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House File 2110 - Introduced

HOUSE FILE 2110  
BY KLEIN

A BILL FOR

- 1 An Act providing for certification requirements for persons
- 2 actively involved in the operation of a commercial manure
- 3 service.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5644YH (2) 85  
da/nh



**Iowa General Assembly  
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H.F. 2110

1 Section 1. Section 459.315, subsection 2, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. A person required to be certified as a commercial manure  
4 service representative must be certified by the department  
5 each year. The person shall be certified after completing  
6 an educational program which shall consist of an examination  
7 required to be passed by the person or ~~three~~ two hours of  
8 continuing instructional courses which the person must attend  
9 each year in lieu of passing the examination.

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 BILL'S PROVISIONS. This bill reduces from three to two  
14 the number of hours of continuing education that a commercial  
15 manure service representative must attend in lieu of passing  
16 an examination, in order to be certified by the department of  
17 natural resources (DNR). The continuing education hours would  
18 equal the number of hours of required attendance by confinement  
19 site manure applicators.

20 BACKGROUND. The provision amended by the bill (Code section  
21 459.315) is part of the "Animal Agriculture Compliance Act"  
22 (Code section 459.101). There are two classes of persons  
23 required to be certified in order to manage manure: (1)  
24 persons associated with a service engaged in the business of  
25 transporting, handling, storing, or applying manure, and (2)  
26 persons involved in livestock production and specifically  
27 confinement feeding operations who are engaged in the  
28 application of manure originating from their operations (see  
29 Code section 459.102 defining a "commercial manure service  
30 representative" and "confinement site manure applicator").  
31 In both cases, the person must either pass an examination or  
32 annually attend a designated number of continuing instruction  
33 courses. A commercial manure service representative is  
34 required to attend three hours and a confinement site  
35 manure applicator is required to attend two hours. The Iowa

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1 cooperative extension service in agriculture and home economics  
2 of Iowa state university of science and technology cooperates  
3 in administering the continuing instruction courses.



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House File 2111 - Introduced

HOUSE FILE 2111  
BY HESS

A BILL FOR

- 1 An Act providing an exemption from usury provisions for
- 2 pawnbrokers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5200YH (3) 85  
rn/nh



**Iowa General Assembly  
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H.F. 2111

1 Section 1. Section 535.2, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 8. *a.* This section does not apply to  
4 pawnbroking transactions made by a pawnbroker in a pawn store.  
5 *b.* For the purposes of this subsection:

6 (1) "*Pawnbroker*" means any person authorized by law to  
7 engage in the business of conducting pawnbroking transactions.  
8 "*Pawnbroker*" does not include any bank regulated by this state,  
9 the comptroller of the currency of the United States, the  
10 federal deposit insurance corporation, the board of governors  
11 of the federal reserve system, or any other federal or state  
12 authority or their affiliates; any bank or savings association  
13 whose deposits or accounts are eligible for insurance by the  
14 federal deposit insurance corporation or any successor thereto  
15 or an affiliate of such bank or savings association; any state  
16 or federally chartered credit union; or any industrial loan or  
17 thrift company or regulated lender subject to licensing and  
18 regulation by the department of commerce.

19 (2) "*Pawnbroking transaction*" means any loan on the security  
20 of pledged goods or any purchase of pledged goods on the  
21 condition that the pledged goods are left with the pawnbroker  
22 and may be redeemed or repurchased by the seller for a fixed  
23 price within a fixed period of time.

24 (3) "*Pawn store*" means the location at which or premises on  
25 which a pawnbroker regularly conducts pawnbroking transactions.

26 (4) "*Person*" means an individual, partnership, corporation,  
27 limited liability company, joint venture, trust, association,  
28 or any other legal entity, however organized.

29 (5) "*Pledged goods*" means tangible personal property  
30 other than securities, bank drafts, or printed evidence  
31 of indebtedness, that are purchased by, deposited with,  
32 or otherwise actually delivered into the possession of a  
33 pawnbroker in connection with a pawnbroking transaction.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

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Iowa General Assembly  
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H.F. 2111

1 the explanation's substance by the members of the general assembly.

2 This bill provides an exemption from usury provisions for  
3 pawnbrokers.

4 Currently, Code section 535.2 specifies that the maximum  
5 lawful rate of interest which may be provided for in any  
6 written agreement for the payment of interest is limited to two  
7 percentage points above the monthly average 10-year constant  
8 maturity interest rate of United States government notes and  
9 bonds as published by the board of governors of the federal  
10 reserve system for the calendar month second preceding the  
11 month during which the maximum rate based thereon will be  
12 effective, rounded to the nearest one-fourth of one percent  
13 per year. The bill exempts pawnbroking transactions made by a  
14 pawnbroker in a pawn store from this limitation.

15 The bill provides several definitions relating to this  
16 exemption. The bill defines a "pawnbroker" to mean any  
17 person who engages in the business of conducting pawnbroking  
18 transactions. The bill specifies a list of entities which  
19 are not included in the definition of "pawnbroker". The  
20 bill defines "pawn store" to mean the location at which or  
21 premises on which a pawnbroker regularly conducts pawnbroking  
22 transactions. The bill defines a "pawnbroking transaction"  
23 to mean any loan on the security of pledged goods or any  
24 purchase of pledged goods on the condition that the pledged  
25 goods are left with the pawnbroker and may be redeemed or  
26 repurchased by the seller for a fixed price within a fixed  
27 period of time. Finally, the bill defines "pledged goods" to  
28 mean tangible personal property other than securities, bank  
29 drafts, or printed evidence of indebtedness, that are purchased  
30 by, deposited with, or otherwise actually delivered into the  
31 possession of a pawnbroker in connection with a pawnbroking  
32 transaction.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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House File 2112 - Introduced

HOUSE FILE 2112  
BY KLEIN

A BILL FOR

- 1 An Act relating to certification requirements for persons
- 2 involved in the application of pesticides, and including
- 3 provisions for contingent implementation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5668YH (4) 85  
da/nh



**Iowa General Assembly  
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H.F. 2112

1 Section 1. Section 206.5, subsection 7, paragraph b, Code  
2 2014, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) The department shall provide that the  
4 instructional courses be made available via the department's  
5 internet site, the internet site of a person selected to teach  
6 the continuing instructional courses, or the internet site of  
7 the Iowa cooperative extension service in agriculture and home  
8 economics of Iowa state university of science and technology.

9 Sec. 2. CONTINGENT IMPLEMENTATION — FUTURE REPEAL. The  
10 department of agriculture and land stewardship shall implement  
11 section 206.5, subsection 7, paragraph "b", subparagraph (4),  
12 as enacted by this Act, as follows:

13 1. The department of agriculture and land stewardship shall  
14 establish and implement a development project to effectuate the  
15 provision if the general assembly appropriates moneys to the  
16 department in an amount sufficient to support the project. The  
17 department of natural resources shall assist the department  
18 of agriculture and land stewardship in the implementation.  
19 The department of agriculture and land stewardship shall  
20 complete the development project within twelve months after the  
21 effective date of the appropriation.

22 2. The department shall fully implement section 206.5,  
23 subsection 7, paragraph "b", subparagraph (4), as enacted by  
24 this Act, within twelve months after the development project is  
25 completed as provided in subsection 1.

26 3. If the general assembly does not appropriate moneys to  
27 the department of agriculture and land stewardship as provided  
28 in subsection 1, by July 1, 2019, section 206.5, subsection 7,  
29 paragraph "b", subparagraph (4), as enacted by this Act, is  
30 repealed on that date. The department shall notify the Code  
31 editor whether the conditions of this section have been met by  
32 July 1, 2019.

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.

LSB 5668YH (4) 85  
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H.F. 2112

1 BILL'S PROVISIONS. This bill allows a person who regularly  
2 applies pesticides to renew their certification issued by  
3 the department of agriculture and land stewardship (DALs) by  
4 completing the required hours of instructional courses via the  
5 internet. DALs is not required to implement the bill unless  
6 the general assembly appropriates moneys to the department in  
7 an amount sufficient to support a development project for its  
8 full implementation. This contingent provision is repealed if  
9 DALs is not appropriated the necessary amount by July 1, 2019.

10 BACKGROUND. The provision amended by the bill (Code  
11 section 206.5) is part of the "Pesticide Act of Iowa" (Code  
12 section 206.1). There are three classes of persons required  
13 to be certified in order to apply pesticides: (1) a private  
14 applicator who applies a restricted use pesticide on their own  
15 farmland or on another's farmland in return for services, (2) a  
16 commercial applicator who applies pesticides on someone else's  
17 property, and (3) a public applicator who applies pesticides  
18 as part of employment by the state or local government (Code  
19 section 206.2). In order to be initially certified, the  
20 applicator must pass an examination, and to be recertified, the  
21 applicator must either pass an examination every third year or  
22 attend two hours of continuing instructional courses every year  
23 (Code section 206.5). The Iowa cooperative extension service  
24 in agriculture and home economics of Iowa state university  
25 of science and technology cooperates in administering the  
26 continuing instructional courses.



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House File 2113 - Introduced

HOUSE FILE 2113

BY SHAW, HEARTSILL, ALONS,  
SHEETS, DOLECHECK, LOFGREN,  
FISHER, GASSMAN, SALMON,  
SCHULTZ, and GUSTAFSON

A BILL FOR

1 An Act relating to the justifiable use of reasonable force and  
2 providing a remedy.

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

TLSB 5629YH (3) 85  
jm/rj



**Iowa General Assembly  
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H.F. 2113

1 Section 1. Section 704.1, Code 2014, is amended to read as  
2 follows:

3 **704.1 Reasonable force.**

4 1. "Reasonable force" is means that force and no more which  
5 a reasonable person, in like circumstances, would judge to  
6 be necessary to prevent an injury or loss and can include  
7 deadly force if it is reasonable to believe that such force is  
8 necessary to avoid injury or risk to one's life or safety or  
9 the life or safety of another, or it is reasonable to believe  
10 that such force is necessary to resist alike force or threat.

11 2. Reasonable force, including deadly force, may be used  
12 even if an alternative course of action is available if the  
13 alternative entails a risk to life or safety, or the life or  
14 safety of a third party, ~~or requires one to abandon or retreat~~  
15 ~~from one's dwelling or place of business or employment.~~

16 3. A person may be wrong in the estimation of the danger or  
17 the force necessary to repel the danger as long as there is a  
18 reasonable basis for the belief of the person and the person  
19 acts reasonably in the response to that belief.

20 4. A person who is not engaged in illegal activity has no  
21 duty to retreat from any place where the person is lawfully  
22 present before using force as specified in this chapter.  
23 A finder of fact shall not be permitted to consider the  
24 possibility of retreat as a factor in determining whether or  
25 not a person who used force reasonably believed that the force  
26 was necessary to prevent injury, loss, or risk to life or  
27 safety.

28 Sec. 2. Section 704.2, Code 2014, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 1A. A threat to cause serious injury  
31 or death, by the production, display, or brandishing of a  
32 deadly weapon, is not deadly force, as long as the actions of  
33 the person are limited to creating an expectation that the  
34 person may use deadly force to defend oneself, another, or as  
35 otherwise authorized by law.



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H.F. 2113

1     Sec. 3. NEW SECTION. 704.2A Justifiable use of deadly  
2 force.

3     1. For purposes of this chapter, a person is presumed to  
4 reasonably believe that deadly force is necessary to avoid  
5 injury or risk to one's life or safety or the life or safety of  
6 another in either of the following circumstances:

7     a. The person against whom force is used, at the time the  
8 force is used, is doing any of the following:

9         (1) Unlawfully entering by force or stealth, or has  
10 unlawfully entered by force or stealth and remains within the  
11 dwelling, place of business or employment, or occupied vehicle  
12 of the person using force.

13         (2) Unlawfully removing or is attempting to unlawfully  
14 remove another person against the other person's will from the  
15 dwelling, place of business or employment, or occupied vehicle  
16 of the person using force.

17     b. The person using force knows or has reason to believe  
18 that any of the conditions set forth in paragraph "a" are  
19 occurring or have occurred.

20     2. The presumption set forth in subsection 1 does not  
21 apply if, at the time force is used, any of the following  
22 circumstances are present:

23     a. The person using defensive force is engaged in a  
24 criminal offense, is attempting to escape from the scene of a  
25 criminal offense that the person has committed, or is using the  
26 dwelling, place of business or employment, or occupied vehicle  
27 to further a criminal offense.

28     b. The person sought to be removed is a child or grandchild  
29 or is otherwise in the lawful custody or under the lawful  
30 guardianship of the person against whom force is used.

31     c. The person against whom force is used is a peace officer  
32 who has entered or is attempting to enter a dwelling, place  
33 of business or employment, or occupied vehicle in the lawful  
34 performance of the peace officer's official duties, and the  
35 person using force knows or reasonably should know that the

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1 person who has entered or is attempting to enter is a peace  
2 officer.

3 *d.* The person against whom the force is used has the right  
4 to be in, or is a lawful resident of, the dwelling, place of  
5 business or employment, or occupied vehicle of the person using  
6 force, and a protective or no-contact order is not in effect  
7 against the person against whom the force is used.

8 Sec. 4. Section 704.3, Code 2014, is amended to read as  
9 follows:

10 **704.3 Defense of self or another.**

11 A person is justified in the use of reasonable force when  
12 the person reasonably believes that such force is necessary to  
13 defend oneself or another from any actual or imminent use of  
14 unlawful force.

15 Sec. 5. NEW SECTION. **704.4A Immunity for justifiable use of**  
16 **force.**

17 1. As used in this section, "*criminal prosecution*" means  
18 arrest, detention, charging, or prosecution.

19 2. A person who uses reasonable force pursuant to this  
20 chapter shall be immune from any criminal prosecution or civil  
21 action for using such force.

22 3. A law enforcement agency may use standard investigating  
23 procedures for investigating the use of force, but the law  
24 enforcement agency shall not arrest a person for using force  
25 unless the law enforcement agency determines there is probable  
26 cause that the force was unlawful under this chapter.

27 4. The court shall award reasonable attorney fees, court  
28 costs, compensation for loss of income, and all expenses  
29 incurred by the defendant in defense of any civil action  
30 brought by the plaintiff if the court finds that the defendant  
31 is immune from prosecution as provided in subsection 2.

32 Sec. 6. Section 704.7, Code 2014, is amended to read as  
33 follows:

34 **704.7 Resisting forcible violent felony.**

35 1. As used in this section, "*violent felony*" means any





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1 prevent injury, loss, or risk to life or safety.

2 The bill provides that a threat to cause serious injury  
3 or death by the production, display, or brandishing of a  
4 deadly weapon, is not deadly force, as long as the actions of  
5 the person are limited to creating an expectation that the  
6 person may use deadly force to defend oneself, another, or as  
7 otherwise authorized by law.

8 The bill creates presumptions for the justifiable use of  
9 deadly force in certain circumstances.

10 Under the bill, a person is presumed to be justified in  
11 using deadly force if the person reasonably believes that  
12 deadly force is necessary to avoid injury or risk to one's  
13 life or safety or the life or safety of another under the  
14 following circumstances: the person against whom force is used  
15 is unlawfully entering by force or stealth, or has unlawfully  
16 entered by force or stealth and remains within a dwelling,  
17 place of business or employment, or occupied vehicle of the  
18 person using force; or the person against whom force is used  
19 is unlawfully removing or attempting to remove another person  
20 against the other person's will from a dwelling, place of  
21 business or employment, or occupied vehicle of the person using  
22 force. In addition, the person using force must know or have  
23 reason to believe that the aforementioned circumstances are  
24 occurring or have occurred.

25 The presumption of the use of justifiable deadly force  
26 under the bill does not apply at the time force is used in the  
27 following circumstances: the person using defensive force is  
28 engaged in a criminal offense or activity; the person sought  
29 to be removed is a child or grandchild or is otherwise in the  
30 lawful custody of the person against whom force is used; the  
31 person against whom force is used is a peace officer who has  
32 entered or is attempting to enter a dwelling, place of business  
33 or employment, or occupied vehicle in the lawful performance  
34 of the peace officer's official duties, and the person using  
35 force knows or reasonably should know that the person who has

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1 entered or is attempting to enter is a peace officer; or the  
2 person against whom force is used has the right to be in, or  
3 is a lawful resident of, the dwelling, place of business or  
4 employment, or occupied vehicle of the person using force, and  
5 a protective or no-contact order is not in effect against the  
6 person against whom the force is used.

7 The bill provides that a person is justified in the use of  
8 reasonable force when the person reasonably believes that such  
9 force is necessary to defend oneself or another from any actual  
10 as well as imminent use of unlawful force.

11 The bill also provides that a person who uses reasonable  
12 force shall be immune from any criminal prosecution or civil  
13 action for using such force.

14 Under the bill, a law enforcement agency shall not arrest a  
15 person for using force unless it determines there is probable  
16 cause that the force was unlawful under Code chapter 704.

17 The bill also provides that if a defendant is sued by a  
18 plaintiff for using reasonable force, the court shall award the  
19 defendant reasonable attorney fees, court costs, compensation  
20 for loss of income, and expenses if the court finds the  
21 defendant is immune from prosecution.

22 The bill also provides that a person who reasonably  
23 believes that a violent felony is being or will imminently be  
24 perpetrated is justified in using reasonable force, including  
25 deadly force, against a perpetrator to prevent or terminate the  
26 perpetration of that felony. The bill defines "violent felony"  
27 to mean any felonious assault, murder, violent or forced sexual  
28 abuse, kidnapping, robbery, arson, or burglary.



Iowa General Assembly  
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House File 2114 - Introduced

HOUSE FILE 2114  
BY SHAW

A BILL FOR

- 1 An Act relating to the murder of a peace officer, reserve peace
- 2 officer, correctional officer, jailer, public employee, or
- 3 hostage, and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5151YH (3) 85  
jm/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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H.F. 2114

1 Section 1. Section 707.2, subsection 1, paragraph d, Code  
2 2014, is amended to read as follows:

3 ~~d. The person intentionally kills a peace officer,~~  
4 ~~correctional officer, public employee, or hostage while the~~  
5 ~~person is imprisoned in a correctional institution under the~~  
6 ~~jurisdiction of the Iowa department of corrections, or in a~~  
7 ~~city or county jail~~ or reserve peace officer when the officer  
8 is in the performance of any act which is within the scope of  
9 the lawful duty or authority of that officer and the person  
10 knew or should have known the individual to be an officer.

11 Sec. 2. Section 707.2, Code 2014, is amended by adding the  
12 following new paragraph:

13 NEW PARAGRAPH. g. The person intentionally kills a  
14 correctional officer, jailer, public employee, or hostage while  
15 the person is imprisoned in a correctional institution under  
16 the jurisdiction of the Iowa department of corrections, or in  
17 a city or county jail.

18 Sec. 3. Section 707.3, subsection 1, Code 2014, is amended  
19 to read as follows:

20 1. a. A person commits murder in the second degree when the  
21 person commits murder which is not murder in the first degree.

22 b. Murder in the second degree is a class "A" felony in the  
23 following circumstances:

24 (1) The person kills a peace officer or reserve peace  
25 officer when the officer is in the performance of any act which  
26 is within the scope of the lawful duty or authority of that  
27 officer and the person knew or should have known the individual  
28 to be an officer.

29 (2) The person kills a correctional officer, jailer,  
30 public employee, or hostage while the person is imprisoned in  
31 a correctional institution under the jurisdiction of the Iowa  
32 department of corrections, or in a city or county jail.

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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jm/rj

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H.F. 2114

1 This bill specifies that murder in the first degree includes  
2 the intentional killing of a peace officer or reserve peace  
3 officer when the officer is in the performance of any act which  
4 is within the scope of the lawful duty or authority of that  
5 officer and the person knew or should have known the individual  
6 to be an officer. The bill further specifies that murder in  
7 the first degree includes the intentional killing of a jailer  
8 while the killer is incarcerated in a city or county jail.

9 Under current law, murder in the first degree includes the  
10 intentional killing of a peace officer, correctional officer,  
11 public employee, or hostage while the person is imprisoned in  
12 a correctional institution under the jurisdiction of the Iowa  
13 department of corrections, or in a city or county jail.

14 Murder in the first degree is a class "A" felony.

15 The bill specifies that murder in the second degree is a  
16 class "A" felony if the person kills a peace officer or reserve  
17 peace officer when the officer is in the performance of any  
18 act which is within the scope of the lawful duty or authority  
19 of that officer and the person knew or should have known  
20 the individual to be an officer. The bill further specifies  
21 that murder in the second degree is a class "A" felony if the  
22 person kills a correctional officer, jailer, public employee,  
23 or hostage while the person is imprisoned in a correctional  
24 institution under the jurisdiction of the Iowa department  
25 of corrections, or in a city or county jail. Currently, a  
26 conviction for any murder in the second degree is a class "B"  
27 felony subject to a maximum term of confinement of 50 years  
28 and is classified as a 70 percent sentence under Code section  
29 902.12.



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House File 2115 - Introduced

HOUSE FILE 2115  
BY STAED, MASCHER, M. SMITH,  
ABDUL-SAMAD, BERRY,  
WINCKLER, STECKMAN, GAINES,  
THEDE, ANDERSON, WOLFE,  
OURTH, and BEARINGER

A BILL FOR

1 An Act relating to the privacy of a victim of sexual related  
2 crimes.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5179YH (3) 85  
jm/rj



**Iowa General Assembly  
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H.F. 2115

1 Section 1. Section 915.36, subsections 1 and 2, Code 2014,  
2 are amended to read as follows:

3 1. a. Prior to an arrest or the filing of an information  
4 or indictment, whichever occurs first, against a person  
5 charged with a violation of chapter 709, section 726.2, or  
6 section 728.12, committed with or on a child, as defined in  
7 section 702.5, the identity of the child or any information  
8 reasonably likely to disclose the identity of the child shall  
9 not be released to the public by any public employee except as  
10 authorized by the court of jurisdiction.

11 b. Prior to an arrest or the filing of an information or  
12 indictment, whichever occurs first, against a person charged  
13 with a violation of chapter 709, the identity of the victim or  
14 any information reasonably likely to disclose the identity of  
15 the victim shall not be released to the public by any public  
16 employee except as authorized by the court of jurisdiction.

17 2. In order to protect the welfare of the child or victim,  
18 the name of the child or victim and identifying biographical  
19 information shall not appear on the information or indictment  
20 or any other public record. Instead, a nondescriptive  
21 designation shall appear on all public records. The nonpublic  
22 records containing the child's or victim's name and identifying  
23 biographical information shall be kept by the court. This  
24 subsection does not apply to the release of information to  
25 an accused or accused's counsel; however, the use or release  
26 of this information by the accused or accused's counsel for  
27 purposes other than the preparation of defense constitutes  
28 contempt.

29 EXPLANATION

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

32 This bill relates to the privacy of a victim of sexual  
33 related crimes.

34 Under the bill, the identity of any victim of a criminal  
35 offense committed under Code chapter 709 (sexual abuse and

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-1-

jm/rj

1/2



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1 other sexual offenses) shall not be released to the public by  
2 any public employee except as authorized by the court prior  
3 to the arrest or the filing of an information or indictment,  
4 whichever occurs first.

5 The bill also provides that in order to protect the  
6 welfare of the victim, the name of the victim and identifying  
7 biographical information shall not appear on the information  
8 or indictment or any other public record. The bill further  
9 specifies a nondescriptive designation shall appear on all  
10 public records.

11 This bill does not apply to the release of information to  
12 a defendant or a defendant's attorney; however, the use or  
13 release of this information by the defendant or defendant's  
14 counsel for purposes other than the preparation of defense  
15 constitutes contempt.

16 A person who willfully violates the bill or who willfully  
17 neglects or refuses to obey a court order made pursuant to this  
18 bill commits contempt.

19 A release of information in violation of the bill does not  
20 bar prosecution or provide grounds for dismissal of criminal  
21 charges.



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House File 2116 - Introduced

HOUSE FILE 2116  
BY PETTENGILL

A BILL FOR

- 1 An Act prohibiting the disclosure of personal information
- 2     except under specified circumstances and providing
- 3     penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5508YH (6) 85  
rn/nh



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1 Section 1. **NEW SECTION. 715D.1 Definitions.**

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. *“Governmental agency”* means the same as defined in  
5 section 28J.1.

6 2. *“Person or entity”* means any individual; business  
7 entity; nonprofit organization; governmental agency; health  
8 care office, network, or organization; employer; pharmacist;  
9 religious organization; or any other individual or entity which  
10 is in possession of another individual’s personal information.

11 3. *“Personal information”* means the same as defined  
12 in section 715C.1. In addition, *“personal information”*  
13 includes any health or prescription-related information not  
14 otherwise protected from or subject to disclosure pursuant to  
15 state or federal law contained in an individual’s medical,  
16 pharmaceutical, or insurance-related information, applications,  
17 or records; and any work-related information including but not  
18 limited to an employees salary level and information contained  
19 in an employee’s personnel file. *“Personal information”* does  
20 not include information that is lawfully obtained from publicly  
21 available sources, or from federal, state, or local government  
22 records lawfully made available to the general public.

23 Sec. 2. **NEW SECTION. 715D.2 Personal information —**  
24 **disclosure limitations.**

25 Subject to the exceptions contained in section 715D.3,  
26 a person or entity shall not voluntarily or intentionally  
27 disclose an individual’s personal information without  
28 informing the individual of the intent to disclose the  
29 personal information, identifying the intended recipient of  
30 the information, indicating how the disclosed information is  
31 intended to be used, and obtaining the individual’s written  
32 consent to the disclosure.

33 Sec. 3. **NEW SECTION. 715D.3 Exceptions.**

34 The disclosure limitations specified in section 715D.2 shall  
35 not be applicable to the following:



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1     1. Elective participation in the Iowa health information  
2 network established pursuant to section 135.155A.

3     2. Disclosure of personal information which is subject to  
4 any provision of state or federal law which either supersedes  
5 or is more restrictive than the provisions of section 715D.2.

6     3. The breach of security provisions of chapter 715C.

7     4. Disclosure in response to a subpoena or court order  
8 issued pursuant to a civil or criminal investigation or  
9 proceeding.

10    Sec. 4. NEW SECTION. 715D.4 Rulemaking.

11    The attorney general shall adopt rules to administer and  
12 interpret this chapter.

13    Sec. 5. NEW SECTION. 715D.5 Unauthorized disclosure —  
14 penalties.

15    1. In the event of a disclosure of personal information  
16 in violation of this chapter, a person or entity shall notify  
17 the individual whose personal information was disclosed that  
18 the disclosure has occurred by certified mail return receipt  
19 requested within ten business days of the date the disclosure  
20 occurred. The notification shall identify, to the extent able  
21 to be determined, the person to whom the disclosure was made.

22    2. The person or entity shall be responsible for full  
23 restitution to an individual whose personal information was  
24 disclosed in violation of this chapter for any losses incurred  
25 resulting from the disclosure.

26    3. A violation of this chapter is punishable by a civil  
27 penalty not to exceed five thousand dollars.

28    Sec. 6. HEALTHCARE.GOV — DATA SECURITY STANDARDS AND  
29 PRACTICES. The attorney general shall coordinate with  
30 the department of public health, the department of human  
31 services, and the office of the chief information officer to  
32 determine whether and to what extent personal information  
33 disclosure requirements and safeguards developed by the  
34 centers for Medicare and Medicaid services of the United  
35 States department of health and human services in connection

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1 with the healthcare.gov internet site afford the citizens  
2 of this state adequate personal information safeguards and  
3 protection and reflect best practices for data security. Based  
4 on this determination, the attorney general shall develop  
5 recommendations and guidelines containing suggestions for  
6 utilizing the internet site and areas of concern identified  
7 concerning personal information data security by October 1,  
8 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 prohibits the disclosure of personal information  
13 except under specified circumstances.

14 The bill provides several definitions. The bill defines a  
15 "person or entity" to mean any individual; business entity;  
16 nonprofit organization; governmental agency; health care  
17 office, network, or organization; employer; pharmacist;  
18 religious organization; or any other individual or entity which  
19 is in possession of another individual's personal information.

20 The bill defines "personal information" to mean the same  
21 as defined in Code section 715C.1. That Code section defines  
22 "personal information" as an individual's first name or  
23 first initial and last name in combination with any one or  
24 more data elements that relate to the individual if any of  
25 the data elements are not encrypted, redacted, or otherwise  
26 altered by any method or technology in such a manner that  
27 the name or data elements are unreadable. The data elements  
28 include a social security number; driver's license number or  
29 other unique identification number created or collected by a  
30 government body; financial account number, credit card number,  
31 or debit card number in combination with any required security  
32 code, access code, or password that would permit access to an  
33 individual's financial account; unique electronic identifier  
34 or routing code in combination with any required security  
35 code, access code, or password that would permit access

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1 to an individual's financial account; and unique biometric  
2 data, such as a fingerprint, retina or iris image, or other  
3 unique physical representation or digital representation of  
4 biometric data. In addition, the bill provides that "personal  
5 information" includes any health or prescription-related  
6 information not otherwise protected from or subject to  
7 disclosure pursuant to state or federal law contained in an  
8 individual's medical, pharmaceutical, or insurance-related  
9 information, applications, and records; and any work-related  
10 information including but not limited to an employee's salary  
11 level and information contained in an employee's personnel  
12 file. The bill provides that "personal information" does not  
13 include information that is lawfully obtained from publicly  
14 available sources, or from federal, state, or local government  
15 records lawfully made available to the general public.

16 The bill references a definition of "governmental agency"  
17 contained in Code section 28J.1 as meaning a department,  
18 division, or other unit of state government of Iowa or any  
19 other state, city, county, township, or other governmental  
20 subdivision, or any other public corporation or agency created  
21 under the laws of Iowa, any other state, the United States, or  
22 any department or agency thereof, or any agency, commission,  
23 or authority established pursuant to an interstate compact or  
24 agreement or combination thereof.

25 The bill provides that a person or entity shall not  
26 voluntarily or intentionally disclose an individual's  
27 personal information without informing the individual of the  
28 intent to disclose the personal information, identifying the  
29 intended recipient of the information, indicating how the  
30 disclosed information is intended to be used, and obtaining  
31 the individual's written consent to the disclosure. The  
32 bill provides that this restriction does not apply to  
33 elective participation in the Iowa health information network  
34 established pursuant to Code section 135.155A, to disclosure of  
35 personal information which is subject to any provision of state



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1 or federal law which either supersedes or is more restrictive  
2 than the provisions of the bill, to the breach of security  
3 provisions of Code chapter 715C, or to disclosure in response  
4 to a subpoena or court order issued pursuant to a civil or  
5 criminal investigation or proceeding.

6 The bill directs the attorney general to adopt  
7 administrative rules to administer and interpret the bill's  
8 provisions.

9 The bill provides that in the event of a disclosure of  
10 personal information in violation of the bill's provisions, a  
11 person or entity shall notify the individual whose personal  
12 information was disclosed that the disclosure has occurred by  
13 certified mail return receipt requested within 10 business  
14 days of the date the disclosure occurred. The notification  
15 shall identify, to the extent able to be determined, the person  
16 to whom the disclosure was made. The person or entity shall  
17 be responsible for full restitution to an individual whose  
18 personal information was disclosed for any losses incurred  
19 resulting from the disclosure. Further, a violation of the  
20 bill's provisions is punishable by a civil penalty not to  
21 exceed \$5,000.

22 Finally, the bill directs the attorney general, in  
23 conjunction with the department of public health, the  
24 department of human services, and the office of the chief  
25 information officer, to determine whether and to what extent  
26 personal information disclosure requirements and safeguards  
27 developed by the centers for Medicare and Medicaid services of  
28 the United States department of health and human services in  
29 connection with the healthcare.gov internet site afford the  
30 citizens of this state adequate personal information safeguards  
31 and protection and reflect best practices for data security.  
32 Based on this determination, the bill requires the attorney  
33 general to develop recommendations containing suggestions for  
34 utilizing the internet site and areas of concern identified  
35 concerning personal information data security by October 1,



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1 2014.



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House File 2117 - Introduced

HOUSE FILE 2117  
BY HUNTER

A BILL FOR

- 1 An Act requiring certain new school buses to be equipped with
- 2 seat belts, requiring the use of such seat belts, and making
- 3 penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6023YH (1) 85  
dea/rj



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H.F. 2117

1 Section 1. Section 321.373, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 7A. A new school bus ordered for purchase  
4 on or after July 1, 2014, shall be equipped with safety  
5 belts and safety harnesses that conform with 49 C.F.R.  
6 §571.209-571.210 for every seating position.

7 Sec. 2. Section 321.445, subsection 2, paragraph b,  
8 subparagraph (4), Code 2014, is amended to read as follows:

9 (4) Passengers on a bus other than a school bus equipped  
10 with safety belts or safety harnesses pursuant to section  
11 321.373, subsection 7A.

12 Sec. 3. Section 321.446, subsections 1 and 2, Code 2014, are  
13 amended to read as follows:

14 1. a. A child under one year of age and weighing less  
15 than twenty pounds who is being transported in a motor  
16 vehicle subject to registration, except a ~~school bus or~~  
17 motorcycle, shall be secured during transit in a rear-facing  
18 child restraint system that is used in accordance with the  
19 manufacturer's instructions.

20 b. A child under six years of age who does not meet the  
21 description in paragraph "a" and who is being transported  
22 in a motor vehicle subject to registration, except a ~~school~~  
23 ~~bus or~~ motorcycle, shall be secured during transit by a  
24 child restraint system that is used in accordance with the  
25 manufacturer's instructions.

26 2. A child at least six years of age but under eighteen  
27 years of age who is being transported in a motor vehicle  
28 subject to registration, except a ~~school bus or~~ motorcycle,  
29 shall be secured during transit by a child restraint system  
30 that is used in accordance with the manufacturer's instructions  
31 or by a safety belt or safety harness of a type approved under  
32 section 321.445.

33 Sec. 4. Section 321.446, subsection 3, paragraph b, Code  
34 2014, is amended to read as follows:

35 b. The transportation of children in 1965 model year

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1 or older vehicles, authorized emergency vehicles, buses  
2 other than school buses, school buses which are not equipped  
3 with safety belts or safety harnesses pursuant to section  
4 321.373, subsection 7A, or motor homes, except when a child is  
5 transported in a motor home's passenger seat situated directly  
6 to the driver's right.

7 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
8 3, shall not apply to this Act.

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 requires that new school buses ordered for  
13 purchase on or after July 1, 2014, be equipped with safety  
14 belts and safety harnesses for every seating position. The  
15 bill also requires the use of such safety belts and safety  
16 harnesses by the driver and passengers on school buses so  
17 equipped. Current requirements for the use of child restraint  
18 systems for children under 18 years of age also apply for  
19 school buses equipped with safety belts and safety harnesses  
20 under the bill.

21 A violation of seat belt requirements is a scheduled  
22 violation subject to a fine of \$50. A violation of seat belt  
23 or restraint requirements for persons under 18 years of age is  
24 a scheduled violation subject to a fine of \$100. Seat belt and  
25 restraint violations are not a factor in establishing grounds  
26 for license suspension or identifying a person as a habitual  
27 violator.

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

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dea/rj



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House File 2118 - Introduced

HOUSE FILE 2118

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

A BILL FOR

1 An Act relating to local long-term care ombudsmen and providing  
2 an appropriation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5521HH (4) 85  
pf/nh



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H.F. 2118

1 Section 1. LOCAL LONG-TERM CARE OMBUDSMEN —  
2 APPROPRIATION. There is appropriated to the office of  
3 long-term care ombudsman from the general fund of the state for  
4 the fiscal year beginning July 1, 2014, and ending June 30,  
5 2015, the following amount or so much thereof as is necessary  
6 to be used for the purposes designated:

7 To provide two additional local long-term care ombudsmen  
8 including administrative support to fulfill the duties  
9 specified pursuant to section 231.42:  
10 ..... \$ 257,000

11 It is the intent of the general assembly that local long-term  
12 care ombudsmen protect residents and tenants of long-term care  
13 facilities from abuse, neglect, and financial exploitation;  
14 and focus on providing information and assistance to residents  
15 and tenants in understanding and maintaining their rights  
16 throughout the involuntary discharge process.

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 local long-term care ombudsmen. The  
21 bill makes an appropriation to the office of long-term care  
22 ombudsman from the general fund of the state for fiscal year  
23 2014-2015 to provide two additional local long-term care  
24 ombudsmen including administrative support to fulfill the  
25 duties of the local long-term care ombudsmen as specified  
26 by law, focusing on providing information and support to  
27 residents and tenants of long-term care facilities regarding  
28 the involuntary discharge process.



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House File 2119 - Introduced

HOUSE FILE 2119  
BY L. MILLER

A BILL FOR

- 1 An Act relating to certain costs under the statewide preschool
- 2 program for four-year-old children.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6001YH (2) 85  
jp/sc



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H.F. 2119

1 Section 1. Section 256C.4, subsection 1, paragraphs g and h,  
2 Code 2014, are amended to read as follows:

3 *g.* For the fiscal year beginning July 1, 2011, and each  
4 succeeding fiscal year, of the amount of preschool foundation  
5 aid received by a school district for a fiscal year in  
6 accordance with section 257.16, not more than ~~five~~ ten percent  
7 may be used by the school district for administering the  
8 district's approved local program.

9 *h.* For the fiscal year beginning July 1, 2012, and each  
10 succeeding fiscal year, of the amount of preschool foundation  
11 aid received by a school district for a fiscal year in  
12 accordance with section 257.16, not less than ~~ninety-five~~  
13 ninety percent of the per pupil amount shall be passed through  
14 to a community-based provider for each pupil enrolled in  
15 the district's approved local program. For the fiscal year  
16 beginning July 1, 2011, and each succeeding fiscal year,  
17 not more than ~~five~~ ten percent of the amount of preschool  
18 foundation aid passed through to a community-based provider  
19 may be used by the community-based provider for administrative  
20 costs.

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 relates to the amount of administrative costs  
25 allowed under the statewide preschool program for four-year-old  
26 children.

27 Under current law, for both a school district and a community  
28 provider under the program, the administrative costs allowed  
29 to be paid from state preschool foundation aid is limited to 5  
30 percent. The bill increases the limit to 10 percent.



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House File 2120 - Introduced

HOUSE FILE 2120

BY MASCHER, RUFF, HUNTER,  
STAED, JACOBY, KEARNS,  
STUTSMAN, LENSING, DUNKEL,  
ABDUL-SAMAD, COHOON,  
T. TAYLOR, HALL, MEYER,  
ISENHART, WOLFE, OURTH,  
BEARINGER, and OLDSO

A BILL FOR

1 An Act relating to the submission of a Medicaid state plan  
2 amendment for the provision of home and community-based  
3 services to elders.

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

TL5B 5142HH (4) 85  
pf/nh



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H.F. 2120

1 Section 1. MEDICAID — SECTION 1915(i) STATE PLAN  
 2 AMENDMENT — HOME AND COMMUNITY-BASED SERVICES FOR ELDERS. The  
 3 department of human services shall convene a workgroup of  
 4 stakeholders with interest or expertise in issues relating  
 5 to elders to develop a section 1915(i) medical assistance  
 6 program state plan amendment in accordance with section  
 7 2402 of the federal Patient Protection and Affordable Care  
 8 Act to cover home and community-based services for eligible  
 9 elders 65 years of age or older. The workgroup shall make  
 10 recommendations on or before September 1, 2014, relating to  
 11 financial eligibility; benefits, including whether individuals  
 12 receiving 1915(i) services should be eligible for full Medicaid  
 13 benefits; available services; and the needs-based level of  
 14 care criteria for determination of eligibility under the state  
 15 plan amendment. The recommendations of the workgroup shall be  
 16 incorporated into a 1915(i) state plan amendment and submitted  
 17 by the department of human services to the centers for Medicare  
 18 and Medicaid services of the United States department of health  
 19 and human services for approval.

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 directs the department of human services (DHS)  
 24 to convene a workgroup of stakeholders with interest or  
 25 expertise in issues relating to elders to develop a section  
 26 1915(i) Medicaid state plan amendment to provide home and  
 27 community-based services (HCBS) to eligible elders. The  
 28 workgroup is directed to make recommendations on or before  
 29 September 1, 2014, relating to financial eligibility; benefits,  
 30 including whether individuals receiving 1915(i) services should  
 31 be eligible for full Medicaid benefits; available services; and  
 32 the needs-based level of care criteria for determination of  
 33 eligibility under the state plan amendment. The bill directs  
 34 DHS to incorporate the recommendations of the workgroup into  
 35 a state plan amendment to be submitted to the centers for

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H.F. 2120

1 Medicare and Medicaid services of the United States department  
2 of health and human services for approval.

3 The 1915(i) state plan amendment option under the federal  
4 Patient Protection and Affordable Care Act (ACA) allows states  
5 to provide HCBS to eligible individuals without requiring  
6 the individuals to meet the institutional level of care  
7 criteria. Rather, an individual must meet a needs-based  
8 criteria specified by the state that is less restrictive  
9 than the state's institutional level of care criteria. The  
10 ACA provision also allows states to expand the scope of  
11 allowable services; allows states to provide a specific set  
12 of HCBS benefits to a targeted population group; allows the  
13 use of increased income eligibility up to 300 percent of the  
14 supplemental security income (SSI) federal benefit level; and  
15 allows states to provide full Medicaid state plan benefits to  
16 those eligible for the 1915(i) HCBS option. Because the HCBS  
17 option is based on a state plan amendment rather than a waiver,  
18 the HCBS must be offered to all eligible individuals on a  
19 statewide basis. The state cannot limit the number of eligible  
20 individuals, establish a waiting list for these individuals, or  
21 limit services to only specified areas of the state.



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House File 2121 - Introduced

HOUSE FILE 2121

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

A BILL FOR

1 An Act relating to the reimbursement of providers of home and  
2 community-based services waiver services.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5515HH (5) 85  
pf/nh



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H.F. 2121

1 Section 1. 2013 Iowa Acts, chapter 138, section 159,  
2 subsection 1, paragraph p, is amended to read as follows:  
3 p. For the fiscal year beginning July 1, 2014, the upper  
4 limits on reimbursement rates for providers of home and  
5 community-based services waiver services shall be the limits in  
6 effect on June 30, 2014, increased by 3 percent.

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 provides that for FY 2014-2015, the upper limits on  
11 reimbursement rates for providers of home and community-based  
12 services waiver services are the limits in effect on June 30,  
13 2014, increased by 3 percent.



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House File 2122 - Introduced

HOUSE FILE 2122

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

A BILL FOR

- 1 An Act relating to elderly persons with aggressive or
- 2 psychiatric behaviors in long-term care facilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5522HH (3) 85  
ad/nh



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H.F. 2122

1 Section 1. FACILITY FOR ELDERLY PERSONS WITH AGGRESSIVE OR  
2 PSYCHIATRIC BEHAVIORS — COMMITTEE — REPORT.

3 1. The department of inspections and appeals, in  
4 conjunction with the department of human services, shall  
5 establish and facilitate a committee of stakeholders to examine  
6 options for designating a facility to provide care for elderly  
7 persons in this state who are sexually aggressive, combative,  
8 or have unmet geropsychiatric needs.

9 2. The membership of the committee shall include but is not  
10 limited to the following:

11 a. Representatives of the departments of inspections and  
12 appeals, human services, public health, and aging, the state  
13 public defender, the office of ombudsman, the office of the  
14 state long-term care ombudsman, and the judicial branch.

15 b. Consumers of services provided by long-term care  
16 facilities and family members of consumers.

17 c. Long-term care facility administrators or owners.

18 d. Direct care workers employed by long-term care  
19 facilities.

20 e. Representatives from Iowa legal aid.

21 f. Representatives from AARP Iowa.

22 g. Representatives from the Iowa civil liberties union.

23 h. Other stakeholders as the department of inspections and  
24 appeals and the department of human services deem appropriate.

25 3. The committee shall discuss whether a long-term care  
26 facility, as defined in section 142D.2, should have the  
27 ability to refuse admission to, or discharge, residents who are  
28 sexually aggressive, combative, or have unmet geropsychiatric  
29 needs. The committee shall consider options for establishment  
30 of a facility to provide care for persons who are sexually  
31 aggressive, combative, or have unmet geropsychiatric needs.  
32 The committee shall identify the characteristics of residents  
33 for such a facility, options for creating a new facility to  
34 house such residents, options for the expansion of an existing  
35 facility to house such residents, options for using any

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House File 2123 - Introduced

HOUSE FILE 2123  
BY KAUFMANN

A BILL FOR

1 An Act relating to the spaying and neutering of pets, by  
2 establishing a board and fund, providing for an income tax  
3 checkoff, providing for special motor vehicle registration  
4 plates, establishing fees, and making appropriations.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5450YH (3) 85  
da/rj



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1 Section 1. NEW SECTION. 162A.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. *"Animal shelter"* means an animal shelter which operates  
5 pursuant to a certificate of registration issued or renewed by  
6 the department pursuant to section 162.2A.

7 2. *"Board"* means the spay and neuter board created pursuant  
8 to section 162A.2.

9 3. *"Department"* means the department of agriculture and land  
10 stewardship.

11 4. *"Fund"* means the spay and neuter fund created pursuant  
12 to section 162A.6.

13 5. *"Pet"* means a dog or cat.

14 6. *"Secretary"* means the secretary of agriculture.

15 Sec. 2. NEW SECTION. 162A.2 Creation, mission, department  
16 of agriculture and land stewardship.

17 1. A spay and neuter board is created.

18 2. The board's mission shall be to plan, develop, implement,  
19 administer, and evaluate a statewide strategy for the humane  
20 control of pet populations, including by supporting the  
21 increased use of spaying and neutering.

22 3. The board shall be located in the department of  
23 agriculture and land stewardship. The department shall provide  
24 office space, administrative functions, and necessary supplies  
25 and equipment. The department may charge the board reasonable  
26 expenses for performing administrative functions. This  
27 chapter shall not be interpreted to authorize the department's  
28 supervision, control, or oversight of the board.

29 Sec. 3. NEW SECTION. 162A.3 Appointment and procedures.

30 1. The membership of the board shall be composed of five  
31 individuals appointed by the secretary as provided in this  
32 section.

33 2. The board memberships must include all of the following:

34 a. An employee of the department.

35 b. A member of the Iowa federation of humane societies.

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1     *c.* A member of the Iowa veterinary medical association.  
 2     *d.* A member of the animal rescue league of Iowa.  
 3     *e.* A member of the public who has demonstrated an active  
 4 interest in animal welfare.  
 5     3. Members of the board shall serve three-year staggered  
 6 terms beginning and ending as provided in section 69.19.  
 7 However, the member who is an employee of the department shall  
 8 serve at the pleasure of the secretary.  
 9     *a.* A member is eligible for reappointment.  
 10    *b.* A vacancy on the board shall be filled for the unexpired  
 11 portion of the regular term in the same manner as regular  
 12 appointments are made. The secretary may remove an individual  
 13 from the board for misfeasance, malfeasance, willful neglect of  
 14 duty, or other just cause, after notice and hearing, unless the  
 15 notice and hearing is expressly waived in writing.  
 16    4. The board shall elect a chairperson from among its  
 17 members each year on a rotating basis as provided by the board.  
 18    5. The board shall meet on a regular basis and at the  
 19 call of the chairperson or upon the written request to the  
 20 chairperson of any three members.  
 21    6. Three members constitute a quorum and the affirmative  
 22 vote of a majority of the members present is necessary for any  
 23 substantive action to be taken. However, a lesser number may  
 24 adjourn a meeting. A majority shall not include any member  
 25 who has a conflict of interest, and a statement by a member  
 26 that the member has a conflict of interest is conclusive for  
 27 this purpose. A vacancy in the membership does not impair the  
 28 duties of the board.  
 29    7. A member is entitled to receive reimbursement for actual  
 30 expenses incurred while engaged in the performance of official  
 31 duties. A member is not eligible to receive compensation or an  
 32 additional expense allowance provided in section 7E.6.  
 33    Sec. 4. NEW SECTION. **162A.4 Powers.**  
 34    1. The spay and neuter board shall have all powers necessary  
 35 to administer this chapter, including but not limited to all

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1 of the following:

- 2 *a.* Authorize payments from the spay and neuter fund.
- 3 *b.* Contract, sue and be sued.
- 4 *c.* Establish and collect fees.
- 5 *d.* Accept gifts, grants, and donations, including moneys or
- 6 services.

7 2. The board shall not in any manner, directly or  
8 indirectly, pledge the credit of the state.

9 **Sec. 5. NEW SECTION. 162A.5 Duties.**

10 The spay and neuter board shall do all of the following:

11 1. Develop, establish, and manage initiatives, including  
12 but not limited to plans, practices, events, projects, or  
13 programs that further its mission as provided in section  
14 162A.2. The board shall to every extent practical cooperate  
15 with interested persons, including but not limited to  
16 veterinarians, animal shelters, local communities, state  
17 agencies, and interested individuals and organizations.

18 2. Manage moneys available to or accepted by the board under  
19 this chapter, including moneys deposited in the fund.

20 3. Adopt rules necessary to administer this chapter.

21 4. Submit an annual report to the general assembly on or  
22 before January 15 of each year. The report shall summarize  
23 board activities, the expenditure of moneys in the fund, and  
24 any recommendations that could further the board's mission as  
25 provided in section 162A.2.

26 **Sec. 6. NEW SECTION. 162A.6 Spay and neuter fund.**

27 1. A spay and neuter fund is created in the state treasury  
28 under the control of the spay and neuter board.

29 2. The fund consists of moneys appropriated to the fund by  
30 the general assembly, moneys credited to the fund from moneys  
31 generated under section 422.12G and section 321.34, subsection  
32 11C, and other moneys available to and obtained or accepted by  
33 the board from public or private sources.

34 3. *a.* Notwithstanding section 12C.7, interest or earnings  
35 on moneys in the fund shall be credited to the fund.

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1     *b.* Notwithstanding section 8.33, moneys credited to the fund  
2 that remain unexpended or unobligated at the end of a fiscal  
3 year shall not revert to any other fund.

4     4. Moneys in the fund are appropriated to the board and  
5 shall be used exclusively to carry out the provisions of this  
6 chapter as determined and directed by the board.

7     Sec. 7. Section 321.34, Code 2014, is amended by adding the  
8 following new subsection:

9     NEW SUBSECTION. 11C. *Spay and neuter plates.*

10    *a.* Upon application and payment of the proper fees, the  
11 director may issue "spay and neuter" plates to the owner of a  
12 motor vehicle subject to registration under section 321.109,  
13 subsection 1, motor truck, motor home, multipurpose vehicle,  
14 motorcycle, trailer, or travel trailer.

15    *b.* Spay and neuter plates shall be designed by the  
16 department in cooperation with the spay and neuter board  
17 created pursuant to section 162A.6.

18    *c.* The special fee for letter-number designated spay and  
19 neuter plates is thirty-five dollars. The fee for personalized  
20 spay and neuter plates is twenty-five dollars, which shall  
21 be paid in addition to the special spay and neuter fee of  
22 thirty-five dollars. The fees collected by the director under  
23 this subsection shall be paid monthly to the treasurer of state  
24 and deposited in the road use tax fund. The treasurer of state  
25 shall transfer monthly from the statutory allocations fund  
26 created under section 321.145, subsection 2, to the spay and  
27 neuter fund created in section 162A.6 the amount of the special  
28 fees collected in the previous month for the spay and neuter  
29 plates.

30    *d.* Upon receipt of the special registration plates, the  
31 applicant shall surrender the current registration plates to  
32 the county treasurer. The county treasurer shall validate  
33 the special registration plates in the same manner as regular  
34 registration plates are validated under this section. The  
35 annual special spay and neuter fee for letter-number designated

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1 plates is ten dollars, which shall be paid in addition to  
2 the regular annual registration fee. The annual fee for  
3 personalized spay and neuter plates is five dollars, which  
4 shall be paid in addition to the annual special spay and neuter  
5 fee and the regular annual registration fee. The annual spay  
6 and neuter fee shall be credited as provided under paragraph  
7 "c".

8 Sec. 8. Section 321.145, subsection 2, paragraph b,  
9 subparagraph (3), Code 2014, is amended to read as follows:

10 (3) The amounts required to be transferred pursuant to  
11 section 321.34 from revenues available under this subsection  
12 shall be transferred and credited as provided in section  
13 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 11C, 13, 16, 17,  
14 18, 19, 20, 20A, 20B, 20C, 21, 22, 23, 24, 25, and 26 for the  
15 various purposes specified in those subsections.

16 Sec. 9. **NEW SECTION. 422.12G Income tax checkoff for**  
17 **spaying and neutering pets.**

18 1. A person who files an individual or a joint income tax  
19 return with the department of revenue under section 422.13 may  
20 designate one dollar or more to be paid to the spay and neuter  
21 fund established in section 162A.6. If the refund due on the  
22 return or the payment remitted with the return is insufficient  
23 to pay the amount designated by the taxpayer to the foundation  
24 fund, the amount designated shall be reduced to the remaining  
25 amount of the refund or the remaining amount remitted with the  
26 return. The designation of a contribution to the spay and  
27 neuter fund under this section is irrevocable.

28 2. The department of revenue shall draft the income tax  
29 form to allow the designation of contributions to the spay and  
30 neuter fund on the tax return. The department, on or before  
31 January 31, shall transfer the total amount designated on the  
32 tax form due in the preceding year to the spay and neuter fund.

33 3. The board shall adopt rules to administer this section.  
34 However, before a checkoff pursuant to this section shall be  
35 permitted, all liabilities on the books of the department of

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1 administrative services and accounts identified as owing under  
2 section 8A.504 and the political contribution allowed under  
3 section 68A.601 shall be satisfied.

4 Sec. 10. APPOINTMENTS. In making appointments to the spay  
5 and neuter board as created in section 162A.2, as enacted in  
6 this Act, the secretary of agriculture shall appoint a number  
7 of initial members to serve for less or more than three years  
8 to ensure that members serve staggered terms.

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 **GENERAL.** This bill creates a spay and neuter board (board).  
13 Its mission is to plan, develop, implement, administer, and  
14 evaluate a statewide strategy for the humane control of pet  
15 populations, including by supporting the increased use of  
16 spaying and neutering. The board is housed in the department  
17 of agriculture and land stewardship (DALs).

18 **BOARD.** The bill provides that the board includes an employee  
19 of the department and four additional members appointed by the  
20 secretary of agriculture. The members must have an interest  
21 in the humane treatment of pets (dogs and cats). The board is  
22 provided all powers necessary to carry out its mission. It  
23 is required to cooperate with interested persons, including  
24 but not limited to veterinarians, animal shelters, local  
25 communities, state agencies, and interested individuals and  
26 organizations. It must also submit an annual report to the  
27 general assembly summarizing the board's activities.

28 **FUND.** The bill creates a spay and neuter fund (fund)  
29 under the control of the board. The fund consists of moneys  
30 appropriated to the fund by the general assembly and other  
31 moneys available to and obtained or accepted by the board from  
32 public or private sources. The auditor conducts an annual  
33 audit of the fund.

34 **REVENUE — INCOME TAX CHECKOFF.** The bill provides that a  
35 person who files an individual or a joint income tax return

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1 with the department of revenue may designate \$1 or more to be  
2 paid to the fund. Generally, not more than four income tax  
3 return checkoffs are allowed on each income tax return. When  
4 the same four income tax return checkoffs have been provided  
5 on the income tax return for two consecutive years, the two  
6 checkoffs having generated the least amount of contributions  
7 are automatically repealed (Code section 422.12E).

8 REVENUE — SPAY AND NEUTER LICENSE PLATES. The department  
9 of transportation (DOT) is required to issue special spay  
10 and neuter plates to the owners of motor vehicles subject to  
11 registration, motor trucks, motor homes, multipurpose vehicles,  
12 motorcycles, trailers, and travel trailers. The plates must  
13 be designed by DOT in cooperation with the board. The initial  
14 fee for a letter-number plate is \$35 and the initial fee for a  
15 personalized plate is \$60. The annual special fees for renewal  
16 of the special plates are \$10 for letter-number plates and \$15  
17 for personalized plates. The moneys collected by the treasurer  
18 of state are also transferred to the fund.



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House File 2124 - Introduced

HOUSE FILE 2124  
BY ANDERSON

A BILL FOR

- 1 An Act exempting certain animals from requirements relating to
- 2 rabies vaccinations, and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5542HH (5) 85  
da/nh



**Iowa General Assembly**  
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H.F. 2124

1     Section 1. **NEW SECTION. 351.1 Definitions.**  
2     As used in this chapter, unless the context otherwise  
3 requires:  
4     1. "*Department*" means the department of agriculture and land  
5 stewardship.  
6     2. "*Rabies security certificate*" means a rabies vaccination  
7 certificate or rabies vaccination exemption certificate issued  
8 as evidence of compliance with rabies security requirements as  
9 provided in section 351.24.  
10    3. "*Rabies security tag*" means a rabies vaccination tag  
11 or rabies vaccination exemption tag issued as evidence of  
12 compliance with rabies security requirements as provided in  
13 section 351.24.  
14    Sec. 2. **NEW SECTION. 351.24 Evidence of compliance with**  
15 **rabies security requirements — certificates and tags.**  
16    1. A veterinarian licensed under chapter 169 shall issue  
17 evidence of compliance with requirements for rabies security to  
18 the owner of a dog or other animal as provided in this chapter  
19 and as required by the department under this chapter or by a  
20 local board of health under section 351.41.  
21    2. The evidence of compliance with requirements for rabies  
22 security must be one of the following:  
23    *a.* A rabies vaccination certificate and rabies vaccination  
24 tag which are proof that the dog or other animal has received a  
25 vaccination for rabies as provided in this chapter.  
26    *b.* A rabies vaccination exemption certificate and rabies  
27 vaccination exemption tag which provide that the dog or  
28 other animal is not required to receive a rabies vaccination  
29 otherwise required under this chapter. A veterinarian must  
30 have examined the owner's dog or other animal and determined  
31 that a rabies vaccination would threaten the life or seriously  
32 impair the health of the dog or other animal.  
33    3. A rabies vaccination certificate must be clearly  
34 distinguishable from a rabies vaccination exemption certificate  
35 and a rabies vaccination tag must be clearly distinguishable

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1 from a rabies vaccination exemption tag.

2 4. A rabies security tag issued pursuant to this section  
3 must at all times be attached to the collar of the dog for which  
4 it was issued.

5 Sec. 3. Section 351.25, Code 2014, is amended to read as  
6 follows:

7 **351.25 Dog as property.**

8 All dogs under six months of age, and all dogs over said age  
9 and wearing a collar attached with a valid rabies ~~vaccination~~  
10 security tag ~~attached to the collar~~, shall be deemed property.  
11 Dogs not provided with a rabies ~~vaccination~~ security tag shall  
12 not be deemed property.

13 Sec. 4. Section 351.26, Code 2014, is amended to read as  
14 follows:

15 **351.26 Right and duty to kill untagged dog.**

16 It shall be lawful for any person, and the duty of all peace  
17 officers within their respective jurisdictions unless such  
18 jurisdiction shall have otherwise provided for the seizure  
19 and impoundment of dogs, to kill any dog for which a rabies  
20 ~~vaccination~~ security tag is required, when the dog is not  
21 wearing a collar attached with a ~~rabies vaccination~~ security  
22 tag ~~attached~~.

23 Sec. 5. Section 351.27, Code 2014, is amended to read as  
24 follows:

25 **351.27 Right to kill tagged dog.**

26 It shall be lawful for any person to kill a dog, wearing  
27 a collar attached with a rabies ~~vaccination~~ security tag  
28 ~~attached~~, when the dog is caught in the act of chasing,  
29 maiming, or killing any domestic animal or fowl, or when such  
30 dog is attacking or attempting to bite a person.

31 Sec. 6. Section 351.33, Code 2014, is amended to read as  
32 follows:

33 **351.33 Rabies vaccination — requirement — exceptions.**

34 1. Every owner of a dog shall obtain a rabies vaccination  
35 for such animal. ~~It shall be unlawful for any person to own or~~







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1 must issue a certificate of vaccination and rabies vaccination  
2 tag to the dog's owner (Code section 351.35), the department  
3 must set standards for vaccines (Code section 351.35), and a  
4 local authority has general enforcement authority including the  
5 power to seize and impound dogs (Code sections 351.26, 351.36,  
6 351.37, 351.39, and 351.40). In addition, a local authority  
7 may adopt additional measures to restrict not only dogs but  
8 other animals (such as cats or ferrets) as necessary to control  
9 rabies (Code section 351.41).

10 NEW EXEMPTION FOR ANIMALS THREATENED BY INJECTIONS. This  
11 bill provides a new exemption from rabies vaccination  
12 requirements for animals whose life or health would be  
13 threatened by a vaccination as determined by a licensed  
14 veterinarian. The veterinarian making such determination  
15 must issue a rabies vaccination exemption certificate and  
16 rabies vaccination exemption tag to the animal's owner. The  
17 certificate and tag remain valid for one year but may be  
18 renewed on an annual basis.

19 PROVISIONS REMAINING APPLICABLE. Provisions governing dogs  
20 which have been vaccinated apply to dogs which are exempt from  
21 vaccination. For example, a person could still kill a dog  
22 exempt from vaccination requirements for chasing livestock  
23 just as the person may kill a dog wearing a vaccination tag  
24 (Code section 351.27). A local authority could apprehend and  
25 impound a dog running at large even if the dog wore a rabies  
26 vaccination exemption tag just as it could impound a dog  
27 running at large without a tag (Code section 351.37).

28 CRIMINAL PENALTY. A person who fails to comply with the  
29 applicable provisions governing rabies vaccination requirements  
30 is guilty of a simple misdemeanor (Code section 351.43). A  
31 simple misdemeanor is punishable by confinement for no more  
32 than 30 days or a fine of at least \$65 but not more than \$625  
33 or by both.



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House File 2125 - Introduced

HOUSE FILE 2125  
BY STECKMAN

A BILL FOR

- 1 An Act relating to disclosures on the uniform citation and
- 2 complaint form.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5820YH (2) 85  
jm/rj



**Iowa General Assembly  
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H.F. 2125

1 Section 1. Section 805.2, Code 2014, is amended to read as  
2 follows:

3 **805.2 Form.**

4 The citation shall include the name and address of the  
5 person, the nature of the offense, the time and place at  
6 which the person is to appear in court, and the penalty for  
7 nonappearance and nonpayment of any criminal fine, court cost,  
8 or surcharge.

9 Sec. 2. Section 805.6, subsection 3, paragraph a,  
10 subparagraph (1), Code 2014, is amended by adding the following  
11 new subparagraph division:

12 NEW SUBPARAGRAPH DIVISION. (j) A space to inform the person  
13 that the offense charged, on its own accord, requires mandatory  
14 revocation or suspension of a driver's license upon conviction.

15 Sec. 3. Section 805.6, subsection 9, Code 2014, is amended  
16 to read as follows:

17 9. Supplies of uniform citation and complaint forms  
18 existing or on order on July 1, ~~2010~~ 2014, may be used until  
19 exhausted.

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 the disclosures on the uniform citation  
24 and complaint form.

25 Under the bill, a uniform citation and complaint form shall  
26 inform a defendant of the penalties for nonpayment of any fine,  
27 court cost, or surcharge. Current law requires the suspension  
28 of a driver's license for failure to pay any criminal fine,  
29 court cost, or surcharge under Code section 321.210A.

30 The bill also requires the uniform citation and complaint to  
31 provide a space to inform the person that the offense charged  
32 on its own accord requires mandatory revocation or suspension  
33 of a driver's license upon conviction.

34 The bill specifies that supplies of uniform citation and  
35 complaint forms existing or on order on July 1, 2014, may be

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1 used until exhausted.



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House File 2126 - Introduced

HOUSE FILE 2126  
BY HIGHFILL

A BILL FOR

1 An Act relating to special education scholarships for children  
2 requiring special education attending a nonpublic school,  
3 establishing a special education scholarship fund, providing  
4 a tax exemption, making appropriations, providing penalties,  
5 and including applicability provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5238YH (3) 85  
md/sc



**Iowa General Assembly  
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H.F. 2126

1 Section 1. Section 256B.3, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 15A. To adopt rules relating to special  
4 education scholarships pursuant to section 256B.16, including  
5 rules for application processing timelines, rules for  
6 information required to be submitted by a parent or guardian,  
7 and rules for designating participating schools.

8 Sec. 2. NEW SECTION. **256B.16 Special education scholarship**  
9 **program.**

10 1. Children requiring special education and attending a  
11 participating nonpublic school shall be eligible to receive a  
12 special education scholarship in the manner provided in this  
13 section for school years beginning on or after July 1, 2015.  
14 Special education scholarships shall be made available to  
15 parents and guardians in the manner authorized under subsection  
16 4, paragraph "c", for the payment of qualified special education  
17 expenses as provided in this section.

18 2. a. (1) By January 31 preceding the school year for  
19 which the special education scholarship is requested, the  
20 parent or guardian of the child requiring special education  
21 shall submit an application to the division of special  
22 education, on application forms developed by the division,  
23 indicating that the parent or guardian intends to enroll the  
24 child in a participating nonpublic school.

25 (2) In addition to such information deemed appropriate  
26 by the division of special education, the application shall  
27 require certification from the participating nonpublic school  
28 of the child's enrollment for the following school year and  
29 information relating to the nonpublic school's compliance with  
30 the child's individualized education program.

31 b. By March 1 preceding the school year for which the  
32 special education scholarship is requested, the division of  
33 special education shall notify the department of management  
34 of the number of children requiring special education in each  
35 school district designated for the following school year to

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1 receive a special education scholarship. The division shall  
2 also notify the parent or guardian of each child requiring  
3 special education who is approved to receive a special  
4 education scholarship.

5 *c.* Special education scholarships shall only be approved  
6 for one school year and applications must be submitted under  
7 paragraph "a" for special education scholarships in subsequent  
8 school years.

9 3. *a.* The department of management shall assign each child  
10 approved for a special education scholarship a scholarship  
11 amount equal to the product of the regular program state cost  
12 per pupil in the same school year times the weighting the  
13 child requiring special education would have been assigned  
14 under section 256B.9 if the child was enrolled in the child's  
15 district of residence.

16 *b.* The department of management shall on July 1 following  
17 the determination of the amount of the special education  
18 scholarship for each approved child, transfer such amount to  
19 the child's account in the special education scholarship fund  
20 established under subsection 4. Such amount shall be available  
21 to the child's parent or guardian in the manner authorized  
22 under subsection 4, paragraph "c", for the payment of qualified  
23 special education expenses incurred by the child's parent or  
24 guardian for the child during that school year.

25 4. A special education scholarship fund is created in  
26 the state treasury under the control of the department of  
27 management consisting of moneys appropriated to the department  
28 for the purpose of providing special education scholarships  
29 under this section. For the fiscal year commencing July 1,  
30 2015, and each succeeding fiscal year, there is appropriated  
31 from the general fund of the state to the department of  
32 management to be credited to the fund the amount necessary  
33 to pay all special education scholarships approved for that  
34 fiscal year. The director of the department of management has  
35 all powers necessary to carry out and effectuate the purposes,

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1 education scholarship under this section.

2 6. For purposes of this section:

3 a. *“Participating nonpublic school”* means a nonpublic  
4 school that is determined by the division of special education  
5 to be qualified to provide special education to the child  
6 requiring special education and that is not receiving funding  
7 for providing such special education to the child from moneys  
8 derived under section 273.9, this chapter, other than this  
9 section, or chapter 257.

10 b. *“Qualified special education expenses”* includes tuition  
11 and fees at a participating nonpublic school, textbooks, fees  
12 or payments for educational therapies including tutoring or  
13 cognitive skills training, curriculum fees and materials for a  
14 course of study for a specific subject matter or grade level,  
15 the cost of paraprofessionals and assistants who are trained  
16 in accordance with state law, standardized test fees, and fees  
17 required by the department of education. *“Qualified special  
18 education expenses”* does not include transportation costs  
19 for the child, the cost of food or refreshments consumed by  
20 the child, the cost of clothing for the child, or the cost  
21 of disposable materials, including but not limited to paper,  
22 notebooks, pencils, pens, and art supplies.

23 7. A person who makes a false claim for the purpose of  
24 obtaining a special education scholarship provided for in  
25 this section or who knowingly receives the scholarship or  
26 makes a payment from an account within the special education  
27 scholarship fund without being legally entitled to it is  
28 guilty of a fraudulent practice. The false claim for a  
29 special education scholarship or a payment from an account  
30 shall be disallowed and if amounts from the scholarship have  
31 been disbursed from the applicable account in the special  
32 education scholarship fund, the department of management shall  
33 initiate legal proceedings to recover such amounts. A parent  
34 or guardian who violates this subsection is prohibited from  
35 participating in the special education scholarship program in

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md/sc

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1 the future.

2 8. When a special education scholarship recipient ceases  
3 to be eligible for a special education scholarship under this  
4 section and has a positive balance in the child's account in  
5 the special education scholarship fund, the moneys in a child's  
6 account shall be transferred by the department of management  
7 for deposit in the general fund of the state.

8 9. This section shall not be construed to authorize the  
9 state or any political subdivision of the state to exercise  
10 authority over any nonpublic school or construed to require  
11 a nonpublic school to modify its admissions or educational  
12 program in order to receive payment from a parent or guardian  
13 using funds from a child's account in the special education  
14 scholarship fund. A participating nonpublic school that  
15 accepts payment from a parent or guardian using funds from  
16 a child's account in the special education scholarship fund  
17 is not an agent of this state or other political subdivision  
18 of this state. Rules adopted to implement this section that  
19 impose an undue burden on a nonpublic school are invalid.

20 Sec. 3. Section 422.7, Code 2014, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 51. Subtract, to the extent included,  
23 the amount of any special education scholarship under section  
24 256B.16 received during the tax year by a child for whom the  
25 taxpayer is the parent or guardian authorized to spend such  
26 scholarship amounts for qualified special education expenses.

27 Sec. 4. **APPLICABILITY.** This Act applies to school budget  
28 years and fiscal years beginning on or after July 1, 2015.

29 Sec. 5. **APPLICABILITY.** The section of this Act enacting  
30 section 422.7, subsection 51, applies to tax years beginning on  
31 or after January 1, 2015.

32

**EXPLANATION**

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

35 This bill provides special education scholarships for

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md/sc



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1 certain children requiring special education that are attending  
2 a participating nonpublic school and establishes a special  
3 education scholarship fund.

4 Under the bill, children requiring special education and  
5 attending a participating nonpublic school, as defined in the  
6 bill, are eligible to receive a special education scholarship  
7 for school years beginning on or after July 1, 2015. By  
8 January 31 preceding the school year for which the special  
9 education scholarship is requested, the parent or guardian  
10 of the child requiring special education must submit an  
11 application to the division of special education indicating  
12 that the parent or guardian intends to enroll the child in a  
13 participating nonpublic school.

14 The bill requires that by March 1 preceding the school year  
15 for which the special education scholarship is requested, the  
16 division of special education must notify the department of  
17 management of the number of children in each school district  
18 designated for the following school year to receive a special  
19 education scholarship. Special education scholarships may  
20 only be approved for one school year and applications must be  
21 submitted for special education scholarships in subsequent  
22 school years.

23 The amount of each special education scholarship is equal  
24 to the product of the regular program state cost per pupil in  
25 the same school year times the weighting the child requiring  
26 special education would have been assigned under Code section  
27 256B.9 if the child was enrolled in the child's district of  
28 residence.

29 The bill creates a special education scholarship fund in  
30 the state treasury under the control of the department of  
31 management consisting of moneys appropriated to the department  
32 for the purpose of providing special education scholarships.  
33 For the fiscal year commencing July 1, 2015, and each  
34 succeeding fiscal year, there is appropriated from the general  
35 fund of the state to the department of management for deposit



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1 in the fund the amount necessary to pay all special education  
2 scholarships approved for that fiscal year. For each child  
3 requiring special education that is approved for a special  
4 education scholarship, the department of management must  
5 establish an account for that child in the special education  
6 scholarship fund. The amount of the child's special education  
7 scholarship is deposited into the child's account on July 1 and  
8 such amount is available for use by parents and guardians for  
9 the payment of qualified special education expenses, as defined  
10 in the bill, incurred by the parent or guardian for the child  
11 during that fiscal year.

12 The bill authorizes the director of the department of  
13 management to contract with a private financial management firm  
14 to manage the special education scholarship fund, and requires  
15 the director, in collaboration with the treasurer of state, to  
16 provide for the disbursement of special education scholarships  
17 in the form of an electronic debit card or checks that are  
18 payable directly from the child's account within the fund.

19 The bill provides that when a special education scholarship  
20 recipient ceases to be eligible for a special education  
21 scholarship under the bill and has a positive balance in the  
22 child's account in the special education scholarship fund,  
23 the moneys in a child's account shall be transferred by the  
24 department of management for deposit in the general fund of the  
25 state.

26 The bill provides that a person who makes a false claim  
27 for the purpose of obtaining a special education scholarship  
28 or who knowingly receives the scholarship or makes a payment  
29 from an account within the special education scholarship fund  
30 without being legally entitled to it is guilty of a fraudulent  
31 practice and is subject to a criminal penalty. The bill allows  
32 the department of management to initiate legal proceedings to  
33 recover scholarships and amounts improperly awarded or paid  
34 from accounts under the bill.

35 The bill provides that moneys from a special education

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1 scholarship under the bill are not taxable income for purposes  
2 of the state individual income tax. This provision of the bill  
3 applies to tax years beginning on or after January 1, 2015.  
4 The remainder of the bill applies to school budget years and  
5 fiscal years beginning on or after July 1, 2015.



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House File 2127 - Introduced

HOUSE FILE 2127  
BY WOLFE

A BILL FOR

- 1 An Act relating to sex offender applications to modify certain
- 2 sex offender registry requirements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5714YH (2) 85  
jm/rj



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H.F. 2127

1 Section 1. Section 692A.128, Code 2014, is amended to read  
2 as follows:

3 **692A.128 Modification.**

4 1. A sex offender ~~who is on probation, parole, work release,~~  
5 ~~special sentence, or any other type of conditional release~~ may  
6 file an application in district court seeking to modify the  
7 registration requirements under this chapter.

8 2. An application shall not be granted unless all of the  
9 following apply:

10 a. The date of the commencement of the requirement to  
11 register occurred at least two years prior to the filing of the  
12 application for a tier I offender and five years prior to the  
13 filing of the application for a tier II or III offender.

14 b. The sex offender has successfully completed all sex  
15 offender treatment programs that have been required.

16 c. A risk assessment has been completed, if the sex offender  
17 is under supervision, and the sex offender was classified as  
18 a low risk to reoffend. The risk assessment used to assess an  
19 offender as a low risk to reoffend shall be a validated risk  
20 assessment approved by the department of corrections.

21 d. The sex offender is not incarcerated when the application  
22 is filed.

23 ~~e. The director of the judicial district department~~  
24 ~~of correctional services supervising the sex offender, or~~  
25 ~~the director's designee, stipulates to the modification,~~  
26 ~~and a certified copy of the stipulation is attached to the~~  
27 ~~application.~~

28 3. The application shall be filed in the sex offender's  
29 county of principal residence.

30 4. Notice of any application shall be provided to the  
31 county attorney of the county of the sex offender's principal  
32 residence, the county attorney of any county in this state  
33 where a conviction requiring the sex offender's registration  
34 occurred, and the department. The county attorney where the  
35 conviction occurred shall notify the victim of an application



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1 if the victim's address is known.

2 5. The court may, but is not required to, conduct a hearing  
3 on the application to hear any evidence deemed appropriate by  
4 the court. The court may modify the registration requirements  
5 under this chapter.

6 ~~6. A sex offender may be granted a modification if the  
7 offender is required to be on the sex offender registry as a  
8 result of an adjudication for a sex offense, the offender is  
9 not under the supervision of the juvenile court or a judicial  
10 district judicial department of correctional services, and the  
11 department of corrections agrees to perform a risk assessment  
12 on the sex offender. However, all other provisions of this  
13 section not in conflict with this subsection shall apply to the  
14 application prior to an application being granted except that  
15 the sex offender is not required to obtain a stipulation from  
16 the director of a judicial district department of correctional  
17 services, or the director's designee.~~

18 ~~7.~~ 6. If the court modifies the registration requirements  
19 under this chapter, the court shall send a copy of the order to  
20 the department, the sheriff of the county of the sex offender's  
21 principal residence, any county attorney notified in subsection  
22 4, and the victim, if the victim's address is known.

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 relates to modifying the sex offender registry  
27 requirements.

28 Under the bill, a sex offender is no longer required to  
29 be under supervision of a judicial district department of  
30 correctional services when filing an application to modify  
31 the sex offender registry requirements. The bill also  
32 eliminates the requirement that the director of the judicial  
33 district department of correctional services supervising the  
34 sex offender, or the director's designee, stipulate to the  
35 modification, prior to the filing of such an application.

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1 If a sex offender is under supervision at the time of the  
2 application to modify the sex offender registry requirements,  
3 the bill still requires that the judicial district department  
4 of correctional services perform a risk assessment of the  
5 offender, and that the sex offender be classified as a low risk  
6 to reoffend in order to be eligible to file an application to  
7 modify the sex offender registry requirements.

8 The bill does not alter the other requirements related to  
9 filing an application to modify the sex offender requirements  
10 under Code section 692A.128, such as passage of time since  
11 initial registration, successful completion of sex offender  
12 treatment, and current release from incarceration.



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House File 2128 - Introduced

HOUSE FILE 2128  
BY HIGHFILL

A BILL FOR

- 1 An Act relating to fantasy sports contests.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5133YH (8) 85  
ec/nh



**Iowa General Assembly**  
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H.F. 2128

1 Section 1. Section 99B.11, subsection 2, Code 2014, is  
 2 amended by adding the following new paragraph:  
 3 NEW PARAGRAPH. *f.* A fantasy or simulation sports contest  
 4 in which all prizes and awards offered to winning participants  
 5 are established and made known to the participants in advance  
 6 of the contest and their value is not determined by the  
 7 number of participants or the amount of any fees paid by the  
 8 participants. All winning outcomes in such contest shall  
 9 reflect the relative knowledge and skill of the participants  
 10 and shall be determined predominantly by accumulated  
 11 statistical results of the performance of individuals,  
 12 including athletes in the case of sports events, in multiple  
 13 actual sporting or other events, and no winning outcome shall  
 14 be based on the score, point spread, or any performance or  
 15 performances of any single actual team or combination of such  
 16 teams or solely on any single performance of an individual  
 17 athlete in any single actual sporting or other event.

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 authorizes the paying of awards and prizes to  
 22 participants in fantasy sports contests.  
 23 Code section 99B.11, concerning bona fide contests, is  
 24 amended to provide that a fantasy or simulation sports contest  
 25 is a bona fide contest, allowing the payment of awards to  
 26 persons winning the contest, if certain conditions are met.  
 27 The bill provides that a fantasy sports contest is a bona  
 28 fide contest if all prizes and awards offered to winning  
 29 participants are established and made known in advance of the  
 30 contest, all winning outcomes reflect the relative knowledge  
 31 and skill of the participants and are determined predominantly  
 32 by accumulated statistical results of the performance of  
 33 individuals in multiple actual sporting events, and no winning  
 34 outcome is based on the score, or performance of any single  
 35 actual team or combination of such teams or solely on any

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 ec/nh



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1 single performance of an individual athlete in any single  
2 actual sporting or other event.



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House File 2129 - Introduced

HOUSE FILE 2129  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 502)

A BILL FOR

1 An Act relating to the exclusion from the computation of net  
2 income for the individual income tax of net capital gains  
3 from the sale of a business and including retroactive  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5083HV (2) 85  
mm/sc



**Iowa General Assembly  
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H.F. 2129

1 Section 1. Section 422.7, subsection 21, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. (1) (a) Net capital gain from the sale of a business or  
4 from the sale of real property used in a business, in which the  
5 taxpayer materially participated for a minimum of ten years,  
6 ~~as defined in section 469(h) of the Internal Revenue Code,~~ and  
7 which has been held for a minimum of ten years, ~~or from the~~  
8 ~~sale of a business, as defined in section 423.1, in which the~~  
9 ~~taxpayer materially participated for ten years, as defined in~~  
10 ~~section 469(h) of the Internal Revenue Code, and which has been~~  
11 ~~held for a minimum of ten years. The sale of a business means~~  
12 ~~the sale of all or substantially all of the tangible personal~~  
13 ~~property or service of the business.~~

14 (b) ~~However, where the business is sold~~ If the sale of the  
15 business in subparagraph division (a) is made to individuals  
16 who are all lineal descendants of the taxpayer, the taxpayer  
17 does not have to have materially participated in the business  
18 in order for the net capital gain from the sale to be excluded  
19 from taxation.

20 (2) ~~However, in~~ In lieu of the net capital gain deduction  
21 in this paragraph and paragraphs "b", "c", and "d", ~~where the~~  
22 ~~business is sold~~ if the sale of the business in subparagraph  
23 (1) is made to individuals who are all lineal descendants of  
24 the taxpayer, the amount of capital gain from each capital  
25 asset may be subtracted in determining net income.

26 (2) (3) ~~For purposes of this paragraph, unless the context~~  
27 ~~otherwise requires:~~

28 (a) "Business" means the same as defined in section 423.1.

29 (b) ~~"lineal"~~ "Lineal descendant" means children of the  
30 taxpayer, including legally adopted children and biological  
31 children, stepchildren, grandchildren, great-grandchildren, and  
32 any other lineal descendants of the taxpayer.

33 (c) "Materially participated" means the same as defined in  
34 section 469(h) of the Internal Revenue Code.

35 (d) "Sale of a business" means the sale of all or





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House File 2130 - Introduced

HOUSE FILE 2130  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 538)

A BILL FOR

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

TLSB 5182HV (2) 85  
rn/sc



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H.F. 2130

1 Section 1. Section 490.1301, subsection 4, paragraph b,  
2 Code 2014, is amended by striking the paragraph.

3 Sec. 2. Section 490.1330, subsection 6, Code 2014, is  
4 amended by striking the subsection.

5 Sec. 3. Section 524.107, subsections 1 and 2, Code 2014, are  
6 amended to read as follows:

7 1. A person, other than a state bank which is subject to  
8 the provisions of this chapter and a national bank authorized  
9 by the laws of the United States to engage in the business  
10 of receiving money for deposit, and except as provided in  
11 subsection 2, shall not engage in this state in the business  
12 of receiving money for deposit, transact the business of  
13 banking, or establish in this state a place of business for  
14 such purpose.

15 2. A person doing business in this state shall not use  
16 the words "bank" or "trust" or use any derivative, plural,  
17 or compound of the words "bank", "banking", "bankers", or  
18 "trust" in any manner which would tend to create the impression  
19 that the person is authorized to engage in the business of  
20 banking or to act in a fiduciary capacity, except a state bank  
21 authorized to do so by this chapter or a bank authorized to  
22 do so by the laws of another state, a national bank to the  
23 extent permitted by the laws of the United States, a bank  
24 holding company as defined in section 524.1801, a savings and  
25 loan holding company as defined in 12 U.S.C. § 1467a, or a  
26 federal association to the extent permitted by the laws of the  
27 United States, or, insofar as the word "trust" is concerned, an  
28 individual permissibly serving as a fiduciary in this state,  
29 pursuant to section 633.63, or, insofar as the words "trust"  
30 and "bank" are concerned, a nonresident corporate fiduciary  
31 permissibly serving as a fiduciary in this state pursuant to  
32 section 633.64.

33 Sec. 4. Section 524.1406, subsection 3, Code 2014, is  
34 amended by striking the subsection.

35 Sec. 5. Section 544A.13, subsection 1, paragraph h, Code

LSB 5182HV (2) 85  
rn/sc



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H.F. 2130

1 2014, is amended to read as follows:

2 *h.* Willful or repeated violations of the provisions of this  
3 ~~Act~~ chapter.

4 Sec. 6. REPEAL. Section 544A.21, Code 2014, is repealed.

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 concerns matters under the purview of the banking  
9 division of the department of commerce.

10 The bill modifies provisions in Code section 524.107  
11 relating to when a person doing business in Iowa may be  
12 permitted to use the words "bank" or "trust", or any  
13 derivative, plural, or compound of "bank" or "trust", in  
14 a manner which creates the impression that the person is  
15 authorized to engage in the business of banking or act in a  
16 fiduciary capacity. Currently, the specified list of persons  
17 so authorized includes, among others, a bank authorized  
18 pursuant to Code chapter 524. The bill adds the provision  
19 that a bank authorized by the laws of another state to utilize  
20 "bank" or "trust" in a manner tending to create the impression  
21 that the person is authorized to engage in the business of  
22 banking or act in a fiduciary capacity shall also be authorized  
23 to do so in this state. The bill also makes a conforming change  
24 to promote consistency between section 524.107, subsections 1  
25 and 2.

26 The bill also makes a technical correction to Code section  
27 544A.13, subsection 1, changing a reference to "provisions of  
28 this Act" to "provisions of this chapter".

29 Additionally, the bill repeals Code section 544A.21. That  
30 section permits specified business entities to engage in the  
31 practice of architecture in Iowa if certain requirements are  
32 met.

33 Further, the bill repeals Code provisions that permit the  
34 use of discounts for minority status and lack of marketability  
35 in determining the fair value of shares of banks and bank

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rn/sc

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Iowa General Assembly  
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H.F. 2130

1 holding companies in transactions that provide appraisal rights  
2 for dissenting shareholders.



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**House File 2131 - Introduced**

HOUSE FILE 2131  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 517)

(COMPANION TO SF 2093 BY  
COMMITTEE ON COMMERCE)

**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 5497HV (2) 85  
rn/sc







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H.F. 2131

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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House File 2132 - Introduced

HOUSE FILE 2132  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 532)

A BILL FOR

1 An Act establishing the Gideon fellowship program in the office  
2 of the state public defender.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5283HV (1) 85  
jm/nh





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House File 2133 - Introduced

HOUSE FILE 2133  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 503)

A BILL FOR

1 An Act relating to the criminal offense of interference with  
2 official acts, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5115HV (1) 85  
jm/nh



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H.F. 2133

1 Section 1. Section 719.1, subsection 2, unnumbered  
 2 paragraph 1, Code 2014, is amended to read as follows:  
 3 A person under the custody, control, or supervision of  
 4 the department of corrections, a county jail, or a municipal  
 5 holding facility, commits interference with official acts when  
 6 the person knowingly resists, obstructs, or interferes with a  
 7 correctional officer, jailer, agent, employee, or contractor,  
 8 whether paid or volunteer, in the performance of the person's  
 9 official duties.

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 interference with official acts.  
 14 Under the bill, a person under the custody, control, or  
 15 supervision of a county jail or municipal holding facility who  
 16 knowingly resists, obstructs, or interferes with a jailer,  
 17 agent, employee, or contractor in the performance of the  
 18 official duties of the jailer, agent, employee, or contractor  
 19 commits interference with official acts.

20 The criminal offense for the commission of interference  
 21 with official acts pursuant to the bill ranges from a serious  
 22 misdemeanor through a class "C" felony depending upon the facts  
 23 of the offense under Code section 719.1(2).

24 A person who assaults a jailer may also be punished pursuant  
 25 to the existing provisions of Code section 708.3A.



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House Joint Resolution 2003 - Introduced

HOUSE JOINT RESOLUTION 2003  
BY J. SMITH

HOUSE JOINT RESOLUTION

1 A Joint Resolution nullifying board of educational examiners  
2 rules relating to prohibited conduct between licensees and  
3 former students and including effective date provisions.  
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5614YH (3) 85  
jr/sc



**Iowa General Assembly  
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H.J.R. 2003

1 Section 1. The amendments to 282 Iowa administrative code,  
2 rule 25.3, subrule 1, as appearing in ARC 1170C, as published  
3 in the Iowa administrative bulletin, volume XXXVI, number 10,  
4 dated November 13, 2013, p. 1270, are nullified.

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

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 joint resolution nullifies the amendments to IAC  
11 subrule 25.3(1) by the board of educational examiners relating  
12 to prohibited conduct between licensees and former students.  
13 The amendments prohibit committing or soliciting any sexual  
14 conduct or soliciting, encouraging, or consummating a romantic  
15 relationship between a licensee and a former student for  
16 a period of 90 days following the student's last date of  
17 enrollment if the licensee previously had taught or supervised  
18 the student.

19 The administrative rules review committee placed a session  
20 delay on this rulemaking at its December 10, 2013, meeting.

21 The joint resolution takes effect upon enactment.



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House Resolution 105 - Introduced

HOUSE RESOLUTION NO. 105

BY FORBES, OURTH, THOMAS, and LYKAM

1 A Resolution recognizing Iowa's pharmacists and  
2 pharmacies who participate in the Department of  
3 Corrections' Behavioral Health Medication Voucher  
4 Program.

5 WHEREAS, the Iowa Prescription Drug Corporation  
6 (IPDC) is a not-for-profit corporation established in  
7 2001 to provide affordable medication access to Iowans  
8 in need of assistance; and

9 WHEREAS, although initially IPDC programs focused on  
10 providing affordable medications to Medicare-eligible  
11 Iowans, the focus has expanded to include a variety of  
12 services designed to provide low-cost pharmaceutical  
13 access to the most vulnerable populations in this  
14 state; and

15 WHEREAS, one such program is the Department of  
16 Corrections' Behavioral Health Medication Voucher  
17 Program, which provides up to a three-month supply of  
18 mental health medication for offenders who have been  
19 released from custody; and

20 WHEREAS, over half of the prison population has  
21 a mental health diagnosis of some type and fully  
22 one-third has a serious mental health problem; NOW  
23 THEREFORE,

24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
25 the House of Representatives extends its gratitude to  
26 those pharmacists and pharmacies participating in the  
27 Department of Corrections' Behavioral Health Medication  
28 Voucher Program for doing their part in returning



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1 offenders to society.



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House Study Bill 608 - Introduced

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

A BILL FOR

1 An Act relating to the Iowa business corporation Act by  
2 removing limitations imposed on shareholders making  
3 long-term arrangements affecting the affairs of the  
4 corporation, and by providing for the delivery of financial  
5 information to shareholders.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/rj





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1 unanimous agreement of the parties to the voting trust.

2 Sec. 2. Section 490.732, subsection 2, paragraph c, Code  
3 2014, is amended by striking the paragraph.

4 Sec. 3. Section 490.732, Code 2014, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 8. Limits, if any, on the duration of an  
7 agreement authorized by this section shall be as set forth in  
8 the agreement. An agreement that became effective between  
9 January 1, 2003, and June 30, 2014, both dates inclusive,  
10 unless the agreement provided otherwise, remains governed by  
11 the provisions of this section then in effect.

12 DIVISION II

13 FINANCIAL STATEMENTS FOR SHAREHOLDERS

14 Sec. 4. Section 490.1620, subsection 3, Code 2014, is  
15 amended to read as follows:

16 3. a. Within one hundred twenty days after the close  
17 of each fiscal year, the corporation shall send the annual  
18 financial statements to each shareholder. Thereafter, on  
19 written request from a shareholder to whom the statements were  
20 not sent, the corporation shall send the shareholder the latest  
21 financial statements.

22 b. A public corporation may fulfill its responsibilities  
23 under ~~this section~~ paragraph "a" by delivering the specified  
24 financial statements, or otherwise making them available, in  
25 any manner permitted by the applicable rules and regulations of  
26 the United States securities and exchange commission.

27 Sec. 5. Section 490.1620, Code 2014, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 3A. A corporation that is not a public  
30 corporation may fulfill its responsibilities under this section  
31 by filing annual financial reports in compliance with state or  
32 federal law, provided that such reports meet all the following  
33 requirements:

34 a. Contain a balance sheet as of the end of the fiscal year  
35 and an income statement for that year.





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1 on their behalf as a principal rather than a proxy. A voting  
2 trust becomes effective on the date the first shares subject to  
3 the trust are registered in the trustee's name, and continues  
4 for a term not to exceed 10 years but which may be extended  
5 for additional terms each not to exceed 10 years (Code section  
6 490.730).

7       CURRENT LAW — SHAREHOLDER AGREEMENTS. The shareholders  
8 of a closed corporation (whose stock is not publicly traded)  
9 may execute a shareholder agreement that governs the exercise  
10 of the corporate powers or the management of its business  
11 and affairs (Code section 490.732). This includes how it is  
12 controlled; how distributions are made; the management by a  
13 board of directors or offices; the rights and duties of its  
14 shareholders, including voting rights; the management of its  
15 property, assets, and contracts; and its dissolution. It  
16 must be approved or signed by all shareholders. There is no  
17 requirement that a shareholder agreement be filed with the  
18 secretary of state. Purchasers of shares take subject to the  
19 agreement only if they are notified of the agreement (printed  
20 on the share certificates or on an information statement).  
21 The shareholder agreement may be inconsistent with another  
22 provision of the Code chapter, but presumably cannot conflict  
23 with the corporation's articles of incorporation.

24       CURRENT LAW — FINANCIAL STATEMENTS FOR SHAREHOLDERS. A  
25 corporation is required to prepare and submit to shareholders  
26 various financial statements at the end of the corporation's  
27 fiscal year, including a balance sheet, an income statement,  
28 and a statement of changes in shareholders' equity. The  
29 financial statements are to be sent to each shareholder within  
30 120 days after the close of the fiscal year (Code section  
31 490.1620(3)). In 2013, the general assembly enacted HF 469  
32 (2013 Iowa Acts, chapter 31) which allows a public corporation  
33 to fulfill these requirements by delivering or making the  
34 financial statements available in accordance with rules and  
35 regulations of the United States securities and exchange

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1 commission. A public corporation has a class of voting stock  
2 listed on a national securities exchange or is held of record  
3 by more than 2,000 shareholders (Code section 490.140(27)).



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House Study Bill 609 - Introduced

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

A BILL FOR

1 An Act relating to the registration of child care homes and  
2 including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5030YC (4) 85  
ad/nh



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1 Section 1. Section 135.173A, subsection 4, paragraph e,  
2 Code 2014, is amended by striking the paragraph.

3 Sec. 2. Section 135.173A, subsection 4, paragraph f, Code  
4 2014, is amended to read as follows:

5 *f.* ~~Three~~ Four child development home providers.

6 Sec. 3. Section 142D.2, subsection 13, Code 2014, is amended  
7 to read as follows:

8 13. *"Place of employment"* means an area under the control of  
9 an employer and includes all areas that an employee frequents  
10 during the course of employment or volunteering, including but  
11 not limited to work areas, private offices, conference and  
12 meeting rooms, classrooms, auditoriums, employee lounges and  
13 cafeterias, hallways, medical facilities, restrooms, elevators,  
14 stairways and stairwells, and vehicles owned, leased, or  
15 provided by the employer unless otherwise provided under this  
16 chapter. *"Place of employment"* does not include a private  
17 residence, unless the private residence is used as a child  
18 care facility, ~~a child care home,~~ or as a health care provider  
19 location.

20 Sec. 4. Section 142D.2, subsection 16, paragraphs t and u,  
21 Code 2014, are amended to read as follows:

22 *t.* Private residences only when used as a child care  
23 facility, ~~a child care home,~~ or health care provider location.

24 *u.* Child care facilities ~~and child care homes.~~

25 Sec. 5. Section 142D.4, subsection 1, Code 2014, is amended  
26 to read as follows:

27 1. Private residences, unless used as a child care facility,  
28 ~~child care home,~~ or a health care provider location.

29 Sec. 6. Section 237.1, subsection 4, paragraph d, Code 2014,  
30 is amended to read as follows:

31 *d.* Child care furnished by a child care center, or a child  
32 development home, ~~or a child care home~~ as defined in section  
33 237A.1.

34 Sec. 7. Section 237A.1, subsection 3, unnumbered paragraph  
35 1, Code 2014, is amended to read as follows:



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1     ~~“Child care”~~ means the care, supervision, and guidance of  
2 a child by a person other than the child’s parent, guardian,  
3 grandparent, relative within the fourth degree of consanguinity  
4 to the child, or custodian for periods of less than twenty-four  
5 hours per day per child on a regular basis, but does not  
6 include care, supervision, and guidance of a child by any of  
7 the following:

8     Sec. 8. Section 237A.1, subsection 6, Code 2014, is amended  
9 by striking the subsection.

10    Sec. 9. Section 237A.1, subsection 7, Code 2014, is amended  
11 to read as follows:

12    7. ~~“Child development home”~~ means a person or program  
13 registered under section 237A.3A that may provide child care to  
14 ~~six~~ one or more children at any one time.

15    Sec. 10. Section 237A.1, subsection 11, Code 2014, is  
16 amended to read as follows:

17    11. ~~“Involvement with child care”~~ means licensed or  
18 registered under this chapter, employed in a child care  
19 facility, residing in a child care facility, receiving public  
20 funding for providing child care, or ~~providing child care as a~~  
21 ~~child care home provider, or residing in a child care home with~~  
22 a person receiving public funding for providing child care in  
23 the person’s home.

24    Sec. 11. Section 237A.3B, Code 2014, is amended to read as  
25 follows:

26    **237A.3B Smoking prohibited.**

27    Smoking, as defined in section 142D.2, shall not be  
28 permitted in a child care facility ~~or child care home.~~

29    Sec. 12. Section 237A.5, subsection 2, paragraph a,  
30 subparagraph (1), subparagraph division (e), Code 2014, is  
31 amended by striking the subparagraph division.

32    Sec. 13. Section 237A.5, subsection 2, paragraph b, Code  
33 2014, is amended to read as follows:

34    b. If an individual person subject to a record check is  
35 being considered for employment by a child care facility ~~or~~



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1 ~~child care home provider~~, in lieu of requesting a record  
 2 check in this state to be conducted by the department under  
 3 paragraph "c", the child care facility ~~or child care home~~ may  
 4 access the single contact repository established pursuant to  
 5 section 135C.33 as necessary to conduct a criminal and child  
 6 abuse record check of the individual in this state. A copy of  
 7 the results of the record check conducted through the single  
 8 contact repository shall also be provided to the department.  
 9 If the record check indicates the individual is a person  
 10 subject to an evaluation, the child care facility ~~or child care~~  
 11 ~~home~~ may request that the department perform an evaluation as  
 12 provided in this subsection. Otherwise, the individual shall  
 13 not be employed by the child care facility ~~or child care home~~.

14 Sec. 14. Section 237A.5, subsection 2, paragraph d,  
 15 subparagraph (2), Code 2014, is amended to read as follows:

16 (2) Except as otherwise provided by law, the cost of a  
 17 national criminal history check conducted in accordance with  
 18 subparagraph (1) and the state record checks conducted in  
 19 accordance with paragraph "c" that are conducted in connection  
 20 with a person's involvement with a child care center are not  
 21 the responsibility of the department. The department is  
 22 responsible for the cost of such checks conducted in connection  
 23 with a person's involvement with a child development home ~~or~~  
 24 ~~child care home~~.

25 Sec. 15. Section 237A.5, subsection 2, paragraph e,  
 26 subparagraph (2), Code 2014, is amended to read as follows:

27 (2) Prior to performing an evaluation, the department  
 28 shall notify the affected person, licensee, or registrant, ~~or~~  
 29 ~~child care home applying for or receiving public funding for~~  
 30 ~~providing child care~~, that an evaluation will be conducted to  
 31 determine whether prohibition of the person's involvement with  
 32 child care is warranted.

33 Sec. 16. Section 237A.5, subsection 2, paragraph g,  
 34 unnumbered paragraph 1, Code 2014, is amended to read as  
 35 follows:



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1 A person subject to a record check who is or was employed  
 2 by a child care facility ~~or child care home provider~~ and  
 3 is hired by another child care facility ~~or child care home~~  
 4 ~~provider~~ shall be subject to a record check in accordance  
 5 with this subsection. However, if the person was subject  
 6 to an evaluation because of a transgression in the person's  
 7 record and the evaluation determined that the transgression  
 8 did not warrant prohibition of the person's involvement  
 9 with child care and the latest record checks do not indicate  
 10 there is a transgression that was committed subsequent to  
 11 that evaluation, the person may commence employment with the  
 12 other child care facility or provider in accordance with the  
 13 department's evaluation and an exemption from any requirements  
 14 for reevaluation of the latest record checks is authorized.  
 15 Authorization of an exemption under this paragraph "g" from  
 16 requirements for reevaluation of the latest record checks by  
 17 the department is subject to all of the following provisions:  
 18 Sec. 17. Section 237A.5, subsection 2, paragraph i,  
 19 subparagraph (2), Code 2014, is amended to read as follows:  
 20 (2) If, within five years prior to the date of application  
 21 for registration or licensure under this chapter, for  
 22 employment or residence in a child care facility ~~or child care~~  
 23 ~~home~~, or for receipt of public funding for providing child  
 24 care, a person subject to an evaluation has been convicted of  
 25 a controlled substance offense under chapter 124 or has been  
 26 found to have committed physical abuse, the person shall be  
 27 prohibited from involvement with child care for a period of  
 28 five years from the date of conviction or founded abuse. After  
 29 the five-year prohibition period, the person may submit an  
 30 application for registration or licensure under this chapter,  
 31 or to receive public funding for providing child care or may  
 32 request an evaluation, and the department shall perform an  
 33 evaluation and, based upon the criteria in paragraph "h", shall  
 34 determine whether prohibition of the person's involvement with  
 35 child care continues to be warranted.

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1     Sec. 18. Section 237A.5, subsection 2, paragraph k, Code  
2 2014, is amended to read as follows:

3     k. If it has been determined that a child receiving child  
4 care from a child care facility ~~or a child care home~~ is the  
5 victim of founded child abuse committed by an employee,  
6 license or registration holder, ~~child care home provider~~  
7 person who receives public funding for providing child care or  
8 an individual residing with that person, or resident of the  
9 child care facility ~~or child care home~~ for which a report is  
10 placed in the central registry pursuant to section 232.71D,  
11 the administrator shall provide notification at the time of  
12 the determination to the parents, guardians, and custodians of  
13 children receiving care from the child care facility ~~or child~~  
14 ~~care home~~. A notification made under this paragraph shall  
15 identify the type of abuse but shall not identify the victim or  
16 perpetrator or circumstances of the founded abuse.

17     Sec. 19. Section 237A.12, subsection 1, paragraph c, Code  
18 2014, is amended to read as follows:

19     c. The adequacy of activity programs and food services  
20 available to the children. The department shall not restrict  
21 the use of or apply nutritional standards to a lunch or other  
22 meal which is brought to the center, or child development  
23 home, ~~or child care home~~ by a school-age child for the child's  
24 consumption.

25     Sec. 20. Section 237A.13, subsection 2, Code 2014, is  
26 amended to read as follows:

27     2. Services under the program may be provided ~~in~~ by a  
28 licensed child care center, a registered child development  
29 home, the home of a relative, the child's own home, a  
30 ~~child care home~~, or in a facility exempt from licensing or  
31 registration.

32     Sec. 21. Section 237A.19, subsections 2 and 3, Code 2014,  
33 are amended to read as follows:

34     2. ~~If registration is required under section 237A.3A, a~~ A  
35 person who establishes, conducts, manages, or operates a child



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1 development home without registering or a person who operates  
2 a child development home contrary to section 237A.5, commits  
3 a simple misdemeanor. Each day of continuing violation after  
4 conviction, or notice from the department by certified mail of  
5 the violation, is a separate offense. A single charge alleging  
6 continuing violation may be made in lieu of filing charges for  
7 each day of violation.

8 3. A person ~~who establishes, conducts, manages, or operates~~  
9 ~~a child care home in violation of section 237A.3, subsection~~  
10 ~~2, or a person~~ or program that has been prohibited by the  
11 department from involvement with child care but continues  
12 that involvement commits a simple misdemeanor. Each day of  
13 continuing violation after conviction, or notice from the  
14 department by certified mail of the violation, is a separate  
15 offense. A single charge alleging continuing violation may be  
16 made in lieu of filing charges for each day of violation.

17 Sec. 22. Section 237A.20, Code 2014, is amended to read as  
18 follows:

19 **237A.20 Injunction.**

20 A person who establishes, conducts, manages, or operates a  
21 center without a license or a child development home without a  
22 certificate of registration, ~~if registration is required under~~  
23 ~~section 237A.3A,~~ may be restrained by temporary or permanent  
24 injunction. A person who has been convicted of a crime against  
25 a person, a person with a record of founded child abuse,  
26 or a person who has been prohibited by the department from  
27 involvement with child care may be restrained by temporary or  
28 permanent injunction from providing ~~unregistered, registered,~~  
29 ~~or licensed~~ any child care or from other involvement with  
30 child care. The action may be instituted by the state, the  
31 county attorney, a political subdivision of the state, or an  
32 interested person.

33 Sec. 23. Section 237A.26, subsection 3, paragraph a, Code  
34 2014, is amended to read as follows:

35 a. Organize assistance to ~~child care homes and~~ child care



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1 facilities utilizing training levels based upon the child care  
2 providers' degrees of experience and interest.

3 Sec. 24. Section 237A.26, subsection 8, Code 2014, is  
4 amended to read as follows:

5 8. For purposes of improving the quality and consistency  
6 of data collection, consultation, and other support to ~~child~~  
7 ~~care home~~ and child development home providers, a resource and  
8 referral services agency grantee shall coordinate and assist  
9 with publicly and privately funded efforts administered at  
10 the community level to provide the support. The support and  
11 efforts addressed by a grantee may include but are not limited  
12 to community-funded ~~child care home~~ and child development home  
13 consultants. Community members involved with the assistance  
14 may include but are not limited to the efforts of an early  
15 childhood Iowa area board under chapter 256I, and of community  
16 representatives of education, health, human services, business,  
17 faith, and public interests.

18 Sec. 25. REPEAL. Section 237A.3, Code 2014, is repealed.

19 Sec. 26. EFFECTIVE DATE. This Act takes effect January 1,  
20 2015.

21 Sec. 27. IMPLEMENTATION. The department of human services  
22 shall adopt rules to facilitate full implementation of this Act  
23 by January 1, 2015.

24 **EXPLANATION**

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

27 This bill requires registration of all child care homes.  
28 Currently, a child care home can operate with five or fewer  
29 children without registering with the department of human  
30 services. The bill eliminates references to child care homes,  
31 replacing that term with the term "child development home", as  
32 amended by the bill, which means a person or program registered  
33 to provide child care for one or more children at any time.  
34 The bill does provide an exception from the registration  
35 requirement for a person who provides care to one or more

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1 children for whom the person is a grandparent or other relative  
2 within the fourth degree of consanguinity to the child. The  
3 bill makes conforming changes.

4 The bill takes effect January 1, 2015, and the department  
5 of human services shall adopt rules to facilitate full  
6 implementation of the bill by January 1, 2015.



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Senate File 2101 - Introduced

SENATE FILE 2101  
BY BOWMAN

(COMPANION TO LSB 5791HH BY  
BYRNES)

A BILL FOR

- 1 An Act concerning the excise tax on compressed natural gas and
- 2 liquefied natural gas used as special fuel.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5791SS (3) 85  
dea/sc



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S.F. 2101

1 Section 1. Section 452A.3, subsection 4, Code 2014, is  
2 amended to read as follows:  
3 4. For compressed natural gas used as a special fuel, the  
4 rate of tax that is equivalent to the motor fuel tax ~~shall~~  
5 ~~be sixteen~~ is twenty-one cents per ~~hundred~~ gasoline gallon  
6 equivalent. A gasoline gallon equivalent of compressed natural  
7 gas is five and sixty-six hundredths pounds or one hundred  
8 twenty-six and sixty-seven hundredths cubic feet adjusted to  
9 measured at a base temperature of sixty degrees Fahrenheit and  
10 a pressure of fourteen and seventy-three hundredths pounds per  
11 square inch absolute.

12 Sec. 2. Section 452A.3, Code 2014, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 4A. For liquefied natural gas used as a  
15 special fuel, the rate of tax that is equivalent to the motor  
16 fuel tax is twenty-two and one-half cents per diesel gallon  
17 equivalent. A diesel gallon equivalent of liquefied natural  
18 gas is six and six hundredths pounds of liquefied natural gas.

19 EXPLANATION

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

22 This bill revises the method of calculating the excise tax on  
23 compressed natural gas used as a special fuel and establishes  
24 an excise tax on liquefied petroleum gas used as a special  
25 fuel. Both rates are calculated to be equivalent to the motor  
26 fuel tax.

27 For compressed natural gas used as a special fuel, the rate  
28 of tax that is equivalent to the motor fuel tax is 21 cents  
29 per gasoline gallon equivalent. A gasoline gallon equivalent  
30 of compressed natural gas is 5.66 pounds or 126.67 cubic feet  
31 measured at a base temperature of 60 degrees Fahrenheit and  
32 a pressure of 14.73 pounds per square inch absolute. (Under  
33 current law, the rate of the tax is 16 cents per 100 cubic feet  
34 adjusted to a base temperature of 60 degrees Fahrenheit and a  
35 pressure of 14.73 pounds per square inch absolute.)

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dea/sc



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1 For liquefied natural gas used as a special fuel, the rate  
2 of tax that is equivalent to the motor fuel tax is 22.5 cents  
3 per diesel gallon equivalent. A diesel gallon equivalent of  
4 liquefied natural gas is 6.06 pounds of liquefied natural gas.



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Senate File 2102 - Introduced

SENATE FILE 2102  
BY TAYLOR

A BILL FOR

1 An Act relating to acceptance of applications for health care  
2 coverage through the American health benefits exchange  
3 created for this state pursuant to the federal Patient  
4 Protection and Affordable Care Act.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5604XS (2) 85  
rj/nh



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S.F. 2102

1 Section 1. Section 249N.4, Code 2014, is amended by adding  
 2 the following new subsection:

3 NEW SUBSECTION. 7. *a.* If an applicant is eligible  
 4 under subsection 1, paragraphs "a" and "b", and has in  
 5 good faith and in a timely manner completed an application  
 6 through the American health benefits exchange created for  
 7 this state pursuant to the Affordable Care Act, the coverage  
 8 for benefits shall be considered bound upon submission of  
 9 the application and the application shall be provisionally  
 10 accepted and coverage shall begin as provided in subsection  
 11 5. The department and any insurance carrier offering a  
 12 qualified health plan through the American health benefits  
 13 exchange created for this state are bound by this provisional  
 14 acceptance.

15 *b.* (1) The department for plans administered pursuant  
 16 to section 249N.5, subsection 2, paragraph "a", and  
 17 representatives of qualified health plans for plans  
 18 administered pursuant to section 249N.5, subsection 2,  
 19 paragraph "b", may require such an applicant, within thirty  
 20 days of the submission of the application, to provide any  
 21 missing information essential to the original application. If  
 22 the applicant fails to provide such information within ninety  
 23 days of the applicant's receipt of the request to provide the  
 24 missing information, the applicant's coverage may be terminated  
 25 thirty days after written notice of termination is received by  
 26 the applicant.

27 (2) Continuation of coverage during the time periods  
 28 described in subparagraph (1) and prior to full acceptance of  
 29 an application is subject to payment by the applicant of any  
 30 monthly premiums due and owing.

31 *c.* If an applicant submitting an application under paragraph  
 32 "a" is determined to be eligible for medical assistance benefits  
 33 under chapter 249A, such eligibility shall be backdated to the  
 34 date of submission of the application.

35 EXPLANATION

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

3       This bill treats provisional applications for health care  
4 coverage through the American health benefits exchange created  
5 for this state pursuant to the federal Patient Protection  
6 and Affordable Care Act, once submitted, as binding on the  
7 department of human services and on private insurance carriers  
8 offering qualified health plans through the American health  
9 benefits exchange. Information missing from such a provisional  
10 application may be requested during a 30-day period after  
11 the application's submission, and if such information is  
12 not provided within 90 days, the applicant's coverage may  
13 be terminated. Continued coverage during these periods of  
14 provisional acceptance of coverage is dependent upon payment by  
15 the applicant of any monthly premiums due and owing. If such  
16 an applicant is determined to be eligible for regular medical  
17 assistance (Medicaid) benefits under Code chapter 249A, such  
18 eligibility shall be backdated to the date of submission of the  
19 application.



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**Senate File 2103 - Introduced**

SENATE FILE 2103  
BY SCHOENJAHN

**A BILL FOR**

- 1 An Act relating to Iowa's operating-while-intoxicated law and
- 2 license revocations, temporary restricted licenses, and
- 3 ignition interlock devices.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rh/nh



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S.F. 2103

1 Section 1. Section 321J.2, subsection 3, paragraph d, Code  
 2 2014, is amended by striking the paragraph.

3 Sec. 2. Section 321J.2, subsection 4, paragraph c, Code  
 4 2014, is amended by striking the paragraph.

5 Sec. 3. Section 321J.2, subsection 5, paragraph c, Code  
 6 2014, is amended by striking the paragraph.

7 Sec. 4. Section 321J.4, Code 2014, is amended by striking  
 8 the section and inserting in lieu thereof the following:

9 **321J.4 Revocation of license — ignition interlock devices —**  
 10 **conditional temporary restricted license.**

11 1. *Revocation.* If a defendant is convicted of a violation  
 12 of section 321J.2, the defendant's driver's license or  
 13 nonresident operating privileges shall be revoked as follows:

14 a. *First offense.* If the defendant has had no previous  
 15 conviction or revocation under this chapter and the defendant's  
 16 driver's license or nonresident operating privilege has not  
 17 been revoked under section 321J.9 or 321J.12 for the occurrence  
 18 from which the arrest arose, the department shall revoke the  
 19 defendant's driver's license or nonresident operating privilege  
 20 for the following periods of time:

21 (1) Test result. One hundred eighty days if the defendant  
 22 submitted to chemical testing.

23 (2) Refusal to submit. One year if the defendant refused  
 24 to submit to chemical testing.

25 b. *Second offense.* If the defendant has had a previous  
 26 conviction or revocation under this chapter and the defendant's  
 27 driver's license or nonresident operating privilege has not  
 28 been revoked under section 321J.9 or 321J.12 for the occurrence  
 29 from which the arrest arose, the department shall revoke the  
 30 defendant's driver's license or nonresident operating privilege  
 31 for the following periods of time:

32 (1) Test result. One year if the defendant submitted to  
 33 chemical testing.

34 (2) Refusal to submit. Two years if the defendant refused  
 35 to submit to chemical testing.

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1 without certification that approved ignition interlock devices  
2 have been installed in all motor vehicles owned or operated by  
3 the defendant while the order is in effect.

4 *e.* A defendant who fails within a reasonable time to comply  
5 with an order to install an approved ignition interlock device  
6 may be declared in contempt of court and punished accordingly.

7 *f.* A person who tampers with or circumvents an ignition  
8 interlock device installed under a court order while an order  
9 is in effect commits a serious misdemeanor.

10 Sec. 5. Section 321J.9, subsection 1, paragraphs a and b,  
11 Code 2014, are amended to read as follows:

12 *a. First offense.* One year if the person has no previous  
13 revocation under this chapter; ~~and.~~

14 *b. Second or subsequent offense.* Two years if the person  
15 has had a previous revocation under this chapter.

16 Sec. 6. Section 321J.9, subsection 2, Code 2014, is amended  
17 by striking the subsection.

18 Sec. 7. Section 321J.12, subsection 1, paragraphs a and b,  
19 Code 2014, are amended to read as follows:

20 *a. First offense.* One hundred eighty days if the person has  
21 had no previous revocation under this chapter.

22 *b. Second or subsequent offense.* One year if the person has  
23 had a previous revocation under this chapter.

24 Sec. 8. Section 321J.12, subsection 2, Code 2014, is amended  
25 by striking the subsection.

26 Sec. 9. Section 321J.12, subsection 5, Code 2014, is amended  
27 to read as follows:

28 5. Upon certification, subject to penalty of perjury, by the  
29 peace officer that there existed reasonable grounds to believe  
30 that the person had been operating a motor vehicle in violation  
31 of section 321J.2A, that there existed one or more of the  
32 necessary conditions for chemical testing described in section  
33 321J.6, subsection 1, and that the person submitted to chemical  
34 testing and the test results indicated an alcohol concentration  
35 of .02 or more but less than .08, the department shall revoke



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1 the person's driver's license or operating privilege for a  
2 ~~period of sixty~~ the following periods of time:

3     a. First offense. Sixty days if the person has had no  
4 previous revocation under this chapter, ~~and for a period of~~  
5 ~~ninety.~~

6     b. Second or subsequent offense. Ninety days if the person  
7 has had a previous revocation under this chapter.

8     Sec. 10. Section 321J.17, subsection 1, Code 2014, is  
9 amended to read as follows:

10     1. If the department revokes a person's driver's license  
11 or nonresident operating privilege under this chapter, the  
12 department shall assess the person a civil penalty of two  
13 hundred dollars. The money collected by the department under  
14 this section shall be transmitted to the treasurer of state  
15 who shall deposit one-half of the money in the separate fund  
16 established in section 915.94 and one-half of the money in the  
17 general fund of the state. ~~A temporary restricted license~~  
18 ~~shall not be issued unless an ignition interlock device has~~  
19 ~~been installed pursuant to section 321J.4.~~ Except as provided  
20 in section 321.210B, a temporary restricted license shall  
21 not be issued or a driver's license or nonresident operating  
22 privilege reinstated until the civil penalty has been paid.  
23 A person assessed a penalty under this section may remit the  
24 civil penalty along with a processing fee of five dollars to a  
25 county treasurer authorized to issue driver's licenses under  
26 chapter 321M, or the civil penalty may be paid directly to the  
27 department.

28     Sec. 11. Section 321J.17, subsection 3, Code 2014, is  
29 amended to read as follows:

30     3. a. The department shall also require certification of  
31 installation of an ignition interlock device of a type approved  
32 by the commissioner of public safety on all motor vehicles  
33 owned or operated by any person seeking reinstatement following  
34 a ~~second or subsequent~~ revocation under section 321J.4, 321J.9,  
35 or 321J.12. ~~The~~ Unless a longer period of time is required by



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1 statute, the requirement for the installation of an approved  
2 ignition interlock device shall be for one year from the date  
3 of reinstatement unless a longer time period is required by  
4 statute. The one-year period a person is required to maintain  
5 an ignition interlock device under this subsection shall be  
6 reduced by any period of time the person held a valid temporary  
7 restricted license during the revocation for the occurrence  
8 from which the arrest arose. The person shall not operate any  
9 motor vehicle which is not equipped with an approved ignition  
10 interlock device during the period in which an ignition  
11 interlock device must be maintained, and the department  
12 shall not grant reinstatement unless the person certifies  
13 installation of an ignition interlock device as required in  
14 this subsection. the following periods of time:

15 (1) First offense. At least six months from the date of  
16 reinstatement if the person has had no previous revocation  
17 under this chapter.

18 (2) Second or subsequent offense. At least one year from  
19 the date of reinstatement if the person has had a previous  
20 revocation under this chapter.

21 (3) Offense involving a death. At least one year from the  
22 date of reinstatement if the person is seeking reinstatement  
23 following a revocation under section 321J.4, subsection 1,  
24 paragraph "e", for an offense involving a death, regardless of  
25 whether the person has had a previous revocation under this  
26 chapter.

27 b. The period a person is required to maintain an ignition  
28 interlock device under this subsection shall be reduced by any  
29 period of time the person held a valid temporary restricted  
30 license during the revocation for the occurrence from which  
31 the arrest arose, subject to any additional time required  
32 pursuant to subsection 4. The person shall not operate any  
33 motor vehicle which is not equipped with an approved ignition  
34 interlock device during the period in which an ignition  
35 interlock device must be maintained, and the department

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1 shall not grant reinstatement unless the person certifies  
 2 installation of an ignition interlock device as required in  
 3 this subsection.

4 Sec. 12. Section 321J.17, Code 2014, is amended by adding  
 5 the following new subsection:

6 NEW SUBSECTION. 4. a. The department shall adopt rules  
 7 pursuant to chapter 17A requiring a provider of an approved  
 8 ignition interlock device to submit electronic reports to the  
 9 department regarding the installation, maintenance, and use  
 10 of an approved ignition interlock device of a type approved  
 11 by the commissioner of public safety on all motor vehicles  
 12 owned or operated by the person seeking reinstatement including  
 13 instances of tampering, circumvention, or removal of the  
 14 ignition interlock device. The reports shall include but not  
 15 be limited to results indicating that the ignition interlock  
 16 device had detected a level of alcohol concentration beyond  
 17 which the ignition interlock device will not allow operation of  
 18 the motor vehicle in which it is installed.

19 b. Notwithstanding the provisions of subsection 3, a person  
 20 seeking reinstatement following a revocation under section  
 21 321J.4, 321J.9, or 321J.12 shall install and maintain an  
 22 approved ignition interlock device of a type approved by the  
 23 commissioner of public safety on all motor vehicles owned or  
 24 operated by the person seeking reinstatement until the results  
 25 reported to the department pursuant to paragraph "a" indicate  
 26 all of the following:

27 (1) The person has adequately maintained and used any  
 28 required ignition interlock device.

29 (2) For the three-month period immediately preceding the  
 30 person's application to remove the ignition interlock device  
 31 or to remove any ignition interlock device restriction on the  
 32 person's driver's license, the person has not had an event in  
 33 which the ignition interlock device detected a level of alcohol  
 34 concentration beyond which the ignition interlock device would  
 35 not allow the operation of the motor vehicle in which it is

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1 installed.

2     *c.* The time periods in subsection 3 shall be extended  
3 indefinitely until the person completes at least a three-month  
4 period free from events in which a required ignition interlock  
5 device detected a level of alcohol concentration beyond which  
6 the ignition interlock device would not allow the operation of  
7 the motor vehicle in which it is installed.

8     Sec. 13. Section 321J.20, Code 2014, is amended to read as  
9 follows:

10     **321J.20 Temporary restricted license — ignition interlock**  
11 **devices.**

12     1. *a.* The department may, on application, issue a temporary  
13 restricted license to a person whose noncommercial driver's  
14 license is revoked under this chapter allowing the person to  
15 ~~drive to and from the person's home and specified places at~~  
16 ~~specified times which can be verified by the department and~~  
17 ~~which are required by the person's full-time or part-time~~  
18 ~~employment, continuing health care or the continuing health~~  
19 ~~care of another who is dependent upon the person, continuing~~  
20 ~~education while enrolled in an educational institution on a~~  
21 ~~part-time or full-time basis and while pursuing a course of~~  
22 ~~study leading to a diploma, degree, or other certification of~~  
23 ~~successful educational completion, substance abuse treatment,~~  
24 ~~court-ordered community service responsibilities, and~~  
25 ~~appointments with the person's parole or probation officer if~~  
26 ~~the person's driver's license has not been revoked previously~~  
27 ~~under section 321J.4, 321J.9, or 321J.12 and for any lawful~~  
28 purpose if any of the following apply:

29     (1) The person's noncommercial driver's license is revoked  
30 under section 321J.4 and ~~the minimum period of ineligibility~~  
31 ~~for issuance of a temporary restricted license has expired.~~  
32 ~~This subsection shall not apply to a revocation ordered under~~  
33 ~~section 321J.4 resulting from a plea or verdict of guilty of a~~  
34 ~~violation of section 321J.2 that involved a death except for a~~  
35 revocation under section 321J.4, subsection 1, paragraph "c"

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1 or "e".

2 (2) The person's noncommercial driver's license is revoked  
3 under section 321J.9 and the person has entered a plea of  
4 guilty on a charge of a violation of section 321J.2 which  
5 arose from the same set of circumstances which resulted in  
6 the person's driver's license revocation under section 321J.9  
7 and the guilty plea is not withdrawn at the time of or after  
8 application for the temporary restricted license, and the  
9 minimum period of ineligibility for issuance of a temporary  
10 restricted license has expired.

11 (3) The person's noncommercial driver's license is revoked  
12 under section 321J.12, and the minimum period of ineligibility  
13 for issuance of a temporary restricted license has expired.

14 ~~b.~~ A temporary restricted license may be issued under this  
15 subsection if the person's noncommercial driver's license is  
16 revoked for two years under section 321J.4, subsection 2, or  
17 section 321J.9, subsection 1, paragraph "b", and the first three  
18 hundred sixty five days of the revocation have expired.

19 ~~e.~~ b. This subsection does not apply to a person whose  
20 license was revoked under section 321J.2A or section 321J.4,  
21 subsection 4 or 6, or to a person whose license is suspended or  
22 revoked for another reason.

23 ~~d.~~ Following the applicable minimum period of ineligibility,  
24 a temporary restricted license under this subsection shall  
25 not be issued until the applicant installs an ignition  
26 interlock device of a type approved by the commissioner of  
27 public safety on all motor vehicles owned or operated by the  
28 applicant in accordance with section 321J.2, 321J.4, 321J.9,  
29 or 321J.12. Installation of an ignition interlock device  
30 under this subsection shall be required for the period of time  
31 for which the temporary restricted license is issued and for  
32 such additional period of time following reinstatement as is  
33 required under section 321J.17, subsection 3.

34 2. ~~a.~~ Notwithstanding section 321.560, the department may,  
35 on application, and upon the expiration of the minimum period





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1 or operated by the applicant. Installation of an ignition  
2 interlock device under this ~~subsection~~ section shall be  
3 required for the period of time for which the temporary  
4 restricted license is issued, and for such additional period  
5 of time following reinstatement as is required under section  
6 321J.17, ~~subsection~~ subsections 3 and 4. However, a person  
7 whose driver's license or nonresident operating privilege has  
8 been revoked under section 321J.21 may apply to the department  
9 for a temporary restricted license without the requirement of  
10 an ignition interlock device if at least twelve years have  
11 elapsed since the end of the underlying revocation period for  
12 a violation of section 321J.2.

13 ~~3-~~ 5. If a person required to install an ignition interlock  
14 device operates a motor vehicle which does not have an approved  
15 ignition interlock device or if the person tampers with or  
16 circumvents an ignition interlock device, in addition to other  
17 penalties provided, the person's temporary restricted license  
18 shall be revoked.

19 ~~4-~~ 6. A person holding a temporary restricted license  
20 issued by the department under ~~this section~~ subsection 2 shall  
21 not operate a motor vehicle for pleasure.

22 ~~5-~~ 7. A person holding a temporary restricted license  
23 issued by the department under this section shall not operate  
24 a commercial motor vehicle on a highway if a commercial  
25 driver's license is required for the person's operation of the  
26 commercial motor vehicle.

27 ~~6-~~ 8. A person holding a temporary license issued by the  
28 department under this ~~chapter~~ section shall ~~be prohibited from~~  
29 ~~operating~~ not operate a school bus.

30 ~~7-~~ 9. Notwithstanding any provision of this chapter to  
31 the contrary, the department may issue a temporary restricted  
32 license to a person otherwise eligible for a temporary  
33 restricted license under this section, whose period of  
34 revocation under this chapter has expired, but who has not met  
35 all requirements for reinstatement of the person's driver's



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1 license or nonresident operating privileges.

2 ~~8-~~ 10. A person who tampers with or circumvents an ignition  
3 interlock device installed as required in this chapter and  
4 while the requirement for the ignition interlock device is in  
5 effect commits a serious misdemeanor.

6 EXPLANATION

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

9 This bill relates to Iowa's operating-while-intoxicated  
10 (OWI) law and driver's license revocations, temporary  
11 restricted licenses, and ignition interlock devices.

12 DUPLICATIVE LICENSE REVOCATION PROVISIONS. The bill  
13 eliminates duplicative provisions relating to court-ordered  
14 license revocations for first, second, and third and  
15 subsequent violations of Code section 321J.2 (Iowa's OWI law).  
16 The bill maintains provisions relating to administrative  
17 license revocations currently imposed by the department of  
18 transportation pursuant to Code sections 321J.4 (license  
19 revocations based on criminal OWI offenses), 321J.9 (license  
20 revocations relating to refusals to submit to chemical  
21 testing), and 321J.12 (license revocations based on test  
22 failures).

23 INELIGIBILITY PERIODS — TEMPORARY RESTRICTED LICENSES  
24 AND IGNITION INTERLOCK DEVICES. The bill eliminates certain  
25 provisions in Code sections 321J.4 (license revocations  
26 based on criminal OWI offenses), 321J.9 (test refusals), and  
27 321J.12 (license revocations based on test result failures)  
28 that currently provide eligibility restrictions for temporary  
29 restricted licenses and the installation of ignition interlock  
30 devices, dependent upon the number of prior offenses, blood  
31 alcohol level, and whether the offense involved an accident  
32 causing personal injury or property damage. The ineligibility  
33 periods for a temporary restricted license and for installation  
34 of an ignition interlock device are maintained for third and  
35 subsequent OWI offenses and for offenses involving a death.

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1 The bill makes a change to Code section 321J.4 allowing a  
2 court to increase the period of time during which a defendant  
3 must maintain an ignition interlock device on all vehicles  
4 owned or operated by the defendant in addition to any time an  
5 ignition interlock device is required for reinstatement under  
6 Code section 321J.17 or for a temporary restricted license  
7 under Code section 321J.20.

8 TEMPORARY RESTRICTED LICENSES AND IGNITION INTERLOCK DEVICES  
9 — GENERAL PROVISIONS. The bill strikes certain provisions  
10 relating to temporary restricted licenses and the installation  
11 of ignition interlock devices currently contained in Code  
12 sections 321J.4, 321J.9, and 321J.12 and consolidates these  
13 provisions into Code sections 321J.17 and 321J.20.

14 REINSTATEMENT REQUIREMENTS. Currently, Code section 321J.17  
15 contains provisions relating to reinstatement of a person's  
16 driver's license or nonresident operating privileges after  
17 revocation for any OWI offense under Code chapter 321J (based  
18 on either administrative or criminal action). The person must  
19 pay a civil penalty fine, present proof of completion of a  
20 course for drinking drivers and a substance abuse evaluation  
21 and treatment, and if applicable, present proof of financial  
22 responsibility. In addition, following a second or subsequent  
23 license revocation, a person applying for reinstatement must  
24 install a department-approved ignition interlock device on all  
25 vehicles owned or operated by the person for one year, unless a  
26 longer period of time is otherwise required.

27 The bill retains the current requirements for reinstatement,  
28 but in regard to ignition interlock devices, requires all  
29 persons (not just repeat offenders) applying for reinstatement  
30 to install an ignition interlock device on all vehicles owned  
31 or operated by the person for the following periods of time  
32 depending on the nature of the offense: for a first offense  
33 (no previous revocations), at least six months from the date  
34 of reinstatement; for a second or subsequent offense (previous  
35 revocations), at least one year from the date of reinstatement;

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1 and if the offense involved a death, at least one year from the  
2 date of reinstatement regardless of whether the person has had  
3 a previous revocation.

4 The bill provides that the period of time a person is  
5 required to maintain an ignition interlock device shall be  
6 reduced by any period of time the person held a valid temporary  
7 restricted license during the revocation for the occurrence  
8 from which the arrest arose, subject to any additional time  
9 required. The person shall not operate any motor vehicle which  
10 is not equipped with an approved ignition interlock device  
11 during the period in which an ignition interlock device must be  
12 maintained, and the department shall not grant reinstatement  
13 unless the person certifies installation of an ignition  
14 interlock device.

15 The bill requires the department of transportation to adopt  
16 rules pursuant to Code chapter 17A requiring a provider of  
17 an approved ignition interlock device to submit electronic  
18 reports to the department regarding the operation of an  
19 approved ignition interlock device on all motor vehicles owned  
20 or operated by the person seeking reinstatement including  
21 instances of tampering, circumvention, or removal of the  
22 ignition interlock device. The reports shall include but not  
23 be limited to results indicating that the ignition interlock  
24 device had detected a level of alcohol concentration beyond  
25 which the ignition interlock device will not allow operation  
26 of the motor vehicle in which it is installed. A person  
27 seeking reinstatement following a license revocation is  
28 required to install and maintain an approved ignition interlock  
29 device until the results reported to the department indicate  
30 the person has adequately maintained and used any required  
31 ignition interlock device and that, for the three-month period  
32 immediately preceding the person's application to remove the  
33 ignition interlock device or to remove any ignition interlock  
34 device restriction on the person's driver's license, the person  
35 has not had an event in which the ignition interlock device



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1 detected a level of alcohol concentration beyond which the  
2 ignition interlock device would not allow the operation of  
3 a motor vehicle in which it is installed. The bill further  
4 provides that the time periods for installation of an ignition  
5 interlock device shall be extended indefinitely until the  
6 person completes at least a three-month period free from events  
7 in which a required ignition interlock device detected a level  
8 of alcohol concentration beyond which the ignition interlock  
9 device would not allow the operation of a motor vehicle in  
10 which it is installed.

11 TEMPORARY RESTRICTED LICENSES. The bill amends Code section  
12 321J.20 to provide that a person whose noncommercial driver's  
13 license is revoked may receive a temporary restricted license  
14 to drive for any lawful purpose. Current law restricts the  
15 issuance of a temporary restricted license for specified  
16 reasons including employment, medical appointments, and  
17 educational purposes. Certain driving restrictions are  
18 maintained for persons whose licenses are revoked for third or  
19 subsequent OWI convictions, for offenses involving a death, and  
20 for habitual offenders.



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**Senate Resolution 104 - Introduced**

SENATE RESOLUTION NO. 104

BY DEARDEN

1 A Resolution congratulating the Grandview University  
2 Vikings football team on winning the National  
3 Association of Intercollegiate Athletics National  
4 Championship.

5 WHEREAS, in 2013, the Grandview Vikings football  
6 team had a 14-0 overall record, won the Mid-States  
7 Football Association Midwest title for the third  
8 straight season with 6-0 league record, and finished  
9 the season ranked as the number one team in the  
10 nation; and

11 WHEREAS, on December 21, 2013, the Vikings won the  
12 58th annual Russell Athletic-NAIA Football National  
13 Championship, beating the first ranked University of  
14 the Cumberlands Patriots with a score of 35-23; and

15 WHEREAS, Grandview quarterback Derek Fulton was  
16 named the Outstanding Offensive Player of the Game,  
17 completing 19 of 39 attempts for a game-high 300 yards,  
18 and four touchdowns; and

19 WHEREAS, Jason Gladfelder was named the Outstanding  
20 Defensive Player of the Game, registering 15  
21 tackles; and

22 WHEREAS, Coach Mike Woodley has been selected as the  
23 American Football Coaches' Association NAIA National  
24 Coach of the Year; NOW THEREFORE,

25 BE IT RESOLVED BY THE SENATE, That the Senate  
26 congratulates Coach Woodley and all the members of the  
27 Grandview University Vikings football team on winning  
28 the National Association of Intercollegiate Athletics



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1 National Championship.



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**Senate Study Bill 3141 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA FINANCE  
AUTHORITY BILL)

**A BILL FOR**

1 An Act providing for the reorganization of the Code provisions  
2 relating to the Iowa finance authority, revising and  
3 eliminating programs, including the beginning farm loan  
4 program, providing for existing tax credits, providing  
5 for the powers and duties of the authority, and including  
6 effective date provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/rj





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- 1     ~~(2) The rent supplements program.~~
- 2     ~~(3) The emergency housing fund program.~~
- 3     ~~(4) The special housing assistance program.~~
- 4     ~~(5) The single-family housing program.~~
- 5     ~~(6) The multifamily housing program.~~
- 6     ~~(7) The title guaranty program.~~
- 7     ~~(8) The housing improvement fund program.~~
- 8     ~~(9) The economic development loan program.~~
- 9     ~~(10) The Iowa economic development bond bank program.~~
- 10    ~~(11) The sewage treatment and drinking facilities financing~~
- 11 ~~program.~~
- 12    ~~(12) The Iowa tank assistance bond program.~~
- 13    ~~(13) The residential treatment facilities program.~~
- 14    ~~(14) The E-911 program.~~
- 15    ~~(15) The community college dormitory program.~~
- 16    ~~(16) The prison infrastructure program.~~
- 17    ~~(17) The wastewater treatment financial assistance program.~~
- 18    ~~(18) Any other program established by the authority which~~
- 19 ~~the authority finds useful and convenient to further goals of~~
- 20 ~~the authority and which is consistent with the legislative~~
- 21 ~~findings. Such additional programs shall be administered in~~
- 22 ~~accordance with the guiding principles of the authority after~~
- 23 ~~such notice and hearing as is determined to be reasonable~~
- 24 ~~by the authority under the circumstances. Such additional~~
- 25 ~~programs shall be administered in accordance with rules, if~~
- 26 ~~any, which the authority determines useful and convenient to~~
- 27 ~~adopt pursuant to chapter 17A.~~

28     Sec. 3. Section 16.1, subsection 1, Code 2014, is amended by  
29 adding the following new paragraphs:

30     NEW PARAGRAPH. *0a.* "Adequate housing" means housing which  
31 meets minimum structural, heating, lighting, ventilation,  
32 sanitary, occupancy, and maintenance standards compatible with  
33 applicable building and housing codes, as determined under  
34 rules of the authority.

35     NEW PARAGRAPH. *0g.* "Depreciable property" means personal



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1 property for which an income tax deduction for depreciation is  
2 allowable in computing federal income tax under the Internal  
3 Revenue Code as defined in section 422.3.

4 NEW PARAGRAPH. *Op.* "*Historic properties*" means landmarks,  
5 landmark sites, or districts which are significant in the  
6 history, architecture, archaeology, or culture of this state,  
7 its communities, or the nation.

8 NEW PARAGRAPH. *Or.* (1) "*Lending institution*" means  
9 any bank, trust company, mortgage company, national banking  
10 association, federal savings association, or life insurance  
11 company; any state or federal governmental agency or  
12 instrumentality; the federal land bank or any of its local  
13 associations; or any other institution authorized to make loans  
14 in this state.

15 (2) "*Lending institution*" includes a financial institution  
16 as defined in section 496B.2, which lends moneys for farming  
17 purposes as provided in subchapter VIII, or for industrial or  
18 business purposes.

19 NEW PARAGRAPH. *Oac.* "*Net worth*" means a person's total  
20 assets minus total liabilities as determined in accordance  
21 with generally accepted accounting principles with appropriate  
22 exceptions and exemptions reasonably related to an equitable  
23 determination of a person's net worth. Assets shall be valued  
24 at fair market value.

25 NEW PARAGRAPH. *Oaj.* "*Secured loan*" means a financial  
26 obligation secured by a chattel mortgage, security agreement,  
27 or other instrument creating a lien on an interest in  
28 depreciable property.

29 NEW PARAGRAPH. *an.* "*Veteran*" means the same as defined in  
30 section 35.1.

31 Sec. 4. Section 16.1, subsection 2, Code 2014, is amended by  
32 striking the subsection.

33 Sec. 5. Section 16.1A, Code 2014, is amended to read as  
34 follows:

35 **16.1A Creation — administration of programs.**



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1     1. The Iowa finance authority is created, and constitutes  
 2 a public instrumentality and agency of the state exercising  
 3 public and essential governmental functions.

4     2. The authority shall undertake and administer all of the  
 5 following:

6     a. Programs established under this chapter ~~to assist in~~  
 7 ~~attainment of adequate housing for low- or moderate-income~~  
 8 ~~families, elderly families, and families which include one or~~  
 9 ~~more persons with disabilities, and to undertake the various~~  
 10 ~~finance programs under this chapter.~~

11     b. Programs ~~which assist qualified farmers or agricultural~~  
 12 ~~producers, including beginning farmers, as provided in chapter~~  
 13 ~~175 established by the authority which the authority finds~~  
 14 useful and convenient to further goals of the authority and  
 15 which is consistent with the legislative findings. Such  
 16 programs shall be administered in accordance with the guiding  
 17 principles of the authority after such notice and hearing as  
 18 is determined to be reasonable by the authority under the  
 19 circumstances. Such additional programs shall be administered  
 20 in accordance with rules, if any, which the authority  
 21 determines useful and convenient to adopt pursuant to chapter  
 22 17A.

23     3. The Iowa finance authority board of directors shall  
 24 have general control, supervision, and regulation of all  
 25 ~~authority programs established under this chapter and chapter~~  
 26 ~~175 described in this section.~~

27     4. The authority is charged with the broad administrative  
 28 authority to make, administer, interpret, construe, repeal, and  
 29 execute the rules, and to administer, interpret, construe, and  
 30 execute the laws of this state relating to such programs.

31     5. The board may, by resolution, delegate to the  
 32 agricultural development board, title guaranty division  
 33 board, executive director, or other authority employee such  
 34 of its powers, under such terms and conditions, as it deems  
 35 appropriate.



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1     Sec. 6. Section 16.2, subsection 9, Code 2014, is amended by  
2 striking the subsection.

3     Sec. 7. Section 16.2A, subsection 1, Code 2014, is amended  
4 to read as follows:

5     1. A title guaranty division is created within the  
6 authority. The powers of the division relating to the issuance  
7 of title guaranties are vested in and shall be exercised by  
8 a division board of five members appointed by the governor  
9 subject to confirmation by the senate. The membership of  
10 the board shall include an attorney, an abstractor, a real  
11 estate broker, a representative of a ~~mortgage lender~~ lending  
12 institution, and a representative of the housing development  
13 industry. The executive director of the authority shall  
14 appoint an attorney as director of the title guaranty division,  
15 who shall serve as an ex officio member of the board. The  
16 appointment of and compensation for the division director  
17 are exempt from the merit system provisions of chapter 8A,  
18 subchapter IV.

19     Sec. 8. **NEW SECTION. 16.2B Agricultural development**  
20 **division — administration of programs.**

21     1. An agricultural development division is created  
22 within the authority. The agricultural development division  
23 shall administer subchapter VIII, by providing assistance  
24 to beginning farmers, agricultural producers, displaced  
25 farmers, or other persons qualifying for such assistance under  
26 subchapter VIII.

27     2. The agricultural development division shall be  
28 administered in accordance with the policies of the  
29 agricultural development board created in section 16.2C.  
30 The executive director of the authority may organize the  
31 agricultural development division and employ necessary  
32 qualified personnel to administer subchapter VIII.

33     3. The agricultural development division shall, to  
34 every extent practical, assist such persons to do all of the  
35 following:

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1     *a.* Acquire agricultural land, agricultural improvements,  
 2 or depreciable agricultural property, including as provided in  
 3 subchapter VIII.

4     *b.* Obtain agricultural assets transfer tax credits,  
 5 including by issuing tax credit certificates pursuant to  
 6 subchapter VIII, part 5.

7     *c.* Obtain financing for other capital requirements or  
 8 operating expenses.

9     4. The net earnings of the agricultural development  
 10 division, beyond that necessary for retirement of its notes,  
 11 bonds, or other obligations or to implement the public purposes  
 12 and programs authorized in subchapter VIII, shall not inure to  
 13 the benefit of any person other than the state.

14     5. *a.* At least two of the authority's full-time equivalent  
 15 positions, as defined in section 8.36A, shall be entirely  
 16 dedicated to administering programs established pursuant to  
 17 subchapter VIII. One of those full-time equivalent positions  
 18 shall be dedicated to overseeing the administration of those  
 19 programs, and to the extent that the programs are affected, the  
 20 full-time equivalent position shall be provided the powers and  
 21 duties necessary to do all of the following:

- 22         (1) Participate in making managerial decisions.
- 23         (2) Provide for outreach and promotion.
- 24         (3) Improve delivery of services.

25     *b.* This subsection is repealed on July 1, 2015.

26     Sec. 9. NEW SECTION. **16.2C Agricultural development board.**

27     1. The powers of the agricultural development division,  
 28 created within the Iowa finance authority under section 16.2B,  
 29 are vested in and shall be exercised by the agricultural  
 30 development board as provided in section 16.2B and this  
 31 section.

32     2. The agricultural development board is created to  
 33 exercise all powers and perform all duties necessary to  
 34 administer subchapter VIII according to policies established  
 35 by the Iowa finance authority. The authority shall establish



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1 policies and practices for the division and oversee its  
2 operations. The authority may review or approve decisions  
3 affecting the division or administration of subchapter VIII,  
4 including decisions of the agricultural development board.

5 3. The agricultural development board consists of five  
6 members appointed by the governor subject to confirmation  
7 by the senate. The executive director of the Iowa finance  
8 authority or the executive director's designee shall serve as  
9 an ex officio, nonvoting member.

10 4. The appointed members of the agricultural development  
11 board shall be appointed and retained in office as follows:

12 a. Not more than three members shall belong to the same  
13 political party.

14 b. As far as possible, the governor shall include within  
15 the membership persons who represent lending institutions  
16 experienced in agricultural lending, real estate sales,  
17 farmers, beginning farmers, average taxpayers, local  
18 government, soil and water conservation district officials,  
19 agricultural educators, and other persons specially interested  
20 in family farm development.

21 c. Members shall serve for staggered terms of six years  
22 beginning and ending as provided in section 69.19. A person  
23 appointed to fill a vacancy shall serve only for the unexpired  
24 portion of the member's term. A member is eligible for  
25 reappointment. An appointed member may be removed from office  
26 by the governor for misfeasance, malfeasance, willful neglect  
27 of duty, or other just cause, after notice and hearing, unless  
28 the notice and hearing is expressly waived in writing.

29 5. The agricultural development board shall conduct  
30 business according to all of the following:

31 a. Three appointed members constitute a quorum and the  
32 affirmative vote of a majority of the appointed members is  
33 necessary for any substantive action taken by the board. A  
34 majority of appointed members shall not include any member who  
35 has a conflict of interest and a statement by a member that

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1 the member has a conflict of interest is conclusive for this  
2 purpose. A vacancy in the membership does not impair the right  
3 of a quorum to exercise all rights and perform all duties of  
4 the board.

5 *b.* Meetings of the board shall be held at the call of the  
6 chairperson or whenever two appointed members so request.

7 *c.* The appointed members shall elect a chairperson and vice  
8 chairperson annually, and other officers as they determine.

9 The executive director of the Iowa finance authority or the  
10 executive director's designee shall serve as secretary to the  
11 board.

12 6. An appointed member of the agricultural development  
13 board is entitled to receive a per diem as specified in section  
14 7E.6 for each day spent in performance of duties as a member,  
15 and shall be reimbursed for all actual and necessary expenses  
16 incurred in the performance of duties as a member.

17 7. An appointed member of the agricultural development  
18 board shall give bond as required for public officers in  
19 chapter 64.

20 **Sec. 10. NEW SECTION. 16.2D Council on homelessness.**

21 1. A council on homelessness is established consisting of  
22 thirty-eight voting members. At least one voting member at all  
23 times shall be a member of a minority group.

24 2. Members of the council shall consist of all of the  
25 following:

26 *a.* Twenty-six members of the general public appointed to  
27 two-year staggered terms by the governor in consultation with  
28 the nominating committee under subsection 4, paragraph "a".

29 (1) Voting members from the general public may include  
30 but are not limited to the following types of individuals  
31 and representatives of the following programs: homeless or  
32 formerly homeless individuals and their family members, youth  
33 shelters, faith-based organizations, local homeless service  
34 providers, emergency shelters, transitional housing providers,  
35 family and domestic violence shelters, private business, local







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- 1 limited to the following:
- 2     *a.* Develop a process for evaluating state policies,  
3 programs, statutes, and rules to determine whether any state  
4 policies, programs, statutes, or rules should be revised to  
5 help prevent and alleviate homelessness.
- 6     *b.* Evaluate whether state agency resources could be more  
7 efficiently coordinated with other state agencies to prevent  
8 and alleviate homelessness.
- 9     *c.* Work to develop a coordinated and seamless service  
10 delivery system to prevent and alleviate homelessness.
- 11     *d.* Use existing resources to identify and prioritize efforts  
12 to prevent persons from becoming homeless and to eliminate  
13 factors that keep people homeless.
- 14     *e.* Identify and use federal and other funding opportunities  
15 to address and reduce homelessness within the state.
- 16     *f.* Work to identify causes and effects of homelessness and  
17 increase awareness among policymakers and the general public.
- 18     *g.* Advise the governor's office, the Iowa finance authority,  
19 state agencies, and private organizations on strategies to  
20 prevent and eliminate homelessness.
- 21     9.   *a.* The council shall make annual recommendations to  
22 the governor regarding matters which impact homelessness on or  
23 before September 15.
- 24     *b.* The council shall prepare and file with the governor and  
25 the general assembly on or before the first day of December in  
26 each odd-numbered year, a report on homelessness in Iowa.
- 27     *c.* The council shall assist in the completion of the state's  
28 continuum of care application to the United States department  
29 of housing and urban development.
- 30     10.   *a.* The Iowa finance authority, in consultation with the  
31 council, shall adopt rules pursuant to chapter 17A for carrying  
32 out the duties of the council pursuant to this section.
- 33     *b.* The council shall establish internal rules of procedure  
34 consistent with the provisions of this section.
- 35     *c.* Rules adopted or internal rules of procedure established

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1 pursuant to paragraph "a" or "b" shall be consistent with the  
 2 requirements of the federal McKinney-Vento Homeless Assistance  
 3 Act, 42 U.S.C. §11301 et seq.

4 11. The council shall comply with the requirements of  
 5 chapters 21 and 22. The Iowa finance authority shall be the  
 6 official repository of council records.

7 Sec. 11. NEW SECTION. **16.2E Legislative findings —**  
 8 **general.**

9 The general assembly finds and declares all of the  
 10 following:

11 1. The establishment of the authority is in all respects  
 12 for the benefit of the people of the state of Iowa, for the  
 13 improvement of their health and welfare, and for the promotion  
 14 of the economy, which are public purposes.

15 2. The authority will be performing an essential  
 16 governmental function in the exercise of the powers and duties  
 17 conferred upon it by this chapter.

18 3. All of the purposes stated in this section are public  
 19 purposes and uses for which public moneys may be borrowed,  
 20 expended, advanced, loaned, or granted.

21 Sec. 12. Section 16.3, subsections 1, 2, 14, 15, 16, 17, and  
 22 18, Code 2014, are amended by striking the subsections.

23 Sec. 13. Section 16.4, subsection 7, Code 2014, is amended  
 24 to read as follows:

25 7. The authority shall encourage the protection,  
 26 restoration and rehabilitation of historic properties, and  
 27 the preservation of other properties of special value for  
 28 architectural or esthetic reasons. ~~As used in this subsection,~~  
 29 ~~"historic properties" means landmarks, landmark sites, or~~  
 30 ~~districts which are significant in the history, architecture,~~  
 31 ~~archaeology, or culture of this state, its communities, or the~~  
 32 ~~nation.~~

33 Sec. 14. NEW SECTION. **16.4A Legislative findings —**  
 34 **agricultural development.**

35 The general assembly finds and declares all of the





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1     9. It is necessary to create a program to encourage  
2 ownership of farms by beginning farmers by providing purchase  
3 money loans to beginning farmers who are not able to obtain  
4 adequate capital elsewhere to provide such funds and to lower  
5 costs through the use of public financing.

6     10. All of the purposes stated in this section are public  
7 purposes and uses for which public moneys may be borrowed,  
8 expended, advanced, loaned, or granted.

9     11. There exists a serious problem in this state regarding  
10 the ability of farmers to obtain affordable operating loans for  
11 reasonable and necessary expenses and cash flow requirements  
12 of farming.

13    12. Farming is one of the principal pursuits of the  
14 inhabitants of this state. Many other industries and pursuits,  
15 in turn, are wholly dependent upon farming.

16    13. The inability of farmers to obtain affordable operating  
17 loans is conducive to a general decline of the economy in this  
18 state.

19    14. A serious problem continues to exist in this state  
20 regarding the ability of agricultural producers to obtain,  
21 retain, restructure, or service loans or other financing on  
22 a reasonable and affordable basis for operating expenses,  
23 cash flow requirements, and capital asset acquisition or  
24 maintenance.

25    15. Because the Iowa economy is dependent upon the  
26 production and marketing of agricultural produce, the inability  
27 of agricultural producers to obtain, retain, restructure,  
28 or service loans or other financing on a reasonable and  
29 an affordable basis for operating expenses, cash flow  
30 requirements, or capital asset acquisition or maintenance  
31 contributes to a general decline of the state's economy.

32    Sec. 15. NEW SECTION. **16.4B Guiding principles —**  
33 **agricultural development.**

34    In the performance of its duties, implementation of its  
35 powers, and selection of specific programs and projects to



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1 receive its assistance under subchapter VIII, the authority  
2 shall be guided by the following principles:

3 1. The authority shall not become an owner of real or  
4 depreciable property, except on a temporary basis where  
5 necessary in order to implement its programs, to protect its  
6 investments by means of foreclosure or other means, or to  
7 facilitate transfer of real or depreciable property for the use  
8 of beginning farmers.

9 2. The authority shall exercise diligence and care in  
10 selection of projects to receive its assistance and shall apply  
11 customary and acceptable business and lending standards in  
12 selection and subsequent implementation of the projects. The  
13 authority may delegate primary responsibility for determination  
14 and implementation of the projects to any federal governmental  
15 agency which assumes any obligation to repay the loan, either  
16 directly or by insurance or guaranty.

17 3. The authority shall establish a beginning farmer  
18 loan program to aid beginning farmers in the acquisition of  
19 agricultural land and improvements and depreciable agricultural  
20 property.

21 4. The authority shall develop programs for providing  
22 financial assistance to agricultural producers in this state.

23 **Sec. 16. NEW SECTION. 16.4C Legislative findings — title**  
24 **guaranty.**

25 The general assembly finds and declares that the abstract  
26 attorney's title opinion system promotes land title stability  
27 for determining the marketability of land titles and is a  
28 public purpose. A public purpose will be served by providing,  
29 as an adjunct to the abstract attorney's title opinion system,  
30 a low-cost mechanism to provide for additional guaranties  
31 of real property titles in Iowa. The title guaranties will  
32 facilitate mortgage lenders' participation in the secondary  
33 market and add to the integrity of the land-title transfer  
34 system in the state.

35 **Sec. 17. NEW SECTION. 16.4D Legislative findings —**



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1 **economic development.**

2 The general assembly finds and declares all of the  
3 following:

4 1. Economic development and expansion of business,  
5 industry, and farming in the state is dependent upon the  
6 availability of financing of the development and expansion at  
7 affordable interest rates.

8 2. The pooling of private financing enhances the  
9 marketability of the obligations involved and increases access  
10 to other state, regional, and national credit markets.

11 3. The creation of an economic development program as  
12 provided in section 16.102 will make the pooling of private  
13 financing available to small businesses, farmers, agricultural  
14 landowners and operators, and commercial, industrial, and other  
15 business enterprises at favorable interest rates with reduced  
16 marketing costs.

17 Sec. 18. Section 16.5, subsection 1, paragraph p, Code 2014,  
18 is amended to read as follows:

19 *p.* Through the Iowa title guaranty division, make and issue  
20 title guaranties on Iowa real property in a form acceptable  
21 to the secondary market, to fix and collect the charges for  
22 the guaranties and to procure reinsurance against any loss in  
23 connection with the guaranties.

24 Sec. 19. Section 16.5C, subsections 6 and 8, Code 2014, are  
25 amended to read as follows:

26 6. Renegotiate a mortgage loan or loan to a ~~mortgage lender~~  
27 lending institution in default; waive a default or consent to  
28 the modification of the terms of a mortgage loan or a loan to a  
29 ~~mortgage lender~~ lending institution; forgive or forbear all or  
30 part of a mortgage loan or a loan to a ~~mortgage lender~~ lending  
31 institution; and commence, prosecute, and enforce a judgment  
32 in any action, including but not limited to a foreclosure  
33 action, to protect or enforce any right conferred upon the  
34 authority by law, mortgage loan agreement, contract, or other  
35 agreement, and in connection with any such action, bid for and



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1 purchase the property or acquire or take possession of it,  
2 complete, administer, and pay the principal of and interest on  
3 any obligations incurred in connection with the property, and  
4 dispose of and otherwise deal with the property in a manner as  
5 the authority deems advisable to protect its interests.

6 8. Purchase, and make advance commitments to purchase,  
7 residential mortgage loans from ~~mortgage lenders~~ lending  
8 institutions at prices and upon terms and conditions it  
9 determines consistent with its goals and legislative findings.

10 However, the total purchase price for all residential  
11 mortgage loans which the authority commits to purchase from  
12 a ~~mortgage lender~~ lending institution at any one time shall  
13 not exceed the total of the unpaid principal balances of the  
14 residential mortgage loans purchased. ~~Mortgage lenders~~ Lending  
15 institutions are authorized to sell residential mortgage loans  
16 to the authority in accordance with this section and the rules  
17 of the authority. The authority may charge a ~~mortgage lender~~  
18 lending institution a commitment fee or other fees as set by  
19 rule as a condition for the authority purchasing residential  
20 mortgage loans.

21 Sec. 20. NEW SECTION. 16.5D **Specific powers and duties —**  
22 **agricultural development.**

23 The authority has all of the general and specific powers  
24 needed to carry out its purposes and duties as provided in  
25 this subchapter, and to exercise its specific powers under  
26 subchapter VIII.

27 Sec. 21. Section 16.7, Code 2014, is amended to read as  
28 follows:

29 **16.7 Annual report.**

30 1. The authority shall submit to the governor and to the  
31 general assembly, not later than January 15 each year, ~~a~~ an  
32 annual report.

33 2. A complete report shall include at least three parts  
34 which include all of the following:

35 a. A general description of the authority setting forth:



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- 1     ~~a.~~ (1) Its operations and accomplishments.
- 2     ~~b.~~ (2) Its receipts and expenditures during the fiscal
- 3 year, in accordance with the classifications it establishes for
- 4 its operating and capital accounts.
- 5     ~~c.~~ (3) Its assets and liabilities at the end of its fiscal
- 6 year and the status of reserve, special, and other funds.
- 7     ~~d.~~ (4) A schedule of its bonds and notes outstanding at
- 8 the end of its fiscal year, together with a statement of the
- 9 amounts redeemed and issued during its fiscal year.
- 10    ~~e.~~ (5) A statement of its proposed and projected
- 11 activities.
- 12    ~~f.~~ (6) Recommendations to the general assembly, as it deems
- 13 necessary.
- 14    ~~g.~~ ~~An analysis of current housing needs in the state.~~
- 15    ~~2.~~ ~~The annual report shall identify performance~~
- 16    (7) Performance goals of the authority, and clearly
- 17 ~~indicate~~ indicating the extent of progress during the reporting
- 18 period, in attaining the goals.
- 19    b. A summary of housing programs administered under this
- 20 chapter. The summary shall include an analysis of current
- 21 housing needs in this state. Where possible, results shall be
- 22 expressed in terms of housing units.
- 23    c. A summary of agricultural development programs
- 24 administered under subchapter VIII. Where possible, findings
- 25 and results shall be expressed in terms of number of loans, tax
- 26 credits, participating qualified beginning farmers, and acres
- 27 of agricultural land, including by county.
- 28    Sec. 22. Section 16.9, Code 2014, is amended to read as
- 29 follows:
- 30    **16.9 Nondiscrimination and affirmative action.**
- 31    1. In administering housing programs under this chapter,
- 32 all of the following shall apply:
- 33    a. Housing financed or otherwise assisted by the authority,
- 34 directly or indirectly, shall be open to all persons regardless
- 35 of race, creed, color, sex, national origin, age, physical or



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1 mental impairment, or religion except that preference may be  
2 given to elderly families, families which include one or more  
3 persons with disabilities, lower income families, or very low  
4 income families.

5 ~~2.~~ b. The authority shall promote marketing plans to make  
6 housing available to all persons without discrimination.

7 ~~3.~~ c. The authority shall require adoption and submission  
8 of an affirmative action program for employment by all  
9 contractors and subcontractors of housing financed or otherwise  
10 assisted by the authority.

11 ~~4.~~ d. The authority shall require all ~~mortgage lenders who~~  
12 lending institutions which participate in programs financed  
13 or otherwise assisted by ~~it~~ the authority to agree that they  
14 will not designate certain areas as unsuitable for the making  
15 of mortgage loans because of the prevailing income, racial,  
16 ethnic, or other characteristics of the inhabitants of the  
17 area. This ~~subsection~~ paragraph is intended to prohibit all  
18 ~~mortgage lenders who~~ lending institutions which participate in  
19 authority programs from engaging in the practice commonly known  
20 as “~~redlining~~” redlining.

21 ~~5.~~ e. The authority may require ~~mortgage lenders who~~  
22 lending institutions which participate in programs financed or  
23 otherwise assisted by the authority to take affirmative action  
24 to make mortgage loans in areas with a higher than average  
25 concentration of lower income families or members of racial or  
26 ethnic minorities.

27 2. In administering agricultural development programs under  
28 subchapter VIII, all of the following apply:

29 a. The opportunity to acquire agricultural land and  
30 agricultural improvements and depreciable agricultural property  
31 financed or otherwise assisted by the authority, directly or  
32 indirectly, shall be open to all persons regardless of race,  
33 creed, color, sex, national origin, age, physical or mental  
34 impairment, or religion.

35 b. The authority shall promote marketing plans for its



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1 programs under subchapter VIII.

2     Sec. 23. NEW SECTION. 16.11 **Assistance by state officers,**  
3 **agencies, and departments.**

4     State officers and state departments and agencies may render  
5 services to the authority within their respective functions as  
6 requested by the authority.

7     Sec. 24. NEW SECTION. 16.13 **Conflicts of interest.**

8     1. *a.* If a member or employee of the authority other than  
9 the executive director of the authority has an interest, either  
10 direct or indirect, in a contract to which the authority is,  
11 or is to be, a party, or in a mortgage lender requesting a loan  
12 from, or offering to sell mortgage loans to, the authority,  
13 the interest shall be disclosed to the authority in writing  
14 and shall be set forth in the minutes of the authority. The  
15 member or employee having the interest shall not participate  
16 in any action of the authority with respect to that contract  
17 or mortgage lender.

18     *b.* A violation of a provision of this subsection is  
19 misconduct in office under section 721.2. However, a  
20 resolution of the authority is not invalid because of a vote  
21 cast by a member in violation of this subsection unless the  
22 vote was decisive in the passage of the resolution.

23     *c.* For the purposes of this subsection, "*action of the*  
24 *authority with respect to that contract or mortgage lender*"  
25 means only an action directly affecting a separate contract or  
26 mortgage lender, and does not include an action which benefits  
27 the general public or which affects all or a substantial  
28 portion of the contracts or mortgage lenders included in a  
29 program of the authority.

30     2. Nothing in this section shall be deemed to limit the  
31 right of a member, officer, or employee of the authority to  
32 acquire an interest in bonds or notes of the authority or to  
33 limit the right of a member, officer, or employee other than  
34 the executive director to have an interest in a financial  
35 institution, including a lending institution, in which the





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1 definitions in this chapter, as it deems convenient and  
2 necessary to carry out the public purposes of this chapter  
3 including all the following:

4     1. Any rules necessary to assure eligibility for funds  
5 available under federal housing laws, or to assure compliance  
6 with federal tax laws relating to the issuance of tax exempt  
7 bonds pursuant to the Internal Revenue Code or relating to the  
8 allowance of low-income credits under Internal Revenue Code  
9 §42.

10    2. Any rule as necessary to assure eligibility for funds,  
11 insurance, or guaranties available under federal laws and to  
12 carry out the public purposes of subchapter VIII.

13     Sec. 27. NEW SECTION. **16.18 Inconsistent provisions.**

14     This chapter takes precedence over any conflicting  
15 provisions contained in section 535.8, subsection 2, with  
16 respect to the use or enforcement of a due-on-sale or similar  
17 clause in a mortgage loan agreement, and takes precedence over  
18 any conflicting provisions contained in laws enacted after  
19 July 1, 1981, with respect to the use or enforcement of a  
20 due-on-sale or similar clause in a mortgage loan agreement  
21 unless those laws expressly provide that they take precedence  
22 over this chapter.

23     Sec. 28. NEW SECTION. **16.19 Liberal interpretation.**

24     This chapter, being necessary for the welfare of this state  
25 and its inhabitants, shall be liberally construed to effect its  
26 purposes.

27     Sec. 29. NEW SECTION. **16.22 Application of funds from sales  
28 of obligations.**

29     All moneys received by or on behalf of the authority, whether  
30 as proceeds from the sale of obligations or as revenues, are  
31 trust funds to be held and applied solely for the purposes  
32 specified in the appropriation, bond resolution, or other  
33 document authorizing receipt of the moneys by the authority.

34 A person with which the moneys are deposited shall act as  
35 trustee of the moneys and shall hold and apply the moneys for



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1 the purposes specified in this chapter subject to limitations  
2 specified in this chapter and in the bond resolution  
3 authorizing the issuance of the obligations.

4 Sec. 30. Section 16.26, subsection 4, paragraph a, Code  
5 2014, is amended to read as follows:

6 a. State the date and series of the issue, ~~be consecutively~~  
7 ~~numbered~~, and state ~~on their face~~ that they are payable both  
8 as to principal and interest solely out of the assets of the  
9 authority and do not constitute an indebtedness of this state  
10 or any political subdivision of this state other than the  
11 authority within the meaning of any constitutional or statutory  
12 debt limit.

13 Sec. 31. Section 16.26, subsections 5 and 6, Code 2014, are  
14 amended to read as follows:

15 5. The authority may issue its bonds for the purpose of  
16 refunding any bonds or notes ~~of the authority~~ then outstanding,  
17 including the payment of any redemption premiums thereon and  
18 any interest accrued or to accrue to the date of redemption  
19 of the outstanding bonds or notes. Until the proceeds  
20 of bonds issued for the purpose of refunding outstanding  
21 bonds or notes are applied to the purchase or retirement of  
22 outstanding bonds or notes or the redemption of outstanding  
23 bonds or notes, the proceeds may be placed in escrow and be  
24 invested and reinvested in accordance with the provisions of  
25 this chapter. The interest, income, and profits earned or  
26 realized on an investment may also be applied to the payment  
27 of the outstanding bonds or notes to be refunded by purchase,  
28 retirement, or redemption. After the terms of the escrow have  
29 been fully satisfied and carried out, any balance of proceeds  
30 and interest earned or realized on the investments may be  
31 returned to the authority for use by it in any lawful manner.  
32 All refunding bonds shall be issued and secured and subject to  
33 the provisions of this chapter in the same manner and to the  
34 same extent as other bonds issued pursuant to this chapter.

35 6. The authority may issue negotiable bond anticipation



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1 notes and may renew them from time to time but the maximum  
 2 maturity of the notes, including renewals, shall not exceed  
 3 ten years from the date of issue of the original notes. ~~Notes~~  
 4 Bond anticipation notes are payable from any available moneys  
 5 of the authority not otherwise pledged, or from the proceeds  
 6 of the sale of bonds of the authority in anticipation of  
 7 which the bond anticipation notes were issued. ~~Notes~~ Bond  
 8 anticipation notes may be issued for any corporate purpose  
 9 of the authority. ~~Notes~~ Bond anticipation notes shall be  
 10 issued in the same manner as bonds, and bond anticipation  
 11 notes, and the resolution authorizing them may contain any  
 12 provisions, conditions, or limitations, not inconsistent  
 13 with the provisions of this subsection, which the bonds or  
 14 a bond resolution of the authority may contain. ~~Notes~~ Bond  
 15 anticipation notes may be sold at public or private sale. In  
 16 case of default on its bond anticipation notes or violation  
 17 of any obligations of the authority to the noteholders, the  
 18 noteholders shall have all the remedies provided in this  
 19 chapter for bondholders. ~~Notes~~ Bond anticipation notes shall  
 20 be as fully negotiable as bonds of the authority.

21 Sec. 32. Section 16.26, subsection 7, Code 2014, is amended  
 22 by striking the subsection and inserting in lieu thereof the  
 23 following:

24 7. It is the intention of the general assembly that a pledge  
 25 made in respect of bonds or notes shall be valid and binding  
 26 from the time the pledge is made, that the money or property  
 27 so pledged and received after the pledge by the authority  
 28 shall immediately be subject to the lien of the pledge without  
 29 physical delivery or further act, and that the lien of the  
 30 pledge shall be valid and binding as against all parties having  
 31 claims of any kind in tort, contract, or otherwise against  
 32 the authority whether or not the parties have notice of the  
 33 lien. Neither the resolution, trust agreement, nor any other  
 34 instrument by which a pledge is created needs to be recorded or  
 35 filed under the Iowa uniform commercial code, chapter 554, to



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1 be valid, binding, or effective against the parties.

2 Sec. 33. Section 16.26, Code 2014, is amended by adding the  
3 following new subsection:

4 NEW SUBSECTION. 10. It is the intention of the general  
5 assembly that a pledge made in respect of bonds or notes shall  
6 be valid and binding from the time the pledge is made, that  
7 the money or property so pledged and received after the pledge  
8 by the authority shall immediately be subject to the lien of  
9 the pledge without physical delivery or further act, and that  
10 the lien of the pledge shall be valid and binding as against  
11 all parties having claims of any kind in tort, contract, or  
12 otherwise against the authority whether or not the parties have  
13 notice of the lien. Neither the resolution, trust agreement,  
14 nor any other instrument by which a pledge is created needs to  
15 be recorded or filed under the Iowa uniform commercial code,  
16 chapter 554, to be valid, binding, or effective against the  
17 parties.

18 Sec. 34. Section 16.27, Code 2014, is amended by adding the  
19 following new subsections:

20 NEW SUBSECTION. 3A. To assure the continued operation  
21 and solvency of the authority for the carrying out of its  
22 corporate purposes, provision is made in subsection 1 for the  
23 accumulation in each bond reserve fund of an amount equal to  
24 the bond reserve fund requirement for the fund. In order  
25 further to assure maintenance of the bond reserve funds, the  
26 chairperson of the authority shall, on or before July 1 of each  
27 calendar year, make and deliver to the governor a certificate  
28 stating the sum, if any, required to restore each bond reserve  
29 fund to its bond reserve fund requirement. Within thirty days  
30 after the beginning of the session of the general assembly  
31 next following the delivery of the certificate, the governor  
32 may submit to both houses printed copies of a budget including  
33 any sum required to restore each bond reserve fund to its bond  
34 reserve fund requirement. Sums appropriated by the general  
35 assembly and paid to the authority under this section shall be





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1 authority deems advisable to protect its interests.

2     Sec. 36. NEW SECTION. **16.29 Agreement of the state.**

3     The state pledges and agrees with the holders of any bonds or  
4 notes that the state will not limit or alter the rights vested  
5 in the authority to fulfill the terms of agreements made with  
6 the holders or in any way to impair the rights and remedies of  
7 the holders until the bonds or notes together with the interest  
8 on them, plus interest on unpaid installments of interest,  
9 and all costs and expenses in connection with an action by or  
10 on behalf of the holders are fully met and discharged. The  
11 authority may include this pledge and agreement of the state in  
12 any agreement with the holders of bonds or notes.

13     Sec. 37. NEW SECTION. **16.32 Surplus moneys — loan and**  
14 **grant fund.**

15     1. Moneys declared by the authority to be surplus moneys  
16 which are not required to service bonds and notes issued by the  
17 authority, to pay administrative expenses of the authority,  
18 or to accumulate necessary operating or loss reserves, shall  
19 be used by the authority to provide grants, loans, subsidies,  
20 and services or assistance through programs authorized in this  
21 chapter.

22     2. The authority may establish a loan and grant fund which  
23 may be comprised of the proceeds of appropriations, grants,  
24 contributions, surplus moneys transferred as provided in this  
25 section, and repayment of authority loans made from such fund.

26     Sec. 38. NEW SECTION. **16.34A Special definition.**

27     As used in this subchapter, unless the context otherwise  
28 requires, *“state housing credit ceiling”* means the state  
29 housing credit ceiling as defined in Internal Revenue Code  
30 §42(h)(3)(C).

31     Sec. 39. NEW SECTION. **16.35 State housing credit ceiling**  
32 **allocation.**

33     1. The authority is designated the housing credit agency  
34 for the allowance of low-income housing credits under the state  
35 housing credit ceiling.







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1     5. The authority shall require that each lending  
2 institution receiving a loan pursuant to this section  
3 shall issue and deliver to the authority an evidence of its  
4 indebtedness to the authority which shall constitute a general  
5 obligation of the lending institution and shall bear a date,  
6 mature at a time, be subject to prepayment, and contain other  
7 provisions consistent with this section and reasonably related  
8 to protecting the security of the authority's investment, as  
9 the authority determines.

10    6. Notwithstanding any other provision of this section to  
11 the contrary, the interest rate and other terms of loans to  
12 lending institutions made from the proceeds of an issue of  
13 bonds or notes of the authority shall be at least sufficient  
14 to assure the payment of the bonds or notes and the interest on  
15 them as they become due.

16    7. The authority shall require that loans to lending  
17 institutions are additionally secured as to payment of both  
18 principal and interest by a pledge of and lien upon collateral  
19 security by special escrow funds or other forms of guaranty and  
20 in such amounts and forms as the authority shall by resolution  
21 determine to be necessary to assure the payment of the loans  
22 and the interest thereon as they become due. Collateral  
23 security shall consist of direct obligations of, or obligations  
24 guaranteed by, the United States or one of its agencies,  
25 obligations satisfactory to the authority which are issued by  
26 other federal agencies, direct obligations of or obligations  
27 guaranteed by a state or a political subdivision of a state, or  
28 investment quality obligations approved by the authority.

29    8. The authority may require that collateral for loans  
30 be deposited with a bank, trust company, or other financial  
31 institution acceptable to the authority located in this state  
32 and designated by the authority as custodian. In the absence  
33 of such a requirement, each lending institution shall enter  
34 into an agreement with the authority containing provisions  
35 as the authority deems necessary to adequately identify and







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1 5. The authority may require as a condition of purchase of  
2 a mortgage loan from a lending institution that the lending  
3 institution represent and warrant to the authority that:  
4 a. The unpaid principal balance of the mortgage loan and  
5 the interest rate on it have been accurately stated to the  
6 authority.  
7 b. The amount of the unpaid principal balance is justly due  
8 and owing.  
9 c. The lending institution has no notice of the existence of  
10 any counterclaim, offset, or defense asserted by the mortgagor  
11 or the mortgagor's successor in interest.  
12 d. The mortgage loan is evidenced by a bond or promissory  
13 note and a mortgage which has been properly recorded with the  
14 appropriate public official.  
15 e. The mortgage constitutes a valid first lien on the  
16 real property described to the authority subject only to real  
17 property taxes not yet due, installments of assessments not  
18 yet due, and easements and restrictions of record which do not  
19 adversely affect, to a material degree, the use or value of the  
20 real property or improvements on it.  
21 f. The mortgagor is not now in default in the payment of  
22 any installment of principal or interest, escrow funds, or real  
23 property taxes, or otherwise in the performance of obligations  
24 under the mortgage documents and has not to the knowledge of  
25 the lending institution been in default in the performance of  
26 any obligation under the mortgage for a period of longer than  
27 sixty days during the life of the mortgage.  
28 g. The improvements to the mortgaged real property are  
29 covered by a valid and subsisting policy of insurance issued  
30 by a company authorized to issue such policies in this state  
31 and providing fire and extended coverage in amounts as the  
32 authority prescribes by rule.  
33 h. The mortgage loan meets the prevailing investment quality  
34 standards for mortgage loans in this state.  
35 6. A lending institution is liable to the authority for



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1 damages suffered by the authority by reason of the untruth  
2 of a representation or the breach of a warranty and, in the  
3 event that a representation proves to be untrue when made or  
4 in the event of a breach of warranty, the lending institution  
5 shall, at the option of the authority, repurchase the mortgage  
6 loan for the original purchase price adjusted for amounts  
7 subsequently paid on it, as the authority determines.

8 7. The authority shall require the recording of an  
9 assignment of a mortgage loan purchased by the authority from  
10 a lending institution and shall not be required to notify  
11 the mortgagor of the authority's purchase of the mortgage  
12 loan. The authority shall not be required to inspect or take  
13 possession of the mortgage documents if the mortgage lender  
14 from which the mortgage loan is purchased by the authority  
15 enters into a contract to service the mortgage loan and account  
16 to the authority for it.

17 8. If a provision of this section is inconsistent with  
18 another provision of law of this state governing lending  
19 institutions, the provision of this section controls for the  
20 purposes of this section.

21 Sec. 43. Section 16.40, subsection 3, Code 2014, is amended  
22 to read as follows:

23 3. The authority may use moneys in the fund to provide  
24 financial assistance to a housing sponsor or an individual in  
25 the form of a loan, loan ~~guarantee~~ guaranty, grant, or interest  
26 subsidy, or by other means under the general powers of the  
27 authority.

28 Sec. 44. NEW SECTION. **16.43 Housing improvement fund**  
29 **program.**

30 1. A housing improvement fund is created within the  
31 authority. The moneys in the housing improvement fund are  
32 annually appropriated to the authority which shall allocate  
33 the available funds among and within the programs authorized  
34 by this section. Notwithstanding section 8.33, unencumbered  
35 or unobligated moneys remaining in the fund on June 30 of

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1 government insurance or guaranty or for financing under the  
2 authority's mortgage revenue bond program.

3 (e) Mortgage insurance program.

4 (2) Five percent of the moneys expended under this program  
5 shall be used to finance the purchase or acquisition, in  
6 communities with a population of less than ten thousand, of  
7 manufactured homes as defined in 42 U.S.C. §5403. Moneys  
8 available for this purpose which are unencumbered or  
9 unobligated at the end of the fiscal year shall revert to the  
10 housing improvement fund for reallocation for the next fiscal  
11 year.

12 (3) Not more than fifty percent of the assistance provided  
13 under this program shall be provided under subparagraph (1),  
14 subparagraph divisions (d) and (e). So long as at least one  
15 of the kinds of assistance described in subparagraph (1),  
16 subparagraph divisions (a) through (e) is provided, additional  
17 assistance not described in subparagraph (1), subparagraph  
18 divisions (a) through (e) may also be provided.

19 3. The authority shall coordinate the programs authorized  
20 by this section with the other programs under the jurisdiction  
21 of the authority.

22 4. Each application for financial assistance shall  
23 be rated based on local, housing sponsor, and recipient  
24 financial commitment, proposals for leveraging other financial  
25 assistance, experience with the recipient group involved,  
26 consideration for the housing project in the context of overall  
27 community needs, including vacancy rate of rental property  
28 and ratio of subsidized rental housing to nonsubsidized  
29 housing, ability to provide a counseling support system to  
30 the recipients, and a demonstrated capability by the housing  
31 sponsor to provide follow-up monitoring of recipients to  
32 determine if identifiable results have been achieved.

33 5. For the purposes of this section, "housing sponsor" is  
34 a for-profit entity, nonprofit corporation, local government,  
35 or a joint venture involving a for-profit entity, nonprofit



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1 corporation, or local government.

2 6. None of the funds provided to a housing sponsor under  
3 this section shall be used for the costs of administration.

4 7. During each regular session of the general assembly,  
5 the authority shall present, to the appropriate appropriations  
6 subcommittee, a report concerning the total estimated resources  
7 to be available for expenditure under this section for the next  
8 fiscal year and the amount the authority proposes to allocate  
9 to each program under this section.

10 8. A homelessness advisory committee is created consisting  
11 of the executive director or the executive director's designee,  
12 the directors or their designees from the departments of human  
13 services and human rights, the economic development authority,  
14 the director of the department on aging or the director's  
15 designee, and at least three individuals from the private  
16 sector to be selected by the executive director. The advisory  
17 committee shall advise the authority in coordinating programs  
18 that provide for the homeless.

19 9. Notwithstanding any provision to the contrary,  
20 all assets held in the housing improvement fund shall be  
21 transferred to the housing trust fund created in section 16.45.  
22 Any moneys or assets received for deposit in the housing  
23 improvement fund shall be transferred to the housing trust  
24 fund.

25 **Sec. 45. NEW SECTION. 16.45 Housing trust fund.**

26 1. a. A housing trust fund is created within the  
27 authority. The moneys in the housing trust fund are annually  
28 appropriated to the authority to be used for the development  
29 and preservation of affordable housing for low-income people  
30 in the state and for the Iowa mortgage help initiative.  
31 Payment of interest, recaptures of awards, or other repayments  
32 to the housing trust fund shall be deposited in the fund.  
33 Notwithstanding section 12C.7, interest or earnings on moneys  
34 in the housing trust fund or appropriated to the fund shall  
35 be credited to the fund. Notwithstanding section 8.33,

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1 2, interest or earnings on moneys in the senior living  
2 revolving loan program fund shall be credited to the fund.  
3 Notwithstanding section 8.33, moneys that remain unencumbered  
4 or unobligated at the end of the fiscal year shall not  
5 revert but shall remain available for the same purpose in the  
6 succeeding fiscal year.

7 3. The authority shall annually allocate moneys available  
8 in the senior living revolving loan program fund for the  
9 development of affordable assisted living and service-enriched  
10 affordable housing for seniors and persons with disabilities.  
11 The authority shall develop a joint application process for  
12 the allocation of federal low-income housing tax credits and  
13 funds available under this section. Moneys allocated to  
14 such developments may be in the form of loans, grants, or a  
15 combination of loans and grants.

16 **Sec. 48. NEW SECTION. 16.47 Home and community-based**  
17 **services revolving loan program fund.**

18 1. A home and community-based services revolving loan  
19 program fund is created within the authority to further the  
20 goals specified in section 231.3, adult day services, respite  
21 services, congregate meals, health and wellness, health  
22 screening, and nutritional assessments. The moneys in the home  
23 and community-based services revolving loan program fund shall  
24 be used by the authority for the development and operation  
25 of a revolving loan program to develop and expand facilities  
26 and infrastructure that provide adult day services, respite  
27 services, congregate meals, and programming space for health  
28 and wellness, health screening, and nutritional assessments  
29 that address the needs of persons with low incomes.

30 2. Moneys transferred by the authority for deposit in the  
31 home and community-based services revolving loan program fund,  
32 moneys appropriated to the home and community-based services  
33 revolving loan program, and any other moneys available to  
34 and obtained or accepted by the authority for placement in  
35 the home and community-based services revolving loan program



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1 fund shall be deposited in the fund. Additionally, payment of  
2 interest, recaptures of awards, and other repayments to the  
3 home and community-based services revolving loan program fund  
4 shall be deposited in the fund. Notwithstanding section 12C.7,  
5 subsection 2, interest or earnings on moneys in the home and  
6 community-based services revolving loan program fund shall be  
7 credited to the fund. Notwithstanding section 8.33, moneys  
8 that remain unencumbered or unobligated at the end of the  
9 fiscal year shall not revert but shall remain available for the  
10 same purpose in the succeeding fiscal year.

11 3. The authority, in cooperation with the department on  
12 aging, shall annually allocate moneys available in the home  
13 and community-based services revolving loan program fund to  
14 develop and expand facilities and infrastructure that provide  
15 adult day services, respite services, congregate meals, and  
16 programming space for health and wellness, health screening,  
17 and nutritional assessments that address the needs of persons  
18 with low incomes.

19 **Sec. 49. NEW SECTION. 16.48 Transitional housing revolving**  
20 **loan program fund.**

21 1. A transitional housing revolving loan program fund is  
22 created within the authority to further the availability of  
23 affordable housing for parents that are reuniting with their  
24 children while completing or participating in substance abuse  
25 treatment. The moneys in the fund are annually appropriated  
26 to the authority to be used for the development and operation  
27 of a revolving loan program to provide financing to construct  
28 affordable transitional housing, including through new  
29 construction or acquisition and rehabilitation of existing  
30 housing. The housing provided shall be geographically located  
31 in close proximity to licensed substance abuse treatment  
32 programs. Preference in funding shall be given to projects  
33 that reunite mothers with the mothers' children.

34 2. Moneys transferred by the authority for deposit in  
35 the transitional housing revolving loan program fund, moneys







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1 prior to application for funding under this section.  
 2 *b.* In order to be approved by the department of human  
 3 services for application for funding for development of  
 4 permanent supportive housing under this section, a project  
 5 shall include all of the following components:  
 6 (1) Provision of services to any of the following Medicaid  
 7 waiver-eligible individuals:  
 8 (a) Individuals who are currently underserved in community  
 9 placements, including individuals who are physically aggressive  
 10 or have behaviors that are difficult to manage or individuals  
 11 who meet the psychiatric medical institution for children level  
 12 of care.  
 13 (b) Individuals who are currently residing in out-of-state  
 14 facilities.  
 15 (c) Individuals who are currently receiving care in a  
 16 licensed health care facility.  
 17 (2) A plan to provide each individual with crisis  
 18 stabilization services to ensure that the individual's  
 19 behavioral issues are appropriately addressed by the provider.  
 20 (3) Policies and procedures that prohibit discharge of the  
 21 individual from the waiver services provided by the project  
 22 provider unless an alternative placement that is acceptable to  
 23 the client or the client's guardian is identified.  
 24 *c.* In order to be approved by the department of human  
 25 services for application for funding for development of  
 26 infrastructure in which to provide supportive services under  
 27 this section, a project shall include all of the following  
 28 components:  
 29 (1) Provision of services to Medicaid waiver-eligible  
 30 individuals who meet the psychiatric medical institution for  
 31 children level of care.  
 32 (2) Policies and procedures that prohibit discharge of the  
 33 individual from the waiver services provided by the project  
 34 provider unless an alternative placement that is acceptable to  
 35 the client or the client's guardian is identified.

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1     *d.* Housing provided through a project under this section is  
2 exempt from the requirements of chapter 1350.

3     Sec. 51. NEW SECTION. **16.50 Workforce housing assistance**  
4 **grant fund.**

5     1. A workforce housing assistance grant fund is created  
6 under the authority of the Iowa finance authority. The fund  
7 shall consist of appropriations made to the fund. The fund  
8 shall be separate from the general fund of the state and the  
9 balance in the fund shall not be considered part of the balance  
10 of the general fund of the state. However, the fund shall be  
11 considered a special account for the purposes of section 8.53,  
12 relating to generally accepted accounting principles.

13     2. Notwithstanding section 12C.7, subsection 2, interest or  
14 earnings on moneys in the fund shall be credited to the fund.

15     3. *a.* Moneys in the fund in a fiscal year are appropriated  
16 to the Iowa finance authority to be used for grants for  
17 projects that create workforce housing or for projects that  
18 include adaptive reuse of buildings for workforce housing. For  
19 purposes of this section, "*workforce housing*" means housing that  
20 is affordable for a household whose income does not exceed one  
21 hundred twenty percent of the median income for the area.

22     *b.* Priority shall be given to the following types of  
23 projects:

24     (1) Projects that are eligible for historic preservation  
25 and cultural and entertainment district tax credits under  
26 section 404A.1.

27     (2) Projects for the construction of new single-family  
28 dwellings that incorporate one or more energy-efficient  
29 measures. The authority shall by rule identify the types of  
30 energy-efficient measures that will qualify a project for  
31 priority under this subparagraph.

32     (3) Projects that utilize new markets tax credits,  
33 established under the federal Community Renewal Tax Relief Act  
34 of 2000, Pub. L. No. 106-554, 114 Stat. 2763A, and undertaken  
35 by a qualified community development entity, as defined in the



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1 federal Act.

2 (4) Projects that are located in an area where other state  
3 funding has been used to support the creation of new jobs.

4 c. In any fiscal year, an area shall not receive grants  
5 totaling more than twenty-five percent of the moneys expended  
6 from the fund in that fiscal year. For purposes of this  
7 paragraph, "area" means the same area used to determine the  
8 median income under paragraph "a".

9 4. Annually, on or before January 15 of each year, the  
10 authority shall report to the legislative services agency and  
11 the department of management the status of all projects that  
12 received moneys from the workforce housing assistance grant  
13 fund. The report shall include a description of each project,  
14 the progress of work completed, the total estimated cost of  
15 each project, a list of all revenue sources being used to fund  
16 each project, the amount of funds expended, the amount of  
17 funds obligated, and the date each project was completed or an  
18 estimated completion date of each project, where applicable.

19 5. Payment of moneys from appropriations from the fund shall  
20 be made in a manner that does not adversely affect the tax  
21 exempt status of any outstanding bonds issued by the treasurer  
22 of state pursuant to section 12.87.

23 **Sec. 52. NEW SECTION. 16.55 Solar and renewable energy**  
24 **systems loans.**

25 The authority may make loans to lending institutions or  
26 purchase loans from lending institutions under part 3 to be  
27 used to finance property improvement loans for solar and other  
28 renewable energy systems. These loans shall be limited to low  
29 or moderate income families.

30 **Sec. 53. NEW SECTION. 16.56 Jumpstart housing assistance**  
31 **program.**

32 1. As used in this section, unless the context otherwise  
33 requires:

34 a. "Disaster-affected home" means a primary residence that  
35 was destroyed or damaged due to a natural disaster occurring



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1 after May 24, 2008, and before August 14, 2008.

2     *b. "Local government participant"* means the cities of Ames,  
3 Cedar Falls, Cedar Rapids, Council Bluffs, Davenport, Des  
4 Moines, Dubuque, Iowa City, Waterloo, and West Des Moines; a  
5 council of governments whose territory includes at least one  
6 county that was declared a disaster area by the president  
7 of the United States after May 24, 2008, and before August  
8 14, 2008; and any county that is not part of any council of  
9 governments and was declared a disaster area by the president  
10 of the United States after May 24, 2008, and before August 14,  
11 2008.

12     2. The Iowa finance authority shall establish and  
13 administer a jumpstart housing assistance program. Under  
14 the program, the authority shall provide grants to local  
15 government participants for purposes of distributing the moneys  
16 to eligible residents for eligible purposes which relate to  
17 disaster-affected homes.

18     3. An eligible resident is a person residing in a  
19 disaster-affected home who is the owner of record of a right,  
20 title, or interest in the disaster-affected home and who has  
21 been approved by the federal emergency management agency for  
22 housing assistance. An eligible resident must have a family  
23 income equal to or less than one hundred fifty percent of the  
24 area median family income.

25     4. Eligible purposes include forgivable loans for down  
26 payment assistance, emergency housing repair or rehabilitation,  
27 and interim mortgage assistance. An eligible resident who  
28 receives a forgivable loan may also receive energy efficiency  
29 assistance which shall be added to the principal of the  
30 forgivable loan.

31     5. A local government participant may retain a portion of  
32 the grant moneys for administrative purposes as provided in a  
33 grant agreement between the authority and the local government  
34 participant.

35     6. Any money paid to a local government participant by



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1 an eligible resident shall be remitted to the authority for  
2 deposit in the housing assistance fund created in section  
3 16.40.

4 7. As determined by the authority, unused or unobligated  
5 moneys may be reclaimed and reallocated by the authority to  
6 other local government participants.

7 Sec. 54. NEW SECTION. 16.57 Residential treatment  
8 facilities.

9 1. The authority may issue its bonds and notes and loan the  
10 proceeds of the bonds or notes to a nonprofit corporation for  
11 the purpose of financing the acquisition or construction of  
12 residential housing or treatment facilities serving juveniles  
13 or persons with disabilities.

14 2. The authority may enter into a loan agreement with  
15 a nonprofit corporation for the purpose of financing the  
16 acquisition or construction of residential housing or treatment  
17 facilities serving juveniles or persons with disabilities and  
18 shall provide for payment of the loan and security for the loan  
19 as the authority deems advisable.

20 3. In the resolution authorizing the issuance of the  
21 bonds or notes pursuant to this section, the authority may  
22 provide that the related principal and interest are limited  
23 obligations payable solely out of the revenues derived from the  
24 debt obligation, collateral, or other security furnished by or  
25 on behalf of the nonprofit corporation, and the principal or  
26 interest does not constitute an indebtedness of the authority  
27 or a charge against the authority's general credit or general  
28 fund.

29 4. The powers granted the authority under this section are  
30 in addition to the authority's other powers under this chapter.  
31 All other provisions of this chapter, except section 16.28,  
32 subsection 4, apply to bonds or notes issued pursuant to, and  
33 powers granted to the authority under this section, except to  
34 the extent the provisions are inconsistent with this section.

35 Sec. 55. NEW SECTION. 16.58 Definitions.

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1     4. For a family farm limited liability company, an aggregate  
2 net worth of all members, including each member's ownership  
3 interest in the family farm limited liability company, and each  
4 member's spouse and minor children of not greater than the low  
5 or moderate net worth. However, the aggregate net worth of  
6 each member and that member's spouse and minor children shall  
7 not exceed the low or moderate net worth.

8     Sec. 57. NEW SECTION. **16.60 Combination programs.**

9     Programs authorized in this subchapter may be combined with  
10 any other programs authorized in this chapter or any other  
11 public or private programs.

12    Sec. 58. NEW SECTION. **16.62 Trust assets.**

13    The authority shall make application to and receive from the  
14 United States secretary of agriculture, or any other proper  
15 federal official, pursuant and subject to the provisions of  
16 Pub. L. No. 81-499, 64 Stat. 152 (1950), formerly codified at  
17 40 U.S.C. §440 et seq. (1976), all of the trust assets held by  
18 the United States in trust for the Iowa rural rehabilitation  
19 corporation now dissolved.

20    Sec. 59. NEW SECTION. **16.63 Agreements.**

21    The authority may enter into agreements with the United  
22 States secretary of agriculture pursuant to Pub. L. No. 81-499  
23 §2(f) (1950) upon terms and conditions and for periods of  
24 time as mutually agreeable, authorizing the authority to  
25 accept, administer, expend, and use in the state of Iowa all  
26 or any part of the trust assets or other funds in the state  
27 of Iowa which have been appropriated for use in carrying out  
28 the purposes of the Bankhead-Jones Farm Tenant Act and to do  
29 any and all things necessary to effectuate and carry out the  
30 purposes of such agreements.

31    Sec. 60. NEW SECTION. **16.64 Bonds and notes — tax  
32 exemption.**

33    1. An action shall not be brought questioning the legality  
34 of any bonds or notes or the power of the authority to issue  
35 any bonds or notes or to the legality of any proceedings in





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1 amount of the loan. New mortgage or secured loans shall have  
2 terms and conditions as the authority prescribes by rules which  
3 are reasonably related to implementing the purposes of this  
4 subchapter as provided in subchapter III.

5 3. The authority shall require the submission by each  
6 lending institution to which the authority has made a loan, of  
7 evidence satisfactory to the authority of the making of new  
8 mortgage or secured loans to beginning farmers as required by  
9 this section, and in that connection may, through its members,  
10 employees, or agents, inspect the books and records of a  
11 lending institution.

12 4. Compliance by a lending institution with the terms of  
13 its agreement with the authority with respect to the making  
14 of new mortgage or secured loans to beginning farmers may be  
15 enforced by decree of any district court of this state. The  
16 authority may require as a condition of a loan to a national  
17 banking association or a federally chartered savings and loan  
18 association, the consent of the association to the jurisdiction  
19 of the courts of this state over any enforcement proceeding.  
20 The authority may also require, as a condition of a loan to  
21 a lending institution, agreement by the lending institution  
22 to the payment of penalties to the authority for violation by  
23 the lending institution of its agreement with the authority,  
24 and the penalties shall be recoverable at the suit of the  
25 authority.

26 5. The authority shall require that each lending  
27 institution receiving a loan pursuant to this section shall  
28 issue and deliver to the authority evidence of its indebtedness  
29 to the authority which shall constitute a general obligation  
30 of the lending institution and shall bear a date, mature at a  
31 time, be subject to prepayment, and contain other provisions  
32 consistent with this section and reasonably related to  
33 protecting the security of the authority's investment, as the  
34 authority determines.

35 6. Notwithstanding any other provision of this section, the















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1     2. The authority shall establish a due date to receive  
2 applications to participate in the beginning farmer tax credit  
3 program. The authority may establish different due dates for  
4 applications to qualify for each beginning farmer tax credit.

5     3. The department of revenue shall cooperate with the  
6 authority in administering the beginning farmer tax credit  
7 program.

8     Sec. 67. NEW SECTION. **16.79 Criteria for beginning farmers**  
9 **qualifying to participate in the beginning farmer tax credit**  
10 **program.**

11     A beginning farmer qualifies to participate in the beginning  
12 farmer tax credit program as provided in this subchapter by  
13 meeting all of the following criteria:

14     1. Is a resident of the state. If the beginning farmer is a  
15 partnership, all partners must be residents of the state. If a  
16 beginning farmer is a family farm corporation, all shareholders  
17 must be residents of the state. If the beginning farmer is  
18 a family farm limited liability company, all members must be  
19 residents of the state.

20     2. Has sufficient education, training, or experience in  
21 farming. If the beginning farmer is a partnership, each  
22 partner who is not a minor must have sufficient education,  
23 training, or experience in farming. If the beginning farmer  
24 is a family farm corporation, each shareholder who is not a  
25 minor must have sufficient education, training, or experience  
26 in farming. If the beginning farmer is a family farm limited  
27 liability company, each member who is not a minor must have  
28 sufficient education, training, or experience in farming.

29     3. Has access to adequate working capital and production  
30 items.

31     4. Will materially and substantially participate in  
32 farming. If the beginning farmer is a partnership, family  
33 farm corporation, or family farm limited liability company,  
34 each partner, shareholder, or member who is not a minor must  
35 materially and substantially participate in farming.



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1     5. Is not responsible for managing or maintaining  
2 agricultural land and other agricultural assets that are  
3 greater than necessary to adequately support a beginning farmer  
4 as determined by the authority according to rules which shall  
5 be adopted by the authority.

6     Sec. 68. NEW SECTION. **16.80 Agricultural assets transfer**  
7 **tax credit — agreement.**

8     1. An agricultural assets transfer tax credit is allowed  
9 under this section. The tax credit is allowed against the  
10 taxes imposed in chapter 422, division II, as provided in  
11 section 422.11M, and in chapter 422, division III, as provided  
12 in section 422.33, to facilitate the transfer of agricultural  
13 assets from a taxpayer to a qualified beginning farmer.

14    2. In order to qualify for the tax credit, the taxpayer  
15 must meet qualifications established by rules adopted by the  
16 authority. At a minimum, the taxpayer must comply with all of  
17 the following:

18    *a.* Be a person who may acquire or otherwise obtain or lease  
19 agricultural land in this state pursuant to chapter 9H or 9I.  
20 However, the taxpayer must not be a person who may acquire  
21 or otherwise obtain or lease agricultural land exclusively  
22 because of an exception provided in one of those chapters or in  
23 a provision of another chapter of this Code including but not  
24 limited to chapter 10, 10D, or 501, or section 15E.207.

25    *b.* Execute an agricultural assets transfer agreement with a  
26 qualified beginning farmer as provided in this section.

27    3. An individual may claim a tax credit under this section  
28 of a partnership, limited liability company, S corporation,  
29 estate, or trust electing to have income taxed directly to  
30 the individual. The amount claimed by the individual shall  
31 be based upon the pro rata share of the individual's earnings  
32 from the partnership, limited liability company, S corporation,  
33 estate, or trust.

34    4. The tax credit is allowed only for agricultural assets  
35 that are subject to an agricultural assets transfer agreement.



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1 The agreement shall provide for the lease of agricultural land  
2 located in this state, including any improvements and may  
3 provide for the rental of agricultural equipment as defined in  
4 section 322F.1.

5 *a.* The agreement shall include a lease made on a cash basis  
6 or on a commodity share basis which includes a share of the  
7 crops or livestock produced on the agricultural land. The  
8 agreement must be in writing.

9 *b.* The agreement shall be for at least two years, but  
10 not more than five years. The agreement or that part of  
11 the agreement providing for the lease may be renewed by the  
12 qualified beginning farmer for a term of at least two years,  
13 but not more than five years. An agreement does not include a  
14 lease or the rental of equipment intended as a security.

15 *c.* The agricultural transfer agreement cannot be assigned  
16 and the land subject to the agreement cannot be subleased.

17 5. The tax credit shall be based on the agricultural assets  
18 transfer agreement. The agreement shall be based on a cash  
19 basis or a commodity share basis or both.

20 *a.* For an agreement that includes a lease on a cash basis,  
21 the tax credit shall be computed as follows:

22 (1) If the qualified beginning farmer is not a veteran, the  
23 taxpayer may claim a tax credit equal to seven percent of the  
24 gross amount paid to the taxpayer under the agreement for each  
25 tax year that the tax credit is allowed.

26 (2) If the qualified beginning farmer is a veteran, the  
27 taxpayer may claim eight percent of the gross amount paid to  
28 the taxpayer under the agreement for the first year that the  
29 tax credit is allowed and seven percent of the gross amount  
30 paid to the taxpayer for each subsequent tax year that the  
31 tax credit is allowed. However, the taxpayer may only claim  
32 seven percent of the gross amount paid to the taxpayer under  
33 a renewed agreement or a new agreement executed by the same  
34 parties.

35 *b.* For an agreement that includes a lease on a commodity







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1 the same community, as determined by the authority.

2 8. A taxpayer or the qualified beginning farmer may  
3 terminate an agricultural assets transfer agreement as provided  
4 in the agreement or by law. The taxpayer must immediately  
5 notify the authority of the termination.

6 a. If the authority determines that the taxpayer is not  
7 at fault for the termination, the authority shall not issue a  
8 tax credit certificate to the taxpayer for a subsequent tax  
9 year based on the approved application. Any prior tax credit  
10 is allowed as provided in this section. The taxpayer may  
11 apply for and be issued another tax credit certificate for the  
12 same agricultural assets as provided in this section for any  
13 remaining tax years for which a certificate was not issued.

14 b. If the authority determines that the taxpayer is at fault  
15 for the termination, any prior tax credit allowed under this  
16 section is disallowed. The amount of the tax credit shall be  
17 immediately due and payable to the department of revenue. If  
18 a taxpayer does not immediately notify the authority of the  
19 termination, the taxpayer shall be conclusively deemed at fault  
20 for the termination.

21 Sec. 69. NEW SECTION. 16.81 Custom farming contract tax  
22 credit.

23 1. A custom farming contract tax credit is allowed under  
24 this section. The tax credit is allowed against the taxes  
25 imposed in chapter 422, division II, as provided in section  
26 422.11M, and in chapter 422, division III, as provided in  
27 section 422.33, to encourage taxpayers who are considering  
28 custom farming agricultural land located in this state to  
29 negotiate with qualified beginning farmers.

30 2. In order to be eligible to claim a custom farming  
31 contract tax credit, the taxpayer must meet qualifications  
32 established by rules adopted by the authority. At a minimum,  
33 the taxpayer must be a person who may acquire or otherwise  
34 obtain or lease agricultural land in the same manner as  
35 provided for a taxpayer claiming an agricultural assets

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1 transfer tax credit under section 16.80.

2 3. An individual may claim a custom farming contract  
3 tax credit of a partnership, limited liability company,  
4 S corporation, estate, or trust electing to have income  
5 taxed directly to the individual. The amount claimed by the  
6 individual shall be based upon the pro rata share of the  
7 individual's earnings from the partnership, limited liability  
8 company, S corporation, estate, or trust.

9 4. A custom farming contract tax credit is allowed only for  
10 the amount paid by the taxpayer to a qualified beginning farmer  
11 under a custom farming contract as provided in rules adopted by  
12 the department. The contract must provide for the production  
13 of crops located on agricultural land or the production of  
14 livestock principally located on agricultural land. The  
15 agricultural land must be real estate and any improvements used  
16 for farming in which the taxpayer holds a legal or equitable  
17 interest.

18 5. The custom farming contract must provide that the  
19 taxpayer pay the qualified beginning farmer on a cash basis.  
20 The contract must be in writing for a term of not more than  
21 twelve months. The total cash payment must equal at least one  
22 thousand dollars.

23 6. The taxpayer must make all management decisions  
24 substantially contributing to or affecting the production  
25 of crops located on the agricultural land or the production  
26 of livestock principally located on the agricultural land.  
27 However, nothing in this subsection prohibits a qualified  
28 beginning farmer from regularly or frequently taking part in  
29 making day-to-day operational decisions affecting production.  
30 The qualified beginning farmer must provide for all of the  
31 following:

32 a. Production items principally used to produce crops  
33 located on the agricultural land or to produce livestock  
34 principally located on the agricultural land.

35 b. Labor principally used to produce crops located on the



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1 agricultural land or to produce livestock principally located  
 2 on the agricultural land. The qualified beginning farmer must  
 3 personally provide such labor on a regular, continuous, and  
 4 substantial basis.

5 7. A custom farming contract tax credit is not allowed if  
 6 the taxpayer and qualified beginning farmer are related as any  
 7 of the following:

8 a. Persons who hold a legal or equitable interest in the  
 9 same agricultural land, including as individuals or as general  
 10 partners, limited partners, shareholders, or members in the  
 11 same business entity as defined in section 501A.102.

12 b. Family members related as spouse, child, stepchild,  
 13 brother, or sister.

14 c. Partners in the same partnership which holds agricultural  
 15 land, or shareholders in the same family farm corporation or  
 16 members in the same family farm limited liability company and  
 17 defined in section 9H.1.

18 8. A custom farming contract tax credit shall be calculated  
 19 based on the gross amount paid to the qualified beginning  
 20 farmer under the custom farming contract.

21 a. If the qualified beginning farmer is not a veteran, the  
 22 taxpayer may claim a tax credit equal to seven percent of the  
 23 gross amount paid to the qualified beginning farmer under the  
 24 contract for each tax year that the tax credit is allowed.

25 b. If the qualified beginning farmer is a veteran, the  
 26 taxpayer may claim a tax credit equal to eight percent of the  
 27 gross amount paid to the qualified beginning farmer under the  
 28 contract for the first year that the tax credit is allowed  
 29 and seven percent of the gross amount paid to the qualified  
 30 beginning farmer under the contract for each subsequent tax  
 31 year that the tax credit is allowed. However, the taxpayer  
 32 may only claim seven percent of the gross amount paid to the  
 33 qualified beginning farmer under a renewed contract or a new  
 34 contract executed by the same parties.

35 9. A custom farming contract tax credit in excess of the



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1 taxpayer's liability for the tax year may be credited to the  
2 tax liability for the following five years or until depleted,  
3 whichever is earlier. A tax credit shall not be carried back  
4 to a tax year prior to the tax year in which the taxpayer  
5 redeems the tax credit. A tax credit shall not be transferable  
6 to any other person other than the taxpayer's estate or trust  
7 upon the taxpayer's death.

8 10. A taxpayer shall not claim a custom farming contract  
9 tax credit unless a tax credit certificate issued by the  
10 authority under this section is attached to the taxpayer's tax  
11 return for the tax year for which the tax credit is claimed.  
12 The authority must review and approve an application for a  
13 tax credit certificate as provided by rules adopted by the  
14 authority. The application must include a copy of the custom  
15 farming contract. The authority may approve an application  
16 and issue a tax credit certificate to a taxpayer who has  
17 previously been allowed a tax credit under this section.  
18 The authority may require that the parties to the contract  
19 provide additional information as determined relevant by the  
20 authority. The authority shall review an application for a tax  
21 credit certificate which includes the renewal of a contract to  
22 determine that the parties to the renewed contract meet the  
23 same qualifications as required for an original application.  
24 The authority shall not approve an application or issue a tax  
25 credit certificate to a taxpayer for an amount in excess of  
26 fifty thousand dollars. In addition, the authority shall not  
27 approve an application or issue a tax credit certificate to a  
28 taxpayer if any of the following applies:

29 a. The taxpayer is at fault for terminating another custom  
30 farming contract, as determined by the authority.

31 b. The taxpayer is party to a pending administrative or  
32 judicial action, or classified as a habitual violator in the  
33 same manner as provided in section 16.80.

34 c. The contract amount is substantially higher or lower  
35 than the market rate for a similar custom farming contract, as





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1     Sec. 71. NEW SECTION. 16.83 Additional loan program.

2     1. The authority may enter into a loan agreement with a

3 beginning farmer to finance in whole or in part the acquisition

4 by construction or purchase of agricultural land, agricultural

5 improvements, or depreciable agricultural property. The

6 repayment obligation of the beginning farmer may be unsecured,

7 or may be secured by a mortgage or security agreement or by

8 other security as the authority deems advisable, and may

9 be evidenced by one or more notes of the beginning farmer.

10 The loan agreement may contain terms and conditions as the

11 authority deems advisable.

12     2. The authority may issue its bonds and notes for the

13 purposes set forth in subsection 1 and may enter into a lending

14 agreement or purchase agreement with one or more bondholders

15 or noteholders containing the terms and conditions of the

16 repayment of and the security for the bonds or notes. Bonds

17 and notes must be authorized by a resolution of the authority.

18 The authority and the bondholders or noteholders may enter into

19 an agreement to provide for any of the following:

20     a. That the proceeds of the bonds and notes and investments

21 thereon may be received, held, and disbursed by the bondholders

22 or noteholders, or by a trustee or agent designated by the

23 authority.

24     b. That the bondholders or noteholders or a trustee or agent

25 designated by the authority may collect, invest, and apply the

26 amounts payable under the loan agreement or any other security

27 instrument securing the debt obligation of the beginning

28 farmer.

29     c. That the bondholders or noteholders may enforce the

30 remedies provided in the loan agreement or security instrument

31 on their own behalf without the appointment or designation of

32 a trustee and if there is a default in the principal of or

33 interest on the bonds or notes or in the performance of any

34 agreement contained therein, the payment or performance may be

35 enforced in accordance with the provisions contained therein.

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1     *d.* That if there is a default in the payment of the  
2 principal or interest on a mortgage or security instrument  
3 or a violation of an agreement contained in the mortgage or  
4 security instrument, the mortgage or security instrument  
5 may be foreclosed or enforced and any collateral sold under  
6 proceedings or actions permitted by law and a trustee under the  
7 mortgage or security agreement or the holder of any bonds or  
8 notes secured thereby may become a purchaser if the trustee or  
9 holder is the highest bidder.

10    *e.* Other terms and conditions.

11     3. The authority may provide in the resolution authorizing  
12 the issuance of the bonds or notes that the principal and  
13 interest shall be limited obligations payable solely out of the  
14 revenues derived from the debt obligation, collateral, or other  
15 security furnished by or on behalf of the beginning farmer,  
16 and that the principal and interest does not constitute an  
17 indebtedness of the authority or a charge against its general  
18 credit or general fund.

19     4. The powers granted the authority under this section  
20 are in addition to other powers granted to the authority  
21 to administer this subchapter as provided in this chapter.  
22 All other provisions of this chapter, except section 16.28,  
23 subsection 4, apply to bonds or notes issued pursuant to and  
24 powers granted to the authority under this section except to  
25 the extent that they are inconsistent with this section.

26     Sec. 72. NEW SECTION. **16.84 Financial assistance for**  
27 **agricultural producers.**

28     1. In addition to the other programs authorized pursuant  
29 to this subchapter, the authority is authorized to provide  
30 any type of economic assistance directly or indirectly to  
31 agricultural producers, and may develop and implement programs  
32 including but not limited to the making of loan guaranties,  
33 interest buy-downs, grants, secured or unsecured direct  
34 loans, secondary market purchases of loans or mortgages, loans  
35 to lending institutions or other agricultural lenders as



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1 designated by rule of the authority, or entities that provide  
2 funds or credits to such lenders or institutions, to assist  
3 agricultural producers within the state. The authority may  
4 exercise any of the powers granted to the authority in this  
5 chapter in order to fulfill the goal of providing financial  
6 assistance to agricultural producers. The authority may  
7 participate in and cooperate with programs of any agency or  
8 instrumentality of the federal government or with programs of  
9 any other state agency in the administration of the programs to  
10 provide economic assistance to agricultural producers.

11 2. The authority shall provide in any program developed and  
12 implemented pursuant to this section that assistance shall be  
13 provided only if the following criteria are satisfied:

- 14 a. The agricultural producer is a resident of the state.
- 15 b. The agricultural producer's land and farm operations are  
16 located within the state.
- 17 c. Based upon the agricultural producer's net worth, cash  
18 flow, debt-to-asset ratio, and other criteria as prescribed by  
19 rule of the authority, the authority determines that without  
20 such assistance the agricultural producer could not reasonably  
21 be expected to be able to obtain, retain, restructure, or  
22 service loans or other financing for operating expenses, cash  
23 flow requirements, or capital acquisition and maintenance upon  
24 a reasonable and affordable basis.
- 25 d. Other criteria as the authority prescribes by rule.

26 3. The authority is granted all powers which are necessary  
27 or useful to develop and implement programs and authorizations  
28 pursuant to subsection 1. These powers include but are not  
29 limited to:

- 30 a. All general and specific powers stated in subchapter IV  
31 and this subchapter.
- 32 b. The power to make or enter into or to require the  
33 making or entry into of agreements of any type, with or  
34 by any person, that are necessary to effect the purposes  
35 of this section. These agreements may include but are not

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1 limited to contracts, notes, bonds, guaranties, mortgages,  
2 loan agreements, trust indentures, reimbursement agreements,  
3 letters of credit or other liquidity or credit enhancement  
4 agreements, reserve agreements, loan or mortgage purchase  
5 agreements, buy-down agreements, grants, collateral or security  
6 agreements, insurance contracts, or other similar documents.  
7 The agreements may contain any terms and conditions which the  
8 authority determines are reasonably necessary or useful to  
9 implement the purposes of this section or which are usually  
10 included in agreements or documents between private or public  
11 persons in similar transactions.

12 *c.* The power to require submission of evidence satisfactory  
13 to the authority of the receipt by an agricultural producer  
14 of the assistance intended under a program developed and  
15 implemented pursuant to this section. In that connection,  
16 the authority, through its members, employees, or agents,  
17 may inspect the books and records of any person receiving or  
18 involved in the provision of assistance in accordance with this  
19 section.

20 *d.* The power to establish by rule appropriate enforcement  
21 provisions in order to assure compliance with this section and  
22 rules adopted pursuant to this section, to seek the enforcement  
23 of such rules and the terms of any agreement or document by  
24 decree of any court of competent jurisdiction, and to require  
25 as a condition of providing assistance pursuant to this  
26 section the consent of any person receiving or involved in the  
27 provision of the assistance to the jurisdiction of the courts  
28 of this state over any enforcement proceeding.

29 *e.* The power to require, as a condition of the provision  
30 of assistance pursuant to this section, any representations  
31 and warranties on the part of any person receiving or  
32 involved in providing such assistance that the authority  
33 determines are reasonably necessary or useful to carry out the  
34 purposes of this section. A person receiving or involved in  
35 providing assistance pursuant to this section is liable to the





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1 in the fund shall be deposited in the housing trust fund  
2 established in section ~~16.181~~ 16.45 and shall not accrue to the  
3 general fund. If the authority board in consultation with the  
4 division board determines that there are surplus funds in the  
5 title guaranty fund after providing for adequate reserves and  
6 operating expenses of the division, the surplus funds shall be  
7 transferred to the housing assistance fund created pursuant to  
8 section 16.40.

9 Sec. 75. Section 16.92, subsection 1, paragraph c, Code  
10 2014, is amended to read as follows:

11 c. "*Division*" means the Iowa title guaranty division in  
12 the Iowa finance authority, the director of the division, or a  
13 designee of the director.

14 Sec. 76. Section 16.93, subsection 1, unnumbered paragraph  
15 1, Code 2014, is amended to read as follows:

16 The authority through the Iowa title guaranty division  
17 may issue a closing protection letter to a person to whom a  
18 proposed title guaranty is to be issued, upon the request of  
19 the person, if the division issues a commitment for title  
20 guaranty or title guaranty certificate. The closing protection  
21 letter shall conform to the terms of coverage and form of the  
22 instrument as approved by the division board and may indemnify  
23 a person to whom a proposed title guaranty is to be issued  
24 against loss of settlement funds due to only the following acts  
25 of the division's named participating attorney, participating  
26 abstractor, or closer:

27 Sec. 77. Section 16.102, Code 2014, is amended to read as  
28 follows:

29 **16.102 Establishment of ~~bond bank~~ economic development**  
30 **program — bonds and notes — projects.**

31 The authority may assist the development and expansion  
32 of family farming, ~~soil conservation~~, housing, and business  
33 in the state through the establishment of the ~~Iowa~~ economic  
34 development ~~bond bank~~ program. The authority may issue its  
35 bonds or notes, or series of bonds or notes for the purpose of

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1 financing program pursuant to section 16.131 or other federal  
2 or state financing.

3 EFFECTIVE DATE

4 Sec. 85. EFFECTIVE DATE. This division of this Act takes  
5 effect January 1, 2015.

6 DIVISION II

7 COORDINATING AMENDMENTS

8 GENERAL PROVISIONS

9 Sec. 86. Section 2.48, subsection 3, paragraph c,  
10 subparagraph (4), Code 2014, is amended by striking the  
11 subparagraph.

12 Sec. 87. Section 2.48, subsection 3, paragraph e,  
13 subparagraph (1), Code 2014, is amended to read as follows:

14 (1) (a) The agricultural assets transfer tax credit ~~under~~  
15 as provided in section 175.37 and the 16.80.

16 (b) The custom farming contract tax credit as provided in  
17 ~~section 175.38~~ 16.81.

18 Sec. 88. Section 7C.4A, subsection 4, Code 2014, is amended  
19 to read as follows:

20 4. Twenty-one percent of the state ceiling shall be  
21 allocated to qualified small issue bonds issued for first-time  
22 farmers under chapter ~~175~~ 16, subchapter VIII. However, at any  
23 time during the calendar year the governor's designee, with the  
24 approval of the Iowa finance authority, may determine that a  
25 lesser amount need be allocated to qualified small issue bonds  
26 for first-time farmers and on that date this lesser amount  
27 shall be the amount allocated for those bonds and the excess  
28 shall be allocated under subsection 7.

29 Sec. 89. Section 15F.204, subsection 8, paragraph e, Code  
30 2014, is amended by striking the paragraph.

31 Sec. 90. Section 159.18, subsection 1, Code 2014, is amended  
32 to read as follows:

33 1. As used in this section, "*farm programs*" includes, but  
34 is not limited to, financial incentive programs established  
35 within the division of soil conservation of the department of





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1     2. A custom farming contract tax credit as allowed under  
2 section ~~175.38~~ 16.81.

3     Sec. 94. Section 422.33, subsection 21, Code 2014, is  
4 amended to read as follows:

5     21. The taxes imposed under this division shall be reduced  
6 by the following:

7     a. An agricultural assets transfer tax credit as allowed  
8 under section ~~175.37~~ 16.80.

9     b. A custom farming contract tax credit as allowed under  
10 section ~~175.38~~ 16.81.

11     Sec. 95. Section 422.33, subsection 27, Code 2014, is  
12 amended by striking the subsection.

13     Sec. 96. Section 428A.8, subsection 2, unnumbered paragraph  
14 1, Code 2014, is amended to read as follows:

15     The treasurer of state shall deposit or transfer the  
16 receipts paid the treasurer of state pursuant to subsection 1  
17 to either the general fund of the state, the shelter assistance  
18 fund created in section 16.41, or the housing trust fund  
19 created in section ~~16.181, or the shelter assistance fund~~  
20 ~~created in section 16.41~~ 16.45 as follows:

21     Sec. 97. Section 455B.291, subsection 8, Code 2014, is  
22 amended to read as follows:

23     8. "*Program*" means the Iowa water pollution control works  
24 and drinking water facilities financing program created  
25 pursuant to section 455B.294.

26     Sec. 98. Section 455B.294, Code 2014, is amended to read as  
27 follows:

28     **455B.294 Establishment of the Iowa water pollution control**  
29 **works and drinking water facilities financing program.**

30     The Iowa water pollution control works and drinking water  
31 facilities financing program is established for the purpose of  
32 making loans available to eligible entities to finance all or  
33 part of the costs of projects. The program shall be a joint and  
34 cooperative undertaking of the department and the authority.

35 The department and the authority may enter into and provide



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1 any agreements, documents, instruments, certificates, data,  
 2 or information necessary in connection with the operation,  
 3 administration, and financing of the program consistent with  
 4 this part, the Safe Drinking Water Act, the Clean Water Act,  
 5 the rules of the department and the commission, the rules of  
 6 the authority, and other applicable federal and state law. The  
 7 authority and the department may act to conform the program to  
 8 the applicable guidance and regulations adopted by the United  
 9 States environmental protection agency.

10 Sec. 99. Section 456A.38, subsection 1, paragraph a, Code  
 11 2014, is amended to read as follows:

12 a. "Agricultural land", "authority", "beginning farmer", and  
 13 "farming" mean the same as defined in section ~~175-2~~ 16.58.

14 Sec. 100. Section 456A.38, subsection 4, Code 2014, is  
 15 amended to read as follows:

16 4. The department shall execute a lease with a beginning  
 17 farmer selected to participate in the program after such person  
 18 has been certified by the authority as a beginning farmer who  
 19 meets the requirements of the authority, which shall be based  
 20 on section ~~175-12~~ 16.75, subsection 3, paragraphs "a", "c", "f",  
 21 and "g".

22 Sec. 101. Section 502.201, subsection 9B, Code 2014, is  
 23 amended to read as follows:

24 9B. *Iowa finance authority*. Any security issued by the  
 25 Iowa finance authority under chapter ~~175~~ 16, subchapter VIII.

26 Sec. 102. Section 535B.10, subsection 6, paragraph h, Code  
 27 2014, is amended to read as follows:

28 h. The administrator may furnish information to the Iowa  
 29 title guaranty division of the Iowa finance authority relating  
 30 to supervision of closing agent licensees whose activities  
 31 relate to the issuance of title guaranty certificates issued  
 32 by the title guaranty division. The Iowa title guaranty  
 33 division may use this information to satisfy its reinsurance  
 34 requirements and may provide the information to its reinsurer  
 35 to the extent necessary to satisfy reinsurer requirements



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1 provided the reinsurer agrees to maintain the confidentiality  
2 of the information. The Iowa title guaranty division shall  
3 maintain the confidentiality of the information provided  
4 pursuant to this paragraph in all other respects.

5 Sec. 103. Section 543B.46, subsection 1, Code 2014, is  
6 amended to read as follows:

7 1. Each real estate broker shall maintain a common trust  
8 account in a bank, savings association, or credit union for  
9 the deposit of all down payments, earnest money deposits,  
10 or other trust funds received by the broker or the broker's  
11 salespersons on behalf of the broker's principal, except that a  
12 broker acting as a salesperson shall deposit these funds in the  
13 common trust account of the broker for whom the broker acts as  
14 salesperson. The account shall be an interest-bearing account.  
15 The interest on the account shall be transferred quarterly to  
16 the treasurer of state and transferred to the Iowa finance  
17 authority for deposit in the housing trust fund established  
18 in section ~~16.181~~ 16.45 unless there is a written agreement  
19 between the buyer and seller to the contrary. The broker shall  
20 not benefit from interest received on funds of others in the  
21 broker's possession.

22 Sec. 104. Section 543D.21, subsection 3, Code 2014, is  
23 amended to read as follows:

24 3. In addition to or as an alternative to making application  
25 to the district court for an injunction, the board may issue  
26 an order to a person who is not certified or registered under  
27 this chapter to require compliance with this chapter and may  
28 impose a civil penalty against such person for any violation  
29 of subsection 4 in an amount up to one thousand dollars for  
30 each violation. All civil penalties collected pursuant to this  
31 subsection shall be deposited in the housing trust fund created  
32 in section ~~16.181~~ 16.45. An order issued pursuant to this  
33 section may prohibit a person from applying for certification  
34 or registration under this chapter.

35 Sec. 105. Section 654.16, unnumbered paragraph 1, Code

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1 2014, is amended to read as follows:

2 If a sheriff's sale is ordered on agricultural land used for  
3 farming, as defined in section ~~175.2~~ 16.58, the mortgagor may,  
4 by a date set by the court but not later than ten days before  
5 the sale, designate to the court the portion of the land which  
6 the mortgagor claims as a homestead. The homestead may be any  
7 contiguous portion of forty acres or less of the real estate  
8 subject to the sheriff's sale. The homestead shall contain  
9 the residence of the mortgagor and shall be as compact as  
10 practicable.

11 Sec. 106. Section 654.16A, subsection 1, Code 2014, is  
12 amended to read as follows:

13 1. Not later than the time a sheriff's deed to agricultural  
14 land used for farming, as defined in section ~~175.2~~ 16.58, is  
15 recorded, the grantee recording the sheriff's deed shall notify  
16 the mortgagor of the mortgagor's right of first refusal. The  
17 grantee shall record the sheriff's deed within one year and  
18 sixty days from the date of the sheriff's sale. A copy of  
19 this section, titled "Notice of Right of First Refusal" is  
20 sufficient notice.

21 EFFECTIVE DATE

22 Sec. 107. EFFECTIVE DATE. This division of this Act takes  
23 effect January 1, 2015.

24 DIVISION III

25 CODIFICATION

26 GENERAL PROVISIONS

27 Sec. 108. REORGANIZATION. The Code editor shall create new  
28 subchapters, parts, and subparts in chapter 16, as amended in  
29 this Act, for publication in the 2015 Code as follows:

30 1. Subchapter I may include section 16.1 as amended in this  
31 Act. The subchapter may be entitled "General Definitions".

32 2. Subchapter II may include sections 16.1A, 16.2, and  
33 16.2A, as amended in this Act, and sections 16.2B through  
34 16.2D as enacted in this Act. The subchapter may be entitled  
35 "Governance". The subchapter may be divided into parts as



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1 follows:

2 a. Part 1 may include sections 16.1A and 16.2 as amended in  
 3 this Act. The part may be entitled "General".

4 b. Part 2 may include section 16.2A as amended in this Act  
 5 and sections 16.2B through 16.2D as enacted in this Act. The  
 6 part may be entitled "Special Governing Units".

7 3. Subchapter III may include section 16.2E as enacted in  
 8 this Act, section 16.3 as amended by this Act, reserved section  
 9 16.3A as repealed in this Act, section 16.4 as amended in  
 10 this Act, and sections 16.4A through 16.4D as enacted in this  
 11 Act. The subchapter may be entitled "Legislative Findings and  
 12 Guiding Principles". The subchapter may be divided into parts  
 13 as follows:

14 a. Part 1 may include section 16.2E as enacted in this Act.  
 15 The part may be entitled "General".

16 b. Part 2 may include sections 16.3 as amended by this  
 17 Act, reserved section 16.3A as repealed in this Act, and  
 18 section 16.4 as amended in this Act. The part may be entitled  
 19 "Housing".

20 c. Part 3 may include sections 16.4A and 16.4B as enacted in  
 21 this Act. The part may be entitled "Agricultural Development".

22 d. Part 4 may include section 16.4C as enacted in this Act.  
 23 The part may be entitled "Title Guaranty".

24 e. Part 5 may include section 16.4D as enacted in this Act.  
 25 The part may be entitled "Economic Development".

26 4. Subchapter IV may include sections 16.5 as amended in  
 27 this Act, reserved sections 16.5A and 16.5B, section 16.5C  
 28 as amended in this Act, and section 16.5D as enacted in this  
 29 Act. The subchapter may be entitled "Powers and Duties". The  
 30 subchapter may be divided into parts as follows:

31 a. Part 1 may include section 16.5 as amended in this  
 32 Act, and reserved sections 16.5A and 16.5B. The part may be  
 33 entitled "General Powers and Duties".

34 b. Part 2 may include section 16.5C as amended in this Act  
 35 and section 16.5D as enacted in this Act. The part may be





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1 as repealed in this Act, section 16.43 as enacted in this Act,  
 2 section 16.44, sections 16.45 through 16.50 as enacted in  
 3 this Act, section 16.51, reserved section 16.52 as repealed  
 4 in this Act, sections 16.53 and 16.54, and sections 16.55  
 5 through 16.57 as enacted in this Act. The subchapter may be  
 6 entitled "Housing". The subchapter may be divided into parts  
 7 as follows:

8 a. Part 1 may include reserved section 16.34 as repealed in  
 9 this Act and section 16.34A as enacted in this Act. The part  
 10 may be entitled "Special Definition".

11 b. Part 2 may include sections 16.35 through 16.36 as  
 12 enacted in this Act, and reserved section 16.37 as repealed in  
 13 this Act. The part may be entitled "Administration".

14 c. Part 3 may include sections 16.38 and 16.39 as enacted in  
 15 this Act. The part may be entitled "Lending Institutions".

16 d. Part 4 may include section 16.40 as amended in this  
 17 Act, section 16.41, reserved section 16.42 as repealed in this  
 18 Act, section 16.43 as enacted in this Act, section 16.44, and  
 19 sections 16.45 through 16.50 as enacted in this Act. The part  
 20 may be entitled "Special Funds".

21 e. Part 5 may include section 16.51, reserved section 16.52  
 22 as repealed in this Act, sections 16.53 and 16.54, and sections  
 23 16.55 through 16.57 as enacted in this Act. The part may be  
 24 entitled "Additional Programs".

25 8. Subchapter VIII may include sections 16.58 through 16.64  
 26 as enacted in this Act, reserved sections 16.65 through 16.67,  
 27 section 16.68 as enacted in this Act, reserved section 16.69,  
 28 sections 16.70 and 16.71 as enacted in this Act, reserved  
 29 section 16.72, reserved section 16.73 as repealed in this Act,  
 30 reserved section 16.74, sections 16.75 and 16.76 as enacted  
 31 in this Act, reserved section 16.77, sections 16.78 through  
 32 16.84 as enacted in this Act, and reserved sections 16.85  
 33 through 16.89. The subchapter may be entitled "Agricultural  
 34 Development". The subchapter may be divided into parts as  
 35 follows:



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1 a. Part 1 may include sections 16.58 and 16.59 as enacted in  
2 this Act. The part may be entitled "General".

3 b. Part 2 may include sections 16.60 through 16.63  
4 as enacted in this Act. The part may be entitled  
5 "Administration".

6 c. Part 3 may include section 16.64 as enacted in this  
7 Act, reserved sections 16.65 through 16.67, section 16.68 as  
8 enacted in this Act, and reserved section 16.69. The part may  
9 be entitled "Special Financing".

10 d. Part 4 may include sections 16.70 and 16.71 as enacted  
11 in this Act, reserved section 16.72, reserved section 16.73 as  
12 repealed in this Act, and reserved section 16.74. The part may  
13 be entitled "Loans to Lending Institutions".

14 e. Part 5 may include sections 16.75 and 16.76 as enacted in  
15 this Act, reserved section 16.77, and sections 16.78 through  
16 16.84 as enacted in this Act, and reserved sections 16.85  
17 through 16.89. The part may be entitled "Beginning Farmer  
18 Programs". The part may be divided into subparts as follows:

19 (1) Subpart A may include sections 16.75 and 16.76 as  
20 enacted in this Act and reserved section 16.77. The subpart  
21 may be entitled "Beginning Farmer Loan Program".

22 (2) Subpart B may include sections 16.78 through 16.82 as  
23 enacted in this Act. The subpart may be entitled "Beginning  
24 Farmer Tax Credit Program".

25 (3) Subpart C may include sections 16.83 and 16.84 as  
26 enacted in this Act, and reserved sections 16.85 through 16.89.  
27 The subpart may be entitled "Agricultural Producer Programs".

28 9. Subchapter IX may include section 16.90 as enacted  
29 in this Act, and section 16.91 as amended in this Act, and  
30 sections 16.92 through 16.97. The subchapter may be entitled  
31 "Title Guaranty". The subchapter may be divided into parts as  
32 follows:

33 a. Part 1 may include section 16.90 as enacted in this Act.  
34 The part may be entitled "General".

35 b. Part 2 may include section 16.91 as amended in this Act,

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1 sections 16.92 and 16.93, and reserved sections 16.94 through  
2 16.97. The part may be entitled "Program".

3 10. Subchapter X may include reserved sections 16.98 and  
4 16.99, reserved sections 16.100 and 16.100A as repealed in  
5 this Act, reserved section 16.101, section 16.102, section  
6 16.103 as amended in this Act, section 16.104, section 16.105  
7 as amended in this Act, section 16.106 as repealed by this  
8 Act, reserved sections 16.107 through 16.130, section 16.131  
9 and section 16.132 as amended in this Act, sections 16.133  
10 and 16.133A, sections 16.134 as amended in this Act, section  
11 16.135, reserved sections 16.136 through 16.140, section  
12 16.141, reserved sections 16.142 through 16.154, reserved  
13 section 16.155 as repealed in this Act, reserved sections  
14 16.156 through 16.160, sections 16.161 and 16.162, reserved  
15 sections 16.163 through 16.170, repealed section 16.171 as  
16 repealed in this Act, reserved sections 16.172 through 16.176,  
17 section 16.177, reserved sections 16.178 through 16.180,  
18 reserved sections 16.181 through 16.185 as repealed in this  
19 Act, reserved sections 16.186 and 16.187, reserved section  
20 16.188 as repealed in this Act, reserved sections 16.189  
21 through 16.192, sections 16.193 through 16.196, reserved  
22 section 16.197 as repealed by this Act, reserved sections  
23 16.198 through 16.200, reserved section 16.201 as repealed in  
24 this Act, reserved sections 16.202 through 16.210, reserved  
25 sections 16.211 and 16.212 as repealed in this Act, reserved  
26 sections 16.213 through 16.220, and reserved section 16.221 as  
27 repealed in this Act. The subchapter may be entitled "Special  
28 Financing Programs". The subchapter may be divided into parts  
29 as follows:

30 a. Part 1 may include reserved sections 16.98 and 16.99,  
31 reserved sections 16.100 and 16.100A as repealed in this Act,  
32 reserved section 16.101, sections 16.102 and 16.103 as amended  
33 in this Act, section 16.104, section 16.105 as amended in this  
34 Act, section 16.106 as repealed in this Act, and reserved  
35 sections 16.107 through 16.130. The part may be entitled

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1 "Economic Development Program".  
 2 b. Part 2 may include sections 16.131 through 16.132 as  
 3 amended in this Act, sections 16.133 and 16.133A, section  
 4 16.134 as amended in this Act, section 16.135, and reserved  
 5 sections 16.136 through 16.140. The part may be entitled  
 6 "Water Pollution Control Works and Drinking Water Facilities  
 7 Financing".  
 8 c. Part 3 may include section 16.141 and reserved sections  
 9 16.142 through 16.154. The part may be entitled "Unsewered  
 10 Community Revolving Loan Program".  
 11 d. Part 4 may include section 16.155 as repealed in this  
 12 Act, reserved sections 16.156 through 16.160, and section  
 13 16.161. The part may be entitled "E911 Program".  
 14 f. Part 5 may include section 16.162 and reserved sections  
 15 16.163 through 16.170. The part may be entitled "Community  
 16 College Dormitories".  
 17 g. Part 6 may include section 16.171 and reserved sections  
 18 16.172 through 16.176. The part may be entitled "Recovery Zone  
 19 Bonds".  
 20 h. Part 7 may include section 16.177, reserved sections  
 21 16.178 through 16.180, reserved sections 16.181 through 16.185  
 22 as repealed in this Act, reserved sections 16.186 and 16.187,  
 23 reserved section 16.188 as repealed in this Act, and reserved  
 24 sections 16.189 and 16.190. The part may be entitled "Prison  
 25 Infrastructure Revenue Bonds".  
 26 i. Part 8 may include reserved sections 16.191 and 16.192,  
 27 sections 16.193 through 16.196, reserved section 16.197 as  
 28 repealed in this Act, reserved sections 16.198 through 16.200,  
 29 reserved section 16.201 as repealed in this Act, reserved  
 30 sections 16.202 through 16.210, reserved sections 16.211 and  
 31 16.212 as repealed in this Act, reserved sections 16.213  
 32 through 16.220, and reserved section 16.221 as repealed by this  
 33 Act. The part may be entitled "Iowa Jobs Program".

34 CORRECTIONS AND FURTHER REORGANIZATION

35 Sec. 109. AUTHORITY TO CODE EDITOR. In reorganizing

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1 chapter 16 for publication as part of the 2015 Code, all of the  
2 following shall apply:

3 1. The Code editor shall correct internal references as  
4 necessary.

5 2. Nothing in this Act prevents the Code editor from  
6 organizing chapter 16, as provided in section 2B.13, in a  
7 manner other than specified in this division. The Code editor  
8 may consolidate the subchapters, parts, subparts, or sections  
9 in chapter 16, including by eliminating unused section numbers  
10 and renumbering sections included in chapter 16 as amended by  
11 this Act, and correcting internal references in a manner that  
12 enhances its readability.

13 EFFECTIVE DATE

14 Sec. 110. EFFECTIVE DATE. This division of this Act takes  
15 effect upon enactment.

16 DIVISION IV

17 TRANSITIONAL PROVISIONS

18 ADMINISTRATION

19 Sec. 111. POWERS AND DUTIES OF THE IOWA FINANCE  
20 AUTHORITY. This Act does not do any of the following:

21 1. Substantively affect the powers and duties of the Iowa  
22 finance authority provided for in chapter 16 or 175 as either  
23 chapter existed immediately prior to the effective date of this  
24 division of this Act.

25 2. Restrict the Iowa finance authority from adopting a rule,  
26 form, order, or directive that it could have adopted under  
27 chapter 16 or 175 as either chapter existed immediately prior  
28 to the effective date of this division of this Act.

29 Sec. 112. ADMINISTRATION OF ONGOING PROGRAMS. The Iowa  
30 finance authority shall continue the administration of ongoing  
31 programs under chapter 16 or 175, in progress on the effective  
32 date of this division of this Act.

33 Sec. 113. ADMINISTRATIVE RULES AND OTHER ACTIONS AND  
34 DOCUMENTS. Any rule, form, order, or directive promulgated by  
35 the Iowa finance authority pursuant to chapter 16, including



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1 section 16.1A, or chapter 175, as required to administer  
2 and enforce the provisions of chapter 16 as amended in this  
3 Act, shall continue in full force and effect until amended,  
4 rescinded, or supplemented by the affirmative action of the  
5 Iowa finance authority.

6       Sec. 114. GOVERNING BODIES.

7       1. This Act's repeal of section 175.3 and the enactment of  
8 section 16.2C shall not affect the original appointment or term  
9 of office of a member to the agricultural development board by  
10 the governor pursuant to 2013 Iowa Acts, chapter 100. However,  
11 such a member shall comply with any new requirement as provided  
12 in this Act upon reappointment and a new member shall comply  
13 with all requirements as provided in this Act upon appointment  
14 or reappointment.

15       2. This Act's repeal of section 16.100 and the enactment  
16 of section 16.2D shall not affect the appointment or term of  
17 office of a member to the council on homelessness.

18       Sec. 115. PERSONNEL. Nothing in this Act affects personnel  
19 in the state merit system of employment.

20                               LEGAL OR EQUITABLE RIGHTS

21       Sec. 116. PENDING ADMINISTRATIVE OR JUDICIAL PROCEEDINGS.

22       1. An administrative or judicial proceeding arising under  
23 chapter 16 or 175 prior to the effective date of this division  
24 of this Act, and pending on the effective date of this division  
25 of this Act, shall not be affected due to the enactment of this  
26 Act.

27       2. A cause of action or statute of limitation relating to  
28 an action taken by a party in a matter arising under chapter 16  
29 or 175 prior to the effective date of this division of this Act  
30 shall not be affected by this Act.

31       3. The Iowa finance authority or the attorney general acting  
32 on behalf of the Iowa finance authority in an administrative  
33 or judicial proceeding pending on the effective date of this  
34 division of this Act shall not be affected as result of this  
35 Act. Any statute of limitation that would have otherwise



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1 applied to the parties in such proceeding shall continue to  
2 apply to the parties as if this Act had not been enacted.

3     Sec. 117. EXISTING RIGHTS AND OBLIGATIONS OF THE IOWA  
4 FINANCE AUTHORITY. Nothing in this Act affects any of the  
5 following:

6     1. An interest in real property, tangible personal  
7 property, or intangible personal property held by the Iowa  
8 finance authority.

9     2. A property right, security interest, or lien held by the  
10 Iowa finance authority, including but not limited to a deed,  
11 contract, or endorsement.

12     3. Any debt, obligation, or liability incurred by the Iowa  
13 finance authority which shall continue according to the same  
14 terms and conditions as applied prior to the effective date of  
15 this division of this Act.

16     Sec. 118. PRESERVATION OF EXISTING RIGHTS.

17     1. This Act shall preserve and shall neither increase nor  
18 decrease a right or obligation of a party or any other person  
19 connected with the issuance, holding, transfer, redemption, or  
20 payment of a bond or note under chapter 16 or 175 as either  
21 chapter existed prior to the effective date of this division  
22 of this Act.

23     2. This Act shall not limit, modify, or otherwise affect  
24 the term or condition of an agreement between the Iowa finance  
25 authority and another person which was originally executed  
26 under chapter 16 or 175 as either chapter existed prior to  
27 the effective date of this division of this Act. This Act  
28 specifically does not affect any program for beginning farmers  
29 or first-time farmers as that program existed under chapter 175  
30 prior to the effective date of this division of this Act.

31     3. This Act shall not limit, modify, or otherwise  
32 adversely affect a taxpayer's right to claim or redeem a tax  
33 credit issued, awarded, or allowed under sections 175.36A  
34 through 175.39, including but not limited to any tax credit  
35 carryforward amount so long as the tax credit was issued,



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1 awarded, or allowed when sections 175.36A through 175.39 were  
2 in effect. A person shall not claim or be issued, awarded,  
3 or allowed the same tax credit under sections 175.36A through  
4 175.39 in effect prior to the effective date of this division  
5 of this Act and chapter 16, subchapter VIII, part 5, as enacted  
6 in this Act on and after the effective date of this division of  
7 this Act.

8 EFFECTIVE DATE  
9 Sec. 119. EFFECTIVE DATE. This division of this Act takes  
10 effect on January 1, 2015.

11 DIVISION V  
12 CURRENT REPEAL PROVISIONS

13 GENERAL  
14 Sec. 120. REPEAL. Sections 16.3A, 16.10, 16.15, 16.20,  
15 16.21, 16.33, 16.34, 16.37, 16.42, 16.44, 16.52, 16.73, 16.100,  
16 16.100A, 16.106, 16.155, 16.171, 16.181, 16.181A, 16.182,  
17 16.183, 16.184, 16.185, 16.188, 16.197, 16.201, 16.211, 16.212,  
18 16.221, and 422.11X, Code 2014, are repealed.

19 Sec. 121. REPEAL. Chapter 175, Code 2014, is repealed.

20 REPEAL OF CONFLICTING INTERVENING PROVISION  
21 Sec. 122. REPEAL. Any intervening provision effective  
22 prior to the effective date of this division of this Act that  
23 amends a section or chapter repealed in another section of  
24 this division of this Act is also repealed, unless that Act or  
25 another Act specifically provides otherwise.

26 EFFECTIVE DATE  
27 Sec. 123. EFFECTIVE DATE. This division of this Act takes  
28 effect January 1, 2015.

29 DIVISION VI  
30 FUTURE PROVISIONS  
31 REPEAL OF THE BEGINNING FARMER TAX CREDIT PROGRAM

32 Sec. 124. REPEAL. Section 2.48, subsection 3, paragraph e,  
33 subparagraph (1), subparagraph division (b), as amended by this  
34 Act, is amended by striking the subparagraph division.

35 Sec. 125. REPEAL. Section 16.1, subsection 1, paragraph an,



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1 as enacted by this Act, is amended by striking the paragraph.

2 Sec. 126. REPEAL. Section 16.58, subsections 7, 13,  
3 and 14, as enacted by this Act, are amended by striking the  
4 subsections.

5 Sec. 127. REPEAL. Section 422.11M, subsection 2, as amended  
6 by this Act, is amended by striking the subsection.

7 Sec. 128. REPEAL. Section 422.33, subsection 21,  
8 paragraph b, as amended by this Act, is amended by striking the  
9 paragraph.

10 Sec. 129. REPEAL. Sections 16.78, 16.79, 16.81, and 16.82,  
11 are repealed.

12 Sec. 130. REPEAL. 2013 Iowa Acts, chapter 125, division II,  
13 is repealed.

14 ENACTMENT OF THE AGRICULTURAL ASSETS TRANSFER TAX CREDIT

15 Sec. 131. Section 16.80, as enacted by this Act, is amended  
16 by striking the section and inserting in lieu thereof the  
17 following:

18 **16.80 Agricultural assets transfer tax credit — agreement.**

19 1. An agricultural assets transfer tax credit is allowed  
20 under this section. The tax credit is allowed against the  
21 taxes imposed in chapter 422, division II, as provided in  
22 section 422.11M, and in chapter 422, division III, as provided  
23 in section 422.33, to facilitate the transfer of agricultural  
24 assets from a taxpayer to a beginning farmer.

25 2. In order to qualify for the tax credit, the taxpayer  
26 must meet qualifications established by rules adopted by the  
27 authority. At a minimum, the taxpayer must comply with all of  
28 the following:

29 a. Be a person who may acquire or otherwise obtain or lease  
30 agricultural land in this state pursuant to chapter 9H or 9I.  
31 However, the taxpayer must not be a person who may acquire  
32 or otherwise obtain or lease agricultural land exclusively  
33 because of an exception provided in one of those chapters or in  
34 a provision of another chapter of this Code including but not  
35 limited to chapter 10, 10D, or 501, or section 15E.207.





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1 must be eligible to receive financial assistance under section  
2 16.75.

3 7. A tax credit in excess of the taxpayer's liability for  
4 the tax year may be credited to the tax liability for the  
5 following five years or until depleted, whichever is earlier.  
6 A tax credit shall not be carried back to a tax year prior to  
7 the tax year in which the taxpayer redeems the tax credit. A  
8 tax credit shall not be transferable to any other person other  
9 than the taxpayer's estate or trust upon the taxpayer's death.

10 8. A taxpayer shall not claim a tax credit under this  
11 section unless a tax credit certificate issued by the authority  
12 is attached to the taxpayer's tax return for the tax year for  
13 which the tax credit is claimed. The authority must review  
14 and approve an application for a tax credit as provided by  
15 rules adopted by the authority. The application must include  
16 a copy of the agricultural assets transfer agreement. The  
17 authority may approve an application and issue a tax credit  
18 certificate to a taxpayer who has previously been allowed a  
19 tax credit under this section. The authority may require  
20 that the parties to an agricultural assets transfer agreement  
21 provide additional information as determined relevant by the  
22 authority. The authority shall review an application for a tax  
23 credit which includes the renewal of an agricultural assets  
24 transfer agreement to determine that the parties to the renewed  
25 agreement meet the same qualifications as required for an  
26 original application. However, the authority shall not approve  
27 an application or issue a certificate to a taxpayer if any of  
28 the following applies:

29 a. The taxpayer is at fault for terminating a prior  
30 agricultural assets transfer agreement as determined by the  
31 authority.

32 b. The taxpayer is any of the following:

33 (1) A party to a pending administrative or judicial action,  
34 including a contested case proceeding under chapter 17A,  
35 relating to an alleged violation involving an animal feeding





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1     10. The amount of tax credit certificates that may be issued  
2 pursuant to this section shall not exceed six million dollars  
3 in any fiscal year. The authority shall issue the tax credit  
4 certificates on a first-come, first-served basis.

5                     REPEAL OF INTERVENING PROVISIONS

6     Sec. 132. REPEAL. Any intervening provision effective  
7 prior to the effective date of this division of this Act  
8 that amends a section, subsection, paragraph, subparagraph,  
9 or subparagraph division repealed in another section of this  
10 division of this Act is also repealed, unless that Act or  
11 another Act specifically provides otherwise.

12                    PROPOSED LEGISLATION

13     Sec. 133. IOWA FINANCE AUTHORITY. The Iowa finance  
14 authority established in chapter 16 shall propose legislation  
15 to the general assembly necessary to implement this division  
16 of this Act. The Iowa finance authority shall propose such  
17 legislation for consideration by the general assembly during  
18 its 2017 legislative session.

19                    EFFECTIVE DATE

20     Sec. 134. EFFECTIVE DATES.

21     1. a. Except as provided in subsection 2, this division of  
22 this Act takes effect January 1, 2018.

23     b. The section of this division of this Act which enacts  
24 the agricultural assets transfer tax credit as codified in  
25 section 16.80 takes effect instantly upon the repeal of the  
26 agricultural assets transfer tax credit previously codified in  
27 section 16.80 and enacted in another division of this Act.

28     2. The section of this division of this Act which requires  
29 the Iowa finance authority to propose legislation for  
30 consideration by the general assembly takes effect July 1,  
31 2016.

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     BACKGROUND — GENERAL. Code chapter 16 establishes the

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1 Iowa finance authority (IFA) under the authority of a board  
2 of directors and supervised by an executive director. The  
3 IFA administers a number of programs including programs that  
4 address housing needs, such as programs to assist low-income  
5 to moderate-income families in attaining housing, and homeless  
6 assistance. The authority also provides a number of other  
7 programs relating to title guaranties, and financing to further  
8 economic development, drinking water and waste water systems,  
9 residential treatment facilities, E-911, community college  
10 dormitories, prison infrastructure, Iowa job creation, and  
11 disaster recovery.

12 BACKGROUND — 2013 LEGISLATION. In 2013, the 85th General  
13 Assembly enacted HF 607 (2013 Iowa Acts, chapter 100) which  
14 transferred the powers and duties of the agricultural  
15 development authority organized under Code chapter 175 to IFA.  
16 Code chapter 175 establishes a number of programs to assist  
17 farmers, including beginning farmers, to start or expand their  
18 operations. Code chapter 16 and Code chapter 175 include  
19 provisions authorizing debt financing, including the issuance  
20 of bonds and debts, and provides a framework for the state  
21 to cooperate with financial institutions in order to provide  
22 affordable credit.

23 GOVERNING STRUCTURE. IFA is headed by a board of directors  
24 appointed by the governor and is supervised by an executive  
25 director. House File 607 created an agricultural development  
26 division within the authority. The division is administered by  
27 a new agricultural development board.

28 BILL'S PROVISIONS — REORGANIZATION. This bill incorporates  
29 the provisions of Code chapter 175 into Code chapter 16. It  
30 also effectively moves provisions within Code chapter 16 in  
31 order to enhance its readability. It accomplishes this goal by  
32 repealing provisions in the two Code chapters and reenacting  
33 the provisions within Code chapter 16, and dividing the Code  
34 chapter into a number of subchapters and parts within those  
35 subchapters. In some instances, the provisions in Code





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1 requirements that all partners in a family farm partnership,  
2 shareholders in a family farm corporation, and members of  
3 a family farm limited liability company all be residents  
4 of the state. It removes a requirement that all partners,  
5 shareholders, or members have sufficient education, training,  
6 or experience in farming. It removes a requirement that  
7 agricultural land or improvements financed under the program  
8 can only be used for farming by partners, shareholders, or  
9 members.

10 BILL'S PROVISIONS — CONSOLIDATION. The bill consolidates a  
11 number of provisions that were included in Code chapter 16 and  
12 applicable to certain programs or under Code chapter 175, and  
13 makes them generally applicable to all programs administered  
14 by the authority under the Code chapter, including provisions  
15 which apply to the management of reserve funds, and powers  
16 relating to loans.

17 BEGINNING FARMER TAX CREDIT PROGRAM. In 2013, the general  
18 assembly also enacted HF 599 (2013 Iowa Acts, chapter 125)  
19 which created a beginning farmer tax credit program, which  
20 expanded an existing agricultural assets transfer tax credit  
21 and created a new custom farming contract tax credit. On  
22 December 31, 2017, the provisions of that Act are repealed  
23 and the former version of the agricultural assets transfer  
24 tax credit is to be restored. The bill still repeals the  
25 provisions in HF 599 and restores the old agricultural assets  
26 transfer tax credit on the same date but the bill codifies the  
27 old tax credit as part of its new subchapter in Code chapter  
28 16.

29 TRANSITIONAL PROVISIONS. The bill includes a number of  
30 transitional provisions that provide that IFA will continue to  
31 administer programs under new Code chapter 16 as it formally  
32 did under current Code chapter 16 or repealed Code chapter 175.

33 EFFECTIVE DATES. Generally, the bill's provisions take  
34 effect on January 1, 2015, except for the elimination of the  
35 beginning farmer tax credit program and the resurrection of the



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1 agricultural assets transfer tax credit on January 1, 2018.  
2 IFA remains responsible for proposing legislation by July 1,  
3 2016, to accomplish the bill's objectives.



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**Senate Study Bill 3142 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
CULTURAL AFFAIRS BILL)

**A BILL FOR**

1 An Act relating to the administration of the historic  
2 preservation and cultural and entertainment district tax  
3 credit program by the department of cultural affairs,  
4 providing for fees, and including applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 16.188, subsection 3, paragraph b,  
2 subparagraph (1), Code 2014, is amended to read as follows:

3 (1) Projects that are eligible for historic preservation  
4 and cultural and entertainment district tax credits under  
5 section ~~404A.1~~ 404A.2.

6 Sec. 2. Section 404A.1, Code 2014, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 **404A.1 Definitions.**

9 For purposes of this chapter, unless the context otherwise  
10 requires:

11 1. *"Completion date"* means the date on which property that  
12 is the subject of a qualified rehabilitation project is placed  
13 in service, as that term is used in section 47 of the Internal  
14 Revenue Code.

15 2. *"Department"* means the department of cultural affairs.

16 3. *"Eligible taxpayer"* means the owner of the property  
17 that is the subject of a qualified rehabilitation project, or  
18 another person who will qualify for the federal rehabilitation  
19 credit allowed under section 47 of the Internal Revenue Code  
20 with respect to the property that is the subject of a qualified  
21 rehabilitation project.

22 4. *"Nonprofit organization"* means an organization described  
23 in section 501 of the Internal Revenue Code unless the  
24 exemption is denied under section 501, 502, 503, or 504 of  
25 the Internal Revenue Code. *"Nonprofit organization"* does not  
26 include a governmental body, as that term is defined in section  
27 362.2.

28 5. *"Program"* shall mean the historic preservation and  
29 cultural and entertainment district tax credit program set  
30 forth in this chapter.

31 6. a. *"Qualified rehabilitation expenditures"* means the  
32 same as defined in section 47 of the Internal Revenue Code.  
33 Notwithstanding the foregoing sentence, expenditures incurred  
34 by an eligible taxpayer that is a nonprofit organization shall  
35 be considered *"qualified rehabilitation expenditures"* if they



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1 are any of the following:

2 (1) Expenditures made for structural components, as that  
3 term is defined in 26 C.F.R. §1.48-1(e)(2).

4 (2) Expenditures made for architectural and engineering  
5 fees, site survey fees, legal expenses, insurance premiums, and  
6 development fees.

7 *b. "Qualified rehabilitation expenditures"* does not include  
8 those expenditures financed by federal, state, or local  
9 government grants, forgivable loans, or other forms of public  
10 financial assistance that do not require repayment.

11 *c. "Qualified rehabilitation expenditures"* may include  
12 expenditures incurred prior to the date an agreement is entered  
13 into under section 404A.3, subsection 3.

14 7. *"Qualified rehabilitation project"* means a project for  
15 the rehabilitation of property that meets all of the following  
16 criteria:

17 *a.* The property is at least one of the following:

18 (1) Property listed on the national register of historic  
19 places or eligible for such listing.

20 (2) Property designated as of historic significance to a  
21 district listed in the national register of historic places or  
22 eligible for such designation.

23 (3) Property or district designated a local landmark by a  
24 city or county ordinance.

25 (4) A barn constructed prior to 1937.

26 *b.* The property meets the physical criteria and standards  
27 for rehabilitation established by the department by rule. To  
28 the extent applicable, the physical standards and criteria  
29 shall be consistent with the United States secretary of the  
30 interior's standards for rehabilitation.

31 *c.* The project has qualified rehabilitation expenditures  
32 that meet or exceed the following:

33 (1) In the case of commercial property, expenditures  
34 totaling at least fifty thousand dollars or fifty percent of  
35 the assessed value of the property, excluding the land, prior



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1 to rehabilitation, whichever is less.

2 (2) In the case of property other than commercial property,  
3 expenditures totaling at least twenty-five thousand dollars or  
4 twenty-five percent of the assessed value, excluding the land,  
5 prior to rehabilitation, whichever is less.

6 Sec. 3. Section 404A.2, Code 2014, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 **404A.2 Historic preservation and cultural and entertainment**  
9 **district tax credit.**

10 1. An eligible taxpayer who has entered into an agreement  
11 under section 404A.3 is eligible to receive a historic  
12 preservation and cultural and entertainment district tax credit  
13 in an amount not to exceed twenty-five percent of the qualified  
14 rehabilitation expenditures of a qualified rehabilitation  
15 project.

16 2. The tax credit shall be allowed against the taxes imposed  
17 in chapter 422, divisions II, III, and V, and in chapter  
18 432. An individual may claim a tax credit under this section  
19 of a partnership, limited liability company, S corporation,  
20 estate, or trust electing to have income taxed directly to the  
21 individual. For an individual claiming a tax credit of an  
22 estate or trust, the amount claimed by the individual shall be  
23 based upon the pro rata share of the individual's earnings from  
24 the estate or trust. For an individual claiming a tax credit  
25 of a partnership, limited liability company, or S corporation,  
26 the amount claimed by the partner, member, or shareholder,  
27 respectively, shall be based upon the amounts designated by  
28 the eligible partnership, S corporation, or limited liability  
29 company, as applicable.

30 3. Any credit in excess of the taxpayer's tax liability for  
31 the tax year shall be refunded with interest computed under  
32 section 422.25. In lieu of claiming a refund, a taxpayer  
33 may elect to have the overpayment shown on the taxpayer's  
34 final, completed return credited to the tax liability for the  
35 following year.



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1 4. a. To claim a tax credit under this section, a taxpayer  
2 shall include one or more tax credit certificates with the  
3 taxpayer's tax return.

4 b. The tax credit certificate shall contain the taxpayer's  
5 name, address, tax identification number, the amount of  
6 the credit, the name of the eligible taxpayer, any other  
7 information required by the department of revenue, and a place  
8 for the name and tax identification number of a transferee and  
9 the amount of the tax credit being transferred.

10 c. The tax credit certificate, unless rescinded by the  
11 department, shall be accepted by the department of revenue  
12 as payment for taxes imposed in chapter 422, divisions II,  
13 III, and V, and in chapter 432, subject to any conditions or  
14 restrictions placed by the department or the department of  
15 revenue upon the face of the tax credit certificate and subject  
16 to the limitations of this program.

17 5. a. Tax credit certificates issued under section 404A.3  
18 may be transferred to any person. Within ninety days of  
19 transfer, the transferee shall submit the transferred tax  
20 credit certificate to the department of revenue along with a  
21 statement containing the transferee's name, tax identification  
22 number, and address, the denomination that each replacement  
23 tax credit certificate is to carry, and any other information  
24 required by the department of revenue. However, tax credit  
25 certificate amounts of less than the minimum amount established  
26 by rule of the department of revenue shall not be transferable.

27 b. Within thirty days of receiving the transferred tax  
28 credit certificate and the transferee's statement, the  
29 department of revenue shall issue one or more replacement tax  
30 credit certificates to the transferee. Each replacement tax  
31 credit certificate must contain the information required for  
32 the original tax credit certificate and must have the same  
33 expiration date that appeared on the transferred tax credit  
34 certificate.

35 c. A tax credit shall not be claimed by a transferee



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1 under this section until a replacement tax credit certificate  
 2 identifying the transferee as the proper holder has been  
 3 issued. The transferee may use the amount of the tax credit  
 4 transferred against the taxes imposed in chapter 422, divisions  
 5 II, III, and V, and in chapter 432, for any tax year the  
 6 original transferor could have claimed the tax credit. Any  
 7 consideration received for the transfer of the tax credit shall  
 8 not be included as income under chapter 422, divisions II, III,  
 9 and V. Any consideration paid for the transfer of the tax  
 10 credit shall not be deducted from income under chapter 422,  
 11 divisions II, III, and V.

12 6. For purposes of the individual and corporate income  
 13 taxes and the franchise tax, the increase in the basis of the  
 14 rehabilitated property that would otherwise result from the  
 15 qualified rehabilitation expenditures shall be reduced by the  
 16 amount of the credit computed under this section.

17 Sec. 4. Section 404A.3, Code 2014, is amended by striking  
 18 the section and inserting in lieu thereof the following:

19 **404A.3 Application and registration — agreement —**  
 20 **compliance and audit.**

21 1. *Application and fees.*

22 a. An eligible taxpayer seeking historic preservation and  
 23 cultural and entertainment district tax credits provided in  
 24 section 404A.2 shall make application to the department in the  
 25 manner prescribed by the department.

26 b. The department may accept applications on a continuous  
 27 basis or may accept applications, or one or more components of  
 28 an application, during an annual application period.

29 c. The application shall include any information deemed  
 30 necessary by the department to evaluate the eligibility under  
 31 the program of the applicant and the rehabilitation project,  
 32 the amount of projected qualified rehabilitation expenditures  
 33 of a rehabilitation project, and the amount and source of all  
 34 funding for a rehabilitation project. An applicant shall have  
 35 the burden of proof to demonstrate to the department that



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1 the applicant is an eligible taxpayer and the project is a  
2 qualified rehabilitation project under the program.

3 *d.* The department may establish criteria for the use of  
4 electronic or other alternative filing or submission methods  
5 for any application, document, or payment requested or  
6 required under this program. Such criteria may provide for the  
7 acceptance of a signature in a form other than the handwriting  
8 of a person.

9 *e.* (1) The department may charge application and other fees  
10 to eligible taxpayers who apply to participate in the program.  
11 The amount of such fees shall be determined based on the costs  
12 of the department associated with administering the program.

13 (2) Fees collected by the department pursuant to this  
14 paragraph shall be deposited with the department pursuant to  
15 section 303.9, subsection 1.

16 *2. Registration.*

17 *a.* Upon review of the application, the department may  
18 register a qualified rehabilitation project under the program.  
19 If the department registers the project, the department shall  
20 make a preliminary determination as to the amount of tax  
21 credits for which the project qualifies.

22 *b.* After registering the qualified rehabilitation project,  
23 the department shall notify the eligible taxpayer of successful  
24 registration under the program. The notification shall include  
25 the amount of tax credits under section 404A.2 for which the  
26 qualified rehabilitation project has received a tentative award  
27 and a statement that the amount is a preliminary determination  
28 only.

29 *3. Agreement.*

30 *a.* Upon successful registration of a qualified  
31 rehabilitation project, the eligible taxpayer shall enter into  
32 an agreement with the department for the successful completion  
33 of all requirements of the program.

34 *b.* The agreement shall contain, at a minimum, the following  
35 provisions:

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1 The taxes imposed under this chapter shall be reduced by a  
2 historic preservation and cultural and entertainment district  
3 tax credit allowed under section 404A.2.

4 Sec. 12. APPLICABILITY. Unless otherwise provided in  
5 this Act, this Act applies to agreements entered into by the  
6 department and an eligible taxpayer on or after the effective  
7 date of this Act, and rehabilitation projects for which a  
8 project application was approved and tax credits reserved prior  
9 to the effective date of this Act shall be governed by sections  
10 404A.1 through 404A.5, Code 2014.

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 This bill changes the historic preservation and cultural  
15 and entertainment district tax credit program (program)  
16 administered pursuant to Code chapter 404A.

17 Under current law, a taxpayer may receive a tax credit in  
18 an amount equal to 25 percent of the qualified rehabilitation  
19 costs incurred in rehabilitating properties eligible to be  
20 listed on the national register of historic places, historic  
21 properties in areas eligible to be designated local historic  
22 districts, local landmarks, or barns constructed prior to 1937.  
23 The credit is available against the individual and corporate  
24 income tax, the franchise tax, and the insurance companies  
25 tax. To be eligible for the tax credit, the rehabilitation  
26 costs must exceed certain threshold amounts depending on the  
27 type of property involved. The aggregate amount of tax credits  
28 that may be approved per fiscal year is \$45 million, a certain  
29 amount of which is required to be allocated between projects  
30 with final qualified rehabilitation costs of \$750,000 or less,  
31 projects located in certified cultural and entertainment  
32 districts or associated with Iowa great places agreements,  
33 disaster recovery projects, and projects that involve the  
34 creation of more than 500 new permanent jobs.

35 Under current law, a taxpayer is also required to



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1 apply to and receive approval from the state historic  
2 preservation office of the department of cultural affairs for a  
3 rehabilitation project. The project must meet the statutory  
4 requirements and the criteria established in administrative  
5 rules by the historic preservation office. Tax credits  
6 for an approved rehabilitation project may be reserved by a  
7 taxpayer for up to three years, but such reservations shall not  
8 exceed an aggregate of \$45 million per fiscal year. Approved  
9 rehabilitation projects must be started and completed within  
10 a certain time period. Upon completion of the rehabilitation  
11 project a certificate of completion is obtained from the state  
12 historic preservation office and a tax credit certificate is  
13 issued. Tax credits are refundable and may be transferred to  
14 another person.

15 Under the bill, an eligible taxpayer may receive a tax  
16 credit not to exceed 25 percent of the qualified rehabilitation  
17 expenditures of a qualified rehabilitation project.

18 A "qualified rehabilitation project" is defined in the bill  
19 as a project for the rehabilitation of property that meets  
20 three requirements. First, it must be property listed on the  
21 national register of historic places, historic property in an  
22 area eligible to be designated a local historic district, a  
23 local landmark, or a barn constructed prior to 1937. Second,  
24 the property must meet the physical criteria and standards  
25 for rehabilitation established by the department of cultural  
26 affairs (department) by administrative rule. To the extent  
27 applicable, such criteria and standards are required to be  
28 consistent with United States secretary of the interior's  
29 standards for rehabilitation. Third, the project must have  
30 qualified rehabilitation expenditures that, in the case of  
31 commercial property, equal or exceed the lesser of at least  
32 \$50,000 or 50 percent of the assessed value of the property,  
33 excluding the land, prior to rehabilitation; or in the case of  
34 all other property, must equal the lesser of at least \$25,000  
35 or 25 percent of the assessed value, excluding the land, prior



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1 to rehabilitation.

2 "Qualified rehabilitation expenditures" means the same as  
3 defined in section 47 of the Internal Revenue Code (IRC).

4 However, the bill provides that if the eligible taxpayer is  
5 a nonprofit corporation, an expenditure will be considered a  
6 "qualified rehabilitation expenditure" if it is one made for  
7 structural components, as defined in 26 C.F.R. §1.48-1(e)(2),  
8 or if it is an architectural or engineering fee, site survey  
9 fee, legal expense, insurance premium, or development

10 fee. "Qualified rehabilitation expenditures" may include  
11 expenditures incurred prior to the date the agreement is  
12 entered into by the eligible taxpayer and the department, but  
13 excludes expenditures financed by federal, state, or local  
14 government grants, forgivable loans, or other forms of public  
15 financial assistance that do not require repayment. "Eligible  
16 taxpayer" and "nonprofit corporation" are both defined in the  
17 bill.

18 Under the bill, an eligible taxpayer seeking the tax credit  
19 must apply to the department. The department may prescribe  
20 the timing, form, content, and method of application, and may  
21 also establish criteria for the use of electronic or other  
22 alternative filing methods for applications, documents, or  
23 payments. The application must contain certain information as  
24 specified in the bill and the taxpayer making the application  
25 has the burden of proof to demonstrate eligibility under the  
26 program. The department is allowed to charge application or  
27 other fees based on the costs of the department associated with  
28 the program.

29 If the project in the application meets the definition of a  
30 qualified rehabilitation project, the department may register  
31 it under the program. The bill requires the department to  
32 notify the eligible taxpayer of successful registration under  
33 the program and of the amount of tax credits for which the  
34 project has received a tentative award.

35 The bill requires the agreement to cover a number of



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1 provisions, including the amount of the tax credit award,  
2 the rehabilitation work to be performed, the budget of  
3 the qualified rehabilitation project, and the project's  
4 commencement and completion dates. The commencement date shall  
5 not be later than the end of the fiscal year in which the  
6 agreement is entered into, and the completion date, which is  
7 the date the property is placed in service, must be within 36  
8 months of the commencement date. The agreement shall provide  
9 that an eligible taxpayer has no right to receive a tax credit  
10 certificate or claim a tax credit until all requirements of the  
11 agreement and the program have been satisfied, and that the  
12 amount of tax credit included on a tax credit certificate shall  
13 be contingent upon verification by the department of the amount  
14 of final qualified rehabilitation expenditures. The program  
15 requires that the eligible taxpayer annually certify to the  
16 department the eligible taxpayer's continuing compliance with  
17 the agreement, and timely notify the department of any changes  
18 that may negatively impact eligibility under the program. The  
19 eligible taxpayer will have the burden of proof to demonstrate  
20 that all requirements of the agreement are satisfied. The  
21 department may find the eligible taxpayer in default if any of  
22 the requirements are not met, and may revoke the tax credit  
23 award. Upon default, the department of revenue is required  
24 to seek recovery of any tax credit claimed. Finally, upon  
25 completion of the qualified rehabilitation project, the  
26 program requires the eligible taxpayer to submit an audit of  
27 the project from a certified public accountant licensed in  
28 this state. The department is allowed to waive the audit  
29 requirement if the final qualified rehabilitation expenditures  
30 do not exceed \$100,000 and the project is exclusively funded by  
31 private funding sources.

32 After reviewing the audit, if applicable, the department  
33 shall verify the final qualified rehabilitation expenditures  
34 and that all requirements of the agreement were satisfied.  
35 Following that, the department may issue within 60 days a tax

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mm/sc

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1 recommendation duties, to reference qualified rehabilitation  
2 projects and to properly reflect that tax credits will be  
3 awarded instead of granted and tax credit certificates issued.  
4 The bill requires the department and the department of  
5 revenue to adopt rules to jointly administer the program.  
6 Unless otherwise provided in the bill, the bill applies  
7 to agreements entered into by the department and an eligible  
8 taxpayer on or after the effective date of the bill, and  
9 rehabilitation projects for which a project application was  
10 approved and tax credits reserved prior to the effective date  
11 of the bill shall be governed by current law.



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**Senate Study Bill 3143 - Introduced**

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

**A BILL FOR**

1 An Act relating to wills including witness testimony,  
2 distribution of property, and claims of personal  
3 representatives, and including retroactive and other  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rh/rj



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1 Section 1. Section 633.295, Code 2014, is amended to read  
2 as follows:

3 **633.295 Testimony of witnesses.**

4 The proof may be made by the oral or written testimony of  
5 one or more of the subscribing witnesses to the will. If such  
6 testimony is in writing, it shall be substantially in the  
7 following form executed and sworn to before or after the death  
8 of the decedent:

9                                   In the District Court of Iowa  
10                                   In and for ..... County  
11 In the Matter of the Estate of .....

12 ....., Deceased  
13 Probate No. ....

14 Testimony of Subscribing  
15 Witness on Probate of Will.

16 State of ..... )  
17 ..... County ) ss

18 I, ....., being first duly sworn, state:

19 I reside in the County of ....., State of .....; I knew  
20 the identity of the testator on the .... day of ..... (month),  
21 ... (year), the date of the instrument, the original or exact  
22 reproduction of which is attached hereto, now shown to me,  
23 and purporting to be the last will and testament of the said  
24 ....., ~~deceased~~; I am one of the subscribing witnesses  
25 to said instrument; at the said date of said instrument, I  
26 knew the identity of ....., the other subscribing witness;  
27 that said instrument was exhibited to me and to the other  
28 subscribing witness by the testator, who declared the same to  
29 be the testator's last will and testament, and was signed by  
30 the testator at ....., in the County of ....., State of  
31 ....., on the date shown in said instrument, in the presence  
32 of myself and the other subscribing witness; and the other  
33 subscribing witness and I then and there, at the request of the  
34 testator, in the presence of said testator and in the presence  
35 of each other, subscribed our names thereto as witnesses.

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1 ascertainable beneficiary or beneficiaries who succeeded to  
 2 the ~~particular~~ item of property ~~of the decedent~~ under the  
 3 decedent's will. For the purposes of this subsection the  
 4 trustee of a trust created during the decedent's lifetime is a  
 5 beneficiary under the decedent's will if the trust succeeds to  
 6 the ~~particular item of~~ property under the decedent's will.

7     *b.* If the decedent died intestate, the reasonably  
 8 ascertainable person or persons who succeeded to the ~~particular~~  
 9 ~~item of~~ property ~~of the decedent~~ under the laws of intestate  
 10 succession of this state.

11     *c.* If the decedent received medical assistance benefits from  
 12 the state, the Iowa Medicaid agency that provided the benefits  
 13 is a successor pursuant to subsection 8.

14     3. *a.* To collect money, receive tangible personal  
 15 property, or have evidences of intangible personal property  
 16 transferred under this ~~chapter~~ section, the a successor ~~of~~  
 17 ~~the decedent~~ shall furnish to the holder of the decedent's  
 18 property an affidavit under penalty of perjury stating all of  
 19 the following:

20         (1) The decedent's name, social security number, and the  
 21 date and place of ~~the decedent's~~ death.

22         (2) That at least forty days have elapsed since the death  
 23 of the decedent, as shown by an attached certified copy of the  
 24 death certificate of the decedent.

25         (3) That the gross value of the decedent's personal property  
 26 that would otherwise be distributed by will or intestate  
 27 succession ~~does not exceed~~ is, or has been at any time since  
 28 the decedent's death, twenty-five thousand dollars or less  
 29 and there is no real property or the real property passes to  
 30 persons exempt from inheritance tax ~~pursuant to section 450.9~~  
 31 as joint tenants with ~~right~~ full rights of survivorship.

32         (4) A general description of the property of the decedent  
 33 that is to be paid, transferred, or delivered to or for the  
 34 benefit of each successor.

35         (5) The name, address, and ~~social security tax~~



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1 ~~identification~~ number ~~of the successor of the decedent to the~~  
2 ~~described property~~ and relationship to the decedent of each  
3 successor, and whether the any successor is under a legal  
4 disability.

5 (6) If applicable pursuant to subsection 2, paragraph `a`,  
6 that the attached copy of the decedent's will is the last will  
7 of the decedent and has been ~~admitted to probate or otherwise~~  
8 ~~filed in~~ delivered to the office of a clerk of the district  
9 court in accordance with Iowa law.

10 (7) That no persons other than ~~those~~ the successors listed  
11 in the affidavit have a right to the interest of the decedent  
12 in the described property.

13 (8) That the affiant requests that the described property  
14 be paid, delivered, or transferred to ~~the successors of the~~  
15 ~~decedent to the described property~~ or for the benefit of each  
16 successor.

17 (9) That the affiant affirms under penalty of perjury that  
18 the affidavit is true and correct.

19 ~~b. More than one person~~ If there are two or more successors,  
20 any of the successors may execute an affidavit under this  
21 subsection.

22 4. a. If the decedent had evidence of ownership of the  
23 property described in the affidavit and the holder of the  
24 property would have the right to require presentation of the  
25 evidence of ownership before the duty of the holder to pay,  
26 deliver, or transfer the property to the decedent would have  
27 arisen, the evidence of the ownership, if available, shall be  
28 presented with the affidavit to the holder of the decedent's  
29 property.

30 b. If the evidence of ownership is not presented to the  
31 holder of the property, the holder may require, as a condition  
32 for the payment, delivery, or transfer of the property, that  
33 the ~~successor~~ affiant provide the holder with a bond in a  
34 reasonable amount determined by the holder to be sufficient to  
35 indemnify the holder against all liability, claims, demands,



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1 loss, damages, costs, and expenses that the holder may incur  
2 or suffer by reason of the payment, delivery, or transfer of  
3 the property. This subsection does not preclude the holder  
4 and the ~~successor~~ affiant from dispensing with the requirement  
5 that a bond be provided, and instead entering into an agreement  
6 satisfactory to the holder concerning the duty of the ~~successor~~  
7 affiant to indemnify the holder.

8     *c.* Judgments rendered by any court in this state and  
9 mortgages belonging to a decedent whose personal property is  
10 being distributed pursuant to this section may, without prior  
11 order of court, be released, discharged, or assigned, in whole  
12 or in part, as to any ~~particular~~ property, and deeds may be  
13 executed in performance of real estate contracts entered into  
14 by the decedent, where an affidavit made pursuant to subsection  
15 3 or 8 is filed in the office of the county recorder of the  
16 county wherein any judgment, mortgage, or real estate contract  
17 appears of record.

18     5. Reasonable proof of the identity of each successor ~~of the~~  
19 ~~decedent~~ seeking distribution by virtue of the affidavit shall  
20 be provided to the satisfaction of the holder of the decedent's  
21 property.

22     6. *a.* If the requirements of this section are satisfied:

23         (1) The property described in the affidavit shall be paid,  
24 delivered, or transferred to ~~the~~ or for the benefit of each  
25 ~~successor of the decedent's interest in the property.~~

26         (2) A transfer agent of a security described in the  
27 affidavit shall change registered ownership on the books of  
28 the corporation from the decedent to ~~the person listed on the~~  
29 ~~affidavit as the~~ or for the benefit of each successor ~~of the~~  
30 ~~decedent's interest.~~

31         (3) The holder of the property may return the attached  
32 certified copy of the decedent's death certificate to the  
33 affiant.

34     *b.* If the holder of the decedent's property refuses to  
35 pay, deliver, or transfer any property or evidence thereof to



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1 or for the benefit of the successor ~~of the decedent~~ within a  
 2 reasonable time, ~~the~~ a successor may recover the property or  
 3 compel its payment, delivery, or transfer in an action brought  
 4 for that purpose against the holder of the property. If an  
 5 action is brought against the holder under this subsection,  
 6 the court shall award ~~attorney's~~ attorney fees to the person  
 7 bringing the action if the court finds that the holder of the  
 8 decedent's property acted unreasonably in refusing to pay,  
 9 deliver, or transfer the property to or for the person benefit  
 10 of the successor as required by this subsection.

11 7. a. If the requirements of this section are satisfied,  
 12 receipt by the holder of the decedent's property of the  
 13 affidavit under subsection 3 or 8 constitutes sufficient  
 14 acquittance for the payment of money, delivery of property, or  
 15 transferring the registered ownership of property pursuant to  
 16 this ~~chapter~~ section and discharges the holder from any further  
 17 liability with respect to the money or property. The holder  
 18 may rely in good faith on the statements in the affidavit and  
 19 has no duty to inquire into the truth of any statement in the  
 20 affidavit.

21 b. If the requirements of this section are satisfied, the  
 22 holder is not liable for any debt owed by the decedent by  
 23 reason of paying money, delivering property, or transferring  
 24 registered ownership of property pursuant to this ~~chapter~~  
 25 section. If an action is brought against the holder under this  
 26 section, the court shall award attorney fees to the holder if  
 27 the court finds that the holder acted reasonably in paying,  
 28 delivering, or transferring the property as required by this  
 29 section.

30 8. a. ~~When a deceased distributee is entitled to money~~  
 31 ~~or property claimed in an affidavit presented under this~~  
 32 ~~section with respect to a deceased person whose estate is~~  
 33 ~~being administered in this state, the personal representative~~  
 34 ~~of the person whose estate is being administered shall~~  
 35 ~~present the affidavit to the court in which the estate is~~

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1 ~~being administered. The court shall direct the personal~~  
 2 ~~representative to pay the money or deliver the property to the~~  
 3 ~~person identified by the affidavit as the successor of the~~  
 4 ~~deceased distributee to the extent that the court determines~~  
 5 ~~that the deceased distributee was entitled to the money or~~  
 6 ~~property under the will or the laws of intestate succession.~~  
 7 If an affidavit, executed under this section for a deceased  
 8 distributee of an estate being administered in this state, is  
 9 filed with the clerk of the district court in which the estate  
 10 is being administered, the court shall direct the personal  
 11 representative to pay the money or deliver the property to  
 12 or for the benefit of each successor to the extent the court  
 13 determines that the deceased distributee would have been  
 14 entitled to money or property of the estate.

15     *b.* When the department of human services is entitled to  
 16 money or property of a decedent pursuant to section 249A.53,  
 17 subsection 2, and no affidavit has been presented by a  
 18 ~~successor of the decedent~~ as defined in subsection 2, paragraph  
 19 "a" or "b", within ninety days of the date of the decedent's  
 20 death, the funds in the account or other property, up to the  
 21 amount of the claim of the department, shall be paid to the  
 22 department upon presentation by the department or an entity  
 23 designated by the department of an affidavit to the holder  
 24 of the decedent's property. Such affidavit shall include  
 25 the information specified in subsection 3, except that the  
 26 department may submit proof of payment of funeral expenses as  
 27 verification of the decedent's death instead of a certified  
 28 copy of the decedent's death certificate. The amount of the  
 29 department's claim shall also be included in the affidavit,  
 30 which shall entitle the department to receive the funds as  
 31 ~~a successor of the decedent.~~ The department shall issue a  
 32 refund within sixty days to any claimant with a superior  
 33 priority pursuant to section 633.425, if notice of such claim  
 34 is given to the department, or to the entity designated by  
 35 the department to receive notice, within one year of the

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1 department's receipt of funds. This paragraph shall apply to  
2 funds or property of the decedent transferred to the custody  
3 of the treasurer of state as unclaimed property pursuant to  
4 chapter 556.

5 9. The procedure provided by this section may be used only  
6 if no administration of the decedent's estate is pending.

7 10. Upon receipt of an affidavit under subsection 3 and  
8 reasonable proof under subsection 5 of the identity of each  
9 successor seeking distribution by virtue of the affidavit, the  
10 holder of the property shall disclose to the affiant whether  
11 the value of the property held by the holder is, or has been  
12 at any time since the decedent's death, twenty-five thousand  
13 dollars or less. An affidavit furnished for the purpose of  
14 determining whether the value of the property is, or has been  
15 at any time since the decedent's death, twenty-five thousand  
16 dollars or less need not contain the language required under  
17 subsection 3, paragraph "a", subparagraph (3), but shall state  
18 that the affiant reasonably believes that the gross value  
19 of the decedent's personal property that would otherwise be  
20 distributed by will or intestate succession is, or has been  
21 at any time since the decedent's death, twenty-five thousand  
22 dollars or less and there is no real property or the real  
23 property passes to persons exempt from inheritance tax as joint  
24 tenants with full rights of survivorship.

25 Sec. 3. Section 633.432, Code 2014, is amended to read as  
26 follows:

27 **633.432 Allowance or disallowance of claim of personal**  
28 **representative.**

29 1. The A temporary administrator appointed pursuant to  
30 section 633.431 shall, after upon investigation, file a report  
31 with the court recommending the allowance or disallowance  
32 of such a claim filed pursuant to section 633.431. The  
33 recommendation may, but need not, include information on the  
34 substantive merits of allowing or disallowing the claim.  
35 The recommendation shall include a statement that, upon



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1 investigation, a legitimate dispute either does or does not  
2 exist as to such a claim.

3 2. Unless the court allows the claim, ~~it~~ the claim shall  
4 ~~then~~ be disposed of as a contested claim in accordance with the  
5 provisions of sections 633.439 to 633.448.

6 Sec. 4. 2013 Iowa Acts, chapter 33, section 9, is amended  
7 to read as follows:

8 SEC. 9. APPLICABILITY.

9 1. The sections of this Act amending sections 633.273A~~7~~ and  
10 633.279, ~~and 633.295~~ apply to estates of decedents dying on or  
11 after July 1, 2013.

12 1A. The section of this Act amending section 633.295 applies  
13 to wills executed on or after July 1, 2013.

14 2. The sections of this Act amending sections 633.290 and  
15 635.1 apply to petitions filed on or after July 1, 2013.

16 3. The section of this Act amending section 633.575 applies  
17 to all judicial proceedings held on or after July 1, 2013, in  
18 which an order for the appointment of a conservatorship is  
19 sought or has been issued.

20 4. The section of this Act amending section 633A.4504  
21 applies retroactively to all reports and accountings provided  
22 by a trustee, unless an exception applies, to one year from  
23 July 1, 2000.

24 Sec. 5. APPLICABILITY. The section of this Act amending  
25 section 633.295 applies to wills executed on or after July 1,  
26 2014.

27 Sec. 6. RETROACTIVE APPLICABILITY. The section of this Act  
28 amending 2013 Iowa Acts, chapter 33, section 9, is applicable  
29 retroactively to July 1, 2013.

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 wills including witness testimony,  
34 distribution of property, and claims of personal  
35 representatives, and includes applicability provisions.

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1 administrator's report to the court. The bill allows a  
2 temporary administrator to limit the administrator's report  
3 to a recommendation allowing or disallowing the claim by a  
4 statement that, upon investigation, a legitimate dispute either  
5 does or does not exist as to such a claim.



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**Senate Study Bill 3144 - Introduced**

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

**A BILL FOR**

1 An Act modifying the parole and work release eligibility for  
2 persons convicted of robbery in the first or second degree.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5486XC (4) 85  
jm/rj



**Iowa General Assembly  
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S.F. \_\_\_\_\_

1 Section 1. Section 902.12, Code 2014, is amended to read as  
2 follows:

3 **902.12 Minimum sentence for certain felonies — eligibility**  
4 **for parole or work release.**

5 1. A person serving a sentence for conviction of the  
6 following felonies, including a person serving a sentence  
7 for conviction of the following felonies prior to July 1,  
8 2003, shall be denied parole or work release unless the person  
9 has served at least seven-tenths of the maximum term of the  
10 person's sentence:

11 ~~1- a.~~ Murder in the second degree in violation of section  
12 707.3.

13 ~~2- b.~~ Attempted murder in violation of section 707.11.

14 ~~3- c.~~ Sexual abuse in the second degree in violation of  
15 section 709.3.

16 ~~4- d.~~ Kidnapping in the second degree in violation of  
17 section 710.3.

18 ~~5- Robbery in the first or second degree in violation of~~  
19 ~~section 711.2 or 711.3.~~

20 ~~6- e.~~ Vehicular homicide in violation of section 707.6A,  
21 subsection 1 or 2, if the person was also convicted under  
22 section 321.261, subsection 4, based on the same facts or  
23 event that resulted in the conviction under section 707.6A,  
24 subsection 1 or 2.

25 2. a. A person serving a sentence for a conviction of  
26 robbery in the first degree in violation of section 711.2 shall  
27 be denied parole or work release unless the person has served  
28 at least seven years of the sentence imposed by law.

29 b. A person serving a sentence for a conviction of robbery  
30 in the second degree in violation of section 711.3 shall be  
31 denied parole or work release unless the person has served at  
32 least three years of the sentence imposed by law.

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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Senate Study Bill 3145 - Introduced

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

A BILL FOR

1 An Act relating to the regulation of unmanned aerial vehicles,  
2 and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5436SC (2) 85  
jm/rj



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S.F. \_\_\_\_\_

1 Section 1. NEW SECTION. 801C.1 Use of unmanned aerial  
2 vehicles — exceptions — penalties.

3 1. As used in this section, unless the context otherwise  
4 requires:

5 a. "Agency" means a state agency or a political subdivision  
6 of this state or any person acting on behalf of the state  
7 agency or the political subdivision.

8 b. "Unmanned aerial vehicle" means an aircraft that is  
9 operated without the possibility of direct human intervention  
10 from within or on the aircraft.

11 2. Any use of an unmanned aerial vehicle shall fully comply  
12 with all federal aviation administration requirements and  
13 guidelines, and the acquisition of unmanned aerial vehicles at  
14 the county, city, or local governmental level shall be approved  
15 by the county board of supervisors, city council, or other  
16 supervisory legislative body that oversees the agency.

17 3. Except as provided in subsection 4, an agency shall  
18 not operate an unmanned aerial vehicle or disclose or receive  
19 information acquired through the operation of an unmanned  
20 aerial vehicle.

21 4. An agency may disclose or receive information acquired  
22 through the use of an unmanned aerial vehicle under the  
23 following circumstances:

24 a. The agency has received written consent to receive or  
25 disclose information from the person whose information was  
26 acquired.

27 b. An emergency exists based on a reasonable belief that  
28 an imminent threat exists to the life or safety of a person  
29 subject to the following limitations:

30 (1) The agency documents a factual basis for the use of the  
31 unmanned aerial vehicle under this subsection.

32 (2) Within forty-eight hours of the emergency use under this  
33 subsection, a supervisory official of the agency files a sworn  
34 statement with the court detailing the grounds for using the  
35 unmanned aerial vehicle in the emergency.



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1 c. One of the following applies:

2 (1) A search warrant has been issued under the conditions  
3 of section 808.2 authorizing the collection information from  
4 a nonpublic area.

5 (2) A search warrant has been issued under the conditions of  
6 section 808.2 authorizing the collection of information from a  
7 public area or a court order has been issued authorizing the  
8 collection of information from a public area if the agency  
9 offers specific articulable facts demonstrating reasonable  
10 suspicion of criminal activity, that the operation of an  
11 unmanned aerial vehicle is necessary to uncover such activity,  
12 and that alternative methods of collecting information are  
13 cost-prohibitive or present a significant risk to a person's  
14 bodily safety.

15 d. The agency does not use the information collected or  
16 any evidence derived from such information as evidence in any  
17 civil, criminal, or administrative proceeding, or any other  
18 proceeding before a regulatory body, legislative committee,  
19 or other authority within this state, or for any intelligence  
20 purpose.

21 5. When an unmanned aerial vehicle is used pursuant to  
22 subsection 4, the unmanned aerial vehicle shall be operated  
23 in a manner as to collect data only on the target and shall  
24 avoid data collection on a person, home, or area other than  
25 the target. Facial recognition or other biometric matching  
26 technology on an unmanned aerial vehicle shall not be used on  
27 any person other than the targeted person.

28 6. An unmanned aerial vehicle shall not be equipped with  
29 weapons.

30 7. Information collected on a person, home, or area other  
31 than the target that justified the use of the unmanned aerial  
32 vehicle, shall not be used, copied, or disclosed for any  
33 purpose by the agency. Such information shall be destroyed  
34 within twenty-four hours of collection.

35 8. Except to prove a violation of this section, information

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1 obtained in violation of this section shall not be admissible  
2 in any civil, criminal, or administrative proceeding, or  
3 any other proceeding before a regulatory body, legislative  
4 committee, or other authority within this state.

5 9. a. A person who maliciously and without just cause  
6 procures a search warrant to be issued and executed under this  
7 section violates section 808.10.

8 b. Anyone who, in executing a search warrant, willfully  
9 exceeds the person's authority, or exercises it with  
10 unnecessary severity, violates section 808.10.

11 10. a. On June 30, 2015, and every June 30 thereafter,  
12 each agency using an unmanned aerial vehicle shall provide the  
13 department of public safety with the following information:

14 (1) The number of instances an unmanned aerial vehicle was  
15 used by the agency and the purpose of each use.

16 (2) The number of crime investigations aided by the use of  
17 an unmanned aerial vehicle and a description of how the use of  
18 an unmanned aerial vehicle aided each investigation.

19 (3) The number of instances an unmanned aerial vehicle was  
20 used for purposes other than in a criminal investigation and a  
21 description of how the use of the unmanned aerial vehicle aided  
22 in that purpose.

23 (4) The annual cost of the unmanned aerial vehicle program  
24 of the agency.

25 b. The department of public safety shall compile the  
26 information provided by the agencies under this subsection and  
27 present a report detailing the use of unmanned aerial vehicles  
28 to the general assembly by January 15, 2016, and every January  
29 15 thereafter.

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 regulation of unmanned aerial  
34 vehicles, and provides penalties.

35 The bill defines "unmanned aerial vehicle" to mean an





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1 intelligence purpose.

2 The bill specifies that when an unmanned aerial vehicle  
3 is used by an agency, the unmanned aerial vehicle shall be  
4 operated in a manner as to collect data only on the target  
5 and shall avoid data collection on a person, home, or area  
6 other than the target. The bill further specifies that facial  
7 recognition or other biometric matching technology on an  
8 unmanned aerial vehicle shall not be used on any person other  
9 than the targeted person.

10 The bill prohibits an unmanned aerial vehicle from being  
11 equipped with weapons.

12 Information collected from the use of an unmanned aerial  
13 vehicle on a person, home, or area other than the target that  
14 justified the use of the unmanned aerial vehicle, shall not be  
15 used, copied, or disclosed for any purpose by the agency. The  
16 bill requires such information to be destroyed within 24 hours  
17 of collection.

18 The bill requires each agency using an unmanned aerial  
19 vehicle to annually provide the department of public safety  
20 with information relating to the unmanned aerial vehicle's  
21 use. The bill also requires the department of public safety  
22 to compile such information and file a report relating to the  
23 use of unmanned aerial vehicles beginning January 15, 2016, and  
24 every January 15 thereafter.

25 A person who maliciously and without just cause procures a  
26 search warrant to be issued and executed under the bill commits  
27 a serious misdemeanor.

28 A person who, in executing a search warrant, willfully  
29 exceeds the person's authority, or exercises it with  
30 unnecessary severity, commits a serious misdemeanor.

31 A serious misdemeanor is punishable by confinement for no  
32 more than one year and a fine of at least \$315 but not more than  
33 \$1,875.



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Senate Study Bill 3146 - Introduced

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

A BILL FOR

1 An Act relating to the service of mandatory minimum sentences  
2 by juveniles.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5456SC (3) 85  
jm/rj



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1 Section 1. Section 124.413, subsection 1, Code 2014, is  
2 amended to read as follows:

3 1. A person, eighteen years of age or older at the time the  
4 offense was committed, sentenced pursuant to section 124.401,  
5 subsection 1, paragraph "a", "b", "c", "e", or "f", shall not  
6 be eligible for parole until the person has served a minimum  
7 period of confinement of one-third of the maximum indeterminate  
8 sentence prescribed by law.

9 Sec. 2. Section 902.1, subsection 2, Code 2014, is amended  
10 to read as follows:

11 2. a. Notwithstanding subsection 1, a person convicted of  
12 a class "A" felony, and who was under the age of eighteen at  
13 the time the offense was committed shall be eligible for parole  
14 ~~after serving a minimum term of confinement of twenty-five~~  
15 ~~years.~~

16 b. If a person is paroled pursuant to this subsection the  
17 person shall be subject to the same set of procedures set out  
18 in chapters 901B, 905, 906, and chapter 908, and rules adopted  
19 under those chapters for persons on parole.

20 ~~c. A person convicted of murder in the first degree in~~  
21 ~~violation of section 707.2 shall not be eligible for parole~~  
22 ~~pursuant to this subsection.~~

23 Sec. 3. Section 902.7, Code 2014, is amended to read as  
24 follows:

25 **902.7 Minimum sentence — use of a dangerous weapon.**

26 At the trial of a person, eighteen years of age or older at  
27 the time the offense was committed, charged with participating  
28 in a forcible felony, if the trier of fact finds beyond a  
29 reasonable doubt that the person is guilty of a forcible  
30 felony and that the person represented that the person was in  
31 the immediate possession and control of a dangerous weapon,  
32 displayed a dangerous weapon in a threatening manner, or was  
33 armed with a dangerous weapon while participating in the  
34 forcible felony the convicted person shall serve a minimum of  
35 five years of the sentence imposed by law. A person sentenced



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1 pursuant to this section shall not be eligible for parole until  
2 the person has served the minimum sentence of confinement  
3 imposed by this section.

4 Sec. 4. Section 902.8, Code 2014, is amended to read as  
5 follows:

6 **902.8 Minimum sentence — habitual offender.**

7 An habitual offender is any person, eighteen years of age  
8 or older at the time the offense was committed, convicted of  
9 a class "C" or a class "D" felony, who has twice before been  
10 convicted of any felony in a court of this or any other state,  
11 or of the United States. An offense is a felony if, by the  
12 law under which the person is convicted, it is so classified  
13 at the time of the person's conviction. A conviction for an  
14 offense committed while the person was under eighteen years of  
15 age shall not be used in determining whether a person is an  
16 habitual offender under this section. A person sentenced as an  
17 habitual offender shall not be eligible for parole until the  
18 person has served the minimum sentence of confinement of three  
19 years.

20 Sec. 5. Section 902.8A, Code 2014, is amended to read as  
21 follows:

22 **902.8A Minimum sentence for conspiring to manufacture, or**  
23 **delivery of, amphetamine or methamphetamine to a minor.**

24 A person, eighteen years of age or older at the time the  
25 offense was committed, who has been convicted for a first  
26 violation under section 124.401D shall not be eligible  
27 for parole until the person has served a minimum term of  
28 confinement of ten years.

29 Sec. 6. Section 902.11, Code 2014, is amended to read as  
30 follows:

31 **902.11 Minimum sentence — eligibility of prior forcible**  
32 **felon for parole or work release.**

33 1. A person, eighteen years of age or older at the time  
34 the offense was committed, serving a sentence for conviction  
35 of a felony, who has a criminal record of one or more prior



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1 convictions for a forcible felony or a crime of a similar  
2 gravity in this or any other state, shall be denied parole or  
3 work release unless the person has served at least one-half of  
4 the maximum term of the defendant's sentence. However, the  
5 mandatory sentence provided for by this section does not apply  
6 if either of the following apply:

7 ~~1-~~ a. The sentences for the prior forcible felonies expired  
8 at least five years before the date of conviction for the  
9 present felony.

10 ~~2-~~ b. The sentence being served is on a conviction for  
11 operating a motor vehicle while under the influence of alcohol  
12 or a drug under chapter 321J.

13 2. A conviction for an offense committed while the  
14 person was under eighteen years of age shall not be used in  
15 determining whether the mandatory sentence in this section  
16 applies.

17 Sec. 7. Section 902.12, unnumbered paragraph 1, Code 2014,  
18 is amended to read as follows:

19 A person, eighteen years of age or older at the time the  
20 offense was committed, serving a sentence for conviction of  
21 the following felonies, including a person serving a sentence  
22 for conviction of the following felonies prior to July 1,  
23 2003, shall be denied parole or work release unless the person  
24 has served at least seven-tenths of the maximum term of the  
25 person's sentence:

26 Sec. 8. RETROACTIVE APPLICABILITY. This Act applies  
27 retroactively to make the sentencing provisions included in  
28 this Act inapplicable to a person convicted under prior law  
29 who was under eighteen years of age at the time the offense  
30 was committed. If necessary, a person shall be resentenced  
31 in accordance with the provisions of this Act or a person's  
32 release date from prison shall be recalculated in accordance  
33 with this Act.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

LSB 5456SC (3) 85

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1                   the explanation's substance by the members of the general assembly.

2       This bill relates to the imposition of mandatory minimum  
3 sentences for certain criminal offenses committed by juveniles.

4       The bill specifies that the following mandatory minimum  
5 sentences are not applicable to the criminal sentencing and  
6 subsequent incarceration if the person was under 18 years of  
7 age at the time the underlying criminal offense was committed:  
8 Code sections 124.413 (mandatory minimum for drug offenses),  
9 902.7 (use of a dangerous weapon), 902.8 (habitual offender),  
10 902.8A (minimum sentence for conspiring to manufacture, or  
11 delivery of, amphetamine or methamphetamine to a minor), 902.11  
12 (prior forcible felon), and 902.12 (70 percent sentences).

13       The bill also specifies in Code section 902.1 that a person  
14 who commits a class "A" felony including murder in the first  
15 degree and who was under the age of 18 at the time the offense  
16 was committed shall be eligible for parole. Current law  
17 specifies if the person commits a class "A" felony other than  
18 murder in the first degree the person shall serve a mandatory  
19 minimum of 25 years in prison prior to being eligible for  
20 parole. Current law also specifies that if a person commits  
21 murder in the first degree and is under 18 years of age at the  
22 time the offense was committed the person is not eligible for  
23 parole. However, the United States Supreme Court in a recent  
24 ruling in Miller v. Alabama prohibited life sentences without  
25 the possibility of parole for a juvenile who commits murder.

26       The bill also applies retroactively to a person convicted  
27 under prior law who was under 18 years of age at the time  
28 the offense was committed. If necessary, a person shall be  
29 resentenced in accordance with the provisions of this bill or  
30 the release date from prison recalculated in accordance with  
31 this bill.



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**Senate Study Bill 3147 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

**A BILL FOR**

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

TLSB 5825XC (1) 85  
rh/rj



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S.F. \_\_\_\_\_

1 Section 1. Section 670.4, subsection 1, Code 2014, is  
 2 amended by adding the following new paragraph:  
 3 NEW PARAGRAPH. p. Any claim based upon or arising out  
 4 of a claim of negligent design or specification, negligent  
 5 adoption of design or specification, or negligent construction  
 6 or reconstruction of a recreational trail that was constructed  
 7 or reconstructed, reasonably and in good faith, in accordance  
 8 with generally recognized engineering or safety standards or  
 9 design theories in existence at the time of the construction  
 10 or reconstruction.

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

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



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**Senate Study Bill 3148 - Introduced**

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

**A BILL FOR**

1 An Act allowing a person with a special minor's license to  
2 drive to a school for the purpose of participating in  
3 extracurricular activities conducted under a sharing  
4 agreement with the student's school of enrollment.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5942SC (2) 85  
dea/tm



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1 Section 1. Section 321.194, subsection 1, paragraph a, Code  
2 2014, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (1A) During the hours of 5:00 a.m. to  
4 10:00 p.m. over the most direct and accessible route between  
5 the licensee's residence or school of enrollment and a school  
6 that is not the student's school of enrollment for the purpose  
7 of participating in extracurricular activities conducted under  
8 a sharing agreement with the student's school of enrollment.

9 Sec. 2. Section 321.194, subsection 1, paragraph a,  
10 subparagraph (2), Code 2014, is amended to read as follows:

11 (2) To a service station for the purpose of refueling, so  
12 long as the service station is the station closest to the route  
13 the licensee is traveling on under subparagraph (1) or (1A).

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 Currently, a special minor's license may be issued to a  
18 person between 14 and 18 years of age. The license allows  
19 limited driving between the hours of 5:00 a.m. and 10:00 p.m.  
20 by the most accessible route for the purpose of attending  
21 classes at schools of enrollment and extracurricular activities  
22 within the school district. The license also allows driving  
23 to the service station closest to the route the licensee is  
24 traveling on for the purpose of refueling.

25 This bill allows a person with a special minor's license  
26 to also drive, between 5:00 a.m. and 10:00 p.m., from the  
27 person's residence or school of enrollment to another school  
28 for the purpose of participating in extracurricular activities  
29 conducted under a sharing agreement with the student's school  
30 of enrollment. The licensee may also drive to the closest  
31 service station for the purpose of refueling.



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**Senate Study Bill 3149 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON QUIRMBACH)

**A BILL FOR**

1 An Act relating to state and school antiharassment and  
2 antibullying policies, establishing an office of harassment  
3 and bullying prevention and response, establishing a school  
4 climate improvement grant program, providing for training on  
5 harassment and bullying prevention and response, and making  
6 appropriations.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5993XC (10) 85  
je/rj



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1 Section 1. Section 256.2, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Harassment*" and "*bullying*" mean the  
4 same as defined in section 280.28.

5 Sec. 2. Section 256.7, Code 2014, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 33. Adopt rules incorporating the training  
8 required by section 272.2, subsection 19, into the standards  
9 for individual teacher professional development plans in  
10 accordance with section 284.6 and individual administrator  
11 professional development plans in accordance with section  
12 284A.6.

13 Sec. 3. Section 256.9, Code 2014, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 65. Submit to the general assembly  
16 annually by January 1, a report on harassment and bullying in  
17 schools in this state. The report shall include harassment  
18 and bullying incidence data reported by school districts and  
19 accredited nonpublic schools pursuant to section 280.28,  
20 subsection 7, including the number of founded and unfounded  
21 reports of harassment or bullying per school district and  
22 accredited nonpublic school; outcome data for the school  
23 climate improvement grant program established by section  
24 256.101; and any recommendations relating to harassment and  
25 bullying prevention and response in this state. The department  
26 shall publish the report on the department's internet site.

27 Sec. 4. NEW SECTION. **256.100 Office of harassment and**  
28 **bullying prevention and response.**

29 1. The office of harassment and bullying prevention and  
30 response is established in the department to coordinate  
31 and implement the state's efforts to prevent and respond to  
32 harassment and bullying.

33 2. The office shall employ a harassment and bullying  
34 investigation specialist. The office may enter into chapter  
35 28E agreements with the department of human rights and the



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1 department of human services for the joint employment of  
2 personnel to carry out its duties. The office shall coordinate  
3 with the safe school certification coalition in carrying out  
4 its duties.

5 3. The office shall:

6 a. Assist schools in this state in implementation of section  
7 280.28 with fidelity, using research-based best practices.

8 b. Develop or approve qualified training programs for  
9 training required by section 272.2, subsection 19.

10 c. Coordinate with area education agencies to ensure that  
11 training required by section 272.2, subsection 19, is available  
12 to every school in this state.

13 d. Provide assistance to school employees responsible  
14 for conducting investigations of complaints of incidents of  
15 harassment or bullying to ensure compliance with section  
16 280.28.

17 e. Administer the school climate improvement grant program  
18 established by section 256.101.

19 f. Have access to, compare, and analyze harassment and  
20 bullying incidence data reported by school districts and  
21 accredited nonpublic schools pursuant to section 280.28,  
22 subsection 7, and response data from the Iowa youth survey  
23 conducted by the department of public health. If the  
24 office determines that a significant discrepancy relating  
25 to harassment or bullying exists between the two data sets  
26 provided by a school district or school, the office shall  
27 provide technical assistance to such school district or school  
28 regarding compliance with section 280.28. Technical assistance  
29 may include but is not limited to additional training for  
30 school employees and additional efforts to educate students and  
31 parents or guardians regarding the provisions of section 280.28  
32 and how and where incidents of harassment and bullying may be  
33 reported.

34 g. Coordinate with the department of public health and  
35 other public and private agencies and organizations in the



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1 administration of the your life Iowa initiative that provides  
2 assistance relating to bullying and suicide prevention.  
3 Contacts with the initiative relating to possible harassment or  
4 bullying shall be shared with the office, which shall assist  
5 the initiative in responding to such contacts.

6 **Sec. 5. NEW SECTION. 256.101 School climate improvement**  
7 **grant program.**

8 1. A school climate improvement grant program is  
9 established in the department to provide funds to school  
10 districts and accredited nonpublic schools to promote  
11 sustaining safe and supportive learning environments in this  
12 state. The program shall be administered by the office of  
13 harassment and bullying prevention and response established by  
14 section 256.100.

15 2. The office shall award funds from the program to schools  
16 on a competitive grant basis. Awards shall be consistent with  
17 the following goals of the program:

18 *a.* To implement section 280.28 with fidelity, using  
19 research-based best practices.

20 *b.* To assist schools in reducing unnecessary student  
21 disciplinary actions and promote a climate of greater  
22 productivity, safety, and learning.

23 *c.* To assist schools in the professional development of  
24 staff in research-based violence prevention programs and  
25 classroom management programs.

26 *d.* To assist schools in enhancing and coordinating  
27 antiviolence efforts between schools, professional, parental,  
28 governmental, law enforcement, and community organizations and  
29 associations.

30 3. Grants from the program may be used to fund school  
31 programs or activities including but not limited to the  
32 following:

33 *a.* Staff training or other efforts to implement section  
34 280.28.

35 *b.* Assessment of compliance with section 280.28.



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- 1     *c.* Conflict resolution or dispute management including
- 2 restorative justice strategies.
- 3     *d.* Peer helpers or peer mediation programs.
- 4     *e.* School-wide positive behavior support.
- 5     *f.* School-based diversion programs.
- 6     *g.* Classroom management.
- 7     *h.* Research-based violence prevention programs that address
- 8 risk factors to reduce incidents of problem behaviors among
- 9 students including antiharassment and antibullying programs.
- 10    *i.* Staff training in the use of positive behavior supports,
- 11 de-escalation techniques, and appropriate responses to student
- 12 behavior that may require immediate intervention.
- 13    *j.* Safety and security training and resources that enhance
- 14 the overall safety and security of staff and students.
- 15    4. The office shall give priority in grant awards to the
- 16 following applicants:
- 17    *a.* Applicants that provide a commitment of additional funds
- 18 from public or private sources for the programs or activities
- 19 for which a grant is sought.
- 20    *b.* Applicants coordinating with the safe school
- 21 certification coalition on the programs or activities for which
- 22 a grant is sought.
- 23    5. The office shall pursue additional funding from public
- 24 and private sources to support the program.
- 25    6. The department shall adopt rules to administer the
- 26 program, including but not limited to an application process
- 27 and grant award criteria.
- 28    Sec. 6. Section 272.1, Code 2014, is amended by adding the
- 29 following new subsection:
- 30    NEW SUBSECTION. 4A. "*Harassment*" and "*bullying*" mean the
- 31 same as defined in section 280.28.
- 32    Sec. 7. Section 272.2, Code 2014, is amended by adding the
- 33 following new subsection:
- 34    NEW SUBSECTION. 19. *a.* Adopt rules requiring all
- 35 individuals applying for or renewing a license, certificate,





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1 transmission of information by wire, radio, optical cable,  
 2 electromagnetic, or other similar means. "Electronic" includes  
 3 but is not limited to communication via electronic mail,  
 4 internet-based communications including social networking sites  
 5 and applications, pager service, cell phones, and electronic  
 6 text messaging.

7 Sec. 9. Section 280.28, subsection 3, Code 2014, is amended  
 8 by adding the following new paragraph:

9 NEW PARAGRAPH. *h.* A procedure for documenting the actions  
 10 taken by the school to investigate and respond to harassment  
 11 or bullying.

12 Sec. 10. Section 280.28, subsection 7, Code 2014, is amended  
 13 to read as follows:

14 *7. Integration of policy and reporting.* The board of  
 15 directors of a school district and the authorities in charge of  
 16 each nonpublic school shall integrate its antiharassment and  
 17 antibullying policy into the comprehensive school improvement  
 18 plan required under section 256.7, subsection 21, and shall  
 19 report ~~data collected under subsection 6, as specified by the~~  
 20 following to the department, to and the local community:

21 *a.* Data collected under subsection 6, as specified by the  
 22 department.

23 *b.* The process used for filing complaints, including the  
 24 location of online or other complaint forms.

25 *c.* Antiharassment and antibullying training completed by  
 26 school employees, volunteers, and students during each school  
 27 year.

28 Sec. 11. Section 280.28, Code 2014, is amended by adding the  
 29 following new subsections:

30 NEW SUBSECTION. *9. Parental notification.*

31 *a.* Each school district and accredited nonpublic school  
 32 shall establish notification procedures for incidents of  
 33 harassment or bullying in accordance with this subsection.

34 Each school district and accredited nonpublic school shall  
 35 designate a school official with relevant training or



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1 experience who shall be responsible for such notifications.  
2 Upon investigation and determination that an incident of  
3 harassment or bullying has occurred, the designated school  
4 official shall promptly notify the parents or guardians of  
5 all students directly involved in the reported incident. The  
6 parents or guardians shall be informed of the district's or  
7 school's procedures for responding to harassment or bullying  
8 and action that school officials will take to prevent further  
9 incidents of harassment or bullying. Notification shall be  
10 provided in the primary language spoken at each student's  
11 home. This paragraph does not prohibit a school official from  
12 contacting a parent or guardian about a report of harassment or  
13 bullying prior to a determination that harassment or bullying  
14 has occurred.

15 *b.* Before the parents or guardians of a student are notified  
16 pursuant to this subsection, the designated school official,  
17 a school guidance counselor if the designated school official  
18 is not a guidance counselor, and the student shall develop  
19 a notification plan that provides for the content, process,  
20 and method for the notification, informed by an assessment  
21 of the impact of the notification on the student's safety,  
22 mental and physical health, and the home environment, and  
23 includes relevant research and resources that may be offered  
24 to support the student and the student's parents or guardians.  
25 To the extent possible, the notification shall focus on facts  
26 regarding the student's involvement and role in an incident  
27 of harassment or bullying and on safety planning, not on  
28 information relating to the actual or perceived trait or  
29 characteristic of the student on which the incident was based,  
30 if the student believes the student may be at risk of physical  
31 or mental harm if such information is disclosed.

32 *c.* The requirements of this subsection shall not apply if a  
33 school official reasonably believes notification would subject  
34 a student to abuse, neglect, or other physical or mental harm.

35 *d.* Notification pursuant to this subsection shall comply





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1 This bill establishes the office of harassment and bullying  
2 prevention and response in the department of education to  
3 coordinate and implement the state's efforts to prevent and  
4 respond to harassment and bullying.

5 The office shall employ a harassment and bullying  
6 investigation specialist. The office may enter into Code  
7 chapter 28E agreements with the department of human rights and  
8 the department of human services for the joint employment of  
9 personnel. The office shall coordinate with the safe school  
10 certification coalition in carrying out its duties.

11 The bill provides duties for the office. The office  
12 shall assist public and nonpublic schools in this state in  
13 implementation of Code section 280.28, the state antiharassment  
14 and antibullying law, with fidelity, using research-based best  
15 practices. The office shall develop or approve qualified  
16 training programs for training of school employees and  
17 administrators required by the bill and shall coordinate  
18 with area education agencies to ensure that such training is  
19 available to every school in Iowa. The office shall provide  
20 assistance to school employees responsible for conducting  
21 investigations of complaints of harassment or bullying to  
22 ensure compliance with Code section 280.28. The office  
23 shall administer the school climate improvement grant program  
24 established by the bill. The office shall have access to,  
25 compare, and analyze harassment and bullying incidence data  
26 reported by school districts and accredited nonpublic schools  
27 pursuant to Code section 280.28 and response data from the Iowa  
28 youth survey conducted by the department of public health and  
29 shall provide technical assistance if a significant discrepancy  
30 occurs between the two data sets. The office shall coordinate  
31 with the department of public health and other public and  
32 private agencies and organizations in the administration of  
33 the your life Iowa initiative. The initiative is administered  
34 by the department of public health and provides assistance  
35 relating to bullying and suicide prevention.

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1 The bill appropriates to the department of education for  
2 fiscal year 2014-2015, \$500,000 for the establishment and  
3 administration of the office, for carrying out the duties of  
4 the office, and for not more than three full-time equivalent  
5 positions. From the moneys appropriated, \$300,000 shall be  
6 used to provide or facilitate the provision of training of  
7 school employees and administrators required by the bill at  
8 minimal cost to the trainee.

9 The bill establishes a school climate improvement grant  
10 program in the department of education to provide funds to  
11 school districts and accredited nonpublic schools to promote  
12 sustaining safe and supportive learning environments in this  
13 state. The program shall be administered by the office of  
14 harassment and bullying prevention and response established by  
15 the bill.

16 The office shall award funds from the program to schools on  
17 a competitive grant basis. Awards shall be consistent with the  
18 goals of the program. The goals are to implement Code section  
19 280.28 with fidelity, using research-based best practices; to  
20 assist schools in reducing unnecessary student disciplinary  
21 actions and promote a climate of greater productivity, safety,  
22 and learning; to assist schools in the professional development  
23 of staff in research-based violence prevention programs  
24 and classroom management programs; and to assist schools  
25 in enhancing and coordinating antiviolence efforts between  
26 schools, professional, parental, governmental, law enforcement,  
27 and community organizations and associations.

28 Grants from the program may be used to fund school programs  
29 or activities including but not limited to staff training or  
30 other efforts to implement Code section 280.28; assessment of  
31 compliance with Code section 280.28; conflict resolution or  
32 dispute management including restorative justice strategies;  
33 peer helpers or peer mediation programs; research-based  
34 violence prevention programs; safety and security training and  
35 resources that enhance the overall safety and security of staff



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1 and students; and certain other programs and activities.

2 The office shall give priority in grant awards to applicants  
3 that provide a commitment of additional funds from public  
4 or private sources for the programs or activities for which  
5 a grant is sought and applicants coordinating with the safe  
6 school certification coalition on the programs or activities  
7 for which a grant is sought.

8 The department of education shall adopt rules to administer  
9 the program.

10 The bill appropriates to the department for fiscal year  
11 2014-2015, \$500,000 to be used for grants from the program.

12 The bill requires the board of educational examiners to  
13 adopt rules requiring all individuals applying for or renewing  
14 a license, certificate, authorization, or statement of  
15 recognition issued by the board who have direct and consistent  
16 contact with students to complete training on harassment and  
17 bullying prevention and response.

18 The bill requires the board to adopt rules requiring all  
19 individuals applying for or renewing a license, certificate,  
20 authorization, or statement of recognition issued by the board  
21 who are responsible for conducting investigations of complaints  
22 of incidents of harassment or bullying to complete training on  
23 the provisions of Code section 280.28, conducting impartial  
24 investigations with transparency, collecting evidence,  
25 following up on previous investigations, and reporting founded  
26 and unfounded incidents of harassment and bullying to the  
27 department of education.

28 The bill requires the board to adopt rules requiring all  
29 individuals applying for or renewing an administrator license  
30 to complete training on implementation of school-wide policies  
31 and procedures for harassment and bullying identification,  
32 reporting, response, and prevention.

33 The bill permits the board to adopt rules providing for  
34 waiver or suspension of the training requirements in the bill  
35 under certain circumstances.

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1 The bill requires the board of education to adopt rules  
2 incorporating the training requirements into the standards  
3 for individual teacher professional development plans and  
4 individual administrator professional development plans.  
5 "Harassment" and "bullying" are defined in the bill to mean  
6 the same as defined in Code section 280.28.

7 The bill modifies the definition of "electronic" under  
8 Code section 280.28 by including social networking sites  
9 and applications as part of the term "internet-based  
10 communications".

11 The bill requires state antiharassment and antibullying  
12 policies to include a procedure for documenting the actions  
13 taken by the school to investigate and respond to harassment  
14 or bullying.

15 The bill modifies data reporting requirements for schools  
16 under Code section 280.28 by requiring the board of directors  
17 of a school district and the authorities in charge of each  
18 nonpublic school to report certain additional information to  
19 the department of education and the local community.

20 The bill requires school districts and accredited nonpublic  
21 schools to establish notification procedures for incidents of  
22 harassment or bullying. The bill requires each school district  
23 and accredited nonpublic school to designate a school official  
24 with relevant training or experience who shall be responsible  
25 for such notifications. The bill requires the designated  
26 school official to promptly notify the parents or guardians  
27 of all students directly involved in a reported incident of  
28 harassment or bullying, upon investigation and determination  
29 that an incident has occurred. The parents or guardians shall  
30 be informed of the district's or school's procedures for  
31 responding to harassment or bullying and action that school  
32 officials will take to prevent further incidents of harassment  
33 or bullying.

34 Before the notification occurs, the bill requires the  
35 designated school official, a school guidance counselor if the

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1 designated school official is not a guidance counselor, and  
2 the student to develop a notification plan. To the extent  
3 possible, the notification shall focus on facts regarding the  
4 student's involvement and role in an incident of harassment or  
5 bullying and on safety planning, not on information relating to  
6 the actual or perceived trait or characteristic of the student  
7 on which the incident was based, if the student believes the  
8 student may be at risk of physical or mental harm if such  
9 information is disclosed.

10 The notification requirements in the bill shall not apply  
11 if a school official reasonably believes notification would  
12 subject a student to abuse, neglect, or other physical or  
13 mental harm. Notification pursuant to the bill shall comply  
14 with state and federal privacy laws, regulations, and rules.

15 The bill grants school officials the authority to  
16 investigate and impose school discipline or take other action  
17 in the case of an alleged incident of harassment or bullying  
18 that occurs outside of school, off of school property, or  
19 away from a school function or school-sponsored activity if  
20 the alleged incident of harassment or bullying has an effect  
21 on school grounds that creates an objectively hostile school  
22 environment that places the student in reasonable fear of  
23 harm to the student's person or property; has a substantially  
24 detrimental effect on the student's physical or mental health;  
25 has the effect of substantially interfering with a student's  
26 academic performance; or has the effect of substantially  
27 interfering with the student's ability to participate in or  
28 benefit from the services, activities, or privileges provided  
29 by a school.

30 The bill permits the department of education to adopt rules  
31 necessary to administer Code section 280.28 in a uniform way  
32 across the state.

33 The bill requires the director of the department of  
34 education to submit an annual report to the general assembly on  
35 harassment and bullying in Iowa schools.

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