not imposed. ~~A nonresident of this state is~~

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1 ~~not required to make and file a return if the person's total~~
2 ~~net income in section 422.5, subsection 1, paragraph "*j*", is~~
3 ~~equal to or less than the appropriate dollar amount provided~~
4 ~~in section 422.5, subsection 3, upon which tax is not imposed.~~
5 ~~For purposes of this subsection, the amount of a lump sum~~
6 ~~distribution subject to separate federal tax shall be included~~
7 ~~in net income for purposes of determining if a resident is~~
8 ~~required to file a return and the portion of the lump sum~~
9 ~~distribution that is allocable to Iowa is included in total net~~
10 ~~income for purposes of determining if a nonresident is required~~
11 ~~to make and file a return.~~
12 ~~3.~~ 2. For purposes of determining the requirement for
13 filing a return under subsection 1, the combined net income of
14 a husband and wife from sources taxable under this division
15 shall be considered.
16 ~~4.~~ 3. If the taxpayer is unable to make the return,
17 the return shall be made by a duly authorized agent or by a
18 guardian or other person charged with the care of the person or
19 property of the taxpayer.
20 ~~5.~~ 4. A nonresident taxpayer shall file a copy of the
21 taxpayer's federal income tax return for the current tax year
22 with the return required by this section.
23 ~~6.~~ 5. *a.* Notwithstanding subsections 1 through ~~5~~ 4
24 and sections 422.15 and 422.36, a partnership, a limited
25 liability company whose members are taxed on the company's
26 income under provisions of the Internal Revenue Code, trust, or
27 corporation whose stockholders are taxed on the corporation's
28 income under the provisions of the Internal Revenue Code may,
29 not later than the due date for filing its return for the
30 taxable year, including any extension thereof, elect to file
31 a composite return for the nonresident partners, members,
32 beneficiaries, or shareholders. Nonresident trusts or estates
33 which are partners, members, beneficiaries, or shareholders
34 in partnerships, limited liability companies, trusts, or S
35 corporations may also be included on a composite return. The

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1 director may require that a composite return be filed under the
2 conditions deemed appropriate by the director. A partnership,
3 limited liability company, trust, or corporation filing a
4 composite return is liable for tax required to be shown due on
5 the return.
6 *b.* Notwithstanding subsections 1 through ~~5~~ 4 and sections
7 422.15 and 422.36, if the director determines that it is
8 necessary for the efficient administration of this chapter,
9 the director may require that a composite return be filed
10 for nonresidents other than nonresident partners, members,
11 beneficiaries or shareholders in partnerships, limited
12 liability companies, trusts, or S corporations.
13 *c.* All powers of the director and requirements of the
14 director apply to returns filed under this subsection including
15 but not limited to the provisions of this division and division
16 VI of this chapter.
17 Sec. 21. RETROACTIVE APPLICABILITY. This division of this
18 Act applies retroactively to January 1, 2014, for tax years
19 beginning on or after that date.
20 DIVISION IV
21 SALES AND USE TAXES
22 Sec. 22. Section 423.3, subsection 18, paragraph e, Code
23 2014, is amended to read as follows:
24 *e.* ~~Community health~~ Health centers as defined in ~~42 U.S.C.~~
25 ~~§ 254c and migrant health centers as defined in~~ 42 U.S.C.
26 §254b.
27 DIVISION V
28 HOTEL AND MOTEL TAXES
29 Sec. 23. Section 423A.6, Code 2014, is amended to read as
30 follows:
31 **423A.6 Administration by director.**
32 1. The director of revenue shall administer the state and
33 local hotel and motel tax as nearly as possible in conjunction
34 with the administration of the state sales tax law, except
35 that portion of the law which implements the streamlined sales

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and use tax agreement. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting state and local hotel and motel tax liability. All moneys received or refunded one hundred eighty days after the date on which a city or county terminates its local hotel and motel tax and all moneys received from the state hotel and motel tax shall be deposited in or withdrawn from the general fund of the state. ~~Beginning~~

2. If a reinvestment district is established under chapter 15J, beginning the first day of the calendar quarter beginning on the reinvestment district's commencement date, the director of revenue shall, subject to remittance limitations established by the economic development authority board pursuant to section 15J.4, subsection 3, transfer from the general fund of the state to a district account created in the state reinvestment district fund for each reinvestment district established under chapter 15J, the new state hotel and motel tax revenue, determined in section 15J.5, subsection 2, paragraph "b", in the district. Such transfers shall cease pursuant to section 15J.8.

~~2.~~ 3. The director, in consultation with local officials, shall collect and account for a local hotel and motel tax and shall credit all revenues to the local transient guest tax fund created in section 423A.7. Local authorities shall not require any tax permit not required by the director of revenue.

~~3.~~ 4. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31, 423.33, 423.35, 423.37 through 423.42, and 423.47, consistent with the provisions of this chapter, apply with respect to the taxes authorized under this chapter, in the same manner and with the same effect as if the state and local hotel and motel taxes were retail sales taxes within the meaning of those statutes. Notwithstanding this subsection, the director

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shall provide for quarterly filing of returns and for other than quarterly filing of returns both as prescribed in section 423.31. The director may require all persons who are engaged in the business of deriving any sales price subject to tax under this chapter to register with the department. All taxes collected under this chapter by a retailer or any individual are deemed to be held in trust for the state of Iowa and the local jurisdictions imposing the taxes.

DIVISION VI

EQUIPMENT TAXES

Sec. 24. Section 423D.3, Code 2014, is amended to read as follows:

423D.3 Exemption.

The sales price on the lease or rental of equipment to contractors for direct and primary use in construction is exempt from the tax imposed by this chapter. ~~The sales price from transactions exempt from state sales tax under section 423.3 is also exempt from the tax imposed by this chapter.~~

Sec. 25. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 26. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2008, for all sales or uses of equipment on or after that date.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to the technical administration of the tax and related laws by the department of revenue.

DIVISION I —— MISCELLANEOUS ADMINISTRATIVE CHANGES. Division I gives the director of revenue the power and duty to adopt rules ensuring that the total amount of transfers by the department of revenue to local governments or other entities with respect to flood mitigation program projects, local option tax urban renewal projects, and Iowa reinvestment Act projects

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1 does not exceed the amount of applicable taxes collected during
2 the same fiscal year within the geographic boundaries of those
3 governmental entities, urban renewal areas, and reinvestment
4 districts.
5 The division also amends the property assessment appeal
6 board's authority to provide for the filing of a notice of
7 appeal and petition by electronic means by striking language
8 referencing that such authority applies to the assessment year
9 beginning January 1, 2014.
10 DIVISION II — TAX CREDITS AND REFUNDS. Division II relates
11 to the administration of certain tax credits and refunds.
12 The division amends language relating to tax credits or
13 refunds that are issued as tax credit certificates to require
14 that in order to claim such tax credits or refunds, the
15 certificate must be included with a tax return rather than
16 attached to a tax return.
17 DIVISION III — INCOME TAXES. Division III relates to
18 individual and corporate income taxes.
19 The division removes alcoholic beverage control bonds
20 from the list in Code section 422.7 of bonds exempt from the
21 individual income tax. The authority to issue the bonds and
22 claim the corresponding tax exemption was repealed by 2011 Iowa
23 Acts, chapter 17 (House File 617).
24 The division amends the requirements in Code section 422.13
25 for making and filing an individual income tax return by
26 specifying that a resident or nonresident must file a return
27 if net income exceeds the appropriate dollar amount in Code
28 section 422.5, subsection 3 or subsection 3B. Code section
29 422.5, subsections 3 and 3B, respectively, relate to the net
30 income amounts upon which the individual income tax is not
31 imposed for all taxpayers and for taxpayers who are 65 years
32 of age or older. The division also makes other changes in Code
33 section 422.13 in order to reorganize the Code section.
34 The division applies retroactively to January 1, 2014, for
35 tax years beginning on or after that date.

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1 DIVISION IV — SALES AND USE TAXES. Division IV amends
2 the sales and use tax exemption for sales to community health
3 centers and migrant health centers to reflect the current name
4 of those centers under federal law.
5 DIVISION V — HOTEL AND MOTEL TAXES. Division V relates to
6 the hotel and motel tax by reorganizing and renumbering the
7 Code section relating to the administration of the tax and the
8 transfer of tax revenues under the Iowa reinvestment Act in
9 Code chapter 15J.
10 DIVISION VI — EQUIPMENT TAXES. Division VI relates to
11 the equipment tax in Code chapter 423D by striking language
12 that exempts from the equipment tax the sales price from
13 transactions exempt from the state sales tax under Code section
14 423.3.
15 The division takes effect upon enactment and applies
16 retroactively to July 1, 2008, for all sales or uses of
17 equipment on or after that date.

Senate Study Bill 3118 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to driving on a roadway laned for traffic, and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5707SC (2) 85
dea/nh

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Section 1. Section 321.306, Code 2014, is amended to read as follows:

321.306 Roadways laned for traffic.

Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent ~~herewith~~ with this chapter shall apply:

1. A vehicle shall be driven as nearly as ~~practical~~ practicable entirely within a single lane ~~and~~.

2. A vehicle shall not be moved from ~~such~~ a lane until the driver has first ascertained that such movement can be made with safety.

~~2.~~ 3. If a roadway is divided into three lanes, a vehicle shall not be driven in the center lane except as follows:

a. When overtaking and passing another vehicle where the roadway is clearly visible and ~~such~~ the center lane is clear of traffic within a safe distance.

b. In preparation for a left turn or where ~~such~~ the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

~~3.~~ 4. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

~~4.~~ 5. Vehicles moving in a lane designated for slow-moving traffic shall yield the right-of-way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane.

~~5.~~ 6. A portion of a highway provided with a lane for slow-moving vehicles does not become a roadway marked for three lanes of traffic.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

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1 This bill amends Code section 321.306, which contains
2 requirements for driving a vehicle on roadways laned for
3 traffic. Currently, the requirement to drive as nearly as
4 practical entirely within a single lane is combined with the
5 requirement not to move from the lane until the driver has
6 first ascertained that the movement can be made safely. The
7 bill separates those two requirements and makes semantic
8 changes to the language of the Code section.
9 Pursuant to current law, a violation of the requirements of
10 Code section 321.306 is a simple misdemeanor, punishable by a
11 scheduled fine of $100. A violation that causes serious injury
12 to or the death of a person may be subject to an additional fine
13 and driver's license suspension.

Senate Study Bill 3119 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act providing for the expansion of the availability of
2 broadband access across the state, and including income
3 tax credits and property tax exemptions for broadband
4 infrastructure installations and making an appropriation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5380XC (9) 85
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1 DIVISION I
2 LEGISLATIVE INTENT
3 Section 1. SHORT TITLE. This Act shall be known and may be
4 cited as the "Statewide Broadband Expansion Act".
5 Sec. 2. LEGISLATIVE INTENT. The general assembly finds that
6 the availability of broadband access, and the infrastructure
7 necessary to facilitate that access, varies to a significant
8 extent from one area of the state to another, and that
9 increasing access to broadband throughout the state is vital
10 so that every citizen, business entity or organization,
11 and community in this state can be afforded the opportunity
12 to fully integrate with and utilize modern technology for
13 educational, economic development and job training, health
14 care, and other purposes.
15 DIVISION II
16 STATEWIDE BROADBAND COORDINATION
17 Sec. 3. Section 8B.1, Code 2014, is amended by adding the
18 following new subsections:
19 NEW SUBSECTION. 01. *"Broadband"* means a high-speed,
20 high-capacity electronic transmission medium that can carry
21 data signals from multiple independent network sources by
22 establishing different bandwidth channels.
23 NEW SUBSECTION. 001. *"Broadband infrastructure"* means the
24 physical infrastructure used for the transmission of data via
25 broadband and which is integral to the provision of broadband
26 service, to be specified by the office by rule.
27 NEW SUBSECTION. 0001. *"Communications service provider"*
28 means a service provider that provides broadband service.
29 Sec. 4. Section 8B.1, subsection 1, Code 2014, is amended
30 to read as follows:
31 1. *"Information technology"* means computing and electronics
32 applications used to process and distribute information in
33 digital and other forms and includes information technology
34 devices, information technology services, infrastructure
35 services, broadband and broadband infrastructure, and

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1 value-added services.
2 Sec. 5. Section 8B.1, Code 2014, is amended by adding the
3 following new subsection:
4 NEW SUBSECTION. 8A. *"Unserved or underserved communications*
5 *service area"* means a designated area of the state within which
6 communications service providers do not offer or facilitate
7 broadband service at adequate or sufficient download and upload
8 speeds, as determined by the office by rule.
9 Sec. 6. Section 8B.3, subsection 1, Code 2014, is amended
10 to read as follows:
11 1. The office is created for the purpose of leading,
12 directing, managing, coordinating, and providing accountability
13 for the information technology resources of state government
14 and for coordinating statewide broadband availability and
15 access.
16 Sec. 7. Section 8B.4, Code 2014, is amended by adding the
17 following new subsection:
18 NEW SUBSECTION. 14A. Streamline, consolidate, and
19 coordinate the access to and availability of broadband and
20 broadband infrastructure throughout the state, including but
21 not limited to the facilitation of public-private partnerships,
22 ensuring that all state agencies' broadband and broadband
23 infrastructure policies and procedures are aligned, promoting
24 accountability regarding broadband and broadband infrastructure
25 availability and access, integrating broadband with cyber
26 security standards and rules, resolving issues which arise
27 with regard to implementation efforts, and coordinating
28 the statewide broadband coordinating council and broadband
29 information clearinghouse established in sections 8B.25 and
30 8B.26.
31 Sec. 8. Section 8B.9, Code 2014, is amended by adding the
32 following new subsection:
33 NEW SUBSECTION. 5. An annual report regarding the status of
34 broadband expansion and coordination.
35 Sec. 9. NEW SECTION. **8B.25 Statewide broadband coordinating**

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1 **council — duties.**
2 1. A statewide broadband coordinating council is
3 established to assist the chief information officer in
4 coordinating statewide broadband availability and access. The
5 council shall consist of the following members:
6 *a.* The chief information officer.
7 *b.* A representative from a school district that is
8 participating in a one-to-one mobile computing device program.
9 *c.* A representative of a municipality.
10 *d.* A representative of a county.
11 *e.* A member of the statewide interoperability board other
12 than the chief information officer.
13 *f.* A cable communications service provider.
14 *g.* A communications service provider other than a cable
15 communications service provider.
16 *h.* A representative from a nonprofit organization engaged in
17 economic development at the local level.
18 *i.* A member of the Iowa association of business and
19 industry.
20 *j.* A member of the technology association of Iowa.
21 *k.* A member representing the Iowa communications network.
22 *l.* The director of the department of homeland security and
23 emergency management.
24 *m.* A representative from a public utility.
25 2. The chief information officer shall serve as chairperson
26 of the council. Members other than the chief information
27 officer and the directors of the economic development
28 authority and the department of homeland security and emergency
29 management shall be appointed by the chief information officer.
30 Staff assistance shall be provided by the office. Members
31 of the council shall be reimbursed for actual and necessary
32 expenses incurred while engaged in their official duties and
33 shall receive per diem compensation at the level authorized
34 under section 7E.6, subsection 1, paragraph *"a"*. The membership
35 of the council shall comply with sections 69.16 and 69.16A.

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1 3. The council shall serve in an advisory capacity to the
2 chief information officer in fulfilling the responsibilities
3 described in section 8B.4, subsection 14A.
4 Sec. 10. NEW SECTION. **8B.26 Broadband information**
5 **clearinghouse.**
6 A broadband information clearinghouse is established
7 to assemble, analyze, and make available best practices
8 information relating to current broadband and broadband
9 infrastructure-related strategies, tactics, and initiatives
10 that have a proven demonstrable and measurable, or potentially
11 promising, impact on broadband access, adoption, and use.
12 The clearinghouse shall be developed and maintained by the
13 chief information officer, in coordination with the statewide
14 broadband coordinating council, with functions which shall
15 include but not be limited to the following:
16 1. Integrating information regarding initiatives undertaken
17 at the federal level into the clearinghouse, including but not
18 limited to the establishment of the public safety broadband
19 network, cataloguing the status and impact of broadband-related
20 projects funded by the federal American Recovery and
21 Reinvestment Act, and the impact of universal service fund
22 changes implemented by the federal communications commission.
23 2. Coordinating with and incorporating existing state
24 resources and services relating to broadband and broadband
25 infrastructure and utilizing the assistance of broadband
26 stakeholders in the state including but not limited to the
27 science, technology, engineering, and mathematics advisory
28 council broadband committee, the Iowa communications network,
29 and the connect Iowa program.
30 3. Identifying options regarding the creation of standing
31 resources for stakeholders such as a fiberoptic database or a
32 fiberoptic network conduit installation coordination effort for
33 state-funded construction projects.
34 4. Developing a public internet site containing
35 clearinghouse resources and information and information on

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1 rates established by the Iowa telecommunications and technology
2 commission for wholesale access to the Iowa communications
3 network and proposed adjustments to those rates, and promoting
4 the existence of the clearinghouse and availability of the
5 internet site.
6 Sec. 11. Section 8D.3, subsection 2, paragraph a, Code 2014,
7 is amended to read as follows:
8 *a.* The commission is composed of the chief information
9 officer appointed pursuant to section 8B.2 or the chief
10 information officer's designee and five other members who shall
11 be appointed by the governor and subject to confirmation by the
12 senate. ~~Members~~ Appointed members of the commission shall not
13 serve in any manner or be employed by an authorized user of the
14 network or by an entity seeking to do or doing business with
15 the network.
16 (1) The governor shall appoint a member as the chairperson
17 of the commission from the five members appointed by the
18 governor, subject to confirmation by the senate.
19 (2) ~~Members~~ Appointed members of the commission shall serve
20 six-year staggered terms as designated by the governor and
21 appointments to the commission are subject to the requirements
22 of sections 69.16, 69.16A, and 69.19. Vacancies shall be
23 filled by the governor for the duration of the unexpired term.
24 (3) The salary of the appointed members of the commission
25 shall be twelve thousand dollars per year, except that the
26 salary of the chairperson shall be seventeen thousand dollars
27 per year. ~~Members~~ Appointed members of the commission shall
28 also be reimbursed for all actual and necessary expenses
29 incurred in the performance of duties as members. The benefits
30 and salary paid to the appointed members of the commission
31 shall be adjusted annually equal to the average of the annual
32 pay adjustments, expense reimbursements, and related benefits
33 provided under collective bargaining agreements negotiated
34 pursuant to chapter 20.
35 Sec. 12. Section 8D.3, subsection 2, paragraph b, Code 2014,

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1 is amended to read as follows:
2 *b.* ~~In addition to the members appointed by the governor, the~~
3 The auditor of state or the auditor's designee shall serve as a
4 nonvoting, ex officio member of the commission.
5 Sec. 13. Section 8D.4, Code 2014, is amended to read as
6 follows:
7 **8D.4 Executive director appointed.**
8 The commission, in consultation with the director of
9 the department of administrative services ~~and the chief~~
10 ~~information officer~~, shall appoint an executive director of
11 the commission, subject to confirmation by the senate. Such
12 individual shall not serve as a member of the commission.
13 The executive director shall serve at the pleasure of the
14 commission. The executive director shall be selected primarily
15 for administrative ability and knowledge in the field, without
16 regard to political affiliation. The governor shall establish
17 the salary of the executive director within range nine as
18 established by the general assembly. The salary and support of
19 the executive director shall be paid from funds deposited in
20 the Iowa communications network fund.
21 Sec. 14. Section 80.28, subsection 2, Code 2014, is amended
22 to read as follows:
23 2. The board shall consist of ~~fifteen~~ sixteen voting
24 members, as follows:
25 *a.* The following members representing state agencies:
26 (1) One member representing the department of public
27 safety.
28 (2) One member representing the state department of
29 transportation.
30 (3) One member representing the department of homeland
31 security and emergency management.
32 (4) One member representing the department of corrections.
33 (5) One member representing the department of natural
34 resources.
35 (6) One member representing the Iowa department of public

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1 health.
2 (7) One member representing the office of the chief
3 information officer.
4 *b.* The governor shall solicit and consider recommendations
5 from professional or volunteer organizations in appointing the
6 following members:
7 (1) Two members who are representatives from municipal
8 police departments.
9 (2) Two members who are representatives of sheriff's
10 offices.
11 (3) Two members who are representatives from fire
12 departments. One of the members shall be a volunteer fire
13 fighter and the other member shall be a paid fire fighter.
14 (4) Two members who are law communication center managers
15 employed by state or local government agencies.
16 (5) One at-large member.
17 DIVISION III
18 IOWA COMMUNICATIONS NETWORK
19 COMMUNICATIONS SERVICE PROVIDER ACCESS
20 Sec. 15. NEW SECTION. **8D.21 Definitions.**
21 For the purposes of this subchapter, *"broadband"*, *"broadband*
22 *infrastructure"*, *"communications service provider"*, and *"unserved*
23 *or underserved communications service area"* mean the same as
24 defined in section 8B.1.
25 Sec. 16. NEW SECTION. **8D.22 Communications service provider**
26 **access.**
27 1. *Wholesale access to network — authority of*
28 *commission.* Notwithstanding any contrary provisions of this
29 chapter related to access to the network, the commission may
30 enter into a contract to provide access to the network on a
31 wholesale basis to a communications service provider who is not
32 otherwise an authorized user as provided in this section. The
33 commission may establish by rule the manner in which a contract
34 entered into pursuant to this section shall be undertaken.
35 Contracts shall be coordinated with the office of the chief

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1 information officer.
2 2. *Access requirements — limitations.* Access to the
3 network pursuant to any contract entered into by the commission
4 pursuant to this section shall be subject to retention of
5 sufficient capacity for existing and future authorized user
6 demands. Access shall be provided solely for wholesale
7 transactions to communications service providers who are
8 engaged in providing broadband capacity at retail to citizens
9 and businesses in this state to facilitate the installation
10 and deployment of broadband infrastructure in unserved
11 or underserved communications service areas of the state.
12 Requirements and limitations regarding communications service
13 provider access pursuant to this subchapter shall be determined
14 by the commission by rule.
15 3. *Rate determination — rate adjustments — hearings.*
16 *a.* Rates applicable to wholesale access by communications
17 service providers pursuant to this section shall be determined
18 by the commission by rule, in consultation with the chief
19 information officer. The rates shall take into account and
20 reflect the following considerations:
21 (1) Establishment of a wholesale rate structure with
22 multiple pricing points determined based on the grouping
23 of similar installation characteristics to be identified
24 by the commission by rule, including but not limited to
25 size and demographic characteristics of the unserved or
26 underserved communications service area, availability of other
27 communications service providers, the type of communications
28 service installation proposed, and the communications service
29 modality being utilized.
30 (2) Incorporation of any and all costs attributable to
31 facilitating wholesale access.
32 *b.* Rates established pursuant to this section shall
33 be posted on the network's internet site, and also on the
34 broadband information clearinghouse internet site developed
35 pursuant to section 8B.26.

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1 *c.* Proposed rate adjustments shall be posted on the
2 network's internet site and on the broadband information
3 clearinghouse internet site developed pursuant to section
4 8B.26, and shall be subject to the following public hearing,
5 decision-making, and appeals process:
6 (1) Three public hearings on the proposed rate adjustment
7 shall be held at different locations within the unserved
8 or underserved communications service area impacted by the
9 proposed adjustment. The hearings shall be conducted thirty
10 days following the rate adjustment announcement, sixty days
11 following the announcement, and ninety days following the
12 announcement.
13 (2) Following the third public hearing, the commission
14 shall convene to discuss the status of the proposed rate
15 adjustment, and shall render and post a decision regarding the
16 proposed adjustment within fifteen days following the date of
17 the commission's meeting.
18 (3) Any party wishing to appeal the commission's decision
19 may file such an appeal with the executive council within
20 thirty days following the posting of the commission's decision.
21 (4) Rate changes shall become effective within thirty days
22 following approval by the commission in the event an appeal is
23 not filed, and immediately after the executive council renders
24 a decision in favor of the adjustment in the event an appeal is
25 filed.
26 DIVISION IV
27 FINANCIAL INCENTIVES
28 Sec. 17. NEW SECTION. **16.66 Broadband revolving loan**
29 **program.**
30 1. The authority shall establish and administer a broadband
31 revolving loan program to provide low-interest loans to
32 broadband and telecommunications businesses to expand broadband
33 access in the state. For the purposes of this section,
34 *"broadband"* means the same as defined in section 8B.1.
35 2. In awarding loans to businesses to invest in expanding

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1 broadband access, the authority may consider the following:
2 *a.* The business's relationship to the community.
3 *b.* The location of the community in which the business
4 operates and the need for broadband access in the community.
5 *c.* The overall geographic diversity of the applicants for
6 loans, including urban and rural diversity.
7 *d.* Any other information the authority deems relevant.
8 3. The authority may accept, reject, or defer a business's
9 application for a loan under this section.
10 4. In awarding loans, the authority shall ensure that
11 businesses that seek to expand broadband access to communities
12 that are unserved or underserved by broadband technology shall
13 receive loans prior to awarding loans to businesses that seek
14 to expand broadband access to communities that have adequate
15 service.
16 5. A loan awarded under the program to any single business
17 shall not exceed two hundred fifty thousand dollars.
18 6. The authority shall enter into an agreement with a
19 business selected to receive a loan pursuant to this section
20 for purposes of ensuring the program is administered pursuant
21 to the requirements of this section. The agreement shall set
22 the loan period and interest rate of the loan.
23 7. *a.* The authority may seek immediate repayment or
24 recapture of the loan awarded pursuant to this section as
25 provided in paragraph "*b*".
26 *b.* If, after receiving a loan from the authority pursuant to
27 this section, the business fails to use the awarded moneys for
28 the purposes described in subsection 1, all or a portion of the
29 loan received is subject to immediate repayment or recapture.
30 *c.* All repayments, recaptures, and interest on loans
31 awarded under the program shall be remitted to the authority
32 to be deposited in the broadband revolving loan program fund
33 established in section 16.67.
34 8. The authority shall have the power to bond as necessary
35 to carry out the purposes of the broadband revolving loan

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1 program. The bonds shall be issued in the same manner as, and
2 under the same conditions and restrictions of, section 16.26.
3 Sec. 18. NEW SECTION. **16.67 Broadband revolving loan**
4 **program fund.**
5 1. A broadband revolving loan program fund is created within
6 the authority consisting of moneys appropriated by the general
7 assembly and any other moneys available to and obtained or
8 accepted by the authority for placement in the fund.
9 2. Payments of interest, repayments of moneys loaned
10 pursuant to section 16.66, and recaptures of loans under
11 section 16.66, shall be deposited in the fund.
12 3. The fund shall be used to provide low-interest loans
13 under the broadband revolving loan program established in
14 section 16.66.
15 4. Moneys in the fund are not subject to section 8.33.
16 Notwithstanding section 12C.7, subsection 2, interest or
17 earnings on moneys in the fund shall be credited to the fund.
18 DIVISION V
19 INCOME TAX INCENTIVES
20 Sec. 19. NEW SECTION. **422.11C Broadband infrastructure tax**
21 **credit.**
22 1. For purposes of this section, *"broadband infrastructure"*,
23 *"communications service provider"*, and *"unserved or underserved*
24 *communications service area"* mean the same as defined in section
25 8B.1.
26 2. The taxes imposed under this division, less the credits
27 allowed under section 422.12, shall be reduced by a broadband
28 infrastructure tax credit equal to three percent of the
29 amount expended by a communications service provider for a
30 new installation of broadband infrastructure commenced on or
31 after July 1, 2014, not to exceed a maximum of seven hundred
32 fifty thousand dollars per installation. A taxpayer claiming a
33 credit under this section shall certify prior to commencement
34 of the installation that the broadband infrastructure
35 installation will take place within an area meeting the

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1 definition of an unserved or underserved communications service
2 area. Any credit in excess of the tax liability for the tax
3 year shall not be refunded, but may be credited to the tax
4 liability for the following ten tax years or until depleted,
5 whichever is earlier.
6 3. An individual may claim the tax credit allowed a
7 partnership, limited liability company, S corporation, estate,
8 or trust electing to have the income taxed directly to the
9 individual. The amount claimed by the individual shall be
10 based upon the pro rata share of the individual's earnings of a
11 partnership, limited liability company, S corporation, estate,
12 or trust.
13 4. The director of revenue may adopt rules pursuant to
14 chapter 17A for the interpretation and proper administration of
15 the credit provided in this section.
16 Sec. 20. Section 422.33, Code 2014, is amended by adding the
17 following new subsection:
18 NEW SUBSECTION. 31. The taxes imposed under this division
19 shall be reduced by a broadband infrastructure tax credit
20 allowed under section 422.11C.
21 DIVISION VI
22 PROPERTY TAX INCENTIVES
23 Sec. 21. Section 427.1, Code 2014, is amended by adding the
24 following new subsection:
25 NEW SUBSECTION. 40. *Broadband infrastructure.* Broadband
26 infrastructure to the extent provided in this subsection. For
27 the purposes of this subsection, *"broadband infrastructure"* and
28 *"unserved or underserved communications service area"* mean the
29 same as defined in section 8B.1.
30 *a.* This exemption shall apply to the new installation
31 of broadband infrastructure completed on or after July 1,
32 2014, to and including December 31, 2018, in an unserved
33 or underserved communications service area, and shall be
34 available for the twenty-year period following the date the new
35 installation was completed. A person claiming an exemption

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1 under this subsection shall certify that the installation was
2 completed within an area meeting the definition of unserved or
3 underserved communications service area prior to installation
4 of the broadband infrastructure.
5 *b.* If the broadband infrastructure is assessed with other
6 property as a unit by the department of revenue pursuant to
7 sections 428.24 to 428.29 or chapter 433, this exemption shall
8 be limited to the value added by the broadband infrastructure
9 determined as of the assessment date and the exemption shall
10 be applied prior to any other exemption applicable to the unit
11 value.
12 *c.* The director of revenue may adopt rules pursuant to
13 chapter 17A for the interpretation and proper administration of
14 the exemption provided in this subsection.
15 DIVISION VII
16 SCHOOL INFORMATION TECHNOLOGY INFRASTRUCTURE
17 Sec. 22. Section 423F.3, subsection 6, Code 2014, is amended
18 to read as follows:
19 6. *a.* For purposes of this chapter, *"school infrastructure"*
20 means those activities authorized in section 423E.1, subsection
21 3, Code 2007.
22 *b.* Additionally, *"school infrastructure"* includes the
23 payment or retirement of outstanding bonds previously
24 issued for school infrastructure purposes as defined in this
25 subsection, and the payment or retirement of bonds issued under
26 sections 423E.5 and 423F.4.
27 *c.* Additionally, *"school infrastructure"* includes the
28 acquisition or installation of information technology
29 infrastructure. *"Information technology infrastructure"* means
30 the basic, underlying physical framework or system necessary
31 to deliver technology connectivity to a school district and to
32 network school buildings within a school district.
33 ~~*c.*~~ *d.* A school district that uses secure an advanced vision
34 for education fund moneys for school infrastructure shall
35 comply with the state building code in the absence of a local

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building code.

DIVISION VIII

STEM INTERNSHIPS

Sec. 23. Section 15.411, subsection 3, Code 2014, is amended to read as follows:

3. *a.* The authority shall establish and administer an ~~innovative businesses~~ internship program with two components for Iowa students. For purposes of this subsection, *"Iowa student"* means a student of an Iowa community college, private college, or institution of higher learning under the control of the state board of regents, or a student who graduated from high school in Iowa but now attends an institution of higher learning outside the state of Iowa.

b. The purpose of the first component of the program is to link Iowa students to small and medium sized Iowa firms through internship opportunities. An Iowa employer may receive financial assistance in an amount of one dollar for every two dollars paid by the employer to an intern. The amount of financial assistance shall not exceed three thousand one hundred dollars for any single internship, or nine thousand three hundred dollars for any single employer. In order to be eligible to receive financial assistance under this ~~subsection~~ paragraph, the employer must have five hundred or fewer employees and must be an innovative business. The authority shall encourage youth who reside in economically distressed areas, youth adjudicated to have committed a delinquent act, and youth transitioning out of foster care to participate in the first component of the internship program.

c. (1) The purpose of the second component of the program is to assist in placing Iowa students studying in the fields of science, technology, engineering, and mathematics into internships that lead to permanent positions with Iowa employers. The authority shall collaborate with eligible employers, including but not limited to innovative businesses, to ensure that the interns hired are studying in such fields.

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1 An Iowa employer may receive financial assistance in an amount
2 of one dollar for every dollar paid by the employer to an
3 intern attending an Iowa community college, private college, or
4 institution of higher learning under the control of the state
5 board of regents, and one dollar for every two dollars paid by
6 the employer to an intern attending an institution of higher
7 learning outside the state. The amount of financial assistance
8 shall not exceed five thousand dollars per internship. The
9 authority may adopt rules to administer this component.
10 (2) The requirement to administer this component of the
11 internship program is contingent upon the provision of funding
12 for such purposes by the general assembly.
13 Sec. 24. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS
14 INTERNSHIPS — APPROPRIATION. There is appropriated from the
15 general fund of the state to the Iowa economic development
16 authority for the fiscal year beginning July 1, 2014, and
17 ending June 30, 2015, the following amount, or so much thereof
18 as is necessary, for the purposes designated:
19 For the funding of internships for students studying in the
20 fields of science, technology, engineering, and mathematics
21 with eligible Iowa employers as provided in section 15.411, as
22 amended in this Act:
23 ..... $ 2,000,000
24 No more than 3 percent of the funds appropriated pursuant to
25 this section may be used by the authority for costs associated
26 with administration of the program as amended in this Act.
27 Notwithstanding section 8.33, moneys appropriated in this
28 section which remain unencumbered or unobligated at the end of
29 the fiscal year shall not revert but shall remain available for
30 expenditure for the purposes designated in subsequent fiscal
31 years.
32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill provides for the expansion of the availability

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1 of broadband access across the state, and includes income tax
2 credits for broadband infrastructure installations. The bill
3 is titled the "Statewide Broadband Expansion Act".
4 DIVISION I — LEGISLATIVE INTENT. The bill provides that
5 the general assembly finds that the availability of broadband
6 access, and the infrastructure necessary to facilitate that
7 access, varies to a significant extent from one area of the
8 state to another, and that increasing access to broadband
9 throughout the state is vital so that every citizen, business
10 entity or organization, and community in this state can be
11 afforded the opportunity to fully integrate with and utilize
12 modern technology for educational, economic development and job
13 training, health care, and other purposes.
14 DIVISION II — STATEWIDE BROADBAND COORDINATION. The bill
15 modifies provisions in Code chapter 8B, establishing the office
16 of the chief information officer. The bill adds several
17 definitions to the Code chapter for use in the Code chapter
18 and in related provisions. The bill defines "broadband" to
19 mean a high-speed, high-capacity electronic transmission
20 medium that can carry data signals from multiple independent
21 network sources by establishing different bandwidth channels.
22 The bill defines "broadband infrastructure" to mean the
23 physical infrastructure used for the transmission of data
24 via broadband and integral to the provision of broadband
25 service, to be specified by the office by rule. The bill
26 defines "communications service provider" to mean a service
27 provider that provides broadband service. Additionally, the
28 bill adds "broadband and broadband infrastructure" to an
29 existing definition of "information technology" within the Code
30 chapter. Further, the bill defines "unserved or underserved
31 communications service area" to mean a designated area of the
32 state within which communications service providers do not
33 offer or facilitate broadband service at adequate or sufficient
34 download and upload speeds, as determined by the office by
35 rule.

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1 The bill adds additional powers and duties for the chief
2 information officer relating to broadband and broadband
3 infrastructure. The bill provides that the chief information
4 officer shall streamline, consolidate, and coordinate
5 the access to and availability of broadband and broadband
6 infrastructure throughout the state, including but not limited
7 to the facilitation of public-private partnerships, ensuring
8 that all state agencies' broadband and broadband infrastructure
9 policies and procedures are aligned, promoting accountability
10 regarding broadband and broadband infrastructure availability
11 and access, integrating broadband with cyber security
12 standards and rules, resolving issues which arise with regard
13 to implementation efforts, and coordinating the statewide
14 broadband coordinating council and broadband information
15 clearinghouse established in the bill. The bill also directs
16 the chief information officer to submit an annual report
17 regarding the status of broadband expansion and coordination.
18 Additionally, the bill establishes a statewide broadband
19 coordinating council to assist the chief information officer
20 in an advisory capacity in coordinating statewide broadband
21 availability and access. The council shall consist of
22 the chief information officer, a representative from a
23 school district which is participating in a one-to-one
24 mobile computing device program, a representative of a
25 municipality, a representative of a county, a member of
26 the statewide interoperability board other than the chief
27 information officer, a cable communications service provider,
28 a communications service provider other than a cable
29 communications service provider, a representative from a
30 nonprofit organization engaged in economic development at the
31 local level, a member of the Iowa association of business and
32 industry, a member of the technology association of Iowa,
33 a member representing the Iowa communications network, the
34 director of the department of homeland security and emergency
35 management, and a representative from a public utility. The

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1 bill designates the chief information officer to serve as
2 chairperson of the commission.
3 Further, the bill establishes a broadband information
4 clearinghouse to assemble, analyze, and make available best
5 practices information relating to current broadband and
6 broadband infrastructure-related strategies, tactics, and
7 initiatives that have a proven demonstrable and measurable, or
8 potentially promising, impact on broadband access, adoption,
9 and use. The bill provides that the clearinghouse shall be
10 developed and maintained by the chief information officer,
11 in coordination with the statewide broadband coordinating
12 council, with several functions. Specified functions include
13 integrating information regarding initiatives undertaken
14 at the federal level into the clearinghouse, coordinating
15 with and incorporating existing state resources and services
16 relating to broadband and broadband infrastructure, utilizing
17 state broadband stakeholders including but not limited to the
18 science, technology, engineering, and mathematics advisory
19 council broadband committee, the Iowa communications network,
20 and the connect Iowa program, identifying options regarding
21 the creation of standing resources for stakeholders such
22 as a fiberoptic database or a fiberoptic network conduit
23 installation coordination effort for state-funded construction
24 projects, and developing a public internet site containing
25 clearinghouse resources and information and Iowa communications
26 network wholesale access rates and proposed rate adjustments,
27 and promoting the existence of the clearinghouse and
28 availability of the internet site.
29 The bill also adds the chief information officer to the
30 information technology and telecommunications commission which
31 oversees the operation of the Iowa communications network and
32 to the statewide interoperable communications system board
33 established in Code section 80.28.
34 DIVISION III —— IOWA COMMUNICATIONS NETWORK COMMUNICATIONS
35 SERVICE PROVIDER ACCESS. The bill authorizes the commission

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1 to enter into a contract to provide access to the network
2 on a wholesale basis to a communications service provider
3 who is not otherwise an authorized user of the network. The
4 commission shall establish by rule the manner in which such
5 a contract is entered into, and such contracts are required
6 to be coordinated with the office of the chief information
7 officer. The bill provides that access to the network shall
8 be subject to retention of sufficient capacity for existing
9 and future authorized user demands, and provided solely for
10 wholesale transactions to communications service providers
11 who are engaged in providing broadband capacity at retail to
12 citizens and businesses in Iowa to facilitate the installation
13 and deployment of broadband infrastructure in unserved or
14 underserved communications service areas. The bill specifies
15 that requirements and limitations regarding communications
16 service provider access shall be determined by the commission
17 by rule.
18 The bill provides that rates applicable to wholesale access
19 shall be determined by the commission by rule, in consultation
20 with the chief information officer. The rates are required to
21 take into account and reflect a rate structure with multiple
22 pricing points determined based on the grouping of similar
23 installation characteristics to be identified by the commission
24 by rule, and to incorporate any and all costs attributable to
25 facilitating wholesale access. The bill provides that the
26 rates and proposed rate adjustments shall be posted on the
27 network's internet site, in addition to being posted on the
28 broadband information clearinghouse internet site. In the
29 event of a proposed rate adjustment, the bill requires three
30 public hearings to be held at different locations within the
31 unserved or underserved communications service area impacted
32 by the proposed adjustment, to be conducted 30 days following
33 the rate adjustment announcement, 60 days following the
34 announcement, and 90 days following the announcement. The
35 bill provides that following the third public hearing, the

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1 commission shall convene to discuss the status of the proposed
2 rate adjustment, and shall render and post a decision regarding
3 the proposed adjustment within 15 days following the date of
4 the commission's meeting. The bill provides that any party
5 wishing to appeal the commission's decision may file such an
6 appeal with the executive council within 30 days following the
7 posting of the commission's decision, and that rate changes
8 shall become effective within 30 days following approval by the
9 commission in the event an appeal is not filed, and immediately
10 after the executive council renders a decision in favor of the
11 adjustment in the event an appeal is filed.
12 DIVISION IV — FINANCIAL INCENTIVES. Division IV of the bill
13 requires the Iowa finance authority to establish and administer
14 a broadband revolving loan program to provide low-interest
15 loans to broadband and telecommunications businesses to expand
16 broadband access in the state.
17 When determining whether to award a loan to a business,
18 the authority may consider factors specified in the bill and
19 other information the authority deems relevant. When awarding
20 loans, the authority must ensure that businesses seeking to
21 expand broadband access in communities that are unserved or
22 underserved by broadband technology shall receive loans prior
23 to awarding loans to businesses seeking to expand broadband
24 access into communities that have adequate service.
25 The bill provides that a loan awarded under the program to
26 any single business may not exceed $250,000.
27 The bill requires the authority to enter into an agreement
28 with businesses selected to receive loans under the program
29 to ensure compliance with the program's requirements. The
30 agreement must also set the loan period and the interest rate
31 of the loan.
32 The bill authorizes the authority to seek immediate
33 repayment or recapture of a loan awarded pursuant to the
34 program if the business fails to use the loan moneys to expand
35 broadband access in the state. All payments, repayments, or

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1 recaptures, and interest on loans awarded under the program
2 must be remitted to the authority for deposit in the broadband
3 revolving loan program fund. The bill authorizes the authority
4 to use referenced bonding power as necessary to carry out the
5 purpose of the broadband revolving loan program.
6 The bill also establishes a broadband revolving loan program
7 fund under the control of the authority. This fund is to
8 be used to provide low-interest loans under the broadband
9 revolving loan program.
10 DIVISION V — INCOME TAX INCENTIVES. The bill provides
11 a corporate income tax credit for broadband infrastructure
12 installations in an amount equal to 3 percent of the amount
13 expended by a communications service provider in completing
14 a new installation of broadband infrastructure commenced on
15 or after July 1, 2014, and subject to a maximum of $750,000
16 per installation. The bill requires a taxpayer claiming a
17 credit to certify that on the date the broadband infrastructure
18 installation was commenced, the installation took place within
19 an area meeting the definition of an unserved or underserved
20 communications service area. The bill provides that any
21 credit in excess of the tax liability for the tax year shall
22 not be refundable but may be credited to the tax liability
23 for the following 10 years or until depleted, whichever is
24 earlier. The bill provides that an individual may claim the
25 tax credit allowed a partnership, limited liability company,
26 S corporation, estate, or trust electing to have the income
27 taxed directly to the individual, and that the amount claimed
28 by the individual shall be based upon the pro rata share of
29 the individual's earnings of a partnership, limited liability
30 company, S corporation, estate, or trust.
31 DIVISION VI — PROPERTY TAX INCENTIVES. The bill provides a
32 property tax exemption for broadband infrastructure installed
33 within an unserved or underserved communications service area.
34 The exemption applies to the new installation of broadband
35 infrastructure completed on or after July 1, 2014, to and

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1 including December 31, 2018, in an unserved or underserved
2 communications services area, and is available for the 20-year
3 period following the date the new installation was completed.
4 The bill requires a person claiming the exemption to certify
5 that the installation was completed within an area meeting the
6 definition of unserved or underserved communications service
7 area prior to installation of the broadband infrastructure.
8 The bill provides that if the broadband infrastructure is
9 assessed with other property as a unit by the department of
10 revenue pursuant to Code sections 428.24 to 428.29, or Code
11 chapter 433, the exemption shall be limited to the value added
12 by the broadband infrastructure determined as of the assessment
13 date and the exemption shall be applied prior to any other
14 exemption applicable to the unit value. The bill confers
15 authority upon the director of the department of revenue to
16 adopt rules for the interpretation and administration of the
17 exemption.
18 DIVISION VII — SCHOOL INFORMATION TECHNOLOGY
19 INFRASTRUCTURE. The bill adds the acquisition or installation
20 of "information technology infrastructure", as defined in the
21 bill, to the definition of "school infrastructure" for purposes
22 of the statewide school infrastructure funding provisions
23 contained in Code chapter 423F.
24 DIVISION VIII — STEM INTERNSHIPS. The bill establishes a
25 new program within the economic development authority to assist
26 in placing Iowa students studying in the fields of science,
27 technology, engineering, and mathematics into internships
28 that lead to permanent positions with Iowa employers. The
29 bill directs the authority to collaborate with eligible
30 employers, which may include but are not limited to innovative
31 businesses, to ensure that the interns hired are studying in
32 the specified fields, and provides that an Iowa employer may
33 receive financial assistance in the amount of $1 for every $1
34 paid by the employer to an intern studying in Iowa, and $1 for
35 every $2 paid to an intern studying outside Iowa, limited to

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1 an amount not exceeding $5,000 for any single internship. The
2 bill states that the requirement to establish the internships
3 is contingent upon the provision of funding for such purposes
4 by the general assembly, and then appropriates $2 million for
5 this purpose for the 2014-2015 fiscal year. The bill provides
6 that no more than 3 percent of the funds appropriated may be
7 used by the authority for costs associated with administration
8 of the program.

Senate Study Bill 3120 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act relating to federal home loan bank rights regarding
2 collateral pledged by insurer-members.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5775SC (2) 85
rn/nh

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1 Section 1. Section 507C.2, Code 2014, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 10A. *"Federal home loan bank"* means a
4 federal home loan bank established under the federal Home Loan
5 Bank Act, 12 U.S.C. §1421 et seq.
6 NEW SUBSECTION. 16A. *"Insurer-member"* means an insurer who
7 is a member of a federal home loan bank.
8 Sec. 2. Section 507C.5, Code 2014, is amended by adding the
9 following new subsection:
10 NEW SUBSECTION. 3. *a.* Notwithstanding any other provision
11 to the contrary, a federal home loan bank shall not be stayed
12 or prohibited from exercising its rights regarding collateral
13 pledged by an insurer-member.
14 *b.* If a federal home loan bank exercises its rights
15 regarding collateral pledged by an insurer-member who is
16 subject to a delinquency proceeding, the federal home loan
17 bank shall repurchase any outstanding capital stock that is in
18 excess of that amount of federal home loan bank stock that the
19 insurer-member is required to hold as a minimum investment, to
20 the extent the federal home loan bank in good faith determines
21 the repurchase to be permissible under applicable laws,
22 regulations, regulatory obligations, and the federal home loan
23 bank's capital plan, and consistent with the federal home loan
24 bank's current capital stock practices applicable to its entire
25 membership.
26 *c.* Following the appointment of a receiver for an
27 insurer-member, the federal home loan bank shall, within ten
28 business days after a request from the receiver, provide a
29 process and establish a timeline for all of the following:
30 (1) The release of collateral that exceeds the amount
31 required to support secured obligations remaining after
32 any repayment of loans as determined in accordance with the
33 applicable agreements between the federal home loan bank and
34 the insurer-member.
35 (2) The release of any of the insurer-member's collateral

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1 remaining in the federal home loan bank's possession following
2 repayment of all outstanding secured obligations of the
3 insurer-member in full.
4 (3) The payment of fees owed by the insurer-member and the
5 operation of deposits and other accounts of the insurer-member
6 with the federal home loan bank.
7 (4) The possible redemption or repurchase of federal
8 home loan bank stock or excess stock of any class that an
9 insurer-member is required to own.
10 *d.* Upon request from a receiver, the federal home loan
11 bank shall provide any available options for an insurer-member
12 subject to a delinquency proceeding to renew or restructure
13 a loan to defer associated prepayment fees, subject to
14 market conditions, the terms of any loans outstanding to the
15 insurer-member, the applicable policies of the federal home
16 loan bank, and the federal home loan bank's compliance with
17 federal laws and regulations.
18 Sec. 3. Section 507C.28A, Code 2014, is amended by adding
19 the following new subsection:
20 NEW SUBSECTION. 10. Notwithstanding any other provision
21 of this chapter to the contrary, the receiver for an
22 insurer-member shall not void any transfer of, or any
23 obligation to transfer, money or any other property arising
24 under or in connection with any federal home loan bank
25 security agreement, or any pledge, security, collateral,
26 or guarantee agreement, or any other similar arrangement
27 or credit enhancement relating to a federal home loan bank
28 security agreement made in the ordinary course of business
29 and in compliance with the applicable federal home loan bank
30 agreement. However, a transfer may be avoided under this
31 subsection if the transfer was made with actual intent to
32 hinder, delay, or defraud the insurer-member, the receiver for
33 the insurer-member, or existing or future creditors. This
34 subsection shall not affect a receiver's rights regarding
35 advances to an insurer-member in delinquency proceedings

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1 pursuant to 12 C.F.R. §1266.4.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to federal home loan bank rights regarding
6 collateral pledged by insurer-members in delinquency or
7 receivership proceedings. The bill defines a "federal home
8 loan bank" to mean a federal home loan bank established under
9 the federal Home Loan Bank Act, and an "insurer-member" to mean
10 an insurer who is a member of a federal home loan bank.
11 The bill provides that a federal home loan bank shall not
12 be stayed or prohibited from exercising its rights regarding
13 collateral pledged by an insurer-member.
14 The bill provides that if a federal home loan bank exercises
15 its rights regarding collateral pledged by an insurer-member
16 who is subject to a delinquency proceeding, the federal home
17 loan bank shall repurchase any outstanding capital stock that
18 is in excess of that amount of federal home loan bank stock
19 that the insurer-member is required to hold as a minimum
20 investment, to the extent the federal home loan bank in
21 good faith determines the repurchase to be permissible under
22 applicable laws, regulations, regulatory obligations, and the
23 federal home loan bank's capital plan, and consistent with
24 the federal home loan bank's current capital stock practices
25 applicable to its entire membership.
26 The bill provides that after the appointment of a receiver
27 for an insurer-member, the federal home loan bank shall,
28 within 10 business days after a request from the receiver,
29 provide a process and establish a timeline for the release of
30 collateral that exceeds the amount required to support secured
31 obligations remaining after any repayment of loans, the release
32 of any of the insurer-member's collateral remaining in the
33 federal home loan bank's possession following repayment of
34 all outstanding secured obligations of the insurer-member in
35 full, the payment of fees owed by the insurer-member and the

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1 operation of deposits and other accounts of the insurer-member
2 with the federal home loan bank, and the possible redemption or
3 repurchase of federal home loan bank stock or excess stock of
4 any class that an insurer-member is required to own.
5 The bill additionally provides that upon request from
6 a receiver, the federal home loan bank shall provide
7 any available options for an insurer-member subject to a
8 delinquency proceeding to renew or restructure a loan to defer
9 associated prepayment fees. Such a renewal or restructuring
10 would be subject to market conditions, the terms of any loans
11 outstanding to the insurer-member, the applicable policies of
12 the federal home loan bank, and the federal home loan bank's
13 compliance with federal laws and regulations.
14 The bill also provides that a receiver for an insurer-member
15 shall not void any transfer of, or any obligation to transfer,
16 money or any other property arising under or in connection with
17 any federal home loan bank security agreement, or any pledge,
18 security, collateral, or guarantee agreement, or any other
19 similar arrangement or credit enhancement relating to a federal
20 home loan bank security agreement made in the ordinary course
21 of business and in compliance with the applicable federal
22 home loan bank agreement, unless the transfer was made with
23 actual intent to hinder, delay, or defraud the insurer-member,
24 the receiver for the insurer-member, or existing or future
25 creditors. The bill adds that this provision shall not affect
26 a receiver's rights regarding advances to an insurer-member in
27 delinquency proceedings pursuant to federal law.

Senate Study Bill 3121 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the administration of certain economic
2 development programs by the economic development authority
3 and including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5291XD (9) 85
ad/sc

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DIVISION I
INVESTMENT TAX CREDITS

Section 1. Section 15E.43, subsection 1, paragraph b, Code 2014, is amended to read as follows:

b. A tax credit shall be allowed only for an investment made in the form of cash to purchase equity in a qualifying business or in a community-based seed capital fund. A taxpayer that has received a tax credit for an investment in a community-based seed capital fund shall not claim the tax credit prior to the third tax year following the tax year in which the investment is made. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit.

Sec. 2. Section 15E.44, subsection 1, Code 2014, is amended to read as follows:

1. In order for an equity investment to qualify for a tax credit, the business in which the equity investment is made shall, within one hundred twenty days of the date of the first investment, notify the authority of the names, addresses, shares issued, consideration paid for the shares, and the amount of any tax credits, of all shareholders who may initially qualify for the tax credits~~, and the earliest year in which the tax credits may be redeemed~~. The list of shareholders who may qualify for the tax credits shall be amended as new equity investments are sold or as any information on the list shall change.

Sec. 3. Section 15E.44, subsection 2, paragraph f, Code 2014, is amended to read as follows:

f. The business shall have secured~~, within twenty-four months following the first date on which the equity investments qualifying for tax credits have been made,~~ total equity ~~or~~ financing, near equity financing, binding investment commitments, or some combination thereof, equal to at least two

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1 hundred fifty thousand dollars.
2 Sec. 4. Section 15E.45, subsection 3, paragraph a,
3 subparagraph (3), Code 2014, is amended by striking the
4 subparagraph and inserting in lieu thereof the following:
5 (3) Any other information required by the authority.
6 Sec. 5. Section 15E.45, subsection 6, Code 2014, is amended
7 to read as follows:
8 6. In the event that a community-based seed capital
9 fund fails to meet or maintain any requirement set forth in
10 this section, or in the event that at least thirty-three
11 percent of the invested capital of the community-based seed
12 capital fund has not been invested in one or more separate
13 qualifying businesses, measured at the end of the ~~forty-eighth~~
14 thirty-sixth month after commencing the fund's investing
15 activities, the authority shall rescind any tax credit
16 certificates issued to limited partners or members and shall
17 notify the department of revenue that it has done so, and the
18 tax credit certificates shall be null and void. ~~However, a~~ A
19 community-based seed capital fund may apply to the authority
20 for a one-year waiver of the requirements of this subsection.
21 Sec. 6. RETROACTIVE APPLICABILITY. This division of this
22 Act applies retroactively to January 1, 2014, for tax years
23 beginning and investments made on or after that date.
24 DIVISION II
25 TARGETED SMALL BUSINESS ASSISTANCE
26 Sec. 7. 2013 Iowa Acts, chapter 13, section 10, subsections
27 1 and 2, are amended to read as follows:
28 1. Upon repeal of the targeted small business financial
29 assistance program established in section 15.247, the authority
30 shall transfer all unencumbered and unobligated moneys accruing
31 to the authority pursuant to existing agreements to a fund
32 established by the authority in the state treasury under
33 the control of the authority pursuant to section 15.106A,
34 subsection 1, paragraph "o", to be used for the purposes of
35 providing assistance to targeted small businesses pursuant to

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1 ~~subsection~~ subsections 3 and 4 of this section of this Act.
2 2. Loan payments or repayments and recaptures of principal,
3 interest, or other moneys accruing to the authority on or after
4 June 30, 2013, pursuant to an agreement under section 15.247,
5 shall be transferred to a fund established by the authority in
6 the state treasury under the control of the authority pursuant
7 to section 15.106A, subsection 1, paragraph "o", to be used
8 for the purposes of providing assistance to targeted small
9 businesses pursuant to ~~subsection~~ subsections 3 and 4 of this
10 section of this Act.
11 Sec. 8. 2013 Iowa Acts, chapter 13, section 10, subsection
12 3, paragraph c, is amended to read as follows:
13 c. The authority shall, upon completion of the initial
14 performance period and the other applicable terms of the
15 agreement with the microloan service provider, submit a report
16 to the general assembly and the governor's office describing
17 the results achieved by the service provider and shall make
18 recommendations as to whether the state should continue to
19 provide funds for future fiscal years for the purpose of
20 providing financial and technical assistance to targeted
21 small businesses through the services of a microloan service
22 provider. The report shall also include the results achieved
23 by the program established to assist entities in developing a
24 statewide initiative designed to increase the number of female
25 entrepreneurs in the state pursuant to subsection 4.
26 Sec. 9. 2013 Iowa Acts, chapter 13, section 10, is amended
27 by adding the following new subsection:
28 NEW SUBSECTION. 4. *a.* From the moneys transferred pursuant
29 to subsections 1 and 2, the authority may use amounts not
30 allocated for purposes of subsection 3 for purposes of this
31 subsection.
32 *b.* The authority may establish a program to assist one
33 or more private sector entities in implementing a multiyear
34 statewide initiative designed to increase the number of female
35 entrepreneurs in the state. Such an initiative shall target

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at least ten communities around the state, both urban and rural, for training and discussion on the personal, legal, and financial aspects of starting and operating a small business. The initiative shall also provide for individual mentoring, access to matched savings accounts intended to be used for the start or expansion of a small business by a female entrepreneur, and specialized topical workshops useful to female entrepreneurs.

c. A targeted small business owned, operated, and actively managed by one or more women that is receiving assistance under subsection 3 is also eligible to receive assistance under this subsection.

d. The program established pursuant to this subsection shall be implemented, to the extent practicable, in a manner that complements the program established pursuant to subsection 3. Results achieved by the program established pursuant to this subsection shall be included in the report prepared pursuant to subsection 3.

Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

STRATEGIC INFRASTRUCTURE PROGRAM

Sec. 11. Section 15.311, Code 2014, is amended to read as follows:

15.311 Title.

This part shall be known as the *"Iowa Strategic ~~Investment Fund"~~ Infrastructure"* program.

Sec. 12. Section 15.313, subsection 1, Code 2014, is amended to read as follows:

1. *a.* ~~An Iowa strategic investment fund is created~~ The authority shall establish a fund pursuant to section 15.106A, subsection 1, paragraph *"o"*, for purposes of financing strategic infrastructure projects as described in this section. A fund established for purposes of this section may be administered as a revolving fund ~~consisting~~ and may consist

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of any ~~money~~ moneys appropriated by the general assembly for ~~that purpose~~ purposes of this section and any other moneys that are lawfully available to ~~and obtained or accepted by~~ the authority, ~~from the federal government or private sources for placement in the fund~~ including moneys transferred or deposited from other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*.

b. Notwithstanding section 8.33, moneys in ~~the strategic investment~~ a fund established for purposes of this section at the end of each fiscal year shall not revert to any other fund but shall remain in the strategic investment fund for expenditure for subsequent fiscal years.

c. Moneys in a fund established for purposes of this section may be transferred to other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*.

Sec. 13. Section 15.313, subsection 2, unnumbered paragraph 1, Code 2014, is amended to read as follows:

The ~~assets of the fund~~ program shall be used by the authority to ~~assist in~~ provide financial assistance for strategic infrastructure projects that are intended to lead to relocation or expansion projects for existing businesses as well as ~~entrepreneurial start-up and expansion projects~~ financial assistance for new businesses. ~~Moneys in the fund shall be used for projects designed to meet any of the following purposes:~~

Sec. 14. Section 15.313, subsection 2, paragraphs a, b, c, d, e, and f, Code 2014, are amended by striking the paragraphs.

Sec. 15. Section 15.313, subsection 3, Code 2014, is amended by striking the subsection and inserting in lieu thereof the following:

3. For purposes of this section, unless the context otherwise requires:

a. *"Financial assistance"* means the same as defined in section 15.102.

b. *"Strategic infrastructure"* means projects that develop

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1 commonly utilized assets that provide an advantage to one
2 or more private sector entities or that create necessary
3 physical infrastructure in the state, and such projects are
4 not adequately provided by the public or private sectors.
5 Such projects may include vertical improvement developments,
6 facilities and equipment upgrades, or the redevelopment or
7 repurposing of underutilized property or other assets, provided
8 that each project is intended to attract additional public or
9 private sector investment and result in broad-based prosperity
10 in this state.
11 *c. "Vertical improvement"* means the same as defined in
12 section 15J.2.
13 Sec. 16. Section 15.313, Code 2014, is amended by adding the
14 following new subsection:
15 NEW SUBSECTION. 4. The authority shall adopt rules to
16 implement and administer this section. In adopting such rules,
17 the authority shall narrowly construe the provisions of this
18 section.
19 Sec. 17. Section 15.335B, subsection 2, paragraph a, Code
20 2014, is amended by adding the following new subparagraph:
21 NEW SUBPARAGRAPH. (7) For deposit in a fund created for
22 purposes of the strategic infrastructure program established
23 pursuant to section 15.313.
24 Sec. 18. Section 384.4, subsection 1, paragraph b, Code
25 2014, is amended by striking the paragraph.
26 Sec. 19. 2011 Iowa Acts, chapter 133, section 13A, as
27 enacted by 2013 Iowa Acts, chapter 142, section 7, is amended
28 to read as follows:
29 SEC. 13A. TRANSITION UPON REPEAL.
30 1. Any moneys in the economic development fund created
31 pursuant to section 15G.111, Code Supplement 2011, that
32 remain unobligated on July 1, 2013, shall be transferred to
33 the rebuild Iowa infrastructure fund. The authority shall
34 provide notification to the department of management and to the
35 legislative services agency at the time of the transfer.

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1 2. Loan payments or repayments and recaptures of principal,
2 interest, or other moneys accruing to the authority on or after
3 July 1, 2013, pursuant to an agreement under chapter 15G,
4 subchapter I, shall be transferred by the authority to a fund
5 established by the authority in the state treasury pursuant to
6 section 15.106A, subsection 1, paragraph "o".
7 3. The authority may use any moneys accruing pursuant to
8 subsection 2 for purposes of section 15.313.
9 Sec. 20. REPEAL. Section 15E.120, Code 2014, is repealed.
10 Sec. 21. RETROACTIVE APPLICABILITY. The section of this
11 Act amending 2011 Iowa Acts, chapter 133, section 13A, as
12 enacted by 2013 Iowa Acts, chapter 142, section 7, applies
13 retroactively to July 1, 2013.
14 EXPLANATION
15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.
17 This bill relates to economic development programs by
18 modifying the administration of investment tax credits for
19 investments in community-based seed capital funds or qualifying
20 businesses, targeted small business assistance, and the
21 strategic investment fund and properly related matters.
22 Division I of the bill eliminates the prohibition on a
23 taxpayer claiming the investment tax credit for an equity
24 investment in a qualifying business earlier than the third
25 tax year following the tax year in which the investment was
26 made. The bill eliminates the 24-month requirement for a
27 qualifying business under the investment tax credits program
28 to secure total equity or near equity financing and adds
29 that a qualifying business may also use binding investment
30 commitments, or a combination of the equity and investment
31 commitments to demonstrate that it has met the requirement
32 in current Code to secure at least $250,000. The bill also
33 changes the date by which a community-based seed capital fund
34 must invest in a separate qualifying business from 48 months
35 after commencing the fund's investing activities to 36 months

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1 after commencing the fund's investing activities.
2 Division I applies retroactively to January 1, 2014, for tax
3 years beginning on or after that date and investments made on
4 or after that date.
5 Division II of the bill allows moneys transferred from the
6 targeted small business financial assistance program, which
7 was repealed in the 2013 legislative session, that are not
8 allocated for the procurement of a microloan service provider
9 to assist targeted small businesses to be used to establish a
10 program to assist one or more private entities in implementing
11 an initiative to increase the number of female entrepreneurs in
12 the state. A program created for this purpose must complement
13 the current microloan service provider program which provides
14 financial and technical assistance to targeted small businesses
15 at a discounted rate. A targeted small business that is owned,
16 operated, and managed by a woman and that is receiving the
17 services of a microloan service provider may also receive
18 assistance from the statewide initiative.
19 Division II takes effect upon enactment.
20 Division III of the bill makes changes to the strategic
21 investment fund program. The bill changes the name of the
22 program from the Iowa strategic investment fund program to the
23 Iowa strategic infrastructure program, and allows the authority
24 to establish a fund under its general authority for the purpose
25 of financing strategic infrastructure projects.
26 Under current law, a strategic investment fund is created
27 and the fund's assets are required to be used for relocation or
28 expansion projects for existing businesses and entrepreneurial
29 start-up and expansion projects that meet purposes specified in
30 statute. The bill eliminates these provisions and requires the
31 fund created by the authority to be used to provide financial
32 assistance for relocation or expansion projects for existing
33 businesses as well as financial assistance for new businesses.
34 The bill also allows the moneys in the fund to be transferred
35 to other funds created by the authority, and allows the fund

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1 to receive transfers from other funds, generally, and from
2 a fund created under the high quality jobs program in Code
3 section 15.335B, specifically. The bill provides definitions
4 for "financial assistance", "strategic infrastructure", and
5 "vertical improvement".
6 The bill repeals a provision relating to loan repayments
7 under the former Iowa community development loan program that
8 included a reference to the strategic investment fund.
9 The bill requires the authority to transfer loan payments
10 or repayments and recaptures of principal, interest, or other
11 moneys accruing to the authority as a result of an agreement
12 made pursuant to Code chapter 15G, subchapter I, the grow
13 Iowa financial assistance program, to a fund created by the
14 authority. This provision of the bill applies retroactively to
15 July 1, 2013. The bill allows the authority to use any moneys
16 transferred pursuant to this provision of the bill for purposes
17 of the strategic infrastructure program.

Senate Study Bill 3122 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON VETERANS AFFAIRS BILL BY CHAIRPERSON BEALL)

A BILL FOR

1 An Act relating to property taxes of veterans by providing an
2 additional homestead credit for certain disabled veterans,
3 modifying the military service property tax exemption
4 and credit, making penalties applicable, and including
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5501XC (3) 85
md/sc

S.F. _____

1 Section 1. Section 425.15, Code 2014, is amended to read as
2 follows:
3 **425.15 Disabled veteran tax credit.**
4 If the owner of a homestead allowed a credit under this
5 chapter is a veteran of any of the military forces of the
6 United States, who acquired the homestead under 38 U.S.C.
7 § 21.801, 21.802, prior to August 6, 1991, or 38 U.S.C.
8 § 2101~~,~~ through 2102, who is a veteran as defined in section
9 35.1 with a permanent and total service-connected disability
10 as certified by the United States department of veterans
11 affairs, or who is a former member of the national guard
12 of any state who otherwise meets the service requirements
13 of section 35.1, subsection 2, paragraph *"b"*, subparagraph
14 (2) or (7), with a permanent and total service-connected
15 disability as certified by the United States department of
16 veterans affairs, the credit allowed on the homestead from
17 the homestead credit fund shall be the entire amount of the
18 tax levied on the homestead. The credit allowed shall be
19 continued to the estate of a veteran who is deceased or the
20 surviving spouse and any child, as defined in section 234.1,
21 who are the beneficiaries of a deceased veteran, so long as
22 the surviving spouse remains unmarried. ~~This section is not~~
23 ~~applicable to the holder of title to any homestead whose annual~~
24 ~~income, together with that of the titleholder's spouse, if~~
25 ~~any, for the last preceding twelve-month income tax accounting~~
26 ~~period exceeds thirty-five thousand dollars. For the purpose~~
27 ~~of this section *"income"* means taxable income for federal~~
28 ~~income tax purposes plus income from securities of state and~~
29 ~~other political subdivisions exempt from federal income tax.~~ A
30 veteran or a beneficiary of a veteran who elects to secure the
31 credit provided in this section is not eligible for any other
32 real property tax exemption provided by law for veterans of
33 military service. If a veteran acquires a different homestead,
34 the credit allowed under this section may be claimed on the
35 new homestead unless the veteran fails to meet the other

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requirements of this section.

Sec. 2. Section 426A.11, subsection 1, Code 2014, is amended by striking the subsection.

Sec. 3. Section 426A.11, subsections 2 and 4, Code 2014, are amended to read as follows:

2. The property, not to exceed ~~one thousand eight hundred fifty-two~~ the lesser of ten percent of the taxable value or fifteen thousand dollars in taxable value of an honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged veteran, as defined in section 35.1, subsection 2, ~~paragraph "*a*" or "*b*"~~ or subsections 3 and 4 of this section.

4. For purposes of this chapter, unless the context otherwise requires, "*veteran*" also means ~~a~~ any of the following:

a. A resident of this state who is a former member of the armed forces of the United States and who served for a minimum aggregate of eighteen months and who was discharged under honorable conditions. ~~However, "*veteran*" also means a~~

b. A resident of this state who is a former member of the armed forces of the United States and who, after serving fewer than eighteen months, was honorably discharged because of a service-related injury sustained by the veteran.

c. A resident of this state who is a former member of the national guard of any state who otherwise meets the service requirements of section 35.1, subsection 2, paragraph "*b*", subparagraph (2) or (7).

Sec. 4. Section 426A.12, Code 2014, is amended to read as follows:

426A.12 Exemptions to relatives.

1. In case any person in the foregoing classifications does not claim the exemption from taxation, it shall be allowed in the name of the person to the same extent on the property of any one of the following persons in the order named:

a. The spouse, or surviving spouse remaining unmarried, of a veteran, as defined in this chapter or in section 35.1,

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subsection 2, ~~paragraph "a" or "b",~~ where they are living together or were living together at the time of the death of the veteran.

b. The parent whose spouse is deceased and who remains unmarried, of a veteran, as defined in this chapter or in section 35.1, subsection 2, ~~paragraph "a" or "b",~~ whether living or deceased, where the parent is, or was at the time of death of the veteran, dependent on the veteran for support.

c. The minor child, or children owning property as tenants in common, of a deceased veteran, as defined in this chapter or in section 35.1, subsection 2~~, paragraph "a" or "b"~~.

2. No more than one tax exemption shall be allowed under this section or section 426A.11 in the name of a veteran, as defined in this chapter or in section 35.1, subsection 2~~, paragraph "a" or "b"~~.

Sec. 5. Section 426A.13, unnumbered paragraphs 1 and 2, Code 2014, are amended to read as follows:

A person named in section 426A.11, who is a resident of and domiciled in the state of Iowa, shall receive a reduction equal to the exemption, to be made from any property owned by the person or owned by a family farm corporation of which the person is a shareholder and occupant of the property and so designated by proceeding as provided in the section. To be eligible to receive the exemption, the person claiming it shall have recorded in the office of the county recorder of the county in which is located the property designated for the exemption, evidence of property ownership by that person or the family farm corporation of which the person is a shareholder and the military certificate of satisfactory service, order transferring to inactive status, reserve, retirement, order of separation from service, honorable discharge or a copy of any of these documents of the person claiming or through whom is claimed the exemption. In the case of a person claiming the exemption as a veteran described in section 35.1, subsection 2, paragraph "b", subparagraph (6) or (7), <u>or under section</u>

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1 426A.11, subsection 4, paragraph "c", the person shall file the
2 statement required by section 35.2.
3 The person shall file with the appropriate assessor on forms
4 obtained from the assessor the claim for exemption for the year
5 for which the person is first claiming the exemption. The
6 claim shall be filed not later than July 1 of the year for which
7 the person is claiming the exemption. The claim shall set out
8 the fact that the person is a resident of and domiciled in the
9 state of Iowa, and a person within the terms of section 426A.11
10 or section 426A.12, and shall give the volume and page on which
11 the certificate of satisfactory service, order of separation,
12 retirement, furlough to reserve, inactive status, or honorable
13 discharge or certified copy thereof is recorded in the office
14 of the county recorder, and may include the designation of the
15 property from which the exemption is to be made, and shall
16 further state that the claimant is the equitable or legal owner
17 of the property designated or if the property is owned by a
18 family farm corporation, that the person is a shareholder of
19 that corporation and that the person occupies the property.
20 In the case of a person claiming the exemption as a veteran
21 described in section 35.1, subsection 2, paragraph "b",
22 subparagraph (6) or (7), or under section 426A.11, subsection
23 4, paragraph "c", the person shall file the statement required
24 by section 35.2.
25 Sec. 6. APPLICABILITY. This Act applies to property taxes
26 due and payable in fiscal years beginning on or after July 1,
27 2014.
28 EXPLANATION

29 **The inclusion of this explanation does not constitute agreement with**
30 **the explanation's substance by the members of the general assembly.**

31 This bill relates to property taxes of veterans by providing
32 an additional homestead credit for certain disabled veterans
33 and by modifying the military service property tax exemption.
34 The disabled veterans tax credit under Code section 425.15
35 provides a credit on the homestead of an eligible veteran

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1 who acquired the homestead under specified federal programs
2 in an amount equal to the entire amount of the tax levied
3 on the homestead. The bill modifies the qualifications for
4 the disabled veterans tax credit by adding the following to
5 the list of veterans who are eligible for the credit: (1) a
6 veteran as defined in Code section 35.1 with a permanent and
7 total service-connected disability as certified by the United
8 States department of veterans affairs; and (2) a former member
9 of the national guard of any state who otherwise meets the
10 service requirements for Iowa national guard members under Code
11 section 35.1(2)(b), subparagraph (2) or (7), with a permanent
12 and total service-connected disability as certified by the
13 United States department of veterans affairs. The bill also
14 strikes the income limitation qualifications for the disabled
15 veteran tax credit.
16 Under current law, veterans of the First World War are
17 entitled to a property tax exemption of $2,778 in taxable value
18 and honorably discharged veterans who served during other
19 specific time periods are entitled to a property tax exemption
20 of $1,852 in taxable value. The bill removes the provision
21 relating to veterans of the First World War and increases the
22 exemption amount for all eligible veterans to 10 percent of the
23 taxable value of the veteran's property or $15,000, whichever
24 is less.
25 The bill also modifies the qualifications for the military
26 service property tax exemption and credit by adding the
27 following to the list of veterans who are eligible for the
28 credit: (1) a resident of this state who is a current member of
29 the national guard, organized reserves, or regular component of
30 the armed forces of the United States; (2) a resident of this
31 state who is a former member of the national guard of any state
32 who otherwise meets the service requirements for members of the
33 Iowa national guard under Code section 35.1(2)(b), subparagraph
34 (2) or (7); and (3) a resident of this state who served on
35 federal active duty, other than training, in the armed forces

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1 of the United States and who was discharged under honorable
2 conditions.
3 Under current law, the state provides funding to local
4 governments for the military service property tax exemption and
5 credit up to $6.92 per $1,000 of assessed value of the exempt
6 property. Code section 25B.7 provides that for a property tax
7 credit or exemption enacted on or after January 1, 1997, if a
8 state appropriation made to fund the credit or exemption is not
9 sufficient to fully fund the credit or exemption, the political
10 subdivision shall be required to extend to the taxpayer only
11 that portion of the credit or exemption estimated by the
12 department of revenue to be funded by the state appropriation.
13 The provisions of Code section 25B.7 apply to the military
14 service property tax credit and exemption to the extent of
15 $6.92 per $1,000 of assessed value of the exempt property.
16 The bill applies to property taxes due and payable in fiscal
17 years beginning on or after July 1, 2014.

Senate Study Bill 3123 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

1 An Act permitting the adjutant general to procure and issue
2 Cold War victory awards to eligible persons.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5403XC (3) 85
aw/sc

S.F. _____

1 Section 1. Section 29A.15, Code 2014, is amended to read as
2 follows:
3 **29A.15 State awards and decorations.**
4 1. The adjutant general, from the funds appropriated
5 for the support and maintenance of the national guard, shall
6 procure and issue to the members of the national guard merit or
7 service badges or other appropriate awards for service under
8 regulations and according to the design and pattern determined
9 by the adjutant general. Members of the national guard who,
10 by order of the president, serve in federal forces during a
11 national emergency, may count the period of that federal active
12 duty toward the procurement of a service badge.
13 2. *a.* The adjutant general, from the funds appropriated
14 for the support and maintenance of the national guard, shall
15 procure and issue to eligible persons Cold War victory awards
16 in ribbon form for service under regulations and according to
17 the design and pattern determined by the adjutant general.
18 *b.* For the purposes of this section, *"eligible person"*
19 means a person who served as a member of the Iowa army national
20 guard or Iowa air national guard at any time during the period
21 beginning September 2, 1945, and ending December 26, 1991. To
22 qualify as an eligible person, a former member of the Iowa
23 army national guard or Iowa air national guard shall have been
24 discharged or released under honorable conditions.
25 EXPLANATION
26 **The inclusion of this explanation does not constitute agreement with**
27 **the explanation's substance by the members of the general assembly.**
28 This bill requires the adjutant general to procure and issue
29 Cold War victory awards in ribbon form to eligible persons from
30 the funds appropriated for the support and maintenance of the
31 national guard. The bill provides that an "eligible person"
32 means a person who served as a member of the Iowa army national
33 guard or the Iowa air national guard at any time during the
34 period beginning September 2, 1945, and ending December 26,
35 1991. To qualify as an eligible person, a person who has been

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1 discharged or released from the Iowa army national guard or the
2 Iowa air national guard shall have been discharged or released
3 under honorable conditions.

Senate Study Bill 3124 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

1 An Act concerning the issuance of disabled veteran motor
2 vehicle registration plates to certain disabled veterans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5496XC (3) 85
dea/nh

S.F. _____

1 Section 1. Section 321.34, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 27. *Disabled veteran plates.* An
4 owner referred to in subsection 12 who is a veteran of the
5 armed forces of the United States with a service-connected
6 disability rated at fifty percent or higher may, upon written
7 application to the department, order one set of disabled
8 veteran registration plates of the type described in section
9 321.166, subsection 6. The application shall be approved
10 by the department, and the disabled veteran plates shall be
11 issued to the applicant in exchange for the registration
12 plates previously issued to the person. There shall be no fee
13 in addition to the regular annual registration fee for the
14 disabled veteran plates issued under this subsection.
15 Sec. 2. Section 321.166, subsection 6, Code 2014, is amended
16 to read as follows:
17 6. Registration plates issued to a disabled veteran under
18 the provisions of section 321.34, subsection 27, or section
19 321.105 shall display the alphabetical characters "DV" which
20 shall precede the registration plate number. The plates may
21 also display a persons with disabilities parking sticker if
22 issued to the disabled veteran by the department under section
23 321L.2.
24 EXPLANATION

25 **The inclusion of this explanation does not constitute agreement with**
26 **the explanation's substance by the members of the general assembly.**

27 This bill provides that a veteran of the United States
28 armed forces with a service-connected disability rated at 50
29 percent or higher may be issued one set of disabled veteran
30 registration plates. Application for the plates is subject to
31 approval by the department of transportation. The plates are
32 to be issued without any special fee, other than the regular
33 annual registration fee for the vehicle.
34 Currently, disabled veteran registration plates are only
35 issued to seriously disabled veterans who have been provided

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1 with an automobile or other vehicle by the United States
2 government. The plates are issued without fee to such
3 veterans.

Senate Study Bill 3125 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

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

TLSB 5473XC (2) 85
mm/sc

S.F. _____

1 Section 1. Section 422.7, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 31A. *a.* Subtract, to the extent included,
4 retirement pay received by a resident taxpayer from the federal
5 government for military service performed in the armed forces,
6 the armed forces military reserve, or the national guard.
7 *b.* The exclusion of retirement pay under this subsection is
8 in addition to any exclusion provided under subsection 31.
9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2014, for tax years beginning on
11 or after that date.
12 EXPLANATION

13 **The inclusion of this explanation does not constitute agreement with**
14 **the explanation's substance by the members of the general assembly.**

15 This bill exempts from the individual income tax all
16 retirement pay of an Iowa resident from federal military
17 service in the armed forces, the military reserve, or national
18 guard. The exemption is in addition to the general pension
19 exclusion.
20 The bill applies retroactively to January 1, 2014, for tax
21 years beginning on or after that date.