



**Iowa General Assembly**  
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House File 2108

H-8001

1 Amend House File 2108 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 441.23, Code 2014, is amended  
5 to read as follows:

6 **441.23 Notice of valuation.**

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

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

25 2. The notice in ~~1981~~ and each odd-numbered  
26 year ~~thereafter~~ shall contain a statement that the  
27 assessments are subject to equalization pursuant to  
28 an order issued by the director of revenue, that the  
29 county auditor shall give notice on or before October  
30 ~~15~~ 8 by publication in an official newspaper of general  
31 circulation to any class of property affected by the  
32 equalization order, that the county auditor shall give  
33 notice by mail postmarked on or before October 8 to  
34 each property owner or taxpayer whose valuation has  
35 been increased by the equalization order, and that the  
36 board of review shall be in session from October 15 to  
37 November ~~15~~ 30 to hear protests of affected property  
38 owners or taxpayers whose valuations have been adjusted  
39 by the equalization order.

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

42 2. In any year after the year in which an  
43 assessment has been made of all of the real estate  
44 in any taxing district, the board of review shall  
45 meet as provided in section 441.33, and where the  
46 board finds the same has changed in value, the board  
47 shall revalue and reassess any part or all of the  
48 real estate contained in such taxing district, and in  
49 such case, the board shall determine the actual value  
50 as of January 1 of the year of the revaluation and

HF2108.2499 (2) 85

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md/sc

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

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

23 3. For assessment years beginning on or after  
 24 January 1, 2014, the board of review may allow property  
 25 owners or aggrieved taxpayers who are dissatisfied  
 26 with the owner's or taxpayer's assessment to file a  
 27 protest against such assessment by electronic means.  
 28 Electronic filing of assessment protests may be  
 29 authorized for the protest period that begins April  
 30 7, the protest period that begins October ~~15~~ 8, or  
 31 both. Except for the requirement that a protest be  
 32 signed, all other requirements of this section for an  
 33 assessment protest to the board of review shall apply  
 34 to a protest filed electronically. If electronic  
 35 filing is authorized by the local board of review, the  
 36 availability of electronic filing shall be clearly  
 37 indicated on the assessment roll notice provided  
 38 to the property owner or taxpayer and included in  
 39 both the published equalization order notice and the  
 40 equalization order notice mailed to the property owner  
 41 or taxpayer.

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

44 b. However, an assessing jurisdiction may request  
 45 the director to permit the use of an alternative method  
 46 of applying the equalization order to the property  
 47 values in the assessing jurisdiction, provided that the  
 48 final valuation shall be equivalent to the director's  
 49 equalization order. The assessing jurisdiction  
 50 shall notify the county auditor of the request for



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1 the use of an alternative method of applying the  
 2 equalization order and the director's disposition  
 3 of the request. The request to use an alternative  
 4 method of applying the equalization order, including  
 5 procedures for notifying affected property owners and  
 6 appealing valuation adjustments, shall be made within  
 7 ten days from the date the county auditor receives  
 8 the equalization order and the valuation adjustments,  
 9 and appeal procedures shall be completed by ~~November~~  
 10 ~~30~~ December 15 of the year of the equalization order.  
 11 Compliance with the provisions of section 441.21 is  
 12 sufficient grounds for the director to permit the use  
 13 of an alternative method of applying the equalization  
 14 order.

15 Sec. 6. Section 441.49, subsections 2 and 4, Code  
 16 2014, are amended to read as follows:

17 2. a. On or before October ~~15~~ 8 the county auditor  
 18 shall cause to be published in official newspapers of  
 19 general circulation the final equalization order. The  
 20 county auditor shall also notify each property owner  
 21 or taxpayer whose valuation has been increased by the  
 22 final equalization order by mail postmarked on or  
 23 before October 8. The publication and the individual  
 24 notice mailed to each affected property owner or  
 25 taxpayer shall include, in type larger than the  
 26 remainder of the publication or notice, the following  
 27 statement statements:

28 Assessed values are equalized by the department of  
 29 revenue every two years. Local taxing authorities  
 30 determine the final tax levies and may reduce property  
 31 tax rates to compensate for any increase in valuation  
 32 due to equalization. If you are not satisfied that  
 33 your assessment as adjusted by the equalization order  
 34 is correct, you may file a protest against such  
 35 assessment with the board of review on or after October  
 36 9, to and including October 31.

37 b. Failure to publish the equalization order or to  
 38 notify property owners or taxpayers of the equalization  
 39 order has no effect upon the validity of the orders.

40 4. The local board of review shall reconvene in  
 41 special session from October 15 to November ~~15~~ 30  
 42 for the purpose of hearing the protests of affected  
 43 property owners or taxpayers within the jurisdiction  
 44 of the board whose valuation of property if adjusted  
 45 pursuant to the equalization order issued by the  
 46 director of revenue will result in a greater value than  
 47 permitted under section 441.21. The board of review  
 48 shall accept protests only during the ~~first ten days~~  
 49 ~~following the date the local board of review reconvenes~~  
 50 period of time from October 9 to and including October



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1 31. The board of review shall limit its review to  
 2 only the timely filed protests. The board of review  
 3 may adjust all or a part of the percentage increase  
 4 ordered by the director of revenue by adjusting the  
 5 actual value of the property under protest to one  
 6 hundred percent of actual value. Any adjustment so  
 7 determined by the board of review shall not exceed the  
 8 percentage increase provided for in the director's  
 9 equalization order. The determination of the board of  
 10 review on filed protests is final, subject to appeal  
 11 to the property assessment appeal board. A final  
 12 decision by the local board of review, or the property  
 13 assessment appeal board, if the local board's decision  
 14 is appealed, is subject to review by the director of  
 15 revenue for the purpose of determining whether the  
 16 board's actions substantially altered the equalization  
 17 order. In making the review, the director has all the  
 18 powers provided in chapter 421, and in exercising the  
 19 powers the director is not subject to chapter 17A.  
 20 Not later than fifteen days following the adjournment  
 21 of the board, the board of review shall submit to  
 22 the director of revenue, on forms prescribed by the  
 23 director, a report of all actions taken by the board of  
 24 review during this session.

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

27 Sec. 8. APPLICABILITY. This Act applies to  
 28 assessment years beginning on or after January 1,  
 29 2015.>

30 2. Title page, line 3, by striking <order notices>  
 31 and inserting <order notices, modifying provisions  
 32 relating to property assessment protests,>

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BALTIMORE of Boone



Iowa General Assembly  
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House File 2134 - Introduced

HOUSE FILE 2134  
BY PETTENGILL

A BILL FOR

- 1 An Act requiring the department of human services to conduct
- 2 lean projects for its customer service operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5929YH (2) 85  
ec/rj



Iowa General Assembly  
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H.F. 2134

1 Section 1. DEPARTMENT OF HUMAN SERVICES — CUSTOMER SERVICE  
2 OPERATIONS — LEAN PROJECTS — FY 2014-2015. For the fiscal  
3 year beginning July 1, 2014, the department of human services  
4 shall budget for, plan, and conduct lean projects as described  
5 in section 8.70 for its customer services operations with  
6 a focus on improving communication and timely responses to  
7 service providers and clients. The department shall coordinate  
8 its activities with the office of lean enterprise established  
9 in section 8.70 in developing plans to conduct lean projects as  
10 required by this section.

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 requires, for FY 2014-2015, the department of  
15 human services to budget for, plan, and conduct lean projects  
16 as described in Code section 8.70 for its customer services  
17 operations with a focus on improving communication and timely  
18 responses to service providers and clients.



Iowa General Assembly  
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**House File 2135 - Introduced**

HOUSE FILE 2135  
BY PETTENGILL and ABDUL-SAMAD

**A BILL FOR**

1 An Act eliminating braiding from the definition of cosmetology.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5914YH (1) 85  
ad/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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H.F. 2135

1 Section 1. Section 157.1, subsection 5, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. Arranging, ~~braiding~~, dressing, curling, waving, press  
4 and curl hair straightening, shampooing, cutting, singeing,  
5 bleaching, coloring, or similar works, upon the hair of any  
6 person, or upon a wig or hairpiece when done in conjunction  
7 with haircutting or hairstyling by any means. Cosmetology  
8 does not include braiding the hair of any person or a wig or  
9 hairpiece.

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 eliminates the term "braiding" from the definition  
14 of cosmetology. Generally, a person practicing cosmetology  
15 on a more than casual basis, regardless of whether the person  
16 is compensated, is required to be licensed with the board of  
17 cosmetology arts and sciences.



Iowa General Assembly  
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House File 2136 - Introduced

HOUSE FILE 2136  
BY BRANDENBURG

**A BILL FOR**

1 An Act relating to the privacy of a victim of a sex offense in a  
2 criminal or civil proceeding.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5432YH (3) 85  
jm/rj



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H.F. 2136

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

3 1. Prior to an arrest or the filing of an information or  
4 indictment, whichever occurs first, against a person charged  
5 with a violation of chapter 709, section 726.2, or section  
6 728.12, committed with or on a child, as defined in section  
7 ~~702.5~~ 232.2, 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 2. In order to protect the welfare of the child, the name of  
12 the child and identifying biographical information shall not  
13 appear on the information or indictment or any other public  
14 record including any civil filings arising from the criminal  
15 violation. Instead, a nondescriptive designation shall appear  
16 on all public records. The nonpublic records containing the  
17 child's name and identifying biographical information shall  
18 be kept by the court. This subsection does not apply to the  
19 release of information to ~~an accused~~ a defendant or ~~accused's~~  
20 defendant's counsel; however, the use or release of this  
21 information by the ~~accused~~ defendant or ~~accused's~~ defendant's  
22 counsel for purposes other than the preparation of defense  
23 constitutes contempt.

24 Sec. 2. Section 915.36, Code 2014, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 5. This section also applies to a child  
27 victim of a violation of chapter 709, section 726.2, or 728.12,  
28 after attaining the age of eighteen.

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 a sex offense  
33 in a criminal or civil proceeding.

34 The bill changes the definition of "child" from a child under  
35 14 years of age to a child under 18 years of age.

LSB 5432YH (3) 85

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jm/rj

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H.F. 2136

1 The bill specifies that the identity of any child victim of  
2 a criminal offense committed under Code chapter 709 (sexual  
3 abuse and related sexual offenses), or Code sections 726.2  
4 (incest) and 728.12 (sexual exploitation) shall not be released  
5 to the public by any public employee except as authorized by  
6 the court prior to the arrest or the filing of an information  
7 or indictment, whichever occurs first, despite the child victim  
8 attaining the age of 18.

9 The bill also provides that in order to protect the welfare  
10 of the child victim, the name of the child and identifying  
11 biographical information shall not appear on any other public  
12 record including any civil filings arising from the criminal  
13 violation, despite the child victim attaining the age of 18.

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

19 A person who willfully violates the bill or who willfully  
20 neglects or refuses to obey a court order made pursuant to this  
21 bill commits contempt.

22 A release of information in violation of the bill does  
23 not bar prosecution or provide grounds for dismissal of the  
24 criminal charges.



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House File 2137 - Introduced

HOUSE FILE 2137  
BY PETTENGILL

A BILL FOR

- 1 An Act concerning state employee discipline regarding false
- 2 allegations concerning employment and making penalties
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5500HH (5) 85  
ec/rj



Iowa General Assembly  
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H.F. 2137

1 Section 1. **NEW SECTION. 8A.417A False allegations —**  
2 **discipline — civil penalty.**

3 A state employee who makes an allegation concerning another  
4 state employee that results in an investigation of the other  
5 state employee for possible discipline or discharge shall  
6 be subject to discipline or discharge if the allegation is  
7 determined to be false and the state employee making the  
8 allegation knew, or should have known, that the allegation was  
9 false and without merit. A state employee who makes a false  
10 allegation as described in this section and who is subject to  
11 discipline or discharge under this section shall, as part of  
12 that discipline or discharge, be subject to a civil penalty of  
13 five thousand dollars.

14 **EXPLANATION**

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

17 This bill provides that a state employee who makes a false  
18 allegation that results in an investigation of another state  
19 employee for possible discipline or discharge shall be subject  
20 to possible discipline or discharge for the false allegation if  
21 the state employee making the allegation knew, or should have  
22 known, that the allegation was false and without merit. In  
23 addition, the bill provides that such a state employee making a  
24 false allegation and subject to discipline or discharge shall  
25 also be subject to a penalty of \$5,000.



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House File 2138 - Introduced

HOUSE FILE 2138  
BY PETTENGILL

A BILL FOR

1 An Act relating to nonprofit corporation filing requirements.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5584YH (2) 85  
aw/sc



**Iowa General Assembly**  
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H.F. 2138

1 Section 1. Section 504.132, Code 2014, is amended to read  
 2 as follows:

3 **504.132 Secretary of state — internet site.**

4 1. The secretary of state shall place on the secretary  
 5 of state's internet site a link to a free internet site with  
 6 completed internal revenue service forms 990 and 990EZ.

7 2. The secretary of state shall create a searchable database  
 8 available on the secretary of state's internet site providing  
 9 electronic links to the articles of incorporation described  
 10 in section 504.202, the bylaws described in section 504.206,  
 11 and the emergency bylaws described in section 504.207 of each  
 12 domestic corporation and each foreign corporation authorized to  
 13 transact business in this state.

14 Sec. 2. Section 504.206, Code 2014, is amended by adding the  
 15 following new subsection:

16 NEW SUBSECTION. 3. By January 1, 2015, each domestic  
 17 corporation, and each foreign corporation authorized to  
 18 transact business in this state, shall deliver a copy of the  
 19 bylaws adopted pursuant to this section to the secretary of  
 20 state for filing.

21 Sec. 3. Section 504.207, Code 2014, is amended by adding the  
 22 following new subsection:

23 NEW SUBSECTION. 5. By January 1, 2015, each domestic  
 24 corporation, and each foreign corporation authorized to  
 25 transact business in this state, that has adopted emergency  
 26 bylaws pursuant to this section shall deliver a copy of the  
 27 emergency bylaws to the secretary of state for filing.

28 **EXPLANATION**

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

31 This bill relates to nonprofit corporation filing  
 32 requirements.

33 The bill requires that each domestic nonprofit corporation,  
 34 and each foreign nonprofit corporation authorized to transact  
 35 business in this state, deliver a copy of the corporation's

LSB 5584YH (2) 85

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aw/sc

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H.F. 2138

1 bylaws to the secretary of state for filing and a copy of  
2 the corporation's emergency bylaws if that corporation has  
3 adopted such emergency bylaws for filing. These corporations  
4 are required to make such filings by January 1, 2015. The  
5 secretary of state is generally required to collect a fee  
6 for documents required or permitted to be filed, pursuant to  
7 current Code section 504.113.

8 The bill further requires that the secretary of state create  
9 a searchable database available on the secretary of state's  
10 internet site providing links to the bylaws, emergency bylaws,  
11 and articles of incorporation required to be filed by nonprofit  
12 corporations with the secretary of state.



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House File 2139 - Introduced

HOUSE FILE 2139  
BY WESSEL-KROESCHELL

A BILL FOR

1 An Act providing an exemption from state individual income tax  
2 of certain tuition and related expenses of postsecondary  
3 education and including retroactive applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5063YH (2) 85  
mm/sc



Iowa General Assembly  
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H.F. 2139

1 Section 1. Section 422.7, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 57. *a.* Subtract, to the extent not  
4 otherwise deducted in computing adjusted gross income, the  
5 amounts paid by the taxpayer for qualified tuition and related  
6 expenses of the taxpayer or taxpayer's spouse or dependent.

7 *b.* A deduction shall not be allowed under this subsection  
8 to a taxpayer with respect to whom a deduction under section  
9 151 of the Internal Revenue Code is allowable to another  
10 taxpayer for a tax year beginning in the calendar year in which  
11 qualified tuition and related expenses are paid. Any qualified  
12 tuition and related expenses paid by such dependent during said  
13 tax year shall be treated as paid by such other taxpayer to  
14 whom the deduction under section 151 of the Internal Revenue  
15 Code is allowable.

16 *c.* A deduction shall not be allowed under this subsection  
17 with respect to the qualified tuition and related expenses of a  
18 taxpayer if the taxpayer or any other person claims an Iowa tax  
19 credit calculated on the basis of the same qualified tuition  
20 and related expenses.

21 *d.* For purposes of this subsection:

22 (1) "*Dependent*" has the same meaning as provided by the  
23 Internal Revenue Code.

24 (2) "*Qualified tuition and related expenses*" means the same  
25 as defined in section 25A(f) of the Internal Revenue Code, with  
26 the following adjustments:

27 (a) The amount of such expenses shall be reduced in the same  
28 manner as provided in section 25A(g)(2) of the Internal Revenue  
29 Code.

30 (b) The amount of such expenses shall be reduced to the  
31 extent excluded under subsection 32 or 33.

32 (c) To the extent not already reduced under subparagraph  
33 division (b), the amount of such expenses shall be reduced to  
34 the extent excluded from gross income under section 529(c)(1)  
35 of the Internal Revenue Code, except that the amount of the

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H.F. 2139

1 reduction shall not include that portion of the distribution  
2 which represents a return of any contributions to a qualified  
3 tuition program qualifying under section 529 of the Internal  
4 Revenue Code.

5 (d) The remaining amount of such expenses shall be reduced  
6 to the extent excluded from gross income under section  
7 530(d)(2) of the Internal Revenue Code.

8 Sec. 2. Section 422.9, subsection 2, Code 2014, is amended  
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *j.* If the taxpayer has a deduction for  
11 educational expenses under section 162 of the Internal Revenue  
12 Code, the taxpayer shall recompute for purposes of this  
13 subsection the amount of the deduction under section 162 by  
14 excluding the amount subtracted under section 422.7, subsection  
15 57.

16 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
17 retroactively to January 1, 2014, for tax years beginning on  
18 or after that date.

EXPLANATION

19  
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 allows taxpayers to deduct from the computation  
23 of net income for purposes of the individual income tax  
24 the qualified tuition and related expenses of postsecondary  
25 education to the extent not otherwise deductible under federal  
26 law, and without amount or income limitations.

27 Federal law currently provides a deduction for qualified  
28 tuition and related expenses in computing adjusted gross  
29 income, but the deduction is subject to amount and income  
30 limitations. For tax year 2013, the federal deduction is  
31 limited to \$4,000 of expenses if income does not exceed \$65,000  
32 for a single taxpayer or \$130,000 for married taxpayers, and  
33 \$2,000 of expenses if income exceeds \$65,000 but does not  
34 exceed \$80,000 for a single taxpayer, or if income exceeds  
35 \$130,000 but does not exceed \$160,000 for married taxpayers.

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H.F. 2139

1 The federal deduction is set to expire after the 2013 tax year.  
2 The bill defines "qualified tuition and related expenses"  
3 to mean the same as defined in Internal Revenue Code section  
4 25A(f), which includes tuition and fees required for enrollment  
5 or attendance at an eligible educational institution for  
6 courses of instruction at such institution. An eligible  
7 educational institution generally includes all accredited  
8 public, nonprofit, and for-profit postsecondary institutions  
9 that are eligible to participate in a federal financial aid  
10 program under title IV of the federal Higher Education Act  
11 of 1965. Expenses related to any course or other education  
12 involving sports, games, or hobbies are excluded unless  
13 it is part of the degree program, as are student activity  
14 fees, athletic fees, insurance expenses, or other expenses  
15 unrelated to the academic course of instruction. "Qualified  
16 tuition and related expenses" does not include amounts  
17 enumerated in Internal Revenue Code section 25A(g)(2), which  
18 includes expenses paid from tax-exempt scholarships or other  
19 payments, excluding gifts or inheritance, or from certain  
20 veterans' and armed forces educational assistance allowances.  
21 "Qualified tuition and related expenses" also does not include  
22 amounts excluded from the computation of Iowa net income as  
23 contributions to or earnings from an Iowa educational savings  
24 plan trust under Iowa Code chapter 12D, or from the computation  
25 of federal gross income as distributions of certain earnings  
26 from any qualified tuition program qualifying under Internal  
27 Revenue Code section 529, or as distributions from a Coverdell  
28 education savings account qualifying under Internal Revenue  
29 Code section 530.  
30 Taxpayers may deduct qualified tuition and related expenses  
31 of the taxpayer or the taxpayer's spouse or dependent. A  
32 taxpayer who is eligible to be claimed as a dependent by  
33 another is ineligible for the deduction, but any expenses paid  
34 by the dependent may be claimed as a deduction by a taxpayer  
35 who is eligible to claim the dependent for federal income tax

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mm/sc

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1 purposes.

2 An Iowa tax credit currently does not exist for the qualified  
3 tuition and related expenses that are the subject of the bill,  
4 but should one be enacted the bill provides that the deduction  
5 provided in the bill will be unavailable to those taxpayers who  
6 claim a state tax credit for the same qualified tuition and  
7 related expenses.

8 Taxpayers who claim a deduction of educational expenses as  
9 an itemized deduction under Code section 422.9, subsection 2,  
10 are required to reduce that deduction by the amount deducted  
11 under the bill.

12 The bill applies retroactively to tax years beginning on or  
13 after January 1, 2014.



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House File 2140 - Introduced

HOUSE FILE 2140  
BY GASSMAN, HEARTSILL,  
SCHULTZ, MAXWELL, SALMON,  
ALONS, SHEETS, SHAW,  
FISHER, LANDON, WATTS,  
ROGERS, and GUSTAFSON

A BILL FOR

1 An Act relating to academic and assessment standards for school  
2 districts and accredited nonpublic schools.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5184YH (10) 85  
kh/rj



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1 Section 1. Section 256.7, subsection 21, paragraph b,  
2 subparagraphs (2) and (3), Code 2014, are amended to read as  
3 follows:

4 (2) Notwithstanding subparagraph (1), for the school year  
5 beginning July 1, 2016, and each succeeding school year, the  
6 rules shall provide that all students enrolled in school  
7 districts in grades three through eleven shall be administered  
8 an assessment during the last quarter of the school year  
9 that at a minimum assesses the indicators identified in this  
10 paragraph "b"; is aligned with the Iowa ~~common-core~~ content  
11 standards in both content and rigor; accurately describes  
12 student achievement and growth for purposes of the school, the  
13 school district, and state accountability systems; and provides  
14 valid, reliable, and fair measures of student progress toward  
15 college or career readiness.

16 (3) The director shall establish an assessment task force  
17 to review and make recommendations for a statewide assessment  
18 of student progress on the indicators identified pursuant to  
19 this paragraph "b". The task force shall recommend a statewide  
20 assessment that is aligned to the Iowa ~~common-core~~ content  
21 standards and is, at a minimum, valid, reliable, tested, and  
22 piloted in Iowa. In addition, in developing recommendations,  
23 the task force shall consider the costs to school districts and  
24 the state in providing and administering such an assessment and  
25 the technical support necessary to implement the assessment.  
26 The task force shall submit its recommendations in a report  
27 to the director, the state board, and the general assembly by  
28 January 1, 2015. The task force shall assist with the final  
29 development and implementation of the assessment administered  
30 pursuant to subparagraph (2). The task force members shall  
31 include but not be limited to teachers, school administrators,  
32 business leaders, representatives of state agencies, and  
33 members of the general public. This subparagraph is repealed  
34 July 1, 2020.

35 Sec. 2. Section 256.7, subsection 21, paragraph c, Code





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1 years of science, and three years of social studies.

2 Sec. 4. Section 256.7, subsection 26, paragraph a,  
3 subparagraph (3), Code 2014, is amended to read as follows:

4 (3) The rules establishing a ~~core curriculum~~ the Iowa  
5 content standards shall address the ~~core content assessment~~  
6 standards in subsection 28 and the skills and knowledge  
7 students need to be successful in the twenty-first century.  
8 The ~~core curriculum~~ Iowa content standards shall include  
9 social studies and twenty-first century learning skills which  
10 include but are not limited to civic literacy, health literacy,  
11 technology literacy, financial literacy, and employability  
12 skills; and shall address the curricular needs of students  
13 in kindergarten through grade twelve in those areas. The  
14 department shall further define the twenty-first century  
15 learning skills components by rule.

16 Sec. 5. Section 256.7, subsection 26, paragraph b, Code  
17 2014, is amended by striking the paragraph.

18 Sec. 6. Section 256.7, subsection 26, paragraph c, Code  
19 2014, is amended to read as follows:

20 c. Neither the state board nor the department shall require  
21 school districts or accredited nonpublic schools to adopt a  
22 specific textbook, textbook series, or specific instructional  
23 methodology, or acquire specific textbooks, curriculum  
24 materials, or educational products from a specific vendor  
25 in order to meet the ~~core curriculum~~ requirements of this  
26 subsection or the ~~core content assessment~~ standards adopted  
27 pursuant to subsection 28.

28 Sec. 7. Section 256.7, subsection 28, Code 2014, is amended  
29 to read as follows:

30 28. Adopt a set of ~~core content assessment~~ standards  
31 applicable to all students in kindergarten through grade twelve  
32 in every school district and accredited nonpublic school. For  
33 purposes of this subsection, "~~core content assessment standards~~"  
34 includes reading, mathematics, and science. The ~~core content~~  
35 assessment standards shall be identical to the ~~core content~~



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1 assessment standards included in Iowa's approved 2006 standards  
2 and assessment system under Tit. I of the federal Elementary  
3 and Secondary Education Act of 1965, 20 U.S.C. § 6301 et  
4 seq., as amended by the federal No Child Left Behind Act of  
5 2001, Pub. L. No. 107-110. School districts and accredited  
6 nonpublic schools shall include, at a minimum, the ~~core content~~  
7 assessment standards adopted pursuant to this subsection in any  
8 set of locally developed content standards. School districts  
9 and accredited nonpublic schools are strongly encouraged to set  
10 higher expectations in local standards. ~~As changes in federal~~  
11 ~~law or regulation occur, the state board is authorized to amend~~  
12 ~~the core content standards as appropriate.~~

13 Sec. 8. Section 256.9, subsection 53, paragraph a, Code  
14 2014, is amended to read as follows:

15 a. Develop and distribute, in collaboration with the area  
16 education agencies, ~~core curriculum~~ Iowa content standards  
17 technical assistance and implementation strategies that school  
18 districts and accredited nonpublic schools ~~shall~~ may utilize,  
19 including but not limited to the development and delivery  
20 of formative and end-of-course model assessments classroom  
21 teachers may use to measure student progress on the ~~core~~  
22 curriculum content standards adopted pursuant to section  
23 256.7, subsection 26. The department shall, in collaboration  
24 with the advisory group convened in accordance with paragraph  
25 "b" and educational assessment providers, identify and make  
26 available to school districts end-of-course and additional  
27 model end-of-course and additional assessments to align with  
28 the expectations included in the Iowa ~~core curriculum~~ content  
29 standards. The model assessments shall be suitable to meet the  
30 multiple assessment measures requirement specified in section  
31 256.7, subsection 21, paragraph "c".

32 Sec. 9. Section 256.9, subsection 54, Code 2014, is amended  
33 to read as follows:

34 54. Submit an annual report to the general assembly by  
35 January 1 regarding activities, findings, and student progress



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1 under the ~~core curriculum~~ Iowa content standards established  
2 pursuant to section 256.7, subsection 26. The annual report  
3 shall include the state board's findings and recommendations.

4 Sec. 10. Section 256.40, subsection 2, paragraph e, Code  
5 2014, is amended to read as follows:

6 e. Integrate services provided through the program with  
7 other career exploration-related activities such as the student  
8 ~~core curriculum~~ graduation plan and the career information and  
9 decision-making system developed and administered under section  
10 279.61, where appropriate.

11 Sec. 11. Section 256.42, subsection 6, Code 2014, is amended  
12 to read as follows:

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

21 Sec. 12. Section 257.11, subsection 11, Code 2014, is  
22 amended to read as follows:

23 11. *Shared classes and curriculum standards.* A school  
24 district shall ensure that any course made available to a  
25 student through any sharing agreement between the school  
26 district and a community college or any other entity providing  
27 course programming pursuant to this section to students  
28 enrolled in the school district meets the expectations  
29 contained in ~~the core curriculum adopted pursuant to section~~  
30 256.7, subsection 26. The school district shall ensure that  
31 any course that has the capacity to generate college credit  
32 shall be equivalent to college-level work.

33 Sec. 13. Section 258.4, subsection 8, Code 2014, is amended  
34 to read as follows:

35 8. Establish a minimum set of competencies and ~~core~~



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1 ~~curriculum~~ content standards for approval of a vocational  
2 program sequence that addresses the following: new and  
3 emerging technologies; job-seeking, job-keeping, and  
4 other employment skills, including self-employment and  
5 entrepreneurial skills, that reflect current industry  
6 standards, leadership skills, entrepreneurial, and labor-market  
7 needs; and the strengthening of basic academic skills.

8     Sec. 14. Section 260C.14, subsection 22, paragraph b, Code  
9 2014, is amended to read as follows:

10     *b.* Collaborate with the state board of regents to meet  
11 the requirements specified in section 262.9, subsection 33,  
12 including but not limited to developing a systematic process  
13 for expanding academic discipline and meetings between the  
14 community college faculty and faculty of the institutions  
15 of higher education governed by the state board of regents,  
16 developing criteria to prioritize ~~core curriculum areas~~  
17 Iowa content standards, promoting greater awareness of  
18 articulation-related activities, facilitating additional  
19 opportunities for individual institutions to pursue program  
20 articulation agreements for career and technical educational  
21 programs, and developing and implementing a process to  
22 examine a minimum of eight new associate of applied science  
23 degree programs for which articulation agreements would serve  
24 students' continued academic success in those degree programs.

25     Sec. 15. Section 261E.4, subsection 4, Code 2014, is amended  
26 to read as follows:

27     4. A school district shall establish prerequisite  
28 coursework for each advanced placement course offered and shall  
29 describe the prerequisites in the course registration handbook,  
30 which shall be provided to every junior high school or middle  
31 school student prior to the development of a ~~core curriculum~~  
32 graduation plan pursuant to section 279.61.

33     Sec. 16. Section 261E.6, subsection 2, Code 2014, is amended  
34 to read as follows:

35     2. *Notification.* The availability and requirements of this



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1 program shall be included in each school district's student  
2 registration handbook. Information about the program shall be  
3 provided to the student and the student's parent or guardian  
4 prior to the development of the student's ~~core curriculum~~  
5 graduation plan under section 279.61. The school district  
6 shall establish a process by which students may indicate  
7 interest in and apply for enrollment in the program.

8 Sec. 17. Section 261E.8, subsection 1, Code 2014, is amended  
9 to read as follows:

10 1. A district-to-community college sharing or concurrent  
11 enrollment program is established to be administered by the  
12 department to promote rigorous academic or career and technical  
13 pursuits and to provide a wider variety of options to high  
14 school students to enroll part-time in eligible nonsectarian  
15 courses at or through community colleges established under  
16 chapter 260C. The program shall be made available to all  
17 resident students in grades nine through twelve. Notice of  
18 the availability of the program shall be included in a school  
19 district's student registration handbook and the handbook shall  
20 identify which courses, if successfully completed, generate  
21 college credit under the program. A student and the student's  
22 parent or legal guardian shall also be made aware of this  
23 program as a part of the development of the student's ~~core~~  
24 ~~curriculum~~ graduation plan in accordance with section 279.61.

25 Sec. 18. Section 261E.9, subsection 2, paragraph b, Code  
26 2014, is amended to read as follows:

27 *b.* A regional academy may include in its curriculum virtual  
28 or internet-based coursework and courses delivered via the Iowa  
29 communications network, career and technical courses, ~~core~~  
30 ~~curriculum~~ Iowa content standards coursework, courses required  
31 pursuant to section 256.7, subsection 26, or section 256.11,  
32 subsections 4 and 5, and asynchronous learning networks.

33 Sec. 19. Section 261E.9, subsection 4, Code 2014, is amended  
34 to read as follows:

35 4. Information regarding regional academies shall be



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1 provided to a student and the student's parent or guardian  
2 prior to the development of the student's ~~core curriculum~~  
3 graduation plan under section 279.61.

4 Sec. 20. Section 261E.10, subsection 4, Code 2014, is  
5 amended to read as follows:

6 4. Information regarding career academies shall be provided  
7 by the school district to a student and the student's parent  
8 or guardian prior to the development of the student's ~~core~~  
9 curriculum graduation plan under section 279.61.

10 Sec. 21. Section 262.9, subsection 33, paragraph c, Code  
11 2014, is amended to read as follows:

12 c. Develop criteria to prioritize ~~core curriculum areas~~ the  
13 Iowa content standards and create or review transition guides  
14 for the ~~core curriculum areas~~ Iowa content standards.

15 Sec. 22. Section 279.61, Code 2014, is amended to read as  
16 follows:

17 **279.61 Student plan for progress toward university admissions**  
18 **— report.**

19 1. ~~For the school year beginning July 1, 2008, and each~~  
20 ~~succeeding school year, the~~ The board of directors of each  
21 school district shall cooperate with each student enrolled  
22 in grade eight to develop for the student a ~~core curriculum~~  
23 plan to guide the student toward the goal of successfully  
24 completing, at a minimum, the ~~core curriculum developed~~ high  
25 school graduation requirements adopted by the state board of  
26 education pursuant to section 256.7, subsection 26, by the  
27 time the student graduates from high school. The plan shall  
28 include career options and shall identify the coursework  
29 needed in grades nine through twelve to support the student's  
30 postsecondary education and career options. Additionally, the  
31 plan shall include a timeline for each student to successfully  
32 complete, prior to graduation, all components of the  
33 state-designated career information and decision-making system  
34 administered by the department in accordance with section 118  
35 of the federal Carl D. Perkins Career and Technical Education



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1 Improvement Act of 2006, Pub. L. No. 109-270. The student's  
2 parent or guardian shall sign the ~~core curriculum~~ graduation  
3 plan developed with the student and the signed plan shall be  
4 included in the student's cumulative records.

5 2. ~~For the school year beginning July 1, 2008, and each~~  
6 ~~succeeding school year, the~~ The board of directors of each  
7 school district shall report annually to each student enrolled  
8 in grades nine through twelve in the school district, and, if  
9 the student is under the age of eighteen, to each student's  
10 parent or guardian, the student's progress toward meeting the  
11 goal of successfully completing the ~~core curriculum~~ and high  
12 school graduation requirements adopted by the state board of  
13 education pursuant to section 256.7, subsection 26.

14 Sec. 23. Section 280.3, subsection 3, Code 2014, is amended  
15 by striking the subsection.

16 **EXPLANATION**

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

19 This bill continues to direct the state board of education  
20 to adopt sets of academic and assessment standards, but amends  
21 the terms used to describe the standards and makes use of the  
22 academic standards by school districts and accredited nonpublic  
23 schools voluntary. The bill also strikes language that  
24 authorizes the state board to amend the core content standards  
25 as changes in federal law or regulation occur.

26 The bill replaces the terms "core curriculum", "Iowa  
27 core curriculum", and "Iowa common core", which were used to  
28 describe the academic standards adopted by the state board,  
29 with the term "Iowa content standards". Also, provisions  
30 directing school districts to cooperate with each eighth grade  
31 student on a core curriculum plan to meet core curriculum  
32 requirements are amended to replace "core curriculum plan"  
33 with "graduation plan" and "core curriculum requirements"  
34 with "high school graduation requirements". The term "core  
35 content standards", which was used to describe the assessment

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1 standards adopted by the state board, is replaced with the  
2 term "assessment standards". The assessment standards will  
3 remain applicable to all students in kindergarten through  
4 grade 12 in every school district and accredited nonpublic  
5 school. Corresponding changes are made throughout the Code,  
6 and obsolete language is eliminated.



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House File 2141 - Introduced

HOUSE FILE 2141

BY GASSMAN, SALMON, ALONS,  
SHEETS, HEARTSILL, SHAW,  
MAXWELL, FISHER, LANDON,  
WATTS, SCHULTZ, and ROGERS

A BILL FOR

1 An Act relating to student academic assessments to be  
2 administered by school districts and to membership in a  
3 multistate assessment consortium.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5187YH (9) 85  
kh/rj



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H.F. 2141

1 Section 1. Section 256.7, subsection 21, paragraph b,  
2 subparagraph (2), Code 2014, is amended by striking the  
3 subparagraph.

4 Sec. 2. ACTION TO WITHDRAW FROM MULTISTATE ASSESSMENT  
5 CONSORTIUM. The director of the department of education shall  
6 take action as expeditiously as possible to submit to the  
7 smarter balanced assessment consortium, a multistate assessment  
8 consortium, a request in writing on behalf of the state of Iowa  
9 to exit the consortium. The reason the director shall cite  
10 as the basis for exiting the consortium shall be the general  
11 assembly's opposition to the common core state standards  
12 initiative and any assessment system aligned to the common core  
13 state standards.

14 EXPLANATION

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

17 This bill strikes a Code provision relating to student  
18 assessments that must be administered by school districts  
19 beginning July 1, 2016, and directs the director of the  
20 department of education to submit a request on behalf of the  
21 state to exit a multistate assessment consortium.

22 The Code provision directs the state board of education to  
23 adopt rules to provide that, for the school year beginning July  
24 1, 2016, and each succeeding school year, students enrolled in  
25 school districts be administered an assessment during the last  
26 quarter of the school year that, at a minimum, assesses core  
27 academic indicators in mathematics and reading in grades 4, 8,  
28 and 11, and core academic indicators in science in grades 8 and  
29 11. Currently, the assessment to be administered beginning in  
30 2016 must be aligned with the Iowa common core standards in  
31 both content and rigor; accurately describe student achievement  
32 and growth for purposes of the school, the school district,  
33 and state accountability systems; and provide valid, reliable,  
34 and fair measures of student progress toward college or career  
35 readiness.

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1 The Code language stricken by the bill directs that the  
2 assessments assess the core indicators, which would include  
3 both academic indicators and graduation rate, postsecondary  
4 education, and successful employment indicators, but only  
5 student assessment of the core academic indicators may have  
6 been contemplated.

7 The director shall take action as expeditiously as possible  
8 to exit the smarter balanced assessment consortium. The  
9 reason cited for exiting the consortium shall be the general  
10 assembly's opposition to the common core state standards  
11 initiative and any assessment system aligned to the common core  
12 state standards.



Iowa General Assembly  
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House File 2142 - Introduced

HOUSE FILE 2142  
BY M. SMITH

A BILL FOR

1 An Act relating to reimbursement of certain mental health  
2 and substance-related disorder service providers under  
3 the medical assistance program's managed care or prepaid  
4 services contracts and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5424YH (3) 85  
jp/nh



**Iowa General Assembly  
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H.F. 2142

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

3 NEW SUBSECTION. 16. *a.* Ensure that the terms of any  
4 contract for managed care or prepaid services for mental  
5 health or substance-related disorders under the Medicaid  
6 program shall provide reimbursement for the mental health or  
7 substance-related disorder services provided by a mental health  
8 professional within the professional's scope of practice.

9 *b.* Ensure that the terms of any contract for managed care  
10 or prepaid services for substance-related disorders under  
11 the Medicaid program shall provide reimbursement for the  
12 services provided by a person who holds a temporary license in  
13 mental health counseling and is providing services through a  
14 substance-related disorder program licensed under chapter 125.

15 *c.* For the purposes of this subsection, "*mental health*  
16 *professional*" means the same as defined in section 228.1 and  
17 "*temporary license in mental health counseling*" means the same  
18 as described in section 154D.7.

19 Sec. 2. CONTRACT AMENDMENT. The department of human  
20 services shall amend its contracts for managed care or prepaid  
21 services for mental health and substance-related disorders  
22 under the Medicaid program in existence as of the effective  
23 date of this Act to implement the requirements of section  
24 249A.4, subsection 16, as enacted by this Act, and the  
25 amendments shall take effect on or before July 1, 2014.

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

28 EXPLANATION

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

31 This bill relates to reimbursement of certain mental health  
32 and substance-related disorder service providers under the  
33 medical assistance (Medicaid) program's managed care or prepaid  
34 services contracts.

35 Code section 249A.4, relating to the duties of the

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1 director of human services under the Medicaid Code chapter, is  
2 amended. The director is required to ensure that the terms  
3 of such contracts for mental health or substance-related  
4 disorders provide reimbursement for the mental health or  
5 substance-related disorder services provided by a mental health  
6 professional within the professional's scope of practice. In  
7 addition, the director must ensure that such terms provide  
8 reimbursement for the services provided by a person who holds a  
9 temporary license in mental health counseling and is providing  
10 services through a substance-related disorder program licensed  
11 under Code chapter 125.

12 The bill references the definition of "mental health  
13 professional" as defined in Code section 228.1, which includes  
14 persons with at least a master's degree in a mental health  
15 field, including but not limited to psychology, counseling  
16 and guidance, nursing, and social work, or is an advanced  
17 registered nurse practitioner, a physician assistant, or a  
18 physician and surgeon or an osteopathic physician and surgeon,  
19 holds a current Iowa license if practicing in a field covered  
20 by an Iowa licensure law, and a certain amount of postdegree  
21 experience. The term "temporary license in mental health  
22 counseling", as described in Code section 154D.7, is also used  
23 in the bill. The term is used to describe a person who has  
24 met all of the requirements for licensing as a mental health  
25 counselor under Code chapter 154D, except for having completed  
26 the postgraduate supervised clinical experience requirement as  
27 determined by the board of behavioral science.

28 The department is required to amend its contracts for  
29 managed care or prepaid services for mental health or  
30 substance-related disorders under the Medicaid program as in  
31 existence as of the bill's effective date to implement the  
32 requirements of Code section 249A.4, subsection 16, as enacted  
33 by the bill. The amendments are required to take effect on or  
34 before July 1, 2014.

35 The bill takes effect upon enactment.

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House File 2143 - Introduced

HOUSE FILE 2143  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO HSB 513)

A BILL FOR

1 An Act relating to permits to acquire and members of the armed  
2 forces of the United States or this state serving on active  
3 duty.

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

TLSB 5459HV (1) 85  
rh/rj



**Iowa General Assembly  
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H.F. 2143

1 Section 1. Section 724.15, subsection 2, Code 2014, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *f.* The person is a member of the armed  
4 forces of the United States or this state serving on federal  
5 active duty, state active duty, or national guard duty, as  
6 defined in section 29A.1.

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 Under current law, a person who desires to acquire ownership  
11 of any pistol or revolver is required to first obtain an annual  
12 permit to acquire (purchase) and the person must meet certain  
13 requirements and pay an annual fee. A person may be exempt  
14 from this requirement if the person transferring the pistol  
15 or revolver and the person acquiring the pistol or revolver  
16 are licensed federal firearms dealers; the pistol or revolver  
17 acquired is an antique firearm, a collector's item, a device  
18 which is not designed or redesigned for use as a weapon,  
19 a device which is designed solely for use as a signaling,  
20 pyrotechnic, line-throwing, safety, or similar device, or a  
21 firearm which is unserviceable by reason of being unable to  
22 discharge a shot by means of an explosive and is incapable  
23 of being readily restored to a firing condition; the person  
24 acquiring the pistol or revolver is authorized to do so on  
25 behalf of a law enforcement agency; transfers between certain  
26 close relatives unless the person transferring the pistol  
27 or revolver knows that the person acquiring the pistol or  
28 revolver in this situation would otherwise be disqualified from  
29 receiving a permit to acquire; or the person has obtained a  
30 valid permit to carry weapons.

31 This bill adds a person who is a member of the armed forces  
32 of the United States or this state serving on federal active  
33 duty, state active duty, or national guard duty to this list  
34 of exemptions.

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House File 2144 - Introduced

HOUSE FILE 2144  
BY DAWSON

A BILL FOR

- 1 An Act establishing exposure as a disorderly conduct criminal
- 2 offense, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5578YH (2) 85  
jm/rj



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H.F. 2144

1 Section 1. NEW SECTION. 723.6 Disorderly conduct —  
2 exposure.

3 1. A person who exposes the person's genitals or pubes  
4 to another not the person's spouse if the person knows or  
5 reasonably should know that the act is offensive to the viewer.

6 2. A person who violates this section commits a simple  
7 misdemeanor.

8 EXPLANATION

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

11 This bill establishes exposure as a disorderly conduct  
12 criminal offense.

13 Under the bill, a person commits disorderly conduct by  
14 exposing the person's genitals or pubes to another not the  
15 person's spouse if the person knows or reasonably should know  
16 the act is offensive to the viewer.

17 A person who violates the bill commits a simple misdemeanor  
18 and is not required to register as a sex offender as one who  
19 commits indecent exposure under Code section 709.9.

20 A simple misdemeanor is punishable by confinement for no  
21 more than 30 days or a fine of at least \$65 but not more than  
22 \$625 or by both.



Iowa General Assembly  
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House File 2145 - Introduced

HOUSE FILE 2145  
BY STECKMAN,  
WESSEL-KROESCHELL,  
STUTSMAN, GAINES, THEDE,  
ANDERSON, WOLFE, OURTH,  
HEDDENS, MEYER, MASCHER, M.  
SMITH, ABDUL-SAMAD, HANSON,  
H. MILLER, KAJTAZOVIC,  
MURPHY, GASKILL, OLDSON,  
SHEETS, RUNNING-MARQUARDT,  
HALL, GASSMAN, KOESTER, and  
WOOD

A BILL FOR

1 An Act relating to an award for rescuing a victim of human  
2 trafficking.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5557YH (3) 85  
jb/rj



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H.F. 2145

1 Section 1. NEW SECTION. 710A.6 Governor's award — rescue  
2 of victim of human trafficking.

3 A governor's award for the rescuing of a victim of human  
4 trafficking is established, to be awarded by the governor  
5 to one or more law enforcement officers who have rescued or  
6 assisted in rescuing a victim or victims of human trafficking.

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 establishes a governor's award to be awarded to law  
11 enforcement officers who rescue or assist in rescuing a victim  
12 or victims of human trafficking as defined by Code chapter  
13 710A.



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House File 2146 - Introduced

HOUSE FILE 2146  
BY THOMAS and MUHLBAUER

A BILL FOR

- 1 An Act relating to the use of RISE funds for improving
- 2 or maintaining highway access to residential housing
- 3 developments.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5814YH (4) 85  
dea/tm



**Iowa General Assembly  
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H.F. 2146

1 Section 1. Section 315.3, subsection 1, Code 2014, is  
 2 amended by adding the following new paragraph:  
 3 NEW PARAGRAPH. g. Improving or maintaining highway access  
 4 to residential housing developments.  
 5 Sec. 2. Section 315.11, Code 2014, is amended by adding the  
 6 following new subsection:  
 7 NEW SUBSECTION. 8. If the project provides access to  
 8 a residential housing development, the extent to which the  
 9 affected housing development supports the growth of existing  
 10 businesses and the attraction of new businesses in the  
 11 surrounding area.

EXPLANATION

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

15 The revitalize Iowa's sound economy (RISE) fund is  
 16 appropriated by law to be used in the establishment,  
 17 construction, improvement, and maintenance of roads and streets  
 18 which promote economic development in the state. The state  
 19 transportation commission selects projects to receive full  
 20 or partial funding based on certain factors and requirements  
 21 established in current law.

22 This bill provides that RISE funds may be awarded for a  
 23 project that has the effect of improving or maintaining highway  
 24 access to a residential housing development. The extent to  
 25 which an affected housing development supports the growth of  
 26 existing businesses and the attraction of new businesses in  
 27 the surrounding area is added to the list of criteria to be  
 28 considered in the selection process for qualifying projects.



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House File 2147 - Introduced

HOUSE FILE 2147  
BY HEIN

A BILL FOR

1 An Act relating to funding for Iowa roads by providing for an  
2 annual transfer of revenue from the Iowa economic emergency  
3 fund to the road use tax fund and for adjustments to the  
4 rate of the excise taxes on motor fuel and certain special  
5 fuel used in motor vehicles.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5389YH (5) 85  
dea/sc



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H.F. 2147

1 Section 1. Section 8.55, subsection 2, Code 2014, is amended  
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *Ob.* The remaining revenues not to exceed  
4 two hundred twenty million dollars for the fiscal year shall  
5 be transferred to the road use tax fund. The department of  
6 management shall certify to the department of revenue the  
7 amount transferred under this paragraph.

8 Sec. 2. Section 8.55, subsection 2, paragraph b, Code 2014,  
9 is amended to read as follows:

10 *b.* ~~The remainder of the excess, if any, Any excess remaining~~  
11 after the transfers required in paragraphs "a" and "Ob" shall be  
12 transferred to the general fund of the state.

13 Sec. 3. Section 452A.3, subsections 1 and 1A, Code 2014,  
14 are amended by striking the subsections and inserting in lieu  
15 thereof the following:

16 1. *a.* Except as otherwise provided in this section and in  
17 this division, this subsection shall apply to the excise tax  
18 imposed on each gallon of motor fuel used for any purpose for  
19 the privilege of operating motor vehicles in this state.

20 *b.* Until December 31, 2014, an excise tax of twenty cents is  
21 imposed on each gallon of motor fuel used for any purpose for  
22 the privilege of operating motor vehicles in this state. For  
23 the calendar year beginning January 1, 2015, and each calendar  
24 year thereafter, if the amount transferred to the road use  
25 tax fund for the fiscal year ending during the immediately  
26 preceding calendar year pursuant to section 8.55, subsection 2,  
27 is less than two hundred twenty million dollars, the rate of  
28 the tax shall be the sum of twenty cents plus the amount of the  
29 increase determined by the department pursuant to subsection  
30 1A.

31 1A. If the amount transferred to the road use tax fund  
32 for the fiscal year ending during the immediately preceding  
33 calendar year pursuant to section 8.55, subsection 2, is less  
34 than two hundred twenty million dollars, the amount of the  
35 increase to be applied to the tax rates under subsection 1



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1 and subsection 3, paragraph "b", subparagraph (1), shall be  
 2 an amount equal to the difference between two hundred twenty  
 3 million dollars and the amount transferred, divided by the  
 4 number of gallons of motor fuel and special fuel for diesel  
 5 engines of motor vehicles distributed in this state during the  
 6 fiscal year ending during the immediately preceding calendar  
 7 year, rounded to the nearest one-half cent. For purposes of  
 8 this subsection, only ethanol blended gasoline and gasoline  
 9 other than ethanol blended gasoline, not including aviation  
 10 gasoline, shall be used in determining the number of gallons of  
 11 motor fuel distributed.

12 Sec. 4. Section 452A.3, subsection 1C, Code 2014, is amended  
 13 to read as follows:

14 1C. The rate of the excise tax on E-85 gasoline imposed  
 15 in subsection 1B shall be determined based on the number of  
 16 gallons of E-85 gasoline that are distributed in this state  
 17 during the previous calendar year. The department shall  
 18 determine the actual tax paid for E-85 gasoline for each period  
 19 beginning January 1 and ending December 31. The amount of  
 20 the tax paid on E-85 gasoline during the past calendar year  
 21 shall be compared to the amount of tax on E-85 gasoline that  
 22 would have been paid using the tax rate for gasoline imposed  
 23 in subsection 1 ~~or 1A~~ and a difference shall be established.  
 24 If this difference is equal to or greater than twenty-five  
 25 thousand dollars, the tax rate for E-85 gasoline for the period  
 26 beginning July 1 following the end of the determination period  
 27 shall be the rate in effect as stated in subsection 1 ~~or 1A~~.

28 Sec. 5. Section 452A.3, subsection 3, Code 2014, is amended  
 29 to read as follows:

30 3. a. For the privilege of operating motor vehicles or  
 31 aircraft in this state, there is imposed an excise tax on the  
 32 use of special fuel in a motor vehicle or aircraft. ~~The~~  
 33 b. (1) Until December 31, 2014, the tax rate on special  
 34 fuel for diesel engines of motor vehicles is twenty-two and  
 35 one-half cents per gallon. For the calendar year beginning



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1 January 1, 2015, and each calendar year thereafter, if the  
 2 amount transferred to the road use tax fund for the fiscal year  
 3 ending during the immediately preceding calendar year pursuant  
 4 to section 8.55, subsection 2, is less than two hundred twenty  
 5 million dollars, the rate of the tax shall be the sum of  
 6 twenty-two and one-half cents plus the amount of the increase  
 7 determined by the department pursuant to subsection 1A.

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

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

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

18     Sec. 6. Section 452A.3, Code 2014, is amended by adding the  
 19 following new subsection:

20     NEW SUBSECTION. 8. Annually by December 15, the director  
 21 shall cause an advisory notice to be published in the Iowa  
 22 administrative bulletin and in a newspaper of general  
 23 circulation in this state, stating the rate of taxes to be  
 24 in effect on or after January 1 of the following year, as  
 25 established pursuant to subsection 1, subsection 1A, and  
 26 subsection 3, paragraph "b". The publication of the rate of tax  
 27 by the director is exempt from chapter 17A.

28     Sec. 7. APPLICABILITY — INVENTORY TAX. Notwithstanding  
 29 section 452A.85, persons who have title to motor fuel, ethanol  
 30 blended gasoline, undyed special fuel, compressed natural gas,  
 31 or liquefied petroleum gas in storage and held for sale on  
 32 the effective date of an increase in the rate of excise tax  
 33 imposed on motor fuel, ethanol blended gasoline, or special  
 34 fuel pursuant to this Act shall not be subject to an inventory  
 35 tax on the gallonage in storage as provided in section 452A.85

LSB 5389YH (5) 85

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dea/sc

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1 as a result of the tax increases provided in this Act.

2 **EXPLANATION**

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

5       This bill provides additional funding annually for Iowa  
6 roads.

7       Currently, when the amount of moneys in the Iowa economic  
8 emergency fund is equal to the maximum balance allowed by law,  
9 the first \$60 million of the difference between the actual  
10 net revenue for the general fund of the state for the fiscal  
11 year and the adjusted revenue estimate for the fiscal year is  
12 transferred to the taxpayers trust fund, and any remaining  
13 excess funds are transferred to the general fund of the state.  
14 This bill provides that after the transfer of \$60 million  
15 to the taxpayers trust fund, any remaining revenues, up to  
16 a maximum of \$220 million, shall be transferred to the road  
17 use tax fund, and any excess remaining after that shall be  
18 transferred to the general fund of the state. The department  
19 of management is required to certify to the department of  
20 revenue the amount transferred to the road use tax fund. For  
21 years in which the amount transferred to the road use tax fund  
22 from the economic emergency fund is less than \$220 million,  
23 the bill provides for an automatic temporary increase in the  
24 excise taxes on motor fuel and special fuel for diesel engines  
25 of motor vehicles to supplement the amount transferred.

26       Under current law, the rate of the excise tax on ethanol  
27 blended gasoline and motor fuel other than ethanol blended  
28 gasoline is determined according to a distribution percentage  
29 formula that expires on June 30, 2014. After that, the rate of  
30 the excise tax on all motor fuel will be 20 cents per gallon.  
31 The rate of the excise tax on special fuel used in diesel  
32 engines of motor vehicles is currently 22.5 cents per gallon.

33       Under the bill, the rate of the excise taxes on motor fuel  
34 and special fuel used in diesel engines of motor vehicles  
35 will remain at 20 cents per gallon and 22.5 cents per gallon,

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dea/sc



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1 respectively, provided the amount transferred from the economic  
2 emergency fund to the road use tax fund for the fiscal year  
3 ending during the immediately preceding calendar year equals  
4 \$220 million. Beginning January 1, 2015, and each January  
5 1 thereafter, if the amount transferred for the fiscal year  
6 ending during the immediately preceding calendar year is less  
7 than \$220 million, the excise taxes on motor fuel and special  
8 fuel for diesel engines of motor vehicles will be temporarily  
9 increased for one calendar year at a rate calculated to reach  
10 the \$220 million target. The department of revenue shall  
11 determine the rate of the increase in the excise taxes by  
12 calculating the difference between \$220 million and the actual  
13 amount transferred, dividing the difference by the number of  
14 gallons of motor fuel and special fuel for diesel engines of  
15 motor vehicles distributed in the state during the fiscal year  
16 ending during the immediately preceding calendar year, and  
17 rounding that result to the nearest one-half cent. The bill  
18 specifies that aviation gasoline is not to be included for  
19 purposes of calculating the number of gallons of motor fuel  
20 distributed. By operation of law, the rate determined under  
21 the bill for motor fuel is also the rate for special fuel that  
22 is not for diesel engines of motor vehicles or for aircraft,  
23 and under specified circumstances, the rate determined under  
24 the bill for motor fuel may also be the rate for E-85 gasoline.

25 The bill requires the director of revenue to have an advisory  
26 notice published in the Iowa administrative bulletin and in a  
27 newspaper of general circulation in the state by December 15  
28 annually stating the rate of the taxes on motor fuel, special  
29 fuel for diesel engines of motor vehicles, and other affected  
30 fuels to be in effect the following January 1.

31 Pursuant to current law, when the rate of excise tax on  
32 motor fuel, ethanol blended gasoline, undyed special fuel,  
33 compressed natural gas, or liquefied petroleum gas is increased  
34 by more than one-half cent per gallon, a person who has title  
35 to such fuel held in storage for eventual sale is subject to an

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1 inventory tax based on the gallonage in storage at the close of  
2 the business day preceding the effective date of the increase.  
3 The bill waives that requirement by stating that the inventory  
4 tax shall not be imposed as a result of the tax increases  
5 provided in the bill.



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House File 2148 - Introduced

HOUSE FILE 2148  
BY FORBES, OURTH, THOMAS,  
LENSING, STUTSMAN, COHOON,  
KEARNS, STAED, RUFF,  
ISENHART, and ANDERSON

A BILL FOR

1 An Act relating to an individual income tax credit for  
2 reserve peace officers and including effective date and  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5711YH (3) 85  
mm/sc



**Iowa General Assembly  
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H.F. 2148

1 Section 1. Section 422.12, subsection 1, Code 2014, is  
 2 amended by adding the following new paragraph:  
 3 NEW PARAGRAPH. *0c.* "Reserve peace officer" means a  
 4 reserve peace officer as defined in section 80D.1A who has met  
 5 the minimum training standards established by the Iowa law  
 6 enforcement academy pursuant to chapter 80D.  
 7 Sec. 2. Section 422.12, subsection 2, Code 2014, is amended  
 8 by adding the following new paragraph:  
 9 NEW PARAGRAPH. *d.* (1) A reserve peace officer credit equal  
 10 to fifty dollars to compensate the taxpayer for services as a  
 11 reserve peace officer if the reserve peace officer served for  
 12 the entire tax year.  
 13 (2) If the taxpayer is not a reserve peace officer for  
 14 the entire tax year, the maximum amount of the credit shall  
 15 be prorated and the amount of credit for the taxpayer shall  
 16 equal the maximum amount of credit for the tax year, divided  
 17 by twelve, multiplied by the number of months in the tax year  
 18 the taxpayer was a reserve peace officer. The credit shall be  
 19 rounded to the nearest dollar. If the taxpayer is a reserve  
 20 peace officer any part of a month, the taxpayer shall be  
 21 considered a reserve peace officer for the entire month.  
 22 (3) If the taxpayer is a reserve peace officer during the  
 23 same month as the taxpayer is a volunteer fire fighter or  
 24 volunteer emergency medical services personnel, as defined in  
 25 this section, a credit may be claimed for only one position for  
 26 that month under either this paragraph or paragraph "c".  
 27 (4) The taxpayer is required to have a written statement  
 28 from the chief of police, sheriff, commissioner of public  
 29 safety, or other appropriate supervisor verifying that the  
 30 taxpayer was a reserve peace officer for the months for which  
 31 the credit under this paragraph is claimed.  
 32 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,  
 33 2015.  
 34 Sec. 4. APPLICABILITY. This Act applies to tax years  
 35 beginning on or after January 1, 2015.

LSB 5711YH (3) 85  
mm/sc



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H.F. 2148

1 EXPLANATION

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

4 This bill provides a nonrefundable individual income tax  
5 credit for an individual who is a reserve peace officer who  
6 meets the minimum training standards and who served as a  
7 reserve peace officer for the entire tax year. The credit  
8 is to compensate the individual for services as a reserve  
9 peace officer. The amount of the credit equals \$50. If the  
10 individual was not a reserve peace officer for the entire tax  
11 year, the amount of the credit is prorated based upon the  
12 months of service as a reserve peace officer. If the taxpayer  
13 is also a volunteer fire fighter or volunteer emergency medical  
14 services personnel for which a credit is allowed under Code  
15 section 422.12 for any month, the taxpayer shall only be  
16 allowed to claim a credit for one position for that month.  
17 The bill takes effect January 1, 2015, and applies to tax  
18 years beginning on or after that date.



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House File 2149 - Introduced

HOUSE FILE 2149  
BY BYRNES

(COMPANION TO LSB 5791SS BY  
BOWMAN)

**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 5791HH (3) 85  
dea/sc



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H.F. 2149

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.)

LSB 5791HH (3) 85



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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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House File 2150 - Introduced

HOUSE FILE 2150  
BY ISENHART

**A BILL FOR**

1 An Act making an appropriation to celebrate the twenty-fifth  
2 anniversary of the resource enhancement and protection  
3 program.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5385YH (3) 85  
da/rj



**Iowa General Assembly  
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H.F. 2150

1 Section 1. REAP ANNIVERSARY — APPROPRIATION.

2 1. There is appropriated from the general fund of the state  
3 to the department of natural resources for the fiscal year  
4 beginning July 1, 2014, and ending June 30, 2015, the following  
5 amount, or so much thereof as is necessary, to be used for the  
6 purposes designated:

7 For purposes of celebrating the twenty-fifth anniversary  
8 of the resource enhancement and protection program including  
9 the Iowa resources enhancement and protection fund, the Iowa  
10 congress on resources enhancement and protection, and county  
11 resource enhancement committees, as provided in chapter 455A:  
12 ..... \$ 650,000

13 2. Of the amount appropriated in subsection 1, at least  
14 \$495,000 shall be used to provide grants to public entities or  
15 nonprofit organizations operating within counties to pay for  
16 the direct costs associated with sponsoring public events to  
17 commemorate the anniversary. The department shall consider  
18 not more than one application submitted by the same public  
19 entity or nonprofit organization operating within a county.  
20 All public entities or nonprofit organizations operating within  
21 a county shall not receive more than \$5,000 for sponsoring a  
22 public event within a county. However, the department shall  
23 award moneys on a dollar-for-dollar match with moneys to be  
24 contributed by a public entity or nonprofit organization  
25 applying for the grant.

26 3. Of the amount appropriated in subsection 1, at least  
27 \$122,500 shall be used to provide a grant to one or more  
28 statewide nonprofit organizations to pay for the direct  
29 costs associated with sponsoring public events to commemorate  
30 the anniversary. The public events must be conducted in  
31 at least twelve state parks or recreation areas throughout  
32 the state. However, the department shall award moneys on a  
33 dollar-for-dollar match with moneys to be contributed by a  
34 nonprofit organization applying for the award.

35 4. The department shall not expend more than \$32,500 for

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da/rj



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1 costs associated with administering this section.

2 5. Notwithstanding section 8.33, moneys appropriated in  
3 this section that remain unencumbered or unobligated at the  
4 close of the fiscal year shall not revert but shall remain  
5 available for expenditure for the purposes designated until the  
6 close of the fiscal year beginning July 1, 2015.

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 appropriates \$650,000 from the state general fund  
11 to the department of natural resources (DNR) for purposes of  
12 celebrating the 25th anniversary of the resource enhancement  
13 and protection program. DNR must expend 95 percent of  
14 the appropriation to provide grants to a public entity or  
15 nonprofit organization operating within a county and one or  
16 more statewide nonprofit organizations to pay for the direct  
17 costs associated with sponsoring public events to commemorate  
18 the anniversary. DNR may retain 5 percent for purposes of  
19 administration. Moneys remaining, unencumbered or unobligated  
20 at the close of the fiscal year, are eligible for expenditure  
21 until the close of the fiscal year beginning July 1, 2015.



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House File 2151 - Introduced

HOUSE FILE 2151

BY BEARINGER, KAUFMANN,  
FORBES, DUNKEL, OURTH,  
MURPHY, THOMAS, WOOD,  
GRASSLEY, MUHLBAUER, and  
RUFF

A BILL FOR

1 An Act eliminating a restriction on a person associated with  
2 a county agricultural extension district from engaging in  
3 certain activities affecting legislation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5735YH (4) 85  
da/nh



**Iowa General Assembly  
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H.F. 2151

1 Section 1. Section 176A.9, subsection 2, Code 2014, is  
2 amended to read as follows:

3 2. a. The extension district, its council, or a member  
4 or an employee as a representative of either one or the other  
5 shall not engage in commercial or other private enterprises,  
6 ~~legislative programs, nor attempt in any manner by the adoption~~  
7 ~~of resolutions or otherwise to influence legislation, either~~  
8 ~~state or national,~~ or other activities not authorized by this  
9 chapter.

10 b. Nothing in this chapter prohibits an extension district,  
11 its council, or a member or an employee as described in  
12 paragraph "a" from engaging in a state or federal legislative  
13 program or becoming involved in the state or federal  
14 legislative process.

EXPLANATION

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

18 This bill amends a provision which restricts a person  
19 associated with a county agricultural extension district,  
20 organized under Code chapter 176A, from engaging in certain  
21 activities which involve commercial or other private  
22 enterprises, legislative programs, or the influence of state or  
23 federal legislation. This includes a member of the district's  
24 county agricultural extension council, or an employee or  
25 representative of either the council or the district.

26 The bill eliminates the restriction upon such a person from  
27 engaging in a legislative program or influencing legislation  
28 and replaces it with a provision which allows a person to so  
29 act.



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House File 2152 - Introduced

HOUSE FILE 2152  
BY KOESTER, R. TAYLOR, HEATON,  
MOORE, STANERSON, and  
KAUFMANN

A BILL FOR

1 An Act to require radon testing and mitigation in public  
2 schools.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5831HH (4) 85  
je/sc



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1 Section 1. NEW SECTION. 280.30 Radon testing and  
2 mitigation.

3 1. For purposes of this section, "short-term test" means  
4 a test approved by the department of public health in which a  
5 testing device remains in an area for not less than two days  
6 and not more than ninety days to determine the amount of radon  
7 in the air that is acceptable for human inhalation.

8 2. The board of directors of each public school district  
9 shall establish a schedule for a short-term testing for radon  
10 gas to be performed at each attendance center under its control  
11 at least once by June 30, 2025, and at least once every ten  
12 years thereafter, and following any new construction of an  
13 attendance center or additions, renovations, or repairs to an  
14 attendance center, unless otherwise provided by subsection 5.

15 3. If the results of a test at an attendance center are at  
16 or above four picocuries per liter, the board of directors of  
17 the public school district shall have a second short-term test  
18 for radon gas and radon progeny performed at the attendance  
19 center within ninety days of the first short-term test.

20 4. If the results of a second test at an attendance center  
21 pursuant to subsection 3 are at or above four picocuries per  
22 liter, the board of directors of the public school district  
23 shall retain a person credentialed to perform radon abatement  
24 measures pursuant to section 136B.1 to develop a radon  
25 mitigation plan within ninety days of the second short-term  
26 test. The board shall implement the radon mitigation plan  
27 within one year of the second short-term test.

28 5. a. The board of directors of each public school district  
29 shall have a short-term test for radon gas and radon progeny  
30 performed every other year at any attendance center that has  
31 implemented a radon mitigation plan pursuant to subsection 4 or  
32 an alternative radon mitigation plan pursuant to paragraph "b"  
33 of this subsection.

34 b. If the results of a biennial test at an attendance  
35 center are at or above four picocuries per liter, the board of

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1 directors of the public school district shall retain a person  
2 credentialed to perform radon abatement measures pursuant to  
3 section 136B.1 to develop an alternative radon mitigation plan  
4 within ninety days of the biennial test. The board shall  
5 implement the alternative radon mitigation plan within one year  
6 of the biennial test.

7 *c.* The board of directors of each public school district  
8 shall continue biennial radon testing at an attendance center  
9 until the results of biennial radon testing at the attendance  
10 center have been less than four picocuries per liter for four  
11 consecutive years.

12 6. Radon testing pursuant to this section shall be conducted  
13 by a person certified to conduct such testing pursuant to  
14 section 136B.1 and shall be conducted as prescribed by the  
15 department of public health. Radon mitigation plans and  
16 alternative radon mitigation plans pursuant to this section  
17 shall be developed and implemented as prescribed by the  
18 department of public health.

19 7. The department of public health and the department of  
20 education shall each adopt rules to jointly administer this  
21 section.

22 Sec. 2. Section 298.3, subsection 1, Code 2014, is amended  
23 by adding the following new paragraph:

24 NEW PARAGRAPH. *n.* Radon testing and radon mitigation  
25 pursuant to section 280.30.

26 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance  
27 with section 25B.2, subsection 3, the state cost of requiring  
28 compliance with any state mandate included in this Act shall  
29 be paid by a school district from state school foundation aid  
30 received by the school district under section 257.16. This  
31 specification of the payment of the state cost shall be deemed  
32 to meet all of the state funding-related requirements of  
33 section 25B.2, subsection 3, and no additional state funding  
34 shall be necessary for the full implementation of this Act  
35 by and enforcement of this Act against all affected school

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1 districts.

2

EXPLANATION

3

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

4

5 This bill requires the board of directors of each public  
6 school district to have a short-term test for radon gas  
7 performed at each attendance center under its control at  
8 least once by June 30, 2025, and at least once every 10 years  
9 thereafter, and following new construction of an attendance  
10 center or additions, renovations, or repairs to an attendance  
11 center. If the results of such a test are at or above four  
12 picocuries per liter, the bill requires the board to have a  
13 second short-term test performed at the attendance center  
14 within 90 days.

15 If the results of a second test are at or above four  
16 picocuries per liter, the bill requires the board of directors  
17 of the public school district to retain a person credentialed  
18 to perform radon abatement measures to develop a radon  
19 mitigation plan within 90 days. The radon mitigation plan must  
20 be implemented within one year.

21 If the results of a short-term test at an attendance center  
22 at which a radon mitigation plan has been implemented are at or  
23 above four picocuries per liter, the bill requires the board  
24 of directors of the public school district to retain a person  
25 credentialed to perform radon abatement measures to develop  
26 an alternative radon mitigation plan within 90 days. The  
27 alternative radon mitigation plan must be implemented within  
28 one year.

29 The bill requires biennial, short-term radon testing for any  
30 school site at which a radon mitigation plan or an alternative  
31 radon mitigation plan has been implemented, which continues  
32 until the results have been less than four picocuries per liter  
33 for four consecutive years.

34 The bill defines "short-term test" as a test approved by  
35 the department of public health in which a testing device

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1 remains in an area for not less than two days and not more than  
2 90 days to determine the amount of radon in the air that is  
3 acceptable for human inhalation. Radon testing pursuant to the  
4 bill must be conducted by a person certified to conduct such  
5 testing and must be conducted as prescribed by the department  
6 of public health. Radon mitigation plans and alternative radon  
7 mitigation plans pursuant to the bill must be developed and  
8 implemented as prescribed by the department of public health.

9 The bill requires the department of public health and  
10 the department of education to each adopt rules to jointly  
11 administer the provisions of the bill relating to radon testing  
12 in schools.

13 The bill adds radon testing and radon mitigation pursuant to  
14 the bill to the list of permissible uses of a physical plant  
15 and equipment levy by a school district.

16 The bill may include a state mandate as defined in Code  
17 section 25B.3. The bill requires that the state cost of  
18 any state mandate included in the bill be paid by a school  
19 district from state school foundation aid received by the  
20 school district under Code section 257.16. The specification  
21 is deemed to constitute state compliance with any state mandate  
22 funding-related requirements of Code section 25B.2. The  
23 inclusion of this specification is intended to reinstate the  
24 requirement of political subdivisions to comply with any state  
25 mandates included in the bill.



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**House File 2153 - Introduced**

HOUSE FILE 2153  
BY MURPHY

(COMPANION TO SF 2029 BY  
BOLKCOM)

**A BILL FOR**

1 An Act directing the state board of regents and the  
2 department of education to convene a commission to study  
3 financing strategies for the state's public postsecondary  
4 institutions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5208YH (3) 85  
kh/sc



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1 Section 1. STUDY OF FINANCING STRATEGIES FOR PUBLIC  
2 POSTSECONDARY INSTITUTIONS.

3 1. The state board of regents and the department  
4 of education shall convene a commission consisting of  
5 representatives of the community colleges and the institutions  
6 of higher education governed by the board to study financing  
7 strategies, as described in this section, for the state's  
8 public postsecondary institutions.

9 2. a. The commission shall study the feasibility of  
10 establishing the alternative payment pilot program described  
11 in paragraph "b" to replace the current system of charging  
12 students tuition and fees for enrollment at public institutions  
13 of higher learning. The commission shall, at a minimum, review  
14 the following:

15 (1) Potential short-term and long-term funding sources for  
16 the pilot program.

17 (2) The manner and extent to which a student who withdraws  
18 from the participating institution will pay for the education  
19 credits earned.

20 (3) The maximum number of years a student may be enrolled in  
21 the participating institution under the pilot program.

22 (4) The rate of payment by students necessary to sustain the  
23 pilot program.

24 (5) Deferment of payment or a reduced rate of payment for  
25 students who after graduation are unemployed or underemployed.

26 (6) How the state or the participating institution may fund  
27 the pilot program's implementation.

28 (7) How the state or the participating institution may  
29 collect accurate income data on students who move out of state.

30 (8) How the state or the participating institution may  
31 collect and enforce payments from students.

32 (9) How the pilot program may account for and apply to  
33 part-time students, transfer students, mid-career students, and  
34 other nontraditional students.

35 (10) How the pilot program may function with federal and

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1 state financial aid programs.

2 (11) The provisions or services that may be provided to  
3 low-income students under the pilot program.

4 (12) Whether participation in the pilot program should be  
5 limited to specific academic programs, such as programs that  
6 lead to employment in workforce shortage areas.

7 (13) The "pay forward, pay back" pilot program considered by  
8 the Oregon higher education coordinating commission.

9 b. If the commission determines that a pilot program is  
10 warranted, the commission shall identify one or more public  
11 institutions of higher education to participate in the pilot  
12 program and shall submit the proposed pilot program in the  
13 report required under subsection 4.

14 (1) The proposed pilot program submitted by the commission  
15 shall do the following:

16 (a) Allow students who are residents of this state, as  
17 defined by the participating institution, and who qualify for  
18 admission to the participating institution to enroll in the  
19 participating institution without paying tuition or fees.

20 (b) Provide that, in lieu of paying tuition or fees,  
21 students must sign binding contracts to, upon graduation from  
22 the participating institution, pay to the state of Iowa or the  
23 participating institution a certain percentage of the student's  
24 annual adjusted gross income for a specified number of years.

25 (c) Specify the methodology by which the number of years and  
26 the percentage of annual adjusted gross income for contracts  
27 shall be determined and base the specifications on research to  
28 date.

29 (d) Establish an immediate funding source for the first 15  
30 to 20 years of the pilot program and include the establishment  
31 of a revolving fund to deposit payments made under the pilot  
32 program.

33 (2) The proposed pilot program submitted by the commission,  
34 and the contracts entered into under the program, may vary by  
35 institution depending on factors which include but are not

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1 limited to the following:

2 (a) The total cost of education at the participating  
3 institution.

4 (b) The portion of the cost of education that is paid by  
5 appropriations of funds from the state of Iowa.

6 3. The commission shall also conduct a study of whether  
7 the state's public postsecondary institutions can successfully  
8 implement a tuition freeze that will guarantee incoming  
9 undergraduate students the same tuition rate for four years.  
10 The study must include an analysis of:

11 a. The western tuition promise program offered by western  
12 Oregon university.

13 b. The finish in four program proposed in Florida, and  
14 similar programs.

15 c. Options for mitigating the financial strain that the  
16 adoption of a tuition freeze would place on an institution's  
17 finances.

18 4. The commission shall submit its findings and  
19 recommendations in a report to the state board of education,  
20 the state board of regents, the governor, and the general  
21 assembly by January 15, 2015.

22 EXPLANATION

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

25 This bill directs the state board of regents and the  
26 department of education to convene a commission consisting of  
27 representatives of the community colleges and the institutions  
28 of higher education governed by the board to conduct two  
29 studies regarding financing strategies related to payment of  
30 tuition and fees at public postsecondary institutions.

31 The commission is directed to study the feasibility of  
32 creating an alternative payment pilot program to replace the  
33 current system of charging students tuition and fees for  
34 enrollment at public institutions of higher learning.

35 With regard to the pilot program study, the commission is

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1 directed to, at a minimum, review issues relating to funding  
2 sources for the pilot program, student payments under the  
3 pilot program, the scope of the pilot program in regards  
4 to participation of students and academic programs, data  
5 collection under the pilot program, and the manner in which the  
6 pilot program may function with federal and state financial  
7 aid programs. The commission is also directed to review the  
8 "pay forward, pay back" pilot program considered by the Oregon  
9 education coordinating commission.

10 The proposed pilot program submitted by the commission  
11 shall allow students who are residents of this state, and  
12 who qualify for admission, to enroll in the participating  
13 institution without paying tuition or fees; provided that,  
14 in lieu of paying tuition or fees, students sign binding  
15 contracts to pay to the state or the participating institution  
16 a certain percentage of the student's annual adjusted gross  
17 income upon graduation from the participating institution  
18 for a specified number of years. The pilot program is to  
19 specify the methodology by which the number of years and the  
20 percentage of annual adjusted gross income for contracts shall  
21 be determined and base the specifications on research to date  
22 and to establish an immediate funding source for the first  
23 15 to 20 years of the pilot program, which is to include the  
24 establishment of a revolving fund to deposit payments made  
25 under the pilot program.

26 The proposed pilot program may vary by institution depending  
27 on the total cost of education at the participating institution  
28 and the portion of the cost that is paid by the state.

29 The commission is also directed to study the question of  
30 whether the state's public postsecondary institutions can  
31 successfully implement a tuition freeze that will guarantee  
32 that incoming undergraduate students have the same tuition  
33 rate for four years. The study must include an analysis of a  
34 tuition promise program offered by western Oregon university,  
35 the finish in four program proposed in Florida and similar

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1 programs, and ways of mitigating the financial strain that the  
2 adoption of a tuition freeze would place on an institution's  
3 finances.

4 The commission must submit its findings and recommendations  
5 in a report to the state board of education, the state board of  
6 regents, the governor, and the general assembly by January 15,  
7 2015.



Iowa General Assembly  
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House File 2154 - Introduced

HOUSE FILE 2154  
BY WINDSCHITL

A BILL FOR

- 1 An Act relating to sex offenders registering in the county
- 2 where the sex offense requiring registration occurred, and
- 3 providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5790YH (3) 85  
jm/rj



**Iowa General Assembly  
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H.F. 2154

1 Section 1. Section 692A.104, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. A sex offender, at the time of initial  
4 registration, shall also appear one time in person to register  
5 with the sheriff in the county where the sex offense requiring  
6 registration occurred, if not required to register for another  
7 purpose in that county, within five days of being required to  
8 register under section 692A.103.

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 relates to sex offenders registering in the county  
13 where the sex offense requiring registration occurred.

14 The bill requires a sex offender, at the time of initial  
15 registration, to appear in person one time to register with  
16 the sheriff in the county where the sex offense requiring  
17 registration occurred, if not required to register for another  
18 purpose in that county, within five days of being required to  
19 register.

20 A sex offender who violates the bill commits an aggravated  
21 misdemeanor for a first offense and a class "D" felony for  
22 a second or subsequent offense. If a sex offender, while  
23 in violation of the registration requirement under the bill,  
24 commits an aggravated offense against a minor, a sex offense  
25 against a minor, or a sexually violent offense, is guilty of  
26 a class "C" felony. A sex offender is also prohibited from  
27 receiving a deferred judgment or sentence for a violation of  
28 the bill.

29 An aggravated misdemeanor is punishable by confinement for  
30 no more than two years and a fine of at least \$625 but not more  
31 than \$6,250. A class "D" felony is punishable by confinement  
32 for no more than five years and a fine of at least \$750 but  
33 not more than \$7,500. A class "C" felony is punishable by  
34 confinement for no more than 10 years and a fine of at least  
35 \$1,000 but not more than \$10,000.

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House File 2155 - Introduced

HOUSE FILE 2155  
BY KRESSIG

A BILL FOR

- 1 An Act concerning lubrication requirements for certain state
- 2 vehicles.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5595HH (2) 85  
ec/rj



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H.F. 2155

1 Section 1. Section 8A.362, subsection 3, Code 2014, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. c. The director shall require that a  
4 state-assigned motor vehicle with a fifth-wheel connection  
5 shall only be lubricated using biodegradable grease that does  
6 not contain petroleum.

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 requires the director of the department of  
11 administrative services to require that state-assigned motor  
12 vehicles with a fifth-wheel connection use biodegradable grease  
13 for purposes of lubrication.



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House File 2156 - Introduced

HOUSE FILE 2156  
BY FISHER

A BILL FOR

- 1 An Act concerning employment rights for certain state
- 2 employees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5935HH (3) 85  
ec/sc



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H.F. 2156

1 Section 1. Section 8A.413, subsection 13, Code 2014, is  
 2 amended to read as follows:  
 3 13. For transfer from a position in one state agency  
 4 to a similar position in the same state agency or another  
 5 state agency involving similar qualifications, duties,  
 6 responsibilities, and salary ranges. Whenever an employee  
 7 transfers or is transferred from one state agency to another  
 8 state agency, the employee's seniority rights, any accumulated  
 9 sick leave, and accumulated vacation time, as provided in  
 10 the law, shall be transferred to the new place of employment  
 11 and credited to the employee. Employees who are subject to  
 12 contracts negotiated under chapter 20 which include transfer  
 13 provisions shall be governed by the contract provisions. In  
 14 addition, the rules shall provide that an employee who resigns  
 15 from a position in one state agency and commences employment in  
 16 a similar position with another state agency involving similar  
 17 qualifications, duties, responsibilities, and salary ranges  
 18 within fifteen days of the employee's resignation shall be  
 19 deemed to be a transfer from one state agency to another state  
 20 agency for purposes of the protections of this subsection.

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 requires the department of administrative services  
 25 to adopt rules relative to state human resource management  
 26 providing that an employee who resigns from a position in one  
 27 state agency and commences employment in a similar position  
 28 with another state agency within 15 days shall be deemed to  
 29 have transferred from one state agency to another state agency  
 30 for purposes of transferring the employee's seniority rights,  
 31 any accumulated sick leave, and accumulated vacation time, to  
 32 the new place of employment.

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 ec/sc



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**House File 2157 - Introduced**

HOUSE FILE 2157

BY PETTENGILL and R. OLSON

**A BILL FOR**

1 An Act relating to state agency decision making.

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

TLSB 5937HH (4) 85  
jr/rj



**Iowa General Assembly  
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H.F. 2157

1 Section 1. Section 9A.105, subsection 1, paragraph h, Code  
2 2014, is amended to read as follows:

3 *h.* Whether the applicant or any person named pursuant to  
4 paragraph “g” has been convicted of a ~~crime~~ felony that, if  
5 committed in this state, would be a crime involving moral  
6 turpitude ~~or which is a felony~~, and identify the ~~crime~~ felony.

7 Sec. 2. Section 9A.106, subsection 2, paragraph a, Code  
8 2014, is amended to read as follows:

9 *a.* Been convicted of a ~~crime~~ felony that, if committed in  
10 this state, would be a crime involving moral turpitude ~~or a~~  
11 felony.

12 Sec. 3. Section 17A.3, subsection 1, paragraph a, Code 2014,  
13 is amended to read as follows:

14 *a.* (1) Adopt as a rule a description of the organization of  
15 the agency which states the general course and method of its  
16 operations, the administrative subdivisions of the agency and  
17 the programs implemented by each of them, a statement of the  
18 mission of the agency, and the methods by which and location  
19 where the public may obtain information or make submissions or  
20 requests.

21 (2) Each board, commission, or other multimember agency  
22 shall follow Robert’s rules of order in governing the conduct  
23 of agency meetings unless it is inconsistent with Iowa law.

24 Sec. 4. Section 17A.4, subsection 1, paragraph b, Code 2014,  
25 is amended to read as follows:

26 *b.* (1) Afford all interested persons not less than twenty  
27 days to submit data, views, or arguments in writing, including  
28 in an electronic format. If timely requested in writing by  
29 twenty-five interested persons, by a governmental subdivision,  
30 by the administrative rules review committee, by an agency, or  
31 by an association having not less than twenty-five members, the  
32 agency must give interested persons an opportunity to make oral  
33 presentation.

34 (2) The agency shall provide an opportunity to make these  
35 oral presentations using the Iowa communications network



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1 or other electronic means if a request is received from  
 2 twenty-five interested persons residing in the same city or  
 3 county.

4     (3) The opportunity for oral presentation must be held  
 5 at least twenty days after publication of the notice of its  
 6 time and place in the Iowa administrative bulletin. The  
 7 agency shall consider fully all written and oral submissions  
 8 respecting the proposed rule. Within one hundred eighty  
 9 days following either the notice published according to the  
 10 provisions of paragraph "a" or within one hundred eighty  
 11 days after the last date of the oral presentations on the  
 12 proposed rule, whichever is later, the agency shall adopt a  
 13 rule pursuant to the rulemaking proceeding or shall terminate  
 14 the proceeding by publishing notice of termination in the Iowa  
 15 administrative bulletin.

16     Sec. 5. Section 17A.4, subsection 2, Code 2014, is amended  
 17 to read as follows:

18     2. An agency shall include in a preamble to each rule it  
 19 adopts a specific reference to the Code section or sections  
 20 being implemented and a brief explanation of the principal  
 21 reasons for its action and, if applicable, a brief explanation  
 22 of the principal reasons for its failure to provide in that  
 23 rule for the waiver of the rule in specified situations  
 24 if no such waiver provision is included in the rule. This  
 25 explanatory requirement does not apply when the agency adopts a  
 26 rule that only defines the meaning of a provision of law if the  
 27 agency does not possess delegated authority to bind the courts  
 28 to any extent with its definition. In addition, if requested  
 29 to do so by an interested person, either prior to adoption  
 30 or within thirty days thereafter, the agency shall issue a  
 31 concise statement of the principal reasons for and against the  
 32 rule adopted, incorporating therein the reasons for overruling  
 33 considerations urged against the rule. This concise statement  
 34 shall be issued either at the time of the adoption of the  
 35 rule or within thirty five days after the agency receives the

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jr/rj

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1 ~~request.~~

2     Sec. 6. NEW SECTION. 17A.24 Rule implementation of federal  
3 statute, regulation, or policy.

4     1. Except as otherwise explicitly authorized by state law,  
5 an agency charged with the implementation of a federal statute,  
6 regulation, or policy shall not implement the federal statute,  
7 regulation, or policy in a manner that exceeds the specific  
8 requirements of the federal statute, regulation, or policy.

9     2. Any portion of an agency rule or policy that implements  
10 a federal statute, regulation, or policy and that exceeds the  
11 specific requirements of the federal statute, regulation, or  
12 policy is automatically superceded by the specific requirements  
13 of that federal statute, regulation, or policy.

14     Sec. 7. Section 80A.4, subsection 1, paragraph g, Code 2014,  
15 is amended to read as follows:

16     g. Has not been convicted of a ~~crime described in section~~  
17 ~~708.3, 708.4, 708.5, 708.6, 708.8, or 708.9~~ felony.

18     Sec. 8. Section 99G.24, subsection 7, paragraph a, Code  
19 2014, is amended to read as follows:

20     a. Has been convicted of a ~~criminal offense~~ public offense  
21 related to the security or integrity of the lottery in this or  
22 any other jurisdiction.

23     Sec. 9. Section 135C.33, subsection 1, paragraph a, Code  
24 2014, is amended to read as follows:

25     a. For the purposes of this section, ~~the term "crime" does~~  
26 ~~not include offenses under chapter 321 classified as a simple~~  
27 ~~misdemeanor or equivalent simple misdemeanor offenses from~~  
28 ~~another jurisdiction~~ means an aggravated misdemeanor or felony.

29     Sec. 10. Section 147.55, subsection 5, Code 2014, is amended  
30 to read as follows:

31     5. Conviction of ~~a crime~~ an aggravated misdemeanor or felony  
32 related to the profession or occupation of the licensee or the  
33 conviction of ~~any crime~~ an aggravated misdemeanor or felony  
34 that would directly affect the licensee's ability to practice  
35 within a profession. A copy of the record of conviction ~~or~~



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1 ~~plea of guilty~~ shall be conclusive evidence of the conviction.

2 Sec. 11. Section 148.6, subsection 2, paragraph b, Code  
3 2014, is amended to read as follows:

4 b. Being convicted of a felony in the courts of this state  
5 or another state, territory, or country. Conviction as used in  
6 this paragraph shall include a conviction of an offense which  
7 if committed in this state would be deemed a felony without  
8 regard to its designation elsewhere, ~~or a criminal proceeding~~  
9 ~~in which a finding or verdict of guilt is made or returned, but~~  
10 ~~the adjudication of guilt is either withheld or not entered.~~

11 A certified copy of the final order or judgment of conviction  
12 ~~or plea of guilty~~ in this state or in another state shall be  
13 conclusive evidence of the conviction.

14 Sec. 12. Section 153.34, subsection 9, Code 2014, is amended  
15 to read as follows:

16 9. For the conviction of a felony in the courts of this  
17 state or another state, territory, or country. Conviction as  
18 used in this subsection includes a conviction of an offense  
19 which if committed in this state would be a felony without  
20 regard to its designation elsewhere, ~~and includes a finding or~~  
21 ~~verdict of guilt made or returned in a criminal proceeding even~~  
22 ~~if the adjudication of guilt is withheld or not entered.~~ A  
23 certified copy of the final order or judgment of conviction ~~or~~  
24 ~~plea of guilty~~ in this state or in another state constitutes  
25 conclusive evidence of the conviction.

26 Sec. 13. Section 156.9, subsection 2, paragraph e, Code  
27 2014, is amended to read as follows:

28 e. Conviction of ~~any crime~~ an aggravated misdemeanor  
29 or felony related to the practice of mortuary science or  
30 implicating the licensee's competence to safely perform  
31 mortuary science services, including but not limited to a  
32 ~~crime~~ an aggravated misdemeanor or felony involving moral  
33 character, dishonesty, fraud, theft, embezzlement, extortion,  
34 or controlled substances, in a court of competent jurisdiction  
35 in this state, or in another state, territory, or district of



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1 the United States, or in a foreign jurisdiction. ~~For purposes~~  
 2 ~~of this paragraph, "conviction" includes a guilty plea, deferred~~  
 3 ~~judgment, or other finding of guilt.~~ A certified copy of the  
 4 judgment is prima facie conclusive evidence of the conviction.

5 Sec. 14. Section 169.13, subsection 1, paragraph b, Code  
 6 2014, is amended to read as follows:

7 *b.* Being convicted of a felony in the courts of this state  
 8 or another state, territory, or country. Conviction as used  
 9 in this paragraph includes a conviction of an offense which  
 10 if committed in this state would be deemed a felony without  
 11 regard to its designation elsewhere, ~~or a criminal proceeding~~  
 12 ~~in which a finding or verdict of guilt is made or returned, but~~  
 13 ~~the adjudication or guilt is either withheld or not entered.~~ A  
 14 certified copy of the final order or judgment of conviction ~~or~~  
 15 ~~plea of guilty~~ in this state or in another state is conclusive  
 16 evidence of the conviction.

17 Sec. 15. Section 272C.1, subsection 6, Code 2014, is amended  
 18 by adding the following new paragraph:

19 NEW PARAGRAPH. *ag.* The state racing and gaming commission  
 20 created in section 99D.5.

21 Sec. 16. Section 272C.3, Code 2014, is amended by adding the  
 22 following new subsection:

23 NEW SUBSECTION. 5. Notwithstanding any other provision  
 24 of law to the contrary, a licensing board shall not treat a  
 25 deferred judgment or a final order resulting in a deferred  
 26 judgment, as deferred judgment is defined in section 907.1,  
 27 as a conviction in determining whether there are grounds for  
 28 licensee discipline or license denial, unless the deferred  
 29 judgment is withdrawn and judgment is entered as provided in  
 30 section 907.3, subsection 1.

31 Sec. 17. Section 523A.503, subsection 1, paragraph f, Code  
 32 2014, is amended to read as follows:

33 *f.* Conviction of ~~a criminal offense~~ an aggravated  
 34 misdemeanor or felony involving dishonesty or a false statement  
 35 including but not limited to fraud, theft, misappropriation of



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1 funds, falsification of documents, deceptive acts or practices,  
2 or other related offenses.

3 Sec. 18. Section 543B.15, subsection 3, paragraph c, Code  
4 2014, is amended by striking the paragraph.

5 Sec. 19. Section 543B.29, subsection 1, paragraph f,  
6 unnumbered paragraph 1, Code 2014, is amended to read as  
7 follows:

8 Conviction of an offense included in section 543B.15,  
9 subsection 3. ~~For purposes of this section, "conviction" means~~  
10 ~~a conviction for an indictable offense and includes the court's~~  
11 ~~acceptance of a guilty plea, a deferred judgment from the time~~  
12 ~~of entry of the deferred judgment until the time the defendant~~  
13 ~~is discharged by the court without entry of judgment, or other~~  
14 ~~finding of guilt by a court of competent jurisdiction. A copy~~  
15 ~~of the record of conviction, guilty plea, deferred judgment, or~~  
16 ~~other finding of guilt is conclusive evidence.~~

EXPLANATION

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

20 This bill relates to the rulemaking process and more  
21 generally to agency decision making. As it relates to the  
22 rulemaking process, the bill requires that the preamble  
23 to proposed rulemaking specifically cite the statute being  
24 implemented, and that agencies accept written material in an  
25 electronic format, and allow persons to make oral presentations  
26 on rules through the Iowa communications network or other  
27 electronic means.

28 The bill provides that an agency shall not implement a  
29 federal statute, regulation, or policy in a manner that exceeds  
30 the specific requirements of the federal statute, regulation,  
31 or policy, unless explicitly authorized by state law.

32 As it relates to agency decision making generally, the bill  
33 requires that boards and commissions operate under Robert's  
34 rules of order.

35 The bill also relates to agency action concerning

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1 professional or occupational licensing. The bill restricts the  
2 ability of a licensing board to consider a deferred judgment  
3 when deciding whether to suspend or revoke a license or impose  
4 some other licensee discipline. The bill also generally limits  
5 offenses which may be so considered to aggravated misdemeanors  
6 and felonies.



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House File 2158 - Introduced

HOUSE FILE 2158  
BY FISHER

A BILL FOR

1 An Act relating to driver's license requirements for a person  
2 operating a certain combination of vehicles for the purpose  
3 of engaging in a hobby.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5862HH (3) 85  
dea/tm



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H.F. 2158

1 Section 1. Section 321.176A, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 8. a. A person operating a motor vehicle  
4 with a gross vehicle weight rating of less than twenty-six  
5 thousand one pounds towing a trailer if all of the following  
6 apply:

7 (1) The owner of the motor vehicle is the operator or a  
8 passenger in the motor vehicle.

9 (2) The owner of the motor vehicle is traveling primarily  
10 for the purpose of engaging in a hobby.

11 (3) The trailer is being used to haul cargo that is used by  
12 the owner to participate in the owner's hobby.

13 b. For purposes of this subsection:

14 (1) "Commercial purpose" does not include an activity  
15 that involves prize money or commercial sponsorship which is  
16 incidental to participation in the activity as a hobby.

17 (2) "Hobby" means an activity that is not a person's regular  
18 occupation and which is engaged in primarily for relaxation and  
19 not for a commercial purpose.

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 creates an exemption from commercial driver's  
24 licensing requirements for certain persons participating in a  
25 hobby. Under the bill, the operator of a motor vehicle with a  
26 gross vehicle weight rating of less than 26,001 pounds which is  
27 towing a trailer is not required to have a commercial driver's  
28 license if: (1) The owner of the motor vehicle is the driver  
29 or a passenger in the vehicle. (2) The owner is traveling  
30 primarily to engage in a hobby, defined in the bill as an  
31 activity that is not the person's regular occupation and which  
32 is engaged in primarily for relaxation and not for a commercial  
33 purpose. The bill specifies that an activity that involves  
34 prize money or commercial sponsorship which is incidental to  
35 participation in the activity as a hobby is not a "commercial

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1 purpose". (3) The trailer is being used to haul cargo that is  
2 used by the owner to participate in the owner's hobby.



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House File 2159 - Introduced

HOUSE FILE 2159  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 529)

A BILL FOR

1 An Act relating to Miller trusts and including applicability  
2 provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5181HV (1) 85  
pf/nh



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H.F. 2159

1 Section 1. Section 633C.3, subsection 1, unnumbered  
2 paragraph 1, Code 2014, is amended to read as follows:  
3 Regardless of the terms of a medical assistance income  
4 trust, if the beneficiary's total monthly income is less  
5 than one hundred and twenty-five percent of the average  
6 statewide charge for nursing facility services to a private  
7 pay resident of a nursing facility, then, during the life of  
8 the beneficiary, any property received or held by the trust  
9 shall be expended only as follows, as applicable, and in the  
10 following order of priority:

11 Sec. 2. Section 633C.3, subsection 2, unnumbered paragraph  
12 1, Code 2014, is amended to read as follows:

13 Regardless of the terms of a medical assistance income  
14 trust, if the beneficiary's total monthly income is at or above  
15 one hundred and twenty-five percent of the average statewide  
16 charge for nursing facility services to a private-pay resident,  
17 then, during the life of the beneficiary, any property received  
18 or held by the trust shall be expended only as follows, as  
19 applicable, in the following order of priority:

20 Sec. 3. APPLICABILITY. This Act applies to trusts in  
21 existence on or after July 1, 2014.

22 EXPLANATION

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

25 This bill increases the percentage, relative to the average  
26 statewide charge for nursing facility services to a private  
27 pay resident of a nursing facility, to which the total monthly  
28 income of a beneficiary of a Miller Trust is compared to  
29 determine how any property received or held by the trust during  
30 the life of the beneficiary is to be expended. Currently, the  
31 comparative percentage is 100 percent of the average statewide  
32 charge. The bill increases the percentage to 125 percent of  
33 the average statewide charge.

34 The bill is applicable to trusts in existence on or after  
35 July 1, 2014.

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pf/nh

1/1



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House File 2160 - Introduced

HOUSE FILE 2160  
BY BERRY and MURPHY

A BILL FOR

- 1 An Act relating to telemedicine relative to professional
- 2 licensure, insurance coverage, and reimbursement under the
- 3 medical assistance program.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5728YH (5) 85  
pf/rj



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1 Section 1. LEGISLATIVE FINDINGS. The general assembly  
2 finds and recognizes all of the following:

3 1. Telemedicine services are those services that use  
4 electronic technology to overcome a geographic distance  
5 between patients and health care providers for the purpose of  
6 intervention, clinical management, or assessing, monitoring,  
7 or educating patients.

8 2. The provision of telemedicine services results in  
9 demonstrated cost-effectiveness, improvements in disease  
10 management, and improved patient outcomes and studies have  
11 demonstrated significant reductions in hospitalizations and  
12 otherwise necessary medical care as a result of telemedicine  
13 intervention.

14 3. Geography, weather, availability of specialists,  
15 transportation, and other factors can create barriers to  
16 accessing appropriate health care, including behavioral health  
17 care, and one way to provide, ensure, or enhance access to  
18 care given these barriers is through the appropriate use of  
19 technology to allow health care consumers access to qualified  
20 health care providers.

21 4. There is a need in this state to embrace efforts that  
22 will encourage health insurers and health care providers to  
23 support the use of telemedicine and that will also encourage  
24 all state agencies to evaluate and amend their policies and  
25 rules to remove any regulatory barriers prohibiting the use of  
26 telemedicine services.

27 Sec. 2. NEW SECTION. 147.161 Telemedicine.

28 1. A health care professional licensed by a board created  
29 under this chapter, as appropriate to the scope of practice  
30 of the profession, may employ the technology of telemedicine  
31 by applying telemedicine within the professional's scope  
32 of practice or by using telemedicine technology under the  
33 direction and supervision of another health care professional  
34 who is using telemedicine technology within the supervising  
35 professional's scope of practice. A health care professional's

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pf/rj

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1 third-party payment or prepayment for health, medical, or  
 2 surgical coverage benefits shall not require face-to-face  
 3 contact between a health care provider and a patient as a  
 4 prerequisite for payment for services appropriately provided  
 5 through telemedicine in accordance with generally accepted  
 6 health care practices and standards prevailing in the  
 7 applicable professional community at the time the services are  
 8 provided. Health care services provided through in-person  
 9 consultations or through telemedicine shall be treated as  
 10 equivalent services for the purposes of coverage.

11 2. This section shall not be interpreted as preventing  
 12 a third-party payment provider from imposing deductibles or  
 13 copayment or coinsurance requirements for a health care service  
 14 provided through telemedicine if the deductible, copayment,  
 15 or coinsurance does not exceed the deductible, copayment, or  
 16 coinsurance applicable to an in-person consultation for the  
 17 same health care service.

18 3. The provisions of this section shall apply to all of the  
 19 following classes of third-party payment provider contracts,  
 20 policies, or plans delivered, issued for delivery, continued,  
 21 or renewed in this state on or after January 1, 2015:

22 a. Individual or group accident and sickness insurance  
 23 providing coverage on an expense-incurred basis.

24 b. An individual or group hospital or medical service  
 25 contract issued pursuant to chapter 509, 514, or 514A.

26 c. An individual or group health maintenance organization  
 27 contract regulated under chapter 514B.

28 d. An individual or group Medicare supplemental policy,  
 29 unless coverage pursuant to such policy is preempted by federal  
 30 law.

31 e. A plan established pursuant to chapter 509A for public  
 32 employees.

33 4. This section shall not apply to accident-only, specified  
 34 disease, short-term hospital or medical, hospital confinement  
 35 indemnity, credit, dental, vision, long-term care, basic



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1 hospital, and medical-surgical expense coverage as defined  
2 by the commissioner, disability income insurance coverage,  
3 coverage issued as a supplement to liability insurance,  
4 workers' compensation or similar insurance, or automobile  
5 medical payment insurance.

6 5. The commissioner of insurance shall adopt rules pursuant  
7 to chapter 17A as necessary to administer this section.

8 Sec. 4. MEDICAID PROGRAM — REIMBURSEMENT FOR  
9 TELEMEDICINE. The department of human services shall adopt  
10 rules to provide for coverage of telemedicine services  
11 under the Medicaid program. The rules shall provide that  
12 face-to-face contact between a health care provider and a  
13 patient is not required as a prerequisite for payment for  
14 services appropriately provided through telemedicine in  
15 accordance with generally accepted health care practices  
16 and standards prevailing in the applicable professional  
17 community at the time the services are provided. Health care  
18 services provided through in-person consultations or through  
19 telemedicine shall be treated as equivalent services for the  
20 purposes of reimbursement. For the purposes of this section,  
21 "telemedicine" or "telemedicine services" means the same as  
22 defined in section 514C.30, as enacted in this Act.

23 Sec. 5. STUDY ON USE OF TELEMEDICINE. The department of  
24 public health, in collaboration with the department of human  
25 services and the division of insurance of the department of  
26 commerce, shall convene and conduct a study regarding options  
27 for implementing telemedicine services and coverage. The  
28 department of public health shall submit a final report of its  
29 findings and recommendations to the governor and the general  
30 assembly by December 15, 2014.

31 EXPLANATION

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

34 This bill relates to telemedicine. The bill provides  
35 legislative findings regarding the use of telemedicine

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pf/rj



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1 services.

2 The bill provides that a health care professional licensed  
3 by a professional licensing board under Code chapter 147  
4 (health-related professions), as appropriate to the scope  
5 of practice of the profession, may employ the technology of  
6 telemedicine by applying telemedicine within the professional's  
7 scope of practice or by employing telemedicine technology  
8 under the direction and supervision of another health care  
9 professional who is using telemedicine technology within the  
10 supervising professional's scope of practice. A health care  
11 professional's employment of telemedicine technology under the  
12 direction and supervision of another health care professional  
13 who is acting within that health care professional's scope of  
14 practice shall not be interpreted as practicing the supervising  
15 professional's health care profession without a license. A  
16 health care professional employing telemedicine technology must  
17 be trained, educated, and knowledgeable regarding the health  
18 care service provided and technology used and is prohibited  
19 from performing duties for which the professional does not have  
20 sufficient training, education, and knowledge. Failure to have  
21 sufficient training, education, and knowledge is grounds for  
22 disciplinary action by the respective board.

23 The bill directs the department of public health, in  
24 consultation with those boards that exercise regulatory or  
25 rulemaking authority over a profession within whose scope  
26 of practice telemedicine may be employed, to adopt rules,  
27 as necessary, to implement the requirements relating to the  
28 provision of telemedicine services by such professionals and to  
29 amend any rules that conflict with the authorization of the use  
30 of telemedicine as provided in the bill.

31 The bill defines "telemedicine" or "telemedicine services"  
32 for the purpose of the professional licensure provisions.

33 The bill provides that beginning January 1, 2015, a  
34 contract, policy, or plan providing for third-party payment or  
35 prepayment for health, medical, or surgical coverage benefits



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1 shall not require face-to-face contact between a health  
2 care provider and a patient as a prerequisite for payment  
3 for services appropriately provided through telemedicine in  
4 accordance with generally accepted health care practices  
5 and standards prevailing in the applicable professional  
6 community at the time the services are provided. Health care  
7 services provided through in-person consultations or through  
8 telemedicine shall be treated as equivalent services for the  
9 purposes of coverage.

10 The provision is not to be interpreted as preventing a  
11 third-party payment provider from imposing deductibles or  
12 copayment or coinsurance requirements for a health care service  
13 provided through telemedicine if the deductible, copayment,  
14 or coinsurance does not exceed the deductible, copayment, or  
15 coinsurance applicable to an in-person consultation for the  
16 same health care service. The section applies to individual  
17 or group accident and sickness insurance providing coverage  
18 on an expense-incurred basis; an individual or group hospital  
19 or medical service contract issued pursuant to Code chapter  
20 509, 514, or 514A; an individual or group health maintenance  
21 organization contract regulated under Code chapter 514B; an  
22 individual or group Medicare supplemental policy, unless  
23 coverage pursuant to such policy is preempted by federal law;  
24 and a plan established pursuant to Code chapter 509A for public  
25 employees. The provision does not apply to accident-only,  
26 specified disease, short-term hospital or medical, hospital  
27 confinement indemnity, credit, dental, vision, long-term  
28 care, basic hospital, and medical-surgical expense coverage  
29 as defined by the commissioner, disability income insurance  
30 coverage, coverage issued as a supplement to liability  
31 insurance, workers' compensation or similar insurance, or  
32 automobile medical payment insurance.

33 The commissioner of insurance is directed to adopt rules  
34 pursuant to Code chapter 17A as necessary to administer the  
35 provision. The bill defines telemedicine services for the



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1 purpose of the insurance provision.

2 The bill directs the department of human services to  
3 adopt rules to provide for coverage of telemedicine services  
4 under the Medicaid program. The rules are to provide that  
5 face-to-face contact between a health care provider and a  
6 patient is not required as a prerequisite for payment for  
7 services appropriately provided through telemedicine in  
8 accordance with generally accepted health care practices  
9 and standards prevailing in the applicable professional  
10 community at the time the services are provided. Health care  
11 services provided through in-person consultations or through  
12 telemedicine are to be treated as equivalent services for the  
13 purposes of reimbursement.

14 The bill directs the department of public health, in  
15 collaboration with the department of human services and  
16 the division of insurance of the department of commerce, to  
17 convene and conduct a study regarding options for implementing  
18 telemedicine services and coverage. The department of public  
19 health is directed to submit a final report of its findings and  
20 recommendations to the governor and the general assembly by  
21 December 15, 2014.



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House Joint Resolution 2004 - Introduced

HOUSE JOINT RESOLUTION 2004  
BY HIGHFILL

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa to dedicate a portion of state revenue  
3 from the tax imposed on certain retail sales of tangible  
4 personal property and services for the benefit of the public  
5 highways.  
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5347YH (3) 85  
dea/sc



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H.J.R. 2004

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

3 1. Section 8 of Article VII of the Constitution of the State  
4 of Iowa, as added by amendment number 18 of the amendments of  
5 1942, is amended to read as follows:

6 **Motor vehicle fees and fuel taxes.** SEC. 8. All motor  
7 vehicle registration fees, ~~and~~ all licenses and excise taxes  
8 on motor vehicle fuel, except cost of administration, and all  
9 amounts generated by a state sales tax rate of five-tenths of  
10 one percent as may be imposed upon the retail sales price of  
11 tangible personal property and the furnishing of enumerated  
12 services sold in this state, shall be used exclusively for  
13 the construction, maintenance and supervision of the public  
14 highways exclusively within the state or for the payment of  
15 bonds issued or to be issued for the construction of such  
16 public highways and the payment of interest on such bonds.

17 Sec. 2. PUBLICATION AND REFERRAL. The foregoing proposed  
18 amendment to the Constitution of the State of Iowa is referred  
19 to the general assembly to be chosen at the next general  
20 election for members of the general assembly, and the secretary  
21 of state is directed to cause the proposed amendment to be  
22 published for three consecutive months previous to the date of  
23 that election as provided by law.

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 joint resolution proposes an amendment to the  
28 Constitution of the State of Iowa dedicating a portion of  
29 state sales and services tax revenue for the construction,  
30 maintenance, and supervision of public highways or for  
31 the payment of bonds and interest on bonds issued for the  
32 construction of public highways. The amount to be credited is  
33 the amount generated by a sales tax rate of five-tenths of one  
34 percent. The amount is in addition to the amounts from all  
35 motor vehicle registration fees and all licenses and excise

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H.J.R. 2004

1 taxes on motor vehicle fuel, which are currently dedicated to  
2 road funding and credited to the road use tax fund established  
3 for that purpose.

4 The resolution, if adopted, would be published and then  
5 referred to the next general assembly (86th) for adoption  
6 before being submitted to the electorate for ratification.



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House Study Bill 610 - Introduced

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

A BILL FOR

1 An Act relating to the open enrollment of students for purposes  
2 of receiving educational instruction and course content  
3 delivered primarily over the internet and providing for  
4 an online learning program to be created as a new school  
5 within an existing public school, within a charter school  
6 or innovation zone school, or as an independently operating  
7 charter school.

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

TLSB 6094YC (3) 85  
kh/rj



**Iowa General Assembly  
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H.F. \_\_\_\_\_

1 Section 1. Section 256.7, subsection 32, paragraph b, Code  
2 2014, is amended to read as follows:

3 ~~b. Except as provided in paragraph "e"~~ Upon approving  
4 an application for an online learning program in accordance  
5 with chapter 256F.3, adopt rules prohibiting authorizing the  
6 open enrollment of students ~~whose~~ for purposes of receiving  
7 educational instruction and course content ~~are~~ delivered  
8 primarily over the internet.

9 Sec. 2. Section 256.7, subsection 32, paragraph c,  
10 unnumbered paragraph 1, Code 2014, is amended to read as  
11 follows:

12 Adopt rules, notwithstanding paragraph "b", that limit the  
13 statewide enrollment of pupils in educational instruction and  
14 course content that are delivered primarily over the internet  
15 to not more than eighteen one-hundredths of one percent of  
16 the statewide enrollment of all pupils, and that limit the  
17 number of pupils participating in open enrollment for purposes  
18 of receiving educational instruction and course content that  
19 are delivered primarily over the internet to no more than one  
20 percent of a sending district's enrollment. Until June 30,  
21 2015, students who meet the requirements of section 282.18 may  
22 participate in open enrollment under this paragraph "c" for  
23 purposes of enrolling only in the CAM community school district  
24 or the Clayton Ridge community school district.

25 Sec. 3. Section 256F.1, subsection 1, Code 2014, is amended  
26 to read as follows:

27 1. Charter schools, online learning programs, and  
28 innovation zone schools shall be part of the state's program of  
29 public education.

30 Sec. 4. Section 256F.1, subsection 3, unnumbered paragraph  
31 1, Code 2014, is amended to read as follows:

32 The purpose of a charter school, an online learning program,  
33 or an innovation zone school established pursuant to this  
34 chapter shall be to accomplish the following:

35 Sec. 5. Section 256F.1, Code 2014, is amended by adding the



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H.F. \_\_\_\_\_

1 following new subsection:

2 NEW SUBSECTION. 5. An online learning program may be  
3 created as a new school within an existing public school,  
4 within a charter school or an innovation zone school, or  
5 as an independently operating charter school. However,  
6 notwithstanding section 256F.2, subsection 7A, an online  
7 program created as a new school within an existing public  
8 school, within a charter school, or within an innovation zone  
9 school shall be considered a charter school or an innovation  
10 zone school for purposes of this chapter.

11 Sec. 6. Section 256F.2, subsection 1, Code 2014, is amended  
12 to read as follows:

13 1. "*Advisory council*" means a council appointed by the  
14 school board of directors of a charter school, an online  
15 learning program, or an innovation zone consortium pursuant to  
16 section 256F.5, subsection 4.

17 Sec. 7. Section 256F.2, Code 2014, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 7A. "*Online learning program*" means an  
20 independently operating program providing online instruction in  
21 accordance with the online learning program model established  
22 pursuant to section 256.43, and that receives approval from the  
23 state board to provide full-time online instruction pursuant to  
24 this chapter.

25 Sec. 8. Section 256F.3, subsection 1, Code 2014, is amended  
26 to read as follows:

27 1. The state board of education shall apply for a federal  
28 grant under Pub. L. No. 107-110, cited as the federal No Child  
29 Left Behind Act of 2001, Tit. V, pt. B, subpt. 1, for purposes  
30 of providing financial assistance for the planning, program  
31 design, and initial implementation of public charter schools.  
32 The department shall monitor the effectiveness of charter  
33 schools, online learning programs, and innovation zone schools  
34 and shall implement the applicable provisions of this chapter.

35 Sec. 9. Section 256F.3, subsection 2, Code 2014, is amended





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1 consortium shall report to the department the name of the  
 2 charter school applicant if applicable, the proposed charter  
 3 school, online learning program, or innovation zone school  
 4 location, and the charter school or innovation zone school's  
 5 projected enrollment.

6     3. A charter school, online learning program, or innovation  
 7 zone school shall not discriminate in its student admissions  
 8 policies or practices on the basis of intellectual or athletic  
 9 ability, measures of achievement or aptitude, or status as a  
 10 person with a disability. However, a charter school, online  
 11 learning program, or innovation zone school may limit admission  
 12 to students who are within a particular range of ages or grade  
 13 levels or on any other basis that would be legal if initiated  
 14 by a school district. Enrollment priority shall be given to  
 15 the siblings of students enrolled in a charter school, online  
 16 learning program, or innovation zone school.

17     4. a. A charter school or innovation zone school shall  
 18 enroll an eligible resident student who submits a timely  
 19 application unless the number of applications exceeds the  
 20 capacity of a program, class, grade level, or building. In  
 21 this case, students must be accepted by lot.

22     b. A charter school or innovation zone school may  
 23 enroll an eligible nonresident student who submits a timely  
 24 application in accordance with the student admission policy  
 25 established pursuant to section 256F.5, subsection 1. If the  
 26 charter school or innovation zone school enrolls an eligible  
 27 nonresident student, the charter school or innovation zone  
 28 school shall notify the school district of residence and the  
 29 sending district not later than March 1 of the preceding school  
 30 year.

31     c. For purposes of this section, all students who register  
 32 in an online learning program shall be considered nonresident  
 33 students and a student's school district of residence shall be  
 34 considered a sending school district.

35     d. Transportation for the an enrolled student shall be



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1 in accordance with section 282.18, subsection 10. An online  
2 learning program is exempt from this paragraph.

3 e. The sending district shall make payments to the charter  
4 school, online learning program, or innovation zone consortium  
5 in the manner required under section 282.18, subsection 7.  
6 If ~~the nonresident~~ a pupil enrolled in a charter school or  
7 innovation zone school is also an eligible pupil under section  
8 261E.6, the charter school, online learning program, or  
9 innovation zone consortium shall pay the tuition reimbursement  
10 amount to an eligible postsecondary institution as provided in  
11 section 261E.7.

12 5. A charter school, online learning program, or innovation  
13 zone school shall provide instruction for at least the number  
14 of days or hours required by section 279.10, subsection 1, ~~or~~  
15 ~~shall provide at least the equivalent number of total hours.~~

16 6. Notwithstanding subsection 2, a charter school, online  
17 learning program, or innovation zone school shall meet the  
18 requirements of section 256.7, subsection 21.

19 8. A charter school, online learning program, or innovation  
20 zone consortium may enter into contracts in accordance with  
21 chapter 26.

22 Sec. 12. Section 256F.4, subsection 2, unnumbered paragraph  
23 1, Code 2014, is amended to read as follows:

24 Although a charter school, online learning program, or  
25 innovation zone school may elect to comply with one or more  
26 provisions of statute or administrative rule, a charter school,  
27 online learning program, or innovation zone school is exempt  
28 from all statutes and rules applicable to a school, a school  
29 board, or a school district, except that the charter school,  
30 online learning program, or innovation zone school shall do all  
31 of the following:

32 Sec. 13. Section 256F.4, subsection 2, paragraphs g and i,  
33 Code 2014, are amended to read as follows:

34 g. Be subject to and comply with chapter 284 relating to  
35 the student achievement and teacher quality program. A charter



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1 school, online learning program, or innovation zone school  
2 that complies with chapter 284 shall receive state moneys or  
3 be eligible to receive state moneys calculated as provided in  
4 section 257.10, subsections 9 and 10, and section 257.37A as  
5 if it did not operate under a charter school, online learning  
6 program, or innovation zone school contract.

7 *i.* Be subject to and comply with the provisions of chapter  
8 285 relating to the transportation of students. An online  
9 learning program is exempt from this paragraph.

10 Sec. 14. Section 256F.4, subsection 7, paragraph b, Code  
11 2014, is amended to read as follows:

12 *b.* Students enrolled in an innovation zone school or online  
13 learning program shall be counted, for state school foundation  
14 aid purposes, in the student's district of residence.

15 Sec. 15. Section 256F.5, unnumbered paragraph 1, Code 2014,  
16 is amended to read as follows:

17 An application to the state board for the approval of a  
18 charter school, online learning program, or innovation zone  
19 school shall include but shall not be limited to a description  
20 of the following:

21 Sec. 16. Section 256F.5, subsections 1, 2, 4, 6, 7, 10,  
22 12, 13, 14, 15, 16, and 17, Code 2014, are amended to read as  
23 follows:

24 1. The method for admission to the charter school, online  
25 learning program, or innovation zone school.

26 2. The mission, purpose, innovation, and specialized focus  
27 of the charter school, online learning program, or innovation  
28 zone school.

29 4. The method for appointing or forming an advisory council  
30 for the charter school, online learning program, or innovation  
31 zone school. The membership of an advisory council ~~appointed~~  
32 ~~or formed in accordance with this chapter~~ shall not include  
33 more than one member of a participating school board.

34 6. The charter school, online learning program, or  
35 innovation zone school governance and bylaws.

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1     7. The financial plan for the operation of the charter  
2 school, online learning program, or innovation zone school  
3 including, at a minimum, a listing of the support services  
4 the school district, online learning program, or innovation  
5 zone consortium will provide, and the charter school, online  
6 learning program, or innovation zone school's revenues,  
7 budgets, and expenditures.

8     10. The organization of the charter school, online learning  
9 program, or innovation zone school in terms of ages of students  
10 or grades to be taught along with an estimate of the total  
11 enrollment of the charter school, online learning program, or  
12 innovation zone school.

13     12. A statement indicating how the charter school, online  
14 learning program, or innovation zone school will meet the  
15 requirements of section 256F.1, as applicable; section 256F.4,  
16 subsection 2, paragraph "a"; and section 256F.4, subsection 3.

17     13. Assurance of the assumption of liability by the charter  
18 school, online learning program, or the innovation zone  
19 consortium for the innovation zone school.

20     14. The types and amounts of insurance coverage to be  
21 obtained by the charter school, online learning program, or  
22 innovation zone consortium for the innovation zone school.

23     15. A plan of operation to be implemented if the charter  
24 school, online learning program, or innovation zone consortium  
25 revokes or fails to renew its contract.

26     16. The means, costs, and plan for providing transportation  
27 for students enrolled in the charter school or innovation  
28 zone school. An online learning program is exempt from this  
29 subsection.

30     17. The specific statutes, administrative rules, and school  
31 board policies with which the charter school, online learning  
32 program, or innovation zone school does not intend to comply.

33     Sec. 17. Section 256F.6, Code 2014, is amended to read as  
34 follows:

35     **256F.6 Contract.**



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1     1. ~~a. An approved charter school or innovation zone school~~  
2 ~~application shall constitute an agreement, the terms of which~~  
3 ~~shall, at a minimum, be the terms of a four-year enforceable,~~  
4 ~~renewable contract between a school board, or the boards~~  
5 ~~participating in an innovation zone consortium, and the state~~  
6 ~~board. The contract shall include an operating agreement for~~  
7 ~~the operation of the charter school or innovation zone school.~~  
8 ~~The terms of the contract may be revised at any time with~~  
9 ~~the approval of both the state board and the school board or~~  
10 ~~the boards participating in the innovation zone consortium,~~  
11 ~~whether or not the stated provisions of the contract are being~~  
12 ~~fulfilled~~ Once a charter school, online learning program, or  
13 innovation zone school application has been approved by the  
14 state board, the state board shall enter into a renewable  
15 performance-based contract with the charter school, online  
16 learning program, or innovation zone school. The term of  
17 the contract shall not exceed four years. The terms of the  
18 contract must address each component of the application, and  
19 for online learning programs must also include description and  
20 agreement regarding the methods by which the school will meet  
21 all of the following requirements:  
22       (1) Monitor and verify full-time student enrollment,  
23 student participation in a full course load, credit accrual,  
24 and course completion.  
25       (2) Monitor and verify student progress and performance  
26 in each course through regular proctored assessments and  
27 submissions of coursework.  
28       (3) Conduct parent-teacher conferences.  
29       (4) Administer state-required assessments to all students  
30 in a proctored setting or pursuant to state law.  
31     ~~b. A contract may be renewed by agreement of the school~~  
32 ~~board or the boards participating in an innovation zone~~  
33 ~~consortium, as applicable, and the state board.~~  
34     ~~c. The charter school, online learning program, or~~  
35 ~~innovation zone consortium shall provide parents and guardians~~

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1 of students enrolled in the charter school, online learning  
 2 program, or innovation zone school with a copy of the charter  
 3 school, online learning program, or innovation zone school  
 4 application approved pursuant to section 256F.5.

5     2. The contract shall ~~outline the reasons~~ clearly set forth  
 6 causes for revocation or nonrenewal of the contract.

7     3. The contract shall include a closure protocol to ensure  
 8 timely notification to parents, orderly transition of students  
 9 and student records to new schools, and proper disposition of  
 10 school funds, property, and assets in the event a contract  
 11 is revoked or not renewed. The closure protocol shall  
 12 specify tasks, timelines, and responsible parties, including  
 13 delineating the respective duties of the responsible parties.

14     ~~3.~~ 4. The state board of education shall provide by rule  
 15 for the ongoing review of each party's compliance with a  
 16 contract entered into in accordance with this chapter.

17     Sec. 18. Section 256F.7, subsections 1 and 2, Code 2014, are  
 18 amended to read as follows:

19     1. A charter school, online learning program, or the boards  
 20 participating in an innovation zone consortium shall employ or  
 21 contract with necessary teachers and administrators, as defined  
 22 in section 272.1, who hold a valid license with an endorsement  
 23 for the type of service for which the teacher or administrator  
 24 is employed.

25     2. The school board, online learning program, or innovation  
 26 zone consortium, as specified in the application, in  
 27 consultation with the advisory council, shall decide matters  
 28 related to the operation of the charter school, online learning  
 29 program, or innovation zone school, including budgeting,  
 30 curriculum, and operating procedures.

31     Sec. 19. Section 256F.8, subsection 1, unnumbered paragraph  
 32 1, Code 2014, is amended to read as follows:

33     A contract for the establishment of a charter school, online  
 34 learning program, or innovation zone school ~~may~~ shall be  
 35 revoked by the state board, the school board that established





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1 online learning program, or innovation zone school is in  
 2 substantial violation of the terms of the contract or ranked  
 3 in the bottom ten percent of all schools in the state for two  
 4 consecutive years in terms of student achievement, the state  
 5 board shall notify the school board, online learning program  
 6 operator, or innovation zone consortium and the advisory  
 7 council of its intention to revoke the contract at least sixty  
 8 days prior to revoking a contract and the school board or the  
 9 school boards participating in the innovation zone consortium  
 10 shall assume oversight authority, operational authority,  
 11 or both oversight and operational authority. In the event  
 12 of revocation of an online learning program contract, the  
 13 state board and the online learning program operator shall  
 14 abide by the closure protocol specified in the contract. The  
 15 notice shall state the grounds for the proposed action in  
 16 writing and in reasonable detail. The school board, online  
 17 learning program operator, or innovation zone consortium  
 18 may request in writing an informal hearing before the state  
 19 board within fourteen days of receiving notice of revocation  
 20 of the contract. Upon receiving a timely written request  
 21 for a hearing, the state board shall give reasonable notice  
 22 to the school board, online learning program operator, or  
 23 innovation zone consortium of the hearing date. The state  
 24 board shall conduct an informal hearing before taking final  
 25 action. Final action to revoke a contract shall be taken in  
 26 a manner least disruptive to students enrolled in the charter  
 27 school, online learning program operator, or innovation zone  
 28 school. The state board shall take final action to revoke or  
 29 approve continuation of a contract by the last day of classes  
 30 in the school year. If the final action to revoke a contract  
 31 under this section occurs prior to the last day of classes in  
 32 the school year, a charter school, online learning program,  
 33 or innovation zone school student may enroll in the resident  
 34 district.

35 6. ~~A~~ The state board, a school board revoking a contract or







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1 number and qualifications of teachers and administrators, and  
2 number of and comments on supervisory visits by the department  
3 of education.

4 Sec. 24. Section 282.18, subsection 4, paragraph b, Code  
5 2014, is amended to read as follows:

6 *b.* For purposes of this section, “good cause” means a change  
7 in a child’s residence due to a change in family residence, a  
8 change in the state in which the family residence is located,  
9 a change in a child’s parents’ marital status, a guardianship  
10 or custody proceeding, placement in foster care, adoption,  
11 participation in a foreign exchange program, or participation  
12 in a substance abuse or mental health treatment program, a  
13 change in the status of a child’s resident district such as  
14 removal of accreditation by the state board, surrender of  
15 accreditation, or permanent closure of a nonpublic school,  
16 revocation of a ~~charter school~~ contract as provided in section  
17 256F.8, the failure of negotiations for a whole grade sharing,  
18 reorganization, dissolution agreement or the rejection of a  
19 current whole grade sharing agreement, or reorganization plan.  
20 If the good cause relates to a change in status of a child’s  
21 school district of residence, however, action by a parent  
22 or guardian must be taken to file the notification within  
23 forty-five days of the last board action or within thirty days  
24 of the certification of the election, whichever is applicable  
25 to the circumstances.

26 Sec. 25. TRANSITION PROVISIONS. Any contract issued  
27 or entered into by a school district, charter school, or  
28 innovation zone consortium relative to the provisions of  
29 chapter 256F, Code 2014, in effect on the effective date of  
30 this Act shall continue in full force and effect until such  
31 contract is renewed or expires.

32 **EXPLANATION**

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

35 This bill relates to online learning programs by directing

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1 zone consortium, and the state board; the contract includes  
2 an operating agreement for the operation of the school; and  
3 the terms of the contract may be revised at any time with  
4 the approval of both the state board and the school board or  
5 the boards participating in the innovation zone consortium,  
6 whether or not the stated provisions of the contract are being  
7 fulfilled.

8       Instead, the bill provides that after an application is  
9 approved by the state board, the state board must enter into  
10 a renewable performance-based contract with the school. The  
11 term of the contract shall not exceed four years. The terms of  
12 the contract must address each component of the application,  
13 and for online learning programs must also include description  
14 and agreement regarding the methods by which the school will  
15 monitor and verify full-time student enrollment, student  
16 participation in a full course load, credit accrual, and course  
17 completion; monitor and verify student progress and performance  
18 in each course through regular proctored assessments and  
19 submissions of coursework; conduct parent-teacher conferences;  
20 and administer state-required assessments to all students in a  
21 proctored setting or pursuant to state law.

22       The contract must clearly set forth the causes for  
23 revocation or nonrenewal of the contract, and must include a  
24 closure protocol to ensure timely notification to parents,  
25 orderly transition of students and student records to new  
26 schools, and proper disposition of school funds, property,  
27 and assets in the event a contract is revoked or not renewed.  
28 The closure protocol shall specify tasks, timelines, and  
29 responsible parties, including delineating the respective  
30 duties of the responsible parties.

31       The notification requirements required when an entity is  
32 considering revocation or nonrenewal of a contract are modified  
33 to add the state board to the list of entities that are subject  
34 to the notification requirements.

35       Currently, if the state board determines that such a school



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1 is in substantial violation of the terms of the contract the  
2 state board must notify specific entities of its intention to  
3 revoke the contract. The bill adds that the state board may  
4 also begin this process if the school is ranked in the bottom  
5 10 percent of all schools in the state for two consecutive  
6 years in terms of student achievement. The bill provides  
7 that in the event of revocation of an online learning program  
8 contract, the state board and the online learning program  
9 operator shall abide by the closure protocol specified in the  
10 contract.

11 Currently, a school board that revokes or fails to renew a  
12 contract is not liable for that action to the school, parents  
13 of students enrolled in the school, or other persons. To the  
14 list of those not liable for a revocation or nonrenewal of  
15 a charter school, innovation zone school, or online learning  
16 program contract, the bill adds the state board.

17 Currently, such schools must report at least annually to the  
18 school board or innovation zone consortium, advisory council,  
19 and the state board on information required by the school  
20 board or innovation zone consortium, advisory council, or  
21 the state board. The bill requires these reports to contain  
22 information on progress made under the components contained in  
23 the performance-based contract, and to summarize the strategic  
24 vision for opening the charter school or innovation zone  
25 school, or for establishing the online learning program, and  
26 the progress towards achieving that vision; the academic and  
27 financial performance of the school or program; the status of  
28 the school or program; the functions provided by the school  
29 board, or the boards participating in an innovation zone  
30 consortium, advisory councils, and online learning program  
31 operator to the school or program; and the school or program's  
32 operating costs and expenses related to administering the  
33 school or program in the form of an annual audited financial  
34 statement that conforms to generally accepted accounting  
35 principles.



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1 The bill includes a transitional provision establishing  
2 that any contract issued or entered into by a school district,  
3 charter school, or innovation zone consortium relative to  
4 the provisions of chapter 256F, Code 2014, in effect on the  
5 effective date of the bill shall continue in full force and  
6 effect until such contract is renewed or expires.



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House Study Bill 611 - Introduced

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

A BILL FOR

1 An Act permitting schools to stock, administer, and provide  
2 epinephrine.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 280.16A Epinephrine auto-injector  
2 supply.

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

5 a. "Administer" means to directly apply an epinephrine  
6 auto-injector to the body of an individual.

7 b. "Designated school personnel" means a school nurse or  
8 other employee, agent, or volunteer of a school designated  
9 by the board of directors of the school district or the  
10 authorities in charge of the accredited nonpublic school who  
11 has completed the training required under this section to  
12 provide or administer an epinephrine auto-injector.

13 c. "Epinephrine auto-injector" means a single-use device  
14 used for the automatic injection of a premeasured dose of  
15 epinephrine into the human body.

16 d. "Physician" means the same as provided in section 280.16.

17 e. "Provide" means to supply one or more epinephrine  
18 auto-injectors to an individual.

19 f. "School" means a public or accredited nonpublic school.

20 g. "Self-administration" means a student or other  
21 individual's discretionary use of an epinephrine auto-injector,  
22 whether provided by the student or by designated school  
23 personnel pursuant to this section.

24 2. Notwithstanding any contrary provision of law relating  
25 to the prescribing, dispensing, providing, and administering  
26 of prescription drugs:

27 a. A physician may prescribe epinephrine auto-injectors in  
28 the name of a school for use in accordance with this section.

29 b. A pharmacist or physician may dispense epinephrine  
30 auto-injectors pursuant to a prescription issued in the name  
31 of a school.

32 c. A school may acquire and maintain a stock supply of  
33 epinephrine auto-injectors pursuant to a prescription for use  
34 in accordance with this section.

35 d. A school with such a prescription may enter into



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1 arrangements with manufacturers of epinephrine auto-injectors  
2 or third-party suppliers of epinephrine auto-injectors to  
3 acquire epinephrine auto-injectors at fair-market, free, or  
4 reduced prices.

5     3. A school that acquires epinephrine auto-injectors  
6 pursuant to this section shall store the epinephrine  
7 auto-injectors in a location readily accessible in an emergency  
8 and in accordance with the epinephrine auto-injector's  
9 instructions for use and any additional requirements that may  
10 be established by the department of education or board of  
11 medicine. Designated school personnel shall be responsible for  
12 the storage, maintenance, and general oversight of epinephrine  
13 auto-injectors acquired by the school.

14     4. Designated school personnel may, upon authorization  
15 by the board of directors of the school district or the  
16 authorities in charge of the accredited nonpublic school, do  
17 all of the following:

18     *a.* Provide an epinephrine auto-injector to a student for  
19 self-administration in accordance with a prescription specific  
20 to the student that the school has on file.

21     *b.* Administer an epinephrine auto-injector to a student in  
22 accordance with a prescription specific to the student that the  
23 school has on file.

24     *c.* Administer an epinephrine auto-injector to a student or  
25 other individual, on school premises, at a school-sponsored  
26 event, or at any other time the student or individual is  
27 subject to the school's jurisdiction or supervision, who  
28 the designated school personnel believes in good faith is  
29 experiencing anaphylaxis in accordance with a standing protocol  
30 from a physician, regardless of whether the student or other  
31 individual has a prescription for an epinephrine auto-injector  
32 or has previously been diagnosed with an allergy.

33     5. Designated school personnel, other than a school  
34 nurse, shall complete an anaphylaxis training program prior  
35 to providing or administering an epinephrine auto-injector



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1 pursuant to this section and at least every two years following  
 2 completion of the initial anaphylaxis training program.  
 3 Such training shall be conducted by a nationally recognized  
 4 organization experienced in providing training in emergency  
 5 health treatment or other entity or individual approved by  
 6 the board of medicine. The entity that conducts the training  
 7 shall issue a certificate, on a form developed or approved by  
 8 the board of medicine, to each individual who successfully  
 9 completes the anaphylaxis training program. Training may be  
 10 conducted online or in person. Training shall cover, at a  
 11 minimum, all of the following:

12     *a.* Techniques on how to recognize symptoms of severe  
 13 allergic reactions, including anaphylaxis.

14     *b.* Standards and procedures for the storage and  
 15 administration of an epinephrine auto-injector.

16     *c.* Emergency follow-up procedures.

17     6. A school that possesses and makes available a stock  
 18 supply of epinephrine auto-injectors pursuant to this  
 19 section shall submit to the department of education on a form  
 20 developed by the department a report of each incident that  
 21 involves a severe allergic reaction or the administration of  
 22 an epinephrine auto-injector. The department shall annually  
 23 publish a report that summarizes and analyzes all such reports  
 24 submitted to it on the department's internet site.

25     7. A school that possesses and makes available epinephrine  
 26 auto-injectors; the board of directors of the school district  
 27 or the authorities in charge of the accredited nonpublic  
 28 school; the school's employees, agents, and volunteers; a  
 29 physician who prescribes epinephrine auto-injectors to the  
 30 school; a pharmacist or physician who dispenses epinephrine  
 31 auto-injectors to the school pursuant to a prescription issued  
 32 in the name of the school; a manufacturer of epinephrine  
 33 auto-injectors or third-party supplier of epinephrine  
 34 auto-injectors from whom a school obtains epinephrine  
 35 auto-injectors; and an individual or entity that conducts the



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1 training required by this section shall not be liable for  
2 damages for any injuries that result from the administration,  
3 self-administration, provision, or failure to administer,  
4 self-administer, or provide an epinephrine auto-injector that  
5 may constitute negligence, regardless of whether authorization  
6 was provided by a student's parent or guardian or by a  
7 student's health care provider. This immunity does not apply  
8 to acts or omissions constituting gross, willful, or wanton  
9 negligence. The immunity from liability provided under this  
10 section is in addition to and not in lieu of that provided  
11 under sections 135.147 and 613.17. The administration or  
12 provision of an epinephrine auto-injector in accordance with  
13 this section shall not be considered the practice of medicine.

14 8. No later than January 1, 2015, the department of  
15 education, in consultation with the board of medicine and  
16 education and health care stakeholders, shall develop and make  
17 available to all schools guidelines for the management of  
18 students with life-threatening allergies. The guidelines shall  
19 include but not be limited to all of the following:

20 a. Education and training for school personnel on the  
21 management of students with life-threatening allergies,  
22 including training relating to the administration of an  
23 epinephrine auto-injector.

24 b. Procedures for responding to life-threatening allergic  
25 reactions.

26 c. A process for the development of individualized health  
27 care and allergy action plans for every student with a known  
28 life-threatening allergy.

29 d. Protocols to prevent exposure to life-threatening  
30 allergens.

31 9. The department of education, the board of medicine, and  
32 the board of pharmacy shall adopt rules to administer this  
33 section, including but not limited to standards and procedures  
34 for the prescription, dispensation, storage, provision,  
35 administration, and replacement of epinephrine auto-injectors,



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1 and training and authorization to be required for designated  
2 school personnel.

3 EXPLANATION

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

6 This bill permits a physician to prescribe epinephrine  
7 auto-injectors in the name of a school. The bill permits a  
8 pharmacist or physician to dispense auto-injectors pursuant  
9 to a prescription issued in the name of a school. The bill  
10 permits a school to acquire and maintain a stock supply  
11 of auto-injectors pursuant to a prescription for use in  
12 accordance with the bill. The bill permits a school with such  
13 a prescription to enter into arrangements with manufacturers of  
14 auto-injectors or third-party suppliers of auto-injectors to  
15 acquire auto-injectors at fair-market, free, or reduced prices.  
16 These permissions apply notwithstanding any contrary provision  
17 of law relating to the prescribing, dispensing, providing, and  
18 administering of prescription drugs.

19 The bill defines "school" as a public or accredited  
20 nonpublic school. The bill defines "epinephrine auto-injector"  
21 as a single-use device used for the automatic injection of a  
22 premeasured dose of epinephrine into the human body.

23 The bill requires a school that acquires epinephrine  
24 auto-injectors to store the auto-injectors in a location  
25 readily accessible in an emergency and in accordance with  
26 the auto-injector's instructions for use and any additional  
27 requirements established by the department of education or  
28 board of medicine. Designated school personnel shall be  
29 responsible for the storage, maintenance, and general oversight  
30 of auto-injectors acquired by the school. The bill defines  
31 "designated school personnel" as a designated school nurse or  
32 designated other employee, agent, or volunteer of a school who  
33 has completed the training required by the bill to provide or  
34 administer an auto-injector. The bill defines "provide" as  
35 supplying one or more auto-injectors to an individual. The

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1 bill defines "administer" as directly applying an auto-injector  
 2 to the body of an individual.

3 The bill permits designated school personnel, upon  
 4 authorization, to provide an epinephrine auto-injector  
 5 to a student for self-administration in accordance with  
 6 a prescription specific to the student; administer an  
 7 auto-injector to a student in accordance with a prescription  
 8 specific to the student; or administer an auto-injector  
 9 to a student or other individual, on school premises, at a  
 10 school-sponsored event, or at any other time the student  
 11 or individual is subject to the school's jurisdiction or  
 12 supervision, who the designated school personnel believes in  
 13 good faith is experiencing anaphylaxis in accordance with a  
 14 standing protocol from a physician, regardless of whether  
 15 the student or other individual has a prescription for an  
 16 epinephrine auto-injector or has previously been diagnosed with  
 17 an allergy.

18 The bill requires designated school personnel, other than  
 19 a school nurse, to complete an anaphylaxis training program.  
 20 Training must be conducted as approved by the board of  
 21 medicine. Training must cover the recognition of symptoms of  
 22 severe allergic reactions, including anaphylaxis, the storage  
 23 and administration of epinephrine auto-injectors, and emergency  
 24 follow-up procedures.

25 The bill requires a school to submit a report of incidents  
 26 involving a severe allergic reaction or the administration of  
 27 an epinephrine auto-injector to the department of education,  
 28 and the department to annually publish a summary report on the  
 29 department's internet site.

30 A school, its directors, employees, agents, and volunteers,  
 31 and associated physicians, pharmacists, manufacturers,  
 32 third-party suppliers, and training providers are not  
 33 liable for damages for any injuries that result from the  
 34 administration, self-administration, provision, or failure  
 35 to administer, self-administer, or provide an auto-injector

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1 that may constitute negligence, regardless of whether  
2 authorization was provided by a student's parent or guardian  
3 or by a student's health care provider. This immunity does  
4 not apply to acts or omissions constituting gross, willful,  
5 or wanton negligence. The administration or provision of  
6 an auto-injector in accordance with the bill shall not be  
7 considered the practice of medicine.

8 The bill requires the department of education, in  
9 consultation with others, to develop and make available to  
10 all schools guidelines for the management of students with  
11 life-threatening allergies no later than January 1, 2015.

12 The bill requires the adoption of rules.



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House Study Bill 612 - Introduced

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

A BILL FOR

1 An Act relating to an exception under Iowa's public records  
2 law for calendar entries and scheduling information of a  
3 governmental body or a government body.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5169YC (1) 85  
rh/rj





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House Study Bill 613 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON ALONS)

A BILL FOR

1 An Act relating to workforce services for veterans and making  
2 appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6119YC (1) 85  
aw/sc



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H.F. \_\_\_\_\_

1 Section 1. APPROPRIATIONS.

2 1. There is appropriated from the general fund of the state  
3 to the department of workforce development for the fiscal year  
4 beginning July 1, 2014, and ending June 30, 2015, the following  
5 amount, or so much thereof as is necessary, to be used for the  
6 purposes designated:

7 For funding research linking military occupational  
8 education, training, and service to existing licensing  
9 requirements in this state, for funding implementation of  
10 this Act, and for meeting additional demand for workforce  
11 development services provided to veterans:  
12 ..... \$ 1,000,000

13 2. There is appropriated from the general fund of the state  
14 to the department of workforce development for the fiscal year  
15 beginning July 1, 2014, and ending June 30, 2015, the following  
16 amount, or so much thereof as is necessary, to be used for the  
17 purposes designated:

18 For awarding a grant, in the amount appropriated, to a  
19 nonprofit workforce services foundation exempt from federal  
20 taxation under section 501(c)(3) of the Internal Revenue  
21 Code that is administered by an agency of this state for the  
22 purposes of paying for the direct expenses of marketing this  
23 state to veterans through public-private partnerships:  
24 ..... \$ 1,000,000

25 EXPLANATION

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

28 This bill provides an appropriation of \$1 million from  
29 the general fund of the state to the department of workforce  
30 development to fund research linking military occupational  
31 education, training, and service to existing licensing  
32 requirements in this state, to fund implementation of the bill,  
33 and to support additional demand for workforce development  
34 services to be provided to veterans. The bill also provides  
35 a \$1 million appropriation from the general fund to the

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1 department of workforce development to be used to provide  
2 a grant, in that amount, to a nonprofit workforce services  
3 organization administered by an agency of this state for the  
4 purposes of paying for the direct expenses of marketing this  
5 state to veterans.



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House Study Bill 614 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON ALONS)

A BILL FOR

1 An Act relating to the fees for special registration plates  
2 associated with military service.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6118YC (2) 85  
aw/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 35A.11, Code 2014, is amended to read as  
2 follows:

3 **35A.11 Veterans license fee fund.**

4 1. A veterans license fee fund is created in the state  
5 treasury under the control of the commission. Notwithstanding  
6 section 12C.7, interest or earnings on moneys in the veterans  
7 license fee fund shall be credited to the veterans license fee  
8 fund. Moneys in the fund are appropriated to the commission to  
9 be used to fulfill the responsibilities of the commission.

10 2. The fund created in this section shall include the  
11 fees credited by the treasurer of state from the sale annual  
12 validation of the following special motor vehicle registration  
13 plates:

14 ~~1.~~ ~~Veteran special plates issued pursuant to section~~  
15 ~~321.34, subsection 13, paragraph "d".~~

16 ~~2.~~ a. National guard special plates issued pursuant to  
17 section 321.34, subsection 16.

18 ~~3.~~ b. Pearl Harbor special plates issued pursuant to  
19 section 321.34, subsection 17.

20 ~~4.~~ c. Purple heart special plates issued pursuant to  
21 section 321.34, subsection 18.

22 ~~5.~~ d. United States armed forces retired special plates  
23 issued pursuant to section 321.34, subsection 19.

24 ~~6.~~ e. Silver star and bronze star special plates issued  
25 pursuant to section 321.34, subsection 20.

26 ~~7.~~ f. Distinguished service cross, navy cross, and air  
27 force cross special plates issued pursuant to section 321.34,  
28 subsection 20A.

29 ~~8.~~ g. Soldier's medal, navy and marine corps medal, and  
30 airman's medal special plates issued pursuant to section  
31 321.34, subsection 20B.

32 ~~9.~~ h. Combat infantryman badge, combat action badge,  
33 combat action ribbon, air force combat action medal, and  
34 combat medical badge plates issued pursuant to section 321.34,  
35 subsection 20C.

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1 ~~to~~ i. Gold star special plates issued pursuant to section  
2 321.34, subsection 24.

3 j. United States veteran special plates issued pursuant to  
4 section 321.34, subsection 27.

5 Sec. 2. Section 321.34, subsection 16, paragraph a, Code  
6 2014, is amended to read as follows:

7 a. An owner referred to in subsection 12 who is a member  
8 of the national guard, as defined in chapter 29A, may,  
9 upon written application to the department, order special  
10 registration plates with a national guard processed emblem  
11 with the emblem designed by the department in cooperation with  
12 the adjutant general which emblem signifies that the applicant  
13 is a member of the national guard. The application shall be  
14 approved by the department in consultation with the adjutant  
15 general. The special plate fees collected by the director  
16 under subsection 12, ~~paragraphs~~ paragraph "a" and "c", from  
17 ~~the issuance and annual validation of letter-number designated~~  
18 national guard plates, and subsection 12, paragraph "c", from  
19 the issuance and annual validation of personalized national  
20 guard plates shall be paid monthly to the treasurer of state  
21 and deposited in the road use tax fund. The treasurer of state  
22 shall transfer monthly from the statutory allocations fund  
23 created under section 321.145, subsection 2, to the veterans  
24 license fee fund created in section 35A.11 the amount of the  
25 special fees collected under subsection 12, paragraph "a",  
26 in the previous month for national guard plates. Special  
27 registration plates with a national guard processed emblem  
28 shall be surrendered, as provided in subsection 12, in exchange  
29 for regular registration plates upon termination of the owner's  
30 membership in the active national guard.

31 Sec. 3. Section 321.34, subsection 16, Code 2014, is amended  
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
34 "a", an owner who is approved for special registration plates  
35 under this subsection shall be issued one set of special

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1 registration plates with a national guard processed emblem at  
2 no charge.

3 Sec. 4. Section 321.34, subsection 17, paragraph a, Code  
4 2014, is amended to read as follows:

5 a. An owner referred to in subsection 12 who was at Pearl  
6 Harbor, Hawaii, as a member of the armed services of the United  
7 States on December 7, 1941, may, upon written application to  
8 the department, order special registration plates with a Pearl  
9 Harbor processed emblem. The emblem shall be designed by the  
10 department in consultation with service organizations. The  
11 application is subject to approval by the department. The  
12 special plate fees collected by the director under subsection  
13 12, ~~paragraphs paragraph "a" and "c"~~, from the ~~issuance and~~  
14 annual validation of letter-number designated Pearl Harbor  
15 plates, and subsection 12, paragraph "c", from the issuance and  
16 annual validation of personalized Pearl Harbor plates shall  
17 be paid monthly to the treasurer of state and deposited in  
18 the road use tax fund. The treasurer of state shall transfer  
19 monthly from the statutory allocations fund created under  
20 section 321.145, subsection 2, to the veterans license fee  
21 fund created in section 35A.11 the amount of the special fees  
22 collected under subsection 12, paragraph "a", in the previous  
23 month for Pearl Harbor plates.

24 Sec. 5. Section 321.34, subsection 17, Code 2014, is amended  
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
27 "a", an owner who is approved for special registration plates  
28 under this subsection shall be issued one set of special  
29 registration plates with a Pearl Harbor processed emblem at no  
30 charge.

31 Sec. 6. Section 321.34, subsection 18, paragraph a, Code  
32 2014, is amended to read as follows:

33 a. An owner referred to in subsection 12 who was awarded  
34 a purple heart medal by the United States government for  
35 wounds received in military or naval combat against an armed







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1 bronze star plates, and subsection 12, paragraph "c", from the  
 2 issuance and annual validation of personalized silver star and  
 3 bronze star plates shall be paid monthly to the treasurer of  
 4 state and deposited in the road use tax fund. The treasurer  
 5 of state shall transfer monthly from the statutory allocations  
 6 fund created under section 321.145, subsection 2, to the  
 7 veterans license fee fund created in section 35A.11 the amount  
 8 of the special fees collected under subsection 12, paragraph  
 9 "a", in the previous month for silver star and bronze star  
 10 plates.

11 Sec. 11. Section 321.34, subsection 20, Code 2014, is  
 12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
 14 "a", an owner who is approved for special registration plates  
 15 under this subsection shall be issued one set of special  
 16 registration plates with a silver star or bronze star processed  
 17 emblem at no charge.

18 Sec. 12. Section 321.34, subsection 20A, paragraph a, Code  
 19 2014, is amended to read as follows:

20 *a.* An owner referred to in subsection 12 who was awarded  
 21 a distinguished service cross, a navy cross, or an air force  
 22 cross by the United States government may, upon written  
 23 application to the department and presentation of satisfactory  
 24 proof of the award, order special registration plates with  
 25 a distinguished service cross, navy cross, or air force  
 26 cross processed emblem. The emblem shall be designed by the  
 27 department in consultation with the adjutant general. The  
 28 special plate fees collected by the director under subsection  
 29 12, ~~paragraphs paragraph "a" and "c"~~, from the ~~issuance and~~  
 30 annual validation of letter-number designated distinguished  
 31 service cross, navy cross, and air force cross plates, and  
 32 subsection 12, paragraph "c", from the issuance and annual  
 33 validation of personalized distinguished service cross, navy  
 34 cross, and air force cross plates shall be paid monthly to the  
 35 treasurer of state and deposited in the road use tax fund. The

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1 treasurer of state shall transfer monthly from the statutory  
2 allocations fund created under section 321.145, subsection 2,  
3 to the veterans license fee fund created in section 35A.11  
4 the amount of the special fees collected under subsection 12,  
5 paragraph "a", in the previous month for distinguished service  
6 cross, navy cross, and air force cross plates.

7 Sec. 13. Section 321.34, subsection 20A, Code 2014, is  
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
10 "a", an owner who is approved for special registration plates  
11 under this subsection shall be issued one set of special  
12 registration plates with a distinguished service cross, navy  
13 cross, or air force cross processed emblem at no charge.

14 Sec. 14. Section 321.34, subsection 20B, paragraph a, Code  
15 2014, is amended to read as follows:

16 *a.* An owner referred to in subsection 12 who was awarded a  
17 soldier's medal, a navy and marine corps medal, or an airman's  
18 medal by the United States government may, upon written  
19 application to the department and presentation of satisfactory  
20 proof of the award, order special registration plates with  
21 a soldier's medal, navy and marine corps medal, or airman's  
22 medal processed emblem. The emblem shall be designed by the  
23 department in consultation with the adjutant general. The  
24 special plate fees collected by the director under subsection  
25 12, ~~paragraphs paragraph "a" and "c", from the issuance and~~  
26 annual validation of letter-number designated soldier's medal,  
27 navy and marine corps medal, and airman's medal plates, and  
28 subsection 12, paragraph "c", from the issuance and annual  
29 validation of personalized soldier's medal, navy and marine  
30 corps medal, and airman's medal plates shall be paid monthly  
31 to the treasurer of state and deposited in the road use tax  
32 fund. The treasurer of state shall transfer monthly from the  
33 statutory allocations fund created under section 321.145,  
34 subsection 2, to the veterans license fee fund created in  
35 section 35A.11 the amount of the special fees collected



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1 under subsection 12, paragraph "a", in the previous month for  
2 soldier's medal, navy and marine corps medal, and airman's  
3 medal plates.

4 Sec. 15. Section 321.34, subsection 20B, Code 2014, is  
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
7 "a", an owner who is approved for special registration plates  
8 under this subsection shall be issued one set of special  
9 registration plates with a soldier's medal, navy and marine  
10 corps medal, or airman's medal processed emblem at no charge.

11 Sec. 16. Section 321.34, subsection 20C, paragraph b, Code  
12 2014, is amended to read as follows:

13 *b.* An owner referred to in subsection 12 who was awarded a  
14 combat infantryman badge, combat action badge, combat action  
15 ribbon, air force combat action medal, or combat medical  
16 badge by the United States government may, upon written  
17 application to the department and presentation of satisfactory  
18 proof of the award, order special registration plates with a  
19 combat infantryman badge, combat action badge, combat action  
20 ribbon, air force combat action medal, or combat medical badge  
21 processed emblem. The special plate fees collected by the  
22 director under subsection 12, ~~paragraphs~~ paragraph "a" and  
23 "e", from the ~~issuance and~~ annual validation of letter-number  
24 designated combat infantryman badge, combat action badge,  
25 combat action ribbon, air force combat action medal, and  
26 combat medical badge plates, and subsection 12, paragraph  
27 "c", from the issuance and annual validation of personalized  
28 combat infantryman badge, combat action badge, combat action  
29 ribbon, air force combat action medal, and combat medical badge  
30 plates shall be paid monthly to the treasurer of state and  
31 deposited in the road use tax fund. The treasurer of state  
32 shall transfer monthly from the statutory allocations fund  
33 created under section 321.145, subsection 2, to the veterans  
34 license fee fund created in section 35A.11 the amount of the  
35 special fees collected under subsection 12, paragraph "a", in

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1 the previous month for combat infantryman badge, combat action  
2 badge, combat action ribbon, air force combat action medal, and  
3 combat medical badge plates.

4 Sec. 17. Section 321.34, subsection 20C, Code 2014, is  
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *0c.* Notwithstanding subsection 12, paragraph  
7 "a", an owner who is approved for special registration plates  
8 under this subsection shall be issued one set of special  
9 registration plates with a combat infantryman badge, combat  
10 action badge, combat action ribbon, air force combat action  
11 medal, and combat medical badge distinguishing processed emblem  
12 at no charge.

13 Sec. 18. Section 321.34, subsection 24, Code 2014, is  
14 amended to read as follows:

15 24. *Gold star plates.*

16 a. An owner referred to in subsection 12 who is the  
17 surviving spouse, parent, child, or sibling of a deceased  
18 member of the United States armed forces who died while serving  
19 on active duty during a time of military conflict or who died  
20 as a result of such service may order special registration  
21 plates bearing a gold star emblem upon written application  
22 to the department accompanied by satisfactory supporting  
23 documentation as determined by the department. The gold star  
24 emblem shall be designed by the department in cooperation with  
25 the commission of veterans affairs. The special plate fees  
26 collected by the director under subsection 12, ~~paragraphs~~  
27 paragraph "a" and "c", from the issuance and annual validation  
28 of letter-number designated gold star plates, and subsection  
29 12, paragraph "c", from the issuance and annual validation of  
30 personalized gold star plates shall be paid monthly to the  
31 treasurer of state and deposited in the road use tax fund. The  
32 treasurer of state shall transfer monthly from the statutory  
33 allocations fund created under section 321.145, subsection 2,  
34 to the veterans license fee fund created in section 35A.11  
35 the amount of the special fees collected under subsection 12,



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1 paragraph "a", in the previous month for gold star plates.  
 2 b. Notwithstanding subsection 12, paragraph "a", an owner  
 3 who is approved for special registration plates under this  
 4 subsection shall be issued one set of special registration  
 5 plates bearing a gold star emblem at no charge.

6 Sec. 19. Section 321.34, Code 2014, is amended by adding the  
 7 following new subsection:

8 NEW SUBSECTION. 27. United States veteran plates.

9 a. An owner referred to in subsection 12 who served in the  
 10 armed forces of the United States and was discharged under  
 11 honorable conditions may, upon written application to the  
 12 department and upon presentation of satisfactory proof of  
 13 military service and discharge under honorable conditions,  
 14 order special registration plates bearing a distinguishing  
 15 processed emblem depicting the word "veteran" below an image  
 16 of the American flag. The application is subject to approval  
 17 by the department. The special plate fees collected by the  
 18 director under subsection 12, paragraph "a", from the annual  
 19 validation of letter-number designated United States veteran  
 20 plates, and subsection 12, paragraph "c", from the issuance  
 21 and annual validation of personalized United States veteran  
 22 plates, shall be paid monthly to the treasurer of state and  
 23 deposited in the road use tax fund. The treasurer of state  
 24 shall transfer monthly from the statutory allocations fund  
 25 created under section 321.145, subsection 2, to the veterans  
 26 license fee fund created in section 35A.11 the amount of the  
 27 special fees collected under subsection 12, paragraph "a", in  
 28 the previous month for United States veteran plates.

29 b. Notwithstanding subsection 12, paragraph "a", an owner  
 30 who is approved for a special registration plate under this  
 31 subsection shall be issued one set of special registration  
 32 plates bearing a distinguishing processed emblem depicting  
 33 the word "veteran" below an image of the American flag at no  
 34 charge.

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 relates to fees charged for special registration  
4 plates associated with military service.

5       The bill eliminates the special plate issuance fees charged  
6 for issuance of certain special motor vehicle registration  
7 plates associated with military service which are established  
8 statutorily. The affected plates are national guard plates;  
9 Pearl Harbor plates; purple heart plates; United States armed  
10 forces retired plates; silver star and bronze star plates;  
11 distinguished service cross, navy cross, and air force cross  
12 special plates; soldier's medal, navy and marine corps medal,  
13 and airman's medal special plates; and gold star plates. The  
14 bill also eliminates special plate issuance fees for United  
15 States veteran plates which were established by the department  
16 of transportation, in cooperation with the commission of  
17 veterans affairs, by administrative process. Under current  
18 law, the fee for issuance of the special plates named in Code  
19 is \$25. The issuance fee for United States veteran plates is  
20 \$35. The bill adds the United States armed forces veteran  
21 plate, which is currently established administratively, to the  
22 list of special motor vehicle registration plates established  
23 in Code section 321.34. The bill maintains transfers to the  
24 veterans license fee fund from the annual validation fees for  
25 special plates related to military service. The bill also  
26 makes additional corresponding changes.



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House Study Bill 615 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON ALONS)

A BILL FOR

1 An Act requiring reporting on certain educational credits  
2 awarded to veterans.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 260C.14, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 24. *a.* Beginning December 15, 2015,  
4 annually file a report with the governor and the general  
5 assembly providing information and statistics for the previous  
6 five academic years on the number of students who are veterans  
7 per year who received education credit for military education,  
8 training, and service, that number as a percentage of veterans  
9 known to be enrolled at the college, the average number of  
10 credits received by students, and the average number of credits  
11 applied towards the award of a certificate, competency-based  
12 credential, postsecondary diploma, or associate degree.

13 *b.* For purposes of this subsection, "veteran" means a  
14 veteran as defined in section 35.1.

15 Sec. 2. Section 262.9, Code 2014, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 38. *a.* Beginning December 15, 2015,  
18 annually file a report with the governor and the general  
19 assembly providing information and statistics for the previous  
20 five academic years on the number of students who are veterans  
21 per year who received education credit for military education,  
22 training, and service, that number as a percentage of veterans  
23 known to be enrolled at the institution, the average number  
24 of credits received by students, and the average number of  
25 credits applied towards the award or completion of a course of  
26 instruction, postsecondary diploma, degree, or other evidences  
27 of distinction.

28 *b.* For purposes of this subsection, "veteran" means a  
29 veteran as defined in section 35.1.

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 requires certain reporting related to  
34 postsecondary educational credits awarded to veterans for  
35 military education, training, and experience.

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H.F. \_\_\_\_\_

1 The bill requires that the board of directors of each  
2 community college file an annual report, beginning December 15,  
3 2015, with the governor and the general assembly, including  
4 certain statistics relating to the award of educational credits  
5 to veterans for military education, training, and experience  
6 for the prior five academic years.

7 The bill also requires that the board of regents file an  
8 annual report, beginning December 15, 2015, with the governor  
9 and the general assembly, including certain statistics relating  
10 to the award of educational credits to veterans for military  
11 education, training, and service for the prior five academic  
12 years.



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House Study Bill 616 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON ALONS)

A BILL FOR

1 An Act relating to professional and occupational licensure of  
2 veterans and the spouses of veterans.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6116YC (2) 85  
aw/sc



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1 Section 1. Section 272C.4, Code 2014, is amended by adding  
 2 the following new subsections:  
 3 NEW SUBSECTION. 11. Adopt rules by January 1, 2015, to  
 4 provide credit towards qualifications for licensure to practice  
 5 an occupation or profession in this state for education,  
 6 training, and service obtained or completed by an individual  
 7 while serving honorably on federal active duty, state active  
 8 duty, or national guard duty, as defined in section 29A.1,  
 9 to the extent consistent with the qualifications required  
 10 by the appropriate licensing board. The rules shall also  
 11 provide credit towards qualifications for initial licensure  
 12 for education, training, or service obtained or completed by  
 13 an individual while serving honorably in the military forces  
 14 of another state or the organized reserves of the armed  
 15 forces of the United States, to the extent consistent with the  
 16 qualifications required by the appropriate licensing board.  
 17 NEW SUBSECTION. 12. *a.* Establish procedures by January  
 18 1, 2015, to expedite the licensing of an individual who is  
 19 licensed in a similar profession or occupation in another state  
 20 and who is a veteran, as defined in section 35.1, or the spouse  
 21 of a veteran.  
 22 *b.* If the board determines that the professional or  
 23 occupational licensing requirements of the state where the  
 24 veteran or veteran's spouse is licensed are substantially  
 25 equivalent to the licensing requirements of this state, the  
 26 procedures shall require the licensing of the veteran or the  
 27 veteran's spouse in this state.  
 28 *c.* If the board determines that the professional or  
 29 occupational licensing requirements of the state where the  
 30 veteran or veteran's spouse is licensed are not substantially  
 31 equivalent to the professional or occupational licensing  
 32 requirements of this state, the procedures shall allow the  
 33 provisional licensing of the veteran or veteran's spouse for  
 34 a period of time deemed necessary by the board to obtain a  
 35 substantial equivalent to the licensing requirements of this

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1 state. The board shall advise the veteran or the veteran's  
2 spouse of required education or training necessary to obtain  
3 a substantial equivalent to the professional or occupational  
4 licensing requirements of this state, and the procedures shall  
5 provide for licensing of an individual who has, pursuant to  
6 this paragraph, obtained a substantial equivalent to the  
7 professional or occupational licensing requirements of this  
8 state.

9 NEW SUBSECTION. 13. Beginning December 15, 2016, annually  
10 file a report with the governor and the general assembly  
11 providing information and statistics on credit received by  
12 individuals for education, training, and service pursuant to  
13 subsection 11 and information and statistics on licenses and  
14 provisional licenses issued pursuant to subsection 12.

15 NEW SUBSECTION. 14. Notwithstanding the designation  
16 of the licensing boards in section 272C.1, the provisions  
17 of subsections 11 through 13 shall apply to all of the  
18 occupational and professional licensing boards of this state.

19 Sec. 2. REPORT. Each occupational and professional  
20 licensing board of this state shall file a report with the  
21 governor and the general assembly by January 31, 2015, on the  
22 substance of rules and procedures adopted to implement the  
23 provisions of this division of this Act.

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 relates to professional and occupational licensure  
28 of veterans and the spouses of veterans.

29 The bill amends Code section 272C.4 to require that all  
30 professional and occupational licensing boards adopt rules  
31 by January 1, 2015, to provide credit towards licensing for  
32 education, training, and service that is either obtained or  
33 completed by an individual while serving on federal active  
34 duty, state active duty, or national guard duty. The bill  
35 further requires that the rules provide such credit toward

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1 licensure for service in the military forces of other states  
2 or the organized reserves of the armed forces of the United  
3 States. Code section 272C.1 provides that the term "licensing"  
4 and its derivations include the terms "registration" and  
5 "certification" and their derivations.

6 The bill also requires that licensing boards establish  
7 procedures to expedite the licensing in this state of  
8 certain individuals who are licensed to practice in a similar  
9 profession or occupation in another state if the individual  
10 is a veteran or the spouse of a veteran and if the board  
11 determines that the licensing requirements of the other state  
12 are substantially equivalent to the licensing requirements  
13 of this state. The bill also requires that if the board  
14 determines that another state's licensing requirements are  
15 not substantially equivalent to the licensing requirements of  
16 this state, the board shall issue a provisional license to  
17 the qualifying veteran or the qualifying spouse of a veteran  
18 for a period of time deemed necessary to obtain a substantial  
19 equivalent to the licensing requirements of this state.

20 The bill requires that occupational and professional  
21 licensing boards provide a report to the governor and to the  
22 general assembly by December 15, 2016, on the awarding of  
23 credits for qualifying education, training, and service and on  
24 licensing and provisional licensing awarded under the bill.

25 The bill requires that each occupational and professional  
26 licensing board report to the governor and the general  
27 assembly by January 31, 2015, on the substance of the rules and  
28 procedures adopted to carry out the provisions of the bill.



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House Study Bill 617 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON ALONS)

A BILL FOR

- 1 An Act appropriating funds to the home ownership assistance
- 2 program for military members.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6113YC (2) 85  
aw/sc



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H.F. \_\_\_\_\_

1 Section 1. 2013 Iowa Acts, chapter 138, section 134,  
2 subsection 3, is amended to read as follows:

3 3. HOME OWNERSHIP ASSISTANCE PROGRAM

4 For transfer to the Iowa finance authority for the  
5 continuation of the home ownership assistance program for  
6 persons who are or were eligible members of the armed forces of  
7 the United States, pursuant to section 16.54:

8 .....	\$	800,000
9		<u>2,500,000</u>

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 increases the fiscal year 2014-2015 appropriation  
14 for the home ownership assistance program for military members  
15 from \$800,000 to \$2.5 million.



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**Senate File 2104 - Introduced**

SENATE FILE 2104  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3090)

**A BILL FOR**

1 An Act relating to the regulation of insurance company holding  
2 systems and providing assessments and penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5210SV (1) 85  
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1     NEW SUBSECTION. 9A. “*Supervisory college*” means a temporary  
2 or permanent forum for communication and cooperation between  
3 regulators charged with supervision of an insurer or its  
4 affiliates.

5     Sec. 3. Section 521A.3, subsection 1, paragraph a, Code  
6 2014, is amended to read as follows:

7     a. No person other than the issuer shall make a tender offer  
8 for or a request or invitation for tenders of, or enter into  
9 any agreement to exchange securities for, seek to acquire, or  
10 acquire, in the open market or otherwise, any voting security  
11 of a domestic insurer if, after the consummation thereof,  
12 such person would, directly or indirectly, or by conversion  
13 or by exercise of any right to acquire, be in control of such  
14 insurer, and no person shall enter into an agreement to merge  
15 with or otherwise to acquire control of a domestic insurer  
16 unless, at the time any such offer, request, or invitation is  
17 first made or any such agreement is entered into, or prior to  
18 the acquisition of such securities if no offer or agreement is  
19 involved, such person has first filed with the commissioner  
20 and has sent to such insurer, ~~and such insurer has sent to its~~  
21 ~~shareholders,~~ a statement containing the information required  
22 by this section and such offer, request, invitation, agreement  
23 or acquisition has been approved by the commissioner in the  
24 manner hereinafter prescribed.

25     Sec. 4. Section 521A.3, subsection 1, Code 2014, is amended  
26 by adding the following new paragraph:

27     NEW PARAGRAPH. *Ob.* For purposes of this section, any  
28 controlling person of a domestic insurer seeking to divest its  
29 controlling interest in the domestic insurer, in any manner,  
30 shall file with the commissioner, with a copy to the insurer,  
31 confidential notice of its proposed divestiture at least thirty  
32 days prior to the cessation of control. The commissioner  
33 shall determine those instances in which the party seeking to  
34 divest or to acquire a controlling interest in an insurer,  
35 shall be required to file for and obtain approval of the

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1 transaction. The information shall remain confidential until  
2 the conclusion of the transaction unless the commissioner, in  
3 the commissioner's discretion, determines that confidential  
4 treatment will interfere with enforcement of this section. If  
5 the statement referred to in paragraph "a" is otherwise filed,  
6 this paragraph "ob" shall not apply.

7 Sec. 5. Section 521A.3, subsection 2, paragraph a,  
8 unnumbered paragraph 1, Code 2014, is amended to read as  
9 follows:

10 The statement to be filed with the commissioner hereunder  
11 shall be made under oath or affirmation and shall contain the  
12 following information:

13 Sec. 6. Section 521A.3, subsection 2, paragraph a, Code  
14 2014, is amended by adding the following new subparagraphs:

15 NEW SUBPARAGRAPH. (012) An agreement by the person required  
16 to file the statement referred to in subsection 1 that the  
17 person will provide the annual report specified in section  
18 521A.4, subsection 11A for so long as control exists.

19 NEW SUBPARAGRAPH. (0012) An acknowledgment by the person  
20 required to file the statement referred to in subsection 1  
21 that the person and all subsidiaries within its control in  
22 the insurance holding company system will provide information  
23 to the commissioner upon request as necessary to evaluate  
24 enterprise risk to the insurer.

25 Sec. 7. Section 521A.3, subsection 4, paragraph a, Code  
26 2014, is amended by adding the following new subparagraph:

27 NEW SUBPARAGRAPH. (6) The merger or other acquisition of  
28 control is not likely to be hazardous or prejudicial to the  
29 insurance-buying public.

30 Sec. 8. Section 521A.3, subsection 4, paragraph b, Code  
31 2014, is amended to read as follows:

32 *b.* The public hearing referred to in paragraph "a" shall be  
33 held within thirty days after the commissioner has determined  
34 that the statement required by subsection 1 is filed has  
35 been completed and contains all the required information set



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1 forth in subsection 2, and at least twenty days' notice of  
 2 the public hearing shall be given by the commissioner to the  
 3 person filing the statement and to the domestic insurer. Not  
 4 less than seven days' notice of the public hearing shall be  
 5 given by the person filing the statement to the insurer and to  
 6 such other persons as may be designated by the commissioner.  
 7 The commissioner shall make a determination within thirty  
 8 days after the conclusion of the hearing. At the hearing,  
 9 the person filing the statement, the insurer, any person to  
 10 whom notice of hearing was sent, and any other person whose  
 11 interests may be affected shall have the right to present  
 12 evidence, examine and cross-examine witnesses, and offer oral  
 13 and written arguments and in connection therewith shall be  
 14 entitled to conduct discovery proceedings in the same manner as  
 15 is presently allowed in the district court of this state. All  
 16 discovery proceedings shall be concluded not later than three  
 17 days prior to the commencement of the public hearing.

18 Sec. 9. Section 521A.3, subsection 4, Code 2014, is amended  
 19 by adding the following new paragraph:

20 NEW PARAGRAPH. *0c.* If the proposed merger or other  
 21 acquisition of control will require the approval of more than  
 22 one commissioner, the public hearing referred to in paragraph  
 23 "a" may be held on a consolidated basis upon request of the  
 24 person filing the statement referred to in subsection 1.  
 25 Such person may file the statement referred to in subsection  
 26 1 with the national association of insurance commissioners  
 27 within five days of making the request for a public hearing.  
 28 The commissioner may opt out of a consolidated hearing, and  
 29 shall provide notice to the applicant of the opt-out within  
 30 ten days of the receipt of the statement referred to in  
 31 subsection 1. A hearing conducted on a consolidated basis  
 32 shall be public and shall be held within the United States  
 33 before the commissioners of the states in which the insurers  
 34 are domiciled. Such commissioners shall hear and receive  
 35 evidence. The commissioner may attend such hearing in person

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1 or by telecommunication.

2 Sec. 10. Section 521A.4, subsection 2, Code 2014, is amended  
3 by adding the following new paragraphs:

4 NEW PARAGRAPH. *0e.* If requested by the commissioner, the  
5 insurer shall include financial statements of or within an  
6 insurance holding company system, including all affiliates.  
7 Financial statements may include but are not limited to annual  
8 audited financial statements filed with the United States  
9 securities and exchange commission pursuant to the federal  
10 Securities Act of 1933, as amended, or the federal Securities  
11 Exchange Act of 1934, as amended. An insurer required to file  
12 financial statements pursuant to this paragraph may satisfy the  
13 request by providing the commissioner with the most recently  
14 filed financial statements of the parent corporation that have  
15 been filed with the United States securities and exchange  
16 commission.

17 NEW PARAGRAPH. *0oe.* Statements that the insurer's board of  
18 directors oversees corporate governance and internal controls  
19 and that the insurer's officers or senior management have  
20 approved, implemented, and continue to maintain and monitor  
21 corporate governance and internal control procedures.

22 NEW PARAGRAPH. *f.* Any other information required by the  
23 commissioner by rule or by regulation.

24 Sec. 11. Section 521A.4, subsection 11, Code 2014, is  
25 amended to read as follows:

26 11. *Disclaimer.* Any person may file with the commissioner  
27 a disclaimer of affiliation with any authorized insurer or such  
28 a disclaimer may be filed by such insurer or any member of an  
29 insurance holding company system. The disclaimer shall fully  
30 disclose all material relationships and basis for affiliation  
31 between such person and such insurer as well as the basis for  
32 disclaiming such affiliation. ~~After a disclaimer has been~~  
33 ~~filed, the insurer shall be relieved of any duty to register or~~  
34 ~~report under this section which may arise out of the insurer's~~  
35 ~~relationship with such person unless and until the commissioner~~



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1 ~~disallows such a disclaimer. The commissioner shall disallow~~  
2 ~~such a disclaimer only after furnishing all parties in interest~~  
3 ~~with notice and opportunity to be heard and after making~~  
4 ~~specific findings of fact to support such disallowance. A~~  
5 disclaimer of affiliation shall be deemed to have been granted  
6 unless the commissioner, within thirty days following receipt  
7 of a complete disclaimer, notifies the filing party that the  
8 disclaimer is disallowed. In the event of disallowance, the  
9 disclaiming party may request an administrative hearing, which  
10 shall be granted. The disclaiming party shall be relieved of  
11 its duty to register under this section if approval of the  
12 disclaimer has been granted by the commissioner, or if the  
13 disclaimer is deemed to have been granted.

14 Sec. 12. Section 521A.4, Code 2014, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 11A. Enterprise risk report. The ultimate  
17 controlling person of every insurer subject to registration  
18 shall also file an annual enterprise risk report. The report  
19 shall, to the best of the ultimate controlling person's  
20 knowledge and belief, identify the material risks within the  
21 insurance holding company system that could pose enterprise  
22 risk to the insurer. The report shall be filed with the lead  
23 state commissioner of the insurance holding company system as  
24 determined by the procedures within the financial analysis  
25 handbook adopted by the national association of insurance  
26 commissioners.

27 Sec. 13. Section 521A.4, subsection 12, Code 2014, is  
28 amended to read as follows:

29 12. *Violations.* The failure to file a registration  
30 statement or a summary of the registration statement or an  
31 enterprise risk report required by this section within the time  
32 specified for the filing is a violation of this section.

33 Sec. 14. Section 521A.5, subsection 1, paragraph a, Code  
34 2014, is amended by adding the following new subparagraph:

35 NEW SUBPARAGRAPH. (02) Agreements for cost-sharing



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1 services and management shall include such provisions as  
2 required by rule issued by the commissioner.

3 Sec. 15. Section 521A.5, subsection 1, paragraph b,  
4 subparagraph (5), Code 2014, is amended by striking the  
5 subparagraph.

6 Sec. 16. Section 521A.5, subsection 1, paragraph c, Code  
7 2014, is amended to read as follows:

8 c. A domestic insurer and a person in its holding company  
9 system shall not enter into any of the following transactions,  
10 unless the domestic insurer notifies the commissioner in  
11 writing of its intention to enter into the transaction at least  
12 thirty days prior to entering into the transaction or within a  
13 shorter time permitted by the commissioner and the commissioner  
14 has not disapproved of the transaction within the time period:

15 (1) All reinsurance pooling agreements.

16 ~~(1)~~ (2) All reinsurance agreements or modifications to such  
17 agreements in which the reinsurance premium or a change in the  
18 insurer's liabilities, or the projected reinsurance premium  
19 or a change in the insurer's liabilities in any of the next  
20 three years, equals or exceeds five percent of the insurer's  
21 surplus as regards policyholders, as of the next preceding  
22 December 31, including those agreements which may require as  
23 consideration the transfer of assets from an insurer to a  
24 nonaffiliate, if an agreement or understanding exists between  
25 the insurer and nonaffiliate that any portion of such assets  
26 will be transferred to one or more affiliates of the insurer.

27 ~~(2)~~ (3) All management agreements, service contracts,  
28 and all other cost-sharing arrangements involving at least  
29 one-half of one percent of the insurer's surplus as of the  
30 next preceding December 31. A guarantee which is quantifiable  
31 as to amount is not subject to the notice requirements of  
32 this paragraph "c" unless it exceeds the lesser of one-half  
33 of one percent of the insurer's admitted assets or ten  
34 percent of surplus as regards policyholders as of the next  
35 preceding December 31. Further, all guarantees which are

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1 not quantifiable as to amount are subject to the notice  
 2 requirements of this paragraph "c".

3 (4) Direct or indirect acquisitions or investments in a  
 4 person that controls the insurer or in an affiliate of the  
 5 insurer in an amount which, together with its present holdings  
 6 in such investments, exceeds two and one-half percent of  
 7 the insurer's surplus to policyholders. Direct or indirect  
 8 acquisitions or investments in subsidiaries acquired pursuant  
 9 to section 521A.2 or authorized under any other section of this  
 10 chapter, or in nonsubsidiary insurance affiliates that are  
 11 subject to the provisions of this chapter, are exempt from this  
 12 subparagraph.

13 ~~(3)~~ (5) Any material transactions specified by rule which  
 14 the commissioner determines may adversely affect the interests  
 15 of the domestic insurer's policyholders.

16 Sec. 17. Section 521A.5, Code 2014, is amended by adding the  
 17 following new subsection:

18 NEW SUBSECTION. 4. Management of domestic insurers subject  
 19 to registration.

20 *a.* Notwithstanding the control of a domestic insurer by any  
 21 person, the officers and directors of the insurer shall not  
 22 thereby be relieved of any obligation or liability to which  
 23 they would otherwise be subject by law, and the insurer shall  
 24 be managed so as to assure its separate operating identity  
 25 consistent with this chapter.

26 *b.* Nothing in this section shall preclude a domestic insurer  
 27 from having or sharing a common management, or cooperative or  
 28 joint use of personnel, property, or services with one or more  
 29 other persons under arrangements meeting the standards of this  
 30 section.

31 *c.* Not less than one-third of the directors of a domestic  
 32 insurer, and not less than one-third of the members of each  
 33 committee of the board of directors of any domestic insurer,  
 34 shall be persons who are not officers or employees of the  
 35 insurer or of any entity controlling, controlled by, or under



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1 common control with the insurer and who are not beneficial  
2 owners of a controlling interest in the voting stock of the  
3 insurer or entity. At least one such person must be included  
4 in any quorum for the transaction of business at any meeting  
5 of the board of directors or any committee of the board of  
6 directors.

7 *d.* The board of directors of a domestic insurer shall  
8 establish one or more committees comprised solely of directors  
9 who are not officers or employees of the insurer or of any  
10 entity controlling, controlled by, or under common control with  
11 the insurer and who are not beneficial owners of a controlling  
12 interest in the voting stock of the insurer or any such entity.  
13 The committee or committees shall have responsibility for  
14 recommending or nominating candidates for director for election  
15 by shareholders or policyholders, evaluating the performance  
16 of officers deemed to be principal officers of the insurer,  
17 and recommending to the board of directors the selection and  
18 compensation of the principal officers.

19 *e.* The provisions of paragraphs "*c*" and "*d*" shall not apply  
20 to a domestic insurer if the person controlling the insurer,  
21 such as an insurer, a mutual insurance holding company, or  
22 a publicly held corporation, has a board of directors and  
23 committees of the board of directors that meet the requirements  
24 of paragraphs "*c*" and "*d*" with respect to such controlling  
25 entity.

26 *f.* An insurer may make application to the commissioner  
27 for a waiver from the requirements of this subsection if  
28 the insurer's annual direct written and assumed premium,  
29 excluding premiums reinsured with the federal crop insurance  
30 corporation and federal flood program, is less than three  
31 hundred million dollars. An insurer may also make application  
32 to the commissioner for a waiver from the requirements of this  
33 subsection based upon unique circumstances. The commissioner  
34 may consider various factors including but not limited to  
35 the type of business entity, volume of business written,

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1 availability of qualified board members, or the ownership or  
2 organizational structure of the entity.

3 Sec. 18. Section 521A.6, Code 2014, is amended to read as  
4 follows:

5 **521A.6 Examination.**

6 1. *Power of commissioner.* Subject to the limitation  
7 contained in this section and in addition to the powers  
8 which the commissioner has under chapter 507 relating to the  
9 examination of insurers, ~~the commissioner may also order an~~  
10 ~~insurer registered under section 521A.4 to produce records,~~  
11 ~~books, or other information papers in the possession of the~~  
12 ~~insurer or its affiliates as reasonably necessary to ascertain~~  
13 ~~the financial condition of the insurer or to determine~~  
14 ~~compliance with this chapter. If the insurer fails to comply~~  
15 ~~with the order, the commissioner may examine the affiliates~~  
16 ~~to obtain the information~~ shall have the power to examine any  
17 insurer registered under section 521A.4 and its affiliates to  
18 ascertain the financial condition of the insurer, including  
19 the enterprise risk to the insurer by the ultimate controlling  
20 party, or by any entity or combination of entities within the  
21 insurance holding company system, or by the insurance holding  
22 company system on a consolidated basis.

23 2. Access to books and records — penalty.

24 a. The commissioner may order an insurer registered under  
25 section 521A.4 to produce records, books, or other information  
26 papers in the possession of the insurer or its affiliates as  
27 reasonably necessary or to determine compliance with this  
28 chapter.

29 b. To determine compliance with this chapter, the  
30 commissioner may order any insurer registered under section  
31 521A.4 to produce information not in the possession of the  
32 insurer if the insurer can obtain access to such information  
33 pursuant to a contractual relationship, statutory obligation,  
34 or other method. In the event the insurer cannot obtain the  
35 information requested by the commissioner, the insurer shall

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1 provide the commissioner a detailed explanation of the reason  
2 that the insurer cannot obtain the information and the identity  
3 of the holder of the information. Whenever it appears to the  
4 commissioner that the detailed explanation is without merit,  
5 the commissioner may require, after notice and hearing, the  
6 insurer to pay a penalty of five hundred dollars for each day's  
7 delay, or may suspend or revoke the insurer's certificate of  
8 authority.

9 3. *Compelling production.* In the event the insurer fails  
10 to comply with an order, the commissioner shall have the power  
11 to examine the affiliates to obtain the information. The  
12 commissioner shall also have the power to issue subpoenas, to  
13 administer oaths, and to examine under oath any person for  
14 purposes of determining compliance with this section. Upon  
15 the failure or refusal of any person to obey a subpoena, the  
16 commissioner may petition a court of competent jurisdiction,  
17 and upon proper showing, the court may enter an order  
18 compelling the witness to appear and testify or produce  
19 documentary evidence. Failure to obey the court order shall  
20 be punishable as contempt of court. Every person shall be  
21 obliged to attend as a witness at the place specified in the  
22 subpoena, when subpoenaed, anywhere within the state. Such  
23 a person shall be entitled to the same fees and mileage, if  
24 claimed, as a witness in district court, which fees, mileage,  
25 and actual expense, if any, necessarily incurred in securing  
26 the attendance of witnesses, and their testimony, shall be  
27 itemized and charged against, and be paid by, the company being  
28 examined.

29 ~~2.~~ 4. *Use of consultants.* The commissioner may retain at  
30 the registered insurer's expense such attorneys, actuaries,  
31 accountants and other experts not otherwise a part of the  
32 commissioner's staff as shall be reasonably necessary to assist  
33 in the conduct of the examination under subsection 1, 2, or 3  
34 of this section. Any persons so retained shall be under the  
35 direction and control of the commissioner and shall act in a

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1 purely advisory capacity.

2 ~~3-~~ 5. *Expenses.* Each registered insurer producing for  
3 examination records, books and papers pursuant to subsection 1,  
4 2, or 3 of this section shall be liable for and shall pay the  
5 expense of such examination in accordance with section 507.7.

6 Sec. 19. NEW SECTION. **521A.6A Supervisory colleges.**

7 1. *Power of commissioner.* With respect to any insurer  
8 registered under section 521A.4 and in accordance with  
9 subsection 3 of this section, the commissioner shall have  
10 the power to participate in a supervisory college for any  
11 domestic insurer that is part of an insurance holding company  
12 system with international operations in order to determine  
13 compliance by the insurer with this chapter. The powers of the  
14 commissioner with respect to supervisory colleges include but  
15 are not limited to the following:

16 a. Initiating the establishment of a supervisory college.

17 b. Clarifying the membership and participation of other  
18 supervisors in the supervisory college.

19 c. Clarifying the functions of the supervisory college and  
20 the role of other regulators, including the establishment of a  
21 group-wide supervisor.

22 d. Coordinating the ongoing activities of the supervisory  
23 college, including planning meetings, supervisory activities,  
24 and processes for information sharing.

25 e. Establishing a crisis management plan.

26 2. *Selection of group-wide supervisor.* In the event a  
27 group-wide supervisor is established for a supervisory college  
28 as described in subsection 1, the commissioner is authorized,  
29 but not required, to act as the group-wide supervisor. In  
30 order to determine whether the commissioner or another chief  
31 insurance regulatory official is the appropriate group-wide  
32 supervisor, the commissioner shall, in cooperation with other  
33 supervisors, consider the following factors and the relative  
34 scale of each:

35 a. The extent to which the insurance holding company



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1 system's insurance operations are domiciled in Iowa.

2 *b.* The location where the insurance holding company system  
3 is based or the place of domicile of the insurance holding  
4 company system's ultimate controlling person.

5 *c.* The locations of the insurance holding company system's  
6 executive offices.

7 *d.* The locations of origin of the insurance business of the  
8 insurance holding company system.

9 *e.* The locations of the assets and liabilities of the  
10 insurance holding company system.

11 *f.* The locations of the business operations and activities  
12 of the insurance holding company system.

13 *g.* Whether another chief insurance regulatory official is  
14 acting or seeking to act as the lead group-wide supervisor  
15 under a regulatory system that the commissioner determines to  
16 be either of the following:

17 (1) Substantially similar to that provided under the laws of  
18 the state of Iowa.

19 (2) Otherwise sufficient in terms of provision of  
20 group-wide supervision, enterprise risk analysis, and  
21 cooperation with other chief insurance regulatory officials.

22 *h.* Whether a chief insurance regulatory official acting  
23 or seeking to act as the lead group-wide supervisor provides  
24 the commissioner with reasonably reciprocal recognition and  
25 cooperation.

26 3. *Commissioner as group-wide supervisor.* If the  
27 commissioner is the group-wide supervisor as described in  
28 subsection 2, the commissioner is authorized to engage in  
29 conducting and coordinating any of the following group-wide  
30 supervision activities:

31 *a.* Assessing the enterprise risks within the international  
32 insurance group in accordance with the "own risk and solvency  
33 assessments" requirements of chapter 522.

34 *b.* Requesting from any member of an international insurance  
35 group subject to the commissioner's supervision information

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1 necessary and appropriate to assess enterprise risk in  
2 accordance with chapter 522.

3 *c.* Communicating with other insurance regulatory officials  
4 regarding members within the international insurance group and  
5 sharing relevant information, subject to the confidentiality  
6 provisions of section 521A.7, through supervisory colleges as  
7 set forth in this section.

8 *d.* Other group-wide supervisory activities as considered  
9 appropriate by the commissioner and as defined by the  
10 commissioner by rule.

11 4. *Expenses — assessment.* Each registered insurer  
12 subject to this section shall be liable for and shall pay the  
13 reasonable expenses of the commissioner's participation in a  
14 supervisory college in accordance with subsection 5, including  
15 reasonable travel expenses. For purposes of this section,  
16 a supervisory college may be convened as either a temporary  
17 or permanent forum for communication and cooperation between  
18 the regulators charged with the supervision of the insurer or  
19 its affiliates, and the commissioner may establish a regular  
20 assessment to the insurer for the payment of these expenses.

21 5. *Supervisory college.* In order to assess the business  
22 strategy, financial position, legal and regulatory position,  
23 risk exposure, risk management and governance processes,  
24 and as part of the examination of individual insurers  
25 in accordance with section 521A.6, the commissioner may  
26 participate in a supervisory college with other regulators  
27 charged with supervision of an insurer or its affiliates,  
28 including other state, federal, and international regulatory  
29 agencies. The commissioner may enter into agreements in  
30 accordance with section 521A.7, subsection 3, providing the  
31 basis for cooperation between the commissioner and the other  
32 regulatory agencies, and the activities of the supervisory  
33 college. Nothing in this section shall delegate to the  
34 supervisory college the authority of the commissioner to  
35 regulate or supervise the insurer or its affiliates within the

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1 commissioner's jurisdiction.

2 Sec. 20. Section 521A.7, Code 2014, is amended to read as  
3 follows:

4 **521A.7 Confidential treatment.**

5 1. All information, documents, and copies thereof obtained  
6 by or disclosed to the commissioner or any other person in  
7 the course of an examination or investigation made pursuant  
8 to section 521A.6 or 521A.6A, and all information reported  
9 pursuant to sections 521A.4 and 521A.5, shall be given  
10 confidential treatment and shall not be subject to subpoena  
11 and shall not be made public by the commissioner or any other  
12 person, except to insurance departments of other states,  
13 without the prior written consent of the insurer to which it  
14 pertains unless the commissioner, after giving the insurer  
15 and its affiliates who would be affected thereby, notice and  
16 opportunity to be heard, determines that the interests of  
17 policyholders, shareholders, or the public will be served  
18 by the publication thereof, in which event the commissioner  
19 may publish all or any part thereof in such manner as the  
20 commissioner may deem appropriate.

21 2. Neither the commissioner nor any person who received  
22 documents, materials, or other information while acting under  
23 the authority of the commissioner or with whom such documents,  
24 materials, or other information are shared pursuant to this  
25 chapter shall be permitted or required to testify in any  
26 private civil action concerning any confidential documents,  
27 materials, or other information subject to subsection 1.

28 3. In order to assist in the performance of the  
29 commissioner's duties, the commissioner:

30 a. May share documents, materials, or other information,  
31 including the confidential and privileged documents, materials,  
32 or information subject to subsection 1, with other state,  
33 federal, and international regulatory agencies, with the  
34 national association of insurance commissioners and its  
35 affiliates and subsidiaries, and with state, federal, and



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1 international law enforcement authorities, including members  
2 of any supervisory college described in section 521A.6A,  
3 provided that the recipient agrees in writing to maintain  
4 the confidentiality and privileged status of the document,  
5 material, or other information, and has verified in writing the  
6 legal authority to maintain confidentiality.

7 b. Notwithstanding paragraph "a", the commissioner may only  
8 share confidential and privileged documents, materials, or  
9 information filed pursuant to section 521A.4, subsection 11A,  
10 with commissioners of states having statutes or regulations  
11 substantially similar to subsection 1 of this section and who  
12 have agreed in writing not to disclose such information.

13 c. May receive documents, materials, or information,  
14 including otherwise confidential and privileged documents,  
15 materials, or information from the national association of  
16 insurance commissioners and its affiliates and subsidiaries and  
17 from regulatory and law enforcement officials of other foreign  
18 or domestic jurisdictions, and shall maintain as confidential  
19 or privileged any document, material, or information received  
20 with notice or the understanding that it is confidential or  
21 privileged under the laws of the jurisdiction that is the  
22 source of the document, material, or information.

23 d. Shall enter into written agreements with the national  
24 association of insurance commissioners governing sharing and  
25 use of information provided pursuant to this chapter consistent  
26 with this subsection that shall do all of the following:

27 (1) Specify procedures and protocols regarding the  
28 confidentiality and security of information shared with  
29 the national association of insurance commissioners and  
30 subsidiaries pursuant to this chapter, including procedures  
31 and protocols for sharing by the association with other state,  
32 federal, or international regulators.

33 (2) Specify that ownership of information shared with  
34 the national association of insurance commissioners and its  
35 affiliates and subsidiaries pursuant to this chapter remains



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1 with the commissioner and the association's use of the  
 2 information is subject to the direction of the commissioner.  
 3 (3) Require prompt notice to be given to an insurer whose  
 4 confidential information in the possession of the national  
 5 association of insurance commissioners pursuant to this chapter  
 6 is subject to a request or subpoena to the association for  
 7 disclosure or production.  
 8 (4) Require the national association of insurance  
 9 commissioners and its affiliates and subsidiaries to consent to  
 10 intervention by an insurer in any judicial or administrative  
 11 action in which the association and its affiliates and  
 12 subsidiaries may be required to disclose confidential  
 13 information about the insurer shared with the association and  
 14 its affiliates and subsidiaries pursuant to this chapter.  
 15 4. The sharing of information by the commissioner pursuant  
 16 to this chapter shall not constitute a delegation of regulatory  
 17 authority or rulemaking, and the commissioner is solely  
 18 responsible for the administration, execution, and enforcement  
 19 of the provisions of this chapter.  
 20 5. No waiver of any applicable privilege or claim of  
 21 confidentiality in the documents, materials, or information  
 22 shall occur as a result of disclosure to the commissioner  
 23 under this section or as a result of sharing as authorized in  
 24 subsection 3.  
 25 6. Documents, materials, or other information in the  
 26 possession or control of the national association of insurance  
 27 commissioners pursuant to this chapter shall be confidential  
 28 by law and privileged, shall not be subject to chapter 22,  
 29 shall not be subject to subpoena, and shall not be subject  
 30 to discovery or admissible in evidence in any private civil  
 31 action.

EXPLANATION

32  
 33           The inclusion of this explanation does not constitute agreement with  
 34           the explanation's substance by the members of the general assembly.  
 35       This bill relates to the regulation of insurance company

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1 holding systems by the commissioner of insurance and provides  
2 assessments and penalties.

3 Code section 521A.1 is amended to change the definition  
4 of what constitutes "control" so that the presumption of  
5 control can be rebutted in a specified manner and so that  
6 the commissioner of insurance, after notice and hearing, may  
7 determine that control of an entity exists in fact even without  
8 a presumption to that effect.

9 New Code section 521A.1(4A) adds a definition of "enterprise  
10 risk" which means an activity, circumstance, event, or series  
11 of events involving one or more affiliates of an insurer that  
12 if not remedied promptly is likely to have a material adverse  
13 effect upon the financial condition or liquidity of the insurer  
14 or its insurance company holding system as a whole.

15 New Code section 521A.1(9A) adds a definition of  
16 "supervisory college" which is a temporary or permanent forum  
17 for communication and cooperation between regulators charged  
18 with supervision of an insurer or its affiliates.

19 Code section 521A.3(1) is amended to eliminate a requirement  
20 that a tender offer or other request or invitation for tenders  
21 made by an insurer must be sent to the insurer's shareholders.

22 Code section 521A.3(1) is also amended to require the  
23 controlling person of a domestic insurer seeking to divest its  
24 controlling interest in the insurer to file a confidential  
25 notice of its proposed divestiture with the commissioner at  
26 least 30 days prior to the cessation of control. In some  
27 circumstances, the commissioner may require a party seeking  
28 to divest or acquire a controlling interest in an insurer to  
29 obtain approval of the transaction. The information shall  
30 remain confidential until the conclusion of the transaction  
31 unless the commissioner determines that confidential treatment  
32 will interfere with enforcement of the statute.

33 Code section 521A.3(2) is amended to add additional  
34 information that must be included in the required statement  
35 filed with the commissioner by an insurer seeking acquisition



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1 of control of or merger with a domestic insurer.

2 Code section 521A.3(4)(a) is amended to require an applicant  
3 for merger or other acquisition of control of a domestic  
4 insurer to demonstrate to the commissioner that the merger or  
5 acquisition is not likely to be hazardous or prejudicial to the  
6 insurance-buying public.

7 Code section 521A.3(4)(b) is amended to provide that the  
8 public hearing on a proposed merger or acquisition shall be  
9 held within 30 days after the commissioner determines that  
10 the required statement has been completed and contains all  
11 required information. Notice of the hearing shall be given by  
12 the commissioner to the person filing the statement and to the  
13 domestic insurer.

14 Code section 521A.3(4) is also amended to include procedures  
15 where the proposed merger or acquisition will require the  
16 approval of more than one state commissioner of insurance.  
17 In such cases, public hearings can be held on a consolidated  
18 basis and the required statement can be filed with the national  
19 association of insurance commissioners. A consolidated hearing  
20 must be public and be held in the United States before the  
21 commissioners of the states where the insurers involved are  
22 domiciled.

23 Code section 521A.4(2) is amended to include additional  
24 information that must be provided to the commissioner by an  
25 insurer authorized to do business in this state which is a  
26 member of an insurance holding company system and is required  
27 to register in this state.

28 Code section 521A.4(11) is amended to provide that if a  
29 person files with the commissioner a disclaimer of affiliation  
30 with an authorized insurer the disclaimer shall be deemed  
31 to have been granted unless the commissioner, within 30  
32 days following receipt of the disclaimer, notifies the party  
33 that the disclaimer is disallowed. In that instance, the  
34 disclaiming party may request a hearing. A disclaiming party  
35 is relieved of its duty to register in this state if the



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1 disclaimer is approved or is deemed to have been granted.

2 New Code section 521A.4(11A) requires the ultimate  
3 controlling person of every insurer subject to registration  
4 to file an annual enterprise risk report identifying material  
5 risks within the insurance holding company system that could  
6 pose enterprise risk to the insurer.

7 Code section 521A.4(12) is amended to provide that failure  
8 to file an enterprise risk report within the time specified is  
9 a violation of the Code section and could subject the violator  
10 to civil penalties of \$1,000 for each day of delay with a  
11 maximum of \$10,000 or \$1,000 per violation. A violator may  
12 also be subject to a cease and desist order and voiding of  
13 contracts. A willful violation is punishable as a class "D"  
14 felony. A class "D" felony is punishable by confinement for no  
15 more than five years and a fine of at least \$750 but not more  
16 than \$7,500.

17 Code section 521A.5(1)(a) is amended to require that  
18 agreements for cost-sharing services and management between  
19 registered insurers and their affiliates must include  
20 provisions as required by rules issued by the commissioner.

21 Code section 521A.5(1)(b) is amended to remove a provision  
22 that limited a domestic insurer and its holding company system  
23 from entering into certain transactions involving guarantees.

24 Code section 521A.5(1)(c) is amended to require a  
25 domestic insurer and its holding company system to notify  
26 the commissioner before entering into reinsurance pooling  
27 agreements.

28 Code sections 521A.5(1)(c)(1) and (2) are amended to require  
29 notification to the commissioner if the projected reinsurance  
30 premium or a change in the insurer's liabilities in any of the  
31 next three years equals or exceeds 5 percent of the insurer's  
32 surplus as regards policyholders, or if the insurer and its  
33 holding company system enter into management agreements,  
34 service contracts, and other cost-sharing arrangements with  
35 a quantifiable guarantee amount which exceeds the lesser of

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1 one-half of 1 percent of the insurer's admitted assets or 10  
2 percent of surplus as regards policyholders. All guarantees  
3 which are not quantifiable as to amount are subject to the  
4 notice requirements.

5 Code section 521A.5(1)(c) is also amended to require a  
6 domestic insurer and its holding company system to notify the  
7 commissioner of direct or indirect acquisitions or investments  
8 in a person that controls the insurer or an affiliate of the  
9 insurer in an amount which together with its present holdings  
10 in such investments, exceeds 2.5 percent of the insurer's  
11 surplus to policyholders. Certain specified acquisitions or  
12 investments are exempt from this requirement.

13 New Code section 521A.5(4) adds a standard related to the  
14 management of domestic insurers subject to registration. The  
15 provision allows a domestic insurer to have or share common  
16 management, or cooperative or joint use of personnel, property,  
17 or services under arrangements meeting the standards of the  
18 provision as to the makeup and procedures of the board of  
19 directors of the insurer and the board's committees. An  
20 insurer may apply to the commissioner for a waiver from  
21 these requirements if the insurer's annual direct written and  
22 assumed premium is less than \$300 million or based upon unique  
23 circumstances.

24 Code section 521A.6(1) is amended to authorize the  
25 commissioner to examine any registered insurer and its  
26 affiliates to ascertain the financial condition of the insurer,  
27 including the enterprise risk to the insurer by any entity or  
28 combination of entities within the insurance holding company  
29 system.

30 New provisions in Code section 521A.6 allow the commissioner  
31 to order the production of books and records of registered  
32 insurers, including information not in the possession of, but  
33 obtainable by the insurer, to determine compliance with the  
34 Code chapter. If the insurer fails to comply with an order,  
35 the commissioner has the power to examine the affiliates to

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1 obtain the information, issue subpoenas, administer oaths,  
2 and examine persons under oath to determine compliance. The  
3 commissioner can also petition a court to enter an order  
4 compelling the appearance of witnesses or the production of  
5 documentary evidence. The commissioner can also, after notice  
6 and a hearing, require an insurer to pay a penalty of \$500  
7 for each day's delay in providing information, or may suspend  
8 or revoke the insurer's certificate of authority. The Code  
9 section is also amended to provide that the commissioner may  
10 retain consultants and assess expenses in connection with  
11 examinations under the new provisions.

12 New Code section 521A.6A authorizes the commissioner  
13 to participate in a supervisory college for any registered  
14 domestic insurer that is part of an insurance holding company  
15 system with international operations in order to determine  
16 compliance by the insurer with the Code chapter and specifies  
17 some of the commissioner's powers in that respect. The  
18 provision allows the commissioner to act as the group-wide  
19 supervisor of a supervisory college and sets forth criteria  
20 for determining which chief insurance regulatory official  
21 should act as the supervisor. If the commissioner serves  
22 as the group-wide supervisor, the provision authorizes  
23 the commissioner to engage in conducting and coordinating  
24 certain group-wide supervision activities. The commissioner  
25 is authorized to assess each registered insurer subject to  
26 this provision the reasonable expenses of the commissioner's  
27 participation in a supervisory college and also allows  
28 the commissioner to establish a regular assessment to the  
29 insurer for the ongoing expenses of convening a supervisory  
30 college. The commissioner may enter into agreements with other  
31 regulators in accordance with confidentiality requirements  
32 for cooperation between the commissioner and other regulatory  
33 agencies.

34 Code section 521A.7 is amended to provide that the  
35 commissioner or any person who receives documents, materials,



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1 or other information under the Code chapter shall not be  
2 permitted or required to testify in any private civil action  
3 concerning such confidential documents, materials, or other  
4 information. In order to assist in the performance of the  
5 commissioner's duties, the commissioner may share such matters  
6 with specified recipients provided that those recipients  
7 agree to maintain confidentiality and privileged access to  
8 the documents, materials, and information. Specifically as  
9 to enterprise reports filed by insurers, the commissioner may  
10 share those documents, materials, and information only with  
11 commissioners of states that have statutes or regulations  
12 that are substantially similar to the confidential treatment  
13 provisions of this state. The commissioner may receive  
14 documents, materials, or information from the national  
15 association of insurance commissioners and its affiliates and  
16 subsidiaries and from regulatory and law enforcement officials  
17 of other foreign or domestic jurisdictions if the confidential  
18 and privileged nature of the materials is maintained. The  
19 commissioner may enter into written agreements concerning the  
20 sharing of such materials.



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**Senate File 2105 - Introduced**

SENATE FILE 2105  
BY COMMITTEE ON COMMERCE  
  
(SUCCESSOR TO SSB 3091)

**A BILL FOR**

1 An Act relating to various matters involving insurance and  
2 the insurance division of the department of commerce and  
3 including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 corporation.

2 Sec. 4. Section 511.8, subsection 22, paragraph i, Code  
 3 2014, is amended to read as follows:

4 *i.* Securities held in the legal reserve of a life insurance  
 5 company or association pledged as collateral for financial  
 6 instruments used in ~~highly effective~~ hedging transactions ~~as~~  
 7 ~~defined in the national association of insurance commissioners'~~  
 8 ~~statement of statutory accounting principles no. 86~~ shall  
 9 continue to be eligible for inclusion in the legal reserve of  
 10 the life insurance company or association subject to all of the  
 11 following:

12 (1) The life insurance company or association does not  
 13 include the financial instruments used in ~~highly effective~~  
 14 hedging transactions for which the securities are pledged as  
 15 collateral in the legal reserve of the life insurance company  
 16 or association, provided, however, that this subparagraph  
 17 shall not exclude securities pledged to a counterparty,  
 18 clearing organization, or clearinghouse on an upfront basis  
 19 in the form of initial margin, independent amount, or other  
 20 securities pledged as a precondition of entering into financial  
 21 instruments used in ~~highly effective~~ hedging transactions from  
 22 inclusion in the legal reserve of the life insurance company  
 23 or association.

24 (2) Securities pledged as collateral for financial  
 25 instruments used in highly effective hedging transactions  
 26 as defined in the national association of insurance  
 27 commissioners' statement of statutory accounting principles  
 28 no. 86, together with securities pledged to a counterparty,  
 29 clearing organization, or clearinghouse on an upfront basis  
 30 in the form of initial margin, independent amount, or other  
 31 securities pledged as a precondition of entering into ~~financial~~  
 32 ~~instruments used in~~ highly effective hedging transactions  
 33 pursuant to subparagraph (1), are not eligible in excess of  
 34 ten percent of the legal reserve of the life insurance company  
 35 or association, less any financial instruments used in hedging

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1 transactions held in the legal reserve under this subsection  
 2 and less any securities included under subparagraph (3).  
 3 (3) Securities pledged as collateral for financial  
 4 instruments used in hedging transactions that the life  
 5 insurance company or association does not report as highly  
 6 effective hedging transactions, together with securities  
 7 pledged to a counterparty, clearing organization, or  
 8 clearinghouse on an upfront basis in the form of initial  
 9 margin, independent amount, or other securities pledged as  
 10 a precondition of entering into hedging transactions that  
 11 the life insurance company or association does not report as  
 12 highly effective hedging transactions pursuant to subparagraph  
 13 (1), are not eligible in excess of three percent of the legal  
 14 reserve of the life insurance company or association, less any  
 15 financial instruments used in hedging transactions held in the  
 16 legal reserve under this subsection.

DIVISION II

ELECTRONIC POSTING AND TRANSMISSION OF INSURANCE NOTICES AND  
DOCUMENTS

20 **Sec. 5. NEW SECTION. 505B.1 Notices and documents delivered**  
 21 **by electronic means.**

22 1. As used in this chapter, unless the context otherwise  
 23 requires:

24 a. *“Delivered by electronic means”* means any of the  
 25 following:

26 (1) Delivery to an electronic mail address at which a party  
 27 has consented to receive notices or documents.

28 (2) Posting on an electronic network or site accessible via  
 29 the internet, a mobile application, computer, mobile device,  
 30 tablet, or any other electronic device, together with separate  
 31 notice of the posting which shall be provided by electronic  
 32 mail to the address at which the party has consented to receive  
 33 notice or by any other delivery method that has been consented  
 34 to by the party.

35 b. *“Party”* means a recipient of a notice or document



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1 required as part of an insurance transaction including but not  
2 limited to an applicant, an insured, a policyholder, or an  
3 annuity contract holder.

4 2. Subject to subsection 4, any notice to a party or any  
5 other document required under applicable law in an insurance  
6 transaction or that is to serve as evidence of insurance  
7 coverage may be delivered, stored, or presented by electronic  
8 means so long as the notice or document meets the requirements  
9 of chapter 554D.

10 3. Delivery of a notice or document in accordance with this  
11 section shall be considered equivalent to any delivery method  
12 required under applicable law, including delivery by first  
13 class mail; first class mail, postage prepaid; certified mail;  
14 certificate of mail; or certificate of mailing.

15 4. A notice or document may be delivered by electronic  
16 means by an insurer to a party under this section if all of the  
17 following occur:

18 a. The party has affirmatively consented to such method of  
19 delivery and has not withdrawn the consent.

20 b. The party, before giving consent, is provided with a  
21 clear and conspicuous statement informing the party of the  
22 following:

23 (1) Any right or option of the party to have the notice  
24 or document provided or made available in paper or another  
25 nonelectronic form.

26 (2) The right of the party to withdraw consent to have a  
27 notice or document delivered by electronic means and any fees,  
28 conditions, or consequences imposed in the event consent is  
29 withdrawn.

30 (3) Whether the party's consent applies as follows:

31 (a) Only to the particular transaction as to which the  
32 notice or document must be provided.

33 (b) To identified categories of notices or documents that  
34 may be delivered by electronic means during the course of the  
35 parties' relationship.

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1 (4) (a) The means, after consent is given, by which a party  
2 may obtain a paper copy of a notice or document delivered by  
3 electronic means.

4 (b) The fee, if any, for the paper copy.

5 (5) The procedure a party must follow to withdraw consent to  
6 have a notice or document delivered by electronic means and to  
7 update information needed to contact the party electronically.

8 c. Both of the following occur:

9 (1) Before giving consent, the party is provided with  
10 a statement of the hardware and software requirements for  
11 access to and retention of a notice or document delivered by  
12 electronic means.

13 (2) The party consents electronically, or confirms consent  
14 electronically, in a manner that reasonably demonstrates that  
15 the party can access information in the electronic form that  
16 will be used for notices or documents delivered by electronic  
17 means as to which the party has given consent.

18 d. After consent of the party is given, the insurer, in  
19 the event a change in the hardware or software requirements  
20 needed to access or retain a notice or document delivered by  
21 electronic means creates a material risk that the party will  
22 not be able to access or retain a subsequent notice or document  
23 to which the consent applies, does the following:

24 (1) Provides the party with a statement of the following:

25 (a) The revised hardware and software requirements for  
26 access to and retention of a notice or document delivered by  
27 electronic means.

28 (b) The right of the party to withdraw consent without the  
29 imposition of any fee, condition, or consequence that was not  
30 disclosed under paragraph "b", subparagraph (2).

31 (2) Complies with paragraph "b".

32 5. This section does not affect requirements related to  
33 content or timing of any notice or document required under  
34 applicable law.

35 6. If a provision of this title or applicable law requiring

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1 a notice or document to be provided to a party expressly  
2 requires verification or acknowledgment of receipt of the  
3 notice or document, the notice or document may be delivered  
4 by electronic means only if the method used provides for  
5 verification or acknowledgment of receipt.

6 7. The legal effectiveness, validity, or enforceability  
7 of any contract or policy of insurance executed by a party  
8 shall not be denied solely because of the failure to obtain  
9 electronic consent or confirmation of consent of the party in  
10 accordance with subsection 4, paragraph "c", subparagraph (2).

11 8. a. A withdrawal of consent by a party does not affect  
12 the legal effectiveness, validity, or enforceability of a  
13 notice or document delivered by electronic means to the party  
14 before the withdrawal of consent is effective.

15 b. A withdrawal of consent by a party is effective within a  
16 reasonable period of time after receipt of the withdrawal by  
17 the insurer.

18 c. Failure by an insurer to comply with subsection 4,  
19 paragraph "d", may be treated, at the election of the party, as  
20 a withdrawal of consent for purposes of this section.

21 9. This section does not apply to a notice or document  
22 delivered by an insurer in an electronic form before the  
23 effective date of this Act to a party who, before that date,  
24 has consented to receive a notice or document in an electronic  
25 form otherwise allowed by law.

26 10. If the consent of a party to receive certain notices  
27 or documents in an electronic form is on file with an insurer  
28 before the effective date of this Act, and pursuant to this  
29 section an insurer intends to deliver additional notices or  
30 documents to such party in an electronic form, then prior to  
31 delivering such additional notices or documents electronically,  
32 the insurer shall notify the party of the following:

33 a. The notices or documents that may be delivered by  
34 electronic means under this section that were not previously  
35 delivered electronically.

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1     *b.* The party's right to withdraw consent to have notices or  
2 documents delivered by electronic means.

3     11. *a.* Except as otherwise provided by law, if an oral  
4 communication or a recording of an oral communication from a  
5 party can be reliably stored and reproduced by an insurer, the  
6 oral communication or recording may qualify as a notice or  
7 document delivered by electronic means for purposes of this  
8 section.

9     *b.* If a provision of this title or applicable law requires a  
10 signature or notice or document to be notarized, acknowledged,  
11 verified, or made under oath, the requirement is satisfied if  
12 the electronic signature of the person authorized to perform  
13 those acts, together with all other information required to  
14 be included by the provision, is attached to or logically  
15 associated with the signature, notice, or document.

16     12. This section shall not be construed to modify, limit, or  
17 supersede the provisions of the federal Electronic Signatures  
18 in Global and National Commerce Act, Pub. L. No. 106-229, 114  
19 Stat. 464 (2000), codified at 15 U.S.C. §7001 et seq., as  
20 amended.

21     Sec. 6. NEW SECTION. **505B.2 Posting of policies on the**  
22 **internet.**

23     1. Notwithstanding any contrary provision of chapter  
24 554D, an insurer may mail, deliver, or post on the insurer's  
25 internet site insurance documents, including policies, riders,  
26 endorsements, and annuity contracts that do not contain  
27 personally identifiable information. If the insurer elects  
28 to post an insurance policy or endorsement on the insurer's  
29 internet site in lieu of mailing or delivering the policy or  
30 endorsement to the insured, the insurer must comply with all of  
31 the following conditions:

32     *a.* The policy or endorsement must be accessible and remain  
33 accessible for as long as the policy or endorsement is in  
34 force.

35     *b.* After the expiration of the policy or endorsement, the

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1 insurer must archive the expired policy or endorsement for  
2 a period of five years, and make the policy or endorsement  
3 available upon request.

4 *c.* The policy or endorsement must be posted in a manner that  
5 enables the insured to print and save the policy or endorsement  
6 using programs and applications that are widely available on  
7 the internet and free to use.

8 *d.* The insurer must provide the following information in,  
9 or simultaneously with, each declarations page provided at the  
10 time of issuance of the initial policy and any renewal of that  
11 policy:

12 (1) A description of the exact policy or endorsement  
13 purchased by the insured.

14 (2) A method by which the insured may obtain, upon request  
15 and without charge, a paper copy of the insured's policy or  
16 endorsement.

17 (3) An internet address where the insured's policy or  
18 endorsement is posted.

19 *e.* The insurer must provide notice, in the format preferred  
20 by the insured, of any changes to the policy or endorsement,  
21 the insured's right to obtain, upon request and without charge,  
22 a paper copy of such policy or endorsement, and the internet  
23 address where such policy or endorsement is posted.

24 **Sec. 7. NEW SECTION. 505B.3 Applicability.**

25 The provisions of this chapter shall apply to the insurance  
26 products and documents, including insurance policies, insurance  
27 riders, insurance endorsements, and annuity contracts filed  
28 with and regulated by the commissioner of insurance under the  
29 authority provided to the commissioner by Title XIII, subtitle  
30 1.

31 **EXPLANATION**

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

34 This bill relates to various matters involving insurance  
35 and the insurance division of the department of commerce and

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1 includes applicability provisions.

2 DIVISION I — MISCELLANEOUS PROVISIONS.

3 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS). New  
4 Code section 97B.49B(1)(e)(13) provides that employees of  
5 the insurance division who as a condition of employment are  
6 required to be certified by the Iowa law enforcement academy  
7 and who are required to perform the duties of a peace officer,  
8 are defined as being in a "protection occupation" for purposes  
9 of calculation of their retirement benefits under IPERS.

10 UNIFORM SECURITIES ACT. Code section 502.409(1) is amended  
11 to provide that when a broker-dealer, agent, investment  
12 adviser, or investment adviser representative withdraws its  
13 registration in this state, the commissioner of insurance  
14 or a deputy may institute a disciplinary action against  
15 such a person within two years, instead of one year, of the  
16 withdrawal.

17 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. Code section  
18 511.8(8)(d) is amended to provide that certain corporate  
19 obligations held in the legal reserve of a life insurance  
20 company or association cannot exceed 3 percent, instead of  
21 2 percent, of the legal reserve and not more than one-half,  
22 instead of one-eighth, of 1 percent of the legal reserve can be  
23 invested in the securities of any one corporation.

24 Code section 511.8(22)(i) is amended to provide that certain  
25 securities pledged as collateral for financial instruments used  
26 in hedging transactions, instead of highly effective hedging  
27 transactions, are eligible to be held in the legal reserve of  
28 a life insurance company or association subject to certain  
29 restrictions. Those restrictions are:

30 1) Financial instruments used in hedging transactions for  
31 which the securities are pledged as collateral cannot be  
32 included in the reserve, except in specified cases.

33 2) Securities pledged as collateral for financial  
34 instruments used in highly effective hedging transactions, as  
35 defined by the national association of insurance commissioners,

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1 together with securities pledged to certain entities or other  
2 securities pledged as a precondition of entering into highly  
3 effective hedging transactions, cannot be held in excess of  
4 10 percent of the legal reserve less any instruments used  
5 in hedging transactions held in the reserve and less any  
6 securities pledged as collateral for financial instruments used  
7 in hedging transactions.

8 3) Securities pledged as collateral for financial  
9 instruments used in hedging transactions together with  
10 securities pledged to specified entities or other securities  
11 pledged as a condition of entering into hedging transactions  
12 that are not highly effective hedging transactions, cannot  
13 exceed 3 percent of the legal reserve less any financial  
14 instruments used in hedging transactions that are held in the  
15 reserve under Code section 511.8(22)(i).

16 DIVISION II — ELECTRONIC POSTING AND TRANSMISSION OF  
17 INSURANCE NOTICES AND DOCUMENTS. New Code chapter 505B  
18 regulates the electronic delivery and posting on an electronic  
19 network, of certain insurance notices and documents required to  
20 be sent to a person including but not limited to an applicant,  
21 an insured, a policyholder, or an annuity contract holder as  
22 part of an insurance transaction.

23 New Code section 505B.1 provides that any such notice or  
24 document required to be sent to such a person under applicable  
25 law may be delivered, stored, or presented by electronic means  
26 so long as the notice or document meets the requirements of  
27 the Uniform Electronic Transactions Act (Code chapter 554D)  
28 and the requirements of this new Code section. Electronic  
29 delivery that meets these requirements is considered equivalent  
30 to delivery under other methods required by law such as first  
31 class mail, certified mail, or certificate of mail.

32 In order to meet the requirements of new Code section 505B.1,  
33 the recipient must affirmatively consent to electronic delivery  
34 or posting and must be provided with a clear and conspicuous  
35 statement informing the recipient of their rights, including



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1 the right to withdraw consent and any fees imposed for doing  
2 so. The recipient must also be provided with the hardware and  
3 software requirements for accessing information in electronic  
4 form and notified if those requirements change.

5 New Code section 505B.1 does not affect legal requirements  
6 related to the content or timing of any notice or document.  
7 If the legal requirements expressly require verification or  
8 acknowledgment of receipt of the notice or document, the  
9 electronic delivery must provide for such verification or  
10 acknowledgment of receipt. The legal effectiveness, validity,  
11 or enforceability of any contract or policy of insurance cannot  
12 be denied solely because of the failure to obtain electronic  
13 consent or confirmation of the consent pursuant to the new  
14 Code section. A withdrawal of consent does not affect the  
15 legal effectiveness, validity, or enforceability of a notice or  
16 document delivered by electronic means prior to the effective  
17 date of the withdrawal of consent.

18 If a party had consented to receive certain notices or  
19 documents electronically prior to the effective date of new  
20 Code chapter 505B, an insurer who intends to deliver additional  
21 notices or documents to the party pursuant to the new Code  
22 chapter must provide notice of that fact and inform the party  
23 of the right to withdraw consent to such delivery.

24 Except as otherwise prohibited by law, if an oral  
25 communication or recording of an oral communication from a  
26 party can be reliably stored and reproduced by an insurer, the  
27 oral communication or recording may qualify as a notice or  
28 document delivered by electronic means. Also, the electronic  
29 signature of a person is satisfactory to meet requirements to  
30 notarize, acknowledge, verify, or make under oath a signature,  
31 notice, or document.

32 New Code section 505B.1 shall not be construed to modify,  
33 limit, or supersede the provisions of the federal Electronic  
34 Signatures in Global and National Commerce Act.

35 New Code section 505B.2 provides that insurance documents,

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1 including policies, riders, endorsements, and annuity contracts  
2 that do not contain personally identifiable information may be  
3 mailed, delivered, or posted on the insurer's internet site.  
4 If the insurer elects to post the items in lieu of mailing or  
5 delivering them to the insured, the items must be accessible  
6 as long as they are in force; must be archived for a period of  
7 five years after expiration and be available upon request; and  
8 must be posted in a manner that allows the insured to print and  
9 save the items using programs and applications that are widely  
10 available on the internet at no charge. The insurer must also  
11 provide information to the insured in, or simultaneously with,  
12 each declarations page provided at the time of issuance of the  
13 initial policy and any renewal of that policy, describing the  
14 policy or endorsement; providing a method to obtain without  
15 charge a paper copy of the policy or endorsement; and providing  
16 the internet address where the items are posted.

17 New Code chapter 505B applies to insurance products and  
18 documents, including insurance policies, insurance riders,  
19 insurance endorsements, and annuity contracts filed with and  
20 regulated by the commissioner of insurance under the authority  
21 of Title XIII, subtitle 1 of the Code.



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**Senate File 2106 - Introduced**

SENATE FILE 2106  
BY McCOY

**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:

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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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**Senate File 2107 - Introduced**

SENATE FILE 2107  
BY BOLKCOM and HOGG

**A BILL FOR**

- 1 An Act relating to solar energy purchase requirements
- 2 applicable to certain electric utilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5597XS (9) 85  
rn/nh



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1 Section 1. Section 476.1, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5A. A community solar garden program  
4 established pursuant to section 476.49 shall not be regarded as  
5 a public utility for purposes of this chapter.

6 Sec. 2. Section 476.25, Code 2014, is amended by adding the  
7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The furnishing of electricity  
9 pursuant to a community solar garden program under section  
10 476.49 shall not be considered an unnecessary duplication  
11 of electric utility facilities and shall not constitute a  
12 violation of this section.

13 Sec. 3. Section 476.44, subsection 2, Code 2014, is amended  
14 to read as follows:

15 2. a. (1) An electric utility subject to this division,  
16 except a utility that elects rate regulation pursuant to  
17 section 476.1A, shall ~~not~~ be required, by January 1, 2020,  
18 to own or purchase, ~~at any one time, more than~~ its share of  
19 one hundred five megawatts of power from ~~alternative energy~~  
20 ~~production facilities or small hydro~~ solar energy facilities  
21 located in this state at the rates established pursuant to  
22 section 476.43. The board shall allocate the one hundred five  
23 megawatts based upon each utility's percentage of the total  
24 Iowa retail peak demand, for the year beginning January 1, ~~1990~~  
25 2014, of all utilities subject to this section. If a utility  
26 undergoes reorganization as defined in section 476.76, the  
27 board shall combine the allocated purchases of power for each  
28 utility involved in the reorganization.

29 (2) In satisfying the solar energy ownership or purchase  
30 requirements pursuant to subparagraph (1), a minimum of ten  
31 percent of the energy produced or purchased shall be produced  
32 by or purchased from solar energy facilities with a nameplate  
33 generating capacity of twenty kilowatts or less.

34 b. Notwithstanding the one hundred five megawatt ~~maximum~~  
35 requirement, the board may increase the amount of ~~power~~ solar



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1 energy that a utility is required to own or purchase at the  
 2 rates established pursuant to section 476.43 if the board  
 3 finds that a utility, including a reorganized utility, exceeds  
 4 its ~~1990~~ 2014 Iowa retail peak demand by twenty percent and  
 5 the additional ~~power~~ solar energy the utility is required to  
 6 purchase will encourage the development of ~~alternate energy~~  
 7 ~~production facilities and small hydro~~ solar energy facilities.  
 8 The increase shall not exceed the utility's increase in peak  
 9 demand multiplied by the ratio of the utility's share of the  
 10 one hundred five megawatt ~~maximum~~ requirement to its ~~1990~~ 2014  
 11 Iowa retail peak demand.

12 Sec. 4. NEW SECTION. **476.49 Community solar garden program.**

13 1. *Definitions.* For the purposes of this section, unless  
 14 the context otherwise requires:

15 a. "*Community solar garden facility*" means an electric  
 16 generating facility with a nameplate generating capacity of  
 17 one megawatt or less that generates electricity by means of  
 18 a ground-mounted or roof-mounted solar photovoltaic device  
 19 whereby subscribers receive a bill credit for the electricity  
 20 generated in proportion to the size of their subscription.

21 b. "*Subscriber*" means a retail customer of an electric  
 22 utility subject to this division who owns one or more  
 23 subscriptions to a community solar garden facility  
 24 interconnected with that utility.

25 c. "*Subscription*" means a proportional contractual  
 26 interest in a community solar garden facility, together with a  
 27 proportional interest in any state or federal tax credits for  
 28 which a community solar garden facility may be eligible.

29 2. *Program established — requirements.*

30 a. A community solar garden program is established to  
 31 encourage and enhance the generation of solar energy and to  
 32 encourage and enhance the ability of electric public utility  
 33 customers to participate in and derive benefit from alternate  
 34 solar energy projects.

35 b. Pursuant to the program, an electric public utility



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1 subject to rate regulation shall be required to establish and  
2 maintain one or more community solar garden facilities. The  
3 program shall be designed to offset the energy use of not  
4 less than five subscribers to each community solar garden  
5 facility, of which no single subscriber has more than a forty  
6 percent interest in the facility. A community solar garden  
7 facility may be owned by the utility or by any other entity  
8 or organization, including a subscriber organization, that  
9 contracts to sell the output from the community solar garden  
10 facility to the utility.

11 *c.* A community solar garden facility must be located  
12 within a utility's service area. Subscribers shall be retail  
13 customers of the utility located in the same county or a county  
14 contiguous to where the facility is located. Each subscription  
15 shall be sized to represent at least two hundred watts of the  
16 community solar garden facility's generating capacity and  
17 to supply, when combined with other distributed generation  
18 resources serving the premises, no more than one hundred twenty  
19 percent of the average annual consumption of electricity by  
20 each subscriber at the premises to which the subscription is  
21 attached.

22 *d.* A utility establishing a community solar garden  
23 program shall be required to purchase from a community solar  
24 garden facility all electricity generated by the facility  
25 at the same rates applicable to alternate energy production  
26 facilities pursuant to section 476.43, or at an alternative  
27 rate established pursuant to section 476.50. A subscriber's  
28 portion of the electricity purchased by the utility shall be  
29 credited to the subscriber's account with the utility. The  
30 board shall develop interconnection agreements for utilization  
31 by a community solar garden facility interconnecting with the  
32 utility as provided in section 476.50.

33 *e.* A utility shall not be required to purchase an amount of  
34 electricity from one or more community solar garden facilities  
35 in an amount exceeding four percent of its average annual



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1 electricity sales. The requirements of this section are  
2 applicable in addition to, and not in lieu of, the maximum  
3 purchase and ownership restrictions specified in section  
4 476.44.

5 3. *Plans — submission requirements.*

6 a. A public utility subject to this section shall submit a  
7 community solar garden program plan to the board by September  
8 30, 2014, incorporating the following components:

9 (1) The proposed location of one or more community solar  
10 garden facilities to be operated and maintained by the utility.

11 (2) Uniform standards, fees, and processes for the  
12 interconnection of community solar garden facilities that will  
13 allow the utility to recover reasonable interconnection costs  
14 for each facility.

15 (3) Information to be provided to potential subscribers  
16 to ensure fair disclosure of future costs and benefits of  
17 subscriptions.

18 (4) An implementation schedule for facility  
19 interconnection.

20 b. The board may approve, disapprove, or modify the plan.  
21 Once approved, a plan shall be implemented within ninety days  
22 following the date of approval. Within one hundred eighty  
23 days following the date of approval, the utility shall begin  
24 crediting subscriber accounts for each community solar garden  
25 facility within its service area.

26 c. The utility shall file an updated plan on an annual  
27 basis summarizing the operation and status of its community  
28 solar garden program and detailing the amount of electricity  
29 generated by facilities and credited to subscriber accounts.

30 **Sec. 5. NEW SECTION. 476.50 Solar interconnection**  
31 **agreements — alternative tariff rate.**

32 1. An electric public utility may enter into  
33 interconnection agreements with customers operating distributed  
34 generation solar photovoltaic devices. A utility entering  
35 into such an agreement may apply to the board for approval



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1 of an alternative tariff rate that compensates customers  
2 through a billing credit mechanism for the value to the  
3 utility, its customers, and society for operating such devices  
4 interconnected to the utility system and operated by customers  
5 primarily for meeting their own energy needs. If approved,  
6 the alternative rate would apply in lieu of the rate otherwise  
7 applicable to alternate energy production facilities pursuant  
8 to section 476.43.

9 2. An application for an alternative tariff rate submitted  
10 by a utility pursuant to this section shall demonstrate that  
11 the proposed rate conforms with the following:

12 a. Appropriately applies the methodology established by the  
13 board pursuant to subsection 3.

14 b. Includes a mechanism to allow recovery of the cost to  
15 serve customers receiving the alternative tariff rate.

16 c. Charges the customer for all electricity consumed by the  
17 customer at an applicable rate schedule for sales to that class  
18 of customer.

19 d. Credits the customer for all electricity generated by the  
20 solar photovoltaic device.

21 e. Applies charges and credits to a monthly billing that  
22 includes a provision so that the unused portion of the credit  
23 in any month or billing period shall be carried forward and  
24 credited against all charges. In the event that the customer  
25 has a positive balance after the twelve-month cycle ending  
26 on the last day in February, that balance will be eliminated  
27 and the credit cycle will restart the following billing period  
28 beginning on March 1.

29 3. The board shall establish a solar value methodology  
30 for utilization by utilities in developing and applying for  
31 an alternative tariff rate pursuant to this section. The  
32 methodology shall, at a minimum, account for the value of  
33 energy and its delivery, generation capacity, transmission  
34 capacity, transmission and distribution line losses, and  
35 environmental value. The board may, based on known and

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1 measurable evidence of the cost or benefit of solar operation  
 2 to the utility, incorporate other values into the methodology,  
 3 including credits for locally manufactured or assembled  
 4 energy systems, systems installed at high-value locations on  
 5 the distribution grid, or other factors. In developing the  
 6 methodology pursuant to this subsection, the board may consult  
 7 stakeholders with experience and expertise in power systems,  
 8 solar energy, and electric utility ratemaking regarding the  
 9 proposed methodology, underlying assumptions, and preliminary  
 10 data.

11 4. Applications shall be subject to the approval provisions  
 12 of section 476.6. A utility shall recalculate the alternative  
 13 tariff rate on an annual cycle, and shall file the recalculated  
 14 alternative rate with the board for approval. The board may  
 15 not authorize a utility to charge an alternative tariff rate  
 16 that is lower than the utility's applicable retail rate until  
 17 three years after the board originally approved the alternative  
 18 tariff rate.

19 5. A utility shall enter into an interconnection agreement  
 20 with an owner of a solar photovoltaic device receiving an  
 21 alternative tariff rate as provided in this section for a term  
 22 of at least twenty years, unless a shorter term is agreed to by  
 23 the parties. The board shall develop standard interconnection  
 24 agreement forms for utilization by the utility and the owner.  
 25 An owner must be paid the same rate per kilowatt-hour generated  
 26 each year for the duration of the interconnection agreement.

27 6. A utility must provide to the customer the meter and  
 28 any other equipment needed to provide service pursuant to the  
 29 interconnection agreement.

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 specifies solar energy purchase requirements  
 34 applicable to electric public utilities and provides  
 35 for alternative tariff rates applicable to solar energy

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1 interconnection agreements.

2 Currently, electric utilities are required to own alternate  
3 energy production facilities or small hydro facilities located  
4 in Iowa, or to enter into long-term contracts to purchase or  
5 wheel electricity from such facilities. Alternate energy  
6 production facilities are defined in Code section 476.42  
7 to include solar, wind turbine, waste management, resource  
8 recovery, refuse-derived fuel, agricultural crops or residues,  
9 or woodburning facilities.

10 There is a limitation on the amount of electricity required  
11 to be produced by a facility which is owned by an electric  
12 utility, or purchased or wheeled from an alternate energy  
13 production facility or small hydro facility. An electric  
14 utility is not required to own or purchase, at any one time,  
15 more than its share of 105 megawatts of power from alternate  
16 energy production facilities or small hydro facilities.

17 The bill modifies the 105 megawatt purchase requirement  
18 and limitation to make it applicable strictly to solar energy  
19 derived from solar energy facilities in this state. The 105  
20 megawatt solar energy ownership or purchase requirements must  
21 be attained by January 1, 2020. The bill provides that out of  
22 this amount, a minimum of 10 percent of the energy produced  
23 or purchased shall be produced by or purchased from solar  
24 energy facilities with a nameplate generating capacity of  
25 20 kilowatts or less. The bill makes conforming changes to  
26 related provisions.

27 The bill additionally establishes a community solar garden  
28 program. The bill defines a "community solar garden facility"  
29 to mean an electric generating facility with a nameplate  
30 generating capacity of one megawatt or less that generates  
31 electricity by means of a ground-mounted or roof-mounted solar  
32 photovoltaic device whereby subscribers receive a billing  
33 credit for the electricity generated in proportion to the size  
34 of their subscription. The bill defines "subscriber" to mean  
35 a retail customer of an electric utility who owns one or more

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1 subscriptions of a community solar garden interconnected with  
2 that utility. The bill defines a "subscription" to mean a  
3 proportional contractual interest in a community solar garden  
4 facility, together with a proportional interest in any state or  
5 federal tax credits for which a community solar garden facility  
6 may be eligible.

7 The bill provides that an electric public utility subject to  
8 rate regulation shall be required to establish and maintain one  
9 or more community solar garden facilities, consisting of not  
10 less than five subscribers to each facility, of which no single  
11 subscriber has more than a 40 percent interest in the facility.  
12 The bill states that a community solar garden facility may be  
13 owned by the utility or by any other entity or organization,  
14 including a subscriber organization, that contracts to sell the  
15 output from the community solar garden facility to the utility.

16 The bill requires a community solar garden facility to  
17 be located within the utility's service area, and requires  
18 subscribers to be retail customers of the utility located in  
19 the same county or a county contiguous to where the facility  
20 is located. Each subscription is required to be sized to  
21 represent at least 200 watts of the community solar garden  
22 facility's generating capacity and to supply, when combined  
23 with other distributed generation resources serving the  
24 premises, no more than 120 percent of the average annual  
25 consumption of electricity by each subscriber at the premises  
26 to which the subscription is attached. The bill provides that  
27 rates applicable to facilities shall either be the same rates  
28 applicable to alternate energy production facilities pursuant  
29 to Code section 476.43, or an alternative rate established  
30 according to a methodology specified in the bill. The bill  
31 provides that a subscriber's portion of the electricity  
32 purchased shall be provided as a credit on the subscriber's  
33 billing, that a utility shall not be required to purchase an  
34 amount of electricity from one or more community solar garden  
35 facilities in an amount exceeding 4 percent of its average

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rn/nh

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1 annual electricity sales, and that the community solar garden  
2 requirements are in addition to, and not in lieu of, alternate  
3 energy purchase and ownership requirements specified in Code  
4 section 476.44.

5 The bill requires a utility subject to the bill's provisions  
6 to submit a community solar garden program plan to the  
7 Iowa utilities board by September 30, 2014, incorporating  
8 specified components. The bill provides that the plan shall  
9 be implemented within 90 days following the date of approval,  
10 and that within 180 days following the date of approval, the  
11 utility shall begin crediting subscriber accounts for each  
12 community solar garden facility within its service area. The  
13 utility is required to file an updated plan on an annual  
14 basis summarizing the operation and status of its community  
15 solar garden program and detailing the amount of electricity  
16 generated by facilities and credited to subscribers.

17 The bill additionally includes provisions regarding solar  
18 interconnection agreements in general, and alternative tariff  
19 rates applicable to them. The bill provides that a public  
20 utility entering into a solar energy interconnection agreement  
21 may apply to the board for approval of an alternative tariff  
22 rate that compensates customers through a billing credit  
23 mechanism for the value to the utility, its customers, and  
24 society for operating such devices interconnected to the  
25 utility system and operated by customers primarily for meeting  
26 their own energy needs. The bill specifies criteria which  
27 an alternative tariff rate is required to conform to, and  
28 creates a solar value methodology for utilization by public  
29 utilities in developing and applying for the alternative tariff  
30 rate. The bill provides that applications for an alternative  
31 rate shall be subject to the rate approval provisions of  
32 Code section 476.6, and that the utility shall enter into an  
33 interconnection agreement with an owner of a solar photovoltaic  
34 device receiving the alternative rate for a term of at least 20  
35 years, unless a shorter term is agreed to by the parties. The



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1 board is directed to develop standard interconnection agreement  
2 forms for utilization by the utility and the owner, which are  
3 also applicable to interconnection with community solar garden  
4 facilities. The bill provides that the utility must provide  
5 the customer with the meter and any other equipment needed to  
6 provide service pursuant to the interconnection agreement.



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**Senate File 2108 - Introduced**

SENATE FILE 2108  
BY DEARDEN

**A BILL FOR**

1 An Act providing for the issuance of Sullivan brothers' award  
2 of valor special motor vehicle registration plates, and  
3 providing fees.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5891SS (4) 85  
dea/tm



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1 Section 1. Section 321.34, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 27. *Sullivan brothers' award of valor*  
4 *plates.*

5 a. An owner referred to in subsection 12 who was awarded  
6 the Sullivan brothers' award of valor, or is the spouse of a  
7 person who received the award, may order special registration  
8 plates bearing a Sullivan brothers' award of valor processed  
9 emblem upon written application to the department and  
10 presentation of satisfactory supporting documentation as  
11 determined by the department. The Sullivan brothers' award  
12 of valor distinguishing processed emblem shall be designed by  
13 the department in cooperation with the commissioner of public  
14 safety. The special plate fees collected by the director under  
15 subsection 12, paragraphs "a" and "c", from the issuance and  
16 annual validation of letter-number designated and personalized  
17 Sullivan brothers' award of valor plates shall be paid monthly  
18 to the treasurer of state and deposited in the road use tax  
19 fund. The treasurer of state shall transfer monthly from the  
20 statutory allocations fund created under section 321.145,  
21 subsection 2, to the special olympics fund created in section  
22 8.8 the amount of the special fees collected under subsection  
23 12, paragraph "a", in the previous month for Sullivan brothers'  
24 award of valor plates.

25 b. The surviving spouse of a person who received the  
26 Sullivan brothers' award of valor may continue to use or apply  
27 for and use the special plates subject to registration of the  
28 special plates in the surviving spouse's name and upon payment  
29 of the annual five-dollar special plate fee and the regular  
30 annual registration fee for the vehicle. If the surviving  
31 spouse remarries, the surviving spouse shall return the special  
32 plates to the department and the department shall issue regular  
33 registration plates to the surviving spouse.

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

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dea/tm





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**Senate File 2109 - Introduced**

SENATE FILE 2109  
BY COMMITTEE ON JUDICIARY  
  
(SUCCESSOR TO SSB 3112)

**A BILL FOR**

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

TLSB 5435SV (1) 85  
jm/rj



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S.F. 2109

1 Section 1. Section 614.8, subsection 2, Code 2014, is  
2 amended to read as follows:

3 2. Except as provided in section 614.1, subsection 9, or  
4 section 614.8A, the times limited for actions in this chapter,  
5 or chapter 216, 669, or 670, except those brought for penalties  
6 and forfeitures, are extended in favor of minors, so that they  
7 shall have one year from and after attainment of majority  
8 within which to file a complaint pursuant to chapter 216, to  
9 make a claim pursuant to chapter 669, or to otherwise commence  
10 an action.

11 Sec. 2. Section 614.8A, Code 2014, is amended to read as  
12 follows:

13 **614.8A Damages Commencement of action for minor or child**  
14 **sexual abuse — time limitation.**

15 1. Notwithstanding section 614.8, subsection 2, and the  
16 times limited for actions in this chapter, the time to file an  
17 action relating to sexual abuse which occurred when the injured  
18 person was a minor, is extended twenty-five years beyond the  
19 minor's attainment of eighteen years of age.

20 2. ~~An~~ In addition to the extension of time provided in  
21 subsection 1, an action for damages for injury suffered as  
22 a result of sexual abuse which occurred when the injured  
23 person was a child, but not discovered until after the injured  
24 person is of the age of majority, shall be brought within ~~four~~  
25 twenty-five years from the time of discovery by the injured  
26 party of both the injury and the causal relationship between  
27 the injury and the sexual abuse.

28 Sec. 3. Section 802.2, subsection 1, Code 2014, is amended  
29 to read as follows:

30 1. An information or indictment for sexual abuse in the  
31 first, second, or third degree committed on or with a person  
32 who is under the age of eighteen years shall be found within  
33 ~~ten~~ twenty-five years after the person upon whom the offense  
34 is committed attains eighteen years of age, or if the person  
35 against whom the information or indictment is sought is



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

5 EXPLANATION

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

8 This bill modifies the periods of time to bring civil and  
9 criminal actions relating to the sexual abuse of minors.

10 Under the bill, the time for filing a civil action relating  
11 to sexual abuse which occurred when the injured person was  
12 a minor is extended from one year after the attainment of  
13 majority to 25 years after the attainment of majority.

14 The bill also provides that a civil action for damages  
15 relating to sexual abuse which occurred when the injured party  
16 was a child under 14 years of age, shall be brought within  
17 25 years from the time of the discovery of both the injury  
18 and the causal relationship between the injury and the sexual  
19 abuse. Current law specifies such an action shall be brought  
20 within four years from the time of discovery of both the injury  
21 and the causal relationship between the injury and the sexual  
22 abuse.

23 The bill also specifies that a criminal information  
24 or indictment for sexual abuse in the first, second, or  
25 third degree committed on or with a person under the age of  
26 18 shall be found within 25 years of the sexually abused  
27 person attaining 18 years of age. Current law specifies the  
28 indictment or information for such sexual abuse be found within  
29 10 years of the sexually abused person attaining 18 years of  
30 age.



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Senate File 2110 - Introduced

SENATE FILE 2110  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3137)

**A BILL FOR**

- 1 An Act making a supplemental appropriation for the low-income
- 2 home energy assistance program and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6067SV (1) 85  
jp/tm





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**Senate File 2111 - Introduced**

SENATE FILE 2111  
BY SODDERS and HATCH

**A BILL FOR**

1 An Act relating to the state military forces by establishing  
2 response and reporting requirements for the handling of  
3 allegations of sexual abuse in the state military forces.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5688XS (6) 85  
aw/rj



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1 Section 1. Section 29B.116, Code 2014, is amended to read  
2 as follows:

3 **29B.116 General article.**

4 1. Though not specifically mentioned in this code, all  
5 disorders and neglects to the prejudice of good order and  
6 discipline in the state military forces, of which persons  
7 subject to this code may be guilty, shall be taken cognizance  
8 of by a general, special, or summary court-martial, according  
9 to the nature and degree of the offense, and shall be punished  
10 at the discretion of that court. ~~However, cognizance~~

11 2. a. Cognizance shall not be taken of, and jurisdiction  
12 shall not be extended to, the crimes of murder, manslaughter,  
13 sexual abuse, robbery, maiming, arson, extortion, assault,  
14 burglary, or housebreaking, jurisdiction of which is reserved  
15 to civil courts. For the purposes of this subsection, "sexual  
16 abuse" includes any crime contained in chapter 709.

17 b. The state military forces shall assist and support  
18 civilian investigations of allegations of the commission of  
19 sexual abuse. The adjutant general shall prescribe rules to  
20 require the state military forces to respond to allegations of  
21 the commission of sexual abuse and immediately report any such  
22 allegation to the appropriate civil authorities.

23 **Sec. 2. NEW SECTION. 29B.116A Reporting of crimes under**  
24 **civil authority.**

25 1. a. A person subject to this code who makes an allegation  
26 that a crime, as referred to in section 29B.116, subsection  
27 2, has been committed, may contact and give statements to any  
28 proper civil authority or military authority regarding such  
29 allegations.

30 b. A person subject to this code shall not do any of the  
31 following:

32 (1) Stop, prevent, or discourage a person from contacting  
33 and giving statements to any proper civil authority or military  
34 authority pursuant to this subsection.

35 (2) Threaten, directly or implicitly, or take punitive



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1 action against a person making an allegation that a crime,  
2 as referred to in section 29B.116, subsection 2, has been  
3 committed.

4 (3) Presumptively dismiss any allegation that would  
5 interfere with the due process of a civil authority.

6 (4) Suppress any action, report, or evidence that would  
7 interfere with the due process of a civil authority.

8 2. The adjutant general shall prescribe rules, consistent  
9 with federal law and regulations, to require that the state  
10 military forces not give a member of the state military  
11 forces making an allegation of sexual abuse a less favorable  
12 rating or evaluation because of such an allegation. The rules  
13 shall also require that the state military forces not give a  
14 less favorable rating or evaluation to a member of the state  
15 military forces if a subordinate of that member has made an  
16 allegation of sexual abuse against a third person or because of  
17 the number of any such allegations.

18 3. The adjutant general shall report annually, by January  
19 15, to the governor and to the chairpersons and ranking members  
20 of the general assembly's standing committees on veterans  
21 affairs on the number of sexual abuse allegations known to have  
22 been reported by the state military forces to civil authorities  
23 in the prior year.

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 establishes response and reporting requirements  
28 regarding sexual abuse in the state military forces.

29 Under current law, Code section 29B.116 provides that  
30 the civil courts have jurisdiction of all crimes of murder,  
31 manslaughter, sexual abuse, robbery, maiming, arson, extortion,  
32 assault, burglary, and housebreaking committed by persons  
33 subject to the Iowa code of military justice (military  
34 persons). The bill includes within the term sexual abuse  
35 any crime described in Code chapter 709, relating to sexual

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1 abuse and certain other sexual offenses. The bill requires  
2 that state military forces assist and support civilian  
3 investigations of sexual abuse under the jurisdiction of the  
4 civil courts.

5 The bill further requires that the adjutant general  
6 prescribe rules to require the state military forces to respond  
7 to the allegation of sexual abuse and immediately report the  
8 allegation to the appropriate civil authority.

9 The bill provides that a military person who makes an  
10 allegation that such a crime has been committed may contact  
11 and give statements to any proper civil authority or military  
12 authority regarding such an allegation. The bill requires  
13 that a military person not stop, prevent, or discourage such a  
14 person from contacting any proper civil authority or military  
15 authority or threaten, directly or implicitly, or take punitive  
16 action against a person making an allegation that such a crime  
17 has been committed. The bill further requires that a military  
18 person not presumptively dismiss any allegation that would  
19 interfere with the due process of a civil authority or suppress  
20 any action, report, or evidence that would interfere with the  
21 due process of a civil authority.

22 The bill also requires the adjutant general to prescribe  
23 rules, consistent with federal law and regulations, to not give  
24 a member of the state military forces making an allegation of  
25 sexual abuse a less favorable rating or evaluation because  
26 of such an allegation. The bill also requires that the  
27 rules provide that the state military forces not give a  
28 less favorable rating or evaluation to a member of the state  
29 military forces if a subordinate of that member has made an  
30 allegation of sexual abuse against a third person or because of  
31 the number of any such allegations.

32 The bill also requires that the adjutant general  
33 report annually, by January 15, to the governor and to the  
34 chairpersons and ranking members of the general assembly's  
35 standing committees on veterans affairs on the number of sexual

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1 abuse allegations known to have been reported by the state  
2 military forces to civil authorities in the prior year.



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**Senate File 2112 - Introduced**

SENATE FILE 2112  
BY HATCH

**A BILL FOR**

- 1 An Act providing for the establishment of the Iowa health
- 2 insurance marketplace and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 the costs of health care services, including an insurance  
2 company offering sickness and accident plans, a health  
3 maintenance organization, a nonprofit hospital or health  
4 service corporation, or any other entity providing a plan of  
5 health insurance, health benefits, or health services.  
6 6. a. *Health insurance plan* means a policy, contract,  
7 certificate, or agreement offered or issued by a health carrier  
8 to provide, deliver, arrange for, pay for, or reimburse any of  
9 the costs of health care services.  
10 b. *Health insurance plan* does not include any of the  
11 following:  
12 (1) Coverage only for accident, or disability income  
13 insurance, or any combination thereof.  
14 (2) Coverage issued as a supplement to liability insurance.  
15 (3) Liability insurance, including general liability  
16 insurance and automobile liability insurance.  
17 (4) Workers' compensation or similar insurance.  
18 (5) Automobile medical payment insurance.  
19 (6) Credit-only insurance.  
20 (7) Coverage for on-site medical clinics.  
21 (8) Other similar insurance coverage, specified in federal  
22 regulations issued pursuant to Tit. XXVII of the federal Public  
23 Health Service Act, as enacted by the federal Health Insurance  
24 Portability and Accountability Act of 1996, Pub. L. No.  
25 104-191, and amended by the federal Act, under which benefits  
26 for health care services are secondary or incidental to other  
27 insurance benefits.  
28 c. *Health insurance plan* does not include any of the  
29 following benefits if they are provided under a separate  
30 policy, certificate, or contract of insurance or are otherwise  
31 not an integral part of the plan:  
32 (1) Limited scope dental or vision benefits.  
33 (2) Benefits for long-term care, nursing home care, home  
34 health care, community-based care, or any combination thereof.  
35 (3) Other similar, limited benefits specified in federal

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1 regulations issued pursuant to the federal Health Insurance  
2 Portability and Accountability Act of 1996, Pub. L. No.  
3 104-191.

4 *d. "Health insurance plan"* does not include any of the  
5 following benefits if the benefits are provided under a  
6 separate policy, certificate, or contract of insurance, there  
7 is no coordination between the provision of the benefits  
8 and any exclusion of benefits under any group health plan  
9 maintained by the same plan sponsor, and the benefits are paid  
10 with respect to an event without regard to whether benefits are  
11 provided with respect to such an event under any group health  
12 plan maintained by the same plan sponsor:

13 (1) Coverage only for a specified disease or illness.

14 (2) Hospital indemnity or other fixed indemnity insurance.

15 *e. "Health insurance plan"* does not include any of the  
16 following if offered as a separate policy, certificate, or  
17 contract of insurance:

18 (1) Medicare supplemental health insurance as defined under  
19 section 1882(g)(1) of the federal Social Security Act.

20 (2) Coverage supplemental to the coverage provided under 10  
21 U.S.C. ch. 55, by the civilian health and medical program of  
22 the uniformed services.

23 (3) Supplemental coverage similar to that provided under a  
24 group health insurance plan.

25 7. *"Insurance producer"* means a person required to be  
26 licensed under chapter 522B.

27 8. *"Marketplace"* means the Iowa health insurance marketplace  
28 established pursuant to section 514M.4.

29 9. *"Navigator"* means a person selected, licensed, and  
30 regulated by the marketplace in accordance with section 1311(i)  
31 of the federal Act, standards developed by the secretary, and  
32 chapter 522D.

33 10. *"Qualified dental plan"* means a limited scope dental  
34 plan that has been certified in accordance with section  
35 514M.10.

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1 11. *“Qualified employer”* means a small employer that elects  
2 to make its full-time employees eligible for one or more  
3 qualified health insurance plans offered through the small  
4 business health options program of the marketplace, and at  
5 the option of the employer, make some or all of its part-time  
6 employees so eligible, provided that the employer does either  
7 of the following:

8 a. Has its principal place of business in this state and  
9 elects to provide coverage through the marketplace to all of  
10 its eligible employees wherever employed.

11 b. Elects to provide coverage through the marketplace to all  
12 of its eligible employees who are principally employed in this  
13 state.

14 12. *“Qualified health plan”* means a health plan that has in  
15 effect a certification as described in section 1311(c) of the  
16 federal Act and section 514M.10.

17 13. *“Qualified individual”* means an individual, including a  
18 minor, who is all of the following:

19 a. Is seeking to enroll in a qualified health plan offered  
20 to individuals through the marketplace.

21 b. Is a resident of this state.

22 c. At the time of enrollment, is not incarcerated, other  
23 than incarceration pending the disposition of charges.

24 d. Is, and is reasonably expected to be, for the entire  
25 period for which enrollment is sought, a citizen or national of  
26 the United States or an alien lawfully present in the United  
27 States.

28 14. *“Secretary”* means the secretary of the United States  
29 department of health and human services.

30 15. *“Secretary of the board”* means the secretary of the  
31 board of directors of the Iowa health insurance marketplace.

32 16. *“Small business health options program”* means the small  
33 business health options program component of the marketplace  
34 established under section 514M.8.

35 17. a. *“Small employer”* means an employer that employed

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1 an average of at least one and not more than fifty employees  
2 during the preceding calendar year.

3 *b.* For the purposes of this subsection:

4 (1) All persons treated as a single employer under  
5 subsection (b), (c), (m), or (o) of section 414 of the Internal  
6 Revenue Code of 1986 shall be treated as a single employer.

7 (2) An employer and any predecessor employer shall be  
8 treated as a single employer.

9 (3) All employees shall be counted, including part-time  
10 employees and employees who are not eligible for coverage  
11 through the employer.

12 (4) If an employer was not in existence throughout the  
13 preceding calendar year, the determination of whether that  
14 employer is a small employer shall be based on the average  
15 number of employees that the employer is reasonably expected to  
16 employ on business days in the current calendar year.

17 (5) An employer that makes enrollment in qualified health  
18 plans available to its employees through the small business  
19 health options program component of the marketplace, and  
20 would cease to be a small employer by reason of an increase  
21 in the number of its employees, shall continue to be treated  
22 as a small employer for purposes of this chapter as long as  
23 the employer continuously makes enrollment through the small  
24 business health options program component of the marketplace  
25 available to its employees.

26 **Sec. 4. NEW SECTION. 514M.4 Establishment of Iowa health**  
27 **insurance marketplace.**

28 1. The Iowa health insurance marketplace is established  
29 as a nonprofit corporation. The marketplace shall be  
30 established for the purpose of facilitating the sale and  
31 purchase of qualified health plans by qualified individuals  
32 in the individual market in this state and by qualified small  
33 employers in the small group market in this state.

34 2. The powers and duties of the marketplace are vested in  
35 and shall be exercised by a board of directors established



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1 under section 514M.5.

2 3. The marketplace shall operate under a plan of operation  
3 established and approved by the board of directors, in  
4 consultation with the commissioner. The plan shall effectuate  
5 the purposes of this chapter and assure the fair, reasonable,  
6 and equitable administration of the marketplace. The board  
7 shall do all of the following pursuant to the plan, including  
8 but not limited to:

9 a. Plan, direct, coordinate, and execute the administrative  
10 functions of the marketplace.

11 b. Employ professional and clerical staff as necessary.

12 c. Keep an accurate account of all activities, receipts,  
13 and expenditures of the marketplace and annually submit a  
14 report to the commissioner, governor, general assembly, and  
15 the auditor of state concerning such accountings pursuant to  
16 section 514M.14.

17 4. The marketplace shall be operated on a statewide basis.

18 5. The marketplace shall include separate marketplace  
19 components which facilitate the sale and purchase of qualified  
20 health plans to eligible individuals and to small employers as  
21 described in this chapter and in the federal Act.

22 6. The marketplace may establish a reimbursement system for  
23 health insurance plans issued in this state that all health  
24 carriers and health care providers may join to facilitate fair  
25 and reasonable payments for the cost of health care services  
26 provided pursuant to a health insurance plan.

27 7. The marketplace shall do all of the following:

28 a. Facilitate the purchase and sale of qualified health  
29 plans to qualified individuals and qualified employers as  
30 described in this chapter and in the federal Act.

31 b. Establish rate schedules for commissions paid to  
32 insurance producers by qualified health plans offered through  
33 the marketplace.

34 c. Meet the requirements of this chapter and any rules  
35 adopted pursuant to this chapter.

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1 8. a. A person who selects, purchases, or enrolls in a  
2 qualified health plan offered through the marketplace shall be  
3 enrolled in the plan by an insurance producer or may enroll in  
4 the plan directly through the marketplace internet site. The  
5 commission paid to an insurance producer who enrolls a person  
6 in a plan offered through the marketplace shall be established  
7 by the marketplace.

8 b. On the anniversary date of coverage obtained through  
9 the marketplace, an enrollee may renew or enroll in coverage  
10 offered through the marketplace through any insurance producer  
11 of the enrollee's choice or may enroll directly through the  
12 marketplace internet site. A commission shall be paid to an  
13 insurance producer who renews or enrolls a person in coverage  
14 under this paragraph in the same manner as is provided in  
15 paragraph "a".

16 9. The marketplace may contract with an experienced and  
17 reputable entity to develop and maintain the marketplace's  
18 internet site. The entity shall preferably have relevant  
19 experience in developing and maintaining similar state health  
20 insurance plan internet sites.

21 10. The marketplace may employ staff to carry out  
22 the functions of the marketplace, but no employee of the  
23 marketplace shall sell, solicit, or negotiate enrollment in a  
24 health insurance plan or otherwise offer services for which  
25 a license as an insurance producer is required pursuant to  
26 chapter 522B.

27 11. The marketplace may contract with an eligible entity to  
28 fulfill any of its specialized duties or responsibilities as  
29 described in this chapter. An eligible entity includes but is  
30 not limited to an entity that has experience in individual and  
31 small group health insurance plans, benefit administration, or  
32 other experience relevant to the responsibilities to be assumed  
33 by the entity. However, a health carrier or an affiliate of a  
34 health carrier is not an eligible entity for the purposes of  
35 this subsection.

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1     12. The marketplace may enter into information-sharing  
2 agreements with federal and state agencies to carry out  
3 its responsibilities under this chapter provided such  
4 agreements include adequate protections with respect to the  
5 confidentiality of the information to be shared and comply with  
6 all state laws and rules and federal laws and regulations.

7     13. Each qualified health plan offered through the  
8 marketplace shall be assigned a rating by the marketplace in  
9 accordance with criteria developed by the secretary under  
10 section 1311(c)(3) of the federal Act, and the marketplace  
11 shall determine the level of coverage of each qualified health  
12 plan in accordance with regulations issued by the secretary  
13 under section 1302(d)(2)(A) of the federal Act and applicable  
14 state law.

15     14. If a qualified health plan offered through the  
16 marketplace meets or exceeds the criteria for a qualified  
17 health plan set forth by the secretary, the plan shall be  
18 reviewed and assigned a rating by the marketplace.

19     Sec. 5. NEW SECTION. **514M.5 Board of directors — executive**  
20 **director — secretary.**

21     1. The board of directors of the Iowa health insurance  
22 marketplace shall effectuate the powers and duties of the  
23 marketplace as set forth in this chapter.

24     2. *a.* The board shall consist of seven members. The  
25 members shall be appointed by the governor, subject to  
26 confirmation by the senate. The members of the board shall  
27 annually elect one member as chairperson and one member as vice  
28 chairperson.

29     *b.* The members shall be appointed by the governor as  
30 follows:

31         (1) Two persons who represent the interests of small  
32 business from nominations made to the governor by nationally  
33 recognized groups that represent the interests of small  
34 business.

35         (2) Three persons who represent the interests of consumers



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1 from nominations made to the governor by nationally recognized  
2 groups that represent the interests of consumers.

3 (3) One person who is an insurance producer licensed under  
4 chapter 522B.

5 (4) One person who is a health care provider.

6 3. The governor shall not appoint to the board any person  
7 who is either the spouse or a relative within the first degree  
8 of consanguinity of a serving member of the board.

9 4. Each member of the board appointed by the governor shall  
10 be a resident of this state and the composition of members of  
11 the board shall be in compliance with sections 69.16, 69.16A,  
12 and 69.16C.

13 5. The members of the board shall be appointed for staggered  
14 terms of three years as provided in section 69.19. The initial  
15 terms of the members of the board shall be staggered at the  
16 discretion of the governor. A member of the board is eligible  
17 for reappointment. The governor shall fill a vacancy on the  
18 board in the same manner as the original appointment for the  
19 remainder of the term. A member of the board may be removed  
20 by the governor for misfeasance, malfeasance, willful neglect  
21 of duty, failure to actively participate in the affairs of the  
22 board, or other cause after notice and a public hearing unless  
23 the notice and hearing are waived by the member in writing.

24 6. A member of the board shall not be an employee of,  
25 a consultant to, a member of the board of directors of,  
26 affiliated with, have an ownership interest in, or otherwise  
27 be a representative of any health carrier, insurance producer  
28 agency, insurance consultant organization, trade association of  
29 insurers, or association offering health insurance plans to its  
30 members, while serving on the board.

31 7. Members of the board shall be reimbursed from the moneys  
32 of the marketplace for all actual and necessary expenses  
33 incurred in the performance of their duties as members, and  
34 shall receive per diem at the rate of fifty dollars per day for  
35 their services.



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1 8. A majority of the members of the board constitutes a  
2 quorum. The affirmative vote of a majority of the members is  
3 necessary for any action taken by the board. The majority  
4 shall not include a member who has a conflict of interest and a  
5 statement by a member of a conflict of interest is conclusive  
6 for this purpose. A vacancy in the membership of the board  
7 does not impair the right of a quorum to exercise the rights  
8 and perform the duties of the board. An action taken by the  
9 board under this chapter may be authorized by resolution at  
10 a regular or special meeting and each resolution shall take  
11 effect immediately and need not be published or posted.

12 9. The members of the board shall give bond as required for  
13 public officers by chapter 64.

14 10. The members of the board are subject to and are  
15 officials within the meaning of chapter 68B.

16 11. The board shall meet at the call of the chairperson,  
17 or in the absence of the chairperson, at the call of the vice  
18 chairperson, or when any four members of the board file a  
19 written request with the chairperson for a meeting. Written  
20 notice of the time and place of each meeting shall be given to  
21 each member of the board.

22 12. a. The members of the board shall appoint an executive  
23 director, subject to confirmation by the senate, to supervise  
24 the administrative affairs and general management and  
25 operations of the marketplace.

26 b. The members of the board may appoint other officers as  
27 the members of the board determine. The officers shall not be  
28 members of the board and shall serve at the pleasure of the  
29 members of the board, and shall receive compensation as fixed  
30 by the board.

31 c. The board may employ other staff to carry out the  
32 functions of the marketplace, but no employee of the  
33 marketplace shall sell, solicit, or negotiate enrollment in a  
34 health insurance plan or otherwise offer services for which  
35 a license as an insurance producer is required pursuant to

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1 chapter 522B. All employees of the marketplace are exempt from  
2 chapter 8A, subchapter IV, and chapter 97B.

3 13. *a.* The members of the board shall appoint a secretary  
4 of the board who shall keep a record of the proceedings of the  
5 board, and shall be the custodian of all books, documents, and  
6 papers filed with the board, including information filed in an  
7 electronic format, and the minute book or journal of the board.

8 *b.* The secretary of the board shall serve at the pleasure  
9 of the board, and shall receive compensation as fixed by the  
10 board.

11 14. Members of the board, or persons acting on behalf of  
12 the marketplace, while acting in the scope of their agency or  
13 employment, are not subject to personal liability resulting  
14 from carrying out the powers and duties in this chapter.

15 **Sec. 6. NEW SECTION. 514M.6 General powers.**

16 1. The marketplace has any and all powers necessary and  
17 convenient to carry out its purposes and duties and exercise  
18 its specific powers, including but not limited to the power to:

19 *a.* Sue and be sued in its own name.

20 *b.* Have and alter a corporate seal.

21 *c.* Make and alter bylaws for its management consistent with  
22 the provisions of this chapter.

23 *d.* Make and execute agreements, contracts, and other  
24 instruments of any and all types on such terms and conditions  
25 as the marketplace may find necessary or convenient to the  
26 purpose of the marketplace, with any public or private entity,  
27 including but not limited to contracts for goods and services.  
28 All political subdivisions, other public agencies, and state  
29 departments and agencies may enter into contracts and otherwise  
30 cooperate with the marketplace.

31 *e.* Adopt procedures relating to competitive bidding,  
32 including the identification of those circumstances under  
33 which competitive bidding by the marketplace, either  
34 formally or informally, shall be required. In any bidding  
35 process, the marketplace may administer its own bidding and



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1 procurement or may utilize the services of the department of  
2 administrative services or any other agency. Except when such  
3 rules apply, the marketplace and all contracts entered into  
4 by the marketplace in carrying out its public and essential  
5 governmental functions with respect to any of its purposes  
6 shall be exempt from the provisions and requirements of all  
7 laws or rules of the state which require competitive bids in  
8 connection with the letting of such contracts.

9 *f.* Acquire, hold, improve, mortgage, lease, and dispose of  
10 real and personal property, including but not limited to the  
11 power to sell at public or private sale, with or without public  
12 bidding, any such property, or other obligation held by it.

13 *g.* Procure insurance against any loss in connection with its  
14 operations and property interests.

15 *h.* Accept appropriations, gifts, grants, loans, or other  
16 aid from public or private entities. A record of all gifts or  
17 grants, stating the type, amount, and donor, shall be clearly  
18 set out in the marketplace's annual report along with the  
19 record of other receipts.

20 *i.* Provide to public and private entities technical  
21 assistance and counseling related to the marketplace's  
22 purposes.

23 *j.* In cooperation with other local, state, or federal  
24 governmental agencies, conduct research studies, develop  
25 estimates of unmet health insurance needs, gather and compile  
26 data useful to facilitating decision making, and enter into  
27 agreements to carry out programs within or without the state  
28 which the marketplace finds to be consistent with the goals of  
29 the marketplace.

30 *k.* Enter into agreements with the federal government,  
31 tribes, and other states to facilitate the sale or purchase of  
32 qualified health plans by qualified individuals and qualified  
33 small employers in this state.

34 *l.* Own or acquire intellectual property rights including  
35 but not limited to copyrights, trademarks, service marks, and

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1 3. Provide for enrollment periods, as determined by the  
2 secretary under section 1311(c)(6) of the federal Act and  
3 applicable state law.

4 4. Utilize a standardized format for presenting health  
5 insurance plan options in the marketplace, including the use of  
6 the uniform outline of coverage established under section 2715  
7 of the Public Health Service Act and applicable state law.

8 5. In accordance with section 1413 of the federal Act  
9 and applicable state law, inform individuals of eligibility  
10 requirements for the Medicaid program under Tit. XIX of the  
11 federal Social Security Act, the children's health insurance  
12 program under Tit. XXI of the federal Social Security Act, or  
13 any applicable state or local public program and, if through  
14 screening of an application by the marketplace, the marketplace  
15 determines that any individual is eligible for any such  
16 program, enroll that individual in that program.

17 6. Establish and make available by electronic means a  
18 calculator to determine the actual cost of coverage after  
19 application of any premium tax credit for which an individual  
20 is eligible using the standards of the federal Act as codified  
21 at section 36B(c)(2)(C) of the Internal Revenue Code of 1986  
22 and any cost-sharing reductions under section 1402 of the  
23 federal Act.

24 7. Establish a small business health options program  
25 component of the marketplace through which individuals  
26 employed by a qualified employer may enroll in any qualified  
27 health plan offered through the small business health options  
28 program at the level of coverage specified by the employer.  
29 In establishing a small business health options program  
30 marketplace component, the marketplace shall do all of the  
31 following:

32 a. Provide consolidated billing and premium payment  
33 by qualified employers including detailed information to  
34 those employers about health insurance plans chosen by their  
35 employees and the cost of those plans.



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1     *b.* Establish an electronic interface and facilitate the flow  
2 of funds between health carriers, employers, and employees,  
3 including subsidiaries.

4     *c.* Provide for the dissemination of health insurance plan  
5 enrollment information to employers.

6     8. Establish an individual health options marketplace  
7 component through which individuals may enroll in any qualified  
8 health plan for individuals.

9     9. Select entities qualified and licensed to serve as  
10 navigators in accordance with section 1311(i) of the federal  
11 Act, standards developed by the secretary, section 514M.9, and  
12 chapter 522D, and award grants to facilitate the function of  
13 navigators as provided in section 514M.9.

14    10. Encourage and review the development of cafeteria plans  
15 pursuant to section 125 of the Internal Revenue Code of 1986,  
16 for use by employers participating in the marketplace.

17    11. Maintain an internet site through which enrollees,  
18 employers, and prospective enrollees of qualified health  
19 plans, at a minimum, may obtain standardized comparative  
20 information on qualified health plans and health plans that  
21 are not offered through the marketplace. In developing the  
22 electronic clearinghouse, the marketplace may require health  
23 carriers participating in the marketplace to make available  
24 and regularly update an electronic directory of contracting  
25 health care providers so individuals seeking coverage through  
26 the marketplace can search by health care provider name to  
27 determine which qualified health plans in the marketplace  
28 include that health care provider in their network, and whether  
29 that health care provider is accepting new patients for that  
30 particular health plan.

31    12. Consult with stakeholders who are relevant to carrying  
32 out the activities required under this chapter.

33    13. Assist in the implementation of reinsurance and risk  
34 adjustment mechanisms, as required by state and federal law.

35    14. Establish guidelines for determining qualifications for

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1 marketplace employees and entities or persons who are licensed  
2 and selected as navigators.

3 15. Subject to section 1411 of the federal Act and  
4 applicable state law, grant a certification attesting that, for  
5 purposes of the individual responsibility penalty under the  
6 standards of the federal Act, as codified at section 5000A of  
7 the Internal Revenue Code of 1986, an individual is exempt from  
8 the individual responsibility requirement or from the penalty  
9 imposed by that section because of any of the following:

10 a. There is no affordable qualified health plan available  
11 through the marketplace, or the individual's employer, covering  
12 the individual.

13 b. The individual meets the requirements for any other such  
14 exemption from the individual responsibility requirement or  
15 penalty.

16 16. Transfer to the United States secretary of the treasury  
17 all of the following:

18 a. A list of the individuals who are issued a certification  
19 under subsection 15, paragraph "a", including the name and  
20 taxpayer identification number of each individual.

21 b. The name and taxpayer identification number of each  
22 individual who was an employee of an employer but who was  
23 determined to be eligible for the premium tax credit using  
24 the standards of the federal Act as codified at section  
25 36B(c)(2)(C) of the Internal Revenue Code of 1986, because of  
26 either of the following:

27 (1) The employer did not provide minimum essential health  
28 benefits coverage.

29 (2) The employer provided minimum essential health benefits  
30 coverage, but it was determined using the standards of the  
31 federal Act, as codified at section 36B(c)(2)(C) of the  
32 Internal Revenue Code of 1986, to either be unaffordable to  
33 the employee or not to provide the required minimum actuarial  
34 value.

35 c. The name and taxpayer identification number of all of the

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1 following:

2 (1) Each individual who notifies the marketplace under  
3 section 1411(b)(4) of the federal Act that the individual has  
4 changed employers.

5 (2) Each individual who ceases coverage under a qualified  
6 health plan during a plan year and the effective date of that  
7 cessation.

8 17. Provide to each employer the name of each employee of  
9 the employer described in subsection 16, paragraph "b", who  
10 ceases coverage under a qualified healthplan during a plan  
11 year and the effective date of the cessation.

12 18. Perform duties required of, or delegated to, the  
13 marketplace by the secretary, the United States secretary  
14 of the treasury, or the commissioner related to determining  
15 eligibility for premium tax credits, reduced cost-sharing, or  
16 individual responsibility requirement exemptions.

17 19. In consultation with the commissioner, review the  
18 rate of premium growth of health insurance plans within the  
19 marketplace and outside the marketplace, and consider the  
20 information obtained in developing recommendations on whether  
21 to continue limiting qualified employer status to small  
22 employers.

23 **Sec. 9. NEW SECTION. 514M.9 Navigators.**

24 1. The marketplace may select entities qualified and  
25 licensed to serve as navigators in accordance with section  
26 1311(i) of the federal Act, standards developed by the  
27 secretary, and applicable state law including chapter 522D, and  
28 award grants to enable navigators to do all of the following:

29 a. Conduct public education activities to raise awareness  
30 of the availability of qualified health plans through the  
31 marketplace.

32 b. Distribute fair and impartial information concerning  
33 enrollment in qualified health plans, and the availability of  
34 premium tax credits for which an individual may be eligible  
35 using the standards of the federal Act, as codified at section



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1 36B(c)(2)(C) of the Internal Revenue Code of 1986, and any  
 2 cost-sharing reductions under section 1402 of the federal Act.  
 3 *c.* Facilitate enrollment in qualified health plans offered  
 4 through the marketplace or in health insurance plans offered  
 5 outside the marketplace by referring consumers to insurance  
 6 producers and to the marketplace internet site for enrollment.  
 7 *d.* Provide referrals to the office of health insurance  
 8 consumer assistance established under the federal Act pursuant  
 9 to section 2793 of the federal Public Health Service Act  
 10 and the office of the commissioner or any other appropriate  
 11 state agency, for any enrollee with a grievance, complaint,  
 12 or question regarding the enrollee's health insurance plan or  
 13 coverage, or a determination under that plan or coverage.  
 14 *e.* Provide information in a manner that is culturally and  
 15 linguistically appropriate to the needs of the population being  
 16 served by the marketplace.  
 17 2. An entity selected and licensed as a navigator shall not  
 18 engage in any activities that require licensure as an insurance  
 19 producer under chapter 522B unless the entity is also licensed  
 20 as an insurance producer.  
 21 **Sec. 10. NEW SECTION. 514M.10 Health insurance plan**  
 22 **certification.**  
 23 1. The marketplace may certify a health insurance plan as a  
 24 qualified health plan if the plan meets all of the following  
 25 criteria:  
 26 *a.* The plan provides the essential health benefit package  
 27 described in section 1302(a) of the federal Act, except that  
 28 the plan is not required to provide essential benefits that  
 29 duplicate the minimum benefits of qualified dental plans as  
 30 provided in subsection 6 if all of the following occur:  
 31 (1) The marketplace determines that at least one qualified  
 32 dental plan is available to supplement the plan's coverage.  
 33 (2) The health carrier makes a prominent disclosure at the  
 34 time it offers the plan, in a form approved by the marketplace,  
 35 that the plan does not provide the full range of essential



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1 pediatric benefits and that qualified dental plans providing  
2 those benefits and other dental benefits not covered by the  
3 plan are offered through the marketplace.

4 *b.* The premium rates and contract language have been  
5 approved by the commissioner.

6 *c.* The plan provides at least a bronze level of coverage,  
7 as that level is defined by the federal Act, unless the plan  
8 is certified as a qualified catastrophic plan, meets the  
9 requirements of the federal Act for catastrophic plans, and  
10 will only be offered to individuals eligible for catastrophic  
11 coverage.

12 *d.* The plan's cost-sharing requirements do not exceed the  
13 limits established under section 1302(c)(1) of the federal Act,  
14 and if the plan is offered through the small business health  
15 options program component of the marketplace that offers plans  
16 to small employers, the plan's deductible does not exceed the  
17 limits established under section 1302(c)(2) of the federal Act.

18 *e.* The plan offers wellness programs.

19 *f.* The health carrier offering the plan provides greater  
20 transparency and disclosure of information about the plan  
21 benefits, provider networks, claim payment practices, and  
22 solvency ratings, and establishes a process for consumers to  
23 compare features of health insurance plans offered through the  
24 marketplace.

25 *g.* The health carrier offering the plan meets all of the  
26 following criteria:

27 (1) Is licensed and in good standing to offer health  
28 insurance coverage in this state.

29 (2) Offers at least one qualified health plan in the silver  
30 level and at least one qualified health plan in the gold level,  
31 as those levels are defined in the federal Act, through each  
32 component of the marketplace in which the health carrier  
33 participates, where component refers to the components of the  
34 marketplace which offer individual coverage and coverage for  
35 small employers.

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1     (3) Charges the same premium rate for each qualified health  
2 plan without regard to whether the plan is offered through the  
3 marketplace.

4     (4) Does not charge any termination of coverage fees or  
5 penalties in violation of section 514M.7.

6     (5) Complies with the regulations developed by the  
7 secretary under section 1311(d) of the federal Act, applicable  
8 state laws, and such other requirements as the marketplace may  
9 establish.

10    *h.* The plan meets the requirements of certification as  
11 adopted by rule pursuant to this section and by the secretary  
12 under section 1311(c) of the federal Act, which include but  
13 are not limited to minimum standards in the areas of marketing  
14 practices, network adequacy, essential community providers in  
15 underserved areas, accreditation, quality improvement, uniform  
16 enrollment forms and descriptions of coverage, and information  
17 on quality measures for plan performance.

18    *i.* The marketplace determines that making the plan available  
19 through the marketplace is in the interest of qualified  
20 individuals and qualified employers in this state.

21    2. The marketplace shall not exclude a health insurance plan  
22 from certification for any of the following reasons:

23    *a.* On the basis that the plan is a fee-for-service plan.

24    *b.* Through the imposition of premium price controls.

25    *c.* On the basis that the plan provides treatments necessary  
26 to prevent patients' deaths in circumstances the marketplace  
27 determines are inappropriate or too costly.

28    3. The marketplace shall require each health carrier  
29 seeking certification of a health insurance plan as a qualified  
30 health plan to do all of the following:

31    *a.* Provide notice of any proposed premium increase and  
32 a justification for the increase to the marketplace and to  
33 affected policyholders before implementation of that increase.

34 The health carrier shall prominently post the information  
35 on its internet site. The marketplace shall take this

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1 information, along with the information and the recommendations  
2 provided to the marketplace by the commissioner under the  
3 federal Act pursuant to section 2794(b) of the federal Public  
4 Health Service Act and applicable state law, into consideration  
5 when determining whether to allow the health carrier to make  
6 plans available through the marketplace.

7 *b.* Make available to the public, in the format described in  
8 paragraph *c*, and submit to the marketplace, the secretary, and  
9 the commissioner, accurate and timely disclosure of all of the  
10 following:

- 11 (1) Claims payment policies and practices.
- 12 (2) Periodic financial disclosures.
- 13 (3) Data on enrollment.
- 14 (4) Data on disenrollment.
- 15 (5) Data on the number of claims that are denied.
- 16 (6) Data on rating practices.
- 17 (7) Information on cost-sharing and payments with respect  
18 to any out-of-network coverage.
- 19 (8) Information on enrollee and participant rights under  
20 Tit. I of the federal Act and applicable state law.
- 21 (9) Other information as determined appropriate by the  
22 secretary, the marketplace, or the commissioner.

23 *c.* The information required in paragraph *b* shall be  
24 provided in plain language, as that term is defined in section  
25 1311(e) of the federal Act, as amended by section 10104 of the  
26 federal Act, and applicable state law.

27 4. The marketplace shall permit individuals to learn,  
28 in a timely manner upon the request of an individual, the  
29 amount of cost-sharing, including deductibles, copayments,  
30 and coinsurance, under the individual's health insurance plan  
31 or coverage for which the individual would be responsible  
32 for paying with respect to the furnishing of a specific item  
33 or service by a participating health care provider. At a  
34 minimum, this information shall be made available to the  
35 individual through an internet site and through other means for

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1 individuals without access to the internet.

2 5. The marketplace shall not exempt any health carrier  
3 seeking certification of a health insurance plan, regardless  
4 of the type or size of the health carrier, from applicable  
5 state licensure or solvency requirements and shall apply the  
6 criteria of this section in a manner that assures a level  
7 playing field between or among health carriers participating  
8 in the marketplace.

9 6. a. The provisions of this chapter that are applicable to  
10 qualified health plans shall also apply to the extent relevant  
11 to qualified dental plans except as modified in accordance with  
12 the provisions of paragraphs "b", "c", and "d", or by rules  
13 adopted by the marketplace.

14 b. A health carrier to offer dental coverage shall be  
15 licensed, but is not required to be licensed to offer other  
16 health benefits.

17 c. A qualified dental plan shall be limited to dental and  
18 oral health benefits, without substantially duplicating the  
19 benefits typically offered by health insurance plans without  
20 dental coverage and shall include, at a minimum, the essential  
21 pediatric dental benefits prescribed by the secretary pursuant  
22 to section 1302(b)(1)(J) of the federal Act, and such other  
23 dental benefits as the marketplace or the secretary may specify  
24 by rule or regulation.

25 d. A comprehensive plan may be offered through the  
26 marketplace in which dental benefits are included either as  
27 part of a qualified health plan, or by a qualified dental  
28 plan offered in conjunction with a qualified health plan,  
29 provided that the medical and dental benefits offered by the  
30 comprehensive plan are priced separately and are offered for  
31 purchase separately at the same price.

32 Sec. 11. NEW SECTION. 514M.11 Funding — publication of  
33 costs.

34 1. The marketplace may charge assessments or user fees to  
35 health carriers that offer health insurance plans through the







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1 this chapter, in accordance with the federal Act and standards  
2 developed by the secretary, and applicable state law.

3     *b.* The marketplace established pursuant to this chapter  
4 shall be operational and shall offer enrollment in qualified  
5 health plans to qualified individuals and qualified employers  
6 in this state on or before October 1, 2015. The qualified  
7 health plans that are offered through the marketplace shall be  
8 effective on January 1, 2016.

9     2. The commissioner shall transfer the functions and  
10 administration of the Iowa insurance information exchange  
11 established in section 505.32 to the marketplace established  
12 pursuant to this chapter on or before January 1, 2016.

DIVISION II

CORRESPONDING PROVISIONS

15     Sec. 17. Section 249N.5, Code 2014, is amended by adding the  
16 following new subsection:

17     NEW SUBSECTION. 3. Beginning January 1, 2016, the Iowa  
18 health and wellness plan shall be administered through the Iowa  
19 health insurance marketplace established in chapter 514M.

20     Sec. 18. Section 505.32, Code 2013, is amended by adding the  
21 following new subsection:

22     NEW SUBSECTION. 6. This section is repealed on July 1,  
23 2016.

DIVISION III

EFFECTIVE DATE

26     Sec. 19. EFFECTIVE DATE. This Act takes effect January 1,  
27 2015.

EXPLANATION

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

31     This bill provides for the establishment of the Iowa health  
32 insurance marketplace.

33     The bill creates new Code chapter 514M, which provides for  
34 the establishment of an Iowa health insurance marketplace, in  
35 place of the federal-state partnership exchange created and



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1 fully operational as of January 1, 2014, to facilitate the  
2 sale and purchase of qualified health plans in this state by  
3 qualified individuals in the individual market and by qualified  
4 small employers in the small group market. The intent of  
5 establishing such a marketplace is to reduce the number of  
6 uninsured individuals in this state, provide a transparent  
7 marketplace and consumer education, and assist individuals  
8 with access to relevant federal and state programs, premium  
9 assistance tax credits, and cost-sharing reductions.

10 For purposes of the bill, a qualified employer that can  
11 participate in the small business health options program  
12 component of the marketplace is an employer that employs an  
13 average of at least one and not more than 50 employees during  
14 the preceding calendar year and elects to make its full-time  
15 employees, and at the employer's option, some or all of its  
16 part-time employees, eligible for one or more qualified health  
17 plans offered through the small business health options program  
18 component of the marketplace. A qualified employer must  
19 either have its principal place of business in this state and  
20 elect to provide health coverage through the marketplace to  
21 all of its eligible employees wherever employed, or elect to  
22 provide coverage through the marketplace to all of its eligible  
23 employees who are principally employed in this state.

24 The Iowa health insurance marketplace is established as a  
25 nonprofit corporation. The marketplace shall be operated on  
26 a statewide basis pursuant to a plan of operation established  
27 and approved by its board of directors in consultation  
28 with the commissioner of insurance. The marketplace shall  
29 include separate components which facilitate the purchase  
30 of qualified health plans by eligible individuals and small  
31 employers as described in new Code chapter 514M and the federal  
32 Patient Protection and Affordable Care Act, as amended. The  
33 marketplace may contract with an experienced and reputable  
34 entity to develop and maintain the marketplace's internet site.  
35 The marketplace may employ staff to carry out its duties but

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1 no employees of the marketplace may offer services for which  
2 a license as an insurance producer is required pursuant to  
3 Code chapter 522B. The marketplace is also authorized to  
4 contract with an eligible entity to fulfill any of its duties  
5 or responsibilities as described in new Code chapter 514M.

6 The board of directors of the marketplace is comprised  
7 of seven members appointed by the governor for three-year  
8 staggered terms with two representing the interests of small  
9 business; three representing the interests of consumers; one  
10 who is a licensed insurance producer; and one who is a health  
11 care provider. The members must be appointed on or before  
12 March 1, 2015.

13 The members of the board are required to appoint an  
14 executive director, subject to confirmation by the senate, to  
15 supervise the administrative affairs and general management  
16 and operations of the marketplace. The board may appoint  
17 other officers as the board deems necessary. The board is  
18 also required to appoint a secretary of the board who keeps  
19 a record of the board proceedings, is the custodian of all  
20 books, documents, and papers filed with the board, including  
21 information filed in an electronic format, and of the minute  
22 book or journal of the board.

23 The marketplace has all the general powers of a nonprofit  
24 corporation that are necessary and convenient to carry out its  
25 purposes and duties and to exercise its specific powers as  
26 provided in new Code chapter 514M.

27 The marketplace is required to make qualified health plans  
28 that are effective on or before January 1, 2016, available to  
29 qualified individuals and qualified employers in the state.  
30 The specific duties and powers of the marketplace are set  
31 forth in new Code chapter 514M. The specific duties include  
32 responding to requests for assistance through an internet site,  
33 a toll-free telephone hotline, and in-person support staff  
34 available in selected locations in the state.

35 The marketplace is authorized to select entities licensed



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1 and qualified to act as navigators in accordance with the  
2 requirements of state and federal law for the purpose of  
3 conducting public education activities, distributing fair and  
4 impartial information concerning enrollment in qualified health  
5 plans, facilitating such enrollment, providing referrals to the  
6 appropriate federal or state entity for grievances, complaints,  
7 or questions regarding an enrollee's health plan, and providing  
8 culturally and linguistically appropriate information to  
9 persons served by the marketplace. An entity licensed as a  
10 navigator under Code chapter 522D shall not engage in any  
11 activities that require licensure as an insurance producer  
12 unless the entity is also licensed as an insurance producer  
13 under Code chapter 522B. The marketplace is authorized to  
14 certify a health insurance plan as a qualified health plan if  
15 the plan meets specified criteria.

16 The marketplace may charge assessments or user fees,  
17 including transaction fees set at a percentage of premiums  
18 paid, on health insurance plans sold through the marketplace,  
19 or otherwise generate the funding necessary to support the  
20 operation of the marketplace, including through donations,  
21 as provided in the marketplace's plan of operation. The  
22 marketplace is required to publish the average costs of  
23 licensing, regulatory fees, and any other payments required  
24 by the marketplace, as well as the administrative costs  
25 of the marketplace on an internet site for the purpose  
26 of educating consumers about the costs of operating the  
27 marketplace. No state funding can be appropriated or allocated  
28 for the operation or administration of the marketplace. Any  
29 assessments or user fees charged must provide for sharing  
30 the losses and expenses of the marketplace on an equitable  
31 and proportionate basis among health carriers in the state.  
32 The marketplace may accept federal funds as well as moneys  
33 available from the Iowa comprehensive health insurance  
34 association established in Code chapter 514E.

35 In consultation with and subject to the approval of the



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1 board, the commissioner of insurance is required to adopt rules  
2 pursuant to Code chapter 17A to effectuate and administer  
3 the provisions of new Code chapter 514M. The board is to  
4 be advised regarding implementation of the marketplace by  
5 a committee consisting of members of the general assembly  
6 appointed by the legislative council.

7 The marketplace is required to submit an annual report to the  
8 commissioner, governor, general assembly, and the auditor of  
9 state by January 15, which includes an accurate accounting of  
10 all the activities of the marketplace and of all its receipts  
11 and expenditures during the prior fiscal year. The report  
12 shall also describe how the operations and activities of the  
13 marketplace serve the interests of the state and further the  
14 purposes of new Code chapter 514M.

15 The enactment of the Code chapter and actions taken by  
16 the marketplace are not to be construed as preempting or  
17 superseding the authority of the commissioner to regulate  
18 insurance in this state.

19 The new Code chapter contains transition provisions  
20 that require the new marketplace board to be appointed and  
21 meet on or before March 1, 2015, and in consultation with  
22 the commissioner of insurance, begin plans to implement  
23 the transition of the functions and administration of the  
24 federal-state partnership exchange in full operation in this  
25 state as of January 1, 2014, pursuant to the federal Act, to  
26 the marketplace established pursuant to new Code chapter 514M.

27 The marketplace must be operational and offer enrollment in  
28 qualified health plans to qualified individuals and qualified  
29 employers in this state on or before October 1, 2015. The  
30 qualified health plans that are offered through the marketplace  
31 must be effective on January 1, 2016. The Iowa health and  
32 wellness plan will be administered through the marketplace  
33 beginning January 1, 2016.

34 The commissioner of insurance is also directed to transfer  
35 the functions and administration of the Iowa insurance

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1 information exchange established in Code section 505.32 to the  
2 marketplace on or before January 1, 2016, and Code section  
3 505.32 is repealed on that date.  
4 The bill is effective January 1, 2015.



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**Senate File 2113 - Introduced**

SENATE FILE 2113  
BY SCHNEIDER and SODDERS

**A BILL FOR**

- 1 An Act to provide that peace officers and retired peace
- 2 officers qualify as classroom driver education instructors.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5636XS (4) 85  
kh/nh



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1 Section 1. Section 272.31, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3A. The board shall issue a classroom  
4 driver education instructor authorization for purposes of  
5 section 321.178 to a person who completes a training program  
6 that meets the standards set by the board, who complies with  
7 rules adopted pursuant to subsection 4, and who is either a  
8 peace officer as defined in section 801.4, subsection 11, or  
9 is retired under chapter 97A or 411, or section 97B.49B or  
10 97B.49C, after service as a peace officer as defined in section  
11 801.4, subsection 11. The training program shall include  
12 but not be limited to a minimum of fifteen contact hours in  
13 a program consisting of instruction relating to classroom  
14 management, strategies for learning, diversity, and ethics.

15 Sec. 2. Section 321.178, subsection 1, paragraph b,  
16 subparagraph (1), Code 2014, is amended to read as follows:

17 (1) To be qualified as a classroom driver education  
18 instructor, a person shall ~~have satisfied the educational~~  
19 ~~requirements for a teaching~~ meet one of the following  
20 requirements:

21 (a) Hold a valid teacher's license at the elementary or  
22 secondary level and hold a valid license an endorsement to  
23 teach driver education in the public schools of this state  
24 issued under chapter 272.

25 (b) Be a peace officer as defined in section 801.4,  
26 subsection 11, paragraph "a", "b", or "c", or be retired  
27 under chapter 97A or 411, or section 97B.49B or 97B.49C,  
28 after service as a peace officer as defined in section 801.4,  
29 subsection 11, paragraph "a", "b", or "c", and meet the  
30 requirements of section 272.31, subsection 3A.

31 EXPLANATION

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

34 This bill permits a person who is a peace officer or a  
35 retired peace officer to be qualified as a classroom driver

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1 education instructor if the person also meets the board of  
2 educational examiner's requirements for a classroom driver  
3 education instructor authorization. Currently, only persons  
4 holding a teaching license with an endorsement to teach driver  
5 education may qualify to be a classroom driver education  
6 instructor.

7 The bill directs the board of educational examiners to  
8 issue a classroom driver education instructor authorization  
9 to a person who completes a training program that meets the  
10 standards set by the board and who is either a peace officer or  
11 a retired peace officer. The training program shall include  
12 but not be limited to a minimum of 15 contact hours in a program  
13 consisting of instruction relating to classroom management,  
14 strategies for learning, diversity, and ethics.

15 Under the bill, the term "peace officer" is limited to  
16 sheriffs, deputy sheriffs, marshals and police officers of  
17 cities, and peace officer members of the department of public  
18 safety.



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**Senate File 2114 - Introduced**

SENATE FILE 2114  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3041)

**A BILL FOR**

1 An Act relating to the ethical standards of certified shorthand  
2 reporters and shorthand reporting firms.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5349SV (1) 85  
jm/rj



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1 Section 1. **NEW SECTION. 602.3204 Ethical standards for**  
2 **shorthand reporters and shorthand reporting firms.**  
3 1. *Definitions.* As used in this section, unless the context  
4 otherwise requires:  
5 a. "Board" means board of examiners of shorthand reporters.  
6 b. "Proceeding" means a court proceeding, deposition,  
7 administrative hearing, arbitration hearing, an examination  
8 under oath, a sworn statement, or any other proceeding where  
9 the reporting services of a shorthand reporter certified by the  
10 board is used.  
11 c. "Shorthand reporter" means a shorthand reporter certified  
12 by the board.  
13 d. "Shorthand reporting firm" means a shorthand reporting  
14 firm that employs or contracts with a shorthand reporter  
15 certified by the board, or an entity that bills for the  
16 reporting services of such a shorthand reporter.  
17 2. *Purpose of standards.* The purpose of this section is to  
18 ensure the integrity of the record and comparable treatment of  
19 all parties in proceedings reported by a shorthand reporter,  
20 by establishing ethical standards for shorthand reporters  
21 and shorthand reporting firms. A shorthand reporter serves  
22 as an officer of the court. The appearance and existence of  
23 impartiality are no less important for officers who report  
24 proceedings than they are for the judicial officers and other  
25 persons whose responsibilities are integral to the fair and  
26 impartial administration of justice.  
27 3. *Applicability.* This section applies to shorthand  
28 reporting services performed by a shorthand reporter or  
29 shorthand reporting firm under the following circumstances:  
30 a. Any proceeding in the courts of this state.  
31 b. Any proceeding that may be presented to a court in this  
32 state for resolution.  
33 c. Any proceeding in the courts of another state and  
34 reported using the services of a shorthand reporter certified  
35 by the board, but only to the extent this section does not



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1 conflict with the laws or rules of the other state.

2 *d.* Any other proceeding that may be presented to a court  
3 of another state for resolution, and is reported using the  
4 services of a shorthand reporter certified by the board, but  
5 only to the extent this section does not conflict with the laws  
6 or rules of the other state.

7 4. *Duties.* Before accepting a reporting engagement or  
8 assignment, a shorthand reporter or shorthand reporting firm is  
9 obligated to make reasonable efforts to ascertain whether any  
10 circumstances exist that would violate this section.

11 5. *Conflicts of interest.*

12 *a.* A proceeding shall not be reported by a party or employee  
13 of a party, a person financially interested in the proceeding,  
14 an attorney or an employee of an attorney for a party, or a  
15 person related within the fourth degree of consanguinity or  
16 affinity to a party, a party's attorney, or an employee of a  
17 party or party's attorney.

18 *b.* The compensation of a shorthand reporter or a shorthand  
19 reporting firm shall not be based or contingent upon the  
20 outcome of the proceeding.

21 *c.* A shorthand reporter or a shorthand reporting firm shall  
22 not acquire a financial interest in the proceeding.

23 *d.* A shorthand reporter or shorthand reporting firm shall  
24 not provide additional advocacy or litigation support services  
25 in a proceeding reported by the shorthand reporter or shorthand  
26 reporting firm, including but not limited to trial preparation  
27 assistance or deposition summaries.

28 6. *Integrity of transcripts.*

29 *a.* The supreme court, with the advice of the board, shall  
30 adopt rules prescribing the format of transcripts subject to  
31 this section. The rules adopted by the supreme court shall  
32 apply whether the transcript is produced in print or electronic  
33 format. If the format of a transcript materially varies  
34 from the format adopted by the supreme court, the parties to  
35 the proceeding shall not be required to pay any fee for the

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1 This bill relates to the ethical standards of certified  
2 shorthand reporters and shorthand reporting firms.

3 The bill defines "shorthand reporter" to mean a shorthand  
4 reporter certified by the Iowa board of examiners of shorthand  
5 reporters.

6 The bill defines "shorthand reporting firm" to mean a  
7 shorthand reporting firm that employs or contracts with a  
8 certified shorthand reporter, or an entity that bills for the  
9 reporting services of a certified shorthand reporter.

10 The bill also defines "proceeding" to mean a court  
11 proceeding, deposition, administrative hearing, arbitration  
12 hearing, an examination under oath, a sworn statement, and any  
13 other proceeding where the services of a certified shorthand  
14 reporter are used.

15 The bill applies ethical standards to any proceeding in the  
16 courts of Iowa; any proceeding that may be presented to an Iowa  
17 state court for resolution; any proceeding in the court of  
18 another state and reported using an Iowa certified shorthand  
19 reporter, but only to the extent the provisions of the bill do  
20 not conflict with the laws or rules of the other state; and any  
21 proceeding that may be presented in the court of another state  
22 and reported using an Iowa certified shorthand reporter, but  
23 only to the extent the provisions of the bill do not conflict  
24 with the laws or rules of the other state.

25 Under the bill, a proceeding shall not be reported by a party  
26 or employee of any party, a person financially interested in  
27 the proceeding, an attorney or an employee of an attorney for  
28 any party, or any person related within the fourth degree of  
29 consanguinity or affinity to a party, a party's attorney, or an  
30 employee of such a party or attorney.

31 The bill prohibits the compensation of a shorthand reporter  
32 or a shorthand reporting firm based or contingent upon the  
33 outcome of the proceeding being reported. The bill also  
34 prohibits a shorthand reporter or a shorthand reporting firm  
35 from acquiring a financial interest in any such proceeding.

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1 Under the bill, a shorthand reporter or shorthand reporting  
2 firm shall not provide additional advocacy or litigation  
3 support services in a proceeding reported by the reporter,  
4 including but not limited to trial preparation assistance or  
5 deposition summaries.

6 The supreme court, with the advice of the board of examiners  
7 for shorthand reporters, shall adopt rules prescribing the  
8 format of transcripts subject to the bill. The rules adopted  
9 by the supreme court shall apply whether the transcript  
10 is produced in print or electronic format. The bill also  
11 provides that if the format of a transcript materially  
12 varies from the format adopted by the supreme court, the  
13 parties to the proceeding shall not be required to pay any  
14 fee for the transcript. The bill also requires the supreme  
15 court, in consultation with the board, to adopt rules  
16 establishing dissemination standards to protect the integrity  
17 of transcripts.

18 The bill provides that a shorthand reporter or shorthand  
19 reporting firm shall not enter into an agreement for reporting  
20 services which provide special or different financial terms  
21 or payment dates, or other services that are not offered to  
22 all other parties in a proceeding. The bill does permit  
23 a shorthand reporter or shorthand reporting firm to offer  
24 different credit terms based on payment history and credit  
25 worthiness of a party to a proceeding.

26 Upon the request of any party to a proceeding, the bill  
27 requires a shorthand reporter or shorthand reporting firm  
28 to provide the requesting party an itemized disclosure of  
29 all rates and charges for the services performed during  
30 the proceeding. If a requested itemized disclosure is not  
31 provided, or if the disclosure is not provided in a sufficient  
32 time, the bill requires that the fee for the original  
33 transcript, a copy of the transcript, or of any incidental  
34 services shall not exceed the fees that are set out by rule  
35 by the supreme court. The bill requires the supreme court to

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1 consult with the board of examiners of shorthand reporters  
2 prior to establishing this rule.

3 The bill specifies that a shorthand reporter or shorthand  
4 reporting firm shall not charge a fee for a copy of a  
5 transcript that exceeds 60 percent of the fee charged for the  
6 original transcript. The bill further specifies that fees for  
7 incidental services other than the original transcript or a  
8 copy of a transcript shall be billed at the same rate for all  
9 parties to a proceeding.

10 A person who violates article 3 of Code chapter 602  
11 (certification and regulation of shorthand reporters) commits a  
12 simple misdemeanor pursuant to Code section 602.3302.



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Senate File 2115 - Introduced

SENATE FILE 2115  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3086)

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:

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rn/sc



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S.F. 2115

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

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



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**Senate File 2116 - Introduced**

SENATE FILE 2116  
BY MATHIS and BOLKCOM

**A BILL FOR**

1 An Act providing for the licensure of music therapists and  
2 providing for fees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.11, subsection 14, Code 2014, is  
2 amended to read as follows:

3 14. Administer chapters 125, 136A, 136C, 139A, 142, 142A,  
4 144, ~~and~~ 147A, and 154G.

5 Sec. 2. Section 147.1, subsections 3 and 6, Code 2014, are  
6 amended to read as follows:

7 3. *"Licensed"* or *"certified"*, when applied to a physician  
8 and surgeon, podiatric physician, osteopathic physician and  
9 surgeon, physician assistant, psychologist, chiropractor,  
10 nurse, dentist, dental hygienist, dental assistant,  
11 optometrist, speech pathologist, audiologist, pharmacist,  
12 physical therapist, physical therapist assistant, occupational  
13 therapist, occupational therapy assistant, orthotist,  
14 prosthetist, pedorthist, respiratory care practitioner,  
15 practitioner of cosmetology arts and sciences, practitioner  
16 of barbering, funeral director, dietitian, marital and  
17 family therapist, mental health counselor, social worker,  
18 massage therapist, athletic trainer, acupuncturist, nursing  
19 home administrator, hearing aid dispenser, ~~or~~ sign language  
20 interpreter or transliterator, or music therapist means a  
21 person licensed under this subtitle.

22 6. *"Profession"* means medicine and surgery, podiatry,  
23 osteopathic medicine and surgery, practice as a physician  
24 assistant, psychology, chiropractic, nursing, dentistry,  
25 dental hygiene, dental assisting, optometry, speech pathology,  
26 audiology, pharmacy, physical therapy, physical therapist  
27 assisting, occupational therapy, occupational therapy  
28 assisting, respiratory care, cosmetology arts and sciences,  
29 barbering, mortuary science, marital and family therapy, mental  
30 health counseling, social work, dietetics, massage therapy,  
31 athletic training, acupuncture, nursing home administration,  
32 hearing aid dispensing, sign language interpreting or  
33 transliterating, orthotics, prosthetics, ~~or~~ pedorthics, or  
34 music therapy.

35 Sec. 3. Section 147.2, subsection 1, Code 2014, is amended



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1 to read as follows:

2 1. A person shall not engage in the practice of medicine  
3 and surgery, podiatry, osteopathic medicine and surgery,  
4 psychology, chiropractic, physical therapy, physical  
5 therapist assisting, nursing, dentistry, dental hygiene,  
6 dental assisting, optometry, speech pathology, audiology,  
7 occupational therapy, occupational therapy assisting,  
8 orthotics, prosthetics, pedorthics, respiratory care,  
9 pharmacy, cosmetology arts and sciences, barbering, social  
10 work, dietetics, marital and family therapy or mental health  
11 counseling, massage therapy, mortuary science, athletic  
12 training, acupuncture, nursing home administration, hearing aid  
13 dispensing, ~~or~~ sign language interpreting or transliterating,  
14 or music therapy or shall not practice as a physician  
15 assistant, unless the person has obtained a license for that  
16 purpose from the board or other regulatory authority for the  
17 profession.

18 Sec. 4. Section 147.13, Code 2014, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 25. For music therapy, the department of  
21 public health.

22 Sec. 5. NEW SECTION. 154G.1 Definitions.

23 As used in this chapter, unless the context otherwise  
24 requires:

25 1. "*Advisory board*" means the advisory board of music  
26 therapy created in section 154G.6.

27 2. "*Board certified music therapist*" means an individual  
28 who has completed the education and clinical training  
29 requirements established by the American music therapy  
30 association, has passed the certification board for music  
31 therapists certification examination or transitioned into  
32 board certification, and remains actively certified by the  
33 certification board for music therapists.

34 3. "*Department*" means the department of public health.

35 4. "*Director*" means the director of the department of public



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1 health.

2 5. *“Music therapist”* means a person licensed to practice  
3 music therapy pursuant to this chapter.

4 6. *“Music therapy”* means the clinical and evidence-based  
5 use of music interventions to accomplish individualized goals  
6 within a therapeutic relationship through an individualized  
7 music therapy treatment plan for the client that identifies  
8 the goals, objectives, and potential strategies of the music  
9 therapy services appropriate for the client using music  
10 therapy interventions, which may include music improvisation,  
11 receptive music listening, song writing, lyric discussion,  
12 music and imagery, music performance, learning through music,  
13 and movement to music. The practice of music therapy does not  
14 include the diagnosis of any physical, mental, or communication  
15 disorder. *“Music therapy”* may include the following:

16 a. Accepting referrals for music therapy services  
17 from medical, developmental, mental health, or education  
18 professionals, family members, clients, or caregivers. Before  
19 providing music therapy services to a client for a medical,  
20 developmental, or mental health condition, the licensee shall  
21 collaborate, as applicable, with the client’s physician,  
22 psychologist, or mental health professional to review the  
23 client’s diagnosis, treatment needs, and treatment plan.  
24 During the provision of music therapy services to a client, the  
25 licensee shall collaborate, as applicable, with the client’s  
26 treatment team.

27 b. Conducting a music therapy assessment of a client to  
28 collect systematic, comprehensive, and accurate information  
29 necessary to determine the appropriate type of music therapy  
30 services to provide for the client.

31 c. Developing an individualized music therapy treatment plan  
32 for the client.

33 d. Carrying out an individualized music therapy treatment  
34 plan that is consistent with any other medical, developmental,  
35 mental health, or educational services being provided to the

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1 client.

2 *e.* Evaluating the client's response to music therapy and  
3 the individualized music therapy treatment plan and suggesting  
4 modifications, as appropriate.

5 *f.* Developing a plan for determining when the provision of  
6 music therapy services is no longer needed in collaboration  
7 with the client, any physician, or other provider of health  
8 care or education of the client, any appropriate member of the  
9 family of the client, and any other appropriate person upon  
10 whom the client relies for support.

11 *g.* Minimizing any barriers so that the client may receive  
12 music therapy services in the least restrictive environment.

13 *h.* Collaborating with and educating the client and the  
14 family or caregiver of the client or any other appropriate  
15 person about the needs of the client that are being addressed  
16 in music therapy and the manner in which the music therapy  
17 addresses those needs.

18 **Sec. 6. NEW SECTION. 154G.2 Department — duty to**  
19 **administer.**

20 1. The department shall administer this chapter and, for  
21 that purpose, the department shall, insofar as practicable, be  
22 considered a board for purposes of this chapter and chapters  
23 147 and 272C.

24 2. The department's duties shall include but are not limited  
25 to the following:

26 *a.* Act on matters concerning licensure and the process  
27 of applying for, granting, suspending, imposing supervisory  
28 or probationary conditions upon, reinstating, and revoking a  
29 license.

30 *b.* Develop continuing education requirements as a condition  
31 of license renewal.

32 *c.* Appoint members of the advisory board for musical  
33 therapy.

34 *d.* Periodically evaluate requirements for licensure in  
35 other states and make recommendations to the general assembly

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1 regarding reciprocity between other states that require  
2 licensure of music therapists.

3     *e.* Establish a fee schedule for submitting an application,  
4 issuing initial licenses, and issuing license renewals.

5     3. The professional licensure division of the department  
6 shall perform administrative, clerical, or ministerial  
7 functions incident to the department's administration of this  
8 chapter, including accepting applications for licensure or  
9 licensure renewal on behalf of the department and forwarding  
10 such applications to the director for the director's  
11 consideration, administering examinations to applicants for  
12 licensure, collecting fees paid under this chapter, and any  
13 other functions at the request of the director.

14     Sec. 7. NEW SECTION. 154G.3 Requirements for licensure.

15     1. To qualify for a license to practice music therapy, an  
16 applicant shall meet all of the following requirements:

17     *a.* Be at least eighteen years of age.

18     *b.* Hold a bachelor's degree or higher in music therapy, or  
19 its equivalent, from a program within an accredited college  
20 or university which program has been approved by the American  
21 music therapy association or any successor organization.

22     *c.* Provide proof of passing the examination for board  
23 certification offered by the certification board for music  
24 therapists, or any successor organization, or provide proof of  
25 being transitioned into board certification.

26     *d.* Hold in good standing a designation approved by the  
27 department, including any of the following:

28         (1) The credential "music therapist — board certified"  
29 granted by the certification board for music therapists.

30         (2) A professional designation of registered music  
31 therapist, certified music therapist, or advanced certified  
32 music therapist and listed as such on the national music  
33 therapy registry.

34     *e.* Have successfully completed a minimum of one thousand  
35 two hundred hours of clinical training, with at least one



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1 hundred eighty hours in pre-internship experiences and at least  
2 nine hundred hours in internship experiences, provided that  
3 the internship is approved by an academic institution, the  
4 American music therapy association, or both, or any successor  
5 organization.

6 *f.* Show evidence of physical, mental, and professional  
7 capability for the practice of music therapy in a manner  
8 acceptable to the department.

9 *g.* Show evidence, upon review by the department, that the  
10 applicant has not had a license to practice music therapy  
11 or other health care license, registration, or certificate  
12 refused, revoked, or suspended by any other jurisdiction  
13 for reasons that relate to the applicant's ability to  
14 practice music therapy unless that license, registration,  
15 or certification has been restored to good standing by that  
16 jurisdiction.

17 2. The application must be accompanied by the initial  
18 license fee and application fee established by the department  
19 and by the documents, affidavits, and certificates necessary  
20 to establish that the applicant possesses the necessary  
21 qualifications.

22 **Sec. 8. NEW SECTION. 154G.4 Use of title — exceptions.**

23 1. A person shall not represent oneself to the public as a  
24 music therapist or as being otherwise authorized to practice  
25 music therapy or use any titles, words, letters, abbreviations,  
26 or insignia indicating or implying that the person is a  
27 licensed music therapist unless the person has been licensed  
28 according to this chapter.

29 2. This chapter and chapter 147 do not prevent any person  
30 licensed, certified, or regulated under Iowa law in another  
31 profession or occupation, or personnel supervised by a licensed  
32 professional in this state, from performing work, including  
33 the use of music, incidental to the practice of the person's  
34 licensed, certified, or regulated profession or occupation if  
35 that person does not represent oneself as a music therapist.

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1     3. This chapter and chapter 147 do not restrict the  
2 practice, services, or activities of any person whose training  
3 and national certification attests to the person's preparation  
4 and ability to practice the person's certified profession or  
5 occupation if that person does not represent oneself as a music  
6 therapist.

7     4. This chapter and chapter 147 do not restrict any practice  
8 of music therapy that is an integral component of a program  
9 of study for students enrolled in an accredited music therapy  
10 program if the student does not represent oneself as a music  
11 therapist.

12    5. This chapter and chapter 147 do not restrict any person  
13 who practices music therapy under the supervision of a licensed  
14 music therapist if the person does not represent oneself as a  
15 music therapist.

16    Sec. 9. NEW SECTION. 154G.5 Licensure renewal requirements  
17 — forfeiture — inactive status.

18    1. Every license issued under this chapter shall be renewed  
19 biennially. A license shall be renewed upon payment of a  
20 renewal fee if the applicant is not in violation of any of the  
21 terms of this chapter at the time of application for renewal.  
22 The following shall also be required for license renewal:

23    a. Proof of maintenance of the applicant's status as a board  
24 certified music therapist.

25    b. Proof of completion of a minimum of forty hours of  
26 continuing education in a program approved by the certification  
27 board of music therapists, or any successor organization, and  
28 any other continuing education requirements established by the  
29 department.

30    2. A licensee shall inform the department of any changes to  
31 the licensee's address. Each licensee shall be responsible for  
32 timely renewal of the licensee's license.

33    3. Failure to renew a license shall result in forfeiture of  
34 the license. Licenses that have been forfeited may be restored  
35 within one year of the expiration date on the license upon

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1 payment of renewal and restoration fees. Failure to restore a  
2 forfeited license within one year of the date of its expiration  
3 shall result in the automatic revocation of the license, and  
4 the department shall require the individual to reapply for  
5 licensure.

6 4. Upon written request of a licensee and payment of an  
7 inactive status fee, the department may place an active license  
8 on inactive status. The licensee, upon request and payment of  
9 the inactive license fee, may continue on inactive status for a  
10 period up to two years. An inactive license may be reactivated  
11 at any time by making a written request to the department and  
12 by fulfilling requirements established by the department.

13 Sec. 10. NEW SECTION. **154G.6 Advisory board of music**  
14 **therapy.**

15 1. The director of the department shall appoint a  
16 five-member advisory board of music therapy. Members of the  
17 advisory board must be licensed to practice music therapy and  
18 shall serve at the pleasure of the director. Members shall be  
19 appointed for staggered terms of three years. Members of the  
20 advisory board do not receive per diem or expenses.

21 2. The department shall consult with the advisory board and  
22 the board shall advise on the following matters:

23 a. Approving and prescribing the examination required under  
24 section 154G.3, subsection 1, paragraph "b".

25 b. Establishing a fee schedule for applications, initial  
26 licenses, license renewals, license restoration, and inactive  
27 status requests.

28 c. Establishing continuing education requirements.

29 Sec. 11. NEW SECTION. **154G.7 Suspension and revocation.**

30 The department shall revoke, suspend, or refuse any license  
31 granted pursuant to this chapter, or refuse to grant a license  
32 pursuant to this chapter, when the licensee fails or refuses  
33 to pay an examination, license, or renewal fee required by law  
34 or when the licensee is guilty of any of the following acts or  
35 omissions:



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- 1     1. Fraud in procuring a license.
- 2     2. Professional incompetence.
- 3     3. Knowingly making misleading, deceptive, untrue, or
- 4 fraudulent representations in the practice of the licensee's
- 5 profession or engaging in unethical conduct or practice harmful
- 6 or detrimental to the public. Proof of actual injury need not
- 7 be established.
- 8     4. Habitual intoxication or addiction to the use of drugs.
- 9     5. Conviction of a felony related to the profession or
- 10 occupation of the licensee. A copy of the record of conviction
- 11 or plea of guilty shall be conclusive evidence.
- 12     6. Fraud in representation as to skill or ability.
- 13     7. Use of untruthful or improbable statements in
- 14 advertisements.
- 15     8. Willful or repeated violations of the provisions of this
- 16 chapter.
- 17     Sec. 12. NEW SECTION. **154G.8 Deposit and use of moneys**
- 18 **collected.**
- 19     1. The department shall set the license fees and renewal
- 20 fees for all licenses issued pursuant to this chapter, by rule,
- 21 based upon the actual costs of licensing.
- 22     2. All fees assessed pursuant to this chapter shall be
- 23 retained as repayment receipts by the department, and such
- 24 fees received shall be used exclusively to offset the costs of
- 25 administering this chapter.
- 26     3. Notwithstanding section 8.33, fees collected by the
- 27 department that remain unencumbered or unobligated at the close
- 28 of the fiscal year shall not revert but shall remain available
- 29 for expenditure for the purposes designated until the close of
- 30 the succeeding fiscal year.
- 31     Sec. 13. NEW SECTION. **154G.9 Rulemaking.**
- 32     The department shall adopt rules consistent with this
- 33 chapter, chapter 147, and chapter 272C as necessary for the
- 34 performance of its duties under this chapter, chapter 147, and
- 35 chapter 272C.

LSB 5342XS (6) 85  
jr/sc

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1 continuing education.



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**Senate File 2117 - Introduced**

SENATE FILE 2117  
BY RAGAN

(COMPANION TO HF 2106 BY  
HEDDENS)

**A BILL FOR**

1 An Act relating to elder abuse and providing penalties.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5237XS (3) 85  
pf/nh





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1 exploitation of an older individual. *"Elder abuse"* does not  
2 include any of the following:

3     *a.* Circumstances in which an older individual declines  
4 medical treatment if the older individual holds a belief or is  
5 an adherent of a religion whose tenets and practices call for  
6 reliance on spiritual means in place of reliance on medical  
7 treatment.

8     *b.* Circumstances in which an older individual's caregiver  
9 or fiduciary, acting in accordance with the older individual's  
10 stated or implied consent, declines medical treatment if the  
11 older individual holds a belief or is an adherent of a religion  
12 whose tenets and practices call for reliance on spiritual means  
13 in place of reliance on medical treatment.

14     *c.* The withholding or withdrawing of medical treatment  
15 from an older individual who is terminally ill in the opinion  
16 of a licensed physician, when the withholding or withdrawing  
17 of medical treatment is done at the request of the older  
18 individual or at the request of the older individual's next of  
19 kin, attorney in fact, or guardian pursuant to the applicable  
20 procedures under chapter 125, 144A, 144B, 222, 229, or 633.

21     10. *"Elder abuse assault"* means the same as defined in  
22 section 708.2D.

23     11. *"Emergency shelter services"* means and includes but is  
24 not limited to secure crisis shelters or housing for a victim  
25 of elder abuse.

26     12. *"Federal Act"* means the Older Americans Act of 1965, 42  
27 U.S.C. §3001 et seq., as amended.

28     13. *"Fiduciary"* means a person or entity with the legal  
29 responsibility to make decisions on behalf of and for the  
30 benefit of an older individual and to act in good faith and  
31 with fairness. *"Fiduciary"* includes a guardian, trustee,  
32 executor, administrator, receiver, conservator, attorney  
33 in fact, representative payee, or any person acting in any  
34 fiduciary capacity for or on behalf of an older individual.

35     14. *"Financial exploitation"* means financial exploitation



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1 as provided in section 726.25.

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

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

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

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

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

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

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

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

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

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

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

33 26. *“Pro se”* means a person proceeding on the person’s own  
34 behalf without legal representation.

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

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1 attorney in fact, or guardian ad litem of an older individual,  
2 may seek relief from elder abuse by filing a verified petition  
3 in the district court. Venue shall lie where either party  
4 resides. The petition shall state all of the following:  
5 *a.* The name of the older individual and the name and address  
6 of the older individual's attorney, if any. If the older  
7 individual is proceeding pro se, the petition shall state a  
8 mailing address for the older individual. A mailing address  
9 may be provided by the older individual pursuant to section  
10 231G.12.  
11 *b.* The name of the substitute petitioner if the petition  
12 is being filed on behalf of an older individual, and the name  
13 and address of the attorney of the substitute petitioner. If  
14 the substitute petitioner is proceeding pro se, the petition  
15 shall state a mailing address for the substitute petitioner. A  
16 mailing address may be provided by the substitute petitioner  
17 pursuant to section 231G.12.  
18 *c.* The name and address, if known, of the defendant.  
19 *d.* The relationship of the older individual to the  
20 defendant.  
21 *e.* The nature of the alleged elder abuse.  
22 *f.* The name and age of any other individual whose welfare  
23 may be affected.  
24 *g.* The desired relief, including a request for temporary or  
25 emergency orders.  
26 2. A temporary or emergency order shall be based on a  
27 showing of a prima facie case of elder abuse. If the factual  
28 basis for the alleged elder abuse is contested, the court shall  
29 issue a protective order based upon a finding of elder abuse by  
30 a preponderance of the evidence.  
31 3. *a.* The filing fee and court costs for an order for  
32 protection and in a contempt action resulting from an order  
33 granted under this chapter or chapter 664A shall be waived for  
34 the plaintiff.  
35 *b.* The clerk of court, the sheriff of any county in this

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1 seeking protective orders by proceeding pro se in actions  
2 under this chapter. The standard forms shall include language  
3 in fourteen point boldface type. Standard forms prescribed  
4 by the department of justice shall be the exclusive forms  
5 used by plaintiffs proceeding pro se under this chapter. The  
6 department of justice shall distribute the forms to the clerks  
7 of the district courts.

8 2. The clerk of the district court shall furnish the  
9 required forms to persons seeking protective orders through pro  
10 se proceedings pursuant to this chapter.

11 **Sec. 5. NEW SECTION. 231G.5 Assistance by county attorney.**

12 A county attorney's office may provide assistance to a  
13 person wishing to initiate proceedings pursuant to this chapter  
14 or to a plaintiff at any stage of a proceeding under this  
15 chapter if the plaintiff does not have sufficient funds to pay  
16 for legal assistance and if the assistance does not create  
17 a conflict of interest for the county attorney's office.  
18 The assistance provided may include but is not limited to  
19 assistance in obtaining or completing forms, filing a petition  
20 or other necessary pleading, presenting evidence to the court,  
21 and enforcing the orders of the court entered pursuant to this  
22 chapter. Providing assistance pursuant to this section shall  
23 not be considered the private practice of law for the purposes  
24 of section 331.752.

25 **Sec. 6. NEW SECTION. 231G.6 Appointment of guardian ad  
26 litem.**

27 The court may on its own motion or on the motion of a party  
28 appoint a guardian ad litem for an older individual if justice  
29 requires. The older individual's attorney shall not also serve  
30 as the guardian ad litem.

31 **Sec. 7. NEW SECTION. 231G.7 Hearings — temporary orders.**

32 1. Not less than five and not more than fifteen days after  
33 commencing a proceeding and upon notice to the other party, a  
34 hearing shall be held at which the plaintiff must prove the  
35 allegation of elder abuse by a preponderance of the evidence.



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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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



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1 after a hearing at which the defendant has the opportunity to  
2 be heard, finds that the defendant continues to pose a threat  
3 to the safety of the older individual, persons residing with  
4 the older individual, or members of the older individual's  
5 immediate family, or continues to present a risk of financial  
6 exploitation of the older individual. The number of extensions  
7 that may be granted by the court is not limited.

8 6. The order shall state whether a person is to be taken  
9 into custody by a peace officer for a violation of the terms  
10 stated in the order.

11 7. The court may order that the defendant pay the attorney  
12 fees and court costs.

13 8. An order or approved consent agreement under this section  
14 shall not affect title to real property.

15 9. A copy of any order or approved consent agreement shall  
16 be issued to the plaintiff, the defendant, the county sheriff  
17 of the county in which the order or consent decree is initially  
18 entered, and the twenty-four-hour dispatcher for the county  
19 sheriff. Any subsequent amendment or revocation of an order  
20 or consent agreement shall be forwarded by the clerk to all  
21 individuals previously notified.

22 10. The clerk shall notify the county sheriff and the  
23 twenty-four-hour dispatcher for the county sheriff in writing  
24 so that the county sheriff and the county sheriff's dispatcher  
25 receive written notice within six hours of filing the order,  
26 approved consent agreement, amendment, or revocation. The  
27 clerk may fulfill this requirement by sending the notice by  
28 facsimile or other electronic transmission which reproduces the  
29 notice in writing within six hours of filing the order.

30 11. The county sheriff's dispatcher shall notify all  
31 law enforcement agencies having jurisdiction over the matter  
32 and the twenty-four-hour dispatcher for the law enforcement  
33 agencies upon notification by the clerk.

34 **Sec. 9. NEW SECTION. 231G.9 Emergency orders.**

35 1. When the court is unavailable from the close of business



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

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

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

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

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

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

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

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

35 2. The department may compile statistics and issue reports



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

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

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

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

20 b. A public or private post office box.

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

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

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

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

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



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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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





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1 cause to believe that an elder abuse assault has been committed  
2 by knowingly impeding the normal breathing or circulation of  
3 the blood of an older individual by applying pressure to the  
4 throat or neck of the older individual or by obstructing the  
5 nose or mouth of the older individual, and causing bodily  
6 injury.

7 *g.* A peace officer may, with or without a warrant, arrest  
8 a person if, upon investigation, including a reasonable  
9 inquiry of the older individual and other witnesses, if any,  
10 the officer has probable cause to believe that elder abuse  
11 constituting financial exploitation has been committed by the  
12 person.

13 3. A peace officer is not civilly or criminally liable for  
14 actions taken pursuant to this section taken in good faith.

15 **Sec. 15. NEW SECTION. 231G.15 Prohibition against referral.**

16 In a criminal action arising from elder abuse, the  
17 prosecuting attorney or court shall not refer or order the  
18 parties involved to mediation or other nonjudicial procedures  
19 prior to judicial resolution of the action.

20 **Sec. 16. NEW SECTION. 231G.16 Application for designation  
21 and funding as a provider of services for victims of elder abuse.**

22 Upon receipt of state or federal funding designated for  
23 victims of elder abuse by the department, the department  
24 shall designate and award grants to provide emergency shelter  
25 services and support services to victims of elder abuse. A  
26 public or private nonprofit organization may apply to the  
27 department for designation and funding as a provider of  
28 emergency shelter services and support services to victims  
29 of elder abuse. The application shall be submitted on a  
30 form prescribed by the department and shall include but not  
31 be limited to information regarding services to be provided,  
32 budget projections, and security measures.

33 **Sec. 17. NEW SECTION. 231G.17 Department powers.**

34 1. The department may consult and cooperate with all public  
35 and private agencies which may provide services to victims of



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

20     2. Correct internal references as necessary.

DIVISION II

OTHER CRIMINAL AND CIVIL RELIEF FOR OLDER INDIVIDUALS

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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1 confined in a jail or detention facility following arrest.

2 8. If a person is convicted for, receives a deferred  
 3 judgment for, or pleads guilty to a violation of this section,  
 4 the court shall modify the no-contact order issued upon initial  
 5 appearance in the manner provided in section 664A.5, regardless  
 6 of whether the person is placed on probation.

7 9. The clerk of the district court shall provide notice  
 8 and copies of a judgment entered under this section to the  
 9 applicable law enforcement agencies and the twenty-four-hour  
 10 dispatcher for the law enforcement agencies, in the manner  
 11 provided for protective orders under section 231G.8. The  
 12 clerk shall provide notice and copies of modifications of the  
 13 judgment in the same manner.

14 Sec. 22. NEW SECTION. 714.2A **Theft against an older**  
 15 **individual.**

16 1. If a person commits theft and the violation is committed  
 17 against an individual who was an older individual at the  
 18 time the theft was committed, notwithstanding the penalties  
 19 specified in section 714.2, all of the following shall apply:

20 a. If a person commits theft in the first degree pursuant to  
 21 section 714.2, subsection 1, the person is guilty of a class  
 22 "B" felony.

23 b. If a person commits theft in the second degree pursuant  
 24 to section 714.2, subsection 2, the person is guilty of a class  
 25 "C" felony.

26 c. If a person commits theft in the third degree pursuant to  
 27 section 714.2, subsection 3, the person is guilty of a class  
 28 "D" felony.

29 d. If a person commits theft in the fourth degree pursuant  
 30 to section 714.2, subsection 4, the person is guilty of an  
 31 aggravated misdemeanor.

32 e. If a person commits theft in the fifth degree pursuant to  
 33 section 714.2, subsection 5, the person is guilty of a serious  
 34 misdemeanor.

35 2. In determining whether to impose the penalties under





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

4 8. It does not constitute a defense to a prosecution for any  
 5 violation under this section that the alleged perpetrator did  
 6 not know the age of the victim.

7 9. In a criminal action in which an older individual is  
 8 a victim, the state may move the court to advance the trial  
 9 on the docket. The presiding judge, after consideration of  
 10 the age and health of the victim, may advance the trial on  
 11 the docket. The motion may be filed and served with the  
 12 information or charges or at any time.

13 10. If a person is convicted or receives a deferred judgment  
 14 for, or pleads guilty to a violation of this section, the  
 15 court shall modify the no-contact order issued upon initial  
 16 appearance in the manner provided in section 664A.5, regardless  
 17 of whether the person is placed on probation.

18 11. The clerk of the district court shall provide notice  
 19 and copies of a judgment entered under this section to the  
 20 applicable law enforcement agencies and the twenty-four-hour  
 21 dispatcher for the law enforcement agencies, in the manner  
 22 provided for protective orders under section 231G.8. The  
 23 clerk shall provide notice and copies of modifications of the  
 24 judgment in the same manner.

25 12. For the purposes of this section:

26 a. "Elder abuse" and "older individual" mean the same as  
 27 defined in section 231G.1.

28 b. "Serious injury" means the same as defined in section  
 29 702.18.

30 Sec. 24. NEW SECTION. **726.25 Financial exploitation of an**  
 31 **older individual.**

32 1. A person commits financial exploitation of an older  
 33 individual when the person stands in a position of trust or  
 34 confidence with the older individual and knowingly and by undue  
 35 influence, deception, coercion, fraud, breach of fiduciary



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

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

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

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

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

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

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

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

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

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

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1 criminal liability on a person who has made a good-faith effort  
2 to assist an older individual in the management of the older  
3 individual's benefits, property, resources, belongings, or  
4 assets, but through no fault of the person, the person has been  
5 unable to provide such assistance.

6 6. It shall not be a defense to financial exploitation of  
7 an older individual that the alleged perpetrator did not know  
8 the age of the older individual or reasonably believed that the  
9 alleged victim was not an older individual.

10 7. For the purposes of this section:

11 a. "Caregiver" means the same as defined in section 231G.1.

12 b. "Coercion" means communication or conduct which compels  
13 an older individual to act or refrain from acting against the  
14 older individual's will.

15 c. "Fiduciary" means the same as defined in section 231G.1.

16 d. "Older individual" means the same as defined in section  
17 231G.1.

18 e. "Stands in a position of trust or confidence" means the  
19 person has any of the following relationships relative to the  
20 older individual:

21 (1) Is a parent, spouse, adult child, or other relative by  
22 consanguinity or affinity of the older individual.

23 (2) Is a joint tenant or tenant in common with the older  
24 individual.

25 (3) Has a legal or fiduciary relationship with the older  
26 individual.

27 (4) Is a financial planning or investment professional  
28 providing or offering to provide financial planning or  
29 investment advice to the older individual.

30 (5) Is a beneficiary of the older individual in a governing  
31 instrument.

32 (6) Is a caregiver for the older individual.

33 (7) Is a person who is in a confidential relationship with  
34 the older individual. The determination of the existence of a  
35 confidential relationship is an issue of fact to be determined

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1 by the court based upon the totality of the circumstances.  
2 *f. "Undue influence"* means the same as defined in section  
3 231G.1.  
4 Sec. 25. NEW SECTION. **726.26 Dependent adult abuse —**  
5 **initiation of charges — penalty.**  
6 1. A charge of dependent adult abuse may be initiated  
7 upon the complaint of a private individual or as a result of  
8 an investigation by a social service agency or on the direct  
9 initiative of the office of the attorney general, a county  
10 attorney, or a law enforcement agency.  
11 2. A caretaker who intentionally commits dependent adult  
12 abuse is guilty of a class "C" felony if the intentional  
13 dependent adult abuse results in serious injury.  
14 3. A caretaker who recklessly commits dependent adult abuse  
15 is guilty of a class "D" felony if the reckless dependent adult  
16 abuse results in serious injury.  
17 4. A caretaker who intentionally commits dependent adult  
18 abuse is guilty of a class "C" felony if the intentional  
19 dependent adult abuse results in physical injury.  
20 5. A caretaker who commits dependent adult abuse by  
21 exploitation of a dependent adult is guilty of a class "D"  
22 felony if the value of the property, assets, or resources  
23 exceeds one hundred dollars.  
24 6. A caretaker who recklessly commits dependent adult  
25 abuse is guilty of an aggravated misdemeanor if the reckless  
26 dependent adult abuse results in physical injury.  
27 7. A caretaker who otherwise intentionally or knowingly  
28 commits dependent adult abuse is guilty of a serious  
29 misdemeanor.  
30 8. A caretaker who commits dependent adult abuse by  
31 exploitation of a dependent adult is guilty of a simple  
32 misdemeanor if the value of the property, assets, or resources  
33 is one hundred dollars or less.  
34 9. A caretaker alleged to have committed dependent adult  
35 abuse shall be charged with the respective offense cited,



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

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

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

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

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

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

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





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1 reporters of child ~~or dependent~~ adult abuse and the position  
 2 classification does not have a mandatory reporter training  
 3 curriculum approved by a licensing or examining board. The  
 4 department shall collaborate with the department on aging  
 5 in approving a curriculum to satisfy the combined training  
 6 requirements pursuant to section 235B.16, subsection 5.

7     Sec. 30. Section 231.23, Code 2014, is amended by adding the  
 8 following new subsections:

9     NEW SUBSECTION. 14. Develop and maintain, in consultation  
 10 with the department of human services and the department of  
 11 inspections and appeals, a dependent adult abuse mandatory  
 12 reporter training curriculum for those persons who work in  
 13 a position classification that under law makes the persons  
 14 mandatory reporters of dependent adult abuse and the position  
 15 classification does not have a mandatory reporter training  
 16 curriculum approved by a licensing or examining board. The  
 17 curriculum shall provide information regarding available  
 18 resources, referral and support services, and intervention  
 19 options including those pursuant to chapters 231G, 235B, and  
 20 235E. The department shall collaborate with the department of  
 21 human services and the department of public health in approving  
 22 a curriculum to satisfy the combined training requirements  
 23 pursuant to section 235B.16, subsection 5.

24     NEW SUBSECTION. 15. Certify trainers to provide the  
 25 dependent adult abuse mandatory reporter training curriculum  
 26 developed and maintained by the department. A trainer shall  
 27 not utilize the department's curriculum unless the trainer has  
 28 been certified by completing the department's required training  
 29 program. The department's training program shall include but  
 30 is not limited to information on laws, rules, and regulations  
 31 relating to dependent adults and available resources, referral  
 32 and support services, and intervention options including those  
 33 available pursuant to chapters 231G, 235B, and 235E. The  
 34 department shall adopt rules relating to trainer certification  
 35 including but not limited to issuance, renewal, and revocation



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1 of certification.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

DIVISION IV

CONFORMING CHANGES

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

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

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

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

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

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

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









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1 for elder abuse assault pursuant to section 708.2D.

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

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

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

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

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



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1 response to a report of alleged domestic abuse, or a conviction  
2 for domestic abuse assault pursuant to section 708.2A.

3 Sec. 51. Section 598.41D, subsection 4, paragraph b,  
4 subparagraph (2), Code 2014, is amended to read as follows:

5 (2) That the specified family member does not have a history  
6 of elder abuse, as defined in section 231G.1 or domestic abuse,  
7 as defined in section 236.2.

8 (a) In determining whether a history of elder abuse exists,  
9 the court's consideration shall include but is not limited  
10 to commencement of an action pursuant to section 231G.3, the  
11 issuance of a court order or consent agreement pursuant to  
12 section 231G.8, the issuance of an emergency order pursuant to  
13 section 231G.9, the holding of a party in contempt pursuant to  
14 section 664A.7, the response of a peace officer to the scene of  
15 alleged elder abuse or the arrest of a party following response  
16 to a report of alleged elder abuse, or a conviction for elder  
17 abuse assault pursuant to section 708.2D.

18 (b) In determining whether a history of domestic abuse  
19 exists, the court's consideration shall include but is not  
20 limited to commencement of an action pursuant to section 236.3,  
21 the issuance of a protective order against the individual or  
22 the issuance of a court order or consent agreement pursuant  
23 to section 236.5, the issuance of an emergency order pursuant  
24 to section 236.6, the holding of an individual in contempt  
25 pursuant to section 664A.7, the response of a peace officer  
26 to the scene of alleged domestic abuse or the arrest of an  
27 individual following response to a report of alleged domestic  
28 abuse, or a conviction for domestic abuse assault pursuant to  
29 section 708.2A.

30 Sec. 52. Section 598.42, Code 2014, is amended to read as  
31 follows:

32 **598.42 Notice of certain orders by clerk of court.**

33 The clerk of the district court shall provide notice and  
34 copies of temporary or permanent protective orders and orders  
35 to vacate the homestead entered pursuant to this chapter to



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

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

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

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

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

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

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



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

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

17     **664A.2 Applicability.**

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

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

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

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

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



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

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

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

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

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

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

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

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



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1 also comply with sections 236.11 and 236.12.

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

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

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

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

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

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



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1 following new subsections:

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

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

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

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

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

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

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

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

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

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





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1

EXPLANATION

2  
3

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

4  
5

This bill relates to older individuals, including civil and  
criminal protections.

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The bill establishes provisions relating to elder abuse  
which is the abuse, neglect, or financial exploitation of  
an older individual. "Older individual" is defined as an  
individual who is 60 years of age or older.

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The bill directs the department on aging (IDA) to establish  
an elder abuse resource and referral program. The purposes  
of the program are to empower older individuals to maximize  
their autonomy; to recognize the rights of older individuals  
including the right to be free of abuse, neglect, and financial  
exploitation; to increase the awareness of elder abuse and  
provide options for older individuals at risk of elder abuse;  
and to provide a mechanism to address prevention, detection,  
and reporting of and intervention in cases of abuse, neglect,  
and financial exploitation of older individuals. IDA is to  
utilize the area agencies on aging to implement the program in  
each designated planning and service area through a designated  
elder rights specialist and a local network of partners  
and stakeholders. The aging and disability resource center  
network is the primary point of entry for individuals seeking  
information and assistance regarding elder abuse. The program  
includes a public education component to increase awareness  
regarding elder abuse and the services provided through the  
program and a component to provide for response to reports of  
suspected elder abuse. IDA is authorized to adopt rules to  
administer the program.

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The bill provides for the commencement of actions by an older  
individual, or the guardian, conservator, attorney in fact,  
or guardian ad litem of an older individual, to seek relief  
from elder abuse including the filing of a petition for a  
protective order or temporary or emergency orders. The relief



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

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



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

35 A protective order or approved consent agreement is limited

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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1 order of protection under Code chapter 231G.

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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



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Senate File 2118 - Introduced

SENATE FILE 2118  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 177)

**A BILL FOR**

1 An Act relating to domestic abuse protective orders and pets or  
2 companion animals owned or held by a petitioner, respondent,  
3 or minor child of the petitioner or respondent in a domestic  
4 abuse case.

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

TLSB 1155SV (2) 85  
rh/nh



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S.F. 2118

1 Section 1. Section 236.3, subsection 1, Code 2014, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *0g.* Name or description of any pet or  
4 companion animal owned, possessed, leased, kept, or held by the  
5 petitioner, respondent, or minor child of the petitioner or  
6 respondent whose welfare may be affected by the controversy.  
7 However, this paragraph shall not apply to livestock as defined  
8 in section 717.1, held solely or primarily for commercial  
9 purposes.

10 Sec. 2. Section 236.4, Code 2014, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 3A. The court may include in the temporary  
13 order issued pursuant to this section a grant to the petitioner  
14 of the exclusive care, possession, or control of any pets or  
15 companion animals owned, possessed, leased, kept, or held by  
16 the petitioner, respondent, or minor child of the petitioner or  
17 respondent whose welfare may be affected by the controversy.  
18 The court may forbid the respondent from approaching, taking,  
19 transferring, encumbering, concealing, molesting, attacking,  
20 striking, threatening, harming, or otherwise disposing of the  
21 pet or companion animal. This subsection shall not apply to  
22 livestock as defined in section 717.1, held solely or primarily  
23 for commercial purposes.

24 Sec. 3. Section 236.4, subsection 4, Code 2014, is amended  
25 to read as follows:

26 4. If a hearing is continued, the court may make or extend  
27 any temporary order under subsection 2, ~~or 3,~~ or 3A that it  
28 deems necessary.

29 Sec. 4. Section 236.5, subsection 1, paragraph b, Code 2014,  
30 is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (7) A grant to the petitioner of  
32 the exclusive care, possession, or control of any pets or  
33 companion animals owned, possessed, leased, kept, or held by  
34 the petitioner, respondent, or minor child of the petitioner or  
35 respondent whose welfare may be affected by the controversy.



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1 The court may forbid the respondent from approaching, taking,  
2 transferring, encumbering, concealing, molesting, attacking,  
3 striking, threatening, harming, or otherwise disposing of the  
4 pet or companion animal. This subparagraph shall not apply to  
5 livestock as defined in section 717.1, held solely or primarily  
6 for commercial purposes.

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 relates to domestic abuse protective orders  
11 and pets or companion animals owned or held by a petitioner,  
12 respondent, or minor child of the petitioner or respondent in  
13 a domestic abuse case.

14 The bill provides that a person who files a petition for  
15 relief from domestic abuse pursuant to Code section 236.3 may  
16 include in the petition the name or description of any pet or  
17 companion animal owned, possessed, leased, kept, or held by the  
18 petitioner, respondent, or minor child of the petitioner or  
19 respondent whose welfare may be affected by the controversy.

20 The bill further provides the court may include in both  
21 temporary and permanent orders issued a grant to the petitioner  
22 of the exclusive care, possession, or control of any pets or  
23 companion animals owned, possessed, leased, kept, or held by  
24 the petitioner, respondent, or minor child of the petitioner or  
25 respondent whose welfare may be affected by the controversy.  
26 The court may forbid the respondent from approaching, taking,  
27 transferring, encumbering, concealing, molesting, attacking,  
28 striking, threatening, harming, or otherwise disposing of the  
29 pet or companion animal.

30 The bill does not apply to livestock as defined in Code  
31 section 717.1, held solely or primarily for commercial  
32 purposes.



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Senate Study Bill 3150 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON QUIRMBACH)

A BILL FOR

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

TLSB 5731XC (3) 85  
md/sc





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

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

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1 of operational functions for supplementary weighting shall be  
2 determined by the department by rule, through consideration of  
3 ~~long-term savings by the area education agency or~~ increased  
4 student opportunities.

5 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
6 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 Code section 257.11(7), enacted in 2013 Iowa Acts, chapter  
11 65 (HF 472), established supplementary weighting of 0.02 per  
12 pupil for school districts and area education agencies that  
13 share with a political subdivision one or more operational  
14 functions of a curriculum director, school administration  
15 manager, social worker, school nurse, school counselor, or  
16 school librarian, or one or more operational functions in the  
17 areas of superintendent management, business management, human  
18 resources, transportation, or operation and maintenance for at  
19 least 20 percent of the school year. The additional weighting  
20 is assigned for each discrete operational function shared. The  
21 supplementary weighting is available to a school district for  
22 a maximum of five years during the period commencing with the  
23 budget year beginning July 1, 2014, through the budget year  
24 beginning July 1, 2019. Code section 257.11(7) establishes a  
25 minimum amount and a maximum amount of additional weighting for  
26 which a school district or area education agency is eligible.

27 The bill strikes the 0.02 per pupil supplementary weighting  
28 and establishes an additional weighting of five pupils for each  
29 shared operational function. The bill also strikes the minimum  
30 amount of additional weighting for which a school district is  
31 eligible and changes the minimum amount of additional funding  
32 for which an area education agency is eligible from \$50,000 to  
33 \$30,000.

34 The bill also strikes provisions that required certain  
35 documentation and reporting of the cost savings directly

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- 1 attributable to shared operational functions.
- 2 The bill takes effect upon enactment.



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Senate Study Bill 3151 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act concerning the determination of native horses for  
2 purposes of pari-mutuel wagering.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6090SC (2) 85  
ec/sc





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**Senate Study Bill 3152 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
JOINT APPROPRIATIONS  
SUBCOMMITTEE ON  
TRANSPORTATION,  
INFRASTRUCTURE, AND  
CAPITALS)

**A BILL FOR**

1 An Act relating to and making transportation and other  
2 infrastructure-related appropriations to the department of  
3 transportation, including allocation and use of moneys from  
4 the road use tax fund and the primary road fund.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5009JB (2) 85  
dea/tm



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. 2013 Iowa Acts, chapter 134, section 3, is  
2 amended to read as follows:

3 SEC. 3. ROAD USE TAX FUND. There is appropriated from the  
4 road use tax fund created in section 312.1 to the department of  
5 transportation for the fiscal year beginning July 1, 2014, and  
6 ending June 30, 2015, the following amounts, or so much thereof  
7 as is necessary, to be used for the purposes designated:

8 1. For the payment of costs associated with the production  
9 of driver's licenses, as defined in section 321.1, subsection  
10 20A:

11 .....	\$ <del>1,938,000</del>
12	<u>3,876,000</u>

13 Notwithstanding section 8.33, moneys appropriated in this  
14 subsection that remain unencumbered or unobligated at the close  
15 of the fiscal year shall not revert but shall remain available  
16 for expenditure for the purposes specified in this subsection  
17 until the close of the succeeding fiscal year.

18 2. For salaries, support, maintenance, and miscellaneous  
19 purposes:

20 a. Operations:

21 .....	\$ <del>3,192,480</del>
22	<u>6,384,960</u>

23 b. Planning:

24 .....	\$ <del>207,000</del>
25	<u>414,000</u>

26 c. Motor vehicles:

27 .....	\$ <del>16,960,500</del>
28	<u>34,616,659</u>

29 d. Performance and technology:

30 .....	\$ <del>230,020</del>
31	<u>460,040</u>

32 3. For payments to the department of administrative  
33 services for utility services:

34 .....	\$ <del>107,500</del>
35	<u>235,125</u>

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1	4. Unemployment compensation:		
2	.....	\$	3,500
3			<u>7,000</u>
4	5. For payments to the department of administrative		
5	services for paying workers' compensation claims under chapter		
6	85 on behalf of employees of the department of transportation:		
7	.....	\$	57,000
8			<u>114,000</u>
9	6. For payment to the general fund of the state for indirect		
10	cost recoveries:		
11	.....	\$	39,000
12			<u>78,000</u>
13	7. For reimbursement to the auditor of state for audit		
14	expenses as provided in section 11.5B:		
15	.....	\$	33,660
16			<u>67,319</u>
17	8. For automation, telecommunications, and related costs		
18	associated with the county issuance of driver's licenses and		
19	vehicle registrations and titles:		
20	.....	\$	703,000
21			<u>1,406,000</u>
22	9. For transfer to the department of public safety for		
23	operating a system providing toll-free telephone road and		
24	weather conditions information:		
25	.....	\$	50,000
26			<u>100,000</u>
27	10. For costs associated with the participation in the		
28	Mississippi river parkway commission:		
29	.....	\$	20,000
30			<u>40,000</u>
31	11. For motor vehicle division field facility maintenance		
32	projects at various locations:		
33	.....	\$	100,000
34			<u>200,000</u>
35	For purposes of section 8.33, unless specifically provided		

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1 otherwise, moneys appropriated in subsection 11 that remain  
2 unencumbered or unobligated shall not revert but shall remain  
3 available for expenditure for the purposes designated until  
4 the close of the fiscal year that ends three years after the  
5 end of the fiscal year for which the appropriation was made.  
6 However, if the projects for which the appropriation was  
7 made are completed in an earlier fiscal year, unencumbered  
8 or unobligated moneys shall revert at the close of that same  
9 fiscal year.

10 Sec. 2. 2013 Iowa Acts, chapter 134, section 4, is amended  
11 to read as follows:

12 SEC. 4. PRIMARY ROAD FUND. There is appropriated from the  
13 primary road fund created in section 313.3 to the department of  
14 transportation for the fiscal year beginning July 1, 2014, and  
15 ending June 30, 2015, the following amounts, or so much thereof  
16 as is necessary, to be used for the purposes designated:

17 1. For salaries, support, maintenance, miscellaneous  
18 purposes, and for not more than the following full-time  
19 equivalent positions:

20 a. Operations:

.....	\$	19,612,953
		<u>39,225,906</u>
.....	FTEs	266.00

24 b. Planning:

.....	\$	3,932,727
		<u>7,865,454</u>
.....	FTEs	102.00

28 c. Highways:

.....	\$	116,015,648
		<u>235,717,855</u>
.....	FTEs	2,057.00

32 d. Motor vehicles:

.....	\$	706,770
		<u>1,460,575</u>
.....	FTEs	410.00

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1	e. Performance and technology:	
2	.....	\$ 1,412,980
3		<u>2,825,960</u>
4	..... FTEs	35.00
5	2. For payments to the department of administrative	
6	services for utility services:	
7	.....	\$ 660,500
8		<u>1,444,627</u>
9	3. Unemployment compensation:	
10	.....	\$ 69,000
11		<u>138,000</u>
12	4. For payments to the department of administrative	
13	services for paying workers' compensation claims under	
14	chapter 85 on behalf of the employees of the department of	
15	transportation:	
16	.....	\$ 1,371,500
17		<u>2,743,000</u>
18	5. For disposal of hazardous wastes from field locations and	
19	the central complex:	
20	.....	\$ 400,000
21		<u>800,000</u>
22	6. For payment to the general fund of the state for indirect	
23	cost recoveries:	
24	.....	\$ 286,000
25		<u>572,000</u>
26	7. For reimbursement to the auditor of state for audit	
27	expenses as provided in section 11.5B:	
28	.....	\$ 207,591
29		<u>415,181</u>
30	8. For costs associated with producing transportation maps:	
31	.....	\$ 80,000
32		<u>242,000</u>
33	9. For inventory and equipment replacement:	
34	.....	\$ 2,683,000
35		<u>5,366,000</u>

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1	10. For utility improvements at various locations:	
2	.....	\$ 200,000
3		<u>400,000</u>
4	11. For roofing projects at various locations:	
5	.....	\$ 250,000
6		<u>500,000</u>
7	12. For heating, cooling, and exhaust system improvements	
8	at various locations:	
9	.....	\$ 250,000
10		<u>700,000</u>
11	13. For deferred maintenance projects at field facilities	
12	throughout the state:	
13	.....	\$ 750,000
14		<u>1,700,000</u>
15	14. For wastewater treatment improvements at various	
16	locations:	
17	.....	\$ 500,000
18		<u>1,000,000</u>
19	15. For replacement of the Des Moines north garage:	
20	.....	\$ 3,176,500
21		<u>6,353,000</u>
22	<u>16. For the remodel and purchase of equipment to relocate</u>	
23	<u>the traffic operations center to the Ankeny motor vehicle</u>	
24	<u>facility:</u>	
25	.....	\$ 730,000

26 For purposes of section 8.33, unless specifically provided  
 27 otherwise, moneys appropriated in subsections 10 through 15  
 28 16 that remain unencumbered or unobligated shall not revert  
 29 but shall remain available for expenditure for the purposes  
 30 designated until the close of the fiscal year that ends  
 31 three years after the end of the fiscal year for which the  
 32 appropriation was made. However, if the project or projects  
 33 for which such appropriation was made are completed in an  
 34 earlier fiscal year, unencumbered or unobligated moneys shall  
 35 revert at the close of that same fiscal year.



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 EXPLANATION

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

4 This bill makes and limits appropriations for FY 2014-2015  
5 from the road use tax fund and the primary road fund to the  
6 department of transportation.

7 Appropriations from the road use tax fund include  
8 appropriations for driver's license production costs,  
9 operations, planning, motor vehicles, performance and  
10 technology, utility services provided by the department  
11 of administrative services, unemployment and workers'  
12 compensation, indirect cost recoveries, audits, county issuance  
13 of driver's licenses and vehicle registration and titling, a  
14 system providing toll-free telephone road and weather reports,  
15 participation in the Mississippi river parkway commission, and  
16 motor vehicle division field facility maintenance projects.

17 Appropriations from the primary road fund include  
18 appropriations for operations, planning, highways, motor  
19 vehicles, performance and technology, utility services provided  
20 by the department of administrative services, unemployment  
21 and workers' compensation, hazardous waste disposal, indirect  
22 cost recoveries, audits, production of transportation maps,  
23 inventory and equipment replacement, utility projects,  
24 roofing projects, heating and cooling improvements, deferred  
25 maintenance at field facilities, wastewater treatment  
26 improvements, replacement of the Des Moines north garage, and  
27 relocation of the traffic operations center to the Ankeny motor  
28 vehicle facility.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 05, 2014

**Senate Study Bill 3153 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON WILHELM)

**A BILL FOR**

1 An Act relating to the definition of mobile home park for  
2 purposes of residential landlord and tenant laws.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6131XC (4) 85  
ad/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 05, 2014**

S.F. \_\_\_\_\_

1 Section 1. Section 562B.7, subsections 7 and 8, Code 2014,  
2 are amended to read as follows:

3 7. *"Mobile home park"* ~~shall mean any~~ means a site, lot,  
4 field or tract of land upon which three or more mobile homes,  
5 manufactured homes, or modular homes, motor homes, recreational  
6 park trailers, travel trailers, or a combination of any  
7 of these homes or trailers are placed on developed spaces  
8 pursuant to a rental agreement and operated as a for-profit  
9 enterprise with water, sewer or septic, and electrical services  
10 available. The term "mobile home park" shall not be construed  
11 to include manufactured or mobile homes, buildings, tents, or  
12 other structures temporarily maintained by any individual,  
13 educational institution, or company on their own premises and  
14 used exclusively to house their own labor or students. The  
15 term "mobile home park" shall not be construed to include a  
16 campground as defined in section 557B.1.

17 8. *"Mobile home space"* means a parcel of land for rent which  
18 has been designed to accommodate a mobile home, motor home,  
19 recreational park trailer, or travel trailer and provide the  
20 required sewer and utility connections.

21 Sec. 2. Section 562B.7, Code 2014, is amended by adding the  
22 following new subsections:

23 NEW SUBSECTION. 8A. *"Motor home"* means the same as defined  
24 in section 321.1, subsection 36C, paragraph "d".

25 NEW SUBSECTION. 9A. *"Recreational park trailer"* means a  
26 recreational vehicle built on a single chassis, mounted on  
27 wheels, which may be connected to utilities necessary for  
28 operation of installed fixtures and appliances, with a gross  
29 area not exceeding four hundred square feet when in the set-up  
30 mode, and certified by the manufacturer as complying with the  
31 American National Standards Institute construction standard  
32 All9.5.

33 NEW SUBSECTION. 14. *"Travel trailer"* means the same as  
34 defined in section 321.1, subsection 36C, paragraph "b".

35

EXPLANATION

LSB 6131XC (4) 85  
ad/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 05, 2014

S.F. \_\_\_\_\_

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 amends the definitions of "mobile home park" and  
4 "mobile home space" in Code chapter 562B (residential landlord  
5 and tenant law). The bill adds motor homes, recreational park  
6 trailers, travel trailers, or a combination of such homes or  
7 trailers to the definition of mobile home park. The bill  
8 defines what constitutes a motor home, recreational park  
9 trailer, or travel trailer for purposes of the bill. The bill  
10 provides that a mobile home park does not include a campground.