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House File 2094 - Introduced

HOUSE FILE 2094
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 504)

A BILL FOR

1 An Act reducing the statute of repose period in a case arising
2 out of the unsafe or defective condition of an improvement
3 to real property and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5471HV (1) 85
rh/sc



**Iowa General Assembly
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H.F. 2094

1 Section 1. Section 614.1, subsection 11, Code 2014, is
2 amended to read as follows:

3 11. *Improvements to real property.* In addition to
4 limitations contained elsewhere in this section, an action
5 arising out of the unsafe or defective condition of an
6 improvement to real property based on tort and implied warranty
7 and for contribution and indemnity, and founded on injury to
8 property, real or personal, or injury to the person or wrongful
9 death, shall not be brought more than fifteen eight years after
10 the date on which occurred the act or omission of the defendant
11 alleged in the action to have been the cause of the injury or
12 death. However, this subsection does not bar an action against
13 a person solely in the person's capacity as an owner, occupant,
14 or operator of an improvement to real property.

15 Sec. 2. **APPLICABILITY.** This Act applies to actions filed on
16 or after the effective date of this Act.

17 **EXPLANATION**

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

20 This bill relates to the statute of repose period in a
21 case arising out of the unsafe or defective condition of an
22 improvement to real property.

23 The bill reduces the 15-year statute of repose period in a
24 case arising out of the unsafe or defective condition of an
25 improvement to real property to eight years. Such cases are
26 based upon an injury to property or an injury or death of a
27 person.

28 A statute of repose period differs from a statute of
29 limitations period in that a statute of repose period
30 establishes a time period after which a lawsuit based upon
31 negligence in an improvement to real property cannot be filed
32 regardless of whether an injury to a person or to property has
33 occurred. A statute of limitations period begins at the date
34 of the injury or upon discovery of the deficiency.

35 The bill applies to actions filed on or after the effective

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rh/sc

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1 date of the bill.



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House File 2095 - Introduced

HOUSE FILE 2095

BY MASCHER, RUFF, HUNTER,
MURPHY, STAED, JACOBY,
KEARNS, STUTSMAN, LENSING,
DUNKEL, ABDUL-SAMAD,
COHOON, T. TAYLOR, MEYER,
BEARINGER, OURTH, WOLFE,
ANDERSON, THEDE, H. MILLER,
GAINES, WESSEL-KROESCHELL,
STECKMAN, WINCKLER, BERRY,
GASKILL, KAJTAZOVIC,
HANSON, and OLDSON

A BILL FOR

1 An Act relating to the department on aging and providing an
2 appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5517HH (4) 85
pf/nh



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1 procedures relating to expenditure of state and federal funds
 2 by area agencies on aging that require compliance with both
 3 state and federal laws, rules, and regulations, including but
 4 not limited to all of the following:

5 (1) Requiring that expenditures are incurred only for goods
 6 or services received or performed prior to the end of the
 7 fiscal period designated for use of the funds.

8 (2) Prohibiting prepayment for goods or services not
 9 received or performed prior to the end of the fiscal period
 10 designated for use of the funds.

11 (3) Prohibiting the prepayment for goods or services
 12 not defined specifically by good or service, time period, or
 13 recipient.

14 (4) Prohibiting the establishment of accounts from which
 15 future goods or services which are not defined specifically by
 16 good or service, time period, or recipient, may be purchased.

17 b. The procedures shall provide that if any funds are
 18 expended in a manner that is not in compliance with the
 19 procedures and applicable federal and state laws, rules, and
 20 regulations, and are subsequently subject to repayment, the
 21 area agency on aging expending such funds in contravention of
 22 such procedures, laws, rules and regulations, not the state,
 23 shall be liable for such repayment.

24 4. Of the funds appropriated in this section, ~~\$125,000~~
 25 \$250,000 shall be used to fund services to meet the unmet needs
 26 of older individuals as identified in the annual compilation of
 27 unmet service units by the area agencies on aging.

28 5. Of the funds appropriated in this section, ~~\$300,000~~
 29 \$600,000 shall be used to fund home and community-based
 30 services through the area agencies on aging that enable older
 31 individuals to avoid more costly utilization of residential or
 32 institutional services and remain in their own homes.

33 6. Of the funds appropriated in this subsection, ~~\$10,000~~
 34 \$20,000 shall be used for ~~implementation~~ continuation of a
 35 guardianship and conservatorship monitoring and assistance



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1 pilot project as specified in this Act.

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 appropriates \$13 million to the department on
6 aging from the general fund of the state for FY 2014-2015.
7 The bill amends the appropriation and allocations enacted in
8 2013 for FY 2014-2015, by increasing the total appropriation
9 relative to FY 2013-2014 by \$2.4 million and increasing each of
10 the allocations to 100 percent of the amount allocated for the
11 specific purpose for FY 2013-2014.



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House File 2096 - Introduced

HOUSE FILE 2096
BY ALONS, SALMON, SHEETS,
SCHULTZ, FISHER, GASSMAN,
and SHAW

A BILL FOR

1 An Act prohibiting certain health care coverage for elective
2 abortions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5502YH (4) 85
rj/nh



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H.F. 2096

1 Section 1. Section 249N.5, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* As used in this subsection,
4 "*elective abortion*" means the same as in section 514C.30.
5 *b.* Premium assistance for the purchase of covered benefits
6 under the Iowa health and wellness plan shall not be provided
7 through a qualified health plan that covers elective abortion.
8 However, an individual, organization, or employer participating
9 in a qualified health plan under the Iowa health and wellness
10 plan may purchase supplemental coverage for elective abortion
11 outside of the Iowa health and wellness plan but shall do so
12 only by purchase of separate coverage or an optional rider
13 for which a separate premium is paid by the purchaser. The
14 purchaser shall provide notice to each affected insured that
15 elective abortion will be included as separate coverage or
16 as an optional rider and that the coverage may be used by a
17 covered dependent without notice to the insured.

18 *c.* This subsection applies to the purchase of covered
19 benefits to be provided effective on or after July 1, 2014.

20 Sec. 2. NEW SECTION. 514C.30 **Elective abortion coverage —**
21 **exclusion.**

22 1. As used in this section, unless the context otherwise
23 requires, "*elective abortion*" means the intentional use or
24 prescription of any instrument, medicine, drug, or any other
25 substance or device to terminate the pregnancy of a woman known
26 to be pregnant, with an intention other than to increase the
27 probability of a live birth, to preserve the life or health
28 of a child after live birth, or to remove a dead unborn child
29 who died as the result of natural causes in utero, accidental
30 trauma, or a criminal assault on the pregnant woman. "*Elective*
31 *abortion*" does not include any of the following:

32 *a.* The use or prescription of a drug or device intended as a
33 contraceptive.

34 *b.* The intentional use of an instrument, medicine, drug, or
35 other substance or device by a physician to terminate a woman's



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1 pregnancy if the woman's physical condition, in the physician's
2 reasonable medical judgment, necessitates the termination of
3 the woman's pregnancy to avert the woman's death.

4 *c.* Treatment upon a pregnant woman who is experiencing a
5 miscarriage or has been diagnosed with an ectopic pregnancy.

6 2. Notwithstanding the uniformity of treatment requirements
7 of section 514C.6, a policy, contract, or plan providing for
8 third-party payment or prepayment of health or medical expenses
9 shall exclude coverage for elective abortion.

10 3. Coverage for an elective abortion may be obtained through
11 a separate policy, contract, or plan or an optional rider for
12 which a separate premium is paid.

13 4. The provisions of this section shall apply to all of the
14 following classes of third-party payment provider contracts,
15 policies, or plans delivered, issued for delivery, continued,
16 or renewed in this state on or after July 1, 2014:

17 *a.* Individual or group accident and sickness insurance
18 providing coverage on an expense-incurred basis.

19 *b.* An individual or group hospital or medical service
20 contract issued pursuant to chapter 509, 514, or 514A.

21 *c.* An individual or group health maintenance organization
22 contract regulated under chapter 514B.

23 *d.* An individual or group Medicare supplemental policy,
24 unless coverage pursuant to such policy is preempted by federal
25 law.

26 *e.* A plan established pursuant to chapter 509A for public
27 employees.

28 5. This section shall not apply to accident-only, specified
29 disease, short-term hospital or medical, hospital confinement
30 indemnity, credit, dental, vision, long-term care, basic
31 hospital, and medical-surgical expense coverage as defined by
32 the commissioner of insurance, disability income insurance
33 coverage, coverage issued as a supplement to liability
34 insurance, workers' compensation or similar insurance, or
35 automobile medical payment insurance.

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rj/nh

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1 on or after July 1, 2014. This portion of the bill does not
2 apply to specified types of insurance. The commissioner of
3 insurance is required to adopt rules as necessary to administer
4 this portion of the bill.

5 The bill defines elective abortion for the Iowa health and
6 wellness plan and third-party payment provider provisions of
7 the bill.



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House File 2097 - Introduced

HOUSE FILE 2097
BY PETTENGILL

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 5159YH (2) 85
pf/nh



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H.F. 2097

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.



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House File 2098 - Introduced

HOUSE FILE 2098
BY HEARTSILL, SHEETS,
ALONS, SALMON, SCHULTZ,
WINDSCHITL, GASSMAN, and
HESS

A BILL FOR

1 An Act establishing a civil cause of action for physical injury
2 or emotional distress resulting from an abortion.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5693YH (3) 85
pf/nh



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1 *c. "Emotional distress"* means a severe, debilitating, and
 2 persistent negative emotional or mental reaction including
 3 but not limited to mental anguish, fright, nervousness,
 4 grief, anxiety, worry, mortification, shock, humiliation, and
 5 indignity, as well as physical pain.

6 *d. "Informed consent"* means the duty of a physician to
 7 disclose all facts about the nature of the procedure, the risks
 8 of the procedure, and the alternatives to the procedure that a
 9 reasonable patient would consider significant to the patient's
 10 decision to undergo or forego an abortion.

11 *e. "Medical emergency"* means any condition which, on the
 12 basis of the physician's good faith clinical judgment, so
 13 complicates the medical condition of a pregnant woman as to
 14 necessitate the immediate abortion of her pregnancy to avert
 15 her death or for which a delay will create serious risk of
 16 substantial and irreversible impairment of a major bodily
 17 function.

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 establishes a cause of action that may be
 22 maintained by a woman upon whom an abortion has been performed
 23 against the physician who performed the abortion to recover
 24 damages for any physical injury or emotional distress
 25 proximately caused as the result of the physician's negligence
 26 or failure to obtain informed consent prior to performance of
 27 the abortion. The action may be brought within 10 years from
 28 and after the performance of the abortion. However, if the
 29 woman is a minor when the abortion is performed, the limitation
 30 is extended in favor of the minor so that the action may be
 31 brought within 10 years from and after the minor's attainment
 32 of majority. The bill provides that the signing of a consent
 33 form by the woman prior to the abortion does not negate the
 34 cause of action, but may reduce the recovery of damages to
 35 the extent that the content of the consent form informed

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 pf/nh



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1 the woman of the risk of the type of injuries for which the
2 woman is seeking damages. The bill also provides that other
3 existing statutory or common law causes of action for medical
4 malpractice are not to be construed to be rendered inapplicable
5 to abortion procedures or diminish the nature or the extent
6 of those causes of action. The cause of action expressly
7 specified in the bill is in addition to any other statutory or
8 common law cause of action. A cause of action is prohibited
9 under the bill if the abortion was performed due to a medical
10 emergency.

11 The bill defines "abortion", "damages", "emotional
12 distress", "informed consent", and "medical emergency" for the
13 purposes of the bill.



Iowa General Assembly
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House File 2099 - Introduced

HOUSE FILE 2099
BY FORRISTALL

A BILL FOR

1 An Act relating to the method of collecting property taxes by a
2 county treasurer and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5643YH (3) 85
md/sc



**Iowa General Assembly
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H.F. 2099

1 Section 1. Section 435.24, subsection 6, paragraph a, Code
2 2014, is amended to read as follows:

3 a. As an alternative to the semiannual or annual payment of
4 taxes, the county treasurer ~~may~~ shall accept partial payments
5 of current year home taxes and shall implement a payment system
6 or modify the current system to accept monthly payments of
7 current year home taxes, including payments using automatic
8 direct withdrawal from a taxpayer's bank account if authorized
9 in writing by the taxpayer. The treasurer shall transfer
10 amounts from each taxpayer's account to be applied to each
11 semiannual tax installment prior to the delinquency dates
12 specified in section 445.37 and the amounts collected shall
13 be apportioned by the tenth of the month following transfer.
14 If, prior to the due date of each semiannual installment,
15 the account balance is insufficient to fully satisfy the
16 installment, the treasurer shall transfer and apply the entire
17 account balance, leaving an unpaid balance of the installment.
18 Interest shall attach on the unpaid balance in accordance with
19 section 445.39. Unless funds sufficient to fully satisfy the
20 delinquency are received, the treasurer shall collect the
21 unpaid balance as provided in sections 445.3 and 445.4 and
22 chapter 446. Any remaining balance in a taxpayer's account in
23 excess of the amount needed to fully satisfy an installment
24 shall remain in the account to be applied toward the next
25 semiannual installment. Any interest income derived from the
26 account shall be deposited in the county's general fund to
27 cover administrative costs. The treasurer shall send a notice
28 with the tax statement or by separate mail to each taxpayer
29 stating that, upon request to the treasurer, the taxpayer may
30 make partial payments of current year home taxes.

31 Sec. 2. Section 445.36A, subsection 1, Code 2014, is amended
32 to read as follows:

33 1. As an alternative to the semiannual or annual payment of
34 taxes, the county treasurer ~~may~~ shall accept partial payments
35 of taxes and shall implement a payment system or modify the

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md/sc



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H.F. 2099

1 current system to accept monthly payments of current year
 2 taxes, including payments using automatic direct withdrawal
 3 from a taxpayer's bank account if authorized in writing by
 4 the taxpayer. The treasurer shall transfer amounts from
 5 each taxpayer's account to be applied to each semiannual tax
 6 installment prior to the delinquency dates specified in section
 7 445.37 and the amounts collected shall be apportioned by the
 8 tenth of the month following transfer. If, prior to the due
 9 date of each semiannual installment, the account balance is
 10 insufficient to fully satisfy the installment, the treasurer
 11 shall transfer and apply the entire account balance, leaving an
 12 unpaid balance of the installment. Interest shall attach on
 13 the unpaid balance in accordance with section 445.39. Unless
 14 funds sufficient to fully satisfy the delinquency are received,
 15 the treasurer shall collect the unpaid balance as provided
 16 in sections 445.3 and 445.4 and chapter 446. Any remaining
 17 balance in a taxpayer's account in excess of the amount needed
 18 to fully satisfy an installment shall remain in the account
 19 to be applied toward the next semiannual installment. Any
 20 interest income derived from the account shall be deposited
 21 in the county's general fund to cover administrative costs.
 22 The treasurer shall send a notice with the tax statement or by
 23 separate mail to each taxpayer stating that, upon request to
 24 the treasurer, the taxpayer may make partial payments of taxes.

25 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
 26 3, shall not apply to this Act.

27 Sec. 4. APPLICABILITY. This Act applies to property taxes
 28 due and payable in fiscal years beginning on or after July 1,
 29 2015.

30 EXPLANATION

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

33 Current law allows county treasurers to accept partial
 34 payments for the current year property taxes as an alternative
 35 to the semiannual or annual payment of property taxes under

LSB 5643YH (3) 85
md/sc

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H.F. 2099

1 Code sections 435.24 (mobile and manufactured homes) and
2 445.36A. This bill requires county treasurers to accept
3 partial payments and requires the implementation of a payment
4 system or modification of the current system to accept monthly
5 payments of current year taxes, including payments using
6 automatic direct withdrawal from a taxpayer's bank account if
7 authorized in writing by the taxpayer.

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

15 This bill applies to property taxes due and payable in fiscal
16 years beginning on or after July 1, 2015.



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House File 2100 - Introduced

HOUSE FILE 2100
BY KELLEY

(COMPANION TO SF 2034 BY HOGG)

A BILL FOR

- 1 An Act establishing a tornado resistance infrastructure
- 2 program, making an appropriation, and including effective
- 3 date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5275HH (3) 85
rn/nh



Iowa General Assembly
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H.F. 2100

1 Section 1. TORNADO RESISTANCE INFRASTRUCTURE PROGRAM —
2 APPROPRIATION.

3 1. There is established a tornado resistance infrastructure
4 program to be administered by the department of homeland
5 security and emergency management established in section
6 29C.5. The objective of the program shall be to provide
7 funding to designated entities to assist in the financing of
8 infrastructure improvement projects designed to enhance tornado
9 resistance in certain physical structures and reduce the
10 likelihood of significant tornado-related damage.

11 2. a. In order to receive funding pursuant to the program,
12 an applicant shall submit project plans certified by an
13 engineer, architect, or other professional designated by the
14 department by rule as qualified to verify that the proposed
15 project meets standards for effectiveness in tornado safety to
16 be developed by the department.

17 b. Eligible applicants shall include owners or entities in
18 charge of the following types of physical structures:

19 (1) School buildings.

20 (2) Mobile home parks.

21 (3) Physical structures at summer camp facilities.

22 (4) Apartment complexes and dormitories.

23 (5) Hospitals and nursing homes.

24 (6) Stadiums, fairgrounds, and other outdoor public
25 facilities.

26 (7) Any other facility, including business and industrial
27 facilities, determined by the department to have or face a
28 demonstrable risk of significant tornado damage.

29 3. a. Fifty percent of the funds appropriated pursuant to
30 subsection 6 shall be allocated for school building, mobile
31 home park, and summer camp tornado resistance infrastructure
32 improvement projects. School districts, institutions under the
33 control of the state board of regents, mobile home park owners
34 and operators, and summer camp owners and operators may receive
35 up to seventy-five percent of the estimated cost of a project

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rn/nh

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H.F. 2100

1 from program funds.

2 b. Owners or entities in charge of physical structures other
3 than school buildings and mobile home parks may receive up to
4 fifty percent of the estimated cost of a project from program
5 funds.

6 4. Factors to be considered by the department in
7 awarding funds for projects pursuant to this section shall
8 include but not be limited to a physical structure's current
9 vulnerability to tornado damage, project support from local
10 emergency management officials, the number of children and
11 adults projected to receive enhanced safety and protection
12 pursuant to the project, the level of financial commitment
13 and participation by the owner or entity in charge of a
14 physical structure subject to a proposed project and the
15 availability of other funding sources, and the commitment of
16 the owner or entity in charge of the physical structure to the
17 implementation of tornado safety training and practices.

18 5. The department shall adopt rules to administer the
19 program. The department may adopt rules on an emergency basis
20 as provided in sections 17A.4 and 17A.15 to administer the
21 program. Any emergency rules adopted in accordance with the
22 program shall also be published as a notice of intended action
23 as provided in section 17A.4.

24 6. a. There is appropriated from the general fund of the
25 state to the department of homeland security and emergency
26 management for the fiscal year beginning July 1, 2014, and
27 ending June 30, 2015, the following amount, or so much thereof
28 as is necessary, for the purposes designated:

29 For administration of the tornado resistance infrastructure
30 program established pursuant to this section:

31 \$ 20,000,000

32 b. Notwithstanding section 8.33, moneys appropriated in
33 this section that remain unencumbered or unobligated at the
34 close of the fiscal year shall not revert but shall remain
35 available to be used for the purposes designated in succeeding



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1 structures other than school buildings and mobile home parks
2 may receive up to 50 percent of the estimated cost of a project
3 from program funds.

4 The bill specifies factors to be considered by the
5 department in awarding funds for projects, including but not
6 limited to a physical structure's current vulnerability to
7 tornado damage, project support from local emergency management
8 officials, the number of children and adults projected to
9 receive enhanced safety and protection pursuant to the project,
10 the level of financial commitment and participation by the
11 owner or entity in charge of a physical structure subject to a
12 proposed project and the availability of other funding sources,
13 and the commitment of the owner or entity in charge of the
14 physical structure to the implementation of tornado safety
15 training and practices.

16 The bill directs the department to adopt rules to administer
17 the program, and authorizes the adoption of rules on an
18 emergency basis.

19 The bill appropriates \$20 million from the general fund of
20 the state to the department for the fiscal year beginning July
21 1, 2014, and ending June 30, 2015, for purposes of funding the
22 program, and provides for nonreversion pursuant to Code section
23 8.33.

24 The bill takes effect upon enactment.



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House File 2101 - Introduced

HOUSE FILE 2101
BY BYRNES

A BILL FOR

1 An Act providing an exemption from registration fees for
2 certain new completed motor vehicles purchased by an
3 equipment dealer for modification and resale.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5660YH (5) 85
dea/tm



**Iowa General Assembly
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H.F. 2101

1 Section 1. Section 321.48, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. A transferee of a new completed motor
4 vehicle shall obtain a certificate of title for the vehicle
5 but is not required to pay the annual registration fee for the
6 vehicle, provided all of the following apply:

7 a. The transferee is an equipment dealer licensed as a motor
8 vehicle dealer under chapter 322.

9 b. The transferee purchases the vehicle at retail for
10 the purpose of modifying the vehicle as provided in section
11 321.105A, subsection 2, paragraph "c", subparagraph (31), prior
12 to selling it as a used vehicle to a business or government
13 entity.

14 c. The transferee operates the vehicle only for purposes
15 incidental to a resale.

16 d. The transferee displays a dealer plate on the vehicle or
17 does not drive the vehicle or permit it to be driven upon the
18 highways.

19 Sec. 2. Section 321.105A, subsection 2, paragraph c, Code
20 2014, is amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. (31) (a) A new completed motor vehicle
22 purchased at retail by an equipment dealer who is licensed as a
23 motor vehicle dealer under chapter 322, provided that all of
24 the following apply:

25 (i) The equipment dealer modifies the vehicle as provided
26 in subparagraph division (b), subparagraph subdivision (i) or
27 (ii).

28 (ii) The total value of the work performed and the equipment
29 installed on the vehicle equals or exceeds eighty percent of
30 the purchase price paid for the new vehicle.

31 (iii) Notwithstanding section 322.3, the equipment dealer
32 sells the modified vehicle as a used vehicle to a purchaser
33 that is a business or government entity, and not an individual
34 consumer.

35 (b) For purposes of this subparagraph, "equipment dealer"

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1 means a person who does at least one of the following:

2 (i) Rebuilds new completed motor vehicles by fabricating,
3 altering, adding, or replacing essential parts, components,
4 or equipment for the purpose of building an ambulance, rescue
5 vehicle, fire vehicle, or towing or recovery vehicle.

6 (ii) Installs cranes, hook loaders, buckets, aerial
7 ladders, tanks, or special equipment on new completed motor
8 trucks with a gross vehicle weight rating of fourteen thousand
9 five hundred pounds or more.

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 Under current law, an equipment dealer who rebuilds or
14 installs equipment on new vehicles can be licensed as a
15 wholesaler in order to acquire new vehicles without having
16 to title and register the vehicles or pay the fee for new
17 registration. However, after such a vehicle has been modified,
18 the retail sale of the modified vehicle must be completed
19 through a franchised dealer of the vehicle's line make.

20 This bill establishes an alternative process for an
21 equipment dealer with a motor vehicle dealer's license to
22 acquire a new completed motor vehicle without owing the fee
23 for new registration and, after modifying the vehicle, sell it
24 directly to a business or government entity as a used vehicle.
25 Under the bill, a new completed motor vehicle purchased at
26 retail by an equipment dealer licensed to sell motor vehicles
27 is exempt from the fee for new registration, provided that
28 three requirements are met:

29 1. The equipment dealer either rebuilds the new completed
30 motor vehicle by fabricating, altering, adding, or replacing
31 essential parts, components, or equipment for the purpose
32 of building an ambulance, rescue vehicle, fire vehicle, or
33 towing or recovery vehicle; or installs cranes, hook loaders,
34 buckets, aerial ladders, tanks, or special equipment on the new
35 completed motor truck having a gross vehicle weight rating of

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1 fourteen thousand five hundred pounds or more.

2 2. The total value of the work performed and the equipment
3 installed on the vehicle equals or exceeds 80 percent of the
4 purchase price paid for the new vehicle.

5 3. The equipment dealer sells the modified vehicle as a used
6 vehicle to a purchaser that is a business or government entity,
7 and not an individual consumer.

8 Because the equipment dealer's acquisition of a new
9 completed motor vehicle would be through a retail sale, the
10 equipment dealer would be required to obtain a certificate
11 of title and registration for the vehicle under the bill.
12 However, the bill exempts the equipment dealer from annual
13 registration fees, provided that the equipment dealer operates
14 the vehicle only for purposes incidental to a resale and
15 displays a dealer plate on the vehicle or does not drive the
16 vehicle or permit it to be driven upon the highways.



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House File 2102 - Introduced

HOUSE FILE 2102
BY MURPHY

A BILL FOR

1 An Act relating to the water pollution control works revolving
2 loan fund and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5533YH (3) 85
tm/sc



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H.F. 2102

1 Section 1. UNSEWERED COMMUNITY REVOLVING LOAN
2 PROGRAM. There is appropriated from the general fund of
3 the state to the Iowa finance authority for the fiscal year
4 beginning July 1, 2014, and ending June 30, 2015, the following
5 amount, or so much thereof as is necessary, to be used for the
6 purposes designated:

7 For deposit in the water pollution control works revolving
8 loan fund created in section 455B.295:
9 \$ 20,000,000

10 Of the moneys appropriated in this section, the authority
11 may use not more than two million dollars for grants to
12 unsewered communities to be used for engineering and
13 feasibility studies.

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 appropriates \$20 million from the general fund
18 of the state to the Iowa finance authority for FY 2014-2015
19 for deposit in the water pollution control works revolving
20 loan fund. The bill provides that the authority may use not
21 more than \$2 million of the appropriated moneys for grants
22 to unsewered communities to be used for engineering and
23 feasibility studies.



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House File 2103 - Introduced

HOUSE FILE 2103
BY DOLECHECK

A BILL FOR

- 1 An Act relating to supplementary weighting for shared
- 2 operational functions of school districts and including
- 3 effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5729YH (2) 85
md/sc



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H.F. 2103

1 ~~weighting for which a school district shall be eligible is~~
 2 ~~an amount equivalent to forty additional pupils.~~ Receipt of
 3 supplementary weighting by a school district pursuant to this
 4 subsection for more than one year shall be contingent upon
 5 the annual submission of information by the district to the
 6 department documenting cost savings directly attributable to
 7 the shared operational functions. Criteria for determining
 8 the number of years for which supplementary weighting shall
 9 be received pursuant to this subsection, subject to the
 10 five-year maximum, and for determining qualification of
 11 operational functions for supplementary weighting shall be
 12 determined by the department by rule, through consideration of
 13 long-term savings by the school district or increased student
 14 opportunities.

15 *d.* Supplementary weighting pursuant to this subsection
 16 shall be available to an area education agency for a maximum of
 17 five years during the period commencing with the budget year
 18 beginning July 1, 2014, through the budget year beginning July
 19 1, 2019. However, in lieu of the amount of weighting provided
 20 to school districts for shared operational functions under
 21 paragraph "a", a supplementary weighting of two hundredths per
 22 pupil shall be assigned to each pupil within the area served by
 23 the area education agency. The minimum amount of additional
 24 funding for which an area education agency shall be eligible is
 25 fifty thousand dollars, and the maximum amount of additional
 26 funding for which an area education agency shall be eligible
 27 is two hundred thousand dollars. The department of management
 28 shall annually set a weighting for each area education agency
 29 to generate the approved operational sharing expense using the
 30 area education agency's special education cost per pupil amount
 31 and foundation level. Receipt of supplementary weighting
 32 by an area education agency for more than one year shall be
 33 contingent upon the annual submission of information by the
 34 district to the department documenting cost savings directly
 35 attributable to the shared operational functions. Criteria

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 md/sc



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1 for determining the number of years for which supplementary
2 weighting shall be received pursuant to this subsection,
3 subject to the five-year maximum, and the amount generated by
4 the supplementary weighting, and for determining qualification
5 of operational functions for supplementary weighting shall be
6 determined by the department by rule, through consideration of
7 long-term savings by the area education agency or increased
8 student opportunities.

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

11 EXPLANATION

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

14 Code section 257.11(7), enacted in 2013 Iowa Acts, ch 65
15 (HF 472), established supplementary weighting of 0.02 per
16 pupil for school districts and area education agencies that
17 share with a political subdivision one or more operational
18 functions of a curriculum director, school administration
19 manager, social worker, school nurse, school counselor, or
20 school librarian, or one or more operational functions in the
21 areas of superintendent management, business management, human
22 resources, transportation, or operation and maintenance for at
23 least 20 percent of the school year. The additional weighting
24 is assigned for each discrete operational function shared. The
25 supplementary weighting is available to a school district for
26 a maximum of five years during the period commencing with the
27 budget year beginning July 1, 2014, through the budget year
28 beginning July 1, 2019. Code section 257.11(7) establishes a
29 minimum amount and a maximum amount of additional weighting
30 for which a school district or area education agency may be
31 eligible.

32 This bill strikes the curriculum director, school
33 administration manager, social worker, school nurse, school
34 counselor, and school librarian from the list of operational
35 functions for which supplementary weighting is provided to

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1 school districts and area education agencies.

2 The bill also strikes the 0.02 per pupil supplementary
3 weighting for school districts and establishes an additional
4 weighting of five pupils for each shared operational function
5 of the school district. The bill also strikes the minimum and
6 maximum amounts of additional weighting for which a school
7 district may be eligible.

8 The bill retains the 0.02 per pupil supplementary weighting
9 provided to area education agencies. The bill also retains the
10 minimum amount and maximum amount of additional weighting for
11 which an area education agency may be eligible.

12 The bill takes effect upon enactment.



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House File 2104 - Introduced

HOUSE FILE 2104

BY STECKMAN, OLDSON, STAED,
MURPHY, STUTSMAN, RUFF,
HALL, DAWSON, LUNDBY,
KELLEY, KAJTAZOVIC,
PRICHARD, ABDUL-SAMAD,
KEARNS, WESSEL-KROESCHELL,
GAINES, THEDE, ANDERSON,
WOLFE, OURTH, BEARINGER,
T. TAYLOR, MASCHER,
M. SMITH, HANSON, and
RUNNING-MARQUARDT

A BILL FOR

- 1 An Act relating to the determination of preschool budget
- 2 enrollment for the statewide preschool program and including
- 3 effective date and applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5441YH (4) 85
md/sc



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H.F. 2104

1 Section 1. Section 256C.5, subsection 1, paragraph c, Code
2 2014, is amended to read as follows:

3 c. *“Preschool budget enrollment”* means the figure that
4 is equal to ~~fifty~~ sixty percent of the actual enrollment of
5 eligible students in the preschool programming provided by
6 a school district approved to participate in the preschool
7 program on October 1 of the base year, or the first Monday in
8 October if October 1 falls on a Saturday or Sunday.

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

11 Sec. 3. APPLICABILITY. This Act applies to school budget
12 years beginning on or after July 1, 2014.

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 For purposes of determining the amount of preschool
17 foundation aid a school district may receive, current Code
18 section 256C.5 defines “preschool budget enrollment” to mean
19 the figure that is equal to 50 percent of the actual enrollment
20 of eligible students in the preschool programming provided by
21 the school district as of October 1 preceding the beginning of
22 the school year. This bill increases the percentage of actual
23 enrollment of eligible students from 50 percent to 60 percent.

24 The bill takes effect upon enactment and applies to school
25 budget years beginning on or after July 1, 2014.



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House File 2105 - Introduced

HOUSE FILE 2105
BY STAED, M. SMITH,
ABDUL-SAMAD, BERRY, GAINES,
ANDERSON, WOLFE, OURTH, and
T. TAYLOR

A BILL FOR

- 1 An Act relating to academic indicators for students.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5611YH (4) 85
kh/rj



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H.F. 2105

1 Section 1. Section 256.7, subsection 21, paragraph b,
2 unnumbered paragraph 1, Code 2014, is amended to read as
3 follows:

4 A set of core academic indicators in mathematics, and
5 reading, writing, and social studies in grades four, eight, and
6 eleven, a set of core academic indicators in science in grades
7 eight and eleven, and another set of core indicators that
8 includes but is not limited to graduation rate, postsecondary
9 education, and successful employment in Iowa.

10 Sec. 2. Section 261E.3, subsection 1, paragraph e, Code
11 2014, is amended to read as follows:

12 e. The student shall have demonstrated proficiency
13 in reading, writing, social studies, mathematics, and
14 science as evidenced by achievement scores on the latest
15 administration of the state assessment for which scores
16 are available and as defined by the department. However,
17 a student receiving competent private instruction under
18 chapter 299A may demonstrate proficiency by submitting the
19 written recommendation of the licensed practitioner providing
20 supervision to the student in accordance with section 299A.2;
21 may demonstrate proficiency as evidenced by achievement scores
22 on the annual achievement evaluation required under section
23 299A.4; or may demonstrate proficiency as evidenced by a
24 selection index, which is the sum of the critical reading,
25 mathematics, and writing skills assessments, of at least one
26 hundred forty-one on the preliminary scholastic aptitude
27 test administered by the college board; a composite score
28 of at least twenty-one on the college readiness assessment
29 administered by ACT, inc.; or a sum of the critical reading
30 and mathematics scores of at least nine hundred ninety on the
31 college readiness assessment administered by the college board.
32 If a student is not proficient in one or more of the content
33 areas listed in this paragraph, has not taken the college
34 readiness assessments identified in this paragraph, or has not
35 achieved the scores specified in this paragraph, the school

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1 board may establish alternative but equivalent qualifying
2 performance measures including but not limited to additional
3 administrations of the state assessment, portfolios of student
4 work, student performance rubric, or end-of-course assessments.

5 Sec. 3. Section 280.12, subsection 2, paragraph c, Code
6 2014, is amended to read as follows:

7 c. Long-range and annual improvement goals that include, but
8 are not limited to, the state indicators that address reading,
9 writing, social studies, mathematics, and science achievement.

10 Sec. 4. Section 284.12, subsection 1, paragraph a, Code
11 2014, is amended to read as follows:

12 a. Student achievement scores in mathematics, ~~and reading,~~
13 writing, and social studies at the fourth and eighth grade
14 levels on a district-by-district basis as reported to the local
15 communities pursuant to section 256.7, subsection 21, paragraph
16 "c".

17 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
18 with section 25B.2, subsection 3, the state cost of requiring
19 compliance with any state mandate included in this Act shall
20 be paid by a school district from state school foundation aid
21 received by the school district under section 257.16. This
22 specification of the payment of the state cost shall be deemed
23 to meet all of the state funding-related requirements of
24 section 25B.2, subsection 3, and no additional state funding
25 shall be necessary for the full implementation of this Act
26 by and enforcement of this Act against all affected school
27 districts.

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 adds to the academic indicators that the state
32 board of education must adopt for students in grades 4, 8,
33 and 11. Currently, students at those levels are assessed in
34 mathematics and reading, and students in grades 8 and 11 are
35 assessed in science. The bill adds writing and social studies

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1 to the academic indicators at grade levels 4, 8, and 11.
2 The bill makes corresponding changes relating to an annual
3 statewide progress report the department of education is
4 required to make available to the chairpersons and ranking
5 members of the senate and house committees on education, the
6 deans of the colleges of education at approved practitioner
7 preparation institutions in Iowa, the state board, the
8 governor, and school districts; to student eligibility criteria
9 for the senior year plus program; and to areas for which school
10 improvement advisory committees may submit recommendations for
11 school district and accredited nonpublic school goals.
12 The bill may include a state mandate as defined in Code
13 section 25B.3. The bill requires that the state cost of
14 any state mandate included in the bill be paid by a school
15 district from state school foundation aid received by the
16 school district under Code section 257.16. The specification
17 is deemed to constitute state compliance with any state mandate
18 funding-related requirements of Code section 25B.2. The
19 inclusion of this specification is intended to reinstate the
20 requirement of political subdivisions to comply with any state
21 mandates included in the bill.



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House File 2106 - Introduced

HOUSE FILE 2106

BY HEDDENS, HEATON, KAUFMANN,
BYRNES, OLDSON, M. SMITH,
MASCHER, MEYER, STAED,
T. TAYLOR, BEARINGER,
OURTH, WINCKLER, BERRY,
GASKILL, ABDUL-SAMAD,
KAJTAZOVIC, RUFF, HANSON,
WOOD, DAWSON, MURPHY,
LENSING, HUNTER, LYKAM,
SHEETS, GASSMAN, HALL,
STUTSMAN, STANERSON, and
MOORE

A BILL FOR

1 An Act relating to elder abuse and providing penalties.

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

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pf/nh



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1 as provided in section 726.25.

2 15. "*Guardian*" means the same as defined in section 633.3.

3 16. "*Health care facility*" means the same as defined in
4 section 135C.1.

5 17. "*Interfere with*" means to interpose in a manner that
6 hinders or impedes or to take part in concerns of others.

7 18. "*Intimidate*" means to compel or deter conduct by a
8 threat.

9 19. "*Menace*" means to show intention to harm or to act in
10 threatening manner.

11 20. "*Molest*" means to annoy, disturb, or persecute,
12 especially with hostile intent or injurious effect, and
13 includes general harassment.

14 21. "*Neglect*" means the failure of a caregiver or fiduciary
15 to provide adequate food, shelter, clothing, supervision,
16 physical or mental health care, or goods or services necessary
17 to maintain the life, health, or safety of an older individual,
18 which if not provided would constitute denial of critical care.

19 22. "*Older individual*" means an individual who is sixty
20 years of age or older.

21 23. "*Physical harm*" means bodily injury, impairment, or
22 disease.

23 24. "*Plaintiff*" means an older individual who files
24 a petition under this chapter and includes a substitute
25 petitioner who files a petition on behalf of an older
26 individual under this chapter.

27 25. "*Present danger of elder abuse*" means a situation
28 in which the defendant has recently threatened the older
29 individual with initial or additional elder abuse, or the
30 potential for misappropriation, misuse, or removal of the
31 benefits, property, resources, belongings, or assets of the
32 older individual.

33 26. "*Pro se*" means a person proceeding on the person's own
34 behalf without legal representation.

35 27. "*Psychological harm*" means the infliction of anguish,

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1 emotional pain, or distress through verbal or nonverbal acts.
2 28. *“Substitute petitioner”* means the guardian, conservator,
3 attorney in fact, or guardian ad litem for an older individual
4 who files a petition under this chapter.

5 29. *“Undue influence”* means taking advantage of a person’s
6 role, relationship, or authority to improperly change or
7 obtain control over the actions or decision making of an older
8 individual.

9 **Sec. 2. NEW SECTION. 231G.2 Elder abuse resource and**
10 **referral program.**

11 1. The department shall establish and operate an elder abuse
12 resource and referral program. The purposes of the program
13 are:

14 a. To empower older individuals to maximize their autonomy.

15 b. To recognize the rights of older individuals, including
16 the right to be free of abuse, neglect, and financial
17 exploitation.

18 c. To increase the awareness of elder abuse and provide
19 options for older individuals at risk of elder abuse.

20 d. To provide a mechanism to address prevention, detection,
21 and reporting of and intervention in cases of abuse, neglect,
22 and financial exploitation of older individuals.

23 2. The department shall utilize the area agencies on
24 aging to implement the program in each designated planning
25 and service area. Each area agency on aging shall designate
26 an elder rights specialist to administer the local program.
27 The elder rights specialist shall assemble a local network of
28 partners and stakeholders to coordinate services for older
29 individuals through the program. The network shall include
30 individuals who possess knowledge and skills related to
31 older individuals or elder abuse and who are professionals
32 practicing in the disciplines of medicine, nursing, geriatrics,
33 public health, mental health, social work, gerontology,
34 law, law enforcement, or other disciplines relative to older
35 individuals. The network shall include but is not limited to



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1 attorney in fact, or guardian ad litem of an older individual,
 2 may seek relief from elder abuse by filing a verified petition
 3 in the district court. Venue shall lie where either party
 4 resides. The petition shall state all of the following:

5 *a.* The name of the older individual and the name and address
 6 of the older individual's attorney, if any. If the older
 7 individual is proceeding pro se, the petition shall state a
 8 mailing address for the older individual. A mailing address
 9 may be provided by the older individual pursuant to section
 10 231G.12.

11 *b.* The name of the substitute petitioner if the petition
 12 is being filed on behalf of an older individual, and the name
 13 and address of the attorney of the substitute petitioner. If
 14 the substitute petitioner is proceeding pro se, the petition
 15 shall state a mailing address for the substitute petitioner. A
 16 mailing address may be provided by the substitute petitioner
 17 pursuant to section 231G.12.

18 *c.* The name and address, if known, of the defendant.

19 *d.* The relationship of the older individual to the
 20 defendant.

21 *e.* The nature of the alleged elder abuse.

22 *f.* The name and age of any other individual whose welfare
 23 may be affected.

24 *g.* The desired relief, including a request for temporary or
 25 emergency orders.

26 2. A temporary or emergency order shall be based on a
 27 showing of a prima facie case of elder abuse. If the factual
 28 basis for the alleged elder abuse is contested, the court shall
 29 issue a protective order based upon a finding of elder abuse by
 30 a preponderance of the evidence.

31 3. *a.* The filing fee and court costs for an order for
 32 protection and in a contempt action resulting from an order
 33 granted under this chapter or chapter 664A shall be waived for
 34 the plaintiff.

35 *b.* The clerk of court, the sheriff of any county in this

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 pf/nh

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1 state, and other law enforcement and corrections officers shall
2 perform their duties relating to service of process without
3 charge to the plaintiff.

4 *c.* When an order for protection is entered by the court,
5 the court may direct the defendant to pay to the clerk of court
6 the fees for the filing of the petition and reasonable costs of
7 service of process if the court determines the defendant has
8 the ability to pay the plaintiff's fees and costs.

9 *d.* In lieu of personal service of an order for protection
10 issued pursuant to this section, the sheriff of any county
11 in the state, and any other law enforcement and corrections
12 officers may serve a defendant with a short-form notification
13 pursuant to section 664A.4A.

14 4. If the person against whom relief from elder abuse is
15 being sought is seventeen years of age or younger, the district
16 court shall waive its jurisdiction over the action to the
17 juvenile court.

18 5. If a substitute petitioner files a petition under this
19 section on behalf of an older individual, the older individual
20 shall retain the right to all of the following:

21 *a.* To contact and retain counsel.

22 *b.* To have access to personal records.

23 *c.* To file objections to the protective order.

24 *d.* To request a hearing on the petition.

25 *e.* To present evidence and cross-examine witnesses at the
26 hearing.

27 6. The relief provided under this chapter shall not be
28 available if the action involves a guardian or conservator
29 of the older individual and the relief sought is more
30 appropriately obtained in a protective proceeding filed under
31 chapter 633.

32 **Sec. 4. NEW SECTION. 231G.4 Plaintiffs proceeding pro se —**
33 **provision of forms and assistance.**

34 1. The department of justice shall prescribe standard forms
35 to be used by older individuals or substitute petitioners



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- 1 2. The court may enter any temporary order it deems
2 necessary to protect the older individual from elder abuse
3 prior to the hearing, upon good cause shown in an ex parte
4 proceeding. Present danger of elder abuse constitutes good
5 cause for purposes of this subsection. A temporary order
6 issued pursuant to this subsection shall specifically include
7 notice that the defendant may be required to relinquish all
8 firearms, offensive weapons, and ammunition upon the issuance
9 of a permanent order pursuant to section 231G.8.
- 10 3. If a hearing is continued, the court may make or extend
11 any temporary order under subsection 2 that it deems necessary.
- 12 4. Upon application of a party, the court shall issue
13 subpoenas requiring attendance and testimony of witnesses and
14 production of papers.
- 15 5. The court shall advise the defendant of a right to be
16 represented by counsel of the defendant's choosing and to have
17 a continuance to secure counsel.
- 18 6. The showing required under subsection 1 may be made by,
19 but is not limited to the testimony at the hearing of, any of
20 the following:
- 21 *a.* The older individual.
22 *b.* The guardian, conservator, attorney in fact, or guardian
23 ad litem of the older individual.
24 *c.* Witnesses to the elder abuse.
25 *d.* Adult protective services workers who have conducted an
26 investigation.
- 27 7. The hearing may be held in person, telephonically, or
28 electronically. If the defendant or plaintiff seeks to raise
29 an issue at the hearing not previously raised, the defendant or
30 plaintiff is entitled to reasonable continuance for the purpose
31 of preparing a response to the issue.
- 32 8. The court shall exercise its discretion in a manner that
33 protects the older individual from traumatic confrontation with
34 the defendant.
- 35 9. Hearings shall be recorded.



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1 Sec. 8. NEW SECTION. **231G.8 Disposition.**

2 1. Upon a finding that the defendant has engaged in elder
3 abuse, the court shall, if requested by the plaintiff, order
4 any of the following:

5 *a.* That the defendant be required to move from the residence
6 of the older individual if both the older individual and the
7 defendant are titleholders or contract holders of record of the
8 real property, are named as tenants in the rental agreement
9 concerning the use and occupancy of the dwelling unit, or are
10 married to each other.

11 *b.* That the defendant provide suitable alternative housing
12 for the older individual.

13 *c.* That a peace officer accompany the party who is leaving
14 or has left the party's residence to remove essential personal
15 effects of the party.

16 *d.* That the defendant be restrained from abusing,
17 intimidating, molesting, interfering with, or menacing the
18 older individual, or attempting to abuse, intimidate, molest,
19 interfere with, or menace the older individual.

20 *e.* That the defendant be restrained from entering or
21 attempting to enter on any premises when it appears to the
22 court that such restraint is necessary to prevent the defendant
23 from abusing, intimidating, molesting, interfering with, or
24 menacing the older individual.

25 *f.* That the defendant be restrained from exercising
26 any powers on behalf of the older individual through a
27 court-appointed guardian, conservator, or guardian ad litem, an
28 attorney in fact, or another third party.

29 *g.* That the defendant be restrained from owning, possessing,
30 purchasing, receiving, or attempting to receive a firearm,
31 offensive weapon, or ammunition.

32 *h.* In addition to the relief provided in subsection 2, other
33 relief that the court considers necessary to provide for the
34 safety and welfare of the older individual.

35 2. If the court finds that the older individual has been



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1 the victim of financial exploitation, the court may order the
2 relief the court considers necessary to prevent or remedy the
3 financial exploitation, including but not limited to any of the
4 following:

5 *a.* Directing the defendant to refrain from exercising
6 control over the benefits, property, resources, belongings, or
7 assets of the older individual.

8 *b.* Requiring the defendant to return custody or control of
9 the benefits, property, resources, belongings, or assets to the
10 older individual.

11 *c.* Requiring the defendant to follow the instructions of
12 the guardian, conservator, or attorney in fact of the older
13 individual.

14 *d.* Prohibiting the defendant from transferring the benefits,
15 property, resources, belongings, or assets of the older
16 individual to any person other than the older individual.

17 3. The court shall not use an order issued under this
18 section to do any of the following:

19 *a.* To allow any person other than the older individual to
20 assume responsibility for the benefits, property, resources,
21 belongings, or assets of the older individual.

22 *b.* For relief that is more appropriately obtained in a
23 protective proceeding filed under chapter 633 including but
24 not limited to giving control and management of the benefits,
25 property, resources, belongings, or assets of the older
26 individual to a guardian, conservator, or attorney in fact for
27 any purpose other than the relief granted under subsection 2.

28 4. The court may approve a consent agreement between the
29 parties entered to bring about the cessation of elder abuse. A
30 consent agreement approved under this section shall not contain
31 any of the following:

32 *a.* A provision that prohibits any party to the action
33 from contacting or cooperating with any government agency
34 including the department of human services, the department
35 of inspections and appeals, the department on aging, the



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1 department of justice, law enforcement, and the office of
2 long-term care ombudsman; a licensing or regulatory agency
3 that has jurisdiction over any license or certification held
4 by the defendant; a protection and advocacy agency recognized
5 in section 135C.2; or the defendant's current employer if the
6 defendant's professional responsibilities include contact with
7 older individuals, dependent adults, or minors, if the party
8 contacting or cooperating has a good-faith belief that the
9 information is relevant to the duties or responsibilities of
10 the entity.

11 *b.* A provision that prohibits any party to the action from
12 filing a complaint with or reporting a violation of law to any
13 government agency including the department of human services,
14 the department of inspections and appeals, the department on
15 aging, the department of justice, law enforcement, and the
16 office of long-term care ombudsman; a licensing or regulatory
17 agency that has jurisdiction over any license or certification
18 held by the defendant; a protection and advocacy agency
19 recognized in section 135C.2; or the defendant's current
20 employer.

21 *c.* A provision that requires any party to the action to
22 withdraw a complaint filed with or a violation reported to any
23 government agency including the department of human services,
24 the department of inspections and appeals, the department on
25 aging, the department of justice, law enforcement, and the
26 office of long-term care ombudsman; a licensing or regulatory
27 agency that has jurisdiction over any license or certification
28 held by the defendant; a protection and advocacy agency
29 recognized in section 135C.2; or the defendant's current
30 employer.

31 5. A protective order or approved consent agreement shall be
32 for a fixed period of time not to exceed one year. The court
33 may amend or extend its order or a consent agreement at any
34 time upon a petition filed by either party and after notice
35 and hearing. The court may extend the order if the court,



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1 at the end of the day or week to the resumption of business
 2 at the beginning of the day or week, a petition may be filed
 3 before a district judge, or district associate judge designated
 4 by the chief judge of the judicial district, who may grant
 5 emergency relief in accordance with section 231G.8, subsection
 6 1 or 2, if the district judge or district associate judge deems
 7 it necessary to protect the older individual from elder abuse,
 8 upon good cause shown in an ex parte proceeding. Present
 9 danger of elder abuse constitutes good cause for purposes of
 10 this subsection.

11 2. An emergency order issued under subsection 1 shall expire
 12 seventy-two hours after issuance. When the order expires, the
 13 plaintiff may seek a temporary order from the court pursuant
 14 to section 231G.7.

15 3. A petition filed and emergency order issued under this
 16 section and any documentation in support of the petition
 17 and order shall be immediately certified to the court. The
 18 certification shall commence a proceeding for purposes of
 19 section 231G.3.

20 **Sec. 10. NEW SECTION. 231G.10 Procedure.**

21 1. A proceeding under this chapter shall be held in
 22 accordance with the rules of civil procedure, except as
 23 otherwise set forth in this chapter and in chapter 664A, and is
 24 in addition to any other civil or criminal remedy.

25 2. The plaintiff's right to relief under this chapter is not
 26 affected by leaving the older individual's home to avoid elder
 27 abuse.

28 **Sec. 11. NEW SECTION. 231G.11 Elder abuse information.**

29 1. The department shall collect and maintain information on
 30 incidents involving elder abuse. The department shall design
 31 and implement a uniform method of collecting data on elder
 32 abuse from entities involved in the prevention, detection,
 33 reporting, investigation of and intervention in cases of abuse,
 34 neglect, and financial exploitation of older individuals.

35 2. The department may compile statistics and issue reports



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1 on elder abuse in Iowa, provided individual identifying
2 details of the elder abuse are deleted. The statistics and
3 reports may include nonidentifying information on the personal
4 characteristics of perpetrators and victims. The department
5 may request the cooperation of the department of justice
6 in compiling the statistics and issuing the reports. The
7 department of justice shall provide to the department, without
8 charge, all information and documentation requested for this
9 purpose. The department may provide nonidentifying information
10 on individual incidents of elder abuse to persons conducting
11 bona fide research, including but not limited to personnel of
12 the department of justice.

13 **Sec. 12. NEW SECTION. 231G.12 Plaintiff address —**
14 **confidentiality of records.**

15 1. A plaintiff seeking relief under this chapter may use any
16 of the following addresses as a mailing address for purposes
17 of filing a petition under this chapter, as well as for the
18 purpose of obtaining any utility or other service:

19 a. The mailing address of a shelter or other agency.

20 b. A public or private post office box.

21 c. Any other mailing address, with the permission of the
22 resident of that address.

23 2. A plaintiff shall report any change of address, whether
24 designated according to subsection 1 or otherwise, to the clerk
25 of court no more than five days after the previous address on
26 record becomes invalid.

27 3. The entire file or a portion of the file in an elder
28 abuse action shall be sealed by the clerk of court as ordered
29 by the court to protect the privacy interest or safety of any
30 person.

31 4. Notwithstanding subsection 3, court orders shall remain
32 public records, although the court may order that address and
33 location information be redacted from the public records.

34 **Sec. 13. NEW SECTION. 231G.13 Duties of peace officer —**
35 **magistrate.**



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1 1. A peace officer shall use every reasonable means to
2 enforce an order or court-approved consent agreement entered
3 under this chapter or chapter 664A, or to enforce an order that
4 establishes conditions of release or is a protective order or
5 sentencing order in a criminal prosecution arising from elder
6 abuse assault under section 708.2D. If a peace officer has
7 reason to believe that elder abuse has occurred, the peace
8 officer shall ask the older individual if any prior orders
9 exist, and shall contact the twenty-four-hour dispatcher to
10 inquire if any prior orders exist. If a peace officer has
11 probable cause to believe that a person has violated an order
12 or approved consent agreement entered under this chapter or
13 chapter 664A, or an order establishing conditions of release
14 or a protective or sentencing order in a criminal prosecution
15 arising from elder abuse assault pursuant to section 708.2D,
16 the peace officer shall take the person into custody and shall
17 take the person without unnecessary delay before the nearest or
18 most accessible magistrate in the judicial district in which
19 the person was taken into custody. The magistrate shall make
20 an initial preliminary determination whether there is probable
21 cause to believe that an order or consent agreement existed and
22 whether the person taken into custody has violated its terms.
23 The magistrate's decision shall be entered in the record.

24 2. If a peace officer has probable cause to believe
25 that a person has violated an order or approved consent
26 agreement entered under this chapter or chapter 664A, or an
27 order establishing conditions of release or a protective
28 or sentencing order in a criminal prosecution arising from
29 elder abuse assault pursuant to section 708.2D, and the peace
30 officer is unable to take the person into custody within
31 twenty-four hours of making the probable cause determination,
32 the peace officer shall either request a magistrate to make a
33 determination as to whether a rule to show cause or an arrest
34 warrant should be issued, or refer the matter to the county
35 attorney.



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1 3. If the magistrate finds probable cause, the magistrate
2 shall order the person to appear either before the court which
3 issued the original order or approved the consent agreement,
4 or before the court in the jurisdiction where the alleged
5 violation took place, at a specified time not less than five
6 days nor more than fifteen days after the initial appearance
7 under this section. The magistrate shall cause the original
8 court to be notified of the contents of the magistrate's order.

9 4. A peace officer shall not be held civilly or criminally
10 liable for acting pursuant to this section provided that the
11 peace officer acts in good faith, on probable cause, and the
12 officer's acts do not constitute a willful and wanton disregard
13 for the rights or safety of another.

14 Sec. 14. NEW SECTION. **231G.14 Prevention of further elder**
15 **abuse — notification of rights — arrest — liability.**

16 1. If a peace officer has reason to believe that elder abuse
17 has occurred, the officer shall use all reasonable means to
18 prevent further elder abuse including but not limited to the
19 following:

20 *a.* If requested, remaining on the scene as long as there
21 is a danger to an older individual's physical safety without
22 the presence of a peace officer, including but not limited to
23 staying in the dwelling unit, or if unable to remain on the
24 scene, assisting the older individual in leaving the residence.

25 *b.* Assisting an older individual in obtaining necessary
26 medical treatment resulting from the elder abuse, including
27 providing assistance to the older individual in obtaining
28 transportation to the emergency department of the nearest
29 hospital.

30 *c.* Providing an older individual with immediate and
31 adequate notice of the older individual's rights. The notice
32 shall consist of handing the older individual a document that
33 includes the telephone numbers of the department, the local
34 area agency on aging, the aging and disability resource center
35 network, advocacy and support groups, and emergency shelters.



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1 The peace officer shall ask the older individual to read the
2 document and ask whether the older individual understands the
3 rights described in the document. The document shall contain a
4 copy of the following statement written in English and Spanish:

5 (1) You have the right to ask the court for help keeping
6 your abuser away from you, your home, your place of employment,
7 and any other places you may be.

8 (2) You have the right to stay at your home without
9 interference from your abuser.

10 (3) You have the right to control and have custody of your
11 benefits, property, resources, belongings, and assets.

12 (4) You have the right to seek help from the court to seek
13 a protective order with or without the assistance of legal
14 representation. You have the right to seek help from the
15 courts without the payment of court costs if you do not have
16 sufficient funds to pay the costs.

17 (5) You have the right to file criminal charges for threats,
18 assaults, or other related crimes.

19 (6) You have the right to seek restitution against your
20 abuser for harm to yourself or your property.

21 (7) If you are in need of medical treatment, you have
22 the right to request that the officer present assist you in
23 obtaining transportation to the nearest hospital or otherwise
24 assist you.

25 (8) If you believe that police protection is needed for your
26 physical safety you have the right to request that the officer
27 present remain at the scene until you and other affected
28 parties can leave or until safety is otherwise ensured.

29 2. a. A peace officer may, with or without a warrant,
30 arrest a person under section 708.2D, subsection 2, paragraph
31 "a", if, upon investigation, including a reasonable inquiry of
32 the older individual and other witnesses, if any, the officer
33 has probable cause to believe that an elder abuse assault has
34 been committed which did not result in any injury to the older
35 individual.



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1 *b.* A peace officer shall, with or without a warrant, arrest
2 a person under section 708.2D, subsection 2, paragraph “*b*”,
3 if, upon investigation, including a reasonable inquiry of the
4 older individual and other witnesses, if any, the officer has
5 probable cause to believe that an elder abuse assault has been
6 committed which resulted in the older individual suffering a
7 bodily injury.

8 *c.* A peace officer shall, with or without a warrant, arrest
9 a person under section 708.2D, subsection 2, paragraph “*c*”,
10 if, upon investigation, including a reasonable inquiry of the
11 older individual and other witnesses, if any, the officer has
12 probable cause to believe that an elder abuse assault has
13 been committed with the intent to inflict a serious injury as
14 defined in section 702.18.

15 *d.* A peace officer shall, with or without a warrant, arrest
16 a person under section 708.2D, subsection 2, paragraph “*c*”,
17 if, upon investigation, including a reasonable inquiry of the
18 older individual and other witnesses, if any, the officer has
19 probable cause to believe that an elder abuse assault has
20 been committed and that the alleged abuser used or displayed
21 a dangerous weapon as defined in section 702.7 in connection
22 with the assault.

23 *e.* A peace officer shall, with or without a warrant, arrest
24 a person under section 708.2D, subsection 2, paragraph “*d*”,
25 if, upon investigation, including a reasonable inquiry of the
26 older individual and other witnesses, if any, the officer has
27 probable cause to believe that an elder abuse assault has
28 been committed by knowingly impeding the normal breathing or
29 circulation of the blood of the older individual by applying
30 pressure to the throat or neck of the older individual or by
31 obstructing the nose or mouth of the older individual.

32 *f.* A peace officer shall, with or without a warrant,
33 arrest a person under section 708.2D, subsection 5, if, upon
34 investigation, including a reasonable inquiry of the alleged
35 victim and other witnesses, if any, the officer has probable



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1 elder abuse, including but not limited to legal and social
2 services.

3 2. The department may accept, use, and dispose of
4 contributions of money, services, and property made available
5 by an agency or department of the state or federal government,
6 or a private agency or individual to address elder abuse.

7 Sec. 18. NEW SECTION. 231G.18 Reference to certain criminal
8 provisions.

9 Provisions contained in this chapter shall not preclude
10 other relief available including certain criminal penalties and
11 provisions pertaining to elder abuse, elder abuse assault, and
12 violations of protective orders set forth in chapter 664A and
13 sections 708.2D, 714.2A, 714.16A, 726.24, and 726.25.

14 Sec. 19. NEW SECTION. 231G.19 Foreign protective orders
15 — registration — enforcement.

16 1. As used in this section, "*foreign protective order*" means
17 a protective order entered by a court of another state, Indian
18 tribe, or United States territory that would be an order or
19 court-approved consent agreement entered under this chapter
20 or chapter 664A, or an order that establishes conditions
21 of release or is a protective order or sentencing order in
22 a criminal prosecution arising from an elder abuse assault
23 pursuant to section 708.2D if it had been entered in Iowa.

24 2. A certified or authenticated copy of a permanent foreign
25 protective order may be filed with the clerk of the district
26 court in any county that would have venue if the original
27 action was being commenced in this state or in which the person
28 in whose favor the order was entered may be present.

29 a. The clerk shall file foreign protective orders that are
30 not certified or authenticated, if supported by an affidavit of
31 a person with personal knowledge, subject to the penalties for
32 perjury. The person protected by the order may provide this
33 affidavit.

34 b. The clerk shall provide copies of the order as required
35 by section 231G.8, except that notice shall not be provided to

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1 the respondent without the express written direction of the
2 person in whose favor the order was entered.

3 3. *a.* A valid foreign protective order has the same effect
4 and shall be enforced in the same manner as a protective order
5 issued in this state whether or not filed with a clerk of court
6 or otherwise placed in a registry of protective orders.

7 *b.* A foreign protective order is valid if it meets all of
8 the following conditions:

9 (1) The order states the name of the protected individual
10 and the individual against whom enforcement is sought.

11 (2) The order has not expired or has not otherwise been
12 terminated.

13 (3) The order was issued by a court or tribunal that had
14 jurisdiction over the parties and subject matter under the law
15 of the foreign jurisdiction.

16 (4) The order was issued in accordance with the respondent's
17 due process rights, either after the respondent was provided
18 with reasonable notice and an opportunity to be heard before
19 the court or tribunal that issued the order, or in the case
20 of an *ex parte* order, the respondent was granted notice and
21 opportunity to be heard within a reasonable time after the
22 order was issued.

23 *c.* Proof that a foreign protective order failed to meet all
24 of the factors listed in paragraph "*b*" shall be an affirmative
25 defense in any action seeking enforcement of the order.

26 4. A peace officer shall treat a foreign protective order as
27 a valid legal document and shall make an arrest for a violation
28 of the foreign protective order in the same manner that a peace
29 officer would make an arrest for a violation of a protective
30 order issued within this state.

31 *a.* The fact that a foreign protective order has not been
32 filed with the clerk of court or otherwise placed in a registry
33 shall not be grounds to refuse to enforce the terms of the
34 order unless it is apparent to the officer that the order is
35 invalid on its face.



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1 *b.* A peace officer acting reasonably and in good faith in
2 connection with the enforcement of a foreign protective order
3 shall be immune from civil and criminal liability in any action
4 arising in connection with such enforcement.

5 5. Filing and service costs in connection with foreign
6 protective orders are waived as provided in section 231G.3.

7 Sec. 20. CODE EDITOR DIRECTIVES. The Code editor shall do
8 all of the following:

9 1. Title new chapter 231G, as enacted in this Act,
10 the "Elder Abuse Response Act", containing the following
11 subchapters:

12 *a.* Subchapter I, entitled "Elder abuse — definitions",
13 which includes section 231G.1, as enacted in this Act.

14 *b.* Subchapter II, entitled "Elder abuse resource and
15 referral initiative", which includes section 231G.2, as enacted
16 in this Act.

17 *c.* Subchapter III, entitled "Relief from elder abuse",
18 which includes sections 231G.3 through 231G.19, as enacted in
19 this Act.

20 2. Correct internal references as necessary.

DIVISION II

OTHER CRIMINAL AND CIVIL RELIEF FOR OLDER INDIVIDUALS

23 Sec. 21. NEW SECTION. 708.2D Elder abuse assault —
24 mandatory minimums, penalties enhanced — extension of no-contact
25 order.

26 1. For the purposes of this chapter, "*elder abuse assault*"
27 means an assault, as defined in section 708.1, of an older
28 individual as defined in section 231G.1.

29 2. On a first offense of elder abuse assault, the person
30 commits:

31 *a.* A simple misdemeanor, except as otherwise provided.

32 *b.* A serious misdemeanor if the elder abuse assault causes
33 bodily injury or mental illness.

34 *c.* An aggravated misdemeanor if the elder abuse assault is
35 committed with the intent to inflict a serious injury upon an



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1 older individual or if the person uses or displays a dangerous
 2 weapon in connection with the assault. This paragraph does not
 3 apply if section 708.6 or 708.8 applies.

4 *d.* An aggravated misdemeanor if the elder abuse assault
 5 is committed by knowingly impeding the normal breathing or
 6 circulation of the blood of an older individual by applying
 7 pressure to the throat or neck of the older individual or by
 8 obstructing the nose or mouth of the older individual.

9 3. Except as otherwise provided in subsection 2, on a second
 10 offense of elder abuse assault, a person commits:

11 *a.* A serious misdemeanor if the first offense was classified
 12 as a simple misdemeanor and the second offense would otherwise
 13 be classified as a simple misdemeanor.

14 *b.* An aggravated misdemeanor if the first offense was
 15 classified as a simple or aggravated misdemeanor, and the
 16 second offense would otherwise be classified as a serious
 17 misdemeanor, or the first offense was classified as a serious
 18 or aggravated misdemeanor, and the second offense would
 19 otherwise be classified as a simple or serious misdemeanor.

20 4. On a third or subsequent offense of elder abuse assault,
 21 a person commits a class "D" felony.

22 5. For an elder abuse assault committed by knowingly
 23 impeding the normal breathing or circulation of the blood of an
 24 older individual by applying pressure to the throat or neck of
 25 the older individual or by obstructing the nose or mouth of the
 26 older individual, and causing bodily injury, the person commits
 27 a class "D" felony.

28 6. *a.* A conviction for, deferred judgment for, or plea of
 29 guilty to, a violation of this section which occurred more than
 30 twelve years prior to the date of the violation charged shall
 31 not be considered in determining that the violation charged is
 32 a second or subsequent offense.

33 *b.* For the purpose of determining if a violation charged
 34 is a second or subsequent offense, deferred judgments issued
 35 pursuant to section 907.3 for violations of section 708.2



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1 or this section, which were issued on elder abuse assaults,
2 and convictions or the equivalent of deferred judgments for
3 violations in any other states under statutes substantially
4 corresponding to this section shall be counted as previous
5 offenses. The courts shall judicially notice the statutes of
6 other states which define offenses substantially equivalent
7 to the offenses defined in this section and can therefore be
8 considered corresponding statutes. Each previous violation on
9 which conviction or deferral of judgment was entered prior to
10 the date of the offense charged shall be considered and counted
11 as a separate previous offense.

12 *c.* An offense shall be considered a prior offense regardless
13 of whether it was committed upon the same victim.

14 7. *a.* A person convicted of violating subsection 2 or 3
15 shall serve a minimum term of two days of the sentence imposed
16 by law, and shall not be eligible for suspension of the minimum
17 sentence. The minimum term shall be served on consecutive
18 days. The court shall not impose a fine in lieu of the minimum
19 sentence, although a fine may be imposed in addition to the
20 minimum sentence. This section does not prohibit the court
21 from sentencing and the person from serving the maximum term of
22 confinement or from paying the maximum fine permitted pursuant
23 to chapters 902 and 903, and does not prohibit the court from
24 entering a deferred judgment or sentence pursuant to section
25 907.3, if the person has not previously received a deferred
26 sentence or judgment for a violation of section 708.2 or this
27 section which was issued on an elder abuse assault.

28 *b.* A person convicted of violating subsection 4 shall
29 be sentenced as provided under section 902.9, subsection 1,
30 paragraph "e", and shall be denied parole or work release until
31 the person has served a minimum of one year of the person's
32 sentence. Notwithstanding section 901.5, subsections 1, 3, and
33 5, and section 907.3, the person cannot receive a suspended or
34 deferred sentence or a deferred judgment; however, the person
35 sentenced shall receive credit for any time the person was



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1 duty, or extortion, obtains control over or otherwise uses the
2 benefits, property, resources, belongings, or assets of the
3 older individual.

4 2. A person who commits financial exploitation of an older
5 individual is guilty of the following, as applicable:

6 a. A serious misdemeanor if the value of the benefits,
7 property, resources, belongings, or assets is one hundred
8 dollars or less.

9 b. An aggravated misdemeanor if the value of the benefits,
10 property, resources, belongings, or assets exceeds one hundred
11 dollars but does not exceed one thousand dollars.

12 c. A class "D" felony if the value of the benefits,
13 property, resources, belongings, or assets exceeds one thousand
14 dollars but does not exceed ten thousand dollars.

15 d. A class "C" felony if the value of the benefits,
16 property, resources, belongings, or assets exceeds ten thousand
17 dollars but does not exceed fifty thousand dollars.

18 e. A class "B" felony if the value of the benefits,
19 property, resources, belongings, or assets exceeds fifty
20 thousand dollars, or if the older individual is seventy years
21 of age to eighty years of age and the value of the benefits,
22 property, resources, belongings, or assets is fifteen thousand
23 dollars or more, or if the older individual is eighty years
24 of age or older and the value of the benefits, property,
25 resources, belongings, or assets is five thousand dollars or
26 more.

27 3. Nothing in this section shall be construed to limit other
28 remedies available to the older individual including those
29 provided under chapters 231G and 236.

30 4. A person alleged to have committed a violation under
31 this section shall be charged with the respective offense
32 cited, unless a charge may be brought based upon a more serious
33 offense, in which case the charge of the more serious offense
34 shall supersede the less serious charge.

35 5. Nothing in this section shall be construed to impose



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1 unless a charge may be brought based upon a more serious
2 offense, in which case the charge of the more serious offense
3 shall supersede the less serious charge.

4 10. For the purposes of this section, "caretaker",
5 "dependent adult", "dependent adult abuse", "exploitation",
6 "recklessly", and "serious injury" mean the same as defined or
7 described in section 235B.2.

8 Sec. 26. Section 714.16A, Code 2014, is amended to read as
9 follows:

10 **714.16A Additional civil penalty for consumer frauds**
11 **committed against elderly older individual — fund established.**

12 1. a. If a person violates section 714.16, and the
13 violation is committed against an older ~~person~~ individual,
14 in an action brought by the attorney general, in addition to
15 any other civil penalty, the court may impose an additional
16 civil penalty not to exceed five thousand dollars for each
17 such violation. Additionally, the attorney general may
18 accept a civil penalty as determined by the attorney general
19 in settlement of an investigation of a violation of section
20 714.16, regardless of whether an action has been filed pursuant
21 to section 714.16.

22 b. A civil penalty imposed by a court or determined and
23 accepted by the attorney general pursuant to this section shall
24 be paid to the treasurer of state, who shall deposit the money
25 in the elderly older individual victim fund, a separate fund
26 created in the state treasury and administered by the attorney
27 general for the investigation and prosecution of frauds against
28 ~~the elderly older individuals~~ elderly older individuals. Notwithstanding section 8.33,
29 any balance in the fund on June 30 of any fiscal year shall
30 not revert to the general fund of the state. An award of
31 reimbursement pursuant to section 714.16 has priority over a
32 civil penalty imposed by the court pursuant to this subsection.

33 2. In determining whether to impose a civil penalty under
34 subsection 1, and the amount of any such penalty, the court
35 shall consider the following:



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1 of certification.

2 Sec. 31. Section 235B.6, subsection 2, paragraph e,
3 subparagraph (5), Code 2014, is amended to read as follows:

4 (5) ~~The office of the attorney for the department who is~~
5 ~~responsible for representing the department general.~~

6 Sec. 32. Section 235B.6, subsection 3, Code 2014, is amended
7 to read as follows:

8 3. Access to unfounded dependent adult abuse information is
9 authorized only to those persons identified in subsection 2,
10 paragraph "a", paragraph "b", subparagraphs (2), (5), and (6),
11 and paragraph "e", subparagraphs (2), (5), and (10).

12 Sec. 33. Section 235B.16, subsections 1, 2, and 3, Code
13 2014, are amended to read as follows:

14 1. The department on aging, in cooperation with the
15 department, shall conduct a public information and education
16 program. The elements and goals of the program include but are
17 not limited to:

18 a. Informing the public regarding the laws governing
19 dependent adult abuse and elder abuse, the reporting
20 requirements for dependent adult abuse, and the resource and
21 referral options available under this chapter and chapters 231G
22 and 235E.

23 b. Providing caretakers with information regarding services
24 to alleviate the emotional, psychological, physical, or
25 financial stress associated with the caretaker and dependent
26 adult relationship.

27 c. Affecting public attitudes regarding the role of a
28 dependent ~~adult~~ adults and older individuals in society.

29 2. The department on aging, in cooperation with the
30 ~~department on aging~~ of human services and the department of
31 inspections and appeals, shall institute a program of education
32 and training for persons, including members of provider groups
33 and family members, who may ~~come in contact with~~ encounter
34 dependent adult abuse or elder abuse. The program shall
35 include but is not limited to instruction regarding recognition



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1 of dependent adult abuse and elder abuse and the procedure for
2 the reporting of suspected abuse.

3 3. The content of the continuing education required
4 pursuant to chapter 272C for a licensed professional providing
5 care or service to a dependent adult shall include, but is
6 not limited to, the responsibilities, obligations, powers,
7 and duties of a person regarding the reporting of suspected
8 dependent adult abuse, ~~and~~ training to aid the professional
9 in identifying instances of dependent adult abuse, and the
10 resource and referral options available under this chapter and
11 chapters 231G and 235E to address dependent adult abuse and
12 elder abuse.

13 Sec. 34. Section 235B.16, subsection 5, paragraphs d and e,
14 Code 2014, are amended to read as follows:

15 d. The person may complete the initial or additional
16 training requirements as a part of any of the following that
17 are applicable to the person:

18 (1) A continuing education program required under chapter
19 272C and approved by the appropriate licensing board.

20 (2) A training program using a the curriculum approved by
21 ~~the director of public health~~ department on aging pursuant to
22 section ~~135.11~~ 231.23.

23 (3) A training program using ~~such an approved~~ the curriculum
24 approved by the department on aging pursuant to section 231.23
25 and offered by the department of human services, the department
26 on aging, the department of inspections and appeals, the Iowa
27 law enforcement academy, or a similar public agency.

28 e. A person required to complete both child abuse and
29 dependent adult abuse mandatory reporter training may complete
30 the training through a program which combines child abuse and
31 dependent adult abuse curricula and thereby meet the training
32 requirements of both this subsection and section 232.69
33 simultaneously. A person who is a mandatory reporter for both
34 child abuse and dependent adult abuse may satisfy the combined
35 training requirements of this subsection and section 232.69



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1 through completion of a ~~two-hour~~ four-hour training program,
 2 if the training program curriculum provides equal coverage of
 3 both child and dependent adult abuse and is approved by the
 4 appropriate licensing board or collaboratively by the director
 5 of public health pursuant to section 135.11 and the department
 6 on aging pursuant to section 231.23, as applicable.

7 Sec. 35. Section 235B.16, Code 2014, is amended by adding
 8 the following new subsection:

9 NEW SUBSECTION. 7. For the purposes of this section,
 10 "*elder abuse*" and "*older individual*" mean the same as defined
 11 in section 231G.1.

DIVISION IV

CONFORMING CHANGES

14 Sec. 36. Section 13.2, subsection 1, Code 2014, is amended
 15 by adding the following new paragraph:

16 NEW PARAGRAPH. o. Develop written procedures and policies
 17 to be followed by prosecuting attorneys in the prosecution
 18 of elder abuse, elder abuse assault, theft against an older
 19 individual, consumer frauds committed against an older
 20 individual, and financial exploitation of an older individual
 21 under chapter 231G and sections 708.2D, 714.2A, 714.16A,
 22 726.24, and 726.25.

23 Sec. 37. Section 13.31, subsection 3, Code 2014, is amended
 24 to read as follows:

25 3. Administer the domestic abuse program provided in
 26 chapter 236 and elder abuse actions commenced under chapter
 27 231G.

28 Sec. 38. Section 135B.7, Code 2014, is amended by adding the
 29 following new subsection:

30 NEW SUBSECTION. 5. The department shall also adopt rules
 31 requiring hospitals to establish and implement protocols for
 32 responding to the needs of patients who are victims of elder
 33 abuse, as defined in section 231G.1.

34 Sec. 39. Section 231.23, Code 2014, is amended by adding the
 35 following new subsection:



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1 the activities causing the clear and present danger.

2 Sec. 48. Section 598.7, subsection 1, Code 2014, is amended
 3 to read as follows:

4 1. The district court may, on its own motion or on the
 5 motion of any party, order the parties to participate in
 6 mediation in any dissolution of marriage action or other
 7 domestic relations action. Mediation performed under this
 8 section shall comply with the provisions of chapter 679C.
 9 The provisions of this section shall not apply if the action
 10 involves a child support or medical support obligation enforced
 11 by the child support recovery unit. The provisions of this
 12 section shall not apply to actions which involve elder abuse
 13 as defined in section 231G.1 or domestic abuse pursuant
 14 to chapter 236. The provisions of this section shall not
 15 affect a judicial district's or court's authority to order
 16 settlement conferences pursuant to rules of civil procedure.
 17 The court shall, on application of a party, grant a waiver
 18 from any court-ordered mediation under this section if the
 19 party demonstrates that a history of domestic abuse exists as
 20 specified in section 598.41, subsection 3, paragraph "j".

21 Sec. 49. Section 598.16, subsection 7, Code 2014, is amended
 22 to read as follows:

23 7. Upon application, the court shall grant a waiver from
 24 the requirements of this section if a party demonstrates that
 25 a history of elder abuse, as defined in section 231G.1, or
 26 domestic abuse, as defined in section 236.2, exists.

27 a. In determining whether a history of elder abuse exists,
 28 the court's consideration shall include but is not limited
 29 to commencement of an action pursuant to section 231G.3, the
 30 issuance of a court order or consent agreement pursuant to
 31 section 231G.8, the issuance of an emergency order pursuant to
 32 section 231G.9, the holding of a party in contempt pursuant to
 33 section 664A.7, the response of a peace officer to the scene
 34 of alleged elder abuse, or the arrest of a party following
 35 response to a report of alleged elder abuse, or a conviction



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1 for elder abuse assault pursuant to section 708.2D.

2 b. In determining whether a history of domestic abuse
3 exists, the court's consideration shall include but is not
4 limited to commencement of an action pursuant to section 236.3,
5 the issuance of a protective order against a party or the
6 issuance of a court order or consent agreement pursuant to
7 section 236.5, the issuance of an emergency order pursuant to
8 section 236.6, the holding of a party in contempt pursuant to
9 section 664A.7, the response of a peace officer to the scene
10 of alleged domestic abuse or the arrest of a party following
11 response to a report of alleged domestic abuse, or a conviction
12 for domestic abuse assault pursuant to section 708.2A.

13 Sec. 50. Section 598.41, subsection 3, paragraph j, Code
14 2014, is amended to read as follows:

15 j. Whether a history of elder abuse, as defined in section
16 231G.1 or domestic abuse, as defined in section 236.2, exists.

17 (1) In determining whether a history of elder abuse exists,
18 the court's consideration shall include but is not limited
19 to commencement of an action pursuant to section 231G.3, the
20 issuance of a court order or consent agreement pursuant to
21 section 231G.8, the issuance of an emergency order pursuant to
22 section 231G.9, the holding of a party in contempt pursuant to
23 section 664A.7, the response of a peace officer to the scene of
24 alleged elder abuse or the arrest of a party following response
25 to a report of alleged elder abuse, or a conviction for elder
26 abuse assault pursuant to section 708.2D.

27 (2) In determining whether a history of domestic abuse
28 exists, the court's consideration shall include but is not
29 limited to commencement of an action pursuant to section 236.3,
30 the issuance of a protective order against the parent or the
31 issuance of a court order or consent agreement pursuant to
32 section 236.5, the issuance of an emergency order pursuant to
33 section 236.6, the holding of a parent in contempt pursuant to
34 section 664A.7, the response of a peace officer to the scene
35 of alleged domestic abuse or the arrest of a parent following



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1 the applicable law enforcement agencies and the twenty-four
2 hour dispatcher for the law enforcement agencies, in the manner
3 provided for protective orders under section 231G.8 or 236.5.
4 The clerk shall provide notice and copies of modifications or
5 vacations of these orders in the same manner.

6 Sec. 53. Section 602.6306, subsection 2, Code 2014, is
7 amended to read as follows:

8 2. District associate judges also have jurisdiction
9 in civil actions for money judgment where the amount in
10 controversy does not exceed ten thousand dollars; jurisdiction
11 over involuntary commitment, treatment, or hospitalization
12 proceedings under chapters 125 and 229; jurisdiction of
13 indictable misdemeanors, class "D" felony violations, and
14 other felony arraignments; jurisdiction to enter a temporary
15 or emergency order of protection under chapter 231G or 236,
16 and to make court appointments and set hearings in criminal
17 matters; jurisdiction to enter orders in probate which do not
18 require notice and hearing and to set hearings in actions under
19 chapter 633 or 633A; and the jurisdiction provided in section
20 602.7101 when designated as a judge of the juvenile court.
21 While presiding in these subject matters a district associate
22 judge shall employ district judges' practice and procedure.

23 Sec. 54. Section 611.23, Code 2014, is amended to read as
24 follows:

25 **611.23 Civil actions involving allegations of elder abuse,**
26 **sexual abuse, or domestic abuse — counseling.**

27 In a civil case in which a plaintiff is seeking relief or
28 damages for alleged elder abuse as defined in section 231G.1,
29 sexual abuse as defined in section 709.1, or domestic abuse
30 as defined in section 236.2, the plaintiff may seek, and the
31 court may grant, an order requiring the defendant to receive
32 professional counseling, in addition to any other appropriate
33 relief or damages.

34 Sec. 55. Section 664A.1, subsection 2, Code 2014, is amended
35 to read as follows:



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1 2. *“Protective order”* means a protective order issued
 2 pursuant to chapter 232, a court order or court-approved
 3 consent agreement entered pursuant to this chapter or chapter
 4 231G, including a valid foreign protective order under section
 5 231G.19, a court order or court-approved consent agreement
 6 entered pursuant to chapter 236, including a valid foreign
 7 protective order under section 236.19, subsection 3, a
 8 temporary or permanent protective order or order to vacate
 9 the homestead under chapter 598, or an order that establishes
 10 conditions of release or is a protective order or sentencing
 11 order in a criminal prosecution arising from a domestic abuse
 12 assault under section 708.2A or elder abuse assault under
 13 section 708.2D, or a civil injunction issued pursuant to
 14 section 915.22.

15 Sec. 56. Section 664A.2, Code 2014, is amended to read as
 16 follows:

17 **664A.2 Applicability.**

18 1. This chapter applies to no-contact orders issued for
 19 violations or alleged violations of sections 708.2A, 708.2D,
 20 708.7, 708.11, 709.2, 709.3, and 709.4, and any other public
 21 offense for which there is a victim.

22 2. A protective order issued in a civil proceeding shall
 23 be issued pursuant to chapter 231G, 232, 236, 598, or 915.
 24 Punishment for a violation of a protective order shall be
 25 imposed pursuant to section 664A.7.

26 Sec. 57. Section 664A.3, subsection 1, unnumbered paragraph
 27 1, Code 2014, is amended to read as follows:

28 When a person is taken into custody for contempt proceedings
 29 pursuant to section 231G.13 or 236.11, or arrested for any
 30 public offense referred to in section 664A.2, subsection 1,
 31 and the person is brought before a magistrate for initial
 32 appearance, the magistrate shall enter a no-contact order if
 33 the magistrate finds both of the following:

34 Sec. 58. Section 664A.3, subsection 2, Code 2014, is amended
 35 to read as follows:



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1 2. Notwithstanding chapters 804 and 805, a person taken
 2 into custody pursuant to section 231G.13 or 236.11, or arrested
 3 pursuant to section 231G.14 or 236.12 may be released on bail
 4 or otherwise only after initial appearance before a magistrate
 5 as provided in chapter 804 and the rules of criminal procedure
 6 or section 231G.13 or 236.11, whichever is applicable.

7 Sec. 59. Section 664A.4, subsection 2, Code 2014, is amended
 8 to read as follows:

9 2. The clerk of the district court shall provide a notice
 10 and copy of the no-contact order to the appropriate law
 11 enforcement agencies and the twenty-four-hour dispatcher for
 12 the law enforcement agencies in the same manner as provided
 13 in section 231G.8 or 236.5, as applicable. The clerk of
 14 the district court shall provide a notice and copy of a
 15 modification or vacation of a no-contact order in the same
 16 manner.

17 Sec. 60. Section 664A.5, Code 2014, is amended to read as
 18 follows:

19 **664A.5 Modification — entry of permanent no-contact order.**

20 If a defendant is convicted of, receives a deferred judgment
 21 for, or pleads guilty to a public offense referred to in
 22 section 664A.2, subsection 1, or is held in contempt for a
 23 violation of a no-contact order issued under section 664A.3
 24 or for a violation of a protective order issued pursuant to
 25 chapter 231G, 232, 236, 598, or 915, the court shall either
 26 terminate or modify the temporary no-contact order issued
 27 by the magistrate. The court may enter a no-contact order
 28 or continue the no-contact order already in effect for a
 29 period of five years from the date the judgment is entered or
 30 the deferred judgment is granted, regardless of whether the
 31 defendant is placed on probation.

32 Sec. 61. Section 664A.6, subsection 2, Code 2014, is amended
 33 to read as follows:

34 2. a. If the peace officer is investigating a domestic
 35 abuse assault pursuant to section 708.2A, the officer shall



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1 also comply with sections 236.11 and 236.12.

2 b. If the peace officer is investigating an elder abuse
3 assault pursuant to section 708.2D, the officer shall also
4 comply with sections 231G.13 and 231G.14.

5 Sec. 62. Section 664A.7, subsections 1, 3, and 5, Code 2014,
6 are amended to read as follows:

7 1. Violation of a no-contact order issued under this
8 chapter or a protective order issued pursuant to chapter 231G,
9 232, 236, or 598, including a modified no-contact order, is
10 punishable by summary contempt proceedings.

11 3. If convicted of or held in contempt for a violation
12 of a no-contact order or a modified no-contact order for a
13 public offense referred to in section 664A.2, subsection 1,
14 or held in contempt of a no-contact order issued during a
15 contempt proceeding brought pursuant to section 231G.13 or
16 236.11, the person shall be confined in the county jail for
17 a minimum of seven days. A jail sentence imposed pursuant
18 to this subsection shall be served on consecutive days. No
19 portion of the mandatory minimum term of confinement imposed
20 by this subsection shall be deferred or suspended. A deferred
21 judgment, deferred sentence, or suspended sentence shall not
22 be entered for a violation of a no-contact order, modified
23 no-contact order, or protective order and the court shall not
24 impose a fine in lieu of the minimum sentence, although a fine
25 may be imposed in addition to the minimum sentence.

26 5. Violation of a no-contact order entered for the offense
27 or alleged offense of domestic abuse assault in violation of
28 section 708.2A, the offense or alleged offense of elder abuse
29 assault in violation of section 708.2D, or a violation of a
30 protective order issued pursuant to chapter 231G, 232, 236,
31 598, or 915 constitutes a public offense and is punishable as
32 a simple misdemeanor. Alternatively, the court may hold a
33 person in contempt of court for such a violation, as provided
34 in subsection 3.

35 Sec. 63. Section 804.7, Code 2014, is amended by adding the



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1 following new subsections:

2 NEW SUBSECTION. 7. If the peace officer has reasonable
3 grounds for believing that elder abuse, as defined in section
4 231G.1, has occurred and has reasonable grounds for believing
5 that the person to be arrested has committed it.

6 NEW SUBSECTION. 8. As required by section 231G.14,
7 subsection 2.

8 Sec. 64. Section 915.22, Code 2014, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 6. The clerk of the district court shall
11 provide notice and copies of restraining orders issued pursuant
12 to this section in a criminal case involving an alleged
13 violation of section 708.2D to the applicable law enforcement
14 agencies and the twenty-four-hour dispatcher for the law
15 enforcement agencies, in the manner provided for protective
16 orders under section 231G.8. The clerk shall provide notice
17 and copies of modifications or vacations of these orders in the
18 same manner.

19 Sec. 65. Section 915.23, subsection 1, Code 2014, is amended
20 to read as follows:

21 1. An employer shall not discharge an employee, or take
22 or fail to take action regarding an employee's promotion or
23 proposed promotion, or take action to reduce an employee's
24 wages or benefits for actual time worked, due to the service
25 of an employee as a witness in a criminal proceeding or as a
26 plaintiff, defendant, or witness in a civil proceeding pursuant
27 to chapter 231G or 236.

28 Sec. 66. NEW SECTION. **915.50A General rights of elder abuse**
29 **victims.**

30 In addition to other victim rights provided in this chapter,
31 victims of elder abuse shall have the following rights:

32 1. The right to file a pro se petition for relief from
33 elder abuse in the district court, pursuant to sections 231G.3
34 through 231G.12.

35 2. The right, pursuant to section 231G.14, for law



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1 enforcement to remain on the scene, to assist the victim
2 in leaving the scene, to assist the victim in obtaining
3 transportation to medical care, and to provide the person
4 with a written statement of victim rights and information
5 about emergency shelters, support services, and the aging and
6 disability resource center network.

7 3. The right to receive a criminal no-contact order upon a
8 finding of probable cause, pursuant to section 664A.3.

9 Sec. 67. Section 915.82, subsection 1, paragraph a,
10 subparagraph (8), Code 2014, is amended to read as follows:

11 (8) A person representing ~~the elderly~~ older individuals.

12 Sec. 68. Section 915.94, Code 2014, is amended to read as
13 follows:

14 **915.94 Victim compensation fund.**

15 A victim compensation fund is established as a separate fund
16 in the state treasury. Moneys deposited in the fund shall
17 be administered by the department and dedicated to and used
18 for the purposes of section 915.41 and this subchapter. In
19 addition, the department may use moneys from the fund for the
20 purpose of the department's prosecutor-based victim service
21 coordination, including the duties defined in sections 910.3
22 and 910.6 and this chapter, and for the award of funds to
23 programs that provide services and support to victims of elder
24 abuse as provided in chapter 231G, domestic abuse or sexual
25 assault as provided in chapter 236, to victims under section
26 710A.2, and for the support of an automated victim notification
27 system established in section 915.10A. The department may also
28 use up to one hundred thousand dollars from the fund to provide
29 training for victim service providers. Notwithstanding section
30 8.33, any balance in the fund on June 30 of any fiscal year
31 shall not revert to the general fund of the state.

32 Sec. 69. CODE EDITOR DIRECTIVE. The Code editor shall
33 revise the subchapter VI heading under chapter 915 to
34 read "Victims of domestic abuse, elder abuse, and human
35 trafficking".



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1 provided under the bill is not available if the action involves
2 a guardian or conservator of the older individual and the
3 relief sought is more appropriately obtained in a protective
4 proceeding filed under Code chapter 633 (probate code). The
5 bill provides for plaintiffs proceeding pro se; provides
6 authorization for assistance by the county attorney and the
7 appointment of a guardian ad litem for the older individual;
8 and provides the process for actions under the bill. Following
9 a finding of elder abuse, the bill specifies the disposition
10 the court may order, if requested by the plaintiff; that the
11 defendant under certain circumstances be required to move from
12 the residence of the older individual; that the defendant
13 provide suitable alternative housing for the older individual;
14 that a peace officer accompany the party who is leaving or
15 has left the party's residence to remove essential personal
16 effects of the party; that the defendant be restrained from
17 abusing, intimidating, molesting, interfering with, or menacing
18 the older individual, or attempting to abuse, intimidate,
19 molest, interfere with, or menace the older individual; that
20 the defendant be restrained from entering or attempting to
21 enter on any premises when it appears to the court that such
22 restraint is necessary to prevent the defendant from abusing,
23 intimidating, molesting, interfering with, or menacing the
24 older individual; that the defendant be restrained from
25 exercising any powers on behalf of the older individual through
26 a court-appointed guardian, conservator, or guardian ad litem,
27 an attorney in fact, or another third party; that the defendant
28 be restrained from owning, possessing, purchasing, receiving,
29 or attempting to receive a firearm, offensive weapon, or
30 ammunition; and in addition to other specific relief, other
31 relief that the court considers necessary to provide for the
32 safety and welfare of the older individual.

33 If the court finds that the older individual has been the
34 victim of financial exploitation, the court may order the
35 relief the court considers necessary to prevent or remedy the



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1 financial exploitation, including but not limited directing
2 the defendant to refrain from exercising control over the
3 benefits, property, resources, belongings, or assets of the
4 older individual; requiring the defendant to return custody
5 or control of the benefits, property, resources, belongings,
6 or assets to the older individual; requiring the defendant
7 to follow the instructions of the guardian, conservator, or
8 attorney in fact of the older individual; and prohibiting the
9 defendant from transferring the benefits, property, resources,
10 belongings, or assets of the older individual to any person
11 other than the older individual. The court is prohibited
12 from using an order to allow any person other than the older
13 individual to assume responsibility for the benefits, property,
14 resources, belongings, or assets of the older individual;
15 or to provide relief that is more appropriately obtained in
16 a protective proceeding filed under Code chapter 633. The
17 bill also provides for relief through approval of a consent
18 agreement but limits the content of such consent agreement.
19 An approved consent agreement cannot contain a provision
20 that prohibits any party to the action from contacting or
21 cooperating with any government agency, a licensing or
22 regulatory agency that has jurisdiction over any license or
23 certification held by the defendant, a protection and advocacy
24 agency, or the defendant's current employer; prohibits any
25 party to the action from filing a complaint with or reporting
26 a violation of law to any government agency, a licensing or
27 regulatory agency that has jurisdiction over any license or
28 certification held by the defendant; a protection and advocacy
29 agency, or the defendant's current employer; or a provision
30 that requires any party to the action to withdraw a complaint
31 filed with or a violation reported to any government agency, a
32 licensing or regulatory agency that has jurisdiction over any
33 license or certification held by the defendant, a protection
34 and advocacy agency, or the defendant's current employer.

35 A protective order or approved consent agreement is limited

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1 to a fixed period of time not to exceed one year. The court
2 may amend or extend its order or a consent agreement at any
3 time upon a petition filed by either party and after notice and
4 hearing. The number of extensions that may be granted by the
5 court is not limited. An order or approved consent agreement
6 under this Code section shall not affect title to real
7 property. A copy of any order or approved consent agreement
8 must be issued to the plaintiff, the defendant, the county
9 sheriff of the county in which the order or consent decree is
10 initially entered, and the 24-hour dispatcher for the county
11 sheriff. Any subsequent amendment or revocation of an order
12 or consent agreement must be forwarded by the clerk to all
13 individuals previously notified. The bill directs that clerk
14 to notify the county sheriff and the 24-hour dispatcher for
15 the county sheriff in writing so that the county sheriff and
16 the county sheriff's dispatcher receive written notice within
17 six hours of filing the order, approved consent agreement,
18 amendment, or revocation. The county sheriff's dispatcher must
19 notify all law enforcement agencies having jurisdiction over
20 the matter and the 24-hour dispatcher for the law enforcement
21 agencies upon notification by the clerk.

22 The bill directs IDA to collect and maintain information on
23 incidents involving elder abuse, and to design and implement
24 a uniform method of collecting data on elder abuse from
25 entities involved in the prevention, detection, and reporting
26 of and intervention in cases of abuse, neglect, and financial
27 exploitation of older individuals. IDA is authorized to
28 compile statistics and issue reports on elder abuse in Iowa,
29 provided individual identifying details of the elder abuse are
30 deleted. IDA may request the cooperation of the department of
31 justice in compiling the statistics and issuing the reports,
32 and the department of justice is to provide to IDA, without
33 charge, all information and documentation requested for this
34 purpose. IDA may also provide nonidentifying information on
35 individual incidents of elder abuse to persons conducting bona



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1 fide research, including but not limited to personnel of the
2 department of justice.

3 The bill provides for the confidentiality of the address
4 of an individual filing the petition; specifies the duties of
5 peace officers and magistrates in enforcing orders and consent
6 agreements entered under the bill; and provides for assistance
7 provided by peace officers in preventing further elder abuse.
8 The assistance includes providing the older individual with a
9 statement of the older individual's rights and the arrest of a
10 person based on probable cause of the commission of elder abuse
11 assault or financial exploitation of the older individual.

12 Under the bill, in a criminal action arising from elder
13 abuse, the prosecuting attorney or court shall not refer or
14 order the parties involved to mediation or other nonjudicial
15 procedures prior to judicial resolution of the action.

16 The bill provides for application by a public or private
17 nonprofit organization, upon receipt of federal or state funds
18 designated for victims of elder abuse, for grants to provide
19 emergency shelter services and support services to victims of
20 elder abuse.

21 The bill provides other civil and criminal relief for older
22 individuals. The bill establishes the crime of elder abuse
23 assault which is assault of an older individual. The bill
24 provides criminal penalties for elder abuse assault ranging
25 from a simple misdemeanor to a class "D" felony, provides
26 for the determination of whether a violation is a second or
27 subsequent offense, and provides for minimum sentencing.

28 The bill establishes the crime of theft against an older
29 individual which enhances the penalties for the existing crime
30 of theft by one degree based upon the victim being an older
31 individual in addition to certain other considerations.

32 The bill establishes criminal penalties for elder abuse
33 ranging from a serious misdemeanor to a class "C" felony.

34 The bill establishes the crime of financial exploitation of
35 an older individual. A person commits financial exploitation



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1 of an older individual when the person stands in a position of
2 trust or confidence with the older individual and knowingly
3 and by undue influence, deception, coercion, fraud, breach of
4 fiduciary duty, or extortion, obtains control over or otherwise
5 uses the benefits, property, resources, belongings, or assets
6 of the older individual. The criminal penalties range from a
7 serious misdemeanor to a class "B" felony based on the amount
8 of benefits, property, resources, belongings, or assets of the
9 older individual involved.

10 The bill relocates the criminal penalties for dependent
11 adult abuse as they currently exist from Code chapter 235B
12 (dependent adult abuse) to Code chapter 726 which relates to
13 protection of the family and dependent persons.

14 The bill changes the existing additional civil penalty for
15 consumer frauds committed against elders (those 65 years of age
16 or older) to apply to older individuals, those 60 years of age
17 and older, consistent with other provisions relating to older
18 individuals under the bill.

19 With regard to the curriculum for mandatory reporters of
20 dependent adult abuse, the bill provides that the department
21 of public health is to review and approve the curriculum for
22 mandatory reporters of child abuse and is to work with IDA
23 to approve a curriculum to satisfy the combined training
24 requirement for child and dependent adult abuse. IDA is
25 directed to develop and maintain, in consultation with
26 the department of human services and the department of
27 inspections and appeals, a dependent adult abuse mandatory
28 reporter training curriculum for those persons who work in
29 a position classification that under law makes the persons
30 mandatory reporters of dependent adult abuse and the position
31 classification does not have a mandatory reporter training
32 curriculum approved by a licensing or examining board. IDA
33 must collaborate with the department of human services and
34 the department of public health in approving a curriculum
35 to satisfy the combined training requirements for child and



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1 dependent adult abuse. The bill also directs IDA to certify
2 trainers to provide the dependent adult abuse mandatory
3 reporter training curriculum developed and maintained by the
4 department.

5 The bill provides that the office of the attorney general,
6 instead of the attorney for the department of human services
7 responsible for representing the department, is to have access
8 to unfounded and founded dependent adult abuse information.

9 The bill amends provisions relating to the current public
10 information and education program administered by IDA in
11 cooperation with the department of human services to encompass
12 elder abuse and dependent adult abuse.

13 The bill makes conforming changes throughout the Code
14 including those that mirror provisions relating to other types
15 of protective orders, such as those provided under Code chapter
16 236 (domestic abuse).

17 Code section 13.2: adds as a duty of the attorney general
18 to develop written procedures and policies to be followed by
19 prosecuting attorneys in the prosecution of elder abuse, elder
20 abuse assault, theft against an older individual, consumer
21 frauds committed against an older individual, and financial
22 exploitation of an older individual.

23 Code section 13.31: adds as part of the victim assistance
24 program established by the department of justice, the
25 administration of elder abuse actions commenced under new Code
26 chapter 231G.

27 Code section 135B.7: adds as a duty for the department of
28 inspections and appeals in its licensure and regulation of
29 hospitals to adopt rules requiring hospitals to establish and
30 implement protocols for responding to the needs of patients who
31 are victims of elder abuse.

32 Code section 231.23: adds to the duties of IDA to
33 collaborate with the DPH to develop protocols, functions,
34 timing, roles, and responsibilities relating to the suspicious
35 deaths of older individuals review team.



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1 Code section 231.64: adds to the responsibilities of the
2 aging and disability resources centers to be the primary point
3 of entry for the elder abuse resource and referral program
4 created in the bill.

5 Code section 232.8: adds to the jurisdiction of the juvenile
6 court, jurisdiction in proceedings commenced against a child
7 relating to relief sought against elder abuse under new Code
8 chapter 231G.

9 Code section 232.22: relates to placement of a juvenile
10 in detention when there is probable cause to believe that the
11 child has committed a delinquent act which would be elder abuse
12 or an elder abuse assault if committed by an adult.

13 Code section 232.52: adds to provisions relating to the
14 disposition of a child found to have committed a delinquent
15 act, to attend a batterers' treatment program if the child
16 committed an act which would be elder abuse or elder abuse
17 assault if committed by an adult.

18 Code section 331.424: authorizes a county supplemental levy
19 to add to those costs of the maintenance and operation of the
20 courts, court-ordered costs in elder abuse.

21 Code section 507B.4: adds as an unfair method of competition
22 and unfair or deceptive act or practice in the business of
23 insurance, in addition to practices relating to domestic abuse,
24 the making or permitting of any discrimination in the sale of
25 insurance solely on the basis of elder abuse.

26 Code section 562A.27A: provides under the landlord tenant
27 law that if activities that present a clear and present danger
28 are being conducted by a person on the premises other than a
29 tenant, the tenant is not subject to termination and notice to
30 quit if the tenant seeks a protective order, restraining order,
31 order to vacate the homestead, or other similar relief pursuant
32 to Code chapter 231G or any other applicable provision which
33 would apply to the person conducting the activities causing the
34 clear and present danger.

35 Code section 562B.25A: provides under landlord and tenant

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1 provisions relating to manufactured home communities or mobile
2 home parks that if activities that present a clear and present
3 danger are being conducted by a person on the premises other
4 than a tenant, the tenant is not subject to termination
5 and notice to quit if the tenant seeks a protective order,
6 restraining order, order to vacate the homestead, or other
7 similar relief pursuant to Code chapter 231G or any other
8 applicable provision which would apply to the person conducting
9 the activities causing the clear and present danger.

10 Code section 598.7: provides that mediation requirements
11 relating to a dissolution of marriage do not apply if the
12 action involves elder abuse.

13 Code section 598.16: provides for the waiver from
14 requirements for conciliation in dissolution actions if a
15 history of elder abuse exists and provides for a determination
16 of the existence of elder abuse.

17 Code section 598.41: provides that in determining custody
18 arrangements for children, the court may consider whether a
19 history of elder abuse exists and provides for a determination
20 of the existence of elder abuse.

21 Code section 598.41D: provides in the determination of the
22 best interest of a child in the assignment of visitation or
23 physical care parenting time to a specified family member of
24 a parent serving active duty that the court ensure that the
25 specified family member not have a history of elder abuse.

26 Code section 598.42: provides that under the dissolution
27 Code chapter, the clerk of the district court shall provide
28 notice and copies of temporary or permanent protective orders
29 and orders to vacate the homestead entered pursuant to Code
30 chapter 598 to the applicable law enforcement agencies and
31 the 24-hour dispatcher for the law enforcement agencies, in
32 the manner provided for protective orders under Code section
33 231G.8.

34 Code section 602.6306: provides that district associate
35 judges also have jurisdiction to enter a temporary or emergency



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1 order of protection under Code chapter 231G.

2 Code section 611.23: provides that in a civil case in
3 which a plaintiff is seeking relief or damages for alleged
4 elder abuse, the plaintiff may seek, and the court may grant,
5 an order requiring the defendant to receive professional
6 counseling, in addition to any other appropriate relief or
7 damages.

8 Code section 664A.1: includes in the definition of
9 "protective orders" under the Code chapter relating to
10 no-contact and enforcement of protective orders, a court order
11 or court-approved consent agreement entered pursuant to Code
12 chapter 231G, including a valid foreign protective order and a
13 protective order or sentencing order in a criminal prosecution
14 arising from elder abuse assault.

15 Code section 664A.2: provides that the Code chapter is
16 applicable to no-contact orders issued for violations or
17 alleged violations related to elder abuse assault and to
18 protective orders issued in civil proceedings issued under Code
19 chapter 231G.

20 Code section 664A.3: provides for actions by a magistrate
21 when a person is taken into custody for contempt proceedings
22 relating to enforcement of an order relating to elder abuse.

23 Code section 664A.4: provides for provision by the clerk of
24 the district court of a notice and copy of the no-contact order
25 to the appropriate law enforcement agencies and the 24-hour
26 dispatcher for the law enforcement agencies in the same manner
27 as provided in Code section 231G.8 relating to orders relating
28 to elder abuse.

29 Code section 664A.5: provides that modification and entry
30 of permanent no-contact orders provisions apply to violations
31 of protective orders issued regarding elder abuse under Code
32 chapter 231G.

33 Code section 664A.6: provides for the mandatory arrest for
34 violation of a no-contact order relating to elder abuse or
35 elder abuse assault and provides civil and criminal immunity



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1 for a peace officer acting in good faith and on reasonable
2 grounds if the officer's acts do not constitute a willful or
3 wanton disregard for the rights or safety of others.

4 Code section 664A.7: provides that violation of a
5 no-contact order or a protective order issued under Code
6 chapter 231G is punishable by summary contempt proceedings
7 punishable by confinement in the county jail or simple
8 misdemeanor penalties.

9 Code section 804.7: allows for arrests by peace officers
10 if the peace officer has reasonable grounds for believing
11 that elder abuse has occurred and has reasonable grounds for
12 believing that the person to be arrested has committed it; or
13 if required to arrest a person based on probable cause that
14 elder abuse assault has been committed.

15 Code section 915.22: provides under Code chapter 915
16 (victim rights) that the clerk of the district court shall
17 provide notice and copies of restraining orders in a criminal
18 case involving alleged elder abuse assault to the applicable
19 law enforcement agencies and the 24-hour dispatcher for the law
20 enforcement agencies, in the manner provided for protective
21 orders under Code section 231G.8. The clerk shall provide
22 notice and copies of modifications or vacations of these orders
23 in the same manner.

24 Code section 915.23: prohibits an employer from discharging
25 an employee, or from taking or failing to take action regarding
26 an employee's promotion or proposed promotion, or taking action
27 to reduce an employee's wages or benefits for actual time
28 worked, due to the service of an employee as a witness in a
29 criminal proceeding or as a plaintiff, defendant, or witness in
30 a civil proceeding pursuant to Code chapter 231G.

31 Code section 915.50A: provides for specific rights for
32 victims of elder abuse in addition to the victim rights
33 provided under Code chapter 915 including the right to file a
34 pro se petition for relief from elder abuse in the district
35 court; the right for law enforcement to remain on the scene, to



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1 assist the victim in leaving the scene, to assist the victim
2 in obtaining transportation to medical care, and to provide
3 the person with a written statement of victim rights and
4 information about emergency shelters, support services, and
5 right aging and disability resource center network; and the
6 right to receive a criminal no-contact order upon a finding of
7 probable cause.

8 Code section 915.82: includes on the crime victim
9 assistance board, a person representing older individuals
10 rather than the elderly.

11 Code section 915.94: provides that moneys in the victim
12 compensation fund may be used for awards to programs that
13 provide services and support to victims of elder abuse.



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House File 2107 - Introduced

HOUSE FILE 2107
BY PETTENGILL

A BILL FOR

1 An Act relating to veterans affairs by expanding the definition
2 of veteran.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5627HH (2) 85
aw/nh



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H.F. 2107

1 Section 1. Section 35.1, subsection 2, paragraph b,
2 subparagraphs (1) and (2), Code 2014, are amended to read as
3 follows:

4 (1) Former members of the reserve forces of the United
5 States who served at least twenty years in the reserve forces
6 and who were discharged under honorable conditions. However, a
7 member of the reserve forces of the United States who ~~completed~~
8 ~~a minimum aggregate of ninety days of~~ served on federal active
9 duty, other than training, and was discharged under honorable
10 conditions, or was retired under Tit. 10 of the United States
11 Code shall be included as a veteran.

12 (2) Former members of the Iowa national guard who served
13 at least twenty years in the Iowa national guard and who were
14 discharged under honorable conditions. However, a member of
15 the Iowa national guard who ~~was activated for~~ served on state
16 active duty or federal active duty, other than training, ~~for~~
17 ~~a minimum aggregate of ninety days~~, and was discharged under
18 honorable conditions or was retired under Tit. 10 of the United
19 States Code shall be included as a veteran.

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 veterans affairs by expanding the
24 definition of veteran in Code section 35.1.

25 Under current law the term veteran includes former members
26 of the reserve forces of the United States who served at least
27 20 years in the reserve forces and who were discharged under
28 honorable conditions and members of the reserve forces who
29 completed a minimum aggregate of 90 days of federal active
30 duty, other than training, and were discharged under honorable
31 conditions, or retired under Title 10 of the United States
32 Code.

33 The term also includes former members of the Iowa national
34 guard who served at least 20 years in the Iowa national guard
35 and who were discharged under honorable conditions and members

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1 of the Iowa national guard who were activated for federal duty,
2 other than training, for a minimum aggregate of 90 days, and
3 were discharged under honorable conditions or were retired
4 under Title 10 of the United States Code.

5 The bill maintains current law for former members who served
6 at least 20 years, but provides that any member of the reserve
7 forces of the United States who served on federal active duty,
8 other than training, and any Iowa national guard member who
9 served on state or federal active duty, other than training,
10 who was discharged under honorable conditions or was retired
11 under Title 10 of the United States Code shall be included as
12 a veteran.

13 The definition of veteran in Code section 35.1 is cited
14 elsewhere throughout the Code, including in provisions related
15 to veterans benefits, employment, education, property taxes,
16 and insurance.



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House File 2108 - Introduced

HOUSE FILE 2108
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 508)

A BILL FOR

1 An Act relating to property tax assessment and taxation by
2 modifying requirements relating to property assessment
3 notices and equalization order notices and including
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5198HV (1) 85
md/sc



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1 Section 1. Section 441.23, Code 2014, is amended to read as
2 follows:

3 **441.23 Notice of valuation.**

4 If there has been an increase or decrease in the valuation
5 of the property, or upon the written request of the person
6 assessed, the assessor shall, at the time of making the
7 assessment, inform the person assessed, in writing, of the
8 valuation put upon the taxpayer's property, and notify the
9 person, that if the person feels aggrieved, to contact the
10 assessor pursuant to section 441.30 or to appear before the
11 board of review and show why the assessment should be changed.
12 ~~However, if the valuation of a class of property is uniformly~~
13 ~~decreased, the assessor may notify the affected property owners~~
14 ~~by publication in the official newspapers of the county.~~ The
15 owners of real property shall be notified not later than April
16 1 of any adjustment of the real property assessment.

17 Sec. 2. Section 441.26, subsection 2, Code 2014, is amended
18 to read as follows:

19 2. The notice in ~~1981~~ and each odd-numbered year thereafter
20 shall contain a statement that the assessments are subject
21 to equalization pursuant to an order issued by the director
22 of revenue, that the county auditor shall give notice by
23 mail postmarked on or before October 15 ~~by publication in an~~
24 ~~official newspaper of general circulation to any class of~~
25 ~~property affected~~ to each property owner or taxpayer whose
26 valuation has been adjusted by the equalization order, and
27 that the board of review shall be in session from ~~October 15~~
28 November 10 to ~~November 15~~ December 10 to hear protests of
29 affected property owners or taxpayers whose valuations have
30 been adjusted by the equalization order.

31 Sec. 3. Section 441.35, subsection 2, Code 2014, is amended
32 to read as follows:

33 2. In any year after the year in which an assessment has
34 been made of all of the real estate in any taxing district,
35 the board of review shall meet as provided in section 441.33,

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1 and where the board finds the same has changed in value, the
 2 board shall revalue and reassess any part or all of the real
 3 estate contained in such taxing district, and in such case,
 4 the board shall determine the actual value as of January 1 of
 5 the year of the revaluation and reassessment and compute the
 6 taxable value thereof. If the assessment of any such property
 7 is raised, or any property is added to the tax list by the
 8 board, the clerk shall give notice in the manner provided in
 9 section 441.36. ~~However, if the assessment of all property~~
 10 ~~in any taxing district is raised, the board may instruct the~~
 11 ~~clerk to give immediate notice by one publication in one of~~
 12 ~~the official newspapers located in the taxing district, and~~
 13 ~~such published notice shall take the place of the mailed notice~~
 14 ~~provided for in section 441.36, but all other provisions of~~
 15 ~~that section shall apply.~~ The decision of the board as to the
 16 foregoing matters shall be subject to appeal to the property
 17 assessment appeal board within the same time and in the same
 18 manner as provided in section 441.37A and to the district court
 19 within the same time and in the same manner as provided in
 20 section 441.38.

21 Sec. 4. Section 441.37, subsection 3, Code 2014, is amended
 22 to read as follows:

23 3. For assessment years beginning on or after January
 24 1, 2014, the board of review may allow property owners or
 25 aggrieved taxpayers who are dissatisfied with the owner's or
 26 taxpayer's assessment to file a protest against such assessment
 27 by electronic means. Electronic filing of assessment protests
 28 may be authorized for the protest period that begins April 7,
 29 the protest period that begins October 15, or both. Except
 30 for the requirement that a protest be signed, all other
 31 requirements of this section for an assessment protest to the
 32 board of review shall apply to a protest filed electronically.
 33 If electronic filing is authorized by the local board of
 34 review, the availability of electronic filing shall be
 35 clearly indicated on the assessment roll notice provided to

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1 the property owner or taxpayer and included in the ~~published~~
2 equalization order notice provided to the property owner or
3 taxpayer.

4 Sec. 5. Section 441.49, subsection 1, paragraph b, Code
5 2014, is amended to read as follows:

6 *b.* However, an assessing jurisdiction may request the
7 director to permit the use of an alternative method of
8 applying the equalization order to the property values in the
9 assessing jurisdiction, provided that the final valuation
10 shall be equivalent to the director's equalization order. The
11 assessing jurisdiction shall notify the county auditor of
12 the request for the use of an alternative method of applying
13 the equalization order and the director's disposition of the
14 request. The request to use an alternative method of applying
15 the equalization order, including procedures for notifying
16 affected property owners and appealing valuation adjustments,
17 shall be made within ten days from the date the county auditor
18 receives the equalization order and the valuation adjustments,
19 and appeal procedures shall be completed by ~~November 30~~
20 December 20 of the year of the equalization order. Compliance
21 with the provisions of section 441.21 is sufficient grounds
22 for the director to permit the use of an alternative method of
23 applying the equalization order.

24 Sec. 6. Section 441.49, subsections 2 and 4, Code 2014, are
25 amended to read as follows:

26 2. *a.* ~~On or before October 15 the~~ The county auditor
27 ~~shall cause to be published in official newspapers of general~~
28 ~~circulation~~ notify each property owner or taxpayer whose
29 valuation has been adjusted by the final equalization order
30 by mail postmarked on or before October 15. ~~The publication~~
31 individual notices mailed to each affected property owner or
32 taxpayer shall include, in type larger than the remainder of
33 the publication notice, the following ~~statement~~ statements:

34 Assessed values are equalized by the department of revenue
35 every two years. Local taxing authorities determine the final

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1 tax levies and may reduce property tax rates to compensate
2 for any increase in valuation due to equalization. If you
3 are not satisfied that your assessment as adjusted by the
4 equalization order is correct, you may file a protest against
5 such assessment with the board of review on or after October
6 15, to and including November 15.

7 *b.* Failure to ~~publish~~ notify property owners or taxpayers
8 of the equalization order has no effect upon the validity of
9 the orders.

10 4. The local board of review shall reconvene in special
11 session from ~~October 15~~ November 10 to November 15 December 10
12 for the purpose of hearing the protests of affected property
13 owners or taxpayers within the jurisdiction of the board whose
14 valuation of property if adjusted pursuant to the equalization
15 order issued by the director of revenue will result in a
16 greater value than permitted under section 441.21. The board
17 of review shall accept protests only during the ~~first ten days~~
18 following the date the local board of review reconvenes period
19 of time from October 15 to and including November 15. The
20 board of review shall limit its review to only the timely filed
21 protests. The board of review may adjust all or a part of
22 the percentage increase ordered by the director of revenue by
23 adjusting the actual value of the property under protest to one
24 hundred percent of actual value. Any adjustment so determined
25 by the board of review shall not exceed the percentage increase
26 provided for in the director's equalization order. The
27 determination of the board of review on filed protests is
28 final, subject to appeal to the property assessment appeal
29 board. A final decision by the local board of review, or the
30 property assessment appeal board, if the local board's decision
31 is appealed, is subject to review by the director of revenue
32 for the purpose of determining whether the board's actions
33 substantially altered the equalization order. In making the
34 review, the director has all the powers provided in chapter
35 421, and in exercising the powers the director is not subject



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1 to chapter 17A. Not later than fifteen days following the
2 adjournment of the board, the board of review shall submit to
3 the director of revenue, on forms prescribed by the director, a
4 report of all actions taken by the board of review during this
5 session.

6 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 3, shall not apply to this Act.

8 Sec. 8. APPLICABILITY. This Act applies to assessment years
9 beginning on or after January 1, 2015.

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 relates to property assessment and taxation by
14 modifying provisions relating to property assessment notices
15 and equalization order notices.

16 The bill strikes a provision in Code section 441.23 that
17 authorizes the local assessor, in lieu of individual taxpayer
18 notices, to provide notice to taxpayers by publication in the
19 official newspapers of the county if the valuation of a class
20 of property is uniformly decreased. The bill also strikes a
21 provision in Code section 441.35, subsection 2, that authorizes
22 the local board of review to provide notice to taxpayers by
23 publication in one of the official newspapers located in
24 the taxing district if the local board of review raises the
25 assessment of all property in a taxing district during the
26 local board of review's session in an even-numbered assessment
27 year.

28 Current Code law requires the department of revenue to, in
29 each odd-numbered year, order the equalization of the levels of
30 assessment of each class of property in the several assessing
31 jurisdictions by adding to or deducting from the valuation of
32 each class of property if the aggregate assessed valuation of
33 that class of property is at least 5 percent above or below the
34 valuation of that class of property statewide. Current Code
35 section 441.26 requires the county auditor to publish notice

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md/sc



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1 of the final equalization order in an official newspaper of
2 general circulation. The bill strikes the authority to provide
3 such notice by publication and instead requires the county
4 auditor to provide individual notices mailed to each property
5 owner or taxpayer whose valuation has been adjusted by the
6 equalization order. The bill provides that the notice shall
7 contain the statement currently required in published notices
8 and also requires that the notice contain a statement of the
9 owner's or taxpayer's ability to file a protest against an
10 assessment adjusted by the equalization order with the local
11 board of review.

12 The bill also modifies the period of time for taxpayer
13 protests of an equalization order and the dates of the local
14 board of review's session to hear such protests. Current law
15 allows such protests to be filed on or after October 15 to and
16 including October 25. The bill extends the period of time
17 for filing to November 15. The bill provides that the local
18 board of review's session to hear protests begins November
19 10, instead of October 15, and ends December 10, instead of
20 November 15. The bill also provides that the deadline for
21 completing the appeal procedures for equalizations implemented
22 by the assessing jurisdiction using an alternative method of
23 applying the equalization order is December 20 instead of
24 November 30.

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

32 The bill applies to assessment years beginning on or after
33 January 1, 2015.



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House File 2109 - Introduced

HOUSE FILE 2109
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 566)

A BILL FOR

- 1 An Act relating to vapor products and alternative nicotine
- 2 products, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5228HV (2) 85
pf/rj



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1 Section 1. Section 453A.1, subsection 21, Code 2014, is
2 amended to read as follows:

3 21. *“Retailer”* shall mean and include every person in
4 this state who shall sell, distribute, or offer for sale for
5 consumption or possess for the purpose of sale for consumption,
6 cigarettes, alternative nicotine products, or vapor products
7 irrespective of quantity or amount or the number of sales.

8 Sec. 2. Section 453A.1, Code 2014, is amended by adding the
9 following new subsections:

10 NEW SUBSECTION. 01. *“Alternative nicotine product”* means
11 a product, not consisting of or containing tobacco, that
12 provides for the ingestion into the body of nicotine, whether
13 by chewing, absorbing, dissolving, inhaling, snorting, or
14 sniffing, or by any other means. *“Alternative nicotine product”*
15 does not include cigarettes, tobacco products, or vapor
16 products, or a product that is regulated as a drug or device by
17 the United States food and drug administration under chapter V
18 of the federal Food, Drug, and Cosmetic Act.

19 NEW SUBSECTION. 26A. *“Vapor product”* means a noncombustible
20 product containing nicotine that employs a mechanical heating
21 element, battery, or circuit, regardless of shape or size, that
22 can be used to heat a nicotine solution, and includes but is
23 not limited to a cartridge or other container of such nicotine
24 solution, an electronic cigarette, an electronic cigar, an
25 electronic cigarillo, or an electronic pipe. *“Vapor product”*
26 does not include a product regulated as a drug or device by the
27 United States food and drug administration under chapter V of
28 the federal Food, Drug, and Cosmetic Act.

29 Sec. 3. Section 453A.2, subsections 1, 2, 3, and 8, Code
30 2014, are amended to read as follows:

31 1. A person shall not sell, give, or otherwise supply any
32 tobacco, tobacco products, alternative nicotine products, vapor
33 products, or cigarettes to any person under eighteen years of
34 age.

35 2. A person under eighteen years of age shall not smoke,



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1 use, possess, purchase, or attempt to purchase any tobacco,
 2 tobacco products, alternative nicotine products, vapor
 3 products, or cigarettes.

4 3. Possession of ~~cigarettes or tobacco~~, tobacco products,
 5 alternative nicotine products, vapor products, or cigarettes by
 6 an individual under eighteen years of age does not constitute a
 7 violation under this section if the individual under eighteen
 8 years of age possesses the ~~cigarettes or tobacco~~, tobacco
 9 products, alternative nicotine products, vapor products, or
 10 cigarettes as part of the individual's employment and the
 11 individual is employed by a person who holds a valid permit
 12 under this chapter or who lawfully offers for sale or sells
 13 cigarettes or tobacco products.

14 8. a. A person shall not be guilty of a violation of
 15 this section if conduct that would otherwise constitute a
 16 violation is performed to assess compliance with ~~cigarette and~~
 17 ~~tobacco~~, tobacco products, alternative nicotine products, vapor
 18 products, or cigarette laws if any of the following applies:

19 (1) The compliance effort is conducted by or under the
 20 supervision of law enforcement officers.

21 (2) The compliance effort is conducted with the advance
 22 knowledge of law enforcement officers and reasonable measures
 23 are adopted by those conducting the effort to ensure that
 24 use of ~~cigarettes or tobacco~~, tobacco products, alternative
 25 nicotine products, vapor products, or cigarettes by individuals
 26 under eighteen years of age does not result from participation
 27 by any individual under eighteen years of age in the compliance
 28 effort.

29 b. For the purposes of this subsection, "*law enforcement*
 30 *officer*" means a peace officer as defined in section 801.4 and
 31 includes persons designated under subsection 4 to enforce this
 32 section.

33 Sec. 4. Section 453A.4, subsection 1, Code 2014, is amended
 34 to read as follows:

35 1. If a person holding a permit under this chapter or an



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1 employee of such a permittee has a reasonable belief based on
2 factual evidence that a driver's license as defined in section
3 321.1, subsection 20A, or nonoperator's identification card
4 issued pursuant to section 321.190 offered by a person who
5 wishes to purchase ~~cigarettes or tobacco~~, tobacco products,
6 alternative nicotine products, vapor products, or cigarettes
7 is altered or falsified or belongs to another person, the
8 permittee or employee may retain the driver's license or
9 nonoperator's identification card. Within twenty-four hours,
10 the card shall be delivered to the appropriate city or county
11 law enforcement agency of the jurisdiction in which the
12 permittee's premises are located, and the permittee shall file
13 a written report of the circumstances under which the card was
14 retained. The local law enforcement agency may investigate
15 whether a violation of section 321.216, 321.216A, or 321.216C
16 has occurred. If an investigation is not initiated or probable
17 cause is not established by the local law enforcement agency,
18 the driver's license or nonoperator's identification card shall
19 be delivered to the person to whom it was issued. The local law
20 enforcement agency may forward the card with the report to the
21 state department of transportation for investigation, in which
22 case, the state department of transportation may investigate
23 whether a violation of section 321.216, 321.216A, or 321.216C
24 has occurred. The state department of transportation shall
25 return the card to the person to whom it was issued if an
26 investigation is not initiated or probable cause is not
27 established.

28 Sec. 5. Section 453A.5, subsection 1, Code 2014, is amended
29 to read as follows:

30 1. The alcoholic beverages division of the department of
31 commerce shall develop a tobacco compliance employee training
32 program not to exceed two hours in length for employees and
33 prospective employees of retailers, as defined in sections
34 453A.1 and 453A.42, to inform the employees about state and
35 federal laws and regulations regarding the sale of ~~cigarettes~~

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pf/rj

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1 ~~and tobacco,~~ tobacco products, alternative nicotine products,
 2 vapor products, and cigarettes to persons under eighteen
 3 years of age and compliance with and the importance of laws
 4 regarding the sale of ~~cigarettes and tobacco,~~ tobacco products,
 5 alternative nicotine products, vapor products, and cigarettes
 6 to persons under eighteen years of age.

7 Sec. 6. Section 453A.36, subsection 7, Code 2014, is amended
 8 to read as follows:

9 7. a. It shall be unlawful for a person other than a ~~holder~~
 10 ~~of a retailer as defined in section 453A.1 or 453A.42 who holds~~
 11 a valid retail permit, as applicable, to sell tobacco, tobacco
 12 products, alternative nicotine products, vapor products, or
 13 cigarettes at retail.

14 b. ~~No~~ A state permit holder shall not sell or distribute
 15 cigarettes at wholesale to any person in the state of Iowa
 16 who does not hold a permit authorizing the retail sale
 17 of cigarettes or who does not hold a state permit as a
 18 manufacturer, distributing agent, wholesaler, or distributor.

19 Sec. 7. Section 453A.36A, subsection 1, Code 2014, is
 20 amended to read as follows:

21 1. ~~Beginning January 1, 1999, except~~ Except as provided in
 22 section 453A.36, subsection 6, a retailer shall not sell or
 23 offer for sale ~~cigarettes or tobacco,~~ tobacco products, in a
 24 ~~quantity of less than a carton,~~ alternative nicotine products,
 25 vapor products, or cigarettes through the use of a self-service
 26 display.

27 Sec. 8. Section 453A.39, Code 2014, is amended to read as
 28 follows:

29 **453A.39 Tobacco ~~product,~~ tobacco products, alternative**
 30 **nicotine products, vapor products, and cigarette samples —**
 31 **restrictions — administration.**

32 1. A manufacturer, distributor, wholesaler, retailer, or
 33 distributing agent, or agent thereof, shall not give away
 34 cigarettes or tobacco products at any time in connection with
 35 the manufacturer's, distributor's, wholesaler's, retailer's, or



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1 distributing agent's business or for promotion of the business
 2 or product, except as provided in subsection 2.

3 2. a. All cigarette samples shall be shipped only to a
 4 distributor that has a permit to stamp cigarettes or little
 5 cigars with Iowa tax. All cigarette samples must have a
 6 cigarette stamp. The manufacturer shipping samples under this
 7 section shall send an affidavit to the director stating the
 8 shipment information, including the date shipped, quantity, and
 9 to whom the samples were shipped. The distributor receiving
 10 the shipment shall send an affidavit to the director stating
 11 the shipment information, including the date shipped, quantity,
 12 and from whom the samples were shipped. These affidavits shall
 13 be duly notarized and submitted to the director at the time of
 14 shipment and receipt of the samples. The distributor shall
 15 pay the tax on samples by separate remittance along with the
 16 affidavit.

17 b. A manufacturer, distributor, wholesaler, retailer, or
 18 distributing agent or agent thereof shall not give away any
 19 ~~cigarettes or tobacco, tobacco products, alternative nicotine~~
 20 products, vapor products, or cigarettes to any person under
 21 eighteen years of age, or within five hundred feet of any
 22 playground, school, high school, or other facility when such
 23 facility is being used primarily by persons under age eighteen
 24 for recreational, educational, or other purposes.

25 c. Proof of age shall be required if a reasonable person
 26 could conclude on the basis of outward appearance that a
 27 prospective recipient of a sample may be under eighteen years
 28 of age.

29 Sec. 9. Section 453A.42, subsection 10, Code 2014, is
 30 amended to read as follows:

31 10. "Retailer" means any person engaged in the business
 32 of selling tobacco, tobacco products, alternative nicotine
 33 products, or vapor products to ultimate consumers.

34 Sec. 10. Section 805.8C, subsection 3, Code 2014, is amended
 35 to read as follows:



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1 3. ~~Smoking violations~~ Violations related to smoking, tobacco,
2 tobacco products, alternative nicotine products, vapor products,
3 and cigarettes.

4 a. For violations described in section 142D.9, subsection 1,
5 the scheduled fine is fifty dollars, and is a civil penalty,
6 and the criminal penalty surcharge under section 911.1 shall
7 not be added to the penalty, and the court costs pursuant
8 to section 805.9, subsection 6, shall not be imposed. If
9 the civil penalty assessed for a violation described in
10 section 142D.9, subsection 1, is not paid in a timely manner,
11 a citation shall be issued for the violation in the manner
12 provided in section 804.1. However, a person under age
13 eighteen shall not be detained in a secure facility for failure
14 to pay the civil penalty. The complainant shall not be charged
15 a filing fee.

16 b. For violations of section 453A.2, subsection 1, by an
17 employee of a retailer, the scheduled fine is as follows:

18 (1) If the violation is a first offense, the scheduled fine
19 is one hundred dollars.

20 (2) If the violation is a second offense, the scheduled fine
21 is two hundred fifty dollars.

22 (3) If the violation is a third or subsequent offense, the
23 scheduled fine is five hundred dollars.

24 c. For violations of section 453A.2, subsection 2, the
25 scheduled fine is as follows and is a civil penalty, and the
26 criminal penalty surcharge under section 911.1 shall not be
27 added to the penalty, and the court costs pursuant to section
28 805.9, subsection 6, shall not be imposed:

29 (1) If the violation is a first offense, the scheduled fine
30 is fifty dollars.

31 (2) If the violation is a second offense, the scheduled fine
32 is one hundred dollars.

33 (3) If the violation is a third or subsequent offense, the
34 scheduled fine is two hundred fifty dollars.

35 Sec. 11. CODE EDITOR DIRECTIVE. The Code editor shall



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1 modify the title of chapter 453A to read "Cigarette and Tobacco
2 Taxes and Regulation of Alternative Nicotine Products and Vapor
3 Products".

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 the regulation of alternative nicotine
8 products and vapor products. The bill defines "alternative
9 nicotine products" and "vapor products" separately from
10 cigarettes and tobacco products under Code chapter 453A
11 (cigarette and tobacco taxes).

12 The bill includes alternative nicotine products and
13 vapor products under the prohibitions relating to persons
14 under legal age. Under the bill, a person shall not sell,
15 give, or otherwise supply any tobacco, tobacco products,
16 alternative nicotine products, vapor products, or cigarettes
17 to any person under 18 years of age; and a person under 18
18 years of age is prohibited from smoking, using, possessing,
19 purchasing, or attempting to purchase any tobacco, tobacco
20 products, alternative nicotine products, vapor products,
21 or cigarettes. However, possession of tobacco, tobacco
22 products, alternative nicotine products, vapor products, or
23 cigarettes by an individual under 18 years of age does not
24 constitute a violation if the individual under 18 possesses
25 the tobacco, tobacco products, alternative nicotine products,
26 vapor products, or cigarettes as part of the individual's
27 employment and the individual is employed by a person who
28 holds a valid permit or who lawfully offers for sale or sells
29 cigarettes or tobacco products. Additionally, a person is
30 not guilty of a violation if conduct that would otherwise
31 constitute a violation is performed to assess compliance with
32 tobacco, tobacco products, alternative nicotine products, vapor
33 products, or cigarette laws under specified conditions.

34 The bill amends provisions relating to the suspected use of
35 a falsified driver's license or nonoperator's identification

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1 card to purchase cigarettes and tobacco products, to also apply
2 to the purchase of tobacco, alternative nicotine products and
3 vapor products; and amends provisions relating to the tobacco
4 compliance employee training program developed by the alcoholic
5 beverages division of the department of commerce to address,
6 in addition to cigarettes and tobacco products, tobacco,
7 alternative nicotine products, and vapor products.

8 The bill provides that it is unlawful for a person other
9 than a retailer who holds a valid retail permit to sell
10 tobacco, tobacco products, alternative nicotine products,
11 vapor products, or cigarettes at retail. The bill redefines
12 "retailer" to include those who sell, in addition to cigarettes
13 or tobacco products, tobacco, alternative nicotine products,
14 or vapor products. The bill makes applicable to tobacco,
15 alternative nicotine products, and vapor products, in addition
16 to tobacco products and cigarettes, the prohibition against a
17 retailer selling or offering for sale these products through
18 the use of a self-service display. The bill includes tobacco,
19 alternative nicotine products, and vapor products in the
20 prohibition against giving away samples of these products to
21 any person under 18 years of age, or within 500 hundred feet
22 of any playground, school, high school, or other facility when
23 such facility is being used primarily by persons under age 18
24 for recreational, educational, or other purposes.

25 The bill amends the headnote of the scheduled violations
26 provision relating to smoking to include violations relating
27 to smoking, tobacco, tobacco products, alternative nicotine
28 products, vapor products, and cigarettes.

29 The bill directs the Code editor to modify the title
30 of Code chapter 453A to read "Cigarette and Tobacco Taxes
31 and Regulation of Alternative Nicotine Products and Vapor
32 Products".



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House Joint Resolution 2002 - Introduced

HOUSE JOINT RESOLUTION 2002
BY HEARTSILL, RIDING, MOORE,
SCHULTZ, SHAW, and R.
TAYLOR

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa limiting terms of service for members
3 of the general assembly, the lieutenant governor, and the
4 governor.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.J.R. 2002

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 1. Section 3 of Article III of the Constitution of the State
4 of Iowa is repealed and the following adopted in lieu thereof:

5 **Representatives.** SEC. 3. The members of the house of
6 representatives shall be chosen every second year, by the
7 qualified electors of their respective districts, and their
8 term of office shall commence on the first day of January
9 next after their election, and continue two years, and until
10 their successors are elected and qualified. A person shall
11 not be elected for a term as representative if the term would
12 result in more than a total of six terms of service as a
13 representative. If a person is elected to serve a portion
14 of a term to which some other person was elected but that
15 person died in office or resigned from office or was otherwise
16 removed from office, that portion of a term served shall not
17 be included in the terms of service for purposes of this
18 limitation if the representative did not serve for at least
19 one-half of the two-year term. This limitation on terms of
20 service applies to terms of office beginning on or after
21 January 1, 2019.

22 2. Section 5 of Article III of the Constitution of the State
23 of Iowa is repealed and the following adopted in lieu thereof:

24 **Senators — qualifications.** SEC. 5. Senators shall be
25 chosen for the term of four years, at the same time and place as
26 representatives; they shall be twenty-five years of age, and
27 possess the qualifications of representatives as to residence
28 and citizenship. A person shall not be elected for a term as
29 senator if the term would result in more than a total of three
30 terms of service as a senator. If a person is elected to serve
31 a portion of a term to which some other person was elected
32 but that person died in office or resigned from office or was
33 otherwise removed from office, that portion of a term served
34 shall not be included in the terms of service for purposes
35 of this limitation if the senator did not serve for at least

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1 one-half of the four-year term. This limitation on terms
2 of service applies to terms of office beginning on or after
3 January 1, 2019.

4 3. Section 6 of Article IV of the Constitution of the State
5 of Iowa is repealed and the following adopted in lieu thereof:

6 **Eligibility. SEC. 6.** No person shall be eligible to the
7 office of governor, or lieutenant governor, who shall not have
8 been a citizen of the United States, and a resident of the
9 state, two years next preceding the election, and attained
10 the age of thirty years at the time of said election. A
11 person shall not be elected for a term as governor if the term
12 would result in more than a total of three terms of service
13 as governor. A person shall not be elected for a term as
14 lieutenant governor if the term would result in more than a
15 total of three terms of service as lieutenant governor. If a
16 person is elevated or appointed to serve a portion of a term
17 to which some other person was elected but that person died in
18 office or resigned from office or was otherwise removed from
19 office, that portion of a term served shall not be included in
20 the terms of service for purposes of this limitation if the
21 person did not serve for at least one-half of the four-year
22 term. This limitation on terms of service applies to terms of
23 office beginning on or after January 1, 2019.

24 **Sec. 2. REFERRAL AND PUBLICATION.** The foregoing amendment
25 to the Constitution of the State of Iowa is referred to the
26 general assembly to be chosen at the next general election
27 for members of the general assembly, and the secretary of
28 state is directed to cause the same to be published for three
29 consecutive months previous to the date of that election as
30 provided by law.

31

EXPLANATION

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

34 This joint resolution proposes an amendment to the
35 Constitution of the State of Iowa limiting terms of service

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1 for persons elected to the offices of representative or
2 senator in the general assembly, lieutenant governor, and
3 governor. The amendment provides that a member of the house
4 of representatives shall not serve more than six terms as a
5 representative, and that a member of the senate shall not serve
6 more than three terms as a senator. The amendment provides
7 that a person elected as lieutenant governor shall not serve
8 more than three terms as lieutenant governor and that a person
9 elected as governor shall not serve more than three terms as
10 governor.

11 The amendment provides that if a person is elected,
12 elevated, or appointed to serve a portion of a term in these
13 respective offices, the term shall not be included in counting
14 terms of service if the person did not serve at least one-half
15 of the full term. The amendment applies to terms of office
16 beginning on or after January 1, 2019.

17 The resolution, if adopted, would be referred to the next
18 general assembly for adoption before being submitted to the
19 electorate for ratification.



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House Resolution 104 - Introduced

HOUSE RESOLUTION NO. 104

BY LOFGREN, KELLEY, ROGERS, BERRY, LANDON, SHEETS,
THOMAS, H. MILLER, HANUSA, ALONS, BEARINGER,
DRAKE, JORGENSEN, MOORE, R. TAYLOR, GASKILL, WOOD,
KAUFMANN, OURTH, DUNKEL, SCHULTZ, GASSMAN, HEDDENS,
DEYOE, JACOBY, and MASCHER

1 A Resolution honoring the over 200 years of peace,
2 prosperity, and kinship between the peoples of
3 Canada and the United States, and recognizing
4 February 4, 2014, as Canada Day at the Iowa Capitol.
5 WHEREAS, Canada and the United States share a
6 5,500-mile border, the world's longest unmilitarized
7 border, over which 300,000 people cross between the
8 countries every day; and
9 WHEREAS, our two nations share a peaceful and
10 democratic heritage which spans centuries; and
11 WHEREAS, with these shared traditions, values, and
12 heritage our two nations have fostered one of the most
13 successful international relationships in the modern
14 world; and
15 WHEREAS, acting as partners in peace and allies in
16 war, for over 100 years Canada and the United States
17 have stood together, promoting mutual prosperity and
18 fighting tyranny and terrorism in a partnership that
19 remains resolute today; and
20 WHEREAS, the United States is Canada's largest
21 export market, with two-way trade in goods and
22 services between the nations totaling \$710 billion, or
23 approximately \$1.4 million every minute, reflecting the
24 deep integration of our nations' economies; and



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1 WHEREAS, the relationship between Canada and
2 Iowa is equally strong, consisting of a complex and
3 growing network of social, economic, and even familial
4 ties; and

5 WHEREAS, it is estimated that over 100,000 jobs
6 in Iowa are supported by Canada-United States trade
7 and 3,700 Iowans are employed by Canadian-owned
8 businesses; and

9 WHEREAS, Canada is Iowa's top export market,
10 with Iowa exports to Canada valued annually at \$4.3
11 billion and Iowa imports from Canada valued at \$3.1
12 billion; and

13 WHEREAS, Iowa exports to Canada include steel
14 products, oilseed cake and meal, organic chemicals,
15 air conditioning and refrigeration units, and
16 tractors, while Iowa imports include natural gas, oils,
17 fertilizers, live animals, and steel products; NOW
18 THEREFORE,

19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
20 the House of Representatives honors the relationships
21 between the peoples and the governments of Canada,
22 the United States, and Iowa, friends and neighbors
23 in peace, allies in war, and partners in economic
24 prosperity; and

25 BE IT FURTHER RESOLVED, That in honor of our strong
26 and growing relationship, the House of Representatives
27 recognizes Tuesday, February 4, 2014, as Canada Day at
28 the Iowa Capitol.

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House Study Bill 590 - Introduced

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

A BILL FOR

- 1 An Act exempting internet protocol-enabled service and voice
- 2 over internet protocol service from specified regulatory
- 3 authority.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5438YC (3) 85
rn/nh



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1 Section 1. NEW SECTION. 476.30 Internet protocol-enabled
 2 service and voice over internet protocol service — regulation.

3 1. Notwithstanding any other provision to the contrary,
 4 a department, agency, board, or political subdivision of the
 5 state shall not by rule, order, or other means directly or
 6 indirectly regulate the entry, rates, terms, or conditions
 7 for internet protocol-enabled service or voice over internet
 8 protocol service.

9 2. For the purposes of this section:

10 a. *“Internet protocol-enabled service”* means any service,
 11 capability, functionality, or application that uses internet
 12 protocol or any successor protocol and enables an end user to
 13 send or receive voice, data, or video communication in internet
 14 protocol format or a successor format.

15 b. *“Political subdivision”* means the same as defined in
 16 section 145A.2.

17 c. *“Voice over internet protocol service”* means an internet
 18 protocol-enabled service that facilitates real-time, two-way
 19 voice communication that originates from, or terminates at, a
 20 user’s location and permits the user to receive a call that
 21 originates from the public switched telephone network and to
 22 terminate a call on the public switched telephone network.

23 *“Voice over internet protocol service”* does not include a
 24 service that uses ordinary customer premises equipment with no
 25 enhanced functionality that originates from and terminates on
 26 the public switched telephone network, undergoes no internet
 27 protocol conversion, and provides no enhanced functionality
 28 to end users due to the provider’s use of internet protocol
 29 technology.

30 3. This section shall not be construed to modify or affect
 31 the following:

32 a. The application or enforcement of a law or rule that
 33 may apply generally to the conduct of business in this state,
 34 including but not limited to consumer protection and unfair or
 35 deceptive trade practice laws or rules.



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- 1 *b.* The board's authority under 47 U.S.C. §§251 and 252.
- 2 *c.* Surcharges for enhanced 911 services pursuant to chapter
- 3 34A or assessments for dual party relay service pursuant to
- 4 chapter 477C.

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 provides that, notwithstanding any other provision
9 to the contrary, a department, agency, board, or political
10 subdivision of the state shall not by rule, order, or other
11 means directly or indirectly regulate the entry, rates, terms,
12 or conditions for internet protocol-enabled service or voice
13 over internet protocol service.

14 The bill defines "internet protocol-enabled service" to mean
15 any service, capability, functionality, or application that
16 uses internet protocol or any successor protocol and enables an
17 end user to send or receive voice, data, or video communication
18 in internet protocol format or a successor format. The bill
19 defines "voice over internet protocol service" to mean an
20 internet protocol-enabled service that facilitates real-time,
21 two-way voice communication that originates from, or terminates
22 at, a user's location and permits the user to receive a call
23 that originates from the public switched telephone network and
24 to terminate a call on the public switched telephone network.
25 The bill provides that "voice over internet protocol service"
26 does not include a service that uses ordinary customer premises
27 equipment with no enhanced functionality that originates from
28 and terminates on the public switched telephone network,
29 undergoes no internet protocol conversion, and provides no
30 enhanced functionality to end users due to the provider's
31 use of internet protocol technology. The bill references a
32 definition of "political subdivision" contained in Code section
33 145A.2 as meaning any county, township, school district, or
34 city.

35 The bill provides that the bill's provisions regarding



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1 exemption from regulation shall not be construed to modify or
2 affect the application or enforcement of a law or rule that may
3 apply generally to the conduct of business in Iowa, including
4 but not limited to consumer protection and unfair or deceptive
5 trade practice laws or rules; to the Iowa board's authority
6 under federal law relating to telecommunications carrier
7 interconnection agreements and procedures; or to surcharges
8 for enhanced 911 services pursuant to Code chapter 34A or
9 assessments for dual party relay service pursuant to Code
10 chapter 477C.



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House Study Bill 591 - 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:

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

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

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

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

21 DIVISION III

22 STRATEGIC INFRASTRUCTURE PROGRAM

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

25 **15.311 Title.**

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

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

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



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

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

13 **c.** Moneys in a fund established for purposes of this section
 14 may be transferred to other funds created pursuant to section
 15 15.106A, subsection 1, paragraph "o".

16 Sec. 13. Section 15.313, subsection 2, unnumbered paragraph
 17 1, Code 2014, is amended to read as follows:

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

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

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

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

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

35 **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.

LSB 5291XD (9) 85
ad/sc



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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.



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House Study Bill 592 - Introduced

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

A BILL FOR

1 An Act relating to core content standards, assessments,
2 curricula relating to student academic progress, and to the
3 collection of and access to student data.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5203YC (4) 85
kh/rj



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1 Section 1. Section 256.7, subsection 21, paragraph b, Code
 2 2014, is amended by adding the following new subparagraph:
 3 NEW SUBPARAGRAPH. (03) In addition to administering
 4 any assessment of student progress required pursuant to
 5 this subsection, a school district may administer additional
 6 assessments to measure student academic progress. The results
 7 of the additional assessment may be reported to the department
 8 and the local community in accordance with paragraph `c`, but
 9 the additional assessments shall not replace any district-wide
 10 assessment required pursuant to this subsection.

11 Sec. 2. Section 256.7, subsection 26, paragraph c, Code
 12 2014, is amended to read as follows:

13 c. Adopt rules authorizing the board of directors of a
 14 school district and the authorities in charge of an accredited
 15 nonpublic school to adopt core content standard appendices,
 16 including but not limited to core content test exemplars;
 17 core content sample performance tasks; core content samples
 18 of student writing; and, for grades nine through twelve,
 19 mathematics coursework. The core content standards shall
 20 not dictate curriculum or prescribe a particular method of
 21 instruction to school districts and accredited nonpublic
 22 schools. Neither the state board nor the department shall
 23 require school districts or accredited nonpublic schools
 24 to adopt a specific textbook, textbook series, or specific
 25 instructional methodology, or acquire specific textbooks,
 26 curriculum materials, or educational products from a specific
 27 vendor in order to meet the core curriculum requirements of
 28 this subsection or the core content standards adopted pursuant
 29 to subsection 28. It is the intent of the general assembly
 30 that creation and implementation of curriculum, textbooks,
 31 educational materials, and instructional methods remain with
 32 school districts and accredited nonpublic schools and not with
 33 the state or federal government.

34 Sec. 3. Section 256.9, subsection 54, Code 2014, is amended
 35 to read as follows:

LSB 5203YC (4) 85
 kh/rj



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1 data breach plan, data retention or destruction plans, and
2 guidelines for authorizing parental access to student data.
3 4. Except as otherwise provided in state or federal law, the
4 department, school districts, and accredited nonpublic schools
5 shall not include biometric, health, and criminal or juvenile
6 justice records in student data files.
7 5. a. Student data shall be kept confidential by the
8 department, a school district, or an accredited nonpublic
9 school unless otherwise ordered by a court, by the lawful
10 custodian of the records, or by another person duly authorized
11 to release such information, and except as necessary to carry
12 out the duties and responsibilities of the state board or the
13 department.
14 b. Except as provided in paragraph "a", student data shall
15 not be provided outside of the state unless necessary to
16 facilitate the timely enrollment and placement of a student who
17 is transferring to another school.
18 6. The department shall establish and maintain a policy
19 relating to the sharing, security, and confidentiality of
20 student data in compliance with the federal Family Educational
21 Rights and Privacy Act, 20 U.S.C. §1232g.
22 7. The department shall notify the governor and the
23 general assembly annually of changes to existing student data
24 collections maintained by the department which are required
25 for any reason, including changes in federal reporting
26 requirements. Changes to existing student data collections
27 which are not necessitated by changes in federal reporting
28 requirements shall not be implemented by the department until
29 the annual report has been submitted to the general assembly
30 while the general assembly is in session or until the director
31 appears before the standing committees of the senate and house
32 of representatives having jurisdiction over education to report
33 on the revision or modification to the existing student data
34 collections maintained by the department, whichever occurs
35 first.

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1 ASSESSMENTS OF STUDENT ACADEMIC PROGRESS. The bill
2 authorizes school districts to administer assessments to
3 measure student academic progress which are in addition to the
4 department of education-approved district-wide assessment of
5 student progress administered for purposes of the core academic
6 indicators in mathematics, reading, and science.

7 CORE CONTENT STANDARDS AND CORE CURRICULUM. The bill
8 authorizes school districts and accredited nonpublic schools
9 to adopt core content standard appendices and, for grades 9
10 through 12, mathematics coursework. The bill provides that
11 the core content standards shall not dictate curriculum or
12 prescribe the method of instruction in those school districts
13 and schools. The bill also states legislative intent that
14 the creation and implementation of curriculum, textbooks,
15 educational materials, and instructional methods must remain
16 with the school districts and schools, and not with the state
17 or federal government.

18 Under the bill, the director of the department of education
19 must maintain an internet site where persons may access
20 up-to-date information regarding the core curriculum and the
21 core content standards. Periodically, beginning January 1,
22 2015, the state board must review, accept public comments
23 regarding, and revise as necessary, the core curriculum and
24 core content standards.

25 The director is further directed to submit an annual report
26 to the general assembly by February 1 regarding the activities,
27 findings, and student progress under the core curriculum
28 and the core content standards. The annual report shall
29 include the department's findings and recommendations. The
30 bill prohibits the director from implementing revisions or
31 modifications to the core curriculum or to the core content
32 standards adopted by the state board until the annual report is
33 submitted to the general assembly or until after the director
34 presents the proposed changes to the general assembly's
35 standing committees on education.



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1 STUDENT DATA. The bill directs the department of education
2 to establish data collection, data privacy, and data sharing
3 policies for data relating to students collected by the
4 department, school districts, and accredited nonpublic schools.
5 The department must annually conduct an inventory of and
6 categorize the data collected on students and the purposes for
7 which the data is collected, and report to the general assembly
8 by November 1, 2014, and by November 1 each succeeding year,
9 the department's findings and recommendations. The department
10 must also create a detailed student data security plan that
11 includes privacy compliance standards, a data breach plan, data
12 retention or destruction plans, and guidelines for authorizing
13 parental access to student data.

14 Except as otherwise provided in state or federal law, the
15 department, school districts, and accredited nonpublic schools
16 shall not include biometric, health, and criminal or juvenile
17 justice records in student data files. Student data shall not
18 be published by the department except in aggregate form.

19 Student data shall be kept confidential unless otherwise
20 ordered by a court, by the lawful custodian of the records, or
21 by another person duly authorized to release such information,
22 and except as necessary to carry out the duties and
23 responsibilities of the state board or the department. Except
24 as provided, student data shall not be provided outside of the
25 state unless necessary to facilitate the timely enrollment and
26 placement of a student who is transferring to another school.

27 The department must establish and maintain a policy relating
28 to the sharing, security, and confidentiality of student data
29 in compliance with the federal Family Educational Rights and
30 Privacy Act, 20 U.S.C. §1232g.

31 The department shall notify the governor and the general
32 assembly annually of changes to existing student data
33 collections maintained by the department which are required
34 for any reason, including changes in federal reporting
35 requirements. Such changes which are not necessitated

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kh/rj



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1 by changes in federal reporting requirements shall not be
2 implemented by the department until the annual report has
3 been submitted to the general assembly while the general
4 assembly is in session or until the director appears before the
5 standing committees of the senate and house of representatives
6 having jurisdiction over education to report on the revision
7 or modification to the existing student data collections
8 maintained by the department, whichever occurs first.

9 The new provisions relating to student data shall
10 not be construed to supersede any existing open records
11 law provisions, provisions relating to the department's
12 comprehensive management information system which are in
13 compliance with state and federal reporting requirements, or
14 provisions enacting the interstate compact on educational
15 opportunity for military children.

16 PUBLIC INPUT ON CORE CURRICULUM AND CORE CONTENT STANDARDS.
17 The department also must initiate a process to obtain public
18 input on the core curriculum and the core content standards;
19 shall identify opportunities to strengthen the core curriculum
20 and the core content standards; receive public comments on
21 its internet site regarding the core curriculum and the core
22 content standards; hold at least three public hearings, in at
23 least three geographically diverse venues around the state,
24 regarding the core curriculum and the core content standards;
25 include information regarding the time, place, and manner
26 in which persons may participate in a public hearing; and
27 provide public notice of any actions taken by the state board
28 to strengthen, amend, or modify the core curriculum or the
29 core content standards following the public hearings. The
30 department shall submit a report summarizing its activities,
31 findings, and recommendations to the state board, the governor,
32 and the general assembly by February 1, 2015.



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House Study Bill 593 - Introduced

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

A BILL FOR

1 An Act enhancing the penalties for an assault on a transit
2 driver.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5430YC (2) 85
jm/rj



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H.F. _____

1 Section 1. Section 708.3A, subsections 1, 2, 3, and 4, Code
2 2014, are amended to read as follows:

3 1. A person who commits an assault, as defined in section
4 708.1, ~~against with the intent to inflict serious injury~~
5 upon a peace officer, jailer, correctional staff, transit
6 driver, member or employee of the board of parole, health
7 care provider, employee of the department of human services,
8 employee of the department of revenue, or fire fighter, whether
9 paid or volunteer, with the knowledge that the person against
10 whom the assault is committed is a peace officer, jailer,
11 correctional staff, transit driver, member or employee of
12 the board of parole, health care provider, employee of the
13 department of human services, employee of the department of
14 revenue, or fire fighter ~~and with the intent to inflict a~~
15 ~~serious injury upon the peace officer, jailer, correctional~~
16 ~~staff, member or employee of the board of parole, health~~
17 ~~care provider, employee of the department of human services,~~
18 ~~employee of the department of revenue, or fire fighter, is~~
19 guilty of a class "D" felony.

20 2. A person who commits an assault, as defined in section
21 708.1, and who uses or displays a dangerous weapon in
22 connection with the assault, against a peace officer, jailer,
23 correctional staff, transit driver, member or employee of
24 the board of parole, health care provider, employee of the
25 department of human services, employee of the department of
26 revenue, or fire fighter, whether paid or volunteer, who
27 knows that the person against whom the assault is committed
28 is a peace officer, jailer, correctional staff, transit
29 driver, member or employee of the board of parole, health
30 care provider, employee of the department of human services,
31 employee of the department of revenue, or fire fighter ~~and who~~
32 ~~uses or displays a dangerous weapon in connection with the~~
33 ~~assault,~~ is guilty of a class "D" felony.

34 3. A person who commits an assault, as defined in section
35 708.1, and who causes bodily injury or mental illness in



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House Study Bill 594 - Introduced

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

A BILL FOR

1 An Act restricting the regulatory authority of the Iowa
2 utilities board with regard to the deposit and debt
3 collection policies of municipal utilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5647YC (1) 85
rn/nh



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H.F. _____

1 Section 1. Section 476.1B, subsection 1, paragraph e, Code
2 2014, is amended to read as follows:

3 e. Disconnection of service, as set forth in section 476.20,
4 other than in connection with deposit and debt collection
5 policies and practices.

6 Sec. 2. Section 476.20, subsection 5, paragraph a,
7 unnumbered paragraph 1, Code 2014, is amended to read as
8 follows:

9 The board shall establish rules which shall be uniform with
10 respect to all public utilities furnishing gas or electricity,
11 other than municipal utilities as provided in section 476.1B,
12 relating to deposits which may be required by the public
13 utility for the initiation or reinstatement of service.

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 the regulatory authority of the Iowa
18 utilities board with regard to municipal utility disconnection
19 procedures.

20 Currently, Code section 476.1B provides that a municipally
21 owned utility is not subject to regulation by the Iowa
22 utilities board, subject to certain specified exceptions. One
23 such exception is with regard to disconnection of service, as
24 provided in Code section 476.20.

25 The bill modifies this provision to provide that a
26 municipally owned utility is subject to regulatory action
27 pertaining to disconnection of service, other than in
28 connection with deposit and debt collection policies and
29 practices. The bill makes a corresponding change in Code
30 section 476.20 to specify that the disconnection provisions
31 contained therein do not apply to municipally owned utilities.



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House Study Bill 595 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HOMELAND SECURITY AND
EMERGENCY MANAGEMENT BILL)

A BILL FOR

1 An Act establishing a mass notification and emergency messaging
2 system fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5256XD (4) 85
rn/rj



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1 in the fund. Notwithstanding section 12C.7, interest or
2 earnings on moneys in the fund shall be credited to the fund.
3 Notwithstanding section 8.33, moneys credited to the fund that
4 remain unexpended or unobligated at the end of a fiscal year
5 shall not revert to any other fund.

6 2. Amounts contained in the fund shall be used exclusively
7 to provide for the purchase and ongoing operation of a system
8 capable of providing mass notification and emergency messaging
9 to the public. The system shall be purchased from a vendor
10 selected by the department pursuant to a competitive bidding
11 process, and shall, once purchased, be under the control of the
12 department.

13 3. The department may provide access to the mass
14 notification and emergency messaging system for use at the
15 county and local level. Access by a county or local government
16 shall be at the department's sole discretion, and if approved
17 by the department, shall be under the control of the local
18 commission. The commission shall establish an operational plan
19 and procedure which meets standards adopted by the department
20 by rule, and shall submit the operational plan and procedure
21 for approval by the department prior to access being granted.
22 Additional access criteria and procedures for administering
23 the fund shall be established by the department by rule. The
24 director may employ such additional staff as may be necessary
25 to administer this section.

26 4. All personal information collected for use in the mass
27 notification and emergency messaging system, including but
28 not limited to the names and contact information of emergency
29 messaging recipients, shall be considered confidential records
30 under section 22.7. The director may, however, provide all or
31 part of such confidential information to federal, state, or
32 local governmental agencies possessing emergency planning or
33 response functions if the director is satisfied that the need
34 to know the information and its intended use are reasonable.
35 An agency receiving confidential information pursuant to this

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1 subsection shall not disseminate the information in any form
2 without prior approval by the director.

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 establishes a mass notification and emergency
7 messaging system fund.

8 The bill defines "mass notification and emergency messaging
9 system" to mean a system which disseminates emergency
10 and public safety related information to the public by
11 various means including but not limited to telephone,
12 wireless communications service, dual party relay service or
13 telecommunications device, text messaging, electronic mail,
14 and facsimile, and which integrates with federal emergency
15 messaging systems.

16 The bill commences with a session law provision expressing
17 the legislative intent that the mass notification and emergency
18 messaging system fund receive an annual appropriation to ensure
19 that the system functions throughout the state on an ongoing
20 basis.

21 The bill creates the fund in the state treasury under the
22 control of the department, consisting of moneys appropriated
23 by the general assembly and any other moneys available to and
24 obtained or accepted by the department for placement in the
25 fund. The bill provides that, notwithstanding Code section
26 12C.7, interest or earnings on moneys in the fund shall be
27 credited to the fund, and that, notwithstanding Code section
28 8.33, moneys credited to the fund that remain unexpended or
29 unobligated at the end of a fiscal year shall not revert to any
30 other fund.

31 The bill provides that amounts contained in the fund shall
32 be used exclusively to provide for the purchase and ongoing
33 operation of a system capable of providing mass notification
34 and emergency messaging to the public. The system shall be
35 purchased from a vendor selected by the department pursuant to

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1 a competitive bidding process, and shall, once purchased, be
 2 under the control of the department.
 3 The bill authorizes the department to provide access to
 4 the system for use at the county and local level. Access
 5 by a county or local government shall be at the department's
 6 sole discretion, and if approved by the department, shall be
 7 under the control of the local emergency management commission
 8 or joint emergency management commission. The bill states
 9 that such commission shall establish an operational plan and
 10 procedure which meets standards adopted by the department by
 11 rule, and shall submit the operational plan and procedure for
 12 approval by the department prior to access being granted.
 13 Additional access criteria and procedures for administering the
 14 fund are to be established by the department by rule, and the
 15 director is authorized to employ such additional staff as may
 16 be necessary to administer and operate the system.
 17 The bill provides that all personal information collected
 18 for use in the system, including but not limited to the names
 19 and contact information of emergency messaging recipients,
 20 shall be considered confidential records under Code section
 21 22.7. The bill authorizes the director, however, to provide
 22 all or part of such confidential information to federal, state,
 23 or local governmental agencies possessing emergency planning or
 24 response functions if the director is satisfied that the need
 25 to know the information and its intended use are reasonable.
 26 The bill states that an agency receiving confidential
 27 information pursuant to this exception shall not redisseminate
 28 the information in any form without prior approval by
 29 the director. A corresponding provision is added to the
 30 confidential records provisions contained in Code chapter 22.7.



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House Study Bill 596 - Introduced

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

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 5707HC (1) 85
dea/nh



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H.F. _____

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

3 **321.306 Roadways laned for traffic.**

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

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

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

13 ~~2-~~ 3. If a roadway is divided into three lanes, a vehicle
14 shall not be driven in the center lane except as follows:

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

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

22 ~~3-~~ 4. Official signs may be erected directing slow-moving
23 traffic to use a designated lane or allocating specified lanes
24 to traffic moving in the same direction and drivers of vehicles
25 shall obey the directions of every such sign.

26 ~~4-~~ 5. Vehicles moving in a lane designated for slow-moving
27 traffic shall yield the right-of-way to vehicles moving in the
28 same direction in a lane not so designated when such lanes
29 merge to form a single lane.

30 ~~5-~~ 6. A portion of a highway provided with a lane for
31 slow-moving vehicles does not become a roadway marked for three
32 lanes of traffic.

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 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.



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House Study Bill 597 - Introduced

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

A BILL FOR

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

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1 industrial area lawfully in existence on July 1, 1972,
2 which is within one thousand feet of the nearest edge of
3 the right-of-way and visible from the main-traveled portion
4 of any highway on the interstate system shall be screened,
5 if feasible, by the department, or by the owner under rules
6 and direction of the department, at locations on the highway
7 right-of-way or in areas acquired for such purposes outside
8 the right-of-way in order to obscure the junkyard from the
9 main-traveled way of such highways.

10 2. Any junkyard located outside a zoned or unzoned
11 industrial area lawfully in existence on July 1, 2014, which
12 is within one thousand feet of the nearest edge of the
13 right-of-way and visible from the main-traveled portion of
14 any noninterstate highway which is on the national highway
15 system shall be screened, if feasible, by the department, or
16 by the owner under rules and direction of the department, at
17 locations on the highway right-of-way or in areas acquired for
18 such purposes outside the right-of-way in order to obscure the
19 junkyard from the main-traveled way of such highways.

20 Sec. 6. Section 306C.10, subsections 1, 2, 10, 13, and 20,
21 Code 2014, are amended to read as follows:

22 1. "Adjacent area" means an area which is contiguous to
23 and within six hundred sixty feet of the nearest edge of the
24 right-of-way of any ~~interstate, freeway primary, or primary~~
25 highway.

26 2. "Advertising device" includes any outdoor sign, display,
27 device, figure, painting, drawing, message, placard, poster,
28 billboard, or any other device designed, intended, or used to
29 advertise or give information in the nature of advertising, and
30 having the capacity of being visible from the traveled portion
31 of any ~~interstate or primary~~ highway.

32 10. "Interstate highway" includes "interstate road" and
33 "interstate system" and means any highway of the ~~primary~~
34 national highway system at any time officially designated as a
35 part of the national system of interstate and defense highways



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1 by the department and approved by the appropriate authority of
2 the federal government.

3 13. ~~"Primary highways" includes the entire primary system as~~
4 ~~officially designated, or as may hereafter be so designated,~~
5 ~~by the department~~ means all highways on the national highway
6 system and all highways on the federal-aid primary system as it
7 existed on June 1, 1991.

8 20. *"Unzoned commercial or industrial area"* means those areas
9 not zoned by state or local law, regulation, or ordinance,
10 which are occupied by one or more commercial or industrial
11 activities, and the land along the ~~interstate highways and~~
12 primary highways for a distance of seven hundred fifty feet
13 immediately adjacent to the activities. All measurements
14 shall be from the outer edge of the regularly used buildings,
15 parking lots, storage, or processing areas of the activities
16 and shall be parallel to the edge of pavement of the highway.
17 Measurements shall not be from the property line of the
18 activities unless that property line coincides with the limits
19 of the activities. Unzoned commercial or industrial areas
20 shall not include land on the opposite side of the highway from
21 the commercial or industrial activities.

22 Sec. 7. Section 306C.10, Code 2014, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 12A. *"National highway system"* means the
25 network designated by the federal highway administration in
26 consultation with the state department of transportation, which
27 consists of interconnected urban and rural principal arterials
28 and highways that serve major population centers, ports,
29 airports, public transportation facilities, other intermodal
30 transportation facilities, and other major travel destinations;
31 meet national defense requirements; and serve interstate and
32 interregional travel.

33 Sec. 8. Section 306C.12, Code 2014, is amended to read as
34 follows:

35 **306C.12 None visible from highway.**



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1 An advertising device shall not be constructed or
2 reconstructed beyond the adjacent area in unincorporated areas
3 of the state if it is visible from the main-traveled way of
4 any ~~interstate or~~ primary highway except for advertising
5 devices permitted in section 306C.11, subsections 1 and 2.
6 Any advertising device permitted beyond an adjacent area in
7 unincorporated areas of the state shall be subject to the
8 applicable permit provisions of section 306C.18.

9 Sec. 9. Section 306C.13, subsections 2, 3, 4, and 5, Code
10 2014, are amended to read as follows:

11 2. Advertising devices located within the adjacent
12 area of nonfreeway primary highways shall not be erected or
13 maintained closer to another advertising device facing in the
14 same direction than one hundred feet if inside the corporate
15 limits of a municipality. No advertising device, other than
16 as excepted or permitted by ~~subsections~~ subsection 4, 5, or 6
17 ~~of this section~~, shall be located within the triangular area
18 formed by the line connecting two points each fifty feet back
19 from the point where the street right-of-way lines of the
20 main-traveled way and the intersecting street meet, or would
21 meet, if extended.

22 3. Advertising devices located within the adjacent area of
23 nonfreeway primary highways shall not be erected or maintained
24 closer to another advertising device facing in the same
25 direction than three hundred feet if outside the corporate
26 limits of a municipality. No advertising device, other than
27 those excepted or permitted by ~~subsections~~ subsection 4, 5, or
28 6 ~~of this section~~, shall be located within the triangular area
29 formed by a line connecting two points each one hundred feet
30 back from the point where the street right-of-way lines of the
31 main-traveled way and the intersecting street meet, or would
32 meet, if extended.

33 4. The distance spacing measurements fixed by subsections 2
34 and 3 ~~of this section~~ shall not apply to advertising devices
35 which are separated by a building in such a manner that only



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1 one advertising device located within the minimum spacing
 2 distance is visible from a highway at any one time.
 3 5. Within a triangular area, as defined by subsections 2
 4 and 3 ~~of this section~~, occupied by a building or structure, no
 5 advertising device shall be erected or maintained closer to the
 6 intersection than the building or structure itself, except that
 7 a wall advertising device may be attached to said building or
 8 structure not to protrude more than twelve inches.

9 Sec. 10. Section 306C.13, subsection 8, paragraph g, Code
 10 2014, is amended to read as follows:

11 *g.* The standards contained in this section pertaining to
 12 size, lighting, and spacing shall not apply to advertising
 13 devices erected or maintained within six hundred sixty feet
 14 of the right-of-way of those portions of the interstate
 15 highway system exempted from control under chapter 306B by
 16 authority of section 306B.2, subsection 4, nor to advertising
 17 devices erected and maintained within adjacent areas along
 18 noninterstate primary highways within zoned and unzoned
 19 commercial and industrial areas, unless said advertising
 20 devices were erected subsequent to July 1, 1972.

DIVISION II

TRANSPORTATION DEPARTMENT AND COMMISSION

DEPARTMENT OF TRANSPORTATION

24 Sec. 11. Section 307.8, Code 2014, is amended to read as
 25 follows:

26 **307.8 Expenses.**

27 ~~Members of the commission, the~~ The director, and other
 28 employees of the department shall be allowed their actual and
 29 necessary expenses incurred in the performance of their duties.
 30 All expenses and salaries shall be paid from appropriations
 31 for such purposes, and the department shall be subject to the
 32 budget requirements of chapter 8.

33 Sec. 12. Section 307.12, subsection 1, paragraphs g and p,
 34 Code 2014, are amended to read as follows:

35 *g.* Appoint the ~~deputy director of transportation and the~~



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1 administrators ~~of~~ within the department.
 2 ~~p. Administer chapter 327J~~ Apply for, accept, and expend
 3 federal, state, or private funds for the improvement of
 4 transportation.
 5 Sec. 13. Section 307.12, subsection 1, Code 2014, is amended
 6 by adding the following new paragraph:
 7 NEW PARAGRAPH. *q.* Coordinate the transportation research
 8 activities within the department.
 9 Sec. 14. Section 307.12, subsection 2, Code 2014, is amended
 10 to read as follows:
 11 2. If in the interest of the state, the director may allow
 12 a subsistence expense to an employee under the supervision of
 13 the department's administrator responsible for highways highway
 14 programs and activities for continuous stay in one location
 15 while on duty away from established headquarters and place of
 16 domicile for a period not to exceed forty-five days; and may
 17 allow automobile expenses in accordance with section 8A.363,
 18 for moving an employee and the employee's family from place of
 19 present domicile to new domicile, and actual transportation
 20 expense for moving of household goods. The household goods for
 21 which transportation expense is allowed shall not include pets
 22 or animals.
 23 Sec. 15. Section 307.21, subsection 1, unnumbered paragraph
 24 1, Code 2014, is amended to read as follows:
 25 The department's administrator ~~of administrative services~~
 26 responsible for the operations and finances of the department
 27 shall:
 28 Sec. 16. Section 307.21, subsection 7, Code 2014, is amended
 29 to read as follows:
 30 7. The administrator ~~of administrative services~~ may
 31 purchase items from the department of administrative services
 32 and may cooperate with the director of the department of
 33 administrative services by providing purchasing services for
 34 the department of administrative services.
 35 Sec. 17. Section 307.22, Code 2014, is amended to read as



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1 availability and productivity of highway transport services.

2 ~~f.~~ g. Perform such other planning functions as may be
3 assigned by the director.

4 2. The functions of planning and ~~research~~ infrastructure
5 program development do not include the detailed design
6 of highways or other modal transportation facilities, but
7 are restricted to the needs of this state for multimodal
8 transportation systems.

9 Sec. 18. Section 307.24, Code 2014, is amended to read as
10 follows:

11 **307.24 Administration of ~~highways~~ highway programs and**
12 **activities.**

13 The department's administrator ~~of highways~~ is responsible
14 for the ~~planning, design, construction, and maintenance of~~
15 highway programs and activities shall plan, design, construct,
16 and maintain the state primary highways and ~~shall~~ administer
17 chapters 306 ~~to~~ through 306C, chapters 309 through 314,
18 chapters 316 through 318, and chapter 320 and perform other
19 duties as assigned by the director. The ~~administration of~~
20 highways department shall be:

21 1. Be organized to provide administration assistance for
22 ~~urban systems, for~~ and secondary roads, and provide other
23 categories of administration assistance as necessary.

24 2. Devise and adopt standard plans of highway construction
25 and furnish the same to the counties and provide information
26 to the counties on the maintenance practices and policies of
27 the department.

28 3. Order the removal or alteration of any lights or
29 light-reflecting devices, whether on public or private
30 property, other than railroad signals or crossing lights,
31 located adjacent to a primary road and within three hundred
32 feet of a railroad crossing at grade, which in any way
33 interfere with the vision of or may be confusing to a person
34 operating a motor vehicle on such primary road in observing
35 the approach of trains or in observing signs erected for the



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- 1 one-half percent.
- 2 d. For national guard facility roads, four percent.
- 3 e. For state board of regents facility roads, thirty
- 4 percent.
- 5 f. For state fair board facility roads, two percent.
- 6 g. For department of administrative services facility roads,
- 7 one-half percent.
- 8 h. For department of education facility roads, six percent.

9 Sec. 19. Section 307.26, Code 2014, is amended to read as
10 follows:

11 **307.26 Rail and water Administration of modal programs and**
12 **activities.**

13 The department's administrator responsible for ~~rail and~~
14 ~~water~~ modal programs and activities shall:

- 15 ~~1. Advise and assist the director in conducting research~~
- 16 ~~on the basic railroad problems and identify the present~~
- 17 ~~capability of the existing railroads in order to determine~~
- 18 ~~the present obligation of the railroads to provide acceptable~~
- 19 ~~levels of public service. Advise and assist the director~~
- 20 ~~in the development of aeronautics including but not limited~~
- 21 ~~to the location of air terminals, accessibility of air~~
- 22 ~~terminals by other modes of public transportation, protective~~
- 23 ~~zoning provisions considering safety factors, noise, and air~~
- 24 ~~pollution, facilities for private and commercial aircraft,~~
- 25 ~~air freight facilities, and such other physical and technical~~
- 26 ~~aspects as may be necessary to meet present and future needs.~~
- 27 2. Advise and assist the director in the study of local
- 28 and regional transportation of goods and people including
- 29 intracity and intercity bus systems, dial-a-bus facilities,
- 30 rural and urban bus and taxi systems, the collection of data
- 31 from these systems, a feasibility study of increased government
- 32 subsidy assistance and determination of the allocation of such
- 33 subsidies to each mass transportation system, and such other
- 34 physical and technical aspects as may be necessary to meet
- 35 present and future needs, and apply for, accept, and expend



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1 federal, state, or private funds for the improvement of mass
 2 transit.

3 ~~2.~~ 3. Advise and assist the director in the development
 4 of ~~rail~~ transportation systems and programs for ~~expansion of~~
 5 improving passenger and freight services.

6 ~~3.~~ 4. Advise and assist the director in developing programs
 7 in anticipation of railroad abandonment, including:

8 a. Development and evaluation of programs which will
 9 encourage improvement of rail freight and the upgrading of rail
 10 lines in order to improve freight service.

11 ~~b. Development of alternative modes of transportation to~~
 12 ~~areas and communities which lose rail service.~~

13 ~~c.~~ b. Advise Advising the director when it may appear in
 14 the best interest of the state to assume the role of advocate
 15 in railroad abandonments and railroad rate schedules.

16 ~~4.~~ 5. Develop and maintain a federal-state relationship
 17 of programs relating to railroad safety enforcement, track
 18 standards, rail equipment, operating rules, and transportation
 19 of hazardous materials.

20 6. Make surveys, plans, and estimates of cost for the
 21 elimination of danger at railroad crossings on highways, and
 22 confer with local and railroad officials with reference to
 23 elimination of the danger.

24 ~~5.~~ 7. Advise and assist the director in the conduct of
 25 research on railroad-highway grade crossings and encourage
 26 and develop a safety program in order to reduce injuries or
 27 fatalities including, but not limited to, the following:

28 ~~a. The implementation of a program of constructing rumble~~
 29 ~~strips at grade crossings on selected hard surface roads.~~

30 ~~b.~~ a. The establishment of standards for warning devices
 31 for particularly hazardous crossings or for classes of
 32 crossings on highways, which standards ~~are~~ shall be designed
 33 to reduce injuries, fatalities, and property damage. Such
 34 standards shall regulate the use of warning devices and
 35 signs, which shall be in addition to the requirements of



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1 ~~railway~~ service ~~with that of other~~ between all transportation
2 modes.

3 ~~8.~~ 9. Advise and assist the director with studies of
4 regulatory changes deemed necessary to effectuate economical
5 and efficient railroad service.

6 ~~9.~~ 10. Advise and assist the director regarding agreements
7 with railroad corporations for the restoration, conservation,
8 or improvement of railroad as defined in section 327D.2,
9 subsection 3, on such terms, conditions, rates, rentals, or
10 subsidy levels as may be in the best interest of the state.
11 The commission may enter into contracts and agreements which
12 are binding only to the extent that appropriations have been
13 or may subsequently be made by the legislature to effectuate
14 the purposes of this subsection.

15 ~~10.~~ 11. Administer chapters 324A, 327C through 327H, 327J,
16 328, 329, and 330.

17 12. Administer programs and activities in chapter
18 306D relating to scenic routes, chapter 307C relating to
19 the Missouri river barge compact, chapter 308 relating
20 to the Mississippi river parkway, chapter 308A relating
21 to recreational bikeways, and chapter 315 relating to the
22 revitalize Iowa's sound economy fund.

23 ~~11.~~ 13. Perform such other duties and responsibilities as
24 may be assigned by the director ~~and the commission~~.

25 ~~12.~~ Advise and assist in the establishment and development
26 ~~of railroad districts upon request~~.

27 ~~13.~~ Conduct innovative experimental programs relating to
28 ~~rail transportation problems within the state~~.

29 ~~14.~~ Enter the role of "applicant" pursuant to the Railroad
30 Revitalization and Regulatory Reform Act of 1976, Pub. L. No.
31 ~~94-210~~, and take such actions as are necessary to accomplish
32 ~~this role~~.

33 ~~15.~~ Identify those segments of railroad trackage which, if
34 improved, may provide increased transportation services for
35 ~~the citizens of this state. The department shall develop and~~

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1 ~~implement programs to encourage the improvement of rail freight~~
2 ~~services on such railroad trackage.~~

3 ~~16.~~ 14. Promote river transportation and coordinate river
4 programs with other transportation modes.

5 ~~17.~~ 15. Advise and assist the director in the development
6 of river transportation and port facilities in the state.

7 Sec. 20. Section 307.27, Code 2014, is amended to read as
8 follows:

9 **307.27 Motor vehicles, motor carriers, and drivers.**

10 The department's administrator responsible for the
11 enforcement and regulation of motor carriers, registration of
12 motor vehicles, and the licensing of drivers shall:

13 1. Administer and supervise the registration of motor
14 vehicles and the licensing of drivers pursuant to chapter 321.

15 2. Administer and supervise the licensing of motor vehicle
16 manufacturers, distributors, and dealers pursuant to chapter
17 322.

18 3. Administer the inspection of motor vehicles pursuant to
19 chapter 321.

20 4. Administer motor vehicle registration reciprocity
21 pursuant to chapter 326.

22 5. Administer the provisions of chapters 321A, 321E, 321F,
23 and 321J relating to motor vehicle financial responsibility,
24 the implied consent law, the movement of vehicles of excessive
25 size and weight, and the leasing and renting of vehicles.

26 6. Administer the regulation of motor vehicle franchisers
27 pursuant to chapter 322A.

28 7. Administer the regulation of motor carriers pursuant to
29 ~~chapter~~ chapters 325A, 326, and 327B.

30 8. Administer the registration of interstate authority
31 of motor carriers pursuant to chapter 327B as provided in 49
32 U.S.C. § 14504a and United States department of transportation
33 regulations.

34 9. Administer chapter 321C relating to interstate drivers
35 license compacts; chapter 321D relating to vehicle equipment



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1 compacts; chapter 321H relating to vehicle recyclers; chapter
 2 321L relating to parking for persons with disabilities; chapter
 3 321M relating to county issuance of driver's licenses; and
 4 chapter 322C relating to travel trailer dealers, manufacturers,
 5 and distributors.

6 Sec. 21. Section 307.45, Code 2014, is amended to read as
 7 follows:

8 **307.45 State-owned lands — assessment.**

9 1. Cities and counties may assess the cost of a public
 10 improvement against the state when the improvement benefits
 11 property owned by the state and under the jurisdiction
 12 and control of the ~~department's administrator of highways~~
 13 department. The director shall pay from the primary road fund
 14 the portion of the cost of the improvement which would be
 15 legally assessable against the land if privately owned.

16 2. Assessments against property under the jurisdiction of
 17 the ~~department's administrator of highways~~ department shall be
 18 made in the same manner as those made against private property,
 19 except that the city or county making the assessment shall
 20 cause a copy of the public notice of hearing to be mailed to the
 21 director by certified mail.

22 3. Assessments against property owned by the state and
 23 not under the jurisdiction and control of the ~~department's~~
 24 ~~administrator of highways~~ department shall be made in the same
 25 manner as those made against private property, and payment
 26 shall be subject to authorization by the executive council.
 27 There is appropriated from moneys in the general fund not
 28 otherwise appropriated an amount necessary to pay the expense
 29 authorized by the executive council.

30 Sec. 22. Section 307.47, subsections 1, 2, and 3, Code 2014,
 31 are amended to read as follows:

32 1. The highway materials and equipment revolving fund
 33 is created from moneys appropriated out of the primary road
 34 fund. From this fund shall be paid all costs for materials
 35 and supplies, inventoried stock supplies, maintenance and



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1 operational costs of equipment, and equipment replacements
 2 incurred in the operation of centralized purchasing under the
 3 supervision of the ~~department's administrator of highways~~
 4 administrator responsible for highway programs and activities.
 5 Direct salaries and expenses properly chargeable to direct
 6 salaries shall be paid from the fund. For each month, the
 7 ~~director~~ administrator responsible for the operations and
 8 finances of the department shall render a statement to each
 9 highway unit under the supervision of the administrator
 10 ~~of highways~~ for the actual cost of materials and supplies,
 11 operational and maintenance costs of equipment, and equipment
 12 depreciation used. The expense shall be paid by the
 13 ~~administrator of highways~~ responsible for the operations
 14 and finances of the department in the same manner as other
 15 interdepartmental billings are paid, and ~~when the expense is~~
 16 ~~paid by the administrator of highways,~~ the sum paid shall be
 17 credited to the highway materials and equipment revolving fund.
 18 2. If surplus accrues to the revolving fund in excess of
 19 one hundred thousand dollars for which there is no anticipated
 20 need or use, the governor shall order that surplus reverted to
 21 the primary road fund.
 22 3. When ~~the highway units under the supervision of~~
 23 ~~the administrator of highways~~ share equipment with other
 24 administrative units of the department, the director shall
 25 prorate the costs of the equipment among the administrative
 26 units using the equipment.
 27 Sec. 23. REPEAL. Sections 307.3, 307.4, 307.5, 307.6,
 28 307.7, 307.9, 307.10, 307.25, 307.35, and 307.43, Code 2014,
 29 are repealed.

STATE TRANSPORTATION COMMISSION

30
 31 Sec. 24. NEW SECTION. 307A.1A Transportation commission.
 32 1. There is created a state transportation commission which
 33 shall consist of seven members, not more than four of whom
 34 shall be from the same political party. The governor shall
 35 appoint the members of the commission for a term of four years

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1 beginning and ending as provided by section 69.19, subject to
2 confirmation by the senate.

3 2. The commission shall meet in May of each year for the
4 purpose of electing one of its members as chairperson.

5 Sec. 25. Section 307A.2, Code 2014, is amended to read as
6 follows:

7 **307A.2 Duties.**

8 ~~Said~~ The commission shall:

9 1. ~~Devise and adopt standard plans of highway construction~~
10 ~~and furnish the same to the counties and provide information~~
11 ~~to the counties on the maintenance practices and policies of~~
12 ~~the department. Develop, coordinate, and annually update a~~
13 comprehensive transportation policy and plan for the state.

14 2. ~~Furnish information and instruction to, answer inquiries~~
15 ~~of, and advise with, highway officers on matters of highway~~
16 ~~construction and maintenance and the reasonable cost thereof.~~
17 Promote the coordinated and efficient use of all available
18 modes of transportation for the benefit of the state and
19 its citizens including but not limited to the designation
20 and development of multimodal public transfer facilities if
21 carriers or other private businesses fail to develop such
22 facilities.

23 3. ~~Reserved.~~

24 4. ~~Make surveys, plans, and estimates of cost, for the~~
25 ~~elimination of danger at railroad crossings on highways, and~~
26 ~~confer with local and railroad officials with reference to~~
27 ~~elimination of the danger.~~

28 5. ~~Assist the board of supervisors and the department~~
29 ~~general counsel in the defense of suits wherein infringement of~~
30 ~~patents, relative to highway construction, is alleged.~~

31 6. ~~Make surveys for the improvement of highways upon or~~
32 ~~adjacent to state property when requested by the board or~~
33 ~~department in control of said lands.~~

34 7. ~~Record all important operations of said commission and,~~
35 ~~at the time provided by law, report the same to the governor.~~



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1 ~~8.— Incur no expense to the state by sending out road~~
2 ~~lecturers.~~

3 ~~9.— Order the removal or alteration of any lights or~~
4 ~~light reflecting devices, whether on public or private~~
5 ~~property, other than railroad signals or crossing lights,~~
6 ~~located adjacent to a primary road and within three hundred~~
7 ~~feet of a railroad crossing at grade, which in any way~~
8 ~~interfere with the vision of or may be confusing to a person~~
9 ~~operating a motor vehicle on such highway in observing the~~
10 ~~approach of trains or in observing signs erected for the~~
11 ~~purpose of giving warning of such railroad crossing.~~

12 ~~10.— Order the removal or alteration of any lights or~~
13 ~~light reflecting devices, whether on public or private~~
14 ~~property, located adjacent to a primary road and within~~
15 ~~three hundred feet of an intersection with another primary~~
16 ~~road, which in any way interfere with the vision of or may be~~
17 ~~confusing to a person operating a motor vehicle on such highway~~
18 ~~in observing the approach of other vehicles or signs erected~~
19 ~~for the purpose of giving warning of such intersection.~~

20 ~~11.— Construct, reconstruct, improve, and maintain state~~
21 ~~institutional roads and state park roads, which are part of~~
22 ~~the state park, state institution, and other state land road~~
23 ~~system as defined in section 306.3, and bridges on such roads,~~
24 ~~roads located on state fairgrounds as defined in chapter 173,~~
25 ~~and the roads and bridges located on community college property~~
26 ~~as defined in chapter 260C, upon the request of the state~~
27 ~~board, department, or commission which has jurisdiction over~~
28 ~~such roads. This shall be done in such manner as may be agreed~~
29 ~~upon by the state transportation commission and the state~~
30 ~~board, department, or commission which has jurisdiction. The~~
31 ~~commission may contract with any county or municipality for~~
32 ~~the construction, reconstruction, improvement, or maintenance~~
33 ~~of such roads and bridges. Any state park road which is an~~
34 ~~extension of either a primary or secondary highway which both~~
35 ~~enters and exits from a state park at separate points shall~~



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1 cause to be published from its long-range program, a plan of
2 improvements to be accomplished during the next calendar year.
3 However, in years when the federal government is reauthorizing
4 federal highway funding, the commission shall not be required
5 to adopt and publish the annual plan of improvements to be
6 accomplished until at least ninety days from the enactment
7 of the new federal funding formula. This annual program
8 shall list definite projects in order of urgency and shall
9 include a reasonable year's work with the funds estimated to
10 be available. The annual program shall be final and followed
11 by the commission in the next year except that deviations may
12 be made in case of disaster or other unforeseen emergencies
13 or difficulties. The relative urgency of the proposed
14 improvements shall be determined by a consideration of the
15 physical condition, safety, and service characteristics of the
16 various primary roads.

17 ~~13.~~ 4. The criteria used by the commission for allocating
18 funds as a result of any long-range planning process shall be
19 adopted in accordance with the provisions of chapter 17A. The
20 commission shall adopt such rules and regulations in accordance
21 with the provisions of chapter 17A as it may deem necessary to
22 transact its business and for the administration and exercise
23 of its powers and duties.

24 ~~14.~~ 5. Identify, within the primary road system, a network
25 of commercial and industrial highways in accordance with
26 section 313.2A. The improvement of this network shall be
27 considered in the development of the long-range program and
28 plan of improvements under this section.

29 6. Approve all rules prior to their adoption by the director
30 pursuant to section 307.12, subsection 1, paragraph "j".

31 Sec. 26. NEW SECTION. 307A.3 Conflict of interest.

32 A person shall not serve as a member of the commission who
33 has an interest in a contract or job of work or material or the
34 profits thereof or service to be performed for the department.

35 Any member of the commission who accepts employment with or



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1 acquires any stock, bonds, or other interest in any company
 2 or corporation doing business with the department shall be
 3 disqualified from remaining a member of the commission.
 4 **Sec. 27. NEW SECTION. 307A.4 Vacancies on commission.**
 5 1. Any vacancy in the membership of the commission shall be
 6 filled in the same manner as regular appointments are made for
 7 the unexpired portion of the regular term.
 8 2. In the event the governor fails to make an appointment
 9 to fill a vacancy or fails to submit the appointment to the
 10 senate for confirmation as required by section 2.32, the senate
 11 may make the appointment prior to adjournment of the general
 12 assembly.
 13 **Sec. 28. NEW SECTION. 307A.5 Compensation — commission**
 14 **members.**
 15 Each member of the commission shall be compensated as
 16 provided in section 7E.6.
 17 **Sec. 29. NEW SECTION. 307A.6 Commission meetings.**
 18 The commission shall meet at the call of the chairperson or
 19 when any four members of the commission file a written request
 20 with the chairperson for a meeting. Written notice of the
 21 time and place of each meeting shall be given to each member
 22 of the commission. A majority of the commission members shall
 23 constitute a quorum.
 24 **Sec. 30. NEW SECTION. 307A.7 Expenses.**
 25 Members of the commission shall be allowed their actual and
 26 necessary expenses incurred in the performance of their duties.
 27 All expenses and salaries shall be paid from appropriations for
 28 such purposes.
 29 **Sec. 31. NEW SECTION. 307A.8 Removal from office.**
 30 Any member of the commission may be removed for any of
 31 the causes and in the manner provided in chapter 66 and such
 32 removal shall not be in lieu of any other punishment that may
 33 be prescribed by the laws of this state.

34 **CONFORMING AMENDMENTS**

35 **Sec. 32. Section 173.16, unnumbered paragraph 1, Code 2014,**



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1 is amended to read as follows:

2 All expenses incurred in maintaining the state fairgrounds
 3 and in conducting the annual fair on ~~it~~ the state fairgrounds,
 4 including the compensation and expenses of the officers,
 5 members, and employees of the board, shall be recorded by the
 6 secretary and paid from the state fair receipts, unless a
 7 specific appropriation has been provided for that purpose. The
 8 board may request special capital improvement appropriations
 9 from the state and may request emergency funding from the
 10 executive council for natural disasters. The board may request
 11 that the department of transportation provide maintenance in
 12 accordance with section ~~307A.2~~ 307.24, subsection ~~11~~ 5.

13 Sec. 33. Section 312.2, subsection 2, unnumbered paragraph
 14 1, Code 2014, is amended to read as follows:

15 The treasurer of state shall before making the allotments
 16 in subsection 1 credit annually to the highway grade crossing
 17 safety fund the sum of seven hundred thousand dollars, credit
 18 annually from the road use tax fund the sum of nine hundred
 19 thousand dollars to the highway railroad grade crossing surface
 20 repair fund, credit monthly to the primary road fund the
 21 dollars yielded from an allotment of sixty-five hundredths of
 22 one percent of all road use tax funds for the express purpose
 23 of carrying out ~~subsection 11 of section 307A.2~~, section
 24 313.4, subsection 2, section 307.24, subsection 5, and section
 25 307.45, and credit annually to the primary road fund the sum of
 26 five hundred thousand dollars to be used for paying expenses
 27 incurred by the state department of transportation other than
 28 expenses incurred for extensions of primary roads in cities.
 29 All unobligated funds provided by this subsection, except those
 30 funds credited to the highway grade crossing safety fund, shall
 31 at the end of each year revert to the road use tax fund. Funds
 32 in the highway grade crossing safety fund shall not revert to
 33 the road use tax fund except to the extent they exceed five
 34 hundred thousand dollars at the end of any biennium. The cost
 35 of each highway railroad grade crossing repair project shall be



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1 allocated in the following manner:

2 Sec. 34. Section 312.4, subsection 5, Code 2014, is amended
3 to read as follows:

4 5. The amount of the road use tax fund which has been
5 credited to carry out the provisions of ~~section 307A.2,~~
6 ~~subsection 11,~~ section 313.4, subsection 2, section 307.24,
7 subsection 5, and section 307.45.

8 Sec. 35. Section 313.4, subsection 2, Code 2014, is amended
9 to read as follows:

10 2. Such fund is also appropriated and shall be used for the
11 construction, reconstruction, improvement, and maintenance of
12 state institutional roads and state park roads and bridges on
13 such roads and roads and bridges on community college property
14 as provided in section ~~307A.2~~ 307.24, subsection ~~11~~ 5, for
15 restoration of secondary roads used as primary road detours and
16 for compensation of counties for such use, for restoration of
17 municipal streets so used and for compensation of cities for
18 such use, and for the payments required in section 307.45.

19 DIVISION III

20 MISCELLANEOUS PROVISIONS

21 Sec. 36. Section 321.50, subsection 5, Code 2014, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. *d.* For purposes of this subsection, a
24 security interest noted on an Iowa certificate of title and
25 appearing in the statewide computer system and the county's
26 records shall be presumed to be discharged upon presentation of
27 a valid certificate of title subsequently issued by a foreign
28 jurisdiction on which the security interest is no longer noted.

29 Sec. 37. Section 321.176A, subsection 1, Code 2014, is
30 amended to read as follows:

31 1. A farmer or a person working for a farmer while operating
32 ~~a commercial motor vehicle controlled by the farmer within one~~
33 ~~hundred fifty air miles of the farmer's farm to transport the~~
34 ~~farmer's own agricultural products, farm machinery, or farm~~
35 ~~supplies to or from the farm~~ covered farm vehicle as defined



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1 in the federal Moving Ahead for Progress in the 21st Century
 2 Act, Pub. L. No. 112-141, §32934. The exemption provided in
 3 this subsection shall apply to farmers who assist each other
 4 through an exchange of services and shall include operation of
 5 a commercial motor vehicle between the farms of the farmers who
 6 are exchanging services.

7 Sec. 38. Section 321.257, subsection 2, paragraphs g and h,
 8 Code 2014, are amended to read as follows:

9 *g.* A "don't walk" or "steady upraised hand" light is a
 10 pedestrian signal which means that pedestrian traffic facing
 11 the illuminated pedestrian signal shall not start to cross
 12 the roadway in the direction of the pedestrian signal, and
 13 pedestrian traffic in the crossing shall proceed to a safety
 14 zone.

15 *h.* A "walk" or "walking person" light is a pedestrian signal
 16 which means that pedestrian traffic facing the illuminated
 17 pedestrian signal may proceed to cross the roadway in the
 18 direction of the pedestrian signal and shall be given the
 19 right-of-way by drivers of all vehicles.

20 Sec. 39. Section 321.257, subsection 2, Code 2014, is
 21 amended by adding the following new paragraphs:

22 NEW PARAGRAPH. *og.* A "flashing yellow arrow" light shown
 23 alone or with another official traffic-control signal means
 24 vehicular traffic may cautiously enter the intersection
 25 and proceed only in the direction indicated by the arrow.
 26 Vehicular traffic shall yield the right-of-way to other
 27 vehicles and pedestrians lawfully within the intersection and
 28 any vehicle on the opposing approach which is approaching so
 29 closely as to constitute an immediate hazard during the time
 30 the driver is moving within the intersection.

31 NEW PARAGRAPH. *oh.* A "flashing upraised hand" or "upraised
 32 hand with countdown" light is a pedestrian signal which means
 33 that pedestrian traffic facing the illuminated pedestrian
 34 signal shall not start to cross the roadway in the direction of
 35 the pedestrian signal, and pedestrian traffic in the crossing



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1 counties, other jurisdictions, or stakeholder interest groups;
2 any new efficiency measures identified or undertaken; and
3 identification of any legislative action that may be required
4 to achieve efficiencies. The first report shall be submitted
5 by October 1, 2012. The final report shall be submitted by
6 October 1, 2014.

7 EXPLANATION

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

10 This bill contains provisions relating to matters under the
11 purview of the department of transportation (DOT).

12 DIVISION I — HIGHWAYS. Under current law, the DOT has
13 the responsibility for regulating junkyards along interstate
14 highways. This bill extends the scope of that responsibility
15 to include all highways on the national highway system. The
16 "national highway system" is designated by the federal highway
17 administration in consultation with the DOT and consists of
18 certain interconnected urban and rural principal arterials and
19 highways.

20 The bill prohibits the establishment, operation, or
21 maintenance of a junkyard within 1,000 feet of the nearest
22 edge of the right-of-way of any highway on the national
23 highway system unless the junkyard is not visible from the
24 main-traveled portion of the highway or is screened from view;
25 is located within areas zoned for industrial use; or is located
26 in an unzoned industrial area defined by DOT regulations.
27 However, a junkyard in a zoned or unzoned industrial area
28 lawfully in existence on July 1, 2014, which is within 1,000
29 feet of the right-of-way and visible from the main-traveled
30 portion of the highway shall be screened, if feasible, by the
31 DOT or by the owner at the direction of the DOT.

32 Under current law, the DOT regulates billboards along
33 interstates and primary highways. The bill expands the scope
34 of that regulation by redefining "primary highways" to include
35 all highways on the national highway system and all highways



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House Study Bill 598 - Introduced

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

A BILL FOR

1 An Act relating to the definition of person for the purposes of
2 survival of causes of action.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5696YC (2) 85
pf/nh



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House Study Bill 599 - Introduced

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

A BILL FOR

1 An Act requiring recording of claims involving mineral rights
2 in real estate owned by another person and providing for
3 loss of mineral rights if a claim is not timely recorded.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5476YC (3) 85
da/sc



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1 within that twenty-one year period.

2 c. If the interest in minerals is separately listed and
3 assessed by an assessor for property taxation purposes, the
4 provisions of paragraph "a" or "b" requiring the filing of a
5 verified claim shall not apply to the interest in minerals so
6 listed and assessed for so long as the interest in minerals
7 remains listed and assessed as a separate tax parcel. At such
8 time as the assessor may cease to separately list and assess
9 the interest in minerals, the person claiming such interest in
10 the minerals must file a verified claim by not later than the
11 latest of the following:

12 (1) Twenty-one years after the date of recording of the
13 instrument creating the interest in minerals.

14 (2) Twenty-one years after the date of filing the last
15 verified claim.

16 (3) December 31 of the year after the year the interest in
17 minerals is no longer listed and assessed as a separate tax
18 parcel.

19 3. The claimant may be any person claiming an interest in
20 minerals, regardless of whether that interest in minerals is a
21 present interest or an interest that would come into existence
22 if the happening or contingency provided in the instrument
23 creating the interest in minerals were to happen at once. A
24 claimant also may be any member of a class of persons entitled
25 to claim such interest.

26 4. A verified claim must comply with all of the following:

27 a. Be filed by the claimant personally or by the claimant's
28 attorney or agent. However, if the claimant is a minor or
29 under legal disability, the verified claim may be filed by the
30 claimant's guardian, custodian, parent, or next friend.

31 b. Identify the name and address of the person claiming
32 the interest in minerals, the nature of the interest, the
33 instrument creating the interest, together with dates of
34 execution and recording of the instrument, the instrument
35 number provided in the records of the recorder as provided in

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1 section 331.606B, and the legal description of the real estate
2 subject to the interest in minerals.

3 *c.* Certify that the verified claim was delivered by
4 certified mail or personal delivery to the record owner of the
5 real estate where the minerals are located. If the verified
6 claim is sent by certified mail it will be sufficient if it is
7 mailed to the address of the record owner of the real estate
8 where the minerals are located that is shown in the records of
9 the assessor who assesses such real estate for taxation.

10 5. This section shall not be construed to do any of the
11 following:

12 *a.* Revive or extinguish an interest in coal, including
13 but not limited to a mineral interest in coal as provided in
14 chapter 557C.

15 *b.* Impair the validity of an environmental covenant
16 established pursuant to chapter 455I.

17 *c.* Revive an interest in minerals that has expired or been
18 terminated under the terms of the instrument creating such
19 interest in minerals.

20 *d.* Bar or extinguish any right to remove gravel, limestone,
21 or sand of such right.

22 DIVISION II

23 CONFORMING AMENDMENTS

24 Sec. 2. Section 614.25, Code 2014, is amended to read as
25 follows:

26 **614.25 Effect of filing claim.**

27 The filing of ~~such~~ a claim under section 614.24 or 614.24A
28 shall extend for a further period of twenty-one years the
29 time within which ~~such~~ an action may be brought by any person
30 entitled ~~thereto~~ to bring such action, and successive claims
31 for further like extensions may be filed.

32 Sec. 3. Section 614.26, Code 2014, is amended to read as
33 follows:

34 **614.26 Indexing.**

35 The provisions of section 614.18 are made applicable to the



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1 provisions of sections 614.24 ~~to~~ through 614.28.

2 Sec. 4. Section 614.27, Code 2014, is amended to read as
3 follows:

4 **614.27 Persons under disability.**

5 The provisions of section 614.8 as to the rights of minors
6 and persons with mental illness shall not be applicable against
7 the provisions of sections 614.24 ~~to~~ through 614.28.

8 Sec. 5. Section 614.28, Code 2014, is amended to read as
9 follows:

10 **614.28 Barred claims.**

11 The provisions of sections 614.24 ~~to~~ through 614.27,
12 ~~inclusive~~, or the filing of a claim ~~or claims, hereunder under~~
13 those sections, shall not revive or permit an action to be
14 brought or maintained upon any claim or cause of action ~~which~~
15 that is barred by any other statute. ~~Provided further, that~~
16 ~~nothing contained in these sections shall affect litigation~~
17 ~~pending on July 4, 1965.~~

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 GENERAL. This bill provides for the reservation of a right
22 to bring a claim in district court involving an interest in
23 one or more minerals underlying the surface of real estate to
24 which another person holds record title. The bill does not
25 revive or extinguish an interest in coal (Code chapter 557C),
26 impair the validity of an environmental covenant (Code chapter
27 455I), revive an interest in minerals that has expired or been
28 terminated, or bar a right to remove gravel, limestone, or sand
29 in some circumstances.

30 RIGHTS BASED ON WHEN INTEREST WAS CREATED. The bill provides
31 for two different circumstances: (1) an interest in minerals
32 created prior to July 1, 1994, or (2) an interest in minerals
33 created on or after that date. In the first circumstance,
34 the person must file a verified claim with the appropriate
35 county recorder by June 30, 2015. In the second circumstance,

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1 the person must file a verified claim with the appropriate
2 county recorder within 21 years from the recording of the
3 instrument creating the interest in minerals or within 21 years
4 after filing the last verified claim. However, one exception
5 applies in both circumstances: when an interest in minerals
6 is separately listed and assessed by an assessor for property
7 taxation purposes. A verified claim is not required to be
8 filed until the assessor ceases to separately list and assess
9 the interest in minerals. In that case, the person must file
10 the verified claim by the later of 21 years after the date of
11 recording of the instrument, 21 years after the date of filing
12 the last verified claim, or December 31 of the year after the
13 year the interest in minerals is no longer listed and assessed
14 as a separate tax parcel.



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House Study Bill 600 - Introduced

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

A BILL FOR

1 An Act relating to certain corporations organized prior to
2 July 1, 1971, by eliminating requirements relating to
3 publication.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/rj



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1 Section 1. Section 491.19, Code 2014, is amended to read as
2 follows:

3 **491.19 Commencement of business.**

4 The corporation may commence business as soon as the
5 ~~certificate is issued by~~ articles of incorporation are filed
6 ~~with the secretary of state, and its acts shall be valid if the~~
7 ~~publication in a newspaper is made within three months from~~
8 ~~the date of such certificate; providing that when the notice~~
9 ~~is not published within the time herein prescribed, but is~~
10 ~~subsequently published for the required time, and proof of the~~
11 ~~publication thereof filed with the secretary of state, the acts~~
12 ~~of such corporation after such publication shall be valid.~~

13 Sec. 2. Section 491.20, unnumbered paragraph 1, Code 2014,
14 is amended to read as follows:

15 Amendments to articles of incorporation making changes in
16 any of the provisions of the articles may be made at any annual
17 meeting of the stockholders or special meeting called for that
18 purpose, and they shall be valid only when ~~recorded,~~ approved
19 ~~and published as the original articles are required to be,~~
20 ~~except where the amendment provides for changing the principal~~
21 ~~place of business from one county to another, in which event~~
22 ~~said amendment shall be published in both the counties of the~~
23 ~~former and new place of business~~ by the shareholders and filed
24 with the secretary of state. ~~Publication shall be by notice~~
25 ~~setting out the substance of the amendment and, in the case of~~
26 ~~amended and substituted articles, said notice shall contain the~~
27 ~~matters and things required to be published by section 491.17,~~
28 ~~relating to original incorporations.~~ If no increase is made in
29 the amount of capital stock, a certificate fee of one dollar
30 and a recording fee of fifty cents per page must be paid. Where
31 capital stock is increased the certificate fee shall be omitted
32 but there shall be paid a recording fee of fifty cents per page
33 and in addition a filing fee which in case of corporations
34 existing for a period of years shall be one dollar per thousand
35 of such increase and in case of corporations empowered to exist



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1 perpetually shall be one dollar and ten cents per thousand of
2 such increase. Corporations providing for perpetual existence
3 by amendment to its articles shall, at the time of filing
4 such amendment, pay to the secretary of state a fee of one
5 hundred dollars together with a recording fee of fifty cents
6 per page, and, for all authorized capital stock in excess of
7 ten thousand dollars, an additional fee of one dollar ten cents
8 per thousand.

9 Sec. 3. Section 491.23, Code 2014, is amended to read as
10 follows:

11 **491.23 Dissolution — ~~notice~~ — filing a statement with**
12 **secretary of state.**

13 A corporation may be dissolved prior to the period fixed
14 in the articles of incorporation, by unanimous consent, or in
15 accordance with the provisions of its articles, and ~~notice~~
16 ~~thereof must be given in the same manner and for the same time~~
17 ~~as is required for its organization; provided, however, that~~
18 ~~the notice of such dissolution shall be deemed sufficient if a~~
19 statement swearing to the dissolution, signed by the officers
20 of such corporation and published as required by law, is filed
21 with the secretary of state. Notice thereof shall also be
22 given by the filing in the office of the secretary of state the
23 proof of publication of notice of dissolution and said proof
24 shall be recorded by the secretary of state in the same manner
25 as the recording of amendments, and a A recording fee of one
26 dollar shall apply thereto to the filing of the statement.

27 Sec. 4. REPEAL. Sections 491.17, 491.18, 491.32, and
28 491.109, Code 2014, are repealed.

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 BACKGROUND. Iowa's modern for-profit corporation law is
33 contained in Code chapter 490 (1989 Iowa Acts, chapter 288),
34 the "Iowa Business Corporation Act" (Code section 490.101).
35 All domestic for-profit corporations must be organized under

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1 that chapter, unless an express exception is provided. One
 2 exception involves a corporation organized under Code chapter
 3 491 which governs corporations incorporated prior to July 1,
 4 1971. That Code chapter expressly provides that all domestic
 5 corporations are to be organized under Code chapter 490, unless
 6 expressly allowed in that Code chapter. The transitional
 7 provision in Code chapter 490 allows a corporation organized
 8 under Code chapter 491 to remain governed under that Code
 9 chapter, if organized on the mutual plan or operating as
 10 a telephone company qualifying as a nonprofit corporation
 11 pursuant to an internal revenue service letter ruling and if
 12 it distributes profits in a manner similar to a cooperative
 13 association under Code chapter 499. For example, certain
 14 corporations formed for purposes of insurance may be governed
 15 under Code chapter 490 (Code section 515.1).

16 CURRENT LAW — PUBLICATION REQUIREMENTS. A corporation
 17 organized under Code chapter 491 is governed by its articles of
 18 incorporation filed with the secretary of state who issues a
 19 certificate of incorporation to the corporation (Code section
 20 491.19). The corporation must publish a detailed notice of
 21 the incorporation in a newspaper (Code sections 491.17 through
 22 491.19). In addition, when the corporation amends its articles
 23 of incorporation, the amendments are valid only when filed with
 24 the secretary of state and published in a newspaper in the same
 25 manner required for the original corporation (Code section
 26 491.20). A corporation organized under the Code chapter may
 27 also have a limited duration (Code section 491.24) but can
 28 be renewed (Code section 491.25). Upon satisfying certain
 29 conditions, the secretary of state issues the corporation a
 30 certificate of renewal (Code section 491.28). The corporation
 31 must publish a notice of renewal in the same manner as it
 32 published the notice of incorporation (Code section 491.32).
 33 Two or more corporations organized under Code chapter 491
 34 may merge so that the surviving corporation absorbs another
 35 corporation or alternatively, two corporations may consolidate

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1 to form a new corporation (Code chapter 491, division II). The
2 merged or consolidated corporation must file articles of merger
3 or consolidation with the secretary of state (Code section
4 491.107). In that case, notice of the merger or consolidation
5 is again published in the same manner as the original articles
6 (Code section 491.109). A corporation organized under Code
7 chapter 491 that dissolves must publish a notice of the
8 dissolution and file a proof of publication with the secretary
9 of state (Code section 491.23).

10 BILL'S PROVISIONS. The bill provides that a corporation
11 organized under Code chapter 491 prior to July 1, 1971, and
12 which is allowed to continue its existence, may amend its
13 articles of incorporation, merge with another corporation, or
14 dissolve without having to publish a notice of its action in a
15 newspaper.



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House Study Bill 601 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LABOR BILL BY CHAIRPERSON
FORRISTALL)

A BILL FOR

1 An Act relating to conformity with federal law concerning the
2 voluntary shared work program under the state unemployment
3 insurance law and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/rj



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1 Section 1. Section 96.40, subsection 2, paragraphs b, d, e,
2 f, and j, Code 2014, are amended to read as follows:

3 *b.* The plan certifies that the aggregate reduction in work
4 hours is in lieu of ~~temporary~~ layoffs which would have affected
5 at least ten percent of the employees in the affected unit or
6 units to which the plan applies and which would have resulted
7 in an equivalent reduction in work hours. The employer
8 provides an estimate of the number of layoffs that would occur
9 absent participation in the program. *"Affected unit"* means a
10 specified plant, department, shift, or other definable unit.

11 *d.* The shared work plan reduces the normal weekly hours
12 of work for an employee in the affected unit by not less
13 than twenty percent and not more than fifty percent with a
14 corresponding reduction in wages. ~~Only full-time employees who~~
15 ~~normally work between thirty-five and forty hours per week are~~
16 ~~eligible to participate.~~

17 *e.* The reduction in hours and corresponding reduction in
18 wages must be applied equally to all ~~of the full-time~~ employees
19 in the affected unit.

20 *f.* The plan provides that fringe benefits will continue
21 to be provided to employees in affected units as though their
22 workweeks had not been reduced or to the same extent as other
23 employees not participating in the program. *"Fringe benefits"*
24 means employer-provided health benefits and retirement benefits
25 under a defined benefit plan or a defined contribution plan
26 pursuant to the Internal Revenue Code.

27 *j.* The plan is approved in writing by the collective
28 bargaining representative for each employee organization
29 or union which has members in the affected unit, and the
30 plan provides for notification to employees in advance of
31 participation.

32 Sec. 2. Section 96.40, subsection 2, Code 2014, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *k.* Participation by the employer shall be
35 consistent with applicable federal and state laws.



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1 Sec. 3. Section 96.40, subsections 7 and 9, Code 2014, are
2 amended to read as follows:

3 7. The department shall pay an individual who is eligible
4 for shared work benefits under this section a weekly shared
5 work benefit amount equal to the individual's regular weekly
6 benefit amount for a period of total unemployment, less any
7 deductible amounts under this chapter except wages received
8 from any employer, multiplied by the full percentage of
9 reduction in the individual's hours as set forth in the
10 employer's shared work plan. If the shared work benefit amount
11 calculated under this subsection is not a multiple of one
12 dollar, the department shall round the amount so calculated to
13 the next lowest multiple of one dollar. An individual shall be
14 ~~ineligible~~ eligible for shared work benefits for any week in
15 which the individual performs paid work for the participating
16 employer ~~in excess of the reduced hours established under the~~
17 ~~shared work plan~~ for a number of hours equal to not less than
18 twenty percent and not more than fifty percent of the normal
19 weekly hours of work for the employee.

20 9. ~~a. Notwithstanding any other provisions of this chapter,~~
21 ~~all~~ All benefits paid under a shared work plan, ~~which are~~
22 ~~chargeable to the participating employer or any other base~~
23 ~~period employer of a participating employee,~~ shall be charged
24 ~~to the account of the participating employer under the plan in~~
25 the manner provided in this chapter for the charging of regular
26 benefits.

27 b. An employer may provide as part of the plan a training
28 program the employees may attend during the hours that have
29 been reduced. Such a training program may include a training
30 program funded under the Workforce Investment Act of 1998,
31 Pub. L. No. 105-220. If the employer is able to show that
32 the training program will provide a substantive increase in
33 the workplace and employability skills of the employee so as
34 to reduce the potential for future periods of unemployment,
35 the department shall relieve the employer of charges for



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1 benefits paid to the individual attending training under the
2 plan. The employee may attend the training at the work site
3 utilizing internal resources, provided the training is outside
4 of the normal course of employment, or in conjunction with an
5 educational institution.

6 Sec. 4. APPLICABILITY. This Act applies to all voluntary
7 shared work plans approved by the department of workforce
8 development on or after July 1, 2014.

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 conforms the voluntary shared work program under
13 the state unemployment insurance law to the requirements of
14 sections 2161, 2162, and 2165 of the federal Middle Class Tax
15 Relief and Job Creation Act of 2012, Pub. L. No. 112-96.

16 Under current law, the program applies only to temporary
17 layoffs and full-time employees. The bill strikes these
18 limitations. The bill requires participating employers to
19 provide the department of workforce development an estimate of
20 the number of layoffs that would occur absent participation in
21 the program. The bill defines "fringe benefits" for purposes
22 of the program as employer-provided health benefits and
23 retirement benefits under a defined benefit plan or a defined
24 contribution plan pursuant to the Internal Revenue Code. The
25 bill requires employers to notify their employees in advance
26 of participation in the program. The bill specifies that
27 participation in the program by an employer must be consistent
28 with applicable federal and state laws. The bill provides that
29 voluntary shared work benefits are available if an employee's
30 normal weekly hours of work are reduced by not less than 20
31 percent and not more than 50 percent. The bill provides that
32 voluntary shared work benefits are to be charged to employers
33 in the same manner as regular unemployment insurance benefits.
34 The bill provides that job training funded under the federal
35 Workforce Investment Act of 1998, Pub. L. No. 105-220, is

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1 included as training that may be provided for employees by
2 employers under the program.
3 The bill applies to all voluntary shared work plans approved
4 by the department of workforce development on or after July 1,
5 2014.



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House Study Bill 602 - Introduced

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

A BILL FOR

1 An Act relating to customer choice regarding the installation
2 of certain public utility meters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/nh



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1 Section 1. Section 476.6, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 23. *a.* On and after July 1, 2014, a
4 public utility shall not install a smart meter at a customer's
5 residence or place of business without first providing the
6 customer the opportunity to consent to the installation or to
7 refuse such consent, and shall offer to remove a smart meter
8 free of charge which was installed without the customer being
9 provided that opportunity. A public utility shall not offer to
10 provide or provide discounted rates to customers in exchange
11 for obtaining the customer's consent to install a smart meter,
12 and shall not charge a fee, assessment, or higher rate to
13 customers choosing not to consent to such an installation. The
14 board shall adopt rules to implement this subsection.

15 *b.* For the purposes of this subsection, "smart meter"
16 means a public utility meter which is interconnected through a
17 secured internet network connection, telephone connection, or
18 radio frequency connection between a customer's residence or
19 business and the public utility, facilitating more accurate and
20 accessible information regarding energy, water, or gas usage;
21 peak event notifications; and reports and savings summaries.

22 EXPLANATION

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

25 This bill provides that on and after July 1, 2014, a public
26 utility shall not install a smart meter at a customer's
27 residence or place of business without first providing the
28 customer the opportunity to consent to the installation or to
29 refuse such consent, and shall offer to remove a smart meter
30 free of charge which was installed without the customer being
31 provided that opportunity. The bill also provides that a
32 public utility shall not offer to provide or provide discounted
33 rates to customers in exchange for obtaining the customer's
34 consent to install a smart meter, and shall not charge a fee,
35 assessment, or higher rate to customers choosing not to consent

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1 to such an installation. The bill directs the Iowa utilities
2 board to adopt rules to implement the bill's provisions.
3 The bill defines a "smart meter" to mean a public utility
4 meter which is interconnected through a secured internet
5 network connection, telephone connection, or radio frequency
6 connection between a customer's residence or business and the
7 public utility, facilitating more accurate and accessible
8 information regarding energy, water, or gas usage; peak event
9 notifications; and reports and savings summaries.



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House Study Bill 603 - Introduced

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

A BILL FOR

- 1 An Act relating to vital records by increasing fees for
- 2 certified copies of marriage certificates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5724YC (3) 85
ad/sc



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H.F. _____

1 Section 1. Section 144.46, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. Fees collected by the state registrar and by the county
4 registrar on behalf of the state under this section shall
5 be deposited in the general fund of the state and the vital
6 records fund established in section 144.46A in accordance with
7 an apportionment established by rule. Fees collected by the
8 county registrar pursuant to section 331.605, subsection 1,
9 ~~paragraph~~ paragraphs "f" and "og", shall be deposited in the
10 county general fund.

11 Sec. 2. Section 331.605, subsection 1, paragraphs f and g,
12 Code 2014, are amended to read as follows:

13 f. A county fee of four dollars for a certified copy of a
14 birth record, or death record, ~~or marriage certificate.~~

15 g. For filing an application for the license to marry,
16 thirty-five dollars, which includes payment for one certified
17 copy of the original certificate of marriage, to be issued
18 following filing of the original certificate of marriage, ~~four~~
19 fourteen dollars of which shall be retained by the county
20 pursuant to paragraph ~~"f"~~ "og". For issuing an application
21 for an order of the district court authorizing the validation
22 of a license to marry before the expiration of three days
23 from the date of issuance of the license, five dollars. The
24 district court shall authorize the early validation of a
25 marriage license without the payment of any fees imposed in
26 this paragraph upon showing that the applicant is unable to pay
27 the fees.

28 Sec. 3. Section 331.605, subsection 1, Code 2014, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. og. A county fee of fourteen dollars for a
31 certified copy of a marriage certificate.

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 increases the fee for a certified copy of a

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ad/sc



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1 marriage certificate from \$4 to \$14. The bill authorizes the
2 county to retain \$14 rather than \$4 of the \$35 fee for filing an
3 application for a marriage license.



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House Study Bill 604 - Introduced

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

A BILL FOR

- 1 An Act relating to county recorder duties, fees, and
- 2 recordkeeping.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5598YC (4) 85
aw/sc



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H.F. _____

1 Section 1. Section 321G.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9A. "Document" means a snowmobile
4 certificate of title, registration certificate or registration
5 renewal, user permit, or duplicate special registration
6 certificate issued by the county recorder's office.

7 Sec. 2. Section 321G.27, subsection 1, Code 2014, is amended
8 to read as follows:

9 1. a. The county recorder shall collect a writing fee of
10 one dollar and twenty-five cents for a ~~snowmobile registration~~
11 ~~or for renewal of a registration~~ each document issued by the
12 county recorder's office.

13 ~~b. The county recorder shall retain a writing fee of one~~
14 ~~dollar and twenty-five cents from the sale of each user permit~~
15 ~~issued by the county recorder's office.~~

16 ~~c. The county recorder shall collect a writing fee of~~
17 ~~one dollar and twenty-five cents for each duplicate special~~
18 ~~registration certificate issued by the county recorder's~~
19 ~~office.~~

20 ~~d.~~ b. Writing fees collected or retained by the county
21 recorder under this chapter shall be deposited in the general
22 fund of the county.

23 Sec. 3. Section 321G.29, subsection 7, Code 2014, is amended
24 to read as follows:

25 7. The county recorder shall keep and maintain a an
26 electronic record of any certificate of title which the county
27 recorder issues ~~and shall keep each certificate of title on~~
28 ~~record~~ until the certificate of title has been inactive for
29 five years. When issuing a title for a new snowmobile, the
30 county recorder shall obtain and keep the certificate of origin
31 ~~on file a copy of the certificate of origin.~~ When issuing a
32 title and registration for a used snowmobile for which there is
33 no title or registration, the county recorder shall obtain and
34 keep on file the affidavit for the unregistered and untitled
35 snowmobile.

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1 Sec. 4. Section 321G.30, subsection 1, Code 2014, is amended
2 to read as follows:

3 1. The county recorder shall charge a ten dollar fee to
4 issue a certificate of title, a transfer of title, a duplicate,
5 or a corrected certificate of title plus a writing fee as
6 provided in section 321G.27.

7 Sec. 5. Section 321G.32, subsection 1, paragraph a, Code
8 2014, is amended to read as follows:

9 a. To perfect the security interest, an application for
10 security interest must be presented along with the original
11 title. The county recorder shall note the security interest on
12 the face of the title and ~~on~~ in the copy in electronic record
13 maintained by the recorder's office.

14 Sec. 6. Section 321I.1, Code 2014, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 10A. "*Document*" means an all-terrain
17 vehicle certificate of title, vehicle registration or
18 registration renewal, user permit, or duplicate special
19 registration certificate issued by the county recorder's
20 office.

21 Sec. 7. Section 321I.29, subsection 1, Code 2014, is amended
22 to read as follows:

23 1. a. The county recorder shall collect a writing fee of
24 one dollar and twenty-five cents for ~~an all-terrain vehicle~~
25 ~~registration or for renewal of a registration~~ each document
26 issued by the county recorder's office.

27 ~~b. The county recorder shall retain a writing fee of one~~
28 ~~dollar and twenty-five cents from the sale of each user permit~~
29 ~~issued by the county recorder's office.~~

30 ~~c. The county recorder shall collect a writing fee of~~
31 ~~one dollar and twenty-five cents for each duplicate special~~
32 ~~registration certificate issued by the county recorder's~~
33 ~~office.~~

34 ~~d.~~ b. Writing fees collected or retained by the county
35 recorder under this chapter shall be deposited in the general



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1 Such orders, decisions, notices, and returns shall be
2 entered of record at length by the township clerk, and a copy
3 thereof certified by the township clerk to the county recorder,
4 who shall record the same in the recorder's office in a book
5 ~~kept for that purpose~~ the manner specified in sections 558.49
6 and 558.52, and index such record in the name of each adjoining
7 owner as grantor to the other. The county recorder shall
8 collect fees specified in section 331.604.

9 Sec. 13. Section 462A.5, subsection 1, paragraph a, Code
10 2014, is amended to read as follows:

11 a. The owner of the vessel shall file an application
12 for registration with the appropriate county recorder on
13 forms provided by the commission. The application shall be
14 completed and signed by the owner of the vessel and shall
15 be accompanied by the appropriate fee, and the writing fee
16 specified in section 462A.53. Upon applying for registration,
17 the owner shall display a bill of sale, receipt, or other
18 satisfactory proof of ownership as provided by the rules of the
19 commission to the county recorder. If the county recorder is
20 not satisfied as to the ownership of the vessel or that there
21 are no undisclosed security interests in the vessel, the county
22 recorder may register the vessel but shall, as a condition of
23 issuing a registration certificate, require the applicant to
24 follow the procedure provided in section 462A.5A. Upon receipt
25 of the application in approved form accompanied by the required
26 fees, the county recorder shall enter it upon the records
27 of the recorder's office and shall issue to the applicant a
28 pocket-size registration certificate. The certificate shall
29 be executed ~~in triplicate, one copy to be~~ and delivered to the
30 owner, ~~one copy to the commission, and one copy to be retained~~
31 ~~on file by the county recorder.~~ The county recorder shall
32 keep and maintain an electronic record of each registration
33 certificate issued by the county recorder under this chapter.
34 The registration certificate shall bear the number awarded
35 to the vessel, the passenger capacity of the vessel, and the

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aw/sc



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1 name and address of the owner. In the use of all vessels
2 except nonpowered sailboats, nonpowered canoes, and commercial
3 vessels, the registration certificate shall be carried either
4 in the vessel or on the person of the operator of the vessel
5 when in use. In the use of nonpowered sailboats, nonpowered
6 canoes, or commercial vessels, the registration certificate
7 may be kept on shore in accordance with rules adopted by the
8 commission. The operator shall exhibit the certificate to a
9 peace officer upon request or, when involved in an occurrence
10 of any nature with another vessel or other personal property,
11 to the owner or operator of the other vessel or personal
12 property.

13 Sec. 14. Section 462A.5, subsection 4, paragraphs a and d,
14 Code 2014, are amended to read as follows:

15 a. If a person, after registering a vessel, moves from
16 the address shown on the registration certificate, the person
17 shall, within ten days, notify the county recorder in writing
18 of the old and new address. ~~If appropriate, the county~~
19 ~~recorder shall forward all past records of the vessel to the~~
20 ~~recorder of the county in which the owner resides.~~

21 ~~d. If a registration certificate is lost, mutilated or~~
22 ~~becomes illegible, the owner shall immediately make application~~
23 ~~for and obtain a duplicate registration certificate by~~
24 ~~furnishing information satisfactory to the county recorder. A~~
25 ~~fee of one dollar plus a writing fee shall be paid to the county~~
26 ~~recorder for~~ may issue a duplicate registration certificate
27 upon payment of one dollar plus a writing fee as provided in
28 section 462A.53.

29 Sec. 15. Section 462A.77, subsection 7, Code 2014, is
30 amended to read as follows:

31 7. The county recorder shall keep and maintain a an
32 electronic record of any each certificate of title ~~which issued~~
33 by the county recorder ~~issues and shall keep each certificate~~
34 of title on record under this chapter until the certificate of
35 title has been inactive for five years.



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1 provides instead that such orders, decisions, notices, and
2 returns be recorded in the same manner as conveyances, which is
3 by index records and alphabetical arrangement.



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House Study Bill 605 - Introduced

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

A BILL FOR

- 1 An Act relating to certain state and local government
- 2 activities related to vehicle registrations and levee and
- 3 drainage districts.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 321.46, subsection 3, the county treasurer shall issue to the
2 person a certificate of title for the vehicle. After the
3 expiration of the fourteen-day period, a county treasurer shall
4 not issue a certificate of title for a junked vehicle for which
5 a junking certificate is issued. The county treasurer shall
6 cancel the record of the vehicle and forward the certificate of
7 title to the department.

8 Sec. 4. Section 321.126, subsection 1, paragraph f,
9 unnumbered paragraph 1, Code 2014, is amended to read as
10 follows:

11 If a vehicle is sold or junked, the owner in whose name the
12 vehicle was registered may make claim to the county treasurer
13 or department for a refund of the sold or junked vehicle's
14 annual registration fee. Also if the owner of a vehicle or the
15 owner's spouse receives a vehicle registration fee credit under
16 section 321.46, subsection 3, and the credit allowed exceeds
17 the amount of the annual registration fee for the vehicle
18 acquired, the owner or the owner's spouse may claim a refund
19 for the balance of the credit. The refund is subject to the
20 following limitations:

21 Sec. 5. Section 321.126, subsection 1, paragraph f,
22 subparagraph (1), Code 2014, is amended to read as follows:

23 (1) If a vehicle registration fee credit has not been
24 received by the owner of the vehicle or the owner's spouse
25 under section 321.46, subsection 3, the refund shall be
26 computed on the basis of the number of unexpired months
27 remaining in the registration year at the time the vehicle was
28 sold or junked. The refund shall be rounded to the nearest
29 whole dollar. Section 321.127, subsection 1, does not apply.

DIVISION II

TRAILER REGISTRATION

32 Sec. 6. Section 321.105A, subsection 2, paragraph c,
33 subparagraph (6), Code 2014, is amended to read as follows:

34 (6) Vehicles subject to registration in any state when
35 purchased for rental or registered and titled by a motor

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1 vehicle dealer licensed pursuant to chapter 322 for rental use,
2 and held for rental for a period of one hundred twenty days or
3 more and actually rented for periods of sixty days or less by a
4 person regularly engaged in the business of renting vehicles,
5 including but not limited to motor vehicle dealers licensed
6 pursuant to chapter 322 who rent automobiles to users, if the
7 rental of the vehicles is subject to taxation under chapter
8 423C, or persons who rent trailers to users if the rental of
9 the trailers is subject to taxation under chapter 423.

10

DIVISION III

11

LEVEE AND DRAINAGE DISTRICTS

12

Sec. 7. Section 331.552, subsection 35, Code 2014, is

13

amended to read as follows:

14

35. a. Destroy special assessment records required by
15 section 445.11 within the county system after ten years have
16 elapsed from the end of the fiscal year in which the special
17 assessment was paid in full. The county treasurer shall
18 also destroy the resolution of necessity, plat, and schedule
19 of assessments required by section 384.51 after ten years
20 have elapsed from the end of the fiscal year in which the
21 entire schedule was paid in full. This subsection applies to
22 documents described in this subsection that are in existence
23 before, on, or after July 1, 2003.

24

b. Destroy assessment records required by chapter 468 within
25 the county system after ten years have elapsed from the end of
26 the fiscal year in which the assessment was paid in full. The
27 county treasurer shall also destroy the accompanying documents
28 including any resolutions, plats, or schedule of assessments
29 after ten years have elapsed from the end of the fiscal year in
30 which the entire schedule was paid in full. This subsection
31 applies to documents described in this subsection that are in
32 existence before, on, or after July 1, 2014.

33

Sec. 8. Section 468.50, Code 2014, is amended to read as
34 follows:

35

468.50 Levy — interest.

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1 When the board has finally determined the matter of
2 assessments of benefits and apportionment, the board shall
3 levy the assessments as fixed by it upon the lands within the
4 district, but an assessment on a tract, parcel, or lot within
5 the district which is computed at less than five dollars shall
6 be fixed at the sum of five dollars. All assessments shall be
7 levied at that time as a tax and shall bear interest at a rate
8 determined by the board notwithstanding chapter 74A from that
9 date, payable annually, except as provided as to ~~cash~~ payments
10 within a specified time.

11 Sec. 9. Section 468.82, subsection 1, Code 2014, is amended
12 by striking the subsection.

13 Sec. 10. Section 468.82, subsection 2, Code 2014, is amended
14 to read as follows:

15 2. The board, at the time of making the levy, shall fix
16 a time within which all assessments in excess of one hundred
17 dollars may be paid ~~in-cash~~, and before any bonds are issued,
18 publish notice in an official newspaper in the county where the
19 district is located, of such time. After the expiration of
20 such time, no assessments may be paid except in the manner and
21 at the times fixed by the board in the resolution authorizing
22 the issue of the bonds.

23 Sec. 11. Section 468.544, Code 2014, is amended to read as
24 follows:

25 **468.544 Requirements of notice.**

26 Said notice shall be directed to each person whose name
27 appears upon the transfer books in the auditor's office as
28 owner of lands within said drainage district upon which said
29 drainage assessments are unpaid, naming the owner, and also
30 to the person or persons in actual occupancy of any of said
31 tracts of land without naming them, and shall state the amount
32 of unpaid assessments upon each forty-acre tract of land or
33 less, and that all of said unpaid assessments, installment or
34 installments thereof as proposed to be extended, may be paid
35 ~~in-cash~~ on or before the time fixed for said hearing, and that

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1 after the expiration of such time no assessments may be paid
2 except in the manner and at the times fixed by the board in the
3 resolution authorizing the issuance of said drainage refunding
4 bonds.

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 relates to certain state and local government
9 activities related to vehicle registrations and levee and
10 drainage districts.

11 Under current law, an annual registration fee credit granted
12 to the owner of a vehicle that has been sold, traded, or junked
13 may only be claimed by that person. Division I of the bill
14 provides that a vehicle registration credit may also be claimed
15 by the owner's spouse. The bill makes corresponding changes
16 to other provisions of law to reflect the authorization of the
17 owner's spouse to claim the vehicle registration credit.

18 Current Code section 321.105A(3)(c) establishes exemptions
19 from the fee for new registration of a vehicle. Division II of
20 the bill exempts vehicles subject to registration in any state
21 when purchased for rental by persons who rent vehicles that are
22 trailers to users, and if the rental of the trailers is subject
23 to taxation under Code chapter 423.

24 Division III of the bill authorizes the county treasurer
25 to destroy assessment records required by Code chapter 468
26 within the county system after 10 years have elapsed from the
27 end of the fiscal year in which the assessment was paid in
28 full. The bill also directs the county treasurer to destroy
29 the accompanying documents including any resolutions, plats,
30 or schedule of assessments after 10 years have elapsed from
31 the end of the fiscal year in which the entire schedule was
32 paid in full. The county treasurer's authority to destroy the
33 records and accompanying documents applies to those records and
34 documents that are in existence before, on, or after July 1,
35 2014.

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1 The bill strikes a provision in Code section 468.82
2 requiring that all levee and drainage district assessments of
3 \$20 and less be paid in cash. The bill also strikes the words
4 "in cash" from a provision that allows the board of supervisors
5 to fix a time within which all assessments in excess of \$100
6 may be paid. The bill makes corresponding changes to other
7 provisions of Code chapter 468.



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House Study Bill 606 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA
TELECOMMUNICATIONS AND
TECHNOLOGY COMMISSION BILL)

A BILL FOR

1 An Act relating to the administration and operation of the Iowa
2 communications network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/nh



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S.F. _____ H.F. _____

1 Section 1. Section 8D.4, Code 2014, is amended to read as
2 follows:

3 **8D.4 Executive director appointed.**

4 The commission, in consultation with the ~~director of~~
5 ~~the department of administrative services and the chief~~
6 information officer, shall appoint an executive director of
7 the commission, subject to confirmation by the senate. Such
8 individual shall not serve as a member of the commission.
9 The executive director shall serve at the pleasure of the
10 commission. The executive director shall be selected primarily
11 for administrative ability and knowledge in the field, without
12 regard to political affiliation. The governor shall establish
13 the salary of the executive director within range nine as
14 established by the general assembly. The salary and support of
15 the executive director shall be paid from funds deposited in
16 the Iowa communications network fund.

17 Sec. 2. Section 8D.13, subsection 5, paragraph a, Code 2014,
18 is amended to read as follows:

19 a. The Except as provided in subsection 5A, the state
20 shall lease all fiberoptic cable facilities or facilities
21 with sufficient capacity as determined by the commission
22 for Part III connections, for the judicial branch, judicial
23 district departments of correctional services, and state
24 agency connections for which state funding is provided. In
25 determining the capacity to be provided, the commission
26 shall consult with the authorized users associated with
27 the Part III connections, the judicial branch, the judicial
28 district departments of correctional services, and state
29 agencies associated with connections for which state funding
30 is provided. Such facilities shall be leased from qualified
31 providers. The state shall not own such facilities, except for
32 those facilities owned by the state as of January 1, 1994, and
33 facilities acquired as provided in subsection 5A.

34 Sec. 3. Section 8D.13, Code 2014, is amended by adding the
35 following new subsection:

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rn/nh



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House Study Bill 607 - Introduced

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

A BILL FOR

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

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md/sc



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1 of the submission of the governor's budget under section 8.21
 2 in that odd-numbered calendar year. The statute establishing
 3 the categorical state percent of growth for a budget year
 4 beginning July 1 of an even-numbered calendar year shall be
 5 enacted during the regular legislative session preceding the
 6 base year. The establishment of the categorical state percent
 7 of growth for a budget year shall be the only subject matter of
 8 the bill which enacts the categorical state percent of growth
 9 for a budget year. The categorical state percent of growth
 10 may include state percents of growth for the teacher salary
 11 supplement, the professional development supplement, the early
 12 intervention supplement, and the teacher leadership supplement.
 13 Sec. 2. APPLICABILITY. This Act applies to school budget
 14 years beginning on or after July 1, 2015.

15 EXPLANATION

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

18 This bill modifies the requirements for enacting the state
 19 percent of growth and the categorical state percent of growth
 20 under Code section 257.8.

21 Current law requires the state percent of growth and the
 22 categorical state percent of growth to be established by
 23 statute within 30 days of the submission of the governor's
 24 budget in the year preceding the base year.

25 The bill requires the statute establishing the state percent
 26 of growth and the categorical state percent of growth for
 27 a budget year beginning July 1 of an odd-numbered calendar
 28 year to be enacted within 30 days of the submission of the
 29 governor's budget in that odd-numbered calendar year. The
 30 bill requires the statute establishing the state percent of
 31 growth and the categorical state percent of growth for a budget
 32 year beginning July 1 of an even-numbered calendar year to be
 33 enacted during the regular legislative session preceding the
 34 base year.

35 The bill applies to school budget years beginning on or after

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H.F. _____

1 July 1, 2015.



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Senate File 2091 - Introduced

SENATE FILE 2091
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3082)

A BILL FOR

1 An Act relating to common forms of co-ownership of real
2 property and including effective date and applicability
3 provisions.

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

TLSB 5477SV (2) 85
rh/sc



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S.F. 2091

1 Section 1. Section 557.15, Code 2014, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **557.15 Common forms of co-ownership of real property.**

4 1. A conveyance of real property to two or more grantees
5 each in their own right creates a tenancy in common, unless a
6 contrary intent is expressed in the conveyance instrument or as
7 provided in subsection 2.

8 2. A conveyance of real property to two or more grantees in
9 a conveyance instrument in any of the following circumstances
10 creates a presumption of joint tenancy with rights of
11 survivorship unless a contrary intent is expressed in the
12 instrument and subject to subsection 3:

13 a. The instrument identifies two grantees as married to each
14 other at the time the instrument is executed.

15 b. The instrument describes the conveyance to the grantees
16 with the phrase "joint tenants", "joint tenancy", or words of
17 similar import.

18 c. The instrument describes the conveyance to the grantees
19 with the phrase "or their survivor" with reference to the
20 grantees, or words of similar import.

21 3. An order of annulment, dissolution, or separate
22 maintenance entered pursuant to section 598.21 is a muniment
23 of title to the real property described, and severs a joint
24 tenancy with rights of survivorship and creates a tenancy in
25 common in equal shares, unless otherwise provided in the order.

26 Sec. 2. EFFECTIVE DATE AND APPLICABILITY. This Act takes
27 effect January 1, 2015, and applies to instruments executed and
28 orders entered on or after that date.

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 Under current law, codified in Code section 557.15, a
33 conveyance of real property to two or more grantees in their
34 own right creates a tenancy in common, unless otherwise
35 indicated in the conveyance instrument. A property interest

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rh/sc

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1 held in a tenancy in common allows each owner to separately
2 convey, encumber, or devise the property. A joint tenancy with
3 rights of survivorship is another form of co-ownership of real
4 property recognized in Iowa in which the survivor owns the
5 entire interest in the property by operation of law upon the
6 death of the joint tenant.

7 The bill retains the current language in Code section
8 557.15 relating to tenancies in common and also specifies
9 that a conveyance of real property to two or more grantees
10 in a conveyance instrument in circumstances specified in the
11 bill creates a presumption of joint tenancy with rights of
12 survivorship, unless a contrary intent is expressed in the
13 instrument. The bill also provides that an order of annulment,
14 dissolution, or separate maintenance entered pursuant to
15 Code section 598.21 severs a joint tenancy with rights of
16 survivorship and creates a tenancy in common in equal shares,
17 unless otherwise provided in the order.

18 The bill takes effect January 1, 2015, and applies to
19 instruments executed and orders entered on or after that date.



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Senate File 2092 - Introduced

SENATE FILE 2092
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3072)

A BILL FOR

1 An Act relating to the criminal offense of fraudulent practice
2 and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5293SV (1) 85
jm/nh



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S.F. 2092

1 Section 1. Section 714.9, Code 2014, is amended to read as
2 follows:

3 **714.9 Fraudulent practice in the first degree.**

4 1. Fraudulent practice in the first degree is a fraudulent
5 practice where the amount of money or value of property or
6 services involved exceeds ten thousand dollars.

7 2. Fraudulent practice in the first degree is a class "C"
8 felony.

9 Sec. 2. Section 714.11, subsection 1, paragraph a, Code
10 2014, is amended to read as follows:

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

14 Sec. 3. Section 714.14, Code 2014, is amended to read as
15 follows:

16 **714.14 Value for purposes of fraudulent practices.**

17 1. The value of property or service is its highest value by
18 any reasonable standard at the time the fraudulent practice is
19 committed. Reasonable standard includes but is not limited to
20 market value within the community, actual value, or replacement
21 value.

22 2. If money, or property, or a service is obtained by
23 involved in two or more acts of fraudulent practice is from the
24 same person or location, or from different persons by two or
25 more acts which occur in approximately the same location or
26 time period so that the fraudulent practices are attributable
27 to a single scheme, plan, or conspiracy, these acts may be
28 considered as a single fraudulent practice and the value may be
29 the total value of all money, property, and service involved.

30 EXPLANATION

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

33 This bill relates to the criminal offense of fraudulent
34 practice.

35 The bill modifies the definition of fraudulent practice

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1 in the first degree to include a fraudulent practice where
2 the amount of services involved in the fraud exceeds \$10,000.
3 Under current law, fraudulent practice in the first degree
4 does not include the value of a service like other fraudulent
5 practice offenses, but does include a fraudulent practice where
6 the amount of money or value of property exceeds \$10,000. A
7 person who commits fraudulent practice in the first degree
8 commits a class "C" felony. A class "C" felony is punishable
9 by confinement for no more than 10 years and a fine of at least
10 \$1,000 but not more than \$10,000.

11 The bill modifies the definition of fraudulent practice
12 in the fourth degree to conform the terminology with other
13 fraudulent practice offenses in Code chapter 714.

14 The bill also specifies that if money, property, or a service
15 involved in two or more acts of fraudulent practice is from the
16 same person or location, or from different persons by two or
17 more acts which occur in approximately the same location or
18 time period so that the fraudulent practices are attributable
19 to a single scheme, these acts may be considered a single
20 fraudulent practice and the value may be the total value of the
21 money, property, and service involved.

22 A fraudulent practice is defined in Code section 714.8.



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Senate File 2093 - Introduced

SENATE FILE 2093
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3094)

A BILL FOR

1 An Act modifying provisions applicable to the recording of
2 a mortgage or deed of trust executed by a transmitting
3 utility.

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

TLSB 5497SV (2) 85
rn/sc



**Iowa General Assembly
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S.F. 2093

1 Section 1. Section 554B.3, Code 2014, is amended to read as
2 follows:

3 **554B.3 Recording mortgage or deed of trust upon real estate.**

4 Any mortgage or deed of trust upon real estate executed
5 by a transmitting utility may provide that property of
6 the transmitting utility, whether owned at the time of the
7 execution of the instrument or subsequently acquired, shall
8 secure the obligations covered by the instrument. Recording
9 the instrument in the office of the recorder of each county
10 in which ~~such~~ any portion of the property, or any part
11 ~~thereof,~~ described in the instrument is situated shall give
12 constructive notice to all persons of the lien of the mortgage
13 or deed of trust from the time of recording or, in the case
14 of subsequently acquired real estate, from the time of
15 acquisition.

16 Sec. 2. NEW SECTION. **554B.4 Recording memorandum of**
17 **mortgage or deed of trust.**

18 If a mortgage or deed of trust upon real estate is executed
19 by a transmitting utility and the real estate described in the
20 instrument is situated in more than one county, the recording
21 requirement of section 554B.3 establishing constructive notice
22 is satisfied by either of the following:

23 1. Recording the mortgage or deed of trust in each county in
24 which any portion of the property is situated.

25 2. Recording the mortgage or deed of trust in at least one
26 county in which a portion of the real estate is situated, and
27 by recording in every other county in which a portion of the
28 real estate is situated a memorandum of the mortgage or deed of
29 trust containing, at a minimum, the following:

30 a. The names and addresses of the mortgagor and mortgagee.

31 b. A legal description of all real property and interests
32 therein subject to the mortgage or deed of trust.

33 c. The date of maturity of the indebtedness secured by the
34 mortgage or deed of trust and whether the instrument secures
35 future advances.

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1 *d.* A statement as to whether or not the mortgage or deed
2 of trust applies to subsequently acquired property of the
3 transmitting utility.

4 *e.* The county recorder's office where the mortgage or
5 deed of trust is recorded, the recording date, and document
6 identification number.

7 *f.* Such other information as deemed appropriate by the
8 transmitting utility.

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 modifies the manner in which constructive notice
13 of a mortgage or deed of trust executed by a transmitting
14 utility is given.

15 Currently, Code section 554B.3 specifies that a mortgage or
16 deed of trust in connection to real estate which is executed
17 by a transmitting utility shall be recorded in the office of
18 the recorder of each county in which any property securing
19 the obligations covered by the instrument and described in
20 the instrument is situated, in order to give constructive
21 notice of the lien of the mortgage or deed of trust. The bill
22 establishes an alternative manner in which constructive notice
23 may be given in such situations. The bill provides that the
24 constructive notice may also be satisfied by recording the
25 mortgage or deed of trust in at least one county in which a
26 portion of the real estate is situated, and by recording in
27 every other county in which a portion of the real estate is
28 situated a memorandum of the mortgage or deed of trust. The
29 bill specifies that the memorandum is required to contain,
30 at a minimum, the names and addresses of the mortgagor and
31 mortgagee; a legal description of all real property and
32 interests therein subject to the mortgage or deed of trust; the
33 date of maturity of the indebtedness secured by the mortgage
34 or deed of trust and whether the instrument secures future
35 advances; a statement as to whether or not the mortgage or

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1 deed of trust applies to subsequently acquired property of the
2 transmitting utility; the county recorder's office where the
3 mortgage or deed of trust is recorded, the recording date, and
4 the document identification number; and such other information
5 as deemed appropriate by the transmitting utility.



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Senate File 2094 - Introduced

SENATE FILE 2094
BY QUIRMBACH

A BILL FOR

1 An Act modifying provisions relating to the regulation of
2 delayed deposit services businesses, providing penalties,
3 and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5541XS (3) 85
rn/nh



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1 Section 1. Section 533D.2, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Finance charge*" means all charges
4 payable directly or indirectly as a condition of a delayed
5 deposit service transaction, including interest, fees, service
6 charges, renewal charges, credit insurance premiums, and
7 charges payable for any ancillary product sold in connection
8 with a delayed deposit service transaction.

9 Sec. 2. Section 533D.9, Code 2014, is amended to read as
10 follows:

11 **533D.9 Fee Finance charge restriction — required disclosure.**

12 1. A licensee shall not ~~charge a fee in excess of fifteen~~
13 ~~dollars on the first one hundred dollars on the face amount~~
14 ~~of a check or more than ten dollars on subsequent one hundred~~
15 ~~dollar increments on~~ apply a finance charge in excess of an
16 amount equal to thirty-six percent per annum, as computed
17 pursuant to the federal Truth in Lending Act as defined in
18 section 537.1302, times the face amount of the check for
19 services provided by the licensee, ~~or pro rata for any portion~~
20 ~~of one hundred dollars face value.~~

21 2. A licensee shall give to the maker of the check, at the
22 time any delayed deposit service transaction is made, or if
23 there are two or more makers, to one of them, notice written in
24 clear, understandable language disclosing all of the following:

25 *a.* The fee finance charge to be ~~charged~~ imposed for the
26 transaction.

27 *b.* The annual percentage rate as computed pursuant to the
28 federal Truth in Lending Act as defined in section 537.1302.

29 *c.* The date on which the check will be deposited or
30 presented for negotiation.

31 *d.* Any penalty, not to exceed fifteen dollars, which the
32 licensee will charge if the check is not negotiable on the
33 date agreed upon. A penalty to be charged pursuant to this
34 section shall only be collected by the licensee once on a check
35 no matter how long the check remains unpaid. A penalty to be



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1 charged pursuant to this section is a licensee's exclusive
2 remedy and if a licensee charges a penalty pursuant to this
3 section no other penalties under this chapter or any other
4 provision apply.

5 3. In addition to the notice required by subsection 2, every
6 licensee shall conspicuously display a schedule of all ~~fees~~
7 finance charges, and penalties for all services provided by
8 the licensee authorized by this section. The notice shall be
9 posted at the office and every branch office of the licensee.

10 Sec. 3. Section 533D.10, subsection 1, paragraphs d and f,
11 Code 2014, are amended to read as follows:

12 d. Require the maker to receive payment by a method which
13 causes the maker to pay additional ~~or further fees and~~ finance
14 charges to the licensee or another person.

15 f. Receive or apply any other finance charges or ~~fees~~
16 penalties in addition to the ~~fees~~ those listed in section
17 533D.9, subsections 1 and 2.

18 Sec. 4. Section 533D.12, Code 2014, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 7. A violation of this chapter is a
21 violation of section 714.16, subsection 2, paragraph "a". The
22 provisions of section 714.16, including but not limited to
23 provisions relating to investigation, injunctive relief, and
24 penalties, shall apply to this chapter unless more prescriptive
25 and stringent provisions are otherwise specified in this
26 chapter.

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

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 modifies provisions relating to the regulation of
33 delayed deposit services businesses in Code chapter 533D.

34 The bill deletes current provisions prohibiting delayed
35 deposit services licensees from charging a fee in excess of \$15

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1 on the first \$100 on the face amount of a check or more than \$10
2 on subsequent \$100 increments on the face amount of the check
3 for services provided by the licensee. The bill substitutes a
4 provision prohibiting imposition of a finance charge in excess
5 of 36 percent per annum as computed pursuant to the federal
6 Truth in Lending Act, times the face amount of the check. The
7 bill defines "finance charge" to mean all charges payable
8 directly or indirectly as a condition of a delayed deposit
9 service transaction, including interest, fees, service charges,
10 renewal charges, credit insurance premiums, and charges for any
11 ancillary product sold in connection with a delayed deposit
12 service transaction.

13 The bill adds to existing penalty provisions authorizing
14 the superintendent of banking to impose a civil penalty not
15 to exceed \$5,000 per violation. The bill provides that a
16 violation of the Code chapter constitutes a consumer fraud
17 pursuant to the provisions of Code section 714.16, and that the
18 applicable provisions relating to investigation, injunctive
19 relief, and penalties shall apply to Code chapter 533D unless
20 more prescriptive and stringent provisions are otherwise
21 specified in the Code chapter. Violations would accordingly
22 be subject to a civil penalty pursuant to Code section 714.16,
23 subsection 7, in an amount not to exceed \$40,000 per violation,
24 and in addition a civil penalty of not more than \$5,000 for
25 each day of intentional violation of a temporary restraining
26 order, preliminary injunction, or permanent injunction.

27 The bill takes effect upon enactment.



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Senate File 2095 - Introduced

SENATE FILE 2095
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3073)

A BILL FOR

1 An Act authorizing the placement of a child in group or family
2 foster care pursuant to a consent decree entered in juvenile
3 court.

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

TLSB 5393SV (2) 85
jm/rj



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S.F. 2095

1 Section 1. Section 232.46, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. a. At any time after the filing of a petition and
4 prior to entry of an order of adjudication pursuant to section
5 232.47, the court may suspend the proceedings on motion of the
6 county attorney or the child's counsel, enter a consent decree,
7 and continue the case under terms and conditions established by
8 the court. These terms and conditions may include ~~prohibiting~~
9 a any of the following:

10 (1) Prohibiting the child from driving a motor vehicle for
11 a specified period of time or under specific circumstances,
12 or the supervision. The court shall notify the department of
13 transportation of an order prohibiting the child from driving.

14 (2) Supervision of the child by a juvenile court officer or
15 other agency or person designated by the court, and may include
16 the requirement that the child perform.

17 (3) The performance of a work assignment of value to the
18 state or to the public or make making restitution consisting of
19 a monetary payment to the victim or a work assignment directly
20 of value to the victim. The court shall notify the state
21 department of transportation of an order prohibiting the child
22 from driving.

23 (4) Placement of the child in a group or family foster
24 care setting, if the court makes a determination that such a
25 placement is the least restrictive option.

26 b. A child's need for shelter placement or for inpatient
27 mental health or substance abuse treatment does not preclude
28 entry or continued execution of a consent decree.

29 Sec. 2. Section 234.35, subsection 1, paragraph e, Code
30 2014, is amended to read as follows:

31 e. When a court has entered an order transferring the
32 legal custody of the child to a foster care placement pursuant
33 to section 232.46, section 232.52, subsection 2, paragraph
34 "d", or section 232.102, subsection 1. However, payment
35 for a group foster care placement shall be limited to those



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1 placements which conform to a service area group foster care
2 plan established pursuant to section 232.143.

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 relates to entering a consent decree in juvenile
7 court.

8 The bill permits the juvenile court to enter a consent decree
9 that places a child in a group or family foster care setting if
10 the court determines such a placement is the least restrictive
11 option.

12 The bill also authorizes the department of human services to
13 pay for group or family foster care costs of a juvenile placed
14 in group or family foster care pursuant to a consent decree.

15 The bill specifies that a child's need for shelter placement
16 or for inpatient mental health or substance abuse treatment
17 does not preclude entry or continued execution of a consent
18 decree.

19 A consent decree is a court order entered after the filing
20 of a delinquency petition but prior to adjudication that is
21 an agreement between the juvenile court and the allegedly
22 delinquent child. If the child successfully completes the
23 terms and conditions of the consent decree, the original
24 delinquency petition cannot be reinstated against the child.
25 However, if the child does not successfully complete the terms
26 and conditions of the consent decree, the state can move
27 forward with the delinquency petition against the child.

28 The bill also makes numerous changes to Code section
29 232.46(1) to enhance the readability of subsection 1.

30 The bill is in response to State v. Iowa Dist. Court for
31 Warren County, 828 N.W. 607 (Iowa 2013).



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Senate File 2096 - Introduced

SENATE FILE 2096
BY PETERSEN

A BILL FOR

1 An Act relating to limited English proficient education by
2 modifying the supplementary weighting for limited English
3 proficient students, requiring the establishment of a
4 limited English proficient advisory group, requiring the
5 creation of a committee within the department of education,
6 modifying provisions relating to the special instruction of
7 limited English proficient students, and including effective
8 date provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5633XS (3) 85
md/sc



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1 Section 1. Section 256.7, Code 2014, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 33. Adopt rules, following consultation
4 with area education agencies, the limited English proficient
5 advisory group established under section 280.4, subsection 4,
6 the limited English proficient committee established under
7 section 256.9, subsection 65, and other stakeholders, that
8 set statewide standards for the training, certification, and
9 compliance of school employees that provide special instruction
10 to limited English proficient students, as required by section
11 280.4.

12 NEW SUBSECTION. 34. Adopt rules that establish standards
13 for the inclusion of research pertaining to the identification
14 and instruction of limited English proficient students by any
15 task force, committee, or advisory group, convened by the
16 department, a division or bureau within the department, a
17 school district, or an area education agency.

18 Sec. 2. Section 256.9, subsection 53, paragraph c,
19 subparagraph (1), Code 2014, is amended by adding the following
20 new subparagraph divisions:

21 NEW SUBPARAGRAPH DIVISION. (h) Instructional strategies
22 for limited English proficient students, strategies for
23 identifying limited English proficient students, and
24 professional development strategies and materials to
25 support teacher effectiveness in limited English proficient
26 instruction.

27 NEW SUBPARAGRAPH DIVISION. (i) Data reports on attendance
28 center, school district, and statewide progress in the
29 instruction of limited English proficient students in the
30 context of student, attendance center, and school district
31 demographic characteristics.

32 Sec. 3. Section 256.9, Code 2014, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 65. Establish a permanent limited English
35 proficient committee within the department to review and

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1 make recommendations relating to the instruction of limited
2 English proficient students. The committee shall work with
3 relevant stakeholders, including the advisory group established
4 pursuant to section 280.4, subsection 4, to examine the best
5 practices for such instruction, review funding provided to
6 school districts under section 280.4 and funding from other
7 sources, facilitate and implement research-based reading and
8 writing instruction for limited English proficient students,
9 and facilitate and implement programs to identify limited
10 English proficiency during early childhood. The committee
11 shall include at least one representative from each division or
12 bureau of the department.

13 Sec. 4. Section 257.31, subsection 5, paragraph j, Code
14 2014, is amended to read as follows:

15 *j.* Unusual need to continue providing a program or other
16 special assistance to non-English speaking pupils after the
17 expiration of the ~~five-year~~ period of years specified in
18 section 280.4.

19 Sec. 5. Section 280.4, subsection 1, Code 2014, is amended
20 to read as follows:

21 1. The medium of instruction in all secular subjects
22 taught in both public and nonpublic schools shall be the
23 English language, except when the use of a foreign language
24 is deemed appropriate in the teaching of any subject or when
25 the student is limited English proficient. When the student
26 is limited English proficient, both public and nonpublic
27 schools shall provide special instruction, which shall include
28 but need not be limited to either instruction in English
29 as a second language or transitional bilingual instruction
30 until the student is fully English proficient or demonstrates
31 a functional ability to speak, read, write, and understand
32 the English language. Each school district shall develop a
33 research-based instruction plan for limited English proficient
34 students. Each school district shall include its plan in
35 the school district's comprehensive school improvement plan

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1 submitted pursuant to section 256.7, subsection 21. As
 2 used in this section, "*limited English proficient*" means a
 3 student's language background is in a language other than
 4 English, and the student's proficiency in English is such
 5 that the probability of the student's academic success in
 6 an English-only classroom is below that of an academically
 7 successful peer with an English language background. "*Fully*
 8 *English proficient*" means a student who is able to read,
 9 understand, write, and speak the English language and to use
 10 English to ask questions, to understand teachers and reading
 11 materials, to test ideas, and to challenge what is being asked
 12 in the classroom.

13 Sec. 6. Section 280.4, subsection 3, Code 2014, is amended
 14 to read as follows:

15 3. a. (1) In order to provide funds for the excess
 16 costs of instruction of limited English proficient students
 17 specified in paragraph "b" above the costs of instruction of
 18 pupils in a regular curriculum, students identified as limited
 19 English proficient shall be assigned an additional weighting
 20 ~~of twenty-two hundredths~~ according to subparagraph (2), and
 21 that weighting shall be included in the weighted enrollment of
 22 the school district of residence for a the period not exceeding
 23 five of years specified in paragraph "b". However, the school
 24 budget review committee may grant supplemental aid or a
 25 modified supplemental amount to a school district to continue
 26 funding a program for students after the expiration of the
 27 ~~five-year specified period of years.~~

28 (2) For budget years beginning on or before July 1, 2013,
 29 students identified as limited English proficient shall be
 30 assigned an additional weighting of twenty-two hundredths. For
 31 the budget year beginning July 1, 2014, students identified
 32 as limited English proficient shall be assigned an additional
 33 weighting of twenty-six hundredths. For the budget year
 34 beginning July 1, 2015, and each budget year thereafter,
 35 students identified as limited English proficient shall be

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1 assigned an additional weighting of thirty hundredths.
 2 b. (1) For students first determined to be limited English
 3 proficient for a budget year beginning on or after July
 4 1, 2010, but before July 1, 2014, the additional weighting
 5 provided under paragraph "a" shall be included in the weighted
 6 enrollment of the school district of residence for a period
 7 not exceeding five years beginning with the budget year for
 8 which the student was first determined to be limited English
 9 proficient.

10 (2) For students first determined to be limited English
 11 proficient for the budget year beginning on July 1, 2014, the
 12 additional weighting provided under paragraph "a" shall be
 13 included in the weighted enrollment of the school district of
 14 residence for a period not exceeding six years beginning with
 15 the budget year for which the student was first determined to
 16 be limited English proficient.

17 (3) For students first determined to be limited English
 18 proficient for a budget year beginning on or after July 1,
 19 2015, the additional weighting provided under paragraph "a"
 20 shall be included in the weighted enrollment of the school
 21 district of residence for a period not exceeding seven years
 22 beginning with the budget year for which the student was first
 23 determined to be limited English proficient.

24 Sec. 7. Section 280.4, Code 2014, is amended by adding the
 25 following new subsection:

26 NEW SUBSECTION. 4. a. The director of the department
 27 of education shall establish a permanent limited English
 28 proficient advisory group to review and make recommendations
 29 relating to the instruction of limited English proficient
 30 students. The advisory group shall work with relevant
 31 stakeholders to conduct an examination of best practices for
 32 such instruction and a review of funding provided to school
 33 districts under section 280.4 and funding from other sources.
 34 The advisory group shall annually develop recommendations for
 35 consideration by the limited English proficient committee

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1 established under section 256.9, subsection 65, the director,
2 the state board, and the general assembly. The advisory group
3 shall also assist with the final development and implementation
4 of any such recommendations or proposals.

5 *b.* The advisory group shall include but is not limited to
6 the following members:

7 (1) A person or representative of an organization
8 specializing in limited English proficient education.

9 (2) A person or representative of an organization
10 specializing in Tit. I of the federal Elementary and Secondary
11 Education Act of 1965, 20 U.S.C. §6301 et seq., as amended
12 by the federal No Child Left Behind Act of 2001, Pub. L. No.
13 107-110.

14 (3) A person or representative of an organization
15 specializing in Tit. III of the federal No Child Left Behind
16 Act of 2001, Pub. L. No. 107-110.

17 (4) A person or representative of an organization
18 specializing in special education instruction.

19 (5) A person or representative of an organization
20 specializing in the Iowa core curriculum.

21 **Sec. 8. STATE MANDATE FUNDING SPECIFIED.** In accordance
22 with section 25B.2, subsection 3, the state cost of requiring
23 compliance with any state mandate included in this Act shall
24 be paid by a school district from state school foundation aid
25 received by the school district under section 257.16. This
26 specification of the payment of the state cost shall be deemed
27 to meet all of the state funding-related requirements of
28 section 25B.2, subsection 3, and no additional state funding
29 shall be necessary for the full implementation of this Act
30 by and enforcement of this Act against all affected school
31 districts.

32 **Sec. 9. EFFECTIVE UPON ENACTMENT.** This Act, being deemed of
33 immediate importance, takes effect upon enactment.

34 **EXPLANATION**

35 The inclusion of this explanation does not constitute agreement with

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1 the explanation's substance by the members of the general assembly.

2 This bill relates to limited English proficient education
3 by modifying the supplementary weighting for limited English
4 proficient students, requiring the establishment of a limited
5 English proficient advisory group, requiring the creation of
6 a committee within the department of education, and modifying
7 provisions relating to the special instruction of limited
8 English proficient students.

9 Current Code section 280.4 provides supplementary weighting
10 for the excess costs of instruction of limited English
11 proficient students. The current amount of the supplementary
12 weighting for students identified as limited English proficient
13 is 0.22 per student. The weighting is provided for those
14 students first determined to be limited English proficient for
15 a budget year beginning on or after July 1, 2010, and may be
16 included in the weighted enrollment of the school district for
17 a period not exceeding five years.

18 For the school budget year beginning on July 1, 2014, the
19 bill increases the amount of the supplementary weighting for
20 those students identified as limited English proficient to 0.26
21 per student. For the budget year beginning on July 1, 2015,
22 and each budget year thereafter, those students identified as
23 limited English proficient shall be assigned an additional
24 weighting of 0.30 per student.

25 The bill also specifies the number of years during which the
26 additional weighting may be included in the school district's
27 weighted enrollment. For students first determined to be
28 limited English proficient for a budget year beginning on or
29 after July 1, 2010, but before July 1, 2014, the additional
30 weighting may be included for a period not exceeding five
31 years. For students first determined to be limited English
32 proficient for the budget year beginning on July 1, 2014, the
33 additional weighting may be included for a period not exceeding
34 six years. For students first determined to be limited English
35 proficient for a budget year beginning on or after July 1,

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1 2015, the additional weighting may be included for a period not
2 exceeding seven years.

3 The bill requires each school district to develop a
4 research-based instruction plan for limited English proficient
5 students and requires such plan to be included in the school
6 district's comprehensive school improvement plan submitted
7 pursuant to Code section 256.7(21).

8 The bill requires the director of the department of
9 education to establish a permanent limited English proficient
10 advisory group to review and make recommendations relating to
11 the instruction of limited English proficient students. The
12 bill also establishes requirements relating to the membership
13 of the advisory group.

14 The bill also requires the director of the department
15 of education to establish a permanent limited English
16 proficient committee within the department to review and make
17 recommendations relating to the instruction of limited English
18 proficient students. The bill requires the committee to work
19 with relevant stakeholders, including the limited English
20 proficient advisory group required to be established under
21 the bill, to examine the best practices for such instruction,
22 review funding sources, facilitate and implement research-based
23 reading and writing instruction for limited English proficient
24 students, and facilitate and implement programs to identify
25 limited English proficiency during early childhood. The
26 committee must include at least one representative from each
27 division or bureau of the department of education.

28 The bill requires the Iowa reading research center,
29 established by the director of the department of education
30 pursuant to Code section 256.9(53)(c), to provide for the
31 development and dissemination of specified strategies and data
32 reports related to limited English proficient students.

33 The bill requires the state board of education to adopt
34 rules, following consultation with area education agencies and
35 stakeholders, that set statewide standards for the training,

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md/sc

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1 certification, and compliance of school employees that provide
2 special instruction to limited English proficient students.

3 The bill also requires the state board of education to adopt
4 rules that establish standards for the inclusion of research
5 pertaining to the identification and instruction of limited
6 English proficient students by any task force, committee, or
7 advisory group, convened by the department, a division or
8 bureau within the department, a school district, or an area
9 education agency.

10 This bill may include a state mandate as defined in Code
11 section 25B.3. The bill requires that the state cost of
12 any state mandate included in the bill be paid by a school
13 district from state school foundation aid received by the
14 school district under Code section 257.16. The specification
15 is deemed to constitute state compliance with any state mandate
16 funding-related requirements of Code section 25B.2. The
17 inclusion of this specification is intended to reinstate the
18 requirement of political subdivisions to comply with any state
19 mandates included in the bill.

20 The bill takes effect upon enactment.



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Senate File 2097 - Introduced

SENATE FILE 2097
BY PETERSEN

A BILL FOR

1 An Act relating to the safe routes to school program, making
2 appropriations, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5719SS (4) 85
kh/tm



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S.F. 2097

1 Section 1. SAFE ROUTES TO SCHOOL PROGRAM.

2 1. Notwithstanding section 321.145, subsection 2, paragraph
3 "c", there is appropriated from the general fund of the
4 state to the department of transportation for the fiscal year
5 beginning July 1, 2013, and ending June 30, 2014, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For administration of the safe route to schools program
9 in accordance with the federal Safe, Accountable, Flexible,
10 Efficient Transportation Equity Act: A Legacy For Users, Pub.
11 L. No. 109-59, including salaries, support, maintenance, and
12 miscellaneous purposes:

13 \$ 1,000,000

14 2. Notwithstanding section 8.33, moneys appropriated in
15 this section that remain unencumbered or unobligated at the
16 close of the fiscal year shall not revert but shall remain
17 available to be used for the purposes designated until the
18 close of the succeeding fiscal year.

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

21 EXPLANATION

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

24 This bill appropriates \$1 million from the general fund of
25 the state to the department of transportation for the 2013-2014
26 fiscal year for administration of the safe routes to school
27 program in accordance with the federal Safe, Accountable,
28 Flexible, Efficient Transportation Equity Act: A Legacy For
29 Users, Pub. L. No. 109-59.

30 The bill takes effect upon enactment.



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Senate File 2098 - Introduced

SENATE FILE 2098
BY ERNST

A BILL FOR

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

TLSB 5980XS (2) 85
jm/nh



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S.F. 2098

1 Section 1. Section 808B.3, Code 2014, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 6. A felony offense involving human
 4 trafficking in violation of chapter 710A.

5 EXPLANATION

6 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 relates to intercepting communications involving
 9 human trafficking.

10 Under the bill, the attorney general may prepare an
 11 application for a court order authorizing the interception of
 12 wire, oral, or electronic communications involving a felony
 13 human trafficking offense under Code chapter 710A. The
 14 court, subject to Code chapter 808B, may grant such an order
 15 authorizing the interception of oral, wire, or electronic
 16 communications by special state agents of the department of
 17 public safety when the interception of such communications
 18 may provide evidence of a felony offense involving human
 19 trafficking.



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Senate File 2099 - Introduced

SENATE FILE 2099
BY ERNST

A BILL FOR

- 1 An Act relating to certificates of merit and noneconomic
- 2 damages in medical malpractice actions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5661XS (4) 85
rh/rj



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S.F. 2099

1 Section 1. **NEW SECTION. 147.140 Certificate of merit.**
2 1. In an action for damages for personal injury against a
3 health care provider licensed to practice or operate in this
4 state, based on the alleged negligence of the licensee in the
5 practice of the profession or occupation, or upon the alleged
6 negligence of the hospital in patient care, the plaintiff
7 shall file, simultaneous with the filing of the complaint, a
8 certificate of merit attesting to the following:
9 *a.* The plaintiff or plaintiff's attorney has consulted and
10 reviewed the facts of the case with an expert who the plaintiff
11 or the plaintiff's attorney reasonably believes meets the
12 following requirements:
13 (1) The expert is knowledgeable regarding the relevant
14 issues involved in the particular action.
15 (2) The expert is qualified by knowledge, skill,
16 experience, training, or education to testify as an expert
17 in the field of the alleged malpractice pursuant to section
18 147.139.
19 (3) The expert has no financial or personal interest in the
20 outcome of the case under review.
21 *b.* The expert has determined in a written report that there
22 is a reasonable and meritorious case for the filing of such
23 action.
24 2. The written report from the expert shall be attached
25 to the certificate of merit and shall contain all of the
26 following:
27 *a.* The name and address of the expert and sufficient facts
28 to support the conclusion that the expert is qualified by
29 knowledge, skill, experience, training, or education to testify
30 as an expert against the health care provider.
31 *b.* A statement that the expert's determination is based upon
32 an examination of the plaintiff, or an independent and thorough
33 review of all of the applicable medical records and, if
34 reasonably available, a physical examination of the plaintiff.
35 *c.* A description of the appropriate standard of care that is

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1 expected of a reasonably competent health care provider in the
2 same class to which the health care provider belongs, acting in
3 the same or similar circumstances.

4 *d.* In the opinion of the expert, expressed with a reasonable
5 degree of medical certainty, that the appropriate standard of
6 care was breached by the health care provider named in the
7 complaint.

8 *e.* The factual basis for the expert's opinion.

9 *f.* A statement of the actions that the health care provider
10 should have taken or failed to take to have complied with the
11 standard of care.

12 *g.* A statement of the manner in which the breach of the
13 standard of care was the cause of the injury alleged in the
14 complaint.

15 3. Where a certificate of merit is required pursuant to
16 this section, a separate certificate and expert report shall be
17 filed as to each defendant named in the complaint and shall be
18 filed as to each defendant named at a later time.

19 4. The contemporaneous filing requirement of subsection 1
20 shall not apply to a case in which the period of limitation
21 will expire or there is a good faith basis to believe it will
22 expire on a claim stated within ten days of the date of filing
23 and the plaintiff asserts in good faith that because of such
24 time constraints compliance with the requirements is not
25 possible. In such cases, the plaintiff shall have forty-five
26 days after the filing of the complaint to supplement the
27 pleadings with the certificate of merit and expert report.

28 5. If a certificate of merit is not filed within the
29 period specified in this section, the complaint is subject to
30 dismissal for failure to state a claim upon which relief can
31 be granted.

32 6. If the plaintiff or the plaintiff's attorney files a
33 certificate of merit that does not meet the requirements of
34 subsection 1 or a report that does not meet the requirements of
35 subsection 2, the defendant to whom such certificate pertains

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1 may file a motion to dismiss which shall specify the grounds or
2 basis by which the certificate or the report does not meet the
3 requirements of this section.

4 7. For the purposes of this section, *"health care provider"*
5 means a physician and surgeon, osteopath, osteopathic physician
6 and surgeon, dentist, podiatric physician, optometrist,
7 pharmacist, chiropractor, or nurse licensed to practice that
8 profession in this state, or a hospital licensed for operation
9 in this state.

10 **Sec. 2. NEW SECTION. 147.141 Limitation on noneconomic**
11 **damages.**

12 1. In an action for personal injury or wrongful death
13 against a physician and surgeon, osteopath, osteopathic
14 physician and surgeon, dentist, podiatric physician,
15 optometrist, pharmacist, chiropractor, or nurse licensed
16 under this chapter, based on the alleged negligence of the
17 practitioner in the practice of that profession or occupation,
18 or against a hospital licensed under chapter 135B, based on the
19 alleged negligence of the hospital in patient care, in which
20 liability is admitted or established, an award of noneconomic
21 damages shall not exceed five hundred thousand dollars.

22 2. For purposes of this section, *"noneconomic damages"* means
23 nonpecuniary losses that would not have occurred but for the
24 injury or death giving rise to the cause of action, including
25 pain and suffering, inconvenience, physical impairment, mental
26 anguish, loss of capacity for enjoyment of life, and any other
27 nonpecuniary losses.

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 certificates of merit and noneconomic
32 damages in medical malpractice actions.

33 **CERTIFICATE OF MERIT.** The bill provides that in an action
34 for damages for personal injury against a health care provider,
35 defined as a physician and surgeon, osteopath, osteopathic

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1 physician and surgeon, dentist, podiatric physician,
2 optometrist, pharmacist, chiropractor, or nurse licensed to
3 practice that profession in this state, or a hospital licensed
4 for operation in this state, based on the alleged negligence of
5 the licensee in the practice of the profession or occupation,
6 or upon the alleged negligence of the hospital in patient care,
7 the plaintiff shall file, simultaneous with the filing of the
8 complaint, a certificate of merit. The certificate of merit
9 shall state that the plaintiff or plaintiff's attorney has
10 consulted and reviewed the facts of the case with an expert who
11 the plaintiff or the plaintiff's attorney reasonably believes
12 is knowledgeable regarding the relevant issues involved in the
13 particular action, that the expert is qualified by knowledge,
14 skill, experience, training, or education to testify as an
15 expert, and that the expert has no financial or personal
16 interest in the outcome of the case under review.

17 The bill further provides that the certificate of merit
18 shall be submitted with a written report from the expert
19 stating there is a reasonable and meritorious case for the
20 filing of such action and shall include the name and address
21 of the expert and sufficient facts to support the conclusion
22 that the expert is qualified, a statement that the expert's
23 determination is based upon an examination of the plaintiff,
24 or an independent and thorough review of all of the applicable
25 medical records and, if reasonably available, a physical
26 examination of the plaintiff, a description of the appropriate
27 standard of care that is expected of a reasonably competent
28 health care provider in the same class to which the health care
29 provider belongs, acting in the same or similar circumstances,
30 a statement that in the opinion of the expert, expressed with a
31 reasonable degree of medical certainty, that the appropriate
32 standard of care was breached by the health care provider named
33 in the complaint, the factual basis for the expert's opinion, a
34 statement of the actions that the health care provider should
35 have taken or failed to take to have complied with the standard

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1 of care, and a statement of the manner in which the breach of
2 the standard of care was the cause of the injury alleged in the
3 complaint.

4 The bill further provides that a separate certificate and
5 expert report shall be filed as to each defendant named in the
6 complaint.

7 The bill provides that the requirement that a plaintiff
8 file a certificate of merit with the filing of the complaint
9 in the action shall not apply to a case in which the period
10 of limitation will expire or there is a good faith basis to
11 believe it will expire on a claim stated within 10 days of
12 the date of filing and the plaintiff asserts in good faith
13 that because of such time constraints compliance with the
14 requirements is not possible. In such cases, the plaintiff
15 shall have 45 days after the filing of the complaint to
16 supplement the pleadings with the certificate of merit and
17 expert report.

18 The bill provides that if a certificate of merit is not filed
19 within the period specified in this bill, the complaint is
20 subject to dismissal for failure to state a claim upon which
21 relief can be granted.

22 The bill provides that if the plaintiff files a certificate
23 of merit or an accompanying report that does not meet
24 the requirements of the bill, the defendant to whom such
25 certificate pertains may file a motion to dismiss which shall
26 specify the grounds or basis by which the certificate does not
27 meet the requirements of the bill.

28 NONECONOMIC DAMAGES. The bill provides that an award
29 of noneconomic damages in an action for personal injury or
30 wrongful death against a physician and surgeon, osteopathic
31 physician and surgeon, dentist, podiatric physician,
32 optometrist, pharmacist, chiropractor, or nurse licensed under
33 Code chapter 147, based on the alleged negligence of the
34 practitioner in the practice of that profession or occupation,
35 or against a hospital licensed under Code chapter 135B, based

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1 on the alleged negligence of the hospital in patient care, in
2 which liability is admitted or established, shall not exceed
3 \$500,000. "Noneconomic damages" is defined as nonpecuniary
4 losses that would not have occurred but for the injury giving
5 rise to the cause of action, including pain and suffering,
6 inconvenience, physical impairment, mental anguish, loss of
7 capacity for enjoyment of life, and any other nonpecuniary
8 losses.



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Senate File 2100 - Introduced

SENATE FILE 2100
BY ANDERSON

A BILL FOR

- 1 An Act permitting the use of crossbows to hunt deer and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5032XS (4) 85
av/nh



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S.F. 2100

1 Section 1. Section 483A.8, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. a. The commission shall adopt a
4 rule permitting a resident to use a crossbow for taking deer
5 during the late season that is designated for taking deer by
6 muzzleloading rifle or muzzleloading pistol. The commission
7 shall prepare an application to be used by a resident
8 requesting a license to hunt deer using a crossbow pursuant to
9 this subsection. A person issued a license pursuant to this
10 subsection shall be otherwise qualified to hunt deer in this
11 state and shall purchase a hunting license that includes the
12 wildlife habitat fee and pay the one dollar fee that shall
13 be used and is appropriated for the purpose of deer herd
14 population management, including assisting with the cost of
15 processing deer donated to the help us stop hunger program
16 administered by the commission.

17 b. A resident may obtain a license under this subsection
18 in addition to a statewide antlered or any sex deer hunting
19 bow season license. With the exception of season dates,
20 the shooting hours, limits, license quotas, and any other
21 regulations for the license shall be the same as those set
22 forth by the commission by rule for bow season deer hunts.

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 directs the natural resource commission to adopt
27 a rule permitting a resident to use a crossbow to hunt deer
28 during the late season that is designated for taking deer by
29 muzzleloading rifle or pistol. The commission shall prepare
30 an application for a crossbow deer hunting license. A person
31 issued such a license must be otherwise qualified to hunt deer
32 in this state and purchase a hunting license that includes the
33 wildlife habitat fee and pay the one dollar fee that is used
34 for deer herd population management.

35 A resident may obtain a crossbow license in addition to

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1 licenses that are available for hunting deer during regular
2 bow season. With the exception of season dates for crossbow
3 hunting, all other regulations pertaining to bow season deer
4 hunting are applicable to hunting deer with a crossbow.
5 Persons with disabilities (Code section 481A.38(1)(b)) and
6 residents who are 70 years of age and older (Code section
7 483A.8B) are currently allowed to use a crossbow to hunt deer
8 during bow season.
9 A violation of the provisions of the bill is punishable by a
10 scheduled fine of \$25.



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Senate Study Bill 3138 - 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:

TLSB 5239XD (5) 85
ec/sc



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

8 Sec. 8. Section 8A.362, subsection 4, paragraph c, Code
9 2014, is amended by striking the paragraph.

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

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

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

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

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

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



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1 ~~financial reports as required under section 8B.13, subsection~~
 2 ~~5, paragraph "a", and an~~ An annual internal service fund
 3 expenditure report as required under section 8B.13, subsection
 4 5, paragraph "b".

5 Sec. 12. Section 8B.13, subsection 5, paragraph a, Code
 6 2014, is amended by striking the paragraph.

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

9 Sec. 14. 2003 Iowa Acts, chapter 179, section 21, unnumbered
 10 paragraph 4, as amended and redesignated as subsection 6, by
 11 2005 Iowa Acts, chapter 161, section 1, is amended to read as
 12 follows:

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

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

EXPLANATION

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

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

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

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

34 Code section 8A.123, concerning department internal service
 35 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.



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Senate Study Bill 3139 - Introduced

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

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",
24 "naturopath" or the initials "N.D." or "N.M.D." after the
25 person's name.

26 Sec. 5. Section 147.107, Code 2014, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 8A. A licensed naturopathic physician
29 may prescribe all substances and devices consistent with the
30 level of training of the naturopathic physician unless added
31 to the exclusionary naturopathic formulary by the naturopathic
32 advisory council.

33 Sec. 6. Section 148E.3, subsection 1, Code 2014, is amended
34 to read as follows:

35 1. A person otherwise licensed to practice medicine and



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1 surgery, osteopathic medicine and surgery, naturopathic
2 medicine, chiropractic, podiatry, or dentistry who is
3 exclusively engaged in the practice of the person's profession.

4 Sec. 7. NEW SECTION. 148G.1 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. *"Approved naturopathic medical program"* means any of the
8 following:

9 a. A naturopathic medical education program in the
10 United States providing the degree of doctor of naturopathy
11 or doctor of naturopathic medicine. Such program shall
12 offer graduate-level, full-time didactic and supervised
13 clinical training and shall be accredited, or shall have
14 achieved candidacy status for accreditation by the council
15 on naturopathic medical education or by an equivalent
16 federally recognized accrediting body for naturopathic medical
17 programs also recognized by the board. Additionally, the
18 program shall be an institution, or part of an institution of
19 higher education that is either accredited or is a candidate
20 for accreditation by a regional or national institutional
21 accrediting agency recognized by the United States secretary
22 of education.

23 b. A diploma-granting, degree-equivalent college or
24 university in Canada that offers graduate-level, full-time
25 didactic and supervised clinical training and is accredited, or
26 has achieved candidacy status for accreditation by the council
27 on naturopathic medical education or an equivalent federally
28 recognized accrediting body for naturopathic medical programs
29 also recognized by the board; and the college or university
30 has provincial approval for participation in government-funded
31 student aid.

32 2. *"Board"* means the board of medicine established in
33 section 147.13.

34 3. *"Director"* means the executive director of the board of
35 medicine.



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1 4. *“Exclusionary naturopathic formulary”* means the
2 exclusionary list of medicines, nonprescription and
3 prescription, which naturopathic physicians may not use in the
4 practice of their profession, as determined by the naturopathic
5 advisory council.

6 5. *“Minor office procedures”* means methods for the repair
7 and care incidental to superficial lacerations and abrasions,
8 superficial lesions, and the removal of foreign bodies located
9 in the superficial tissues.

10 6. *“Naturopathic advisory council”* means the naturopathic
11 advisory council established under this chapter.

12 7. *“Naturopathic medicine”* means a system of primary health
13 care for the prevention, diagnosis, and treatment of human
14 health conditions, injury, and disease, and the promotion or
15 restoration of health. *“Naturopathic medicine”* includes the use
16 of physiological, psychological, or mechanical methods, and the
17 use of natural medicines, prescription or legend drugs, foods,
18 herbs, or other natural remedies.

19 8. *“Naturopathic physician”* means a practitioner of
20 naturopathic medicine who has been properly licensed for that
21 purpose by the board of medicine under this chapter, who may
22 diagnose, treat, and help prevent diseases using a system
23 of practice that is based on the natural healing capacity
24 of individuals, and may use physiological, psychological,
25 or mechanical methods, and may use natural medicines,
26 prescription, or legend drugs, foods, herbs, or other natural
27 remedies.

28 9. *“Prescription drug”* means any drug described in section
29 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C.
30 §353, if its label is required to bear the symbol “RX only”.

31 Sec. 8. NEW SECTION. 148G.2 Licensure — naturopathic
32 medicine.

33 1. *Qualifications for licensure.* An applicant for a license
34 to practice naturopathic medicine shall be granted a license
35 by the board if the applicant satisfies all of the following



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1 requirements:

2 *a.* Submits an application for licensure designed and
3 approved by the naturopathic advisory council.

4 *b.* Pays an application fee established by the board.

5 *c.* Has graduated from an approved naturopathic medical
6 program.

7 *d.* Has passed a competency-based national naturopathic
8 licensing examination administered by the north American board
9 of naturopathic examiners or successor agency, that has been
10 nationally recognized to administer a naturopathic examination
11 representing federal standards of education and training. For
12 applicants who completed an approved naturopathic medical
13 program located in Canada, eligibility for licensure may be
14 granted with evidence of successful passage of a Canadian
15 provincial competency examination.

16 *e.* Provides evidence that the applicant is of good ethical
17 and professional reputation. An applicant shall not have had
18 a license to practice naturopathic medicine or other health
19 care license, registration, or certificate refused, revoked,
20 or suspended by this state or any other jurisdiction for
21 reasons that relate to the applicant's ability to skillfully
22 and safely practice naturopathic medicine unless that license,
23 registration, or certification has been restored to good
24 standing.

25 *f.* Provides evidence that the applicant is physically and
26 mentally capable of safely practicing naturopathic medicine
27 with or without reasonable accommodation.

28 2. *Term of license.* A license granted pursuant to this
29 section shall be renewed every two years.

30 Sec. 9. NEW SECTION. 148G.3 Use of title — exceptions.

31 1. A person shall not represent that the person is a
32 naturopathic physician, a doctor of naturopathic medicine, a
33 doctor of naturopathy, a naturopath, or as being otherwise
34 authorized to practice naturopathic medicine in this state, or
35 use the titles "N.D." or "N.M.D." or any other titles, words,



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1 letters, abbreviations, or insignia indicating or implying that
2 the individual is a licensed naturopathic physician unless
3 the individual has been licensed as a naturopathic physician
4 pursuant to this chapter without first obtaining from the board
5 a license to practice naturopathic medicine pursuant to the
6 provisions of this chapter.

7 2. The practice of naturopathic medicine by a naturopathic
8 physician licensed pursuant to this chapter does not constitute
9 the practice of medicine and surgery under chapter 148, the
10 practice of osteopathic medicine and surgery under chapter 148,
11 or the practice of nursing under chapter 152.

12 3. This chapter and chapter 147 do not prevent qualified
13 members of other professions including but not limited
14 to individuals licensed under chapter 148, 150, 150A, or
15 152 from providing services consistent with the nature of
16 naturopathic medicine, but these persons shall not use a title
17 or description denoting that they are licensed naturopathic
18 physicians.

19 Sec. 10. NEW SECTION. **148G.4 Duties of board.**

20 The board shall adopt rules consistent with this chapter,
21 chapter 147, and as recommended by the naturopathic advisory
22 council which are necessary for the performance of the board's
23 duties.

24 Sec. 11. NEW SECTION. **148G.5 Naturopathic advisory council.**

25 1. A naturopathic advisory council is established,
26 consisting of the following members, appointed by the governor:

27 *a.* Prior to July 1, 2016, four members who are naturopathic
28 physicians who are residents of the state of Iowa and who are
29 currently licensed in good standing in another state. On
30 and after July 1, 2016, such members shall be naturopathic
31 physicians licensed under this chapter.

32 *b.* One member who is a pharmacist licensed in Iowa.

33 *c.* One member who is a medical or osteopathic physician
34 licensed in Iowa, who has expertise in integrative medicine.

35 *d.* One member representing the general public.



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

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1 with naturopathic medical education and training must be
2 referred for performance and interpretation to an appropriately
3 licensed health care professional.

4 3. Dispense, administer, order, and prescribe, provide, or
5 perform the following, as applicable:

6 a. Food, extracts of food, nutraceuticals, vitamins, amino
7 acids, minerals, enzymes, botanicals and their extracts,
8 botanical medicines, homeopathic medicines, and all dietary
9 supplements and nonprescription drugs as defined by the federal
10 Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq.

11 b. Prescription or legend drugs and hormonal replacement.

12 c. Hot or cold hydrotherapy, naturopathic physical medicine,
13 and therapeutic exercise.

14 d. Devices, including but not limited to therapeutic
15 devices, barrier contraception, and durable medical equipment.

16 e. Health education and health counseling.

17 f. Repair and care incidental to superficial lacerations and
18 abrasions.

19 g. Removal of foreign bodies located in the superficial
20 tissues.

21 h. Musculoskeletal manipulation consistent with
22 naturopathic education and training.

23 4. Utilize routes of administration that include oral,
24 nasal, auricular, ocular, rectal, vaginal, transdermal,
25 intradermal, subcutaneous, intravenous, and intramuscular
26 consistent with the education and training of a naturopathic
27 physician.

28 5. Perform all therapies as trained and educated, which are
29 approved by the naturopathic advisory council.

30 Sec. 14. NEW SECTION. **148G.8 Prohibitions.**

31 A naturopathic physician licensed under this chapter shall
32 not do any of the following:

33 1. Perform or induce abortions.

34 2. Perform surgical procedures except those minor office
35 procedures authorized by this chapter.



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1 3. Practice or claim to practice as a medical or osteopathic
2 physician, dentist, pharmacist, podiatrist, optometrist,
3 psychologist, advanced practice registered nurse, physician
4 assistant, chiropractor, physical therapist, acupuncturist, or
5 any other health care provider not authorized in this chapter
6 unless licensed by the state of Iowa as such.

7 4. Use general or spinal anesthetics.

8 5. Administer ionizing radioactive substances for
9 therapeutic purposes.

10 6. Administer or prescribe chemotherapeutic medications for
11 the purpose of cancer treatment.

12 7. Perform surgical procedures of the eye, ear, nerves,
13 veins, or arteries extending beyond superficial tissue.

14 Sec. 15. NEW SECTION. 148G.9 Exemptions.

15 Nothing in this chapter shall be construed to prohibit or
16 restrict:

17 1. The practice of a profession by an individual who is
18 licensed, certified, or registered under another law of this
19 state who is performing services within the individual's
20 authorized scope of practice.

21 2. The practice of naturopathic medicine by an individual
22 employed by the government of the United States while the
23 individual is engaged in the performance of duties prescribed
24 by the laws and regulations of the United States.

25 3. The practice of naturopathic medicine by students
26 enrolled in an approved naturopathic medical program. The
27 performance of services shall be pursuant to a course of
28 instruction or assignments from an instructor and under the
29 supervision of the instructor. The instructor shall be a
30 naturopathic physician licensed pursuant to this chapter or a
31 duly licensed professional in the instructed field.

32 4. Persons from treating themselves and family members
33 based on religious or health beliefs.

34 5. Persons who sell vitamins and herbs from providing
35 information about their products.



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1 Naturopathic medicine includes the use of physiological,
 2 psychological, or mechanical methods, and the use of natural
 3 medicines, prescription or legend drugs, foods, herbs, or
 4 other natural remedies. The bill specifies qualifications
 5 for licensure and the scope of practice for a naturopathic
 6 physician, and details functions that a naturopathic physician
 7 may not perform.

8 The practice of naturopathic medicine is regulated by the
 9 board of medicine, with the advice of a naturopathic advisory
 10 council. The council consists of seven members, four of
 11 whom are naturopathic physicians, one medical or osteopathic
 12 physician, a pharmacist, and one member representing the
 13 general public. The council does not receive a per diem or
 14 expenses.

15 The bill provides that qualified members of other
 16 professions, including physicians and nurses, are not prevented
 17 from providing services consistent with naturopathic medicine,
 18 but these persons shall not use a title or description denoting
 19 that they are naturopathic physicians. The bill sets out these
 20 titles.

21 The bill provides for inclusion of licensed naturopathic
 22 physicians in the AMANDA system. This system is a network
 23 disk archiver system currently used by the boards of nursing,
 24 dentistry, and medicine.

25 Code section 422.7(27) provides an income tax exemption for
 26 payments received by an individual providing unskilled in-home
 27 health-related care services to a member of the individual
 28 caregiver's family. This exemption is not available to health
 29 care professionals licensed by the board of medicine. Under
 30 the bill, naturopathic physicians are to be licensed by the
 31 board of medicine, making them ineligible for this exemption.



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Senate Study Bill 3140 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

- 1 An Act relating to certain state and local government
- 2 activities related to vehicle registrations and levee and
- 3 drainage districts.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 321.46, subsection 3, the county treasurer shall issue to the
2 person a certificate of title for the vehicle. After the
3 expiration of the fourteen-day period, a county treasurer shall
4 not issue a certificate of title for a junked vehicle for which
5 a junking certificate is issued. The county treasurer shall
6 cancel the record of the vehicle and forward the certificate of
7 title to the department.

8 Sec. 4. Section 321.126, subsection 1, paragraph f,
9 unnumbered paragraph 1, Code 2014, is amended to read as
10 follows:

11 If a vehicle is sold or junked, the owner in whose name the
12 vehicle was registered may make claim to the county treasurer
13 or department for a refund of the sold or junked vehicle's
14 annual registration fee. Also if the owner of a vehicle or the
15 owner's spouse receives a vehicle registration fee credit under
16 section 321.46, subsection 3, and the credit allowed exceeds
17 the amount of the annual registration fee for the vehicle
18 acquired, the owner or the owner's spouse may claim a refund
19 for the balance of the credit. The refund is subject to the
20 following limitations:

21 Sec. 5. Section 321.126, subsection 1, paragraph f,
22 subparagraph (1), Code 2014, is amended to read as follows:

23 (1) If a vehicle registration fee credit has not been
24 received by the owner of the vehicle or the owner's spouse
25 under section 321.46, subsection 3, the refund shall be
26 computed on the basis of the number of unexpired months
27 remaining in the registration year at the time the vehicle was
28 sold or junked. The refund shall be rounded to the nearest
29 whole dollar. Section 321.127, subsection 1, does not apply.

DIVISION II

TRAILER REGISTRATION

32 Sec. 6. Section 321.105A, subsection 2, paragraph c,
33 subparagraph (6), Code 2014, is amended to read as follows:

34 (6) Vehicles subject to registration in any state when
35 purchased for rental or registered and titled by a motor



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1 vehicle dealer licensed pursuant to chapter 322 for rental use,
2 and held for rental for a period of one hundred twenty days or
3 more and actually rented for periods of sixty days or less by a
4 person regularly engaged in the business of renting vehicles,
5 including but not limited to motor vehicle dealers licensed
6 pursuant to chapter 322 who rent automobiles to users, if the
7 rental of the vehicles is subject to taxation under chapter
8 423C, or persons who rent trailers to users if the rental of
9 the trailers is subject to taxation under chapter 423.

10

DIVISION III

11

LEVEE AND DRAINAGE DISTRICTS

12

Sec. 7. Section 331.552, subsection 35, Code 2014, is

13

amended to read as follows:

14

35. a. Destroy special assessment records required by
15 section 445.11 within the county system after ten years have
16 elapsed from the end of the fiscal year in which the special
17 assessment was paid in full. The county treasurer shall
18 also destroy the resolution of necessity, plat, and schedule
19 of assessments required by section 384.51 after ten years
20 have elapsed from the end of the fiscal year in which the
21 entire schedule was paid in full. This subsection applies to
22 documents described in this subsection that are in existence
23 before, on, or after July 1, 2003.

24

b. Destroy assessment records required by chapter 468 within
25 the county system after ten years have elapsed from the end of
26 the fiscal year in which the assessment was paid in full. The
27 county treasurer shall also destroy the accompanying documents
28 including any resolutions, plats, or schedule of assessments
29 after ten years have elapsed from the end of the fiscal year in
30 which the entire schedule was paid in full. This subsection
31 applies to documents described in this subsection that are in
32 existence before, on, or after July 1, 2014.

33

Sec. 8. Section 468.50, Code 2014, is amended to read as
34 follows:

35

468.50 Levy — interest.



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1 after the expiration of such time no assessments may be paid
2 except in the manner and at the times fixed by the board in the
3 resolution authorizing the issuance of said drainage refunding
4 bonds.

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 relates to certain state and local government
9 activities related to vehicle registrations and levee and
10 drainage districts.

11 Under current law, an annual registration fee credit granted
12 to the owner of a vehicle that has been sold, traded, or junked
13 may only be claimed by that person. Division I of the bill
14 provides that a vehicle registration credit may also be claimed
15 by the owner's spouse. The bill makes corresponding changes
16 to other provisions of law to reflect the authorization of the
17 owner's spouse to claim the vehicle registration credit.

18 Current Code section 321.105A(3)(c) establishes exemptions
19 from the fee for new registration of a vehicle. Division II of
20 the bill exempts vehicles subject to registration in any state
21 when purchased for rental by persons who rent vehicles that are
22 trailers to users, and if the rental of the trailers is subject
23 to taxation under Code chapter 423.

24 Division III of the bill authorizes the county treasurer
25 to destroy assessment records required by Code chapter 468
26 within the county system after 10 years have elapsed from the
27 end of the fiscal year in which the assessment was paid in
28 full. The bill also directs the county treasurer to destroy
29 the accompanying documents including any resolutions, plats,
30 or schedule of assessments after 10 years have elapsed from
31 the end of the fiscal year in which the entire schedule was
32 paid in full. The county treasurer's authority to destroy the
33 records and accompanying documents applies to those records and
34 documents that are in existence before, on, or after July 1,
35 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 03, 2014

S.F. _____

1 The bill strikes a provision in Code section 468.82
2 requiring that all levee and drainage district assessments of
3 \$20 and less be paid in cash. The bill also strikes the words
4 "in cash" from a provision that allows the board of supervisors
5 to fix a time within which all assessments in excess of \$100
6 may be paid. The bill makes corresponding changes to other
7 provisions of Code chapter 468.