Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 11, 2014

H8010 3
H8011 4
HF2195 7
HF2196 10
HF2197 16
HF2198 20
HF2199 27
HF2200 32
HF2201 40
HF2202 42
HF2203 48
HF2204 51
HF2205 62
HF2206 73
HF2207 75
HF2208 78
HF2209 82
HSB632 85
HSB633 88
HSB634 90
HSB635 93
HSB636 97
HSB637 100
HSB638 151
S5002 162
SF2139 163
SF2140 166
SF2141 170
SF2142 172
SF2143 177
SF2144 181
SF2145 184
SF2146 258
SF2147 263
SF2148 266
SF2149 269

SF2150 271
SF2151 274
SF2152 277
SF2153 286
SF2154 290
SF2155 300
SF2156 306
SF2157 310
SF2158 314
SF2159 316
SSB3162 321
SSB3163 325
SSB3164 328
SSB3165 331
SSB3166 333
SSB3167 358
SSB3168 393
SSB3169 397
SSB3170 403
SSB3171 508
SSB3172 514

House File 2180

H-8010

1 Amend House File 2180 as follows:
2 1. Page 2, line 5, after <schools.> by inserting <A
3 consortium of schools may include a school district,
4 a school district school attendance center, or an
5 accredited nonpublic school, or any combination
6 thereof.>

WINCKLER of Scott

GASSMAN of Winnebago

House File 2109

H-8011

Amend the amendment, H-8006, to House File 2109 as follows:

1. Page 1, after line 14 by inserting:

<___. Page 4, before line 7 by inserting:

<Sec. ___. Section 453A.13, subsections 6, 9, and 10, Code 2014, are amended to read as follows:

6. *No sales without permit.* ~~No~~ A distributor, wholesaler, cigarette vendor, or retailer shall not sell any cigarettes, alternative nicotine products, or vapor products until such application has been filed and the fee prescribed paid for a permit and until such permit is obtained and only while such permit is unrevoked and unexpired.

9. *Permit — form and contents.* Each permit issued shall describe clearly the place of business for which it is issued, shall be nonassignable, consecutively numbered, designating the kind of permit, and shall authorize the sale of cigarettes, alternative nicotine products, or vapor products in this state subject to the limitations and restrictions herein contained. The retail permits shall be upon forms furnished by the department or on forms made available or approved by the department.

10. *Permit displayed.* The permit shall, at all times, be publicly displayed by the distributor, wholesaler, or retailer at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business. The proprietor or keeper of any building or place where cigarettes ~~and other~~, alternative nicotine products, vapor products, or tobacco products are kept for sale, or with intent to sell, shall upon request of any agent of the department or any peace officer exhibit the permit. A refusal or failure to exhibit the permit is prima facie evidence that the cigarettes, alternative nicotine products, vapor products, tobacco, or ~~other~~ tobacco products are kept for sale or with intent to sell in violation of this division.>

___. Page 4, by striking lines 7 and 8 and inserting:

<Sec. ___. Section 453A.36, subsections 6, 7, and 11, Code 2014, are amended to read as follows:

6. Any sales of ~~cigarettes or~~ tobacco, tobacco products, alternative nicotine products, vapor products or cigarettes made through a cigarette vending machine are subject to rules and penalties relative to retail sales of ~~cigarettes and~~ tobacco, tobacco products, alternative nicotine products, vapor products and cigarettes provided for in this chapter. Cigarettes shall not be sold through any cigarette vending machine

unless the cigarettes have been properly stamped or metered as provided by this division, and in case of violation of this provision, the permit of the dealer authorizing retail sales of cigarettes shall be revoked. Payment of the permit fee as provided in section 453A.13 authorizes a cigarette vendor to sell ~~cigarettes or~~ tobacco, tobacco products, alternative nicotine products, vapor products and cigarettes through vending machines. However, ~~cigarettes or~~ tobacco, tobacco products, alternative nicotine products, vapor products and cigarettes shall not be sold through a vending machine unless the vending machine is located in a place where the retailer ensures that no person younger than eighteen years of age is present or permitted to enter at any time. ~~Cigarettes or~~ Tobacco, tobacco products, alternative nicotine products, vapor products and cigarettes shall not be sold through any cigarette vending machine if such products are placed together with any nontobacco product, other than matches, in the cigarette vending machine. This section does not require a retail permit holder to buy a cigarette vendor's permit if the retail permit holder is in fact the owner of the cigarette vending machines and the machines are operated in the location described in the retail permit.>

___. Page 4, after line 18 by inserting:

<11. Violation of this section by the holder of a retailer's, distributor's, wholesaler's or manufacturer's permit shall be grounds for the revocation of such permit.>

___. Page 5, after line 33 by inserting:

<Sec. ___. Section 453A.47A, subsections 1, 2, 4, 5, and 10, Code 2014, are amended to read as follows:

1. *Permits required.* A person shall not engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a ~~tobacco products~~ retailer.

2. *No sales without permit.* A retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, until an application has been filed and the fee prescribed paid for a permit and until such permit is obtained and only while such permit is not suspended, unrevoked, or unexpired.

4. *Retailer — cigarettes and tobacco, tobacco products, alternative nicotine products, and vapor products.* A retailer, as defined in section 453A.1, who holds a permit under division I of this chapter is not required to also obtain a retail permit under

1 this division. However, if a retailer, as defined in
2 section 453A.1, only holds a permit under division I
3 of this chapter and that permit is suspended, revoked,
4 or expired, the retailer shall not sell any ~~cigarettes~~
5 ~~or~~ tobacco, tobacco products, alternative nicotine
6 products, or vapor products, during the time which the
7 permit is suspended, revoked, or expired.
8 5. *Separate permit.* A separate retail permit
9 shall be required of a distributor or subjobber if
10 the distributor or subjobber sells tobacco, tobacco
11 products, alternative nicotine products, or vapor
12 products at retail.
13 10. *Records and reports of retailers.*
14 *a.* The director shall prescribe the forms necessary
15 for the efficient administration of this section
16 and may require uniform books and records to be used
17 and kept by each retailer or other person as deemed
18 necessary.
19 *b.* Every retailer shall, when requested by the
20 department, make additional reports as the department
21 deems necessary and proper and shall at the request of
22 the department furnish full and complete information
23 pertaining to any transaction of the retailer involving
24 the purchase or sale or use of tobacco, tobacco
25 products, alternative nicotine products, or vapor
26 products.>
27 ___. Page 6, after line 34 by inserting:
28 <Sec. ___. APPLICATION TO EXISTING
29 PRODUCTS. Nothing in this Act shall be construed to
30 prohibit the department of revenue from collecting
31 taxes imposed on cigarettes or tobacco products subject
32 to taxation under chapter 453A prior to July 1, 2014.>>
33 2. By renumbering as necessary.

_____
BALTIMORE of Boone

House File 2195 - Introduced

HOUSE FILE 2195
BY ISENHART and WATTS

A BILL FOR

1 An Act relating to the alternate energy revolving loan program.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5454YH (4) 85
rn/sc

H.F. 2195

Section 1. Section 476.46, subsection 1, Code 2014, is amended to read as follows:

1. The Iowa energy center created under section 266.39C shall establish and administer an alternate energy revolving loan program to encourage the development of alternate energy production facilities and small hydro facilities within the state and to encourage and facilitate energy efficiency investments by public entities in this state. For the purposes of this section, *"public entities"* means the state, state agencies, cities, counties, townships, and school districts.

Sec. 2. Section 476.46, subsection 2, paragraph c, Code 2014, is amended to read as follows:

c. Moneys in the fund shall be used to provide loans or facilitate loans from other sources for the construction of alternate energy production facilities or small hydro facilities, as defined in section 476.42, and for energy efficiency installations or improvements in connection with the construction or rehabilitation of public buildings owned or leased by public entities.

EXPLANATION

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

This bill relates to the alternate energy revolving loan program established in Code section 476.46.

Currently, the objective of the alternate energy loan program is to encourage the development of alternate energy production facilities and small hydro facilities within the state through the provision of loans for the construction of such facilities. The bill provides that an additional objective of the program shall be to encourage and facilitate energy efficiency investments by public entities in Iowa by making or facilitating loans for energy efficiency installations or improvements in connection with the construction or rehabilitation of public buildings owned or leased by public entities. The bill defines "public entities"

H.F. 2195

1 to mean the state, state agencies, cities, counties, townships,
2 and school districts.

House File 2196 - Introduced

HOUSE FILE 2196
BY S. OLSON and SANDS

A BILL FOR

1 An Act relating to the enforcement of natural resource
2 regulations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5704HH (3) 85
da/nh

H.F. 2196

DIVISION I
ROUTINE INSPECTION CHECKS

Section 1. NEW SECTION. **462A.21 Routine inspection checks.**

1. For purposes of this section, *"routine inspection check"* means an inspection of a watercraft, an individual operating a watercraft, or a passenger on a watercraft which is conducted by the department without reasonable suspicion while the watercraft is on a water of this state under the jurisdiction of the commission.

2. The department may conduct routine inspection checks of watercraft under this chapter only as provided in this section. A routine inspection check shall only be conducted to enforce compliance with any of the following:

a. The seaworthiness of the watercraft.

b. Safety equipment required for the watercraft.

c. The provisions of chapters 481A and 483A.

3. A routine inspection check conducted under this section shall meet the following requirements:

a. The location of the routine inspection check, the time period during which the routine inspection check will be conducted, and the procedure to be used while conducting the routine inspection check shall be determined by policymaking administrative officers of the department.

b. The department shall conduct a routine inspection check only if it notifies the general public in the county of the location of the routine inspection check in the same manner as provided in section 481A.13A.

c. The location of the routine inspection check shall be selected for its safety and visibility to persons operating watercraft. The department shall provide advance warning of the routine inspection check to operators of watercraft, including by adequate advance warning signs, which shall be illuminated at night or under conditions of poor visibility.

d. There shall be uniformed officers and marked official vehicles or watercraft of the department involved, in

H.F. 2196

sufficient quantity and visibility to demonstrate the official nature of the routine inspection check.

e. The selection of watercraft to be stopped shall not be arbitrary.

f. The routine inspection check shall be conducted to assure the safety of and to minimize the inconvenience to the watercraft operators and passengers.

4. This section does not apply to the emergency inspection of a watercraft conducted in response to an immediate threat to the health, safety, or welfare of the public.

Sec. 2. NEW SECTION. **481A.13A Routine compliance checks.**

1. For purposes of this section, *"routine compliance check"* means the stopping and questioning, without reasonable suspicion, of individuals regarding the compliance of the individuals with the provisions of this chapter or chapter 483A while the individuals are at a location where the public frequently congregates, recreates, or travels.

2. The department shall conduct a routine compliance check only if it notifies the general public in the county of the location of the routine compliance check, the time during which the routine compliance check will be conducted, and the type of routine compliance check to be conducted. The notice shall be published at least three times in a newspaper with a general circulation in the county where the routine compliance check is to be conducted.

3. The department shall not act in an arbitrary manner when selecting an individual to be detained pursuant to a routine compliance check.

DIVISION II

ARTIFICIAL LIGHT

Sec. 3. Section 481A.93, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 3. It is conclusively presumed that a person is not in violation of this section if all of the following apply:

H.F. 2196

a. The person is the owner or tenant of the land, or the spouse or child of the owner or tenant who resides with the owner or tenant.

b. The person is not apprehended taking a bird or animal on the land by using artificial light.

DIVISION III

CONFISCATION OF FIREARMS

Sec. 4. NEW SECTION. **483A.29 Confiscation of firearms.**

The department shall not confiscate a firearm possessed by a person for an alleged violation of chapter 481A or this chapter if the person is any of the following:

1. The owner or tenant of the land on which the alleged violation occurred.

2. The spouse or child of the owner or tenant of the land on which the alleged violation occurred, if the person resides with the owner or tenant.

DIVISION IV

HUNTING

Sec. 5. Section 483A.24, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 19. The department shall not impose a penalty more severe than the issuance of a warning to a person who hunts on neighboring land without having obtained a license required under this chapter if all of the following apply:

a. The person is an owner or tenant of land, or is a family member of such owner or tenant, who may hunt on the owner´s or tenant´s land as provided in this section.

b. The neighboring land where the person was apprehended borders the owner´s or tenant´s land.

c. The person was apprehended within one thousand twenty feet from the border of the owner´s or tenant´s land.

d. The person did not take an animal on the land or the person took an animal that the person could have taken under this section on the owner´s or tenant´s land.

e. The person has not previously been guilty of hunting on

H.F. 2196

1 the neighboring land or any other land bordering the owner's
2 or tenant's land.
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 GENERAL. This bill provides for the enforcement of a number
7 of provisions by the department of natural resources (DNR)
8 relating to recreation, including regulations involving boating
9 and wildlife management. Specifically the bill regulates
10 watercraft operating on navigable waters within the territorial
11 limits of this state (Code chapter 462A), wildlife conservation
12 (Code chapter 481A), and fishing and hunting licenses,
13 contraband, and firearms (Code chapter 483A).
14 ROUTINE INSPECTION CHECKS. The bill provides for routine
15 inspection checks conducted to enforce watercraft and wildlife
16 management regulations in circumstances in which the DNR does
17 not have a reasonable suspicion that a specific offense is
18 being committed. The bill provides that in both cases the
19 DNR must publish notice of the routine inspection check in a
20 newspaper having a general circulation in the county where the
21 routine inspection check is to be conducted. It also provides
22 that the selection of the individuals to be subjected to a
23 routine inspection check cannot be arbitrary.
24 SPECIAL REQUIREMENTS FOR WATERCRAFT INSPECTION. The bill
25 provides that a routine inspection check of watercraft or
26 an operator or passenger is limited to enforcing compliance
27 with certain requirements, including the seaworthiness of the
28 watercraft, safety equipment requirements, and enforcement of
29 wildlife management regulations. In addition, the DNR must
30 comply with a number of procedural requirements that involve
31 how routine inspection checks are to be conducted, methods
32 to notify and alert watercraft operators and passengers of a
33 routine inspection check, and where the routine inspection
34 check may be located.
35 EXCEPTIONS FOR OWNERS, TENANTS, AND FAMILY MEMBERS. The

H.F. 2196

1 bill provides several exceptions for a qualified person who
2 is an owner or tenant of land or family member who resides
3 with the owner or tenant and is alleged to have committed a
4 prohibited act on the owner´s or tenant´s land or neighboring
5 land.
6 EXCEPTION APPLIED TO THE USE OF ARTIFICIAL LIGHT. The bill
7 provides that such a qualified person who uses an artificial
8 light is conclusively presumed not to be in violation of the
9 prohibition against taking or attempting to take game using an
10 artificial light, unless the qualified person is apprehended
11 taking the game (Code section 481A.93).
12 EXCEPTION APPLIED TO THE CONFISCATION OF FIREARMS. The bill
13 prohibits the DNR from confiscating a firearm in the possession
14 of the qualified person for an alleged violation of a wildlife
15 management law.
16 EXCEPTION APPLIED TO THE TAKING OF GAME ON NEIGHBORING
17 LAND. The bill amends a provision that allows a qualified
18 person to take game without a license on the land or obtain
19 a special license to hunt deer or wild turkey (Code section
20 483A.24). The bill provides that the DNR must issue a warning
21 to a qualified person apprehended hunting on neighboring land.
22 The exception applies if the qualified person was apprehended
23 within one-half mile from the owner´s or tenant´s land, the
24 person did not take an animal on the neighboring land or the
25 person took an animal that the person could have taken on the
26 owner´s or tenant´s land, and the person has not previously
27 been guilty of hunting on any neighboring land.

House File 2197 - Introduced

HOUSE FILE 2197
BY SCHULTZ, HEARTSILL, GASSMAN, SHEETS, ALONS, SHAW, VANDER LINDEN, and WATTS

A BILL FOR

1 An Act relating to intermediate driver´s licenses and special
2 minor´s licenses, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5664YH (4) 85
dea/nh

H.F. 2197

Section 1. Section 321.180B, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of ~~twelve~~ six months immediately preceding application, and who presents an affidavit signed by a parent, guardian, or custodian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, guardian, or custodian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178 or 321.178A, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts. ~~In addition, unless waived by the person's parent or guardian at the time the intermediate license is issued, for the first six months following issuance of the license, a person issued an intermediate license must limit the number of unrelated minor passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to one, except when the intermediate licensee is accompanied in~~

H.F. 2197

~~accordance with subsection 1. For purposes of this subsection, *"unrelated minor passenger"* means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver. The department shall prescribe the form for waiver of the six-month restriction on unrelated minor passengers, which may be in an electronic format, and shall designate characteristics for the intermediate license that shall distinguish between an intermediate license that includes the six-month restriction on unrelated minor passengers and an intermediate license that does not include the six-month restriction on unrelated minor passengers.~~

Sec. 2. Section 321.194, subsection 1, paragraph b, Code 2014, is amended by striking the paragraph.

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

EXPLANATION

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

This bill reverses changes made by 2013 Iowa Acts, chapter 80, which took effect on January 1, 2014, and amended provisions relating to young drivers licensed under the graduated driver licensing program or issued a special minor's license to travel to and from school.

The bill reduces the amount of time a person 16 or 17 years of age is required to possess an instruction permit before qualifying for an intermediate license from 12 months to six months. The bill also repeals the limit on the number of unrelated minor passengers allowed in a vehicle driven by a person with an intermediate license during the first six months of licensure or driven by a person with a special minor's license. Currently, such drivers are not allowed to have more than one unrelated minor passenger in the motor vehicle unless accompanied by a licensed driver who is the intermediate licensee's parent, guardian, or custodian; a family member

H.F. 2197

1 who is at least 21 years of age; an approved driver education
2 instructor; a prospective driver education instructor who is
3 enrolled in a qualifying practitioner preparation program; or a
4 person at least 25 years of age who has the written permission
5 of the parent, guardian, or custodian. If the driver is an
6 intermediate licensee, the passenger restriction may be waived
7 by the licensee's parent or guardian.
8 The bill takes effect upon enactment.

House File 2198 - Introduced

HOUSE FILE 2198
BY SANDS and WINDSCHITL

A BILL FOR

1 An Act relating to the registration and regulation of
2 motorsports recreational vehicles, recreational vehicle
3 operators, and recreational vehicle cargo, and including
4 fees.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5577YH (4) 85
dea/nh

H.F. 2198

1 Section 1. Section 321.1, subsection 8, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *i.* A person operating a motorsports
4 recreational vehicle is not a chauffeur.
5 Sec. 2. Section 321.1, subsection 36C, Code 2014, is amended
6 by adding the following new paragraph:
7 NEW PARAGRAPH. *e.* *"Motorsports recreational vehicle"* means a
8 modified motor vehicle consisting of a conversion unit mounted
9 on a truck tractor chassis such that the motor vehicle can
10 be used as a conveyance on the highway and as a temporary or
11 recreational dwelling. The motor vehicle must have at least
12 four of the permanently installed systems listed in paragraph
13 *"d"*, two of which shall be systems specified in paragraph *"d"*,
14 subparagraph (1), (4), or (5).
15 Sec. 3. Section 321.109, subsection 1, paragraph a, Code
16 2014, is amended to read as follows:
17 *a.* The annual fee for all motor vehicles including vehicles
18 designated by manufacturers as station wagons, 1993 and
19 subsequent model year multipurpose vehicles, and 2010 and
20 subsequent model year motor trucks with an unladen weight of
21 ten thousand pounds or less, except motor trucks registered
22 under section 321.122, business-trade trucks, special trucks,
23 motor homes, motorsports recreational vehicles, ambulances,
24 hearses, motorcycles, motorized bicycles, and 1992 and older
25 model year multipurpose vehicles, shall be equal to one
26 percent of the value as fixed by the department plus forty
27 cents for each one hundred pounds or fraction thereof of
28 weight of vehicle, as fixed by the department. The weight
29 of a motor vehicle, fixed by the department for registration
30 purposes, shall include the weight of a battery, heater,
31 bumpers, spare tire, and wheel. Provided, however, that for
32 any new vehicle purchased in this state by a nonresident
33 for removal to the nonresident's state of residence the
34 purchaser may make application to the county treasurer in
35 the county of purchase for a transit plate for which a fee

H.F. 2198

1 of ten dollars shall be paid. And provided, however, that
2 for any used vehicle held by a registered dealer and not
3 currently registered in this state, or for any vehicle held
4 by an individual and currently registered in this state,
5 when purchased in this state by a nonresident for removal to
6 the nonresident's state of residence, the purchaser may make
7 application to the county treasurer in the county of purchase
8 for a transit plate for which a fee of three dollars shall
9 be paid. The county treasurer shall issue a nontransferable
10 certificate of registration for which no refund shall be
11 allowed; and the transit plates shall be void thirty days
12 after issuance. Such purchaser may apply for a certificate
13 of title by surrendering the manufacturer's or importer's
14 certificate or certificate of title, duly assigned as provided
15 in this chapter. In this event, the treasurer in the county
16 of purchase shall, when satisfied with the genuineness and
17 regularity of the application, and upon payment of a fee of
18 twenty dollars, issue a certificate of title in the name and
19 address of the nonresident purchaser delivering the title
20 to the owner. If there is a security interest noted on the
21 title, the county treasurer shall mail to the secured party an
22 acknowledgment of the notation of the security interest. The
23 county treasurer shall not release a security interest that
24 has been noted on a title issued to a nonresident purchaser
25 as provided in this paragraph. The application requirements
26 of section 321.20 apply to a title issued as provided in this
27 subsection, except that a natural person who applies for a
28 certificate of title shall provide either the person's social
29 security number, passport number, or driver's license number,
30 whether the license was issued by this state, another state, or
31 another country. The provisions of this subsection relating to
32 multipurpose vehicles are effective for all 1993 and subsequent
33 model years. The annual registration fee for multipurpose
34 vehicles that are 1992 model years and older shall be in
35 accordance with section 321.124.

H.F. 2198

1 Sec. 4. Section 321.124, Code 2014, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 4. The annual registration fee for a
4 motorsports recreational vehicle is eight hundred dollars. For
5 purposes of determining that portion of the annual registration
6 fee which is based upon the value of the motorsports
7 recreational vehicle, sixty percent of the annual fee is
8 attributable to the value of the vehicle.
9 Sec. 5. Section 321.176A, Code 2014, is amended by adding
10 the following new subsection:
11 NEW SUBSECTION. 8. A person operating a motorsports
12 recreational vehicle for the purpose of participating
13 in motorsports competitions primarily for relaxation or
14 entertainment and not for a commercial purpose. For purposes
15 of this subsection, *"commercial purpose"* does not include
16 a competition that involves prize money or commercial
17 sponsorship.
18 Sec. 6. Section 321.284A, subsection 2, Code 2014, is
19 amended to read as follows:
20 2. This section does not apply to a passenger being
21 transported in a motor vehicle designed, maintained, or used
22 primarily for the transportation of persons for compensation,
23 or a passenger being transported in the living quarters of a
24 motor home, motorsports recreational vehicle, manufactured or
25 mobile home, travel trailer, or fifth-wheel travel trailer.
26 Sec. 7. Section 321.310, subsections 1 and 2, Code 2014, are
27 amended to read as follows:
28 1. A motor vehicle shall not tow a four-wheeled trailer with
29 a steering axle, or more than one trailer or semitrailer, or
30 both in combination. However, this section does not apply to
31 a motor home, motorsports recreational vehicle, multipurpose
32 vehicle, motor truck, truck tractor or road tractor nor to
33 a farm tractor towing a four-wheeled trailer, nor to a farm
34 tractor or motor vehicle towing implements of husbandry, nor to
35 a wagon box trailer used by a farmer in transporting produce,

H.F. 2198

1 farm products, or supplies hauled to and from market.
2 2. Any four-wheeled trailer towed by a truck tractor or road
3 tractor shall be registered under the semitrailer provisions
4 of section 321.123~~,~~; provided~~, however,~~ that the provisions
5 of this ~~section~~ subsection shall not ~~be applicable~~ apply to
6 motor vehicles drawing wagon box trailers used by a farmer
7 in transporting produce, farm products, or supplies hauled
8 to and from market, or to a four-wheeled trailer towed by a
9 motorsports recreational vehicle.
10 Sec. 8. Section 321.446, subsection 3, paragraph b, Code
11 2014, is amended to read as follows:
12 *b.* The transportation of children in 1965 model year or
13 older vehicles, authorized emergency vehicles, buses, or motor
14 homes, or motorsports recreational vehicles except when a child
15 is transported in a motor home's or motorsports recreational
16 vehicle's passenger seat situated directly to the driver's
17 right.
18 Sec. 9. Section 321.450, Code 2014, is amended by adding the
19 following new subsection:
20 NEW SUBSECTION. 6. Notwithstanding other provisions of
21 this section, rules adopted under this section applicable to
22 the transportation of any fuel used in race car engines shall
23 not apply to the transportation of such fuel if the fuel is
24 contained in the fuel cells of a race car being transported in
25 a trailer and the fuel cells are certified by SFI foundation,
26 inc.
27 Sec. 10. Section 321.454, Code 2014, is amended to read as
28 follows:
29 **321.454 Width of vehicles.**
30 The total outside width of a vehicle or the load on
31 the vehicle shall not exceed eight feet six inches. This
32 limitation on the total outside width of a vehicle or the load
33 on the vehicle does not include safety equipment on a vehicle
34 or incidental appurtenances or retracted awnings on motor
35 homes, motorsports recreational vehicles, travel trailers, or

H.F. 2198

fifth-wheel travel trailers if the incidental appurtenance or retracted awning is less than six inches in width. However, if hay, straw, or stover is moved on an implement of husbandry and the total width of load of the implement of husbandry exceeds eight feet six inches, the implement of husbandry is not subject to the permit requirements of chapter 321E. If hay, straw, or stover is moved on any other vehicle subject to registration, the moves are subject to the permit requirements for transporting loads exceeding eight feet six inches in width as required under chapter 321E.

Sec. 11. Section 321.457, subsection 2, paragraph j, Code 2014, is amended to read as follows:

j. A motor home or motorsports recreational vehicle shall not have an overall length, excluding front and rear bumpers and safety equipment, in excess of forty-five feet.

Sec. 12. Section 321.457, subsection 2, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Ok.* A combination of two vehicles coupled together, one of which is a motorsports recreational vehicle, shall not have an overall length in excess of eighty-five feet.

EXPLANATION

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

This bill establishes a new motorsports recreational vehicle classification for purposes of motor vehicle regulation and driver licensing. The bill defines "motorsports recreational vehicle" as a modified motor vehicle consisting of a conversion unit mounted on a truck tractor chassis, containing systems similar to the systems required in a motor home, so that the motor vehicle can be used as a conveyance on the highway and as a temporary or recreational dwelling. The annual registration fee for a motorsports recreational vehicle is $800.

The bill specifies that a person operating a motorsports recreational vehicle is not a chauffeur. The bill also provides an exemption from commercial driver licensing

H.F. 2198

1 requirements for a person operating a motorsports recreational
2 vehicle for the purpose of participating in motorsports
3 competitions primarily for relaxation or entertainment and
4 not for a commercial purpose. In this context, "commercial
5 purpose" does not include a competition that involves prize
6 money or commercial sponsorship.
7 Current motor vehicle provisions applicable to motor homes
8 are amended to apply to motorsports recreational vehicles as
9 well. These provisions include an exception to open-container
10 restrictions for a passenger being transported in the living
11 quarters of a motorsports recreational vehicle; child restraint
12 requirements for a child seated directly to the driver's
13 right; the exclusion of incidental appurtenances or retracted
14 awnings from vehicle width limitations; and an exemption from
15 restrictions on towing a four-wheeled trailer with a steering
16 axle or more than one trailer or semitrailer. The bill states
17 that a four-wheeled trailer towed by a motorsports recreational
18 vehicle is not required to be registered as a semitrailer.
19 The bill limits the length of a motorsports recreational
20 vehicle, excluding front and rear bumpers and safety equipment,
21 to not more than 45 feet. The maximum length for a combination
22 of two vehicles coupled together, one of which is a motorsports
23 recreational vehicle, is 85 feet.
24 Under current law, the department of transportation has
25 adopted rules, in compliance with federal regulations,
26 relating to the transportation of hazardous materials. The
27 bill provides that rules applicable to the transportation
28 of any fuel used in race car engines shall not apply to the
29 transportation of fuel contained in the fuel cells of a race
30 car being transported in a trailer if the fuel cells are
31 certified by SFI foundation, inc.

House File 2199 - Introduced

HOUSE FILE 2199
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 601)

A BILL FOR

1 An Act relating to conformity with federal law concerning the
2 voluntary shared work program under the state unemployment
3 insurance law and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5594HV (2) 85
je/rj

H.F. 2199

Section 1. Section 96.40, subsection 2, paragraphs b, d, e, f, and j, Code 2014, are amended to read as follows:

b. The plan certifies that the aggregate reduction in work hours is in lieu of ~~temporary~~ layoffs which would have affected at least ten percent of the employees in the affected unit or units to which the plan applies and which would have resulted in an equivalent reduction in work hours. The employer provides an estimate of the number of layoffs that would occur absent participation in the program. *"Affected unit"* means a specified plant, department, shift, or other definable unit.

d. The shared work plan reduces the normal weekly hours of work for an employee in the affected unit by not less than twenty percent and not more than fifty percent with a corresponding reduction in wages. ~~Only full-time employees who normally work between thirty-five and forty hours per week are eligible to participate.~~

e. The reduction in hours and corresponding reduction in wages must be applied equally to all ~~of the full-time~~ employees in the affected unit.

f. The plan provides that fringe benefits will continue to be provided to employees in affected units as though their workweeks had not been reduced or to the same extent as other employees not participating in the program. *"Fringe benefits"* means employer-provided health benefits and retirement benefits under a defined benefit plan or a defined contribution plan pursuant to the Internal Revenue Code.

j. The plan is approved in writing by the collective bargaining representative for each employee organization or union which has members in the affected unit, and the plan provides for notification to employees in advance of participation.

Sec. 2. Section 96.40, subsection 2, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* Participation by the employer shall be consistent with applicable federal and state laws.

H.F. 2199

Sec. 3. Section 96.40, subsections 7 and 9, Code 2014, are amended to read as follows:

7. The department shall pay an individual who is eligible for shared work benefits under this section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment, less any deductible amounts under this chapter except wages received from any employer, multiplied by the full percentage of reduction in the individual's hours as set forth in the employer's shared work plan. If the shared work benefit amount calculated under this subsection is not a multiple of one dollar, the department shall round the amount so calculated to the next lowest multiple of one dollar. An individual shall be ~~ineligible~~ eligible for shared work benefits for any week in which the individual performs paid work for the participating employer ~~in excess of the reduced hours established under the shared work plan~~ for a number of hours equal to not less than twenty percent and not more than fifty percent of the normal weekly hours of work for the employee.

9. *a.* ~~Notwithstanding any other provisions of this chapter, all~~ All benefits paid under a shared work plan~~, which are chargeable to the participating employer or any other base period employer of a participating employee,~~ shall be charged ~~to the account of the participating employer under the plan~~ in the manner provided in this chapter for the charging of regular benefits.

b. An employer may provide as part of the plan a training program the employees may attend during the hours that have been reduced. Such a training program may include a training program funded under the Workforce Investment Act of 1998, Pub. L. No. 105-220. If the employer is able to show that the training program will provide a substantive increase in the workplace and employability skills of the employee so as to reduce the potential for future periods of unemployment, the department shall relieve the employer of charges for

H.F. 2199

1 benefits paid to the individual attending training under the
2 plan. The employee may attend the training at the work site
3 utilizing internal resources, provided the training is outside
4 of the normal course of employment, or in conjunction with an
5 educational institution.
6 Sec. 4. APPLICABILITY. This Act applies to all voluntary
7 shared work plans approved by the department of workforce
8 development on or after July 1, 2014.
9 EXPLANATION

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

12 This bill conforms the voluntary shared work program under
13 the state unemployment insurance law to the requirements of
14 sections 2161, 2162, and 2165 of the federal Middle Class Tax
15 Relief and Job Creation Act of 2012, Pub. L. No. 112-96.
16 Under current law, the program applies only to temporary
17 layoffs and full-time employees. The bill strikes these
18 limitations. The bill requires participating employers to
19 provide the department of workforce development an estimate of
20 the number of layoffs that would occur absent participation in
21 the program. The bill defines "fringe benefits" for purposes
22 of the program as employer-provided health benefits and
23 retirement benefits under a defined benefit plan or a defined
24 contribution plan pursuant to the Internal Revenue Code. The
25 bill requires employers to notify their employees in advance
26 of participation in the program. The bill specifies that
27 participation in the program by an employer must be consistent
28 with applicable federal and state laws. The bill provides that
29 voluntary shared work benefits are available if an employee's
30 normal weekly hours of work are reduced by not less than 20
31 percent and not more than 50 percent. The bill provides that
32 voluntary shared work benefits are to be charged to employers
33 in the same manner as regular unemployment insurance benefits.
34 The bill provides that job training funded under the federal
35 Workforce Investment Act of 1998, Pub. L. No. 105-220, is

H.F. 2199

1 included as training that may be provided for employees by
2 employers under the program.
3 The bill applies to all voluntary shared work plans approved
4 by the department of workforce development on or after July 1,
5 2014.

House File 2200 - Introduced

HOUSE FILE 2200
BY ANDERSON

A BILL FOR

1 An Act relating to the use of restraints against a pregnant
2 inmate or detainee, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5391YH (1) 85
jm/nh

H.F. 2200

1 Section 1. LEGISLATIVE FINDINGS. The general assembly
2 finds all of the following:
3 1. There are serious known medical risks associated with the
4 use of restraints on pregnant women.
5 2. The vast majority of female inmates or detainees in this
6 state are nonviolent offenders.
7 3. Restraining pregnant prison inmates increases the
8 potential for physical harm from an accidental trip or fall.
9 4. Freedom from physical restraints is especially critical
10 during labor, delivery, and postpartum recovery after delivery,
11 because a woman often needs to move around during labor and
12 recovery.
13 5. Restraints on a pregnant woman can interfere with the
14 ability of medical staff to appropriately assist in childbirth
15 or to conduct sudden emergency procedures.
16 Sec. 2. NEW SECTION. **904.1001 Definitions.**
17 As used in this division, unless the context otherwise
18 requires:
19 1. *"Correctional institution"* means any state correctional
20 institution under this chapter, county jail or municipal
21 holding facility under chapter 356, county detention facility
22 under chapter 356A, or other detention facility that is used to
23 detain or restrain a person, including a juvenile, under the
24 laws of this state or the United States.
25 2. *"Corrections officer"* means the official who is
26 responsible for oversight of a correctional institution or the
27 official's designee.
28 3. *"Detainee"* means any adult or juvenile person detained or
29 restrained under the immigration laws of the United States at
30 any correctional institution.
31 4. *"Inmate"* means any adult or juvenile person incarcerated
32 or detained in a correctional institution who is accused
33 of, convicted or adjudicated guilty of, or sentenced for, a
34 criminal or immigration law violation including persons on
35 probation, parole, or pretrial release, or in any diversionary

H.F. 2200

1 program.
2 5. *"Labor"* means the period of time before a birth during
3 which contractions are of sufficient frequency, intensity, and
4 duration to bring about effacement and progressive dilation of
5 the cervix.
6 6. *"Postpartum recovery"* means, as determined by the
7 attending physician, the period immediately following delivery,
8 including the entire period a woman is in the hospital or
9 infirmary after birth.
10 7. *"Restraint"* means any physical restraint or mechanical
11 device used to control the body or limb movement of an inmate
12 or detainee, including but not limited to flex cuffs, soft
13 restraints, hard metal handcuffs, a black box, chubb cuffs, leg
14 irons, belly chains, a security chain, or a convex shield.
15 Sec. 3. NEW SECTION. **904.1002 Restraint of pregnant inmates**
16 **or detainees.**
17 1. A correctional institution shall not use restraints on
18 an inmate or detainee known to be pregnant, including during
19 labor, delivery, or postpartum recovery, unless any of the
20 following apply:
21 *a.* The inmate or detainee refuses to undergo a urine-based
22 pregnancy test, if not visibly pregnant.
23 *b.* The inmate has been confined for less than twenty-four
24 hours at a correctional institution other than a state
25 correctional institution.
26 *c.* A corrections officer makes an individualized
27 determination that the use of a restraint on the inmate or
28 detainee is necessary due to an extraordinary medical or
29 security circumstance described under subsection 2.
30 2. A corrections officer may make an individualized
31 determination that use of a restraint is necessary for a
32 pregnant inmate or detainee because the inmate or detainee is a
33 substantial flight risk or some other extraordinary medical or
34 security circumstance dictates the use of restraints to ensure
35 the safety and security of the inmate or detainee, the staff of

H.F. 2200

1 the correctional institution or medical facility, the general
2 public, or other inmates or detainees.
3 3. Notwithstanding subsections 1 and 2, restraints shall
4 not be used under the following circumstances:
5 *a.* If a physician, nurse, or other health professional
6 treating the inmate or detainee requests the restraints not be
7 used. If such a request is made pursuant to this paragraph,
8 the corrections officer accompanying the inmate or detainee
9 shall immediately remove the restraints, unless the corrections
10 officer determines that removing the restraints would pose an
11 imminent extraordinary security circumstance described under
12 subsection 2.
13 *b.* If the correctional institution has actual and
14 constructive knowledge of the pregnancy and the inmate or
15 detainee is in at least the twenty-first week of pregnancy.
16 However, in such circumstances leg or waist restraints may be
17 used under the direction of the physician, nurse, or other
18 health professional treating the inmate or detainee.
19 *c.* During labor or childbirth.
20 4. If a corrections officer is requested to be present
21 in the birthing room during the labor or childbirth, the
22 corrections officer shall be female if practicable.
23 5. *a.* If a restraint is used pursuant to this section, the
24 restraint used shall be used in the least restrictive manner.
25 *b.* A corrections officer making the determination to use a
26 restraint pursuant to this section shall make written findings
27 within ten days of the decision to use such a restraint. The
28 findings shall be kept for at least five years and are public
29 records, except no individually identifying information of an
30 inmate or detainee shall be made public without the written
31 consent of the inmate or detainee.
32 Sec. 4. NEW SECTION. **904.1003 Transportation of a pregnant**
33 **inmate or detainee.**
34 A correctional institution shall use a wheelchair to
35 transport a known pregnant inmate or detainee to or from a

H.F. 2200

1 transport vehicle or to or from any appointment unless directed
2 otherwise by the physician, nurse, or other health professional
3 treating the inmate or detainee.
4 Sec. 5. NEW SECTION. **904.1004 Birth plan.**
5 1. A correctional institution shall develop a birth
6 plan with a known pregnant inmate or detainee if the inmate
7 or detainee is likely to be confined at the correctional
8 institution during the childbirth. The birth plan shall
9 include a support person designated by the inmate or detainee
10 who may be present in the birthing room with the inmate or
11 detainee during labor and childbirth.
12 2. The correctional institution may, for good cause, reject
13 the support person designated in the birth plan from being
14 present in the birthing room. If the correctional institution
15 rejects the support person, the correctional institution shall
16 specify the reasons for rejecting the support person in writing
17 to the inmate or detainee as soon as possible if practicable
18 under the circumstances, in order to allow the inmate or
19 detainee to designate a new support person to be present in the
20 birthing room.
21 Sec. 6. NEW SECTION. **904.1005 Damages.**
22 In addition to any other remedy authorized by law, a
23 correctional institution that restrains an inmate or detainee
24 in violation of this division may be liable for civil damages
25 and reasonable attorney fees and costs.
26 Sec. 7. NEW SECTION. **904.1006 Report.**
27 The department of corrections, in conjunction with the
28 other entities supervising inmates and detainees in the state,
29 shall file a report with the general assembly by August 1 of
30 each fiscal year, detailing every instance in which restraints
31 were used on a pregnant inmate or detainee pursuant to this
32 division. The report shall not contain personal identifying
33 information of any inmate or detainee.
34 Sec. 8. RULES. The department of corrections, in
35 conjunction with other entities supervising inmates and

H.F. 2200

1 detainees in the state, and after reviewing the most current
2 accepted medical practices and standards relating to pregnant
3 women, shall commence rulemaking for the implementation and
4 administration of this Act within sixty days of the effective
5 date of this Act. The department shall not adopt emergency
6 rules under section 17A.4, subsection 3, or section 17A.5,
7 subsection 2, paragraph "b", to implement the provisions of
8 this Act.
9 Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.
11 EXPLANATION
12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.
14 This bill relates to the use of restraints on a pregnant
15 inmate or detainee.
16 The bill defines "correctional institution" to mean any
17 state correctional institution, county jail, municipal holding
18 facility, county detention facility, or other detention
19 facility that is used to detain or restrain a person, including
20 a juvenile, under the laws of this state or the United States.
21 The bill defines "inmate" to mean any adult or juvenile
22 person incarcerated or detained in a correctional institution
23 who is accused of, convicted or adjudicated guilty of, or
24 sentenced for, a criminal or immigration law violation
25 including persons on probation, parole, or pretrial release,
26 or in any diversionary program.
27 The bill defines "detainee" to mean any adult or juvenile
28 person detained or restrained under the immigration laws of the
29 United States at any correctional institution.
30 The bill prohibits a correctional institution from using
31 a restraint on an inmate or detainee known to be pregnant,
32 including during labor, delivery, or postpartum recovery,
33 unless any of the following apply: the inmate or detainee
34 refuses to undergo a urine-based pregnancy test, if not visibly
35 pregnant; the inmate has been confined for less than 24 hours

H.F. 2200

at a correctional institution other than a state correctional institution; or a corrections officer makes an individualized determination that the use of a restraint on a pregnant inmate or detainee is necessary due to an extraordinary circumstance.

A corrections officer may make an individualized determination under the bill if any of the following extraordinary circumstances apply: the inmate or detainee is a substantial flight risk or some other medical or security circumstance dictates the use of restraints to ensure the safety and security of the inmate or other persons.

The bill prohibits the use of restraints on a pregnant inmate or detainee under the following circumstances: when medical personnel request the restraints not be used, unless a corrections officer determines the inmate or detainee poses an imminent security risk; when the correctional institution has actual knowledge of the pregnancy and the inmate or detainee is in at least the twenty-first week of pregnancy, except leg or waist restraints may be used under the direction of medical personnel; or during labor or childbirth. If a corrections officer makes a determination that restraints be used because the inmate poses an imminent security risk, the bill requires the correctional officer to make written findings within 10 days of the decision to use the restraints.

The bill requires a correctional institution to use a wheelchair to transport a known pregnant inmate or detainee to or from a transport vehicle or to or from any appointment, unless otherwise directed by medical personnel.

The bill requires the correctional institution to develop a birth plan with a known pregnant inmate or detainee if the inmate or detainee is likely to be confined at the institution during the childbirth. The plan shall include a support person designated by the inmate or detainee who may be present in the birthing room with the inmate or detainee during labor and childbirth. The bill permits the correctional institution to reject, for good cause, the support person from being present

H.F. 2200

in the birthing room. If the correctional institution rejects the presence of the support person in the birthing room, the bill allows the inmate or detainee to designate another support person if practicable under the circumstances.

The bill specifies that in addition to any other remedy authorized by law, a correctional institution that restrains an inmate or detainee in violation of the bill may be liable for civil damages and reasonable attorney fees.

The bill requires the department of corrections, in conjunction with the other entities supervising inmates and detainees in the state, to file a report with the general assembly by August 1 of each fiscal year, detailing every instance in which restraints were used on a pregnant inmate or detainee pursuant to the bill. The report shall not contain personal identifying information of any inmate or detainee.

The bill requires the department of corrections and other entities supervising inmates and detainees to commence rulemaking after reviewing the latest accepted medical practices and standards relating to pregnant women, within 60 days of the effective date of the bill. The bill specifically prohibits the adoption of emergency rules.

The bill takes effect upon enactment.

House File 2201 - Introduced

HOUSE FILE 2201
BY HEARTSILL, SHAW, SCHULTZ,
SHEETS, and ALONS

(COMPANION TO SF 2042 BY
SINCLAIR)

A BILL FOR

1 An Act providing for an annual transfer of revenue to the road
2 use tax fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5086YH (3) 85
dea/nh

H.F. 2201

1 Section 1. NEW SECTION. **312.12 Transfer from general fund.**
2 There is transferred from the general fund of the state to
3 the road use tax fund for the fiscal year beginning July 1,
4 2014, and each fiscal year thereafter, an amount equal to two
5 percent of the adjusted revenue estimate, as defined in section
6 8.54, for the fiscal year in which the transfer is made.
7 Funds which are unencumbered and unobligated prior to being
8 transferred under this section are subject to modification
9 pursuant to section 8.31, subsection 5.
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 provides for an annual transfer of funds from the
14 general fund of the state to the road use tax fund. The amount
15 to be transferred is 2 percent of the adjusted revenue estimate
16 for the fiscal year in which the transfer is made. The amount
17 is subject to across-the-board reductions, but only to the
18 extent such funds are unencumbered and unobligated at the time
19 the reductions are ordered by the governor.

House File 2202 - Introduced

HOUSE FILE 2202
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2016)

A BILL FOR

1 An Act relating to the use of automated traffic enforcement
2 systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5545HV (1) 85
dea/nh

H.F. 2202

Section 1. Section 321.1, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 95. *"Automated traffic enforcement system"* means a device with one or more sensors working in conjunction with at least one of the following:

a. An official traffic-control signal, to produce recorded images of motor vehicles entering an intersection against a flashing red light, steady circular red light, or a steady red arrow.

b. An official traffic-control signal at a railroad grade crossing, as described in section 321.342, to produce recorded images of vehicles violating a flashing red or steady circular red light.

c. A speed measuring device, to produce recorded images of motor vehicles travelling at a prohibited rate of speed.

Sec. 2. NEW SECTION. **321.5A Automated traffic enforcement systems.**

The state or a local authority shall not use an automated traffic enforcement system except as provided in this section.

1. A local authority may by ordinance authorize the use of automated traffic enforcement systems to detect violations of posted speed limits or official traffic-control signals which constitute municipal or county infractions.

2. A local authority shall provide signage, in conformance with the uniform system adopted pursuant to section 321.252, giving notice of the use of an automated traffic enforcement system on the approach to each location where an automated traffic enforcement system is in use as follows:

a. A sign shall be posted on each road on the approach to the next traffic-control signal where an automated traffic enforcement system is in use.

b. A sign shall be posted on the approach to the next speed limit zone on a road where an automated traffic enforcement system is being used for speed limit enforcement.

c. A temporary sign shall be positioned or posted on the

H.F. 2202

1 approach to each location where a mobile automated traffic
2 enforcement system is being used for speed limit enforcement.
3 *d.* A temporary or permanent sign giving notice of the use
4 of an automated traffic enforcement system for the enforcement
5 of speed limits shall be positioned or posted at a distance
6 in advance of the automated traffic enforcement system which,
7 in relation to the applicable speed limit, would provide
8 adequate notice to a motor vehicle operator travelling at the
9 speed limit before entering the range of the automated traffic
10 enforcement system.
11 3. Recorded images produced by an automated traffic
12 enforcement system evidencing a violation of a posted speed
13 limit or an official traffic-control signal shall be reviewed
14 by a peace officer of the local law enforcement agency to
15 affirm that a violation occurred and the identity of the motor
16 vehicle involved in the violation. If following the officer's
17 review, a notice of a fine or citation is issued to the owner
18 of the motor vehicle involved in the violation, the following
19 requirements apply:
20 *a.* An affidavit bearing the written or electronic signature
21 of the peace officer shall be included on the notice or
22 citation.
23 *b.* The notice or citation shall contain a statement, in bold
24 type, regarding the process for appealing the fine.
25 *c.* The notice or citation shall be sent by ordinary mail to
26 the owner of the motor vehicle involved not more than thirty
27 days following the incident giving rise to the notice of a fine
28 or citation, as evidenced by the postmark.
29 4. A local authority shall not charge the owner of a
30 motor vehicle administrative costs in addition to any civil
31 penalty imposed for a violation detected by an automated
32 traffic enforcement system. Civil penalties imposed for such
33 violations shall not exceed the following amounts:
34 *a.* For a violation of an official traffic-control signal,
35 seventy-five dollars.

H.F. 2202

b. For a violation of a speed limit, the amount of the fine established in section 805.8A for an equivalent speeding violation charged as a scheduled violation, subject to the limitation established in section 331.302, subsection 2, for violation of a county ordinance, or the limitation established in section 364.3, subsection 2, for violation of a city ordinance.

5. A local authority that uses an automated traffic enforcement system shall file annually with the department of public safety a report comparing the type and rate of accidents that occurred at each location where an automated traffic enforcement system was employed during the previous year to the type and rate of accidents at the same location during the previous consecutive year. The report shall be kept on file and used by the governing body of the local authority in evaluating the effectiveness of the automated traffic enforcement program in improving public safety.

Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES AND CITATIONS. Notices mailed or citations issued for violations committed prior to the effective date of this Act, pursuant to a local ordinance authorizing the use of an automated traffic enforcement system, shall not be invalidated by the enactment of this Act and shall be processed according to the provisions of the law under which they were authorized.

EXPLANATION

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

This bill authorizes and restricts the use of automated traffic enforcement (ATE) systems by state and local highway authorities.

The bill defines "automated traffic enforcement system" as a device with one or more sensors working in conjunction with at least one of the following: an official traffic-control signal at an intersection, an official traffic-control signal

H.F. 2202

1 at a railroad grade crossing, or a speed measuring device. An
2 ATE system records images of vehicles violating an associated
3 traffic-control signal or a speed limit. The definition
4 includes within its scope devices known as "red light cameras"
5 and "speed cameras".
6 The bill authorizes the use of ATE systems in conjunction
7 with official traffic-control signals or for the enforcement of
8 speed limits pursuant to municipal or county ordinance.
9 A local authority is required to post signs giving notice of
10 the use of an ATE system on the approach to each location where
11 an ATE system is in use. The signage must be in conformance
12 with the uniform system adopted by the state. The bill
13 specifies that signs giving notice of an ATE system being used
14 for speed limit enforcement must be positioned or posted at
15 a distance in advance of the ATE system which would provide
16 adequate notice to a motor vehicle operator travelling at the
17 speed limit before entering the range of the ATE system.
18 The bill requires that recorded images produced by an ATE
19 system showing a violation of a posted speed limit or an
20 official traffic control signal must be reviewed by a peace
21 officer of the local law enforcement agency to affirm that
22 the violation occurred and the identity of the motor vehicle
23 involved in the violation. A notice of a fine or citation
24 issued to the owner of the motor vehicle must include an
25 affidavit bearing the written or electronic signature of the
26 peace officer and a statement, in bold type, regarding the
27 process for appealing the fine. The notice or citation must be
28 mailed to the owner within 30 days following the occurrence of
29 the violation, as evidenced by the postmark.
30 The bill imposes limits on the fine amounts that may be
31 charged by a local authority for ATE violations and prohibits
32 a local authority from charging administrative costs in
33 addition to a fine. The fine for a violation of an official
34 traffic-control device is limited to $75. For a speeding
35 violation, the fine cannot exceed the amount of the fine set

H.F. 2202

1 out in Code section 805.8A for an equivalent speeding violation
2 charged as a scheduled violation. Speeding fines are also
3 subject to the limitation under current law, which restricts
4 penalties for violation of a local ordinance to not more than
5 the penalty for a simple misdemeanor, currently capped at $625.
6 The bill requires a local authority using an ATE system to
7 file an annual report with the department of public safety
8 comparing the type and rate of accidents that occurred at each
9 ATE system location for the two previous years. The report
10 is to be kept on file by the local authority for use by its
11 governing body in evaluating public safety improvements under
12 the ATE program.
13 The bill provides that notices mailed or citations issued of
14 violations committed prior to the effective date of the bill,
15 pursuant to a local ordinance, are not invalidated by the bill
16 and remain enforceable.

House File 2203 - Introduced

HOUSE FILE 2203
BY KAJTAZOVIC, KELLEY,
KRESSIG, BERRY, and
ISENHART

(COMPANION TO SF 2005 BY HOGG)

A BILL FOR

1 An Act establishing a solar energy initiative involving
2 specified institutions under the control of the state board
3 of regents, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5107YH (3) 85
rn/nh

H.F. 2203

1 Section 1. SOLAR ENERGY INITIATIVE — APPROPRIATION.
2 1. A solar energy initiative is established for the
3 installation and initial maintenance of solar energy systems
4 with no less than two thousand kilowatts of generating capacity
5 per system at specified institutions under the control of
6 the state board of regents. Solar energy systems shall be
7 installed pursuant to the initiative at the state university
8 of Iowa, Iowa state university of science and technology, and
9 the university of northern Iowa by no later than June 30, 2017.
10 Each institution shall provide funding necessary for completion
11 of the installation in the event that the amount allocated
12 for distribution to the institution pursuant to subsection 3
13 is insufficient to complete the installation. All equipment
14 utilized and incorporated into the installation shall be
15 manufactured in the United States.
16 2. Each institution receiving funding pursuant to the
17 solar energy initiative shall submit a report by December 15
18 annually beginning December 15, 2014, and ending December
19 15, 2019, regarding installation progress and the resulting
20 amount and value of energy production. The report shall be
21 submitted to the chairpersons and ranking members of the senate
22 and house of representatives standing committees on natural
23 resources, natural resources and environment, education, and
24 appropriations, and the joint transportation, infrastructure,
25 and capitals appropriations subcommittee.
26 3. There is appropriated from the general fund of the state
27 to the state board of regents for the fiscal year beginning
28 July 1, 2014, and ending June 30, 2015, the following amount,
29 or so much thereof as is necessary, to be used for the purposes
30 designated:
31 ..... $ 18,000,000
32 One-third of the amount appropriated pursuant to this
33 subsection shall be distributed by the board to each of the
34 three institutions involved in the initiative. Notwithstanding
35 section 8.33, unencumbered or unobligated moneys received in

H.F. 2203

1 accordance with this subsection shall not revert but shall
2 remain available for expenditure for the purposes designated
3 until the close of the fiscal year that ends four years after
4 the end of the fiscal year for which the appropriation is made.
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 establishes a solar energy initiative involving
9 specified institutions under the control of the state board of
10 regents.
11 The initiative involves the installation of solar energy
12 systems of no less than 2,000 kilowatts of generating capacity
13 per system at the university of Iowa, Iowa state university,
14 and the university of northern Iowa by no later than June
15 30, 2017. The bill requires each institution to utilize and
16 incorporate only equipment manufactured in the United States
17 in making the installation, and to submit a report to the
18 chairpersons and ranking members of specified senate and house
19 of representatives committees and subcommittees by December 15
20 annually for a five-year period regarding installation progress
21 and the amount and value of resulting electricity production.
22 The bill appropriates $18 million from the general fund
23 of the state to the state board of regents for the fiscal
24 year beginning July 1, 2014, and ending June 30, 2015, for
25 purposes of establishing the solar energy initiative, to be
26 distributed in equal one-third shares to each of the three
27 institutions involved in the initiative. The distributed
28 funds shall be used to complete and initially maintain the
29 installations. The bill provides that an institution shall
30 provide funding necessary for completion of the installation in
31 the event the distributed funds are insufficient to complete
32 the installation. The bill provides that the appropriation
33 shall not revert but shall remain available for purposes of the
34 initiative until the close of the fiscal year ending June 30,
35 2019.

House File 2204 - Introduced

HOUSE FILE 2204
BY SALMON, GASSMAN, ALONS, SHEETS, HEARTSILL, SHAW, MAXWELL, FISHER, LANDON, WATTS, and SCHULTZ

A BILL FOR

1 An Act relating to the Iowa core curriculum and core content
2 standards applicable to students in kindergarten through
3 grade twelve and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5463YH (12) 85
kh/rj

H.F. 2204

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

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

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

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

H.F. 2204

2014, is amended to read as follows:

c. A requirement that all school districts and accredited nonpublic schools annually report to the department and the local community the district-wide progress made in attaining student achievement goals on the academic and other core indicators and the district-wide progress made in attaining locally established student learning goals. The school districts and accredited nonpublic schools shall demonstrate the use of multiple assessment measures in determining student achievement levels. The school districts and accredited nonpublic schools shall also report the number of students who graduate; the number of students who drop out of school; the number of students who are tested and the percentage of students who are so tested annually; and the percentage of students who graduated during the prior school year ~~and who completed a core curriculum~~. The board shall develop and adopt uniform definitions consistent with the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110 and any federal regulations adopted pursuant to the federal Act. The school districts and accredited nonpublic schools may report on other locally determined factors influencing student achievement. The school districts and accredited nonpublic schools shall also report to the local community their results by individual attendance center.

Sec. 3. Section 256.7, subsection 26, paragraph a, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Adopt rules that establish ~~a core curriculum and~~ high school graduation requirements for all students in school districts and accredited nonpublic schools that include at a minimum satisfactory completion of four years of English and language arts, three years of mathematics, three years of science, and three years of social studies. Schools are encouraged to include in locally developed standards the skills and knowledge students need to be successful in the twenty-first century,

H.F. 2204

including but not limited to civic literacy, health literacy, technology literacy, financial literacy, and employability skills.

Sec. 4. Section 256.7, subsection 26, paragraph a, subparagraph (3), Code 2014, is amended by striking the subparagraph.

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

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

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

Sec. 7. Section 256.7, subsection 26, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Adopt rules prohibiting the department from adopting and implementing statewide core curriculum standards. School districts and accredited nonpublic schools are strongly encouraged to set high expectations in locally developed core content standards.

Sec. 8. Section 256.7, subsection 28, Code 2014, is amended to read as follows:

28. Adopt a set of ~~core content~~ assessment standards applicable to all students in kindergarten through grade twelve in every school district and accredited nonpublic school. For purposes of this subsection, ~~"*core content*~~ "*assessment standards*" includes reading, mathematics, and science. The ~~core content~~ assessment standards shall be identical to the core content standards included in Iowa's approved 2006 standards and assessment system under Tit. I of the federal Elementary

H.F. 2204

and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended by the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110. ~~School districts and accredited nonpublic schools shall include, at a minimum, the core content standards adopted pursuant to this subsection in any set of locally developed content standards. School districts and accredited nonpublic schools are strongly encouraged to set higher expectations in local standards. As changes in federal law or regulation occur, the state board is authorized to amend the core content standards as appropriate.~~

Sec. 9. Section 256.7, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 33. Adopt rules prohibiting the department from adopting and implementing the next generation science standards.

Sec. 10. Section 256.9, subsection 53, paragraph a, Code 2014, is amended to read as follows:

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

Sec. 11. Section 256.9, subsection 54, Code 2014, is amended by striking the subsection.

H.F. 2204

Sec. 12. Section 256.40, subsection 2, paragraph e, Code 2014, is amended to read as follows:

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

Sec. 13. Section 256.42, subsection 6, Code 2014, is amended to read as follows:

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

Sec. 14. Section 257.11, subsection 11, Code 2014, is amended to read as follows:

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

Sec. 15. Section 258.4, subsection 8, Code 2014, is amended to read as follows:

8. Establish a minimum set of competencies ~~and core curriculum~~ for approval of a vocational program sequence that addresses the following: new and emerging technologies; job-seeking, job-keeping, and other employment skills,

H.F. 2204

including self-employment and entrepreneurial skills, that reflect current industry standards, leadership skills, entrepreneurial, and labor-market needs; and the strengthening of basic academic skills.

Sec. 16. Section 260C.14, subsection 22, paragraph b, Code 2014, is amended to read as follows:

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

Sec. 17. Section 261E.4, subsection 4, Code 2014, is amended to read as follows:

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

Sec. 18. Section 261E.6, subsection 2, Code 2014, is amended to read as follows:

2. *Notification.* The availability and requirements of this program shall be included in each school district's student registration handbook. Information about the program shall be provided to the student and the student's parent or guardian

H.F. 2204

prior to the development of the student's ~~core curriculum~~ graduation plan under section 279.61. The school district shall establish a process by which students may indicate interest in and apply for enrollment in the program.

Sec. 19. Section 261E.8, subsection 1, Code 2014, is amended to read as follows:

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

Sec. 20. Section 261E.9, subsection 2, paragraph b, Code 2014, is amended to read as follows:

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

Sec. 21. Section 261E.9, subsection 4, Code 2014, is amended to read as follows:

4. Information regarding regional academies shall be provided to a student and the student's parent or guardian prior to the development of the student's ~~core curriculum~~ graduation plan under section 279.61.

H.F. 2204

Sec. 22. Section 261E.10, subsection 4, Code 2014, is amended to read as follows:

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

Sec. 23. Section 262.9, subsection 33, paragraph c, Code 2014, is amended by striking the paragraph.

Sec. 24. Section 279.61, Code 2014, is amended to read as follows:

279.61 Student plan for progress toward university admissions — report.

1. ~~For the school year beginning July 1, 2008, and each succeeding school year, the~~ The board of directors of each school district shall cooperate with each student enrolled in grade eight to develop for the student a ~~core curriculum~~ plan to guide the student toward the goal of successfully completing, at a minimum, the ~~core curriculum developed~~ high school graduation requirements adopted by the state board of education pursuant to section 256.7, subsection 26, by the time the student graduates from high school. The plan shall include career options and shall identify the coursework needed in grades nine through twelve to support the student's postsecondary education and career options. Additionally, the plan shall include a timeline for each student to successfully complete, prior to graduation, all components of the state-designated career information and decision-making system administered by the department in accordance with section 118 of the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, Pub. L. No. 109-270. The student's parent or guardian shall sign the ~~core curriculum~~ graduation plan developed with the student and the signed plan shall be included in the student's cumulative records.

2. ~~For the school year beginning July 1, 2008, and each succeeding school year, the~~ The board of directors of each

H.F. 2204

1 school district shall report annually to each student enrolled
2 in grades nine through twelve in the school district, and, if
3 the student is under the age of eighteen, to each student's
4 parent or guardian, the student's progress toward meeting the
5 goal of successfully completing the ~~core curriculum and~~ high
6 school graduation requirements adopted by the state board of
7 education pursuant to section 256.7, subsection 26.
8 Sec. 25. Section 280.3, subsection 3, Code 2014, is amended
9 by striking the subsection.
10 Sec. 26. EFFECTIVE UPON ENACTMENT. This Act, being deemed
11 of immediate importance, takes effect upon enactment.
12 EXPLANATION
13 **The inclusion of this explanation does not constitute agreement with**
14 **the explanation's substance by the members of the general assembly.**
15 This bill eliminates requirements and references to the
16 (Iowa) core curriculum and to core content standards, but
17 continues to direct the state board of education to adopt high
18 school graduation requirements and assessment standards.
19 The bill requires the state board to adopt rules prohibiting
20 the department from adopting and implementing statewide core
21 curriculum standards. However, schools are strongly encouraged
22 to set high expectations in locally developed core content
23 standards and are also encouraged to include in locally
24 developed standards 21st century skills. The bill also directs
25 the state board of education to adopt rules prohibiting the
26 department of education from adopting and implementing the
27 next generation science standards as developed by the national
28 research council and cooperating states.
29 Provisions directing school districts to cooperate with each
30 eighth grade student on a core curriculum plan to meet core
31 curriculum requirements are amended to replace "core curriculum
32 plan" with "graduation plan" and "core curriculum requirements"
33 with "high school graduation requirements". The term "core
34 content standards", which was used to describe the assessment
35 standards adopted by the state board, is replaced with the term

H.F. 2204

1 "assessment standards". The assessment standards will remain
2 applicable to all students in kindergarten through grade 12 in
3 every school district and accredited nonpublic school.
4 The bill makes technical and corresponding changes to
5 provisions which contain references to the language stricken.
6 The bill takes effect upon enactment.

House File 2205 - Introduced

HOUSE FILE 2205
BY SHEETS, FISHER, HEARTSILL, WATTS, ALONS, GUSTAFSON, GASSMAN, SHAW, SALMON, MAXWELL, and VANDER LINDEN

A BILL FOR

1 An Act relating to academic and assessment standards and
2 consortiums and contracts for the development and
3 implementation of such standards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5779YH (4) 85
kh/rj

H.F. 2205

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

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

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

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

H.F. 2205

2014, is amended to read as follows:

c. A requirement that all school districts and accredited nonpublic schools annually report to the department and the local community the district-wide progress made in attaining student achievement goals on the academic and other core indicators and the district-wide progress made in attaining locally established student learning goals. The school districts and accredited nonpublic schools shall demonstrate the use of multiple assessment measures in determining student achievement levels. The school districts and accredited nonpublic schools shall also report the number of students who graduate; the number of students who drop out of school; the number of students who are tested and the percentage of students who are so tested annually; and the percentage of students who graduated during the prior school year and who completed ~~a core curriculum~~ the Iowa content standards. The board shall develop and adopt uniform definitions consistent with the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110 and any federal regulations adopted pursuant to the federal Act. The school districts and accredited nonpublic schools may report on other locally determined factors influencing student achievement. The school districts and accredited nonpublic schools shall also report to the local community their results by individual attendance center.

Sec. 3. Section 256.7, subsection 26, paragraph a, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Adopt rules that establish ~~a core curriculum and~~ the Iowa content standards which school districts and accredited nonpublic schools may elect to use. The state board shall also adopt high school graduation requirements for all students in school districts and accredited nonpublic schools that include at a minimum satisfactory completion of four years of English and language arts, three years of mathematics, three years of science, and three years of social studies.

H.F. 2205

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

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

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

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

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

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

28. Adopt a set of ~~core content~~ assessment standards applicable to all students in kindergarten through grade twelve in every school district and accredited nonpublic school. For purposes of this subsection, *"~~core content~~ assessment standards"* includes reading, mathematics, and science. The ~~core content~~ assessment standards shall be identical to the ~~core content~~ assessment standards included in Iowa's approved 2006 standards

H.F. 2205

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

Sec. 8. Section 256.7, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 33. Adopt rules prohibiting the department from adopting and implementing the common core state standards published by the national governors association center for best practices and the council of chief state school officers. The rules may only allow the department to adopt and implement the Iowa content and assessment standards identified or developed by Iowa educators. The rules shall also prohibit the department from entering into a contract or a memorandum of understanding with another state or national organization for the development or implementation of statewide content or assessment standards unless the state board submits the contract or memorandum of understanding to the general assembly while the general assembly is in session or the director appears before the standing committees of the senate and house of representatives having jurisdiction over education to report on the proposed contract or memorandum of understanding.

Sec. 9. Section 256.9, subsection 53, paragraph a, Code 2014, is amended to read as follows:

a. Develop and distribute, in collaboration with the area education agencies, ~~core curriculum~~ Iowa content standards technical assistance and implementation strategies that school districts and accredited nonpublic schools ~~shall~~ may utilize,

H.F. 2205

including but not limited to the development and delivery of formative and end-of-course model assessments classroom teachers may use to measure student progress on the ~~core curriculum~~ content standards adopted pursuant to section 256.7, subsection 26. The department shall, in collaboration with the advisory group convened in accordance with paragraph *"b"* and educational assessment providers, identify and make available to school districts end-of-course and additional model end-of-course and additional assessments to align with the expectations included in the Iowa ~~core curriculum~~ content standards. The model assessments shall be suitable to meet the multiple assessment measures requirement specified in section 256.7, subsection 21, paragraph *"c"*.

Sec. 10. Section 256.9, subsection 54, Code 2014, is amended to read as follows:

54. Submit an annual report to the general assembly by January 1 regarding activities, findings, and student progress under the ~~core curriculum~~ Iowa content standards established pursuant to section 256.7, subsection 26. The annual report shall include the state board's findings and recommendations.

Sec. 11. Section 256.40, subsection 2, paragraph e, Code 2014, is amended to read as follows:

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

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

6. Coursework offered under the initiative shall be rigorous and high quality, and the department shall annually evaluate the quality of the courses and ensure that coursework is aligned with the ~~state's core curriculum and core~~ Iowa content ~~requirements~~ standards and the assessment standards, as well as national standards of quality for online courses issued

H.F. 2205

by an internationally recognized association for kindergarten through grade twelve online learning.

Sec. 13. Section 257.11, subsection 11, Code 2014, is amended to read as follows:

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

Sec. 14. Section 258.4, subsection 8, Code 2014, is amended to read as follows:

8. Establish a minimum set of competencies and ~~core curriculum~~ content standards for approval of a vocational program sequence that addresses the following: new and emerging technologies; job-seeking, job-keeping, and other employment skills, including self-employment and entrepreneurial skills, that reflect current industry standards, leadership skills, entrepreneurial, and labor-market needs; and the strengthening of basic academic skills.

Sec. 15. Section 260C.14, subsection 22, paragraph b, Code 2014, is amended to read as follows:

b. Collaborate with the state board of regents to meet the requirements specified in section 262.9, subsection 33, including but not limited to developing a systematic process for expanding academic discipline and meetings between the community college faculty and faculty of the institutions of higher education governed by the state board of regents, developing criteria to prioritize ~~core curriculum areas~~ Iowa content standards, promoting greater awareness of articulation-related activities, facilitating additional

H.F. 2205

opportunities for individual institutions to pursue program articulation agreements for career and technical educational programs, and developing and implementing a process to examine a minimum of eight new associate of applied science degree programs for which articulation agreements would serve students' continued academic success in those degree programs.

Sec. 16. Section 261E.4, subsection 4, Code 2014, is amended to read as follows:

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

Sec. 17. Section 261E.6, subsection 2, Code 2014, is amended to read as follows:

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

Sec. 18. Section 261E.8, subsection 1, Code 2014, is amended to read as follows:

1. A district-to-community college sharing or concurrent enrollment program is established to be administered by the department to promote rigorous academic or career and technical pursuits and to provide a wider variety of options to high school students to enroll part-time in eligible nonsectarian courses at or through community colleges established under chapter 260C. The program shall be made available to all resident students in grades nine through twelve. Notice of the availability of the program shall be included in a school

H.F. 2205

1 district's student registration handbook and the handbook shall
2 identify which courses, if successfully completed, generate
3 college credit under the program. A student and the student's
4 parent or legal guardian shall also be made aware of this
5 program as a part of the development of the student's ~~core~~
6 ~~curriculum~~ graduation plan in accordance with section 279.61.
7 Sec. 19. Section 261E.9, subsection 2, paragraph b, Code
8 2014, is amended to read as follows:
9 *b.* A regional academy may include in its curriculum virtual
10 or internet-based coursework and courses delivered via the Iowa
11 communications network, career and technical courses, ~~core~~
12 ~~curriculum~~ Iowa content standards coursework, courses required
13 pursuant to section 256.7, subsection 26, or section 256.11,
14 subsections 4 and 5, and asynchronous learning networks.
15 Sec. 20. Section 261E.9, subsection 4, Code 2014, is amended
16 to read as follows:
17 4. Information regarding regional academies shall be
18 provided to a student and the student's parent or guardian
19 prior to the development of the student's ~~core curriculum~~
20 graduation plan under section 279.61.
21 Sec. 21. Section 261E.10, subsection 4, Code 2014, is
22 amended to read as follows:
23 4. Information regarding career academies shall be provided
24 by the school district to a student and the student's parent
25 or guardian prior to the development of the student's ~~core~~
26 ~~curriculum~~ graduation plan under section 279.61.
27 Sec. 22. Section 262.9, subsection 33, paragraph c, Code
28 2014, is amended to read as follows:
29 *c.* Develop criteria to prioritize ~~core curriculum areas~~ the
30 Iowa content standards and create or review transition guides
31 for the ~~core curriculum areas~~ Iowa content standards.
32 Sec. 23. Section 279.61, Code 2014, is amended to read as
33 follows:
34 **279.61 Student plan for progress toward university admissions**
35 **— report.**

H.F. 2205

1. ~~For the school year beginning July 1, 2008, and each succeeding school year, the~~ The board of directors of each school district shall cooperate with each student enrolled in grade eight to develop for the student a ~~core curriculum~~ plan to guide the student toward the goal of successfully completing, at a minimum, the ~~core curriculum developed~~ high school graduation requirements adopted by the state board of education pursuant to section 256.7, subsection 26, by the time the student graduates from high school. The plan shall include career options and shall identify the coursework needed in grades nine through twelve to support the student's postsecondary education and career options. Additionally, the plan shall include a timeline for each student to successfully complete, prior to graduation, all components of the state-designated career information and decision-making system administered by the department in accordance with section 118 of the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, Pub. L. No. 109-270. The student's parent or guardian shall sign the ~~core curriculum~~ graduation plan developed with the student and the signed plan shall be included in the student's cumulative records.

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

Sec. 24. Section 280.3, subsection 3, Code 2014, is amended by striking the subsection.

EXPLANATION

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

H.F. 2205

This bill continues to direct the state board of education to adopt sets of academic and assessment standards, but amends the terms used to describe the standards and makes use of the academic standards by school districts and accredited nonpublic schools voluntary. The bill directs the state board to adopt rules to prohibit the department from adopting and implementing common core state standards and from entering into a contract or memorandums of understanding with another state or national organization for the development or implementation of statewide content or assessment standards unless the contract or memorandum is presented before the general assembly. The bill provides that the rules may only allow the department to adopt and implement the Iowa content and assessment standards identified or developed by Iowa educators.

The bill replaces the terms "core curriculum", "Iowa core curriculum", and "Iowa common core", which were used to describe the academic standards adopted by the state board, with the term "Iowa content standards". Also, provisions directing school districts to cooperate with each eighth grade student on a core curriculum plan to meet core curriculum requirements are amended to replace "core curriculum plan" with "graduation plan" and "core curriculum requirements" with "high school graduation requirements". The term "core content standards", which was used to describe the assessment standards adopted by the state board, is replaced with the term "assessment standards". The assessment standards will remain applicable to all students in kindergarten through grade 12 in every school district and accredited nonpublic school. Corresponding changes are made throughout the Code, and obsolete language is eliminated.

House File 2206 - Introduced

HOUSE FILE 2206
BY HAGENOW and R. TAYLOR

A BILL FOR

1 An Act relating to the removal of charge records from the Iowa
2 court information system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5638YH (5) 85
jm/rj

H.F. 2206

Section 1. NEW SECTION. **901C.1 Removal of charge records from the Iowa court information system.**

When a person is found not guilty of a charge or when a charge is dismissed against a person, except as provided in section 907.4, the state court administrator shall cause the records of the charge to be removed from the Iowa court information system so that the charge records are not available to the general public.

Sec. 2. Section 907.9, subsection 4, paragraph c, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~A~~ Except as provided in section 901C.1, a dismissed count or related charge shall be expunged pursuant to the provisions of paragraph *"b"* in the following manner:

EXPLANATION

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

This bill relates to removal of charge records from the Iowa court information system.

The bill directs the state court administrator to remove charge records from the Iowa court information system that is available to the general public, if a person is found not guilty of that charge or that charge is dismissed against the person.

House File 2207 - Introduced

HOUSE FILE 2207
BY ABDUL-SAMAD

A BILL FOR

1 An Act granting immunity from prosecution to persons seeking
2 medical assistance in possession-of-a-controlled-substance
3 cases.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5895YH (2) 85
jm/rj

H.F. 2207

1 Section 1. NEW SECTION. **124.401G Possession of a controlled**
2 **substance — immunity.**
3 1. A person who, in good faith, seeks medical assistance
4 for another person experiencing a controlled substance
5 overdose shall not be charged or prosecuted for possession of a
6 controlled substance under section 124.401 if the evidence for
7 the charge of possession of a controlled substance was obtained
8 as a result of the person seeking medical assistance for the
9 other person.
10 2. A person experiencing a controlled substance overdose
11 who is in need of medical assistance shall not be charged
12 or prosecuted for possession of a controlled substance under
13 section 124.401 if the evidence for the charge of possession of
14 a controlled substance was obtained as a result of the overdose
15 and the need for medical assistance.
16 3. A person, acting in good faith, may receive a naloxone
17 prescription, possess naloxone, and administer naloxone to
18 another person suffering from an apparent opiate-related
19 overdose.
20 4. This section shall not be used as grounds for the
21 suppression of evidence in other criminal offenses.
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 grants immunity from prosecution to
26 certain persons seeking medical assistance in
27 possession-of-a-controlled-substance cases.
28 Under the bill, a person who, in good faith, seeks medical
29 assistance for another person experiencing a controlled
30 substance overdose shall not be charged or prosecuted for
31 possession of a controlled substance if the evidence for the
32 charge was obtained as a result of the person seeking medical
33 assistance for the other person.
34 The bill provides that a person experiencing an overdose
35 who is in need of medical assistance shall also not be charged

H.F. 2207

1 or prosecuted for possession of a controlled substance if
2 the evidence for the charge was obtained as a result of the
3 overdose and the need for medical assistance.
4 The bill specifies that a person, acting in good faith,
5 may receive a naloxone prescription, possess naloxone, and
6 administer naloxone to another person suffering from an
7 apparent opiate-related overdose.
8 The bill shall not be used as grounds for the suppression of
9 evidence in other criminal offenses.

House File 2208 - Introduced

HOUSE FILE 2208
BY SHEETS, HEARTSILL,
ALONS, BYRNES, GASSMAN,
BRANDENBURG, FISHER,
SHAW, SALMON, MAXWELL,
VANDER LINDEN, BAUDLER,
BALTIMORE, and KOESTER

A BILL FOR

1 An Act modifying earned time for a person who kidnaps a minor
2 and is required to register as a sex offender.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5616YH (5) 85
jm/rj

H.F. 2208

1 Section 1. Section 903A.2, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2014, is amended to read as
3 follows:
4 Category "A" sentences are those sentences which are not
5 subject to a maximum accumulation of earned time of fifteen
6 percent of the total sentence of confinement under section
7 902.12 or category "C" sentences. To the extent provided
8 in subsection 5, category "A" sentences also include life
9 sentences imposed under section 902.1. An inmate of an
10 institution under the control of the department of corrections
11 who is serving a category "A" sentence is eligible for a
12 reduction of sentence equal to one and two-tenths days for each
13 day the inmate demonstrates good conduct and satisfactorily
14 participates in any program or placement status identified by
15 the director to earn the reduction. The programs include but
16 are not limited to the following:
17 Sec. 2. Section 903A.2, subsection 1, paragraph b, Code
18 2014, is amended to read as follows:
19 *b.* Category "B" sentences are those sentences which are
20 subject to a maximum accumulation of earned time of fifteen
21 percent of the total sentence of confinement under section
22 902.12 and are not category "C" sentences. An inmate of an
23 institution under the control of the department of corrections
24 who is serving a category "B" sentence is eligible for a
25 reduction of sentence equal to fifteen eighty-fifths of a day
26 for each day of good conduct by the inmate.
27 Sec. 3. Section 903A.2, subsection 1, Code 2014, is amended
28 by adding the following new paragraph:
29 NEW PARAGRAPH. *c.* Notwithstanding paragraphs *"a"* and *"b"*,
30 an inmate serving a category "C" sentence is ineligible to
31 earn any reduction of sentence under this section. Category
32 "C" sentences are those sentences for kidnapping as defined in
33 section 710.1, involving a minor, that requires a person to
34 register as a sex offender under chapter 692A.
35 Sec. 4. Section 903A.7, Code 2014, is amended to read as

H.F. 2208

1 follows:
2 **903A.7 Separate sentences.**
3 1. Consecutive multiple sentences that are within the
4 same category under section 903A.2 shall be construed as one
5 continuous sentence for purposes of calculating reductions of
6 sentence for earned time.
7 2. If a person is sentenced to serve sentences of both
8 categories, category "B" sentences shall be served before
9 category "A" sentences are served, and earned time accrued
10 against the category "B" sentences shall not be used to reduce
11 the category "A" sentences. If an inmate serving a category
12 "A" sentence is sentenced to serve a category "B" sentence,
13 the category "A" sentence shall be interrupted, and no further
14 earned time shall accrue against that sentence until the
15 category "B" sentence is completed.
16 3. If a person is sentenced to serve both a category "C"
17 sentence and another category sentence, the category "C"
18 sentence shall be served before the other category sentence
19 is served, and no earned time shall accrue until the category
20 "C" sentence has been served. If an inmate serving another
21 category sentence besides a category "C" sentence is sentenced
22 to serve a category "C" sentence, the sentence of the other
23 category sentence shall be interrupted, and no further earned
24 time shall accrue against that sentence until the category "C"
25 sentence is completed.
26 EXPLANATION
27 **The inclusion of this explanation does not constitute agreement with**
28 **the explanation's substance by the members of the general assembly.**
29 This bill modifies earned time for persons who kidnap a minor
30 and are required to register as a sex offender.
31 Under current law there are two sentence categories relating
32 to the accrual of earned time. An inmate serving a category
33 "A" sentence is eligible for a reduction of sentence equal to
34 one and two-tenths days for each day the inmate demonstrates
35 good conduct and satisfactorily participates in any program or

H.F. 2208

1 placement status identified by the director of the department
2 of corrections to earn the reduction. An inmate serving a
3 category "B" sentence under current law is eligible for a
4 reduction of sentence equal to fifteen eighty-fifths of a day
5 for each day of good conduct by the inmate.
6 The bill creates a category "C" sentence for the accrual
7 of earned time by eliminating the ability of an inmate to
8 accumulate earned time if convicted of kidnapping as defined in
9 Code section 710.1, involving a minor, that requires the person
10 to register as a sex offender under Code chapter 692A.
11 Under the bill, if a person is sentenced to serve both
12 a category "C" sentence and another category sentence, the
13 category "C" sentence shall be served before the other category
14 sentence is served, and no earned time shall accrue until the
15 category "C" sentence has been served. The bill also provides
16 that if an inmate serving another category sentence besides
17 a category "C" sentence is sentenced to serve a category "C"
18 sentence, the sentence of the other category sentence shall be
19 interrupted, and no further earned time shall accrue against
20 that sentence until the category "C" sentence is completed.

House File 2209 - Introduced

HOUSE FILE 2209
BY FISHER

A BILL FOR

1 An Act relating to harassment of minors, and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5123YH (5) 85
ad/rj

H.F. 2209

1 Section 1. NEW SECTION. **708.7A Harassment of a minor.**
2 1. *a.* A person eighteen years of age or older commits
3 harassment of a minor when the minor is fifteen years of age
4 or younger and the person purposefully and without legitimate
5 purpose, has personal contact with the minor after the parent
6 or guardian of the minor has prohibited that person from having
7 contact with the minor.
8 *b.* In order for the prohibition to apply, a parent or
9 guardian must prohibit a person from having contact with a
10 child by filling out a report with local law enforcement and
11 having law enforcement deliver that report to the person. The
12 report shall include the name of the child and the name of the
13 person who is prohibited from having contact with the child,
14 and the parent or guardian shall sign and date the report. Law
15 enforcement may refuse to deliver the report or enforce the
16 prohibition of contact if a law enforcement officer, within
17 that officer's discretion, believes that the report filed by
18 the parent or guardian is frivolous or spurious in nature.
19 *c.* For purposes of this section:
20 (1) *"Legitimate purpose"* in relation to personal contact
21 with a child includes but is not limited to a person's contact
22 with the child due to the nature of the person's profession,
23 the person's residence, or the person's familial relationships.
24 (2) *"Personal contact"* means the same as defined in section
25 708.7.
26 2. *a.* A person commits harassment of a minor in the first
27 degree when the person commits harassment against a minor
28 and has previously been convicted of a sex offense against a
29 minor as defined in section 692A.101, subsection 28, or has
30 been convicted of an offense specified in the laws of another
31 jurisdiction or prosecuted in federal, military, or foreign
32 court that is comparable to an offense listed in section
33 692A.101, subsection 28.
34 *b.* Harassment of a minor in the first degree is a serious
35 misdemeanor.

H.F. 2209

3. *a.* Any other act of harassment of a minor is harassment of a minor in the second degree.

b. Harassment of a minor in the second degree is a simple misdemeanor.

EXPLANATION

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

This bill relates to the harassment of minors by a person who has been prohibited from having contact with the minor by that minor's parent or guardian.

The bill specifies that a person who purposefully, without a legitimate purpose, has personal contact with a minor after the minor's parent or guardian has prohibited that person from having contact with the minor commits harassment of a minor. For purposes of the bill, the minor must be 15 years or younger and the alleged perpetrator must be 18 years or older. The bill provides that a parent or guardian prohibits contact with the minor by filling out a report with local law enforcement and having law enforcement deliver that report to the person with whom the parent or guardian is prohibiting contact. Law enforcement may refuse to deliver or enforce the report if law enforcement believes it is frivolous.

The bill specifies that "personal contact" means an encounter in which two or more people are in visual or physical proximity to one another, but does not require touching or communication.

A person who violates this bill commits a simple misdemeanor. A simple misdemeanor is punishable by confinement, not to exceed 30 days and a fine of at least $65 but not more than $625.

A person who violates this bill and has previously been convicted of a sex offense against a minor or a comparable offense commits a serious misdemeanor. A serious misdemeanor is punishable by confinement not to exceed one year and a fine of at least $315 but no more than $1,875.

House Study Bill 632 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act extending the duration of county mental health and
2 disabilities services fund per capita levy and equalization
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6125YC (2) 85
jp/rj

H.F. _____

1 Section 1. Section 331.424A, subsection 7, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:
3 Notwithstanding subsection 5, for the fiscal years beginning
4 July 1, 2013, ~~and~~ July 1, 2014, and July 1, 2015, county
5 revenues from taxes levied by the county and credited to
6 the county services fund shall not exceed the lower of the
7 following amounts:
8 Sec. 2. Section 426B.3, subsections 1 and 4, Code 2014, are
9 amended to read as follows:
10 1. For the fiscal years beginning July 1, 2013, ~~and~~ July 1,
11 2014, and July 1, 2015, the state and county funding for the
12 mental health and disability services administered or paid for
13 by counties shall be provided based on a statewide per capita
14 expenditure target amount computed in accordance with this
15 section and section 334.424A.
16 4. *a.* For the fiscal years beginning July 1, 2013,
17 ~~and~~ July 1, 2014, and July 1, 2015, a county with a county
18 population expenditure target amount that exceeds the amount
19 of the county's base year expenditures for mental health and
20 disabilities services shall receive an equalization payment for
21 the difference.
22 *b.* The equalization payments determined in accordance
23 with this subsection shall be made by the department of human
24 services for each fiscal year as provided in appropriations
25 made from the property tax relief fund for this purpose. If
26 the county is part of a region that has been approved by the
27 department in accordance with section 331.389, to commence
28 partial or full operations, the county's equalization payment
29 shall be remitted to the region or the county, as appropriate,
30 for expenditure as approved by the region's governing board or
31 in accordance with the county's service management plan, as
32 appropriate. The payment for a county that has been approved
33 by the department to operate as an individual county region
34 shall be remitted to the county for expenditure as approved by
35 the county board of supervisors. For the fiscal year beginning

H.F. _____

1 July 1, 2013, and succeeding fiscal years, the payment shall
2 be remitted ~~on or before December 31~~ only for those counties
3 approved to operate as an individual county region or to be
4 part of a region. Remittance of the payment for a county
5 without such approval shall be deferred until such approval is
6 granted.

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 extends the duration of county mental health and
11 disabilities services fund per capita levy and equalization
12 provisions.
13 Code section 331.424A, relating to the county mental health
14 and disability services funds and levies, is amended. The
15 requirement for counties to levy using a $47.28 base per capita
16 amount or the county's base year expenditures, whichever dollar
17 amount is less, applies only for FY 2013-2014 and FY 2014-2015.
18 The bill extends this requirement through FY 2015-2016.
19 Code section 426B.3, relating to per capita funding for
20 county services funds, is amended. The bill extends the $47.28
21 per capita levy provisions and the requirement for the state
22 to provide equalization payments to counties restricted from
23 levying the full per capita amount to continue through FY
24 2015-2016.

House Study Bill 633 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to crisis stabilization programs authorized by
2 the department of human services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5802YC (2) 85
jp/rj

H.F. _____

1 Section 1. NEW SECTION. **225C.19A Crisis stabilization**
2 **programs.**
3 The department shall accredit, certify, or apply
4 standards of review to authorize the operation of crisis
5 stabilization programs. In authorizing the operation of a
6 crisis stabilization program, the department shall apply the
7 relevant requirements for an emergency mental health crisis
8 services provider and system under section 225C.19. A program
9 authorized to operate under this section is not required to be
10 licensed under chapter 135B, 135C, or 135G, or certified under
11 chapter 231C.
12 EXPLANATION
13 **The inclusion of this explanation does not constitute agreement with**
14 **the explanation´s substance by the members of the general assembly.**
15 This bill relates to crisis stabilization programs
16 authorized by the department of human services.
17 In authorizing the operation of a program, the department is
18 required to apply the relevant requirements for an emergency
19 mental health crisis services provider and system under Code
20 section 225C.19. An emergency mental health crisis services
21 system is defined as a coordinated array of crisis services for
22 providing a response to assist an individual adult or child who
23 is experiencing a mental health crisis or who is in a situation
24 that is reasonably likely to cause the individual to have a
25 mental health crisis unless assistance is provided.
26 The bill provides that a program authorized by the
27 department as a crisis stabilization program is not required
28 to be licensed under Code chapter 135B (hospitals), 135C
29 (health care facilities), or 135G (subacute mental health
30 care facilities), or to be certified under Code chapter 231C
31 (assisted living programs).

House Study Bill 634 - Introduced

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

A BILL FOR

1 An Act providing for the use of milk derived from certain
2 animals for the animal owner´s personal use.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5995YC (4) 85
da/rj

H.F. _____

1 Section 1. Section 159.6, subsection 7, Code 2014, is
2 amended to read as follows:
3 7. Regulation and inspection of foods, drugs, and other
4 articles, as provided in Title V, subtitle 4, but chapter 205
5 of that subtitle shall be enforced as provided in that chapter.
6 This title shall not be construed to prohibit a person who
7 holds an ownership interest in an animal classified as a cow,
8 sheep, or goat from using milk derived from such animal for
9 personal consumption or other personal use.
10 Sec. 2. NEW SECTION. **190.16 Exception for milk used for**
11 **personal use.**
12 This chapter does not apply to a person who holds an
13 ownership interest in an animal classified as a cow, sheep, or
14 goat to the extent that the person uses milk derived from such
15 animal for personal consumption or other personal use.
16 Sec. 3. NEW SECTION. **191.11 Exception for milk used for**
17 **personal use.**
18 This chapter does not apply to a person who holds an
19 ownership interest in an animal classified as a cow, sheep, or
20 goat to the extent that the person uses milk derived from such
21 animal for personal consumption or other personal use.
22 Sec. 4. NEW SECTION. **192.105 Exception for milk used for**
23 **personal use.**
24 This chapter does not apply to a person who holds an
25 ownership interest in an animal classified as a cow, sheep, or
26 goat to the extent that the person uses milk derived from such
27 animal for personal consumption or other personal use.
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 BILL'S PROVISIONS. This bill provides that a person who
32 holds an ownership interest in an animal classified as a cow,
33 sheep, or goat is not prohibited from using milk derived from
34 that animal for personal consumption or other personal use. It
35 amends a number of Code chapters specifically regulating the

H.F. _____

1 production and sale of milk, by providing that the provisions
2 of those Code chapters do not apply to such milk.
3 BACKGROUND. Generally, the production and sale of milk
4 is regulated by the department of agriculture and land
5 stewardship. The department regulates the processing of milk
6 and the manufacture of milk or milk products and dairy products
7 under a number of Code chapters, including Code chapter 159
8 which sets forth its general regulatory authority, Code chapter
9 190 which relates to adulteration of food, Code chapter 191
10 which relates to the labeling of food, and Code chapter 192
11 which relates to milk production and processing, the "Iowa
12 Grade 'A' Milk Inspection Law" (Code section 192.101).

House Study Bill 635 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to certain personal information under the
2 authority of local officials and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6129YC (2) 85
md/sc

H.F. _____

1 Section 1. NEW SECTION. **331.910 Limit of public access and**
2 **redaction of certain personal information — request.**
3 1. Notwithstanding chapter 22, an eligible person may file
4 a request in writing with a local official on a form prescribed
5 by the department of public safety, in consultation with the
6 Iowa county recorders association, to prohibit the general
7 public from accessing the eligible person's name, residential
8 address, and telephone number, as identified by the eligible
9 person, that are contained in instruments, books, records,
10 indexes, and other information under the authority of the
11 local official, including information displayed for access on
12 an internet site, and including but not limited to books and
13 records kept by the county auditor under section 331.508, books
14 and records kept by the county recorder under section 331.607,
15 assessment rolls and records kept by the local assessor, and
16 the portions of the county system under the authority of the
17 local official. An eligible person may also request that
18 the name, residential address, and telephone number of any
19 immediate family member of the eligible person be restricted
20 and redacted in the same manner as the information of the
21 eligible person.
22 2. Within fifteen days of receiving the request, the local
23 official shall redact the eligible person's name, residential
24 address, and telephone number from all instruments, books,
25 records, indexes, and other information kept by that local
26 official and shall ensure that such information does not
27 appear in search results on an internet site maintained by
28 the local official. The restriction on public access and the
29 requirements for redaction shall apply to instruments, books,
30 records, indexes, and other information in possession of the
31 local official at the time of the request and to instruments,
32 books, records, indexes, and other information received
33 or contained in documents or records prepared by the local
34 official after receiving the request.
35 3. This section shall not be interpreted to prohibit

H.F. _____

1 access to the instruments, books, records, indexes, and other
2 information in possession of the local official by parties
3 to the instrument, a peace officer performing the officer's
4 official duties, an attorney or abstractor participating in the
5 title guaranty program under chapter 16, or an escrow agent, or
6 access required pursuant to a court order.
7 4. For purposes of this section:
8 *a. "Eligible person"* includes an attorney general, county
9 attorney, peace officer, or prosecuting attorney as defined
10 in section 801.4, or a judicial officer as defined in section
11 602.1101.
12 *b. "Local official"* means a county auditor, county
13 treasurer, county recorder, or local assessor.
14 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
15 3, shall not apply to this Act.
16 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
17 immediate importance, takes effect upon enactment.
18 EXPLANATION

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

21 This bill provides that an eligible person may file a
22 request in writing with one or more local officials to
23 prohibit the general public from accessing the eligible
24 person's name, residential address, and telephone number that
25 are contained in instruments, books, records, indexes, and
26 other information under the authority of the local official,
27 including information displayed on an internet site. The bill
28 defines "eligible person" to include an attorney general,
29 county attorney, peace officer, or prosecuting attorney as
30 defined in Code section 801.4, or a judicial officer as defined
31 in Code section 602.1101. The bill defines "local official"
32 to mean a county auditor, county treasurer, county recorder,
33 or local assessor. The bill also allows an eligible person
34 to request that the name, residential address, and telephone
35 number of any immediate family member of the eligible person be

H.F. _____

1 restricted and redacted in the same manner as the information
2 of the eligible person.
3 The bill requires the local official to, within 15 days
4 of receiving a request, redact the eligible person's name,
5 residential address, and telephone number from all instruments,
6 books, records, indexes, and other information kept by that
7 local official and ensure that such information does not appear
8 in search results on an internet site maintained by the local
9 official.
10 The bill provides that the restriction on public access
11 and the requirement for redaction shall not be interpreted to
12 prohibit access to the instruments, books, records, indexes,
13 and other information in possession of the local official
14 by parties to the instrument, a peace officer performing
15 the officer's official duties, an attorney or abstractor
16 participating in the title guaranty program, or an escrow
17 agent, or access required pursuant to a court order.
18 The bill may include a state mandate as defined in Code
19 section 25B.3. The bill makes inapplicable Code section 25B.2,
20 subsection 3, which would relieve a political subdivision from
21 complying with a state mandate if funding for the cost of
22 the state mandate is not provided or specified. Therefore,
23 political subdivisions are required to comply with any state
24 mandate included in the bill.
25 The bill takes effect upon enactment.

House Study Bill 636 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to communications by an arrested person in a
2 jail or other detention facility.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6140YC (2) 85
jm/rj

H.F. _____

1 Section 1. Section 804.20, Code 2014, is amended by striking
2 the section and inserting in lieu thereof the following:
3 **804.20 Communications by an arrested person.**
4 1. As soon as practicable after booking into a jail or
5 other detention facility, an arrested person has the right to
6 make at least three completed telephone calls to any of the
7 following, at no expense, if the telephone calls are completed
8 to telephone numbers within the local calling area:
9 *a.* A call to an attorney of the person´s choice.
10 *b.* A call to an insurance company doing business under the
11 provisions of section 515.48, subsection 2.
12 *c.* A call to a relative or other person for legal
13 representation, undertaking of bail, or making arrangements for
14 employment, child care, or other personal matters.
15 2. A person who has been booked into a jail or other
16 detention facility may request a consultation in person with an
17 attorney in a private confidential setting.
18 EXPLANATION
19 **The inclusion of this explanation does not constitute agreement with**
20 **the explanation´s substance by the members of the general assembly.**
21 This bill strikes Code section 804.20 and inserts new
22 language specifying that an arrested person, as soon as
23 practicable after booking into a jail or other detention
24 facility, has the right to make three completed telephone
25 calls, at no expense, if the calls are completed to telephone
26 numbers within the local calling area. The bill further
27 specifies that the calls may be limited to an attorney,
28 an insurance company doing business relating to bail bonds
29 under Code section 515.48(2), and a relative or other person
30 for legal representation, undertaking of bail, or making
31 arrangements for employment, child care, or other personal
32 matters.
33 The bill also provides that a person who has been booked into
34 the jail or other detention facility may request a consultation
35 in person with an attorney in a private confidential setting.

H.F. _____

1 The bill does not provide for any criminal penalties for
2 violations of the bill.
3 Current law provides that any peace officer or other
4 person having custody of any person arrested or restrained
5 of the person's liberty, shall permit that person, without
6 unnecessary delay after arrival at the place of detention,
7 to call, consult, and see a member of the person's family or
8 an attorney, or both. Current law specifies that the person
9 must be permitted to make a reasonable number of telephone
10 calls as may be required to secure an attorney. Current law
11 also specifies that an attorney shall be permitted to see and
12 consult confidentially with such person alone and in private
13 without unreasonable delay.
14 Current law provides that a violation of Code section 804.20
15 is a simple misdemeanor.

House Study Bill 637 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the redesign of mental health and
2 disabilities services administered by regions comprised of
3 counties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5546HC (8) 85
jp/rj

H.F. _____

1 Section 1. Section 135.180, subsection 3, Code 2014, is
2 amended to read as follows:
3 3. The program shall provide stipends to support
4 psychiatrist positions with an emphasis on securing and
5 retaining medical directors at community mental health centers~~,~~
6 ~~providers of mental health services to county residents~~
7 ~~pursuant to a waiver approved under section 225C.7, subsection~~
8 ~~3,~~ and hospital psychiatric units that are located in mental
9 health professional shortage areas.
10 Sec. 2. Section 222.2, subsection 3, Code 2014, is amended
11 by striking the subsection.
12 Sec. 3. Section 222.2, Code 2014, is amended by adding the
13 following new subsections:
14 NEW SUBSECTION. 5A. *"Mental health and disability services*
15 *region"* means a mental health and disability services region
16 formed in accordance with section 331.389.
17 NEW SUBSECTION. 5B. *"Regional administrator"* means the
18 regional administrator of a mental health and disabilities
19 services region, as defined in section 331.388.
20 Sec. 4. Section 222.6, Code 2014, is amended to read as
21 follows:
22 **222.6 State districts.**
23 The administrator shall divide the state into two districts
24 in such manner that one of the resource centers shall be
25 located within each of the districts. Such districts may
26 from time to time be changed. After such districts have been
27 established, the administrator shall notify all boards of
28 supervisors, regional administrators of the mental health and
29 disability services regions, county auditors, and clerks of
30 the district courts of the action. Thereafter, unless the
31 administrator otherwise orders, all admissions or commitments
32 of persons with an intellectual disability from a district
33 shall be to the resource center located within such district.
34 Sec. 5. Section 222.12, subsection 2, Code 2014, is amended
35 to read as follows:

H.F. _____

2. Notice of the death of the patient, and the cause of death, shall be sent to the ~~county board of supervisors~~ regional administrator of the mental health and disability services region of the patient's county of residence and to the judge of the court that had jurisdiction over a committed patient. The fact of death with the time, place, and alleged cause shall be entered upon the docket of the court.

Sec. 6. Section 222.13, Code 2014, is amended to read as follows:

222.13 Voluntary admissions.

1. If an adult person is believed to be a person with an intellectual disability, the adult person or the adult person's guardian may submit a request in writing through the ~~central point of coordination process for the county board of supervisors of~~ regional administrator of the mental health and disability services region for the adult person's county of residence to apply to the superintendent of any state resource center for the voluntary admission of the adult person either as an inpatient or an outpatient of the resource center. The ~~board of supervisors~~ regional administrator shall, on forms prescribed by the department's administrator, apply to the superintendent of the resource center in the district for the admission of the adult person to the resource center. An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made in the same manner, upon request of the adult person or the adult person's guardian. The superintendent shall accept the application if a preadmission diagnostic evaluation, ~~performed~~ authorized through the ~~central point of coordination process~~ regional administrator, confirms or establishes the need for admission, except that an application shall not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.

2. If the resource center ~~has no~~ does not have an

H.F. _____

1 appropriate program for the treatment of an adult or minor
2 person with an intellectual disability applying under this
3 section or section 222.13A, the ~~board of supervisors~~ regional
4 administrator shall arrange for the placement of the person in
5 any public or private facility within or without the state,
6 approved by the director ~~of the department~~ of human services,
7 which offers appropriate services for the person, as determined
8 ~~through the central point of coordination process~~ by the
9 regional administrator.
10 3. Upon applying for admission of an adult or minor person
11 to a resource center, or a special unit, or upon arranging for
12 the placement of the person in a public or private facility,
13 the ~~board of supervisors~~ regional administrator shall make a
14 full investigation into the financial circumstances of that
15 person and those liable for that person's support under section
16 222.78 to determine whether or not any of them are able to
17 pay the expenses arising out of the admission of the person
18 to a resource center, special treatment unit, or public or
19 private facility. If the ~~board~~ regional administrator finds
20 that the person or those legally responsible for the person
21 are presently unable to pay the expenses, the ~~board~~ regional
22 administrator shall ~~direct that~~ authorize the expenses to be
23 paid by the ~~county~~ region. The ~~board~~ regional administrator
24 may review its finding at any subsequent time while the person
25 remains at the resource center, or is otherwise receiving care
26 or treatment for which this chapter obligates the ~~county~~ region
27 to pay. If the ~~board~~ regional administrator finds upon review
28 that the person or those legally responsible for the person
29 are presently able to pay the expenses, the finding shall
30 apply only to the charges incurred during the period beginning
31 on the date of the review and continuing thereafter, unless
32 and until the ~~board~~ regional administrator again changes its
33 finding. If the ~~board~~ regional administrator finds that the
34 person or those legally responsible for the person are able
35 to pay the expenses, the ~~board~~ regional administrator shall

H.F. _____

1 direct that the charges be so paid to the extent required by
2 section 222.78, and the county auditor of the person's county
3 of residence shall be responsible for the collection of the
4 charges.
5 Sec. 7. Section 222.13A, Code 2014, is amended to read as
6 follows:
7 **222.13A Voluntary admissions — minors.**
8 1. If a minor is believed to be a person with an
9 intellectual disability, the minor's parent, guardian,
10 or custodian may request the ~~county board of supervisors~~
11 regional administrator for the minor's county of residence
12 to apply for admission of the minor as a voluntary patient
13 in a state resource center. If the resource center does
14 not have appropriate services for the minor's treatment, the
15 ~~board of supervisors~~ regional administrator may arrange for
16 the admission of the minor in a public or private facility
17 within or without the state, approved by the director of human
18 services, which offers appropriate services for the minor's
19 treatment.
20 2. Upon receipt of an application for voluntary admission
21 of a minor, the ~~board of supervisors~~ regional administrator
22 shall provide for a preadmission diagnostic evaluation of the
23 minor to confirm or establish the need for the admission. The
24 preadmission diagnostic evaluation shall be performed by a
25 person who meets the qualifications of a qualified intellectual
26 disability professional who is designated ~~through the central~~
27 ~~point of coordination process~~ by the regional administrator.
28 3. During the preadmission diagnostic evaluation, the
29 minor shall be informed both orally and in writing that the
30 minor has the right to object to the voluntary admission. If
31 the preadmission diagnostic evaluation determines that the
32 voluntary admission is appropriate but the minor objects to
33 the admission, the minor shall not be admitted to the state
34 resource center unless the court approves of the admission. A
35 petition for approval of the minor's admission may be submitted

H.F. _____

to the juvenile court by the minor's parent, guardian, or custodian.

4. As soon as practicable after the filing of a petition for approval of the voluntary admission, the court shall determine whether the minor has an attorney to represent the minor in the proceeding. If the minor does not have an attorney, the court shall assign to the minor an attorney. If the minor is unable to pay for an attorney, the attorney shall be compensated by the county at an hourly rate to be established by the ~~county board of supervisors~~ regional administrator in substantially the same manner as provided in section 815.7.

5. The court shall order the admission of a minor who objects to the admission, only after a hearing in which it is shown by clear and convincing evidence that both of the following circumstances exist:

a. The minor needs and will substantially benefit from treatment or habilitation.

b. A placement which involves less restriction of the minor's liberties for the purposes of treatment or habilitation is not feasible.

Sec. 8. Section 222.14, Code 2014, is amended to read as follows:

222.14 Care by ~~county~~ region pending admission.

If the institution is unable to receive a patient, the superintendent shall notify the ~~county board of supervisors of~~ regional administrator for the county from which the application in behalf of the prospective patient was made of the time when such person may be received. Until such time as the patient is able to be received by the institution, or when application has been made for admission to a public or private facility as provided in section 222.13 and the application is pending, the care of ~~said person~~ the patient shall be provided as arranged by the ~~county board of supervisors~~ regional administrator.

Sec. 9. Section 222.22, Code 2014, is amended to read as

H.F. _____

1 follows:
2 **222.22 Time of appearance.**
3 The time of appearance shall not be less than five days
4 after completed service unless the court orders otherwise.
5 Appearance on behalf of the person who is alleged to have
6 an intellectual disability may be made by any citizen of the
7 county or by any relative. The district court shall assign
8 counsel for the person who is alleged to have an intellectual
9 disability. Counsel shall prior to proceedings personally
10 consult with the person who is alleged to have an intellectual
11 disability unless the judge appointing counsel certifies that
12 in the judge's opinion, consultation shall serve no useful
13 purpose. The certification shall be made a part of the record.
14 An attorney assigned by the court shall be compensated by the
15 county at an hourly rate to be established by the ~~county board~~
16 ~~of supervisors~~ regional administrator for the person's county
17 of residence in substantially the same manner as provided in
18 section 815.7.
19 Sec. 10. Section 222.28, Code 2014, is amended to read as
20 follows:
21 **222.28 Commission to examine.**
22 The court may, at or prior to the final hearing, appoint
23 a commission of one qualified physician and one qualified
24 psychologist, designated ~~through the central point of~~
25 ~~coordination process~~ by the regional administrator for the
26 person's county of residence, who shall make a personal
27 examination of the person alleged to have an intellectual
28 disability for the purpose of determining the mental condition
29 of the person.
30 Sec. 11. Section 222.31, subsection 1, paragraph b, Code
31 2014, is amended to read as follows:
32 *b.* (1) Commit the person to the state resource center
33 designated by the administrator to serve the ~~county~~ mental
34 health and disability services region in which the hearing
35 is being held, or to a special unit. The court shall, prior

H.F. _____

1 to issuing an order of commitment, request that a diagnostic
2 evaluation of the person be made by a person qualified to
3 perform the diagnostic evaluation. The cost of the evaluation
4 shall be defrayed by the committed person's county of
5 residence unless otherwise ordered by the court. The cost
6 of the evaluation to be charged may be equal to but shall
7 not exceed the actual cost of the evaluation. An order of
8 commitment shall not be issued unless the superintendent of the
9 institution recommends that the order be issued and advises the
10 court that adequate facilities for the care of the person are
11 available.
12 (2) The court shall examine the report of the county
13 attorney filed pursuant to section 222.13, and if the report
14 shows that neither the person nor those liable for the person's
15 support under section 222.78 are presently able to pay the
16 charges rising out of the person's care in a resource center,
17 or special treatment unit, shall enter an order stating that
18 finding and directing that the charges be paid by the regional
19 administrator for the person's county of residence. The
20 court may, upon request of the ~~board of supervisors~~ regional
21 administrator, review its finding at any subsequent time while
22 the person remains at the resource center, or is otherwise
23 receiving care or treatment for which this chapter obligates
24 the county to pay. If the court finds upon review that
25 the person or those legally responsible for the person are
26 presently able to pay the expenses, that finding shall apply
27 only to the charges incurred during the period beginning on the
28 date of the ~~board's~~ regional administrator's request for the
29 review and continuing thereafter, unless and until the court
30 again changes its finding. If the court finds that the person,
31 or those liable for the person's support, are able to pay the
32 charges, the court shall enter an order directing that the
33 charges be so paid to the extent required by section 222.78.
34 Sec. 12. Section 222.59, subsection 1, unnumbered paragraph
35 1, Code 2014, is amended to read as follows:

H.F. _____

1 Upon receiving a request from an authorized requester, the
2 superintendent of a state resource center shall coordinate
3 with the ~~central point of coordination process~~ regional
4 administrator for the person's county of residence in assisting
5 the requester in identifying available community-based services
6 as an alternative to continued placement of a patient in the
7 state resource center. For the purposes of this section,
8 *"authorized requester"* means the parent, guardian, or custodian
9 of a minor patient, the guardian of an adult patient, or an
10 adult patient who does not have a guardian. The assistance
11 shall identify alternatives to continued placement which are
12 appropriate to the patient's needs and shall include but are
13 not limited to any of the following:
14 Sec. 13. Section 222.60, subsection 1, unnumbered paragraph
15 1, Code 2014, is amended to read as follows:
16 All necessary and legal expenses for the cost of admission
17 or commitment or for the treatment, training, instruction,
18 care, habilitation, support and transportation of persons with
19 an intellectual disability, as provided for in the ~~county~~
20 applicable regional service system management plan ~~provisions~~
21 implemented pursuant to section ~~331.439, subsection 1~~ 331.393,
22 in a state resource center, or in a special unit, or any public
23 or private facility within or without the state, approved by
24 the director of human services, shall be paid by either:
25 Sec. 14. Section 222.60, subsection 2, Code 2014, is amended
26 to read as follows:
27 2. *a.* Prior to a county of residence approving the payment
28 of expenses for a person under this section, the county may
29 require that the person be diagnosed to determine if the person
30 has an intellectual disability or that the person be evaluated
31 to determine the appropriate level of services required to meet
32 the person's needs relating to an intellectual disability. The
33 diagnosis and the evaluation may be performed concurrently and
34 shall be performed by an individual or individuals approved
35 by the regional administrator for the person's county who

H.F. _____

1 are qualified to perform the diagnosis or the evaluation.
2 Following the initial approval for payment of expenses,
3 the county may require that an evaluation be performed at
4 reasonable time periods.
5 *b.* The cost of a county-required diagnosis and an evaluation
6 is at the county's expense. For a state case, the state
7 may apply the diagnosis and evaluation provisions of this
8 subsection at the state's expense.
9 *c.* A diagnosis or an evaluation under this section may be
10 part of a ~~county's central point of coordination process under~~
11 ~~section 331.440~~ diagnosis and assessment process implemented
12 by the applicable regional administrator, provided that a
13 diagnosis is performed only by an individual qualified as
14 provided in this section.
15 Sec. 15. Section 222.61, Code 2014, is amended to read as
16 follows:
17 **222.61 Residency determined.**
18 When a county receives an application on behalf of any
19 person for admission to a resource center or a special unit
20 or when a court issues an order committing any person to a
21 resource center or a special unit, the board of supervisors
22 shall refer the determination of residency to the ~~central point~~
23 ~~of coordination process~~ regional administrator for the county
24 to determine and certify that the residence of the person is
25 in one of the following:
26 1. In the county in which the application is received or in
27 which the court is located.
28 2. In some other county of the state.
29 3. In another state or in a foreign country.
30 4. Unknown.
31 Sec. 16. Section 222.62, Code 2014, is amended to read as
32 follows:
33 **222.62 Residency in another county.**
34 When the board of supervisors determines through the ~~central~~
35 ~~point of coordination process~~ regional administrator for the

H.F. _____

county that the residency of the person is other than in the county in which the application is received, the determination shall be certified to the superintendent of the resource center or the special unit where the person is a patient. The certification shall be accompanied by a copy of the evidence supporting the determination. The superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of the patient, to the county certified to be the county of residency.

Sec. 17. Section 222.63, Code 2014, is amended to read as follows:

222.63 Finding of residency — objection.

A board of supervisors' certification ~~utilizing the central point of coordination process~~ through the regional administrator for a county that a person's residency is in another county shall be sent to the auditor of the county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The auditor of the county of residence shall submit the certification to the board of supervisors of the auditor's county and it shall be conclusively presumed that the patient has residency in that county unless that county disputes the determination of residency as provided in section 331.394.

Sec. 18. Section 222.64, Code 2014, is amended to read as follows:

222.64 Foreign state or country or unknown residency.

If the residency of the person is determined by a regional administrator on behalf of a county or by the state to be in a foreign state or country or is determined to be unknown, the ~~county~~ regional administrator or the state shall certify the determination ~~to the administrator~~. The certification shall be accompanied by a copy of the evidence supporting the determination. The care of the person shall be as arranged by the ~~county~~ regional administrator or the state or by an order as the court may enter. Application for admission or

H.F. _____

order of commitment may be made pending investigation by the administrator.

Sec. 19. Section 222.73, subsection 2, paragraph a, subparagraph (6), Code 2014, is amended to read as follows:

(6) A county shall not be billed for the cost of a patient unless the patient's admission is authorized through the applicable ~~central point of coordination process~~ regional administrator. The state resource center and the ~~county~~ regional administrator shall work together to locate appropriate alternative placements and services, and to educate patients and the family members of patients regarding such alternatives.

Sec. 20. Section 222.73, subsection 2, paragraph b, Code 2014, is amended to read as follows:

b. The per diem costs billed to each county shall not exceed the per diem costs billed to the county in the fiscal year beginning July 1, 1996. However, the per diem costs billed to a county may be adjusted ~~in~~ for a fiscal year to reflect increased costs to the extent of the percentage increase in the ~~total of county fixed budgets pursuant to the allowed growth factor adjustment authorized~~ statewide per capita expenditure target amount, if any per capita growth amount is authorized by the general assembly for that fiscal year in accordance with section ~~331.439~~ 331.424A.

Sec. 21. Section 222.74, Code 2014, is amended to read as follows:

222.74 Duplicate to county.

When certifying to the department amounts to be charged against each county as provided in section 222.73, the superintendent shall send to the county auditor of and the regional administrator for each county against which the superintendent has so certified any amount, a duplicate of the certification statement. The county auditor upon receipt of the duplicate certification statement and approval by the regional administrator for payment of the certified amount

H.F. _____

1 shall enter it to the credit of the state in the ledger of
2 state accounts, and shall immediately issue a notice to the
3 county treasurer authorizing the treasurer to transfer the
4 amount from the county fund to the general state revenue. The
5 county treasurer shall file the notice as authority for making
6 the transfer and shall include the amount transferred in the
7 next remittance of state taxes to the treasurer of state,
8 designating the fund to which the amount belongs.
9 Sec. 22. Section 222.92, subsection 3, paragraph a, Code
10 2014, is amended to read as follows:
11 *a.* Moneys received by the state from billings to counties
12 and regional administrators for the counties.
13 Sec. 23. Section 225.1, Code 2014, is amended to read as
14 follows:
15 **225.1 Establishment — definitions.**
16 1. ~~There shall be established a~~ The state psychiatric
17 hospital~~,~~ is established. The hospital shall be especially
18 designed, kept, and administered for the care, observation,
19 and treatment of those persons who are afflicted with abnormal
20 mental conditions.
21 2. For the purposes of this chapter, unless the context
22 otherwise requires:
23 *a. "Mental health and disability services region"* means
24 a mental health and disability services region approved in
25 accordance with section 331.389.
26 *b. "Regional administrator"* means the administrator of a
27 mental health and disability services region, as defined in
28 section 331.388.
29 Sec. 24. Section 225.10, unnumbered paragraph 1, Code 2014,
30 is amended to read as follows:
31 Persons suffering from mental diseases may be admitted to
32 the state psychiatric hospital as voluntary public patients
33 if a physician authorized to practice medicine or osteopathic
34 medicine in the state of Iowa files information with the ~~board~~
35 ~~of supervisors~~ regional administrator of the person's county

H.F. _____

of residence ~~or the board's designee~~, stating all of the following:

Sec. 25. Section 225.11, Code 2014, is amended to read as follows:

225.11 Initiating commitment procedures.

When a court finds upon completion of a hearing held pursuant to section 229.12 that the contention that a respondent is seriously mentally impaired has been sustained by clear and convincing evidence, and the application filed under section 229.6 also contends or the court otherwise concludes that it would be appropriate to refer the respondent to the state psychiatric hospital for a complete psychiatric evaluation and appropriate treatment pursuant to section 229.13, the judge may order that a financial investigation be made in the manner prescribed by section 225.13. If the costs of a respondent's evaluation or treatment are payable in whole or in part by a county, an order under this section shall be for referral of the respondent through the ~~central point of coordination process~~ regional administrator for the respondent's county of residence for an evaluation and referral of the respondent to an appropriate placement or service, which may include the state psychiatric hospital for additional evaluation or treatment. ~~For purposes of this chapter, "*central point of coordination process*" means the same as defined in section 331.440.~~

Sec. 26. Section 225.12, Code 2014, is amended to read as follows:

225.12 Voluntary public patient — physician's report.

A physician filing information under section 225.10 shall include a written report to the ~~county board of supervisors or the board's designee~~ regional administrator for the county of residence of the person named in the information, giving a history of the case as will be likely to aid in the observation, treatment, and hospital care of the person ~~named in the information~~ and describing the history in detail.

H.F. _____

Sec. 27. Section 225.13, Code 2014, is amended to read as follows:

225.13 Financial condition.

The ~~county board of supervisors or the board's designee~~ regional administrator of the county of residence of a person being admitted to the state psychiatric hospital is responsible for investigating the financial condition of ~~a person being admitted to the state psychiatric hospital~~ the person and of those legally responsible for the person's support.

Sec. 28. Section 225.15, Code 2014, is amended to read as follows:

225.15 Examination and treatment.

1. When a respondent arrives at the state psychiatric hospital, the admitting physician shall examine the respondent and determine whether or not, in the physician's judgment, the respondent is a fit subject for observation, treatment, and hospital care. If, upon examination, the physician decides that the respondent should be admitted to the hospital, the respondent shall be provided a proper bed in the hospital. The physician who has charge of the respondent shall proceed with observation, medical treatment, and hospital care as in the physician's judgment are proper and necessary, in compliance with sections 229.13 to 229.16. After the respondent's admission, the observation, medical treatment, and hospital care of the respondent may be provided by a mental health professional, as defined in section 228.1, who is licensed as a physician, advanced registered nurse practitioner, or physician assistant.

2. A proper and competent nurse shall also be assigned to look after and care for the respondent during observation, treatment, and care. Observation, treatment, and hospital care under this section which are payable in whole or in part by a county shall only be provided as determined through the ~~central point of coordination process~~ regional administrator of the respondent's county of residence.

H.F. _____

1 Sec. 29. Section 225.16, subsection 1, Code 2014, is amended
2 to read as follows:
3 1. If the ~~county board of supervisors or the board's~~
4 ~~designee~~ regional administrator for a person's county of
5 residence finds from the physician's information which was
6 filed under the provisions of section 225.10 that it would
7 be appropriate for the person to be admitted to the state
8 psychiatric hospital, and the report of the ~~county board of~~
9 ~~supervisors or the board's designee~~ regional administrator made
10 pursuant to section 225.13 shows that the person and those who
11 are legally responsible for the person are not able to pay the
12 expenses incurred at the hospital, or are able to pay only a
13 part of the expenses, the person shall be considered to be a
14 voluntary public patient and the ~~board of supervisors~~ regional
15 administrator shall direct that the person shall be sent to the
16 state psychiatric hospital at the state university of Iowa for
17 observation, treatment, and hospital care.
18 Sec. 30. Section 225.17, subsection 2, Code 2014, is amended
19 to read as follows:
20 2. When the respondent arrives at the hospital, the
21 respondent shall receive the same treatment as is provided for
22 committed public patients in section 225.15, in compliance with
23 sections 229.13 to 229.16. However, observation, treatment,
24 and hospital care under this section of a respondent whose
25 expenses are payable in whole or in part by a county shall
26 only be provided as determined through the ~~central point of~~
27 ~~coordination process~~ regional administrator of the respondent's
28 county of residence.
29 Sec. 31. Section 225.18, Code 2014, is amended to read as
30 follows:
31 **225.18 Attendants.**
32 The ~~county board of supervisors or the board's designee~~
33 regional administrator may appoint ~~a person~~ an attendant to
34 accompany the committed public patient or the voluntary public
35 patient or the committed private patient from the place where

H.F. _____

the patient may be to the state psychiatric hospital, or to accompany the patient from the hospital to a place as may be designated by the ~~county~~ regional administrator. If a patient is moved pursuant to this section, at least one attendant shall be of the same gender as the patient.

Sec. 32. Section 225.19, Code 2014, is amended to read as follows:

225.19 Compensation for attendant.

An individual appointed by the ~~county board of supervisors or the board's designee~~ regional administrator in accordance with section 225.18 to accompany a person to or from the hospital or to make an investigation and report on any question involved in the matter shall receive three dollars per day for the time actually spent in making the investigation and actual necessary expenses incurred in making the investigation or trip. This section does not apply to an appointee who receives fixed compensation or a salary.

Sec. 33. Section 225.21, Code 2014, is amended to read as follows:

225.21 Compensation claims — filing — approval.

The person making claim to compensation under section 225.19 shall file the claim in the office of the county auditor. The claim is subject to review and approval by the ~~board of supervisors or the board's designee~~ regional administrator for the county.

Sec. 34. Section 225.24, Code 2014, is amended to read as follows:

225.24 Collection of preliminary expense.

Unless a committed private patient or those legally responsible for the patient's support offer to settle the amount of the claims, the county auditor of the person's county of residence shall collect, by action if necessary, the amount of all claims for per diem and expenses that have been approved by the ~~county board of supervisors or the board's designee~~ regional administrator for the county and paid by the county

H.F. _____

1 as provided under section 225.21. Any amount collected shall
2 be credited to the ~~county treasury~~ county's mental health and
3 disabilities services fund created in accordance with section
4 331.424A.
5 Sec. 35. Section 225.27, Code 2014, is amended to read as
6 follows:
7 **225.27 Discharge — transfer.**
8 The state psychiatric hospital may, at any time, discharge
9 any patient as recovered, as improved, or as not likely to
10 be benefited by further treatment. If the patient being so
11 discharged was involuntarily hospitalized, the hospital shall
12 notify the committing judge or court of the discharge as
13 required by section 229.14 or section 229.16, whichever is
14 applicable, and the applicable regional administrator. Upon
15 receiving the notification, the court shall issue an order
16 confirming the patient's discharge from the hospital or from
17 care and custody, as the case may be, and shall terminate the
18 proceedings pursuant to which the order was issued. The court
19 or judge shall, if necessary, appoint a person to accompany the
20 discharged patient from the state psychiatric hospital to such
21 place as the hospital or the court may designate, or authorize
22 the hospital to appoint such attendant.
23 Sec. 36. Section 225C.2, subsection 2, Code 2014, is amended
24 by striking the subsection.
25 Sec. 37. Section 225C.5, subsection 1, paragraph f, Code
26 2014, is amended to read as follows:
27 *f.* Two members shall be staff members of regional
28 administrators ~~of the central point of coordination process~~
29 ~~established in accordance with section 331.440~~ selected from
30 nominees submitted by the community services affiliate of the
31 Iowa state association of counties.
32 Sec. 38. Section 225C.6, subsection 1, paragraph i,
33 subparagraph (1), Code 2014, is amended to read as follows:
34 (1) The extent to which services to persons with
35 disabilities are actually available to persons in each county

H.F. _____

and mental health and disability services region in the state and the quality of those services.

Sec. 39. Section 225C.6, subsection 1, paragraph m, Code 2014, is amended to read as follows:

m. Identify disability services outcomes and indicators to support the ability of eligible persons with a disability to live, learn, work, and recreate in communities of the persons' choice. The identification duty includes but is not limited to responsibility for identifying, collecting, and analyzing data as necessary to issue reports on outcomes and indicators at the county, region, and state levels.

Sec. 40. Section 225C.12, subsection 2, Code 2014, is amended to read as follows:

2. A county may claim reimbursement by filing with the administrator a claim in a form prescribed by the administrator by rule. Claims may be filed on a quarterly basis, and when received shall be verified as soon as reasonably possible by the administrator. The administrator shall certify to the director of the department of administrative services the amount to which each county claiming reimbursement is entitled, and the director of the department of administrative services shall issue warrants to the respective counties drawn upon funds appropriated by the general assembly for the purpose of this section. A county shall ~~place funds~~ credit amounts received under this section in the ~~county mental health, intellectual disability, and developmental disabilities services fund created under section 331.424A~~ county's mental health and disability services fund. If the appropriation for a fiscal year is insufficient to pay all claims arising under this section, the director of the department of administrative services shall prorate the funds appropriated for that year among the claimant counties so that an equal proportion of each county's claim is paid in each quarter for which proration is necessary.

Sec. 41. Section 225C.13, subsection 1, Code 2014, is

H.F. _____

amended to read as follows:

1. The administrator assigned, in accordance with section 218.1, to control the state mental health institutes and the state resource centers may enter into agreements under which a facility or portion of a facility administered by the administrator is leased to a department or division of state government, a county or group of counties, a mental health and disability services region, or a private nonprofit corporation organized under chapter 504. A lease executed under this section shall require that the lessee use the leased premises to deliver either disability services or other services normally delivered by the lessee.

Sec. 42. Section 225C.14, Code 2014, is amended to read as follows:

225C.14 Preliminary diagnostic evaluation.

1. Except in cases of medical emergency, a person shall be admitted to a state mental health institute as an inpatient only after a preliminary diagnostic evaluation performed through the ~~central point of coordination process~~ regional administrator of the person's county of residence has confirmed that the admission is appropriate to the person's mental health needs, and that no suitable alternative method of providing the needed services in a less restrictive setting or in or nearer to the person's home community is currently available. If provided for through the ~~central point of coordination process~~ regional administrator, the evaluation may be performed by a community mental health center or by an alternative diagnostic facility. The policy established by this section shall be implemented in the manner and to the extent prescribed by sections 225C.15, 225C.16 and 225C.17.

2. As used in this section and sections 225C.15, 225C.16 and 225C.17, the term *"medical emergency"* means a situation in which a prospective patient is received at a state mental health institute in a condition which, in the opinion of the chief medical officer, or that officer's physician designee,

H.F. _____

1 requires the immediate admission of the person notwithstanding
2 the policy stated in subsection 1.
3 Sec. 43. Section 225C.15, Code 2014, is amended to read as
4 follows:
5 **225C.15 County implementation of evaluations.**
6 The ~~board of supervisors of~~ regional administrator for a
7 county shall~~, no later than July 1, 1982,~~ require that the
8 policy stated in section 225C.14 be followed with respect
9 to admission of persons from that county to a state mental
10 health institute. A community mental health center which is
11 supported, directly or in affiliation with other counties, by
12 that county may perform the preliminary diagnostic evaluations
13 for that county, unless the performance of the evaluations
14 is not covered by the agreement entered into by the ~~county~~
15 regional administrator and the center, and the center's
16 director certifies to the ~~board of supervisors~~ regional
17 administrator that the center does not have the capacity to
18 perform the evaluations, in which case the ~~board of supervisors~~
19 regional administrator shall proceed under section 225C.17.
20 Sec. 44. Section 225C.16, Code 2014, is amended to read as
21 follows:
22 **225C.16 Referrals for evaluation.**
23 1. The chief medical officer of a state mental health
24 institute, or that officer's physician designee, shall advise
25 a person residing in that county who applies for voluntary
26 admission, or a person applying for the voluntary admission
27 of another person who resides in that county, in accordance
28 with section 229.41, that the ~~board of supervisors~~ regional
29 administrator for the county has implemented the policy
30 stated in section 225C.14, and shall advise that a preliminary
31 diagnostic evaluation of the prospective patient be sought,
32 if that has not already been done. This subsection does not
33 apply when voluntary admission is sought in accordance with
34 section 229.41 under circumstances which, in the opinion of the
35 chief medical officer or that officer's physician designee,

H.F. _____

1 constitute a medical emergency.
2 2. The clerk of the district court in that county shall
3 refer a person applying for authorization for voluntary
4 admission, or for authorization for voluntary admission of
5 another person, in accordance with section 229.42, to the
6 ~~appropriate entity designated through the central point of~~
7 ~~coordination process~~ regional administrator of the person's
8 county of residence under section 225C.14 for the preliminary
9 diagnostic evaluation unless the applicant furnishes a written
10 statement from the appropriate entity which indicates that the
11 evaluation has been performed and that the person's admission
12 to a state mental health institute is appropriate. This
13 subsection does not apply when authorization for voluntary
14 admission is sought under circumstances which, in the opinion
15 of the chief medical officer or that officer's physician
16 designee, constitute a medical emergency.
17 3. Judges of the district court in that county or the
18 judicial hospitalization referee appointed for that county
19 shall so far as possible arrange for the entity designated
20 through the ~~central point of coordination process~~ regional
21 administrator under section 225C.14 to perform a prehearing
22 examination of a respondent required under section 229.8,
23 subsection 3, paragraph *"b"*.
24 4. The chief medical officer of a state mental health
25 institute shall promptly submit to the appropriate entity
26 designated through the ~~central point of coordination process~~
27 regional administrator under section 225C.14 a report of the
28 voluntary admission of a patient under the medical emergency
29 ~~clauses~~ provisions of subsections 1 and 2. The report shall
30 explain the nature of the emergency which necessitated the
31 admission of the patient without a preliminary diagnostic
32 evaluation by the designated entity.
33 Sec. 45. Section 225C.17, Code 2014, is amended to read as
34 follows:
35 **225C.17 Alternative diagnostic facility.**

H.F. _____

1 If a county is not served by a community mental health
2 center having the capacity to perform the required preliminary
3 diagnostic evaluations, the ~~board of supervisors~~ regional
4 administrator for the county shall arrange for the evaluations
5 to be performed by an alternative diagnostic facility for
6 the period until the county is served by a community mental
7 health center with the capacity to provide that service. An
8 alternative diagnostic facility may be the outpatient service
9 of a state mental health institute or any other mental health
10 facility or service able to furnish the requisite professional
11 skills to properly perform a preliminary diagnostic evaluation
12 of a person whose admission to a state mental health institute
13 is being sought or considered on either a voluntary or an
14 involuntary basis.
15 Sec. 46. Section 225C.19, subsection 3, paragraphs a, b, and
16 c, Code 2014, are amended to read as follows:
17 *a.* Standards for accrediting or approving emergency mental
18 health crisis services providers. Such providers may include
19 but are not limited to a community mental health center, ~~a~~
20 ~~provider approved in a waiver adopted by the commission to~~
21 ~~provide services to a county in lieu of a community mental~~
22 ~~health center,~~ a unit of the department or other state
23 agency, a county, a mental health and disability services
24 region, or any other public or private provider who meets the
25 accreditation or approval standards for an emergency mental
26 health crisis services provider.
27 *b.* Identification by the division of geographic regions,
28 groupings of mental health and disability services regions,
29 service areas, or other means of distributing and organizing
30 the emergency mental health crisis services system to ensure
31 statewide availability of the services.
32 *c.* Coordination of emergency mental health crisis services
33 with all of the following:
34 (1) The district and juvenile courts.
35 (2) Law enforcement.

H.F. _____

1 (3) Judicial district departments of correctional services.
2 (4) ~~County central point of coordination processes~~ Mental
3 health and disability services regions.
4 (5) Other mental health, substance abuse, and co-occurring
5 mental illness and substance abuse services available through
6 the state and counties to serve both children and adults.
7 Sec. 47. Section 225C.20, Code 2014, is amended to read as
8 follows:
9 **225C.20 Responsibilities of counties for individual case**
10 **management services.**
11 Individual case management services funded under medical
12 assistance shall be provided by the department except when a
13 ~~county or a consortium of counties~~ regional administrator for a
14 county contracts with the department to provide the services.
15 A ~~county or consortium of counties~~ regional administrator
16 may contract for one or more counties of the region to be
17 the provider at any time and the department shall agree to
18 the contract so long as the contract meets the standards for
19 case management adopted by the department. The ~~county or~~
20 ~~consortium of counties~~ regional administrator may subcontract
21 for the provision of case management services so long as the
22 subcontract meets the same standards. A ~~county board of~~
23 ~~supervisors~~ regional administrator may change the provider
24 of individual case management services at any time. If the
25 current or proposed contract is with the department, the ~~county~~
26 ~~board of supervisors~~ regional administrator shall provide
27 written notification of a change at least ninety days before
28 the date the change will take effect.
29 Sec. 48. Section 225C.54, subsection 1, Code 2014, is
30 amended to read as follows:
31 1. The mental health services system for children and youth
32 shall be initially implemented by the division commencing with
33 the fiscal year beginning July 1, 2008. The division shall
34 begin implementation by utilizing a competitive bidding process
35 to allocate state block grants to develop services through

H.F. _____

existing community mental health centers~~, providers approved in a waiver adopted by the commission to provide services to a county in lieu of a community mental health center,~~ and other local service partners. The implementation shall be limited to the extent of the appropriations provided for the children's system.

Sec. 49. Section 226.1, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 4. For the purposes of this chapter unless the context otherwise requires:

a. "Administrator" means the person assigned by the director of human services to control the state mental health institutes.

b. "Department" means the department of human services.

c. "Mental health and disability services region" means a mental health and disability services region formed in accordance with section 331.389.

d. "Regional administrator" means the regional administrator of a mental health and disabilities services region, as defined in section 331.388.

Sec. 50. Section 226.9C, subsection 2, paragraphs a and c, Code 2014, are amended to read as follows:

a. A county may split the charges between the ~~county's~~ county mental health~~, intellectual disability, and developmental~~ and disabilities services fund created pursuant to section 331.424A and the county's budget for substance abuse expenditures.

c. (1) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been prescreened. The person performing the prescreening shall be either the mental health professional, as defined in section 228.1, who is contracting with the ~~county central point of coordination process~~ regional administrator for the county's mental health and disability services region to provide the prescreening or a mental health professional with

H.F. _____

1 the requisite qualifications. A mental health professional
2 with the requisite qualifications shall meet all of the
3 following qualifications: is a mental health professional as
4 defined in section 228.1, is an alcohol and drug counselor
5 certified by the nongovernmental Iowa board of substance abuse
6 certification, and is employed by or providing services for a
7 facility, as defined in section 125.2.
8 (2) Prior to an individual's admission for dual diagnosis
9 treatment, the individual shall have been screened through a
10 county's ~~central point of coordination process implemented~~
11 ~~pursuant to section 331.440~~ regional administrator to determine
12 the appropriateness of the treatment.
13 Sec. 51. Section 226.32, Code 2014, is amended to read as
14 follows:
15 **226.32 Overcrowded conditions.**
16 The administrator shall order the discharge or removal
17 from the hospital of incurable and harmless patients whenever
18 it is necessary to make room for recent cases. If a patient
19 who is to be so discharged entered the hospital voluntarily,
20 the administrator shall notify the ~~auditor of~~ regional
21 administrator for the county interested at least ten days in
22 advance of the day of actual discharge.
23 Sec. 52. Section 226.34, subsection 2, Code 2014, is amended
24 to read as follows:
25 2. If a patient in a mental health institute dies from any
26 cause, the superintendent of the institute shall within three
27 days of the date of death, send by certified mail a written
28 notice of death to all of the following:
29 *a.* The decedent's nearest relative.
30 *b.* The clerk of the district court of the county from which
31 the patient was committed.
32 *c.* The sheriff of the county from which the patient was
33 committed.
34 *d.* The regional administrator for the county from which the
35 patient was committed.

H.F. _____

1 Sec. 53. Section 227.1, Code 2014, is amended to read as
2 follows:
3 **227.1 ~~Supervision~~ Definitions — supervision.**
4 1. For the purposes of this chapter, unless the context
5 otherwise requires:
6 *a. "Administrator"* means the person assigned by the director
7 of human services in the appropriate division of the department
8 to administer mental health and disability services.
9 *b. "Department"* means the department of human services.
10 *c. "Mental health and disability services region"* means
11 a mental health and disability services region formed in
12 accordance with section 331.389.
13 *d. "Regional administrator"* means the regional administrator
14 of a mental health and disabilities services region, as defined
15 in section 331.388.
16 2. ~~All~~ The regulatory requirements for county and private
17 institutions ~~wherein~~ where persons with mental illness or an
18 intellectual disability are ~~kept~~ admitted, committed, or placed
19 shall be under the supervision of the administrator.
20 Sec. 54. Section 227.2, subsection 1, unnumbered paragraph
21 1, Code 2014, is amended to read as follows:
22 The director of inspections and appeals shall make, or cause
23 to be made, at least one licensure inspection each year of
24 every county care facility. Either the administrator of the
25 division or the director of the department of inspections and
26 appeals, in cooperation with each other, upon receipt of a
27 complaint or for good cause, may make, or cause to be made,
28 a review of a county care facility or of any other private
29 or county institution where persons with mental illness or
30 an intellectual disability reside. A licensure inspection
31 or a review shall be made by a competent and disinterested
32 person who is acquainted with and interested in the care of
33 persons with mental illness and persons with an intellectual
34 disability. The objective of a licensure inspection or a
35 review shall be an evaluation of the programming and treatment

H.F. _____

1 provided by the facility. After each licensure inspection of a
2 county care facility, the person who made the inspection shall
3 consult with the ~~county authorities~~ regional administrator
4 for the county in which the facility is located on plans and
5 practices that will improve the care given patients ~~and~~. The
6 person shall also make recommendations to the administrator of
7 the division and the director of public health for coordinating
8 and improving the relationships between the administrators of
9 county care facilities, the administrator of the division,
10 the director of public health, the superintendents of state
11 mental health institutes and resource centers, community
12 mental health centers, mental health and disability services
13 regions, and other cooperating agencies, to cause improved
14 and more satisfactory care of patients. A written report of
15 each licensure inspection of a county care facility under this
16 section shall be filed by the person with the administrator
17 of the division and the director of public health and shall
18 include:
19 Sec. 55. Section 227.2, subsection 1, paragraph f, Code
20 2014, is amended to read as follows:
21 *f.* The recommendations given to and received from ~~county~~
22 ~~authorities~~ the regional administrator on methods and practices
23 that will improve the conditions under which the county care
24 facility is operated.
25 Sec. 56. Section 227.2, subsection 2, Code 2014, is amended
26 to read as follows:
27 2. A copy of the written report prescribed by subsection
28 1 shall be furnished to the county board of supervisors,
29 to the ~~county mental health and intellectual disability~~
30 ~~coordinating board or to its advisory board if the county board~~
31 ~~of supervisors constitutes ex officio the coordinating board~~
32 regional administrator for the county, to the administrator
33 of the county care facility inspected and to its certified
34 volunteer long-term care ombudsman, and to the department on
35 aging.

H.F. _____

1 Sec. 57. Section 227.4, Code 2014, is amended to read as
2 follows:
3 **227.4 Standards for care of persons with mental illness or an**
4 **intellectual disability in county care facilities.**
5 The administrator, in cooperation with the department of
6 inspections and appeals, shall recommend and the mental health
7 and disability services commission created in section 225C.5
8 shall adopt, or amend and adopt, standards for the care of and
9 services to persons with mental illness or an intellectual
10 disability residing in county care facilities. The standards
11 shall be enforced by the department of inspections and appeals
12 as a part of the licensure inspection conducted pursuant to
13 chapter 135C. The objective of the standards is to ensure
14 that persons with mental illness or an intellectual disability
15 who are residents of county care facilities are not only
16 adequately fed, clothed, and housed, but are also offered
17 reasonable opportunities for productive work and recreational
18 activities suited to their physical and mental abilities and
19 offering both a constructive outlet for their energies and, if
20 possible, therapeutic benefit. When recommending standards
21 under this section, the administrator shall designate an
22 advisory committee representing administrators of county care
23 facilities, ~~county mental health and developmental disabilities~~
24 ~~regional planning councils~~ regional administrators, mental
25 health and disabilities services region governing boards,
26 and county care facility certified volunteer long-term care
27 ombudsmen to assist in the establishment of standards.
28 Sec. 58. Section 227.10, Code 2014, is amended to read as
29 follows:
30 **227.10 Transfers from county or private institutions.**
31 Patients who have been admitted at public expense to
32 any institution to which this chapter is applicable may be
33 involuntarily transferred to the proper state hospital for
34 persons with mental illness in the manner prescribed by
35 sections 229.6 to 229.13. The application required by section

H.F. _____

229.6 may be filed by the administrator of the division or the administrator's designee, or by the administrator of the institution where the patient is then being maintained or treated. If the patient was admitted to that institution involuntarily, the administrator of the division may arrange and complete the transfer, and shall report it as required of a chief medical officer under section 229.15, subsection 5. The transfer shall be made at county expense, and the expense recovered, as provided in section 227.7. However, transfer under this section of a patient whose expenses are payable in whole or in part by a county is subject to an authorization for the transfer through the ~~central point of coordination process~~ regional administrator for the patient's county of residence.

Sec. 59. Section 227.11, Code 2014, is amended to read as follows:

227.11 Transfers from state hospitals.

A regional administrator for the county chargeable with the expense of a patient in a state hospital for persons with mental illness shall transfer the patient to a county or private institution for persons with mental illness that is in compliance with the applicable rules when the administrator of the division or the administrator's designee orders the transfer on a finding that the patient is suffering from chronic mental illness or from senility and will receive equal benefit by being so transferred. A county shall transfer to its county care facility any patient in a state hospital for persons with mental illness upon request of the superintendent of the state hospital in which the patient is confined pursuant to the superintendent's authority under section 229.15, subsection 5, and approval by the ~~board of supervisors of~~ regional administrator for the county of the patient's residence. In no case shall a patient be thus transferred except upon compliance with section 229.14A or without the written consent of a relative, friend, or guardian if such relative, friend, or guardian pays the expense of the care of

H.F. _____

1 such patient in a state hospital. Patients transferred to a
2 public or private facility under this section may subsequently
3 be placed on convalescent or limited leave or transferred to
4 a different facility for continued full-time custody, care,
5 and treatment when, in the opinion of the attending physician
6 or the chief medical officer of the hospital from which the
7 patient was so transferred, the best interest of the patient
8 would be served by such leave or transfer. For any patient
9 who is involuntarily committed, any transfer made under this
10 section is subject to the placement hearing requirements of
11 section 229.14A.
12 Sec. 60. Section 227.12, Code 2014, is amended to read as
13 follows:
14 **227.12 Difference of opinion.**
15 When a difference of opinion exists between the
16 administrator of the division and the authorities in charge
17 of any private or county hospital in regard to the ~~removal~~
18 transfer of a patient ~~or patients~~ as ~~herein~~ provided in
19 sections 227.10 and 227.11, the matter shall be submitted to
20 the district court of the county in which such hospital is
21 situated and shall be summarily tried as an equitable action,
22 and the judgment of the district court shall be final.
23 Sec. 61. Section 227.14, Code 2014, is amended to read as
24 follows:
25 **227.14 Caring for persons with mental illness from other**
26 **counties.**
27 ~~Boards of supervisors of counties having no~~ The regional
28 administrator for a county that does not have proper facilities
29 for caring for persons with mental illness may, with the
30 consent of the administrator of the division, provide for such
31 care at the expense of the county in any convenient and proper
32 county or private institution for persons with mental illness
33 which is willing to receive ~~them~~ the persons.
34 Sec. 62. Section 229.1, subsection 3, Code 2014, is amended
35 by striking the subsection.

H.F. _____

1 Sec. 63. Section 229.1, Code 2014, is amended by adding the
2 following new subsections:
3 NEW SUBSECTION. 8A. *"Mental health and disability services*
4 *region"* means a mental health and disability services region
5 formed in accordance with section 331.389.
6 NEW SUBSECTION. 14A. *"Regional administrator"* means the
7 regional administrator of a mental health and disabilities
8 services region, as defined in section 331.388.
9 Sec. 64. Section 229.1B, Code 2014, is amended to read as
10 follows:
11 **229.1B ~~Central point of coordination process~~ Regional**
12 **administrator.**
13 Notwithstanding any provision of this chapter to the
14 contrary, any person whose hospitalization expenses are
15 payable in whole or in part by a county shall be subject
16 to all administrative requirements of the ~~central point of~~
17 ~~coordination process~~ regional administrator for the county.
18 Sec. 65. Section 229.2, subsection 1, paragraph b,
19 subparagraph (3), Code 2014, is amended to read as follows:
20 (3) As soon as is practicable after the filing of a
21 petition for juvenile court approval of the admission of the
22 minor, the juvenile court shall determine whether the minor
23 has an attorney to represent the minor in the hospitalization
24 proceeding, and if not, the court shall assign to the minor
25 an attorney. If the minor is financially unable to pay for
26 an attorney, the attorney shall be compensated by the county
27 at an hourly rate to be established by the ~~county board of~~
28 ~~supervisors~~ regional administrator for the county in which the
29 proceeding is held in substantially the same manner as provided
30 in section 815.7.
31 Sec. 66. Section 229.8, subsection 1, Code 2014, is amended
32 to read as follows:
33 1. Determine whether the respondent has an attorney
34 who is able and willing to represent the respondent in the
35 hospitalization proceeding, and if not, whether the respondent

H.F. _____

1 is financially able to employ an attorney and capable of
2 meaningfully assisting in selecting one. In accordance with
3 those determinations, the court shall if necessary allow the
4 respondent to select, or shall assign to the respondent, an
5 attorney. If the respondent is financially unable to pay an
6 attorney, the attorney shall be compensated by the county
7 at an hourly rate to be established by the ~~county board of~~
8 ~~supervisors~~ regional administrator for the county in which the
9 proceeding is held in substantially the same manner as provided
10 in section 815.7.
11 Sec. 67. Section 229.10, subsection 1, paragraph a, Code
12 2014, is amended to read as follows:
13 *a.* An examination of the respondent shall be conducted by
14 one or more licensed physicians, as required by the court's
15 order, within a reasonable time. If the respondent is detained
16 pursuant to section 229.11, subsection 1, paragraph *"b"*,
17 the examination shall be conducted within twenty-four hours.
18 If the respondent is detained pursuant to section 229.11,
19 subsection 1, paragraph *"a"* or *"c"*, the examination shall
20 be conducted within forty-eight hours. If the respondent
21 so desires, the respondent shall be entitled to a separate
22 examination by a licensed physician of the respondent's own
23 choice. The reasonable cost of the examinations shall, if the
24 respondent lacks sufficient funds to pay the cost, be paid by
25 the regional administrator from county funds upon order of the
26 court.
27 Sec. 68. Section 229.11, subsection 1, unnumbered paragraph
28 1, Code 2014, is amended to read as follows:
29 If the applicant requests that the respondent be taken into
30 immediate custody and the judge, upon reviewing the application
31 and accompanying documentation, finds probable cause to believe
32 that the respondent has a serious mental impairment and is
33 likely to injure the respondent or other persons if allowed
34 to remain at liberty, the judge may enter a written order
35 directing that the respondent be taken into immediate custody

H.F. _____

by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by a county, for a placement in accordance with paragraph *"a"*, the judge shall give notice of the placement to the ~~central point of coordination process~~ regional administrator for the county in which the court is located, and for a placement in accordance with paragraph *"b"* or *"c"*, the judge shall order the placement in a hospital or facility designated through the ~~central point of coordination process~~ regional administrator. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with paragraph *"a"*, if possible, and if not then in accordance with paragraph *"b"*, or, only if neither of these alternatives is available, in accordance with paragraph *"c"*. Detention may be:

Sec. 69. Section 229.13, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. The court shall order a respondent whose expenses are payable in whole or in part by a county placed under the care of an appropriate hospital or facility designated through the ~~central point of coordination process~~ county's regional administrator on an inpatient or outpatient basis.

Sec. 70. Section 229.14, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. For a respondent whose expenses are payable in whole or in part by a county, placement as designated through the ~~central point of coordination process~~ county's regional administrator in the care of an appropriate hospital or facility on an inpatient or outpatient basis, or other appropriate treatment, or in an appropriate alternative placement.

H.F. _____

1 Sec. 71. Section 229.14A, subsections 7 and 9, Code 2014,
2 are amended to read as follows:
3 7. If a respondent's expenses are payable in whole or in
4 part by a county through the ~~central point of coordination~~
5 ~~process~~ county's regional administrator, notice of a placement
6 hearing shall be provided to the county attorney and the
7 ~~county's central point of coordination process~~ regional
8 administrator. At the hearing, the county may present evidence
9 regarding appropriate placement.
10 9. A placement made pursuant to an order entered under
11 section 229.13 or 229.14 or this section shall be considered to
12 be authorized through the ~~central point of coordination process~~
13 county's regional administrator.
14 Sec. 72. Section 229.19, subsection 1, paragraphs a and b,
15 Code 2014, are amended to read as follows:
16 *a.* In each county with a population of three hundred
17 thousand or more inhabitants the ~~board of supervisors~~ county's
18 regional administrator shall appoint an individual who has
19 demonstrated by prior activities an informed concern for the
20 welfare and rehabilitation of persons with mental illness,
21 and who is not an officer or employee of the department of
22 human services nor of any agency or facility providing care
23 or treatment to persons with mental illness, to act as an
24 advocate representing the interests of patients involuntarily
25 hospitalized by the court, in any matter relating to the
26 patients' hospitalization or treatment under section 229.14
27 or 229.15. In each county with a population of under three
28 hundred thousand inhabitants, the chief judge of the judicial
29 district encompassing the county shall appoint the advocate.
30 *b.* The court or, if the advocate is appointed by the
31 ~~county board of supervisors~~ regional administrator, the ~~board~~
32 regional administrator shall assign the advocate appointed from
33 a patient's county of residence to represent the interests
34 of the patient. If a patient has no county of residence or
35 the patient is a state case, the court or, if the advocate

H.F. _____

is appointed by the ~~county board of supervisors~~ regional administrator, the ~~board~~ regional administrator shall assign the advocate appointed ~~from~~ for the county where the hospital or facility is located to represent the interests of the patient.

Sec. 73. Section 229.19, subsection 3, Code 2014, is amended to read as follows:

3. The court or, if the advocate is appointed by the ~~county board of supervisors~~ regional administrator, the ~~board~~ regional administrator shall prescribe reasonable compensation for the services of the advocate. The compensation shall be based upon the reports filed by the advocate with the court. The advocate's compensation shall be paid by the county in which the court is located, either on order of the court or, if the advocate is appointed by the ~~county board of supervisors~~ regional administrator, on the direction of the ~~board~~ regional administrator. If the advocate is appointed by the court, the advocate is an employee of the state for purposes of chapter 669. If the advocate is appointed by the ~~county board of supervisors~~ regional administrator, the advocate is an employee of the county for purposes of chapter 670. If the patient or the person who is legally liable for the patient's support is not indigent, the ~~board~~ regional administrator shall recover the costs of compensating the advocate from that person. If that person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the advocate's compensation shall be recovered in the manner prescribed by the ~~county board of supervisors~~ regional administrator. If that person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent of the poverty guidelines, at least two hundred dollars of the advocate's compensation shall be recovered in substantially the same manner ~~prescribed by the county board of supervisors~~ as provided in section 815.9.

H.F. _____

1 Sec. 74. Section 229.24, subsection 3, unnumbered paragraph
2 1, Code 2014, is amended to read as follows:
3 If all or part of the costs associated with hospitalization
4 of an individual under this chapter are chargeable to a county
5 of residence, the clerk of the district court shall provide
6 to the regional administrator for the county of residence and
7 to the regional administrator for the county in which the
8 hospitalization order is entered the following information
9 pertaining to the individual which would be confidential under
10 subsection 1:
11 Sec. 75. Section 229.42, subsection 1, Code 2014, is amended
12 to read as follows:
13 1. If a person wishing to make application for voluntary
14 admission to a mental hospital established by chapter 226 is
15 unable to pay the costs of hospitalization or those responsible
16 for the person are unable to pay the costs, application for
17 authorization of voluntary admission must be made through a
18 ~~central point of coordination process~~ regional administrator
19 before application for admission is made to the hospital. The
20 person's county of residence shall be determined through the
21 ~~central point of coordination process~~ regional administrator
22 and if the admission is approved through the ~~central point~~
23 ~~of coordination process~~ regional administrator, the person's
24 admission to a mental health hospital shall be authorized as
25 a voluntary case. The authorization shall be issued on forms
26 provided by the department of human services' administrator.
27 The costs of the hospitalization shall be paid by the
28 county of residence to the department of human services and
29 credited to the general fund of the state, provided that the
30 mental health hospital rendering the services has certified
31 to the county auditor of the county of residence and the
32 regional administrator the amount chargeable to the county
33 and has sent a duplicate statement of the charges to the
34 department of human services. A county shall not be billed
35 for the cost of a patient unless the patient's admission is

H.F. _____

1 authorized through the ~~central point of coordination process~~
2 regional administrator. The mental health institute and the
3 ~~county~~ regional administrator shall work together to locate
4 appropriate alternative placements and services, and to
5 educate patients and family members of patients regarding such
6 alternatives.
7 Sec. 76. Section 230.1, subsection 3, Code 2014, is amended
8 to read as follows:
9 3. A county of residence is not liable for costs and
10 expenses associated with a person with mental illness unless
11 the costs and expenses are for services and other support
12 authorized for the person through the ~~central point of~~
13 ~~coordination process~~ county's regional administrator. For
14 the purposes of this chapter, ~~"*central point of coordination*~~
15 ~~*process*"~~ "*regional administrator*" means the same as defined in
16 section ~~331.440~~ 331.388.
17 Sec. 77. Section 230.3, Code 2014, is amended to read as
18 follows:
19 **230.3 Certification of residence.**
20 If a person's county of residence is determined by the
21 county's ~~central point of coordination process~~ regional
22 administrator to be in another county of this state, the ~~county~~
23 regional administrator making the determination shall certify
24 the determination to the superintendent of the hospital to
25 which the person is admitted or committed. The certification
26 shall be accompanied by a copy of the evidence supporting
27 the determination. Upon receiving the certification, the
28 superintendent shall charge the expenses already incurred and
29 unadjusted, and all future expenses of the person, to the
30 county determined to be the county of residence.
31 Sec. 78. Section 230.20, subsection 2, paragraph b, Code
32 2014, is amended to read as follows:
33 *b.* The per diem costs billed to each county shall not exceed
34 the per diem costs billed to the county in the fiscal year
35 beginning July 1, 1996. However, the per diem costs billed to

H.F. _____

1 a county may be adjusted annually to reflect increased costs,
2 to the extent of the percentage increase in the ~~total of county~~
3 ~~fixed budgets pursuant to the allowed growth factor adjustment~~
4 statewide per capita expenditure target amount, if any per
5 capita growth amount is authorized by the general assembly for
6 the fiscal year in accordance with section ~~331.439~~ 426B.3.
7 Sec. 79. Section 232.2, subsection 4, paragraph f,
8 subparagraph (3), Code 2014, is amended to read as follows:
9 (3) The transition plan shall be developed and reviewed
10 by the department in collaboration with a child-centered
11 transition team. The transition team shall be comprised of
12 the child's caseworker and persons selected by the child,
13 persons who have knowledge of services available to the child,
14 and any person who may reasonably be expected to be a service
15 provider for the child when the child becomes an adult or to
16 become responsible for the costs of services at that time.
17 If the child is reasonably likely to need or be eligible for
18 adult services, the transition team membership shall include
19 representatives from the adult services system. The adult
20 services system representatives may include but are not limited
21 to the administrator of county general relief under chapter
22 251 or 252 or of the ~~central point of coordination process~~
23 ~~implemented under section 331.440~~ regional administrator of
24 the county mental health and disabilities services region, as
25 defined in section 331.388. The membership of the transition
26 team and the meeting dates for the team shall be documented in
27 the transition plan.
28 Sec. 80. Section 235.7, subsection 2, Code 2014, is amended
29 to read as follows:
30 2. *Membership.* The department may authorize the governance
31 boards of decategorization of child welfare and juvenile
32 justice funding projects established under section 232.188 to
33 appoint the transition committee membership and may utilize
34 the boundaries of decategorization projects to establish
35 the service areas for transition committees. The committee

H.F. _____

1 membership may include but is not limited to department of
2 human services staff involved with foster care, child welfare,
3 and adult services, juvenile court services staff, staff
4 involved with county general relief under chapter 251 or 252,
5 or of ~~the central point of coordination process implemented~~
6 ~~under section 331.440~~ a regional administrator of the county
7 mental health and disabilities services region, as defined
8 in section 331.388, in the area, school district and area
9 education agency staff involved with special education, and a
10 child's court appointed special advocate, guardian ad litem,
11 service providers, and other persons knowledgeable about the
12 child.
13 Sec. 81. Section 235A.15, subsection 2, paragraph c,
14 subparagraph (9), Code 2014, is amended to read as follows:
15 (9) To the administrator of an agency providing mental
16 health, intellectual disability, or developmental disability
17 services under a ~~county management plan developed pursuant~~
18 ~~to section 331.439~~ regional service system management plan
19 implemented in accordance with section 331.393, if the data
20 concerns a person employed by or being considered by the agency
21 for employment.
22 Sec. 82. Section 235B.6, subsection 2, paragraph c,
23 subparagraph (6), Code 2014, is amended to read as follows:
24 (6) To the administrator of an agency providing mental
25 health, intellectual disability, or developmental disability
26 services under a ~~county management plan developed pursuant~~
27 ~~to section 331.439~~ regional service system management plan
28 implemented in accordance with section 331.393, if the
29 information concerns a person employed by or being considered
30 by the agency for employment.
31 Sec. 83. Section 426B.2, subsection 2, Code 2014, is amended
32 to read as follows:
33 2. As used in this chapter~~,~~ and in ~~sections 331.438 and~~
34 ~~331.439~~ section 331.424A, for purposes of population-based
35 funding calculations, *"population"* means the population shown

H.F. _____

by the latest preceding certified federal census or the latest applicable population estimate issued by the federal government, available as of July 1 of the fiscal year preceding the fiscal year to which the funding calculations apply.

Sec. 84. Section 426B.5, subsection 1, Code 2014, is amended by striking the subsection.

Sec. 85. Section 426B.5, subsections 2 and 3, Code 2014, are amended to read as follows:

2. *Risk pool.*

a. For the purposes of this ~~subsection~~ section, unless the context otherwise requires~~,~~:

(1) *"Mental health and disability services region"* means a mental health and disability services region formed in accordance with section 331.389.

(2) *"Regional administrator"* means the regional administrator of a mental health and disabilities services region, as defined in section 331.388.

(3) ~~*"services*~~ *"Services fund"* means a county's mental health~~, intellectual disability,~~ and ~~developmental~~ disabilities services fund created ~~in~~ pursuant to section 331.424A.

b. A risk pool is created in the property tax relief fund. The pool shall consist of the moneys credited to the pool by law.

c. A risk pool board is created. The board shall consist of two county supervisors, two county auditors, a member of the mental health and disability services commission who is not a member of a county board of supervisors, a member of the county finance committee created in chapter 333A who is not an elected official, a representative of a provider of mental health or developmental disabilities services selected from nominees submitted by the Iowa association of community providers, and two ~~central point of coordination process~~ staff members of regional administrators of county mental health and disabilities services regions, all appointed by the governor, and one member appointed by the director of human services.

H.F. _____

1 All members appointed by the governor shall be subject to
2 confirmation by the senate. Members shall serve for three-year
3 terms. A vacancy shall be filled in the same manner as the
4 original appointment. Expenses and other costs of the risk
5 pool board members representing counties shall be paid by the
6 county of origin. Expenses and other costs of risk pool board
7 members who do not represent counties shall be paid from a
8 source determined by the governor. Staff assistance to the
9 board shall be provided by the department of human services and
10 counties. Actuarial expenses and other direct administrative
11 costs shall be charged to the pool.
12 *d.* A ~~county~~ regional administrator must apply to the risk
13 pool board for assistance from the risk pool on or before
14 October 31. The purpose of the assistance shall be to provide
15 financial support for services provided by one or more of the
16 counties comprising the regional administrator's mental health
17 and disability services region. The risk pool board shall
18 make its final decisions on or before December 15 regarding
19 acceptance or rejection of the applications for assistance and
20 the total amount accepted shall be considered obligated.
21 *e.* Basic eligibility for risk pool assistance requires that
22 a county meet all of the following conditions:
23 (1) The county is in compliance with the regional service
24 system management plan requirements of section ~~331.439~~ 331.393.
25 (2) The county levied the maximum amount allowed for the
26 county's services fund under section 331.424A for the fiscal
27 year of application for risk pool assistance.
28 (3) In the fiscal year that commenced two years prior to
29 the fiscal year of application, the county's services fund
30 ending balance under generally accepted accounting principles
31 was equal to or less than twenty percent of the county's actual
32 gross expenditures for that fiscal year.
33 *f.* The board shall review the fiscal year-end financial
34 records for all counties that are granted risk pool assistance.
35 If the board determines a county's actual need for risk pool

H.F. _____

1 assistance was less than the amount of risk pool assistance
2 granted to the county, the county shall refund the difference
3 between the amount of assistance granted and the actual need.
4 The county shall submit the refund within thirty days of
5 receiving notice from the board. Refunds shall be credited
6 to the risk pool. The mental health and disability services
7 commission shall adopt rules pursuant to chapter 17A providing
8 criteria for the purposes of this lettered paragraph and as
9 necessary to implement the other provisions of this subsection.
10 *g.* The board shall determine application requirements to
11 ensure prudent use of risk pool assistance. The board may
12 accept or reject an application for assistance in whole or in
13 part. The decision of the board is final.
14 *h.* The total amount of risk pool assistance shall be limited
15 to the amount available in the risk pool for a fiscal year. Any
16 unobligated balance in the risk pool at the close of a fiscal
17 year shall remain in the risk pool for distribution in the
18 succeeding fiscal year.
19 *i.* Risk pool assistance shall only be made available to
20 address one or more of the following circumstances:
21 (1) Continuing support for mandated services.
22 (2) Avoiding the need for reduction or elimination of
23 critical services when the reduction or elimination places
24 consumers' health or safety at risk.
25 (3) Avoiding the need for reduction or elimination of a
26 mobile crisis team or other critical emergency services when
27 the reduction or elimination places the public's health or
28 safety at risk.
29 (4) Avoiding the need for reduction or elimination of
30 the services or other support provided to entire disability
31 populations.
32 (5) Avoiding the need for reduction or elimination of
33 services or other support that maintain consumers in a
34 community setting, creating a risk that the consumers would be
35 placed in more restrictive, higher cost settings.

H.F. _____

1 *j.* Subject to the amount available and obligated from the
2 risk pool for a fiscal year, the department of human services
3 shall annually calculate the amount of moneys due to eligible
4 counties in accordance with the board's decisions and that
5 amount is appropriated from the risk pool to the department
6 for payment of the moneys due. The department shall authorize
7 the issuance of warrants payable to the county treasurer for
8 the amounts due and the warrants shall be issued on or before
9 January 1.
10 *k.* On or before March 1 and September 1 of each fiscal year,
11 the department of human services shall provide the risk pool
12 board with a report of the financial condition of each funding
13 source administered by the board. The report shall include
14 but is not limited to an itemization of the funding source's
15 balances, types and amount of revenues credited, and payees
16 and payment amounts for the expenditures made from the funding
17 source during the reporting period.
18 *l.* If the board has made its decisions but has determined
19 that there are otherwise qualifying requests for risk pool
20 assistance that are beyond the amount available in the risk
21 pool fund for a fiscal year, the board shall compile a list of
22 such requests and the supporting information for the requests.
23 The list and information shall be submitted to the mental
24 health and disability services commission, the department of
25 human services, and the general assembly.
26 3. *Incentive pool.*
27 *a.* An incentive pool is created in the property tax relief
28 fund. The incentive pool shall consist of the moneys credited
29 to the incentive pool by law.
30 *b.* Moneys available in the incentive pool for a fiscal
31 year shall be distributed to those ~~counties~~ mental health and
32 disability services regions that either meet or show progress
33 toward meeting the purposes and intent described in section
34 ~~331.439, subsection 1, paragraph "c"~~ 225C.1. The moneys
35 received by a ~~county~~ region from the incentive pool shall be

H.F. _____

1 used to build community capacity to support individuals covered
2 by the ~~county's~~ region's regional service system management
3 plan approved under section ~~331.439~~ 331.393, in meeting such
4 purposes.
5 Sec. 86. REPEAL. Sections 225C.7, 225C.18, and 226.47, Code
6 2014, are repealed.
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 the redesign of mental health and
11 disabilities services (MH/DS) administered by regions comprised
12 of counties. Under the redesign provisions initially enacted
13 in 2012, each organization of counties as a region is governed
14 by a Code chapter 28E agreement and the region is to have
15 an administrative office, organization, or entity formed by
16 agreement of the counties participating in the region to
17 function on behalf of those counties, known as the regional
18 administrator and defined in Code section 331.388. The
19 redesign legislation maintained the financial responsibility
20 for MH/DS with each county but provided for the regional
21 administrator and the regional governance board to assume the
22 administrative functions on behalf of the county. The bill
23 makes conforming Code amendments relating to the redesign
24 legislation.
25 In general, references throughout the Code to the central
26 point of coordination (CPC) process (codified in Code section
27 331.440, which was repealed effective July 1, 2013, by 2011
28 Iowa Acts, ch. 123) are changed to instead refer to regional
29 administrators; references to the county mental health,
30 intellectual disability, and developmental disabilities
31 services fund are changed to mental health and disabilities
32 services fund (codified in Code section 331.424A, amended
33 by 2012 Iowa Acts, ch. 1120 §132); and references to county
34 service management plans (codified in Code section 331.439,
35 repealed effective July 1, 2013, by 2011 Iowa Acts, ch.

H.F. _____

1 123) are changed to instead refer to regional service system
2 management plans approved in accordance with Code section
3 331.393. References throughout the Code to responsibilities
4 for a county to provide or have administrative responsibility
5 for services or other responsibilities in connection with a
6 person in need of mental health or disability services are
7 changed to instead refer to the regional administrator. Prior
8 to the redesign, MH/DS services in each county were delineated
9 in a service management plan adopted by that county, subject
10 to approval by the department of human services (DHS). These
11 individual county plans are to be replaced by a regional
12 service management plan effective beginning on July 1, 2014.
13 County MH/DS levy authority and spending authority remains
14 in Code section 331.424A. However, the name of the fund
15 was changed in the redesign legislation but references to
16 the old fund in other Code sections are corrected in the
17 bill. In addition, related Code changes are reflected in this
18 explanation.
19 References to waivers for providers of mental health
20 services approved under Code section 225C.7 to operate in lieu
21 of a community mental health center are stricken because the
22 Code section is repealed by the bill. Code chapter 230A,
23 relating to community mental health centers, was substantially
24 rewritten by 2011 Iowa Acts, ch. 121, and the revisions took
25 effect July 1, 2012. In the rewrite, Code section 230A.107,
26 codified the waiver authorization for a for-profit corporation,
27 nonprofit corporation, or county hospital providing mental
28 health services to county residents pursuant to a waiver
29 approved under section 225C.7, subsection 3, Code 2011, as
30 of October 1, 2010, to be designated as a community mental
31 health center under Code chapter 230A. The reference change is
32 applied by the bill in the following Code sections: 135.180,
33 relating to mental health professional shortage area program;
34 225C.19, relating to emergency mental health crisis services
35 system; and 225C.54, relating to the mental health services

H.F. _____

1 system for children and youth.
2 References to the central point of coordination process are
3 changed to instead refer to the regional administrator in the
4 following Code sections: 222.2, providing definitions for Code
5 chapter 222, relating to the state resource centers; 222.13 and
6 222.13A, relating to voluntary admissions of persons to a state
7 resource center; 222.28, relating to court appointment of a
8 commission to examine a person alleged to have an intellectual
9 disability; 222.59, relating to coordination between a state
10 resource center and county in identifying community-based
11 services for an individual; 222.60, relating to payment
12 of costs by county or state and diagnosis and evaluation
13 requirements; 222.61, relating to determination of a person's
14 residency status; 222.62, relating to the procedure when a
15 person's residency is determined to be another county; 222.63,
16 providing a procedure for a county to object to a residency
17 determination; 222.64, providing a procedure for when a
18 person's residency is determined to be outside of this state or
19 is unknown; 222.73, relating to billing of charges to counties
20 for the state resource centers; 225.11, providing a procedure
21 for commitment of a person to the state psychiatric hospital
22 at the university of Iowa; 225.12, relating to the physician's
23 report for a voluntary patient at the state psychiatric
24 hospital; 225.15, relating to examination and treatment at the
25 state psychiatric hospital; 225.17, relating to examination
26 and treatment of private patients at the state psychiatric
27 hospital when costs are paid by a county; section 225C.2,
28 providing definitions for Code chapter 225C; 225C.5, relating
29 to membership of the mental health and disability services
30 commission; section 225C.6, relating to the duties of the MH/DS
31 commission; 225C.14, relating to requirements for a preliminary
32 diagnostic evaluation before a person is admitted to a state
33 mental health institute (MHI); 225C.16, requiring referrals for
34 a preliminary diagnostic or prehearing evaluation for persons
35 desiring voluntary admission to a state MHI; 225C.19, providing

H.F. _____

1 requirements for implementation of an emergency mental health
2 crisis services system; 226.9C, relating to the dual diagnosis
3 program at the state mental health institute at Mount Pleasant;
4 227.10, relating to transfers of patients from county or
5 private facilities for mental health treatment to a state
6 institution; 229.1, providing definitions for the involuntary
7 commitment Code chapter; 229.1B, providing that the CPC process
8 applies to persons who are involuntarily committed; 229.11,
9 relating to immediate custody of a person who is involuntarily
10 committed; 229.13, relating to evaluation orders for persons
11 who are involuntarily committed; 229.14, relating to chief
12 medical officer reports; 229.14A, relating to placement orders;
13 229.42, relating to county payment for a person voluntarily
14 admitted to an MHI; 232.2, relating to the membership of a
15 transition team for a child adjudicated as a child in need of
16 assistance; 235.7, relating to transition committees to address
17 transition needs of children receiving child welfare services
18 who are age 16 or older; and 426B.5, relating to the membership
19 of the risk pool board.
20 References to county board of supervisors or to a county
21 responsibility are changed to instead refer to the regional
22 administrator or MH/DS region, or to add such a reference in
23 the following Code sections: 222.6, relating to the catchment
24 areas for the two state resource centers; 222.12, relating to
25 investigations of deaths at a state resource center; 222.13,
26 relating to referrals for voluntary admissions of adults to
27 a state resource center; 222.13A, relating to referrals for
28 voluntary admissions of minors to a state resource center;
29 222.14, relating to care provided pending admission of a person
30 to a state resource center; 222.22, relating to compensation
31 of attorneys for commitments of persons with an intellectual
32 disability; 222.31, relating to court commitments of persons
33 with an intellectual disability and liability for charges;
34 222.74, relating to approval of state resource center charges;
35 222.92, relating to the use of net budgeting by the state

H.F. _____

1 resource centers; 225.1, providing definitions for the
2 state psychiatric hospital Code chapter; 225.10, relating
3 to voluntary patients at the state psychiatric hospital;
4 225.12, relating to reports concerning voluntary public
5 patients at the state psychiatric hospital; 225.13, relating
6 to investigations of the financial condition of persons being
7 admitted to the state psychiatric hospital; 225.16, relating to
8 admission of voluntary public patients to the state psychiatric
9 hospital; 225.18, relating to appointment of attendants to
10 accompany committed persons to or from the hospital; 225.19,
11 relating to compensation of attendants; 225.21, relating to
12 claims for compensation of attendants; 225.24, relating to
13 county collection of the costs of care provided at the state
14 psychiatric hospital; 225.27, requiring notice of the discharge
15 or transfer of a patient from the state psychiatric hospital;
16 225C.13, authorizing DHS to lease portions of MHIs to certain
17 public and private organizations; 225C.14, 225C.15, 225C.16,
18 and 225C.17, relating to preliminary diagnostic evaluations
19 of persons with respect to admission to an MHI, county policy
20 regarding the evaluations, referral of voluntary patients
21 for the evaluations, and the use of alternative diagnostic
22 facilities for the evaluations; 225C.20, relating to provision
23 of individual case management services under the medical
24 assistance (Medicaid) program by counties; 226.32, requiring
25 notice to a county when a voluntary patient is discharged to
26 relieve overcrowding; 226.34, requiring notice when a patient
27 at an MHI dies; 227.1, relating to supervision of county and
28 private institutions for persons with mental illness or an
29 intellectual disability (often referred to as "county care
30 facilities") is amended to provide definitions for the Code
31 chapter including DHS and the MH/DS regions; 227.2, relating
32 to state inspection of county facilities; 227.4, relating
33 to standards adoption pertaining to county care facilities;
34 227.11, relating to transfers of patients from state hospitals;
35 227.12, relating to civil trials when there is a disagreement

H.F. _____

1 between DHS and the authorities in charge of a county care
2 facility as to transfer of patients; 227.14, relating to care
3 provided at a county care facility to patients from another
4 county; 229.2 and 229.8, relating to compensation of attorneys
5 for minors applying for voluntary admission to an MHI and
6 respondents in involuntary commitment proceedings; 229.10,
7 relating to the payment of examinations with county funds;
8 229.19, relating to mental health advocates; 229.24, relating
9 to confidential records in involuntary commitment proceedings;
10 and 426B.5, relating to the risk pool and the incentive pool
11 within the property tax relief fund.
12 References to county management plans developed pursuant to
13 repealed Code section 331.439 are changed to regional services
14 system management plans implemented in accordance with Code
15 section 331.393 in the following Code sections: 222.60,
16 relating to payment of costs at a state resource center by
17 county or state and diagnosis and evaluation requirements;
18 222.73, relating to billing of per diem costs at a state
19 resource center; 235A.15 and 235B.6, relating to access to
20 child and dependent adult abuse registry record checks for
21 employment by an agency providing services under a plan;
22 and 426B.5, relating to the risk and incentive pools of the
23 property tax relief fund.
24 References to the county mental health, intellectual
25 disability, and developmental disabilities services fund are
26 changed to mental health and disabilities services fund in
27 the following Code sections: 225C.12, relating to partial
28 reimbursement to counties for local inpatient mental health
29 care and treatment; 226.9C, relating to splitting of costs
30 for charges at the dual diagnosis program at the state mental
31 health institute at Mount Pleasant; and 426B.5, relating to the
32 risk and incentive pools of the property tax relief fund.
33 Current law in Code sections 222.73 and 230.20, limits an
34 increase in the per diem changed to a county for services
35 provided at a state resource center or a state mental health

H.F. _____

1 institute to the percentage increase in the allowed growth
2 factor adjustment, a funding formula provision repealed by the
3 redesign. The bill instead references the per capita growth
4 amount, which replaced the repealed allowed growth factor in
5 the redesign legislation.
6 The following Code sections are repealed: 225C.7, relating
7 to the MH/DS community services fund which distributed moneys
8 to counties until the state assumed responsibility for Medicaid
9 costs from counties in 2012; 225C.18, relating to mental health
10 and developmental disabilities regional planning councils
11 which were replaced by regional governing boards and advisory
12 committees in the redesign legislation; and 226.47, a single
13 definition section which is replaced in the bill by amending
14 Code section 226.1 to provide a multiple definition section.

House Study Bill 638 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON HANUSA)

A BILL FOR

1 An Act providing for the creation of first-time homebuyer
2 savings accounts in Iowa, including related individual
3 income tax exemptions, making penalties applicable, and
4 including effective date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5761YC (15) 85
mm/sc

H.F. _____

1 Section 1. NEW SECTION. **12I.1 Short title.**
2 This chapter may be cited as the *"Iowa First-time Homebuyer*
3 *Savings Account Act"*.
4 Sec. 2. NEW SECTION. **12I.2 Definitions.**
5 As used in this chapter, unless the context otherwise
6 requires:
7 1. *"Account administrator"* means one of the following:
8 *a.* A state or federally chartered bank, savings and loan
9 association, credit union, or trust company in this state.
10 *b.* A certified public accountant or licensed public
11 accountant, as those terms are defined in section 542.3.
12 *c.* An account holder.
13 2. *"Account holder"* means a first-time homebuyer who is a
14 resident of this state and who establishes, either individually
15 or jointly with the resident's spouse who is also a first-time
16 homebuyer, a first-time homebuyer savings account. A person
17 ceases to be an account holder following the purchase of a
18 principal residence after the establishment of a first-time
19 homebuyer savings account.
20 3. *"Business day"* means a day other than a Saturday, Sunday,
21 or federal holiday.
22 4. *"Eligible costs"* means the down payment and allowable
23 closing costs for the purchase of a principal residence in Iowa
24 which principal residence is purchased after the establishment
25 of the first-time homebuyer savings account.
26 5. *"First-time homebuyer"* means an individual who has never
27 owned or purchased under contract for deed, either individually
28 or jointly, a single-family, owner-occupied residence,
29 including but not limited to a manufactured or mobile home that
30 is assessed and taxed as real estate or taxed under chapter
31 435 or taxed under other similar law of another state, or a
32 condominium unit.
33 6. *"First-time homebuyer savings account"* means an account
34 established with a state or federally chartered bank, savings
35 and loan association, credit union, or trust company in this

H.F. _____

1 state to finance the purchase of a principal residence in this
2 state.
3 7. *"Principal residence"* means a single-family,
4 owner-occupied residence in the state that will be the
5 principal place of residence of the account holder, whether
6 owned or purchased under contract for deed by the account
7 holder, individually or jointly. *"Principal residence"* includes
8 but is not limited to a manufactured home or mobile home that
9 is assessed and taxed as real estate or taxed under chapter
10 435, and a condominium unit.
11 8. *"Resident"* means the same as defined in section 422.4.
12 Sec. 3. NEW SECTION. **12I.3 First-time homebuyer savings**
13 **account.**
14 1. *Establishment.*
15 *a.* A first-time homebuyer who is a resident of this
16 state may establish, either individually or jointly with
17 the resident's spouse who is also a first-time homebuyer, a
18 first-time homebuyer savings account to finance the purchase
19 of a principal residence. Married taxpayers electing to file
20 separate tax returns or separately on a combined tax return
21 shall not establish or maintain a joint first-time homebuyer
22 savings account.
23 *b.* The account holder who establishes the first-time
24 homebuyer savings account, individually or jointly, is the
25 owner of the account.
26 *c.* A first-time homebuyer savings account shall be an
27 interest-bearing savings account.
28 *d.* A financial institution shall not be responsible for
29 the use or application of funds within a first-time homebuyer
30 savings account solely because the account is held at that
31 financial institution.
32 2. *Use by account holder.*
33 *a.* The account holder shall use the money in the first-time
34 homebuyer savings account for eligible costs related to the
35 purchase of a principal residence within ten years following

H.F. _____

1 the year in which the account is first established.
2 *b.* An account holder shall not contribute to a first-time
3 homebuyer savings account for a period exceeding ten years.
4 *c.* There is no limitation on the amount of contributions
5 that may be made to or retained in a first-time homebuyer
6 savings account.
7 3. *Administration.*
8 *a.* An account administrator shall administer the first-time
9 homebuyer savings account and has a fiduciary duty to the
10 person for whose benefit the account is administered.
11 *b.* Within thirty days after an account administrator begins
12 administering a first-time homebuyer savings account, the
13 account administrator shall notify, in writing, each account
14 holder on whose behalf the account administrator administers
15 the account of the date of the last business day of the
16 calendar year.
17 *c.* (1) An account administrator shall use funds held in a
18 first-time homebuyer savings account only for the purpose of
19 making withdrawals at the request of the account holder and for
20 paying the expenses of administering the account.
21 (2) If the account holder is subject to the withdrawal
22 penalty in section 422.7, subsection 57, paragraph *"c"*,
23 subparagraph (1), the account administrator shall withhold the
24 amount of the penalty from the amounts withdrawn and shall
25 remit the amount to the department of revenue in the same
26 manner as provided in section 422.16, subsection 2.
27 (3) Notwithstanding section 422.16, subsection 4,
28 an account administrator shall not be held personally,
29 individually, or corporately liable for the failure to
30 withhold and remit a withdrawal penalty from a withdrawal made
31 at the request of the account holder for which the account
32 administrator relied in good faith on documentation submitted
33 by the account holder of eligible costs paid or owed by the
34 account holder in the calendar year. The burden of proving
35 that a withdrawal from a first-time homebuyer savings account

H.F. _____

1 was made for eligible costs is upon the account holder and not
2 upon the account administrator.
3 *d.* Within thirty days of being furnished proof of death of
4 the account holder, the account administrator shall distribute
5 any amount remaining in the first-time homebuyer savings
6 account to the estate of the account holder or to a transfer
7 on death or pay on death beneficiary of the account properly
8 designated by the account holder with the financial institution
9 at which the first-time homebuyer savings account is held.
10 *e.* In the case of an account administrator who is also the
11 account holder, all of the following apply:
12 (1) Notice by the account administrator to the account
13 holder under paragraph *"b"* is not required.
14 (2) The account administrator shall not use funds held
15 in a first-time homebuyer savings account to pay expenses of
16 administering the account, except that a service fee may be
17 charged to the account by the financial institution where the
18 account is held.
19 (3) Documentation regarding the segregation of funds in
20 a first-time homebuyer savings account from other funds and
21 documentation regarding eligible costs for the purchase of
22 a principal residence shall be maintained by the account
23 administrator.
24 (4) The account administrator shall file reports with the
25 department of revenue as reasonably required by the department
26 of revenue.
27 (5) Paragraph *"c"*, subparagraph (3), shall not apply. The
28 account administrator is required to remit the withdrawal
29 penalty in section 422.7, subsection 57, paragraph *"c"*,
30 subparagraph (1), if assessed, to the department of revenue in
31 the same manner as provided in section 422.16, subsection 2.
32 4. *Penalties.* A person who knowingly prepares or causes to
33 be prepared a false claim, statement, or billing to justify the
34 withdrawal of money from a first-time homebuyer savings account
35 is guilty of a serious misdemeanor for each violation.

H.F. _____

1 Sec. 4. NEW SECTION. **12I.4 Tax considerations.**
2 The state income tax treatment of a first-time homebuyer
3 savings account shall be as provided in section 422.7,
4 subsection 57.
5 Sec. 5. NEW SECTION. **12I.5 Rules.**
6 The department of revenue and the treasurer of state shall
7 each adopt rules to jointly implement and administer this
8 chapter.
9 Sec. 6. Section 422.7, Code 2014, is amended by adding the
10 following new subsection:
11 NEW SUBSECTION. 57. *a.* Subtract the amount of
12 contributions made by an account holder to the account holder's
13 first-time homebuyer savings account during the tax year, not
14 to exceed three thousand dollars per individual per tax year,
15 or six thousand dollars per tax year for a married couple who
16 have a joint first-time homebuyer savings account and file a
17 joint return. An amount of contributions made during a tax
18 year in excess of three thousand dollars, or six thousand
19 dollars, as applicable, may be subtracted by an account holder
20 in a subsequent tax year, provided the total exemption under
21 this paragraph for the subsequent tax year does not exceed
22 three thousand dollars, or six thousand dollars, as applicable.
23 This paragraph shall not apply to an account holder more
24 than ten years after the account holder first establishes a
25 first-time homebuyer savings account.
26 *b.* Subtract, to the extent included, income from interest
27 and earnings received from an account holder's first-time
28 homebuyer savings account. This paragraph shall not apply to
29 any interest and earnings received by an account holder more
30 than ten years after the account holder first establishes a
31 first-time homebuyer savings account.
32 *c.* (1) Add, to the extent previously subtracted under
33 paragraph *"a"*, the amount resulting from a withdrawal made from
34 a first-time homebuyer savings account for purposes other than
35 the payment of eligible costs of the account holder. If the

H.F. _____

1 withdrawal is made on a day other than the last business day
2 of the calendar year, such withdrawal shall also be assessed a
3 penalty in an amount equal to ten percent of the amount of the
4 withdrawal. The penalty shall not apply to withdrawals made on
5 account of the death of the account holder.
6 (2) For purposes of this paragraph *"c"*, any amount remaining
7 in a first-time homebuyer savings account of an account holder
8 on the day after the purchase of a principal residence or the
9 last business day of the tenth calendar year following the
10 calendar year in which the account holder first establishes a
11 first-time homebuyer savings account, whichever occurs first,
12 shall be considered a withdrawal under subparagraph (1).
13 (3) For purposes of this paragraph *"c"*, the following shall
14 not be considered a withdrawal under subparagraph (1):
15 (a) Any amount transferred between different first-time
16 homebuyer savings accounts of the same account holder by a
17 person other than the account holder.
18 (b) Any amounts withdrawn or otherwise transferred from a
19 first-time homebuyer savings account pursuant to an order in
20 bankruptcy.
21 *d.* For purposes of this subsection, *"account holder"*,
22 *"business day"*, *"eligible costs"*, and *"first-time homebuyer*
23 *savings account"* all mean the same as defined in section 12I.2.
24 Sec. 7. EFFECTIVE DATE. This Act takes effect January 1,
25 2015.
26 Sec. 8. APPLICABILITY. This Act applies to tax years
27 beginning on or after January 1, 2015.
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 allows first-time homebuyers who are residents
32 of Iowa to establish a first-time homebuyer savings account
33 (account) with a state or federally chartered bank, savings and
34 loan association, credit union, or trust company in this state
35 to finance the purchase of a principal residence in this state.

H.F. _____

1 "First-time homebuyer" and "principal residence" are defined in
2 the bill. The account is required to be an interest-bearing
3 savings account. The account may be established individually
4 or jointly with the resident's spouse. However, married
5 taxpayers electing to file separate tax returns or separately
6 on a combined tax return shall not establish or maintain a
7 joint account.
8 There is no limitation on the amount of contributions that
9 may be made to or retained in a first-time homebuyer savings
10 account. An account holder is required to use the funds in
11 an account for eligible costs related to the purchase of a
12 principal residence within 10 years following the year in which
13 the account is first established.
14 "Eligible costs" are defined in the bill and include the down
15 payment and allowable closing costs of a principal residence
16 that was purchased after the establishment of the account. If
17 the account holder withdraws funds for any purpose other than
18 the payment of eligible costs, the account holder is subject
19 to a penalty equal to 10 percent of the withdrawal, unless the
20 withdrawal occurs on the last business day of the calendar
21 year or was because of the death of the account holder. The
22 penalty amounts are required to be withheld by the account
23 administrator and remitted to the department of revenue in
24 the same manner as Code section 422.16(2), relating to the
25 withholding of income tax. A person ceases to be an account
26 holder following the purchase of a principal residence after
27 the establishment of an account.
28 Accounts are required to be administered by an account
29 administrator who will have a fiduciary duty to the account
30 holder. An account administrator may be a state or federally
31 chartered bank, savings and loan association, credit union, or
32 trust company in this state; a certified public accountant or
33 licensed public accountant; or the account holder. The account
34 administrator is required within 30 days of beginning account
35 administration to notify the account holder, in writing, of

H.F. _____

1 the last business day of the calendar year. The account
2 administrator shall use account funds only for the purpose of
3 making withdrawals at the request of the account holder and
4 for the payment of the expenses of administering the account.
5 An account administrator shall not be held personally,
6 individually, or corporately liable for the failure to withhold
7 and remit a withdrawal penalty if the account administrator
8 relied in good faith on documentation submitted by the account
9 holder of eligible costs paid or owed by the account holder.
10 The burden of proving that a withdrawal from an account was
11 made for eligible costs is upon the account holder. Within 30
12 days of being furnished proof of death of the account holder,
13 the account administrator shall distribute funds in an account
14 to the estate of the account holder or to a transfer on death
15 or pay on death beneficiary properly designated by the account
16 holder with the financial institution where the account is
17 held.
18 Special rules apply to an account administrator that is
19 also the account holder. First, notice of the last business
20 day of the calendar year is not required to be given. Second,
21 administration expenses shall not be paid, except that a
22 service fee may be charged to the account by the financial
23 institution where the account is held. Third, documentation
24 regarding the segregation of funds in the account from other
25 funds and documentation regarding eligible costs shall
26 be maintained by the account administrator. Fourth, the
27 account holder is required to file reports as required by the
28 department of revenue and to remit any assessed penalties in
29 the same manner a third-party account holder would be required.
30 An account administrator that is also the account holder may
31 not rely on the good-faith exception to personal liability for
32 failure to withhold and remit the penalty.
33 The bill provides for two individual income tax incentives
34 relating to first-time homebuyer savings accounts. First,
35 an account holder is allowed to subtract from the individual

H.F. _____

1 income tax the amount of contributions made during the year
2 to the account holder's account, not to exceed $3,000 per
3 individual, or $6,000 for a married couple with a joint account
4 and filing a joint income tax return. If the account holder
5 contributes more than that amount, the excess may be subtracted
6 in a subsequent tax year provided the total exemption in any
7 one tax year does not exceed $3,000 or $6,000, as applicable.
8 Second, the bill exempts any interest or earnings received from
9 an account holder's account. Both the contribution exemption
10 and interest exemption only apply for the first 10 years after
11 the account holder establishes an account.
12 The bill requires an account holder to add to net income the
13 amount of withdrawal from an account that was made for purposes
14 other than eligible costs of the account holder to the extent
15 it was previously subtracted as a contribution. Any amount
16 remaining in an account on the day after an account holder
17 purchases a principal residence or on the last business day of
18 the 10th calendar year following the calendar year the account
19 holder first establishes an account, whichever occurs first,
20 shall be considered a withdrawal that must be added to net
21 income to the extent it was previously subtracted. However,
22 amounts transferred between different accounts of the same
23 account holder by a person other than the account holder or
24 amounts withdrawn pursuant to an order in bankruptcy shall not
25 be considered withdrawals that must be added to net income.
26 The bill makes it a serious misdemeanor to knowingly prepare
27 or cause to be prepared a false claim, statement, or billing
28 to justify the withdrawal of money from a first-time homebuyer
29 savings account. A serious misdemeanor is punishable by
30 confinement for no more than one year and a fine of at least
31 $315 but not more than $1,875.
32 The bill requires the department of revenue and the
33 treasurer of state to each adopt rules to jointly implement and
34 administer the bill.
35 The bill takes effect January 1, 2015, and applies to tax

H.F. _____

1 years beginning on or after that date.

Senate File 2110

S-5002

1 Amend Senate File 2110 as follows:
2 1. Page 1, line 3, by striking <general fund of the
3 state> and inserting <repayment moneys credited to the
4 successor to the grow Iowa values fund created pursuant
5 to section 15G.111, Code Supplement 2011, that remain
6 unobligated on the effective date of this Act,>
7 2. Page 1, line 11, by striking <2,000,000> and
8 inserting <1,900,000>
9 3. Page 1, after line 11 by inserting:
10 <Sec. ___. 2013 Iowa Acts, chapter 136, section 10,
11 subsection 3, is amended to read as follows:
12 3. After subtracting the allocation in subsection
13 2, up to 10 percent of the remaining moneys for each
14 federal fiscal year are allocated for administrative
15 expenses of the low-income home energy assistance
16 program of which $377,000 is allocated each federal
17 fiscal year for administrative expenses of the
18 division. The costs of auditing the use and
19 administration of the portion of the appropriation in
20 this section that is retained by the state shall be
21 paid from the amount allocated in this subsection each
22 federal fiscal year to the division. The auditor of
23 state shall bill the division for the audit costs.
24 <u>However, for the federal fiscal year beginning October</u>
25 <u>1, 2013, of the amounts allocated for administrative</u>
26 <u>expenses by this section, $1,000,000 shall instead be</u>
27 <u>used as additional funding for home energy costs.</u>>

KEN ROZENBOOM

Senate File 2139 - Introduced

SENATE FILE 2139
BY FEENSTRA, ANDERSON,
BERTRAND, BOETTGER,
CHAPMAN, GREINER, SINCLAIR,
ROZENBOOM, ERNST, ZUMBACH,
KAPUCIAN, SMITH, ZAUN,
WHITVER, BREITBACH,
SEGEBART, BEHN, and GUTH

A BILL FOR

1 An Act concerning requirements for state purchasing from prison
2 industries.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5631XS (3) 85
ec/nh

S.F. 2139

Section 1. Section 8A.302, subsection 1, Code 2014, is amended to read as follows:

1. Providing a system of uniform standards and specifications for purchasing. When the system is developed, all items of general use shall be purchased by state agencies through the department, except ~~items provided for under section 904.808 or~~ items used by the state board of regents and institutions under the control of the state board of regents. However, the department may authorize the department of transportation, the department for the blind, and any other agencies otherwise exempted by law from centralized purchasing, to directly purchase items used by those agencies without going through the department, if the department of administrative services determines such purchasing is in the best interests of the state. However, items of general use may be purchased through the department by any governmental entity.

Sec. 2. Section 904.807, Code 2014, is amended to read as follows:

904.807 Price lists ~~to public officials~~ — Iowa state industries.

The state director shall cause to be prepared from time to time classified and itemized price lists of the products manufactured by Iowa state industries. Such lists shall be made available to the public and furnished to all boards of supervisors, boards of directors of school corporations, city councils, and all other state, county, city and school departments and officials empowered to purchase supplies and equipment for public purposes.

Sec. 3. Section 904.808, subsection 1, Code 2014, is amended by striking the subsection.

Sec. 4. REPEAL. Section 8A.313, Code 2014, is repealed.

EXPLANATION

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

This bill concerns the purchase of products manufactured by

S.F. 2139

1 Iowa state (prison) industries by state agencies.
2 Code section 8A.302, concerning state government purchasing,
3 is amended to eliminate the exception from the requirements for
4 state agency purchasing of items of general use through the
5 department of administrative services for items produced by
6 prison industries.
7 Code section 904.807, concerning the preparation of price
8 lists for items produced by prison industries, is amended to
9 provide that the price lists shall be made available to the
10 public.
11 Code section 904.808, subsection 1, establishing state
12 purchasing requirements relative to items produced by prison
13 industries, is stricken. Code section 8A.313, providing
14 an appeal process relative to disputes arising out of the
15 purchasing provisions of Code section 904.808, is also
16 repealed. Code section 904.808 provides that state agencies
17 are required to purchase items produced by prison industries
18 unless a purchase from another source is made under emergency
19 circumstances or if prison industries is unable to meet the
20 performance characteristics of the purchase request for the
21 product by the state agency.

Senate File 2140 - Introduced

SENATE FILE 2140
BY ANDERSON

A BILL FOR

1 An Act providing for the issuance of special disabled veteran
2 vehicle registration plates to certain disabled veterans who
3 qualify for a persons with disabilities parking permit.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5852XS (1) 85
dea/tm

S.F. 2140

1 Section 1. Section 321.34, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 14A. *Disabled veteran plates.* An owner
4 referred to in subsection 12, or an owner of a trailer used
5 to transport a wheelchair, who is a veteran of the armed
6 forces of the United States and, due to a service-connected
7 disability, is a person with a disability as defined in
8 section 321L.1 may, upon written application to the department,
9 order special registration plates with a disabled veteran
10 processed emblem. The processed emblem shall be designed by
11 the department in consultation with the adjutant general.
12 The special registration plates with a disabled veteran
13 processed emblem shall only be issued if the application is
14 accompanied by documentation identifying the person as a
15 disabled veteran with a service-connected disability along
16 with a statement from a physician licensed under chapter 148
17 or 149, a physician assistant licensed under chapter 148C, an
18 advanced registered nurse practitioner licensed under chapter
19 152, or a chiropractor licensed under chapter 151, written on
20 the physician's, physician assistant's, nurse practitioner's,
21 or chiropractor's stationery, stating the nature of the
22 applicant's service-connected disability and such additional
23 information as required by rules adopted by the department.
24 The application shall be approved by the department, and the
25 disabled veteran plates shall be issued to the applicant in
26 exchange for the registration plates previously issued to the
27 person. There shall be no fee in addition to the regular
28 annual registration fee for the disabled veteran plates issued
29 under this subsection. The registration plates with a disabled
30 veteran processed emblem shall be surrendered in exchange for
31 regular registration plates as provided in subsection 12 when
32 the owner of the vehicle no longer qualifies as a person with a
33 disability as defined in section 321L.1.
34 Sec. 2. Section 321L.2, subsection 1, paragraph a,
35 subparagraph (1), Code 2014, is amended to read as follows:

S.F. 2140

(1) Persons with disabilities or disabled veteran registration plates. An applicant may order persons with disabilities registration plates or disabled veteran registration plates pursuant to section 321.34. An applicant may order a persons with disabilities registration plate or a disabled veteran registration plate for a trailer used to transport a wheelchair pursuant to section 321.34 in addition to persons with disabilities registration plates or disabled veteran registration plates ordered by the applicant for a motor vehicle used to tow such a trailer pursuant to section 321.34.

EXPLANATION

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

This bill provides for the issuance of special vehicle registration plates with a disabled veteran processed emblem, to be designed by the department of transportation in consultation with the adjutant general. The special disabled veteran plates are available to the owner of a motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer who is a veteran of the armed forces of the United States and, due to a service-connected disability, meets the definition of a person with a disability eligible to use persons with disabilities parking spaces. Application for the disabled veteran registration plates must be accompanied by documentation identifying the person as a disabled veteran with a service-connected disability along with a statement from a physician, physician assistant, advanced registered nurse practitioner, or chiropractor stating the nature of the applicant's service-connected disability and any additional information required by rules adopted by the department. Upon approval of the application by the department, the disabled veteran registration plates shall be issued without any additional fee, other than the regular registration fee for the vehicle. The disabled veteran registration plates shall

S.F. 2140

1 serve as a persons with a disability parking permit for the
2 disabled veteran. As with regular persons with disabilities
3 special plates, the disabled veteran plates are required to be
4 surrendered in exchange for regular registration plates when
5 the owner of the vehicle no longer qualifies as a person with a
6 disability for purposes of special parking privileges.

Senate File 2141 - Introduced

SENATE FILE 2141
BY ERNST

A BILL FOR

1 An Act relating to notice of human trafficking support
2 services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5916XS (2) 85
rh/nh

S.F. 2141

1 Section 1. Section 80.9, Code 2014, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 10. The department of public safety shall
4 develop and publish a notice on the department's internet site
5 of the existence of a national, toll-free telephone hotline
6 available as a resource for service providers and community
7 members to provide information relating to human trafficking
8 and to assist in identifying human trafficking victims. The
9 notice shall provide information about the services of the
10 hotline, including the reporting of suspected human trafficking
11 activity, resource and referral programs for victims of human
12 trafficking, and training opportunities for service providers.
13 Sec. 2. NEW SECTION. **710A.6 Support services.**
14 The department of public safety shall provide a notice
15 on the department's internet site relating to the existence
16 of a national, toll-free telephone hotline available as a
17 resource for service providers and community members to provide
18 information relating to human trafficking and to assist in
19 identifying human trafficking victims pursuant to section 80.9,
20 subsection 10.
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 public safety to
25 develop and publish a notice on the department's internet site
26 of the existence of a national, toll-free telephone hotline
27 available as a resource for service providers and community
28 members to provide information relating to human trafficking
29 and to assist in identifying human trafficking victims. The
30 notice shall provide information about the services of the
31 hotline, including the reporting of suspected human trafficking
32 activity, resource and referral programs for victims of human
33 trafficking, and training opportunities for service providers.

Senate File 2142 - Introduced

SENATE FILE 2142
BY SCHOENJAHN

A BILL FOR

1 An Act relating to the withdrawal of a specimen of blood or
2 urine for chemical testing pursuant to a search warrant
3 issued in an operating-while-intoxicated case.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5025SS (4) 85
rh/nh

S.F. 2142

Section 1. Section 321J.10, subsections 1, 4, 7, and 9, Code 2014, are amended to read as follows:

1. Refusal to consent to a test under section 321J.6 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 321J.2, subsection 2, paragraph *"b"* or *"c"* or section 707.5 or 707.6A ~~if all of the following grounds exist:~~

~~*a.* A traffic accident has resulted in a death or personal injury reasonably likely to cause death.~~

~~*b.* There are reasonable grounds to believe that one or more of the persons whose driving may have been the proximate cause of the accident was violating section 321J.2 at the time of the accident~~.

4. *a.* Search warrants issued under this section shall authorize and direct peace officers to secure the withdrawal of blood or urine specimens by medical personnel under section 321J.11. Reasonable care shall be exercised to ensure the health and safety of the persons from whom specimens are withdrawn in execution of the warrants.

b. If a person from whom a specimen is to be withdrawn objects to the withdrawal of blood, ~~the warrant may be executed as follows:~~

~~(1) If~~ but the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the warrant may be executed by the withdrawal of a specimen of breath for chemical testing, unless the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.

~~(2)~~ *c.* If the testimony in support of the warrant sets forth facts and information that the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a urine sample

S.F. 2142

1 ~~shall~~ may be collected in lieu of or in addition to a blood
2 sample~~, if the person is capable of giving a urine sample and~~
3 ~~the sample can be collected without the need to physically~~
4 ~~compel the execution of the warrant~~. If the person from whom a
5 specimen of urine is to be collected objects to the withdrawal
6 of a urine sample, a urine sample may be taken if the person
7 is capable of giving a urine sample and the sample can be
8 collected without the need to physically compel withdrawal of
9 the sample.
10 7. Specimens obtained pursuant to warrants issued under
11 this section or under chapter 808 in the investigation of a
12 suspected violation of section 321J.2, subsection 2, paragraph
13 *"b"* or *"c"*, or section 707.5 or 707.6A are not subject to
14 disposition under section 808.9 or chapter 809 or 809A.
15 9. Medical personnel who use reasonable care and accepted
16 medical practices in withdrawing blood or urine specimens are
17 immune from liability for their actions in complying with
18 requests made of them pursuant to search warrants or pursuant
19 to section 321J.11.
20 Sec. 2. Section 321J.10, subsection 3, paragraph c, Code
21 2014, is amended to read as follows:
22 *c.* The oral application testimony shall set forth facts and
23 information tending to establish the existence of the grounds
24 for the warrant ~~and shall describe with a reasonable degree of~~
25 ~~specificity the person or persons whose driving is believed~~
26 ~~to have been the proximate cause of the accident~~ and from
27 whom a specimen is to be withdrawn and the location where the
28 withdrawal of the specimen or specimens is to take place.
29 Sec. 3. Section 321J.10, Code 2014, is amended by adding the
30 following new subsection:
31 NEW SUBSECTION. 10. A constitutionally valid search
32 warrant issued under subsection 3 or chapter 808 shall not
33 be held invalid solely because of an error of fact made in
34 good faith as to whether the grounds specified in subsection 1
35 exist.

S.F. 2142

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 relates to the withdrawal of a specimen of blood or
5 urine for chemical testing pursuant or a search warrant issued
6 in an operating-while-intoxicated case.
7 Under current law, refusal to consent to a test under
8 Code section 321J.6 (implied consent) does not prohibit the
9 withdrawal of a specimen of blood for chemical testing pursuant
10 to a search warrant issued in the investigation of a suspected
11 involuntary manslaughter (Code section 707.5) or homicide or
12 serious injury by vehicle (Code section 707.6A) if a traffic
13 accident has resulted in a death or personal injury reasonably
14 likely to cause death and there are reasonable grounds to
15 believe that one or more of the persons whose driving may have
16 been the proximate cause of the accident were violating Code
17 section 321J.2 at the time of the accident. A urine sample
18 may be collected in lieu of a blood sample under certain
19 circumstances.
20 The bill provides that all second and subsequent Code
21 chapter 321J offenders can be forced to submit to blood or
22 urine testing pursuant to a search warrant and eliminates the
23 requirement that there must be reasonable grounds to believe
24 the person was violating Code section 321J.2 and an accident
25 occurred resulting in death or personal injury reasonably
26 likely to cause death, in addition to cases involving
27 involuntary manslaughter or homicide or serious injury by
28 vehicle. An officer may take a urine sample in lieu of or in
29 addition to a blood sample if the person is capable of giving a
30 urine sample and the sample can be collected without the need
31 to physically withdraw the sample. If the person from whom a
32 specimen of urine is to be collected objects to the withdrawal,
33 the person may voluntarily provide a urine sample if the person
34 is capable of giving a urine sample and the sample can be
35 collected without the need to physically withdraw the sample.

S.F. 2142

1 The bill provides that a constitutionally valid search
2 warrant shall not be held invalid solely because of an error
3 of fact made in good faith as to whether the grounds specified
4 in the bill exist.

Senate File 2143 - Introduced

SENATE FILE 2143
BY PETERSEN

A BILL FOR

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

TLSB 5723SS (3) 85
jp/nh

S.F. 2143

1 Section 1. Section 237A.13, subsection 7, paragraphs a and
2 c, Code 2014, are amended to read as follows:
3 *a.* Families with an income at or below one hundred percent
4 of the federal poverty level whose members ~~are employed~~, for
5 at least twenty-eight hours per week in the aggregate, are
6 employed or are participating at a satisfactory level in an
7 approved training program or educational program, and parents
8 with a family income at or below one hundred percent of the
9 federal poverty level who are under the age of twenty-one years
10 and are participating in an educational program leading to a
11 high school diploma or the equivalent.
12 *c.* Families with an income of more than one hundred percent
13 but not more than one hundred forty-five percent of the
14 federal poverty level whose members ~~are employed~~, for at least
15 twenty-eight hours per week in the aggregate, are employed
16 or are participating at a satisfactory level in an approved
17 training program or educational program.
18 Sec. 2. Section 237A.13, subsection 8, Code 2014, is amended
19 to read as follows:
20 8. Nothing in this section shall be construed as or is
21 intended as, or shall imply, a grant of entitlement for
22 services to persons who are eligible for assistance due to
23 an income level or other eligibility circumstance addressed
24 in this section. Any state obligation to provide services
25 pursuant to this section is limited to the extent of the funds
26 appropriated for the purposes of state child care assistance.
27 The department shall not redetermine the eligibility of a
28 program participant more frequently than every twelve months.
29 Sec. 3. STATE CHILD CARE ASSISTANCE APPLICATIONS —— MOBILE
30 DEVICES.
31 1. The department of human services shall review the
32 application form and other elements of the process used
33 by applicants to apply for the state child care assistance
34 program. The purpose of the review is to simplify the process
35 by eliminating requirements to provide unneeded or redundant

S.F. 2143

1 information and improving the wording of the application, and
2 identifying other options for improvement. The department
3 shall report the results of the review to the governor and
4 general assembly on or before December 1, 2014.
5 2. The department shall implement an application process
6 enhancement so that applicants for the state child care
7 assistance program may apply for the program using a telephone
8 mobile computer device.
9 Sec. 4. IMPLEMENTATION. The department of human services
10 shall adopt rules and take other actions as necessary to
11 implement the amendments to section 237A.13 in this Act, on
12 July 1, 2014.
13 EXPLANATION
14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.
16 This bill relates to the state child care assistance program
17 eligibility and application provisions.
18 State child care assistance program eligibility requirements
19 in Code section 237A.13 are addressed. The program is
20 administered by the department of human services. The
21 department establishes waiting list requirements for the
22 program based upon the availability of funding and eligibility
23 requirements for the program generally match the waiting
24 list requirements. The bill amends two of the waiting list
25 requirements that are based upon income and employment for at
26 least 28 hours per week or participation in an educational
27 program.
28 The bill revises the 28-hour-per-week employment requirement
29 to apply to a combination of employment and participation at a
30 satisfactory level in an approved training or education program
31 for 28 hours per week in the aggregate.
32 The bill provides that the department shall not redetermine
33 the eligibility of a program participant more frequently than
34 every 12 months.
35 The department is required to review the application

S.F. 2143

1 form and the process used to apply for the program to make
2 improvements. The results of the review are to be reported
3 to the governor and general assembly on or before December 1,
4 2014. In addition, the department is required to implement an
5 application process enhancement so that applicants may apply
6 for the program using a telephone mobile computer device.
7 The department is required to adopt rules and take other
8 actions as necessary for the bill to be implemented by July 1,
9 2014.

Senate File 2144 - Introduced

SENATE FILE 2144
BY PETERSEN

A BILL FOR

1 An Act establishing an Iowa healthiest children initiative in
2 the department of public health and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5718XS (7) 85
jp/rj

S.F. 2144

1 Section 1. NEW SECTION. **135.181 Iowa healthiest children**
2 **initiative.**
3 1. The Iowa healthiest children initiative is established
4 in the department. The purpose of the initiative is to develop
5 and implement a plan for Iowa children to become the healthiest
6 children in the nation by January 1, 2020. The areas of focus
7 addressed by the initiative shall include improvement of
8 physical, emotional, and mental health; access to basic needs
9 such as food security, housing, stable home environments, and
10 safe, quality child care settings; and promotion of healthy
11 behaviors such as tobacco-free and drug abuse-free living,
12 physical fitness, and childhood obesity prevention.
13 2. The department shall create a task force to develop an
14 implementation plan to achieve the purpose of the initiative.
15 The implementation plan, including findings, recommendations,
16 performance benchmarks, budget needs, and other implementation
17 provisions shall be submitted to the governor and general
18 assembly on or before July 1, 2014.
19 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
20 immediate importance, takes effect upon enactment.
21 EXPLANATION
22 **The inclusion of this explanation does not constitute agreement with**
23 **the explanation´s substance by the members of the general assembly.**
24 This bill establishes the Iowa healthiest children
25 initiative in the department of public health.
26 The purpose of the initiative is to develop and implement a
27 plan for Iowa children to become the healthiest children in the
28 nation by January 1, 2020. The health status areas of focus
29 addressed by the initiative are to include physical, emotional,
30 and mental health; access to basic needs; and promotion of
31 healthy behaviors. The department is required to create a
32 task force to develop an implementation plan to achieve the
33 purpose of the initiative. The implementation plan, including
34 findings, recommendations, performance benchmarks, budget
35 needs, and other implementation provisions is required to be

S.F. 2144

1 submitted to the governor and general assembly on or before
2 July 1, 2014.
3 The bill takes effect upon enactment.

Senate File 2145 - Introduced

SENATE FILE 2145
BY DVORSKY

A BILL FOR

1 An Act relating to elder and dependent adult abuse, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5795XS (13) 85
pf/rj

S.F. 2145

1 DIVISION I
2 ELDER AND DEPENDENT ADULT ABUSE
3 Section 1. Section 235B.1, Code 2014, is amended to read as
4 follows:
5 **235B.1 ~~Dependent~~ Elder and dependent adult abuse services.**
6 The department shall establish and operate ~~a~~ an elder and
7 dependent adult abuse services program. The program shall
8 emphasize the reporting and evaluation of cases of abuse of an
9 elder or a dependent adult who is unable to protect the adult's
10 own interests or unable to perform activities necessary to meet
11 essential human needs. The program shall include but is not
12 limited to:
13 1. The establishment of local or regional multidisciplinary
14 teams to assist in assessing the needs of, formulating and
15 monitoring a treatment plan for, and coordinating services to
16 victims of elder or dependent adult abuse. The membership of
17 a team shall include individuals who possess knowledge and
18 skills related to the diagnosis, assessment, and disposition of
19 elder and dependent adult abuse cases and who are professionals
20 practicing in the disciplines of medicine, public health,
21 mental health, social work, law, law enforcement, or other
22 disciplines relative to elders and dependent adults. Members
23 of a team shall include but are not limited to persons
24 representing the area agencies on aging, county attorneys,
25 health care providers, and other persons involved in advocating
26 or providing services to elders or dependent adults.
27 2. Provisions for information sharing and case consultation
28 among service providers, care providers, and victims of elder
29 or dependent adult abuse.
30 3. Procedures for referral of cases among service
31 providers, including the referral of victims of elder or
32 dependent adult abuse residing in licensed health care
33 facilities.
34 4. *a.* The establishment of ~~a~~ an elder and dependent adult
35 protective advisory council. The advisory council shall do all

S.F. 2145

1 of the following:
2 (1) Advise the director of human services, the director
3 of the department on aging, the director of the department of
4 inspections and appeals, the director of public health, the
5 director of the department of corrections, and the director of
6 the department of human rights regarding elder and dependent
7 adult abuse.
8 (2) Evaluate state law and rules and make recommendations
9 to the general assembly and to executive branch departments
10 regarding laws and rules concerning elders and dependent
11 adults.
12 (3) Receive and review recommendations and complaints from
13 the public, health care facilities, and health care programs
14 concerning the elder and dependent adult abuse services
15 program.
16 *b.* (1) The advisory council shall consist of twelve
17 members. Eight members shall be appointed by and serve at
18 the pleasure of the governor. Four of the members appointed
19 shall be appointed on the basis of knowledge and skill related
20 to expertise in the area of elder and dependent adult abuse
21 including professionals practicing in the disciplines of
22 medicine, public health, mental health, long-term care, social
23 work, law, and law enforcement. Two of the members appointed
24 shall be members of the general public with an interest in the
25 area of elder and dependent adult abuse and two of the members
26 appointed shall be members of the Iowa caregivers association.
27 In addition, the membership of the council shall include the
28 director or the director's designee of the department of human
29 services, the department on aging, the Iowa department of
30 public health, and the department of inspections and appeals.
31 (2) The members of the advisory council shall be appointed
32 to terms of four years beginning May 1. Appointments shall
33 comply with sections 69.16 and 69.16A. Vacancies shall be
34 filled in the same manner as the original appointment.
35 (3) Members shall receive actual expenses incurred while

S.F. 2145

1 serving in their official capacity.
2 (4) The advisory council shall select a chairperson,
3 annually, from its membership.
4 Sec. 2. Section 235B.2, Code 2014, is amended to read as
5 follows:
6 **235B.2 Definitions.**
7 As used in this chapter, unless the context otherwise
8 requires:
9 1. *a. "Abuse"* means:
10 (1) Any of the following as a result of the willful,
11 reckless, or negligent acts or omissions of an individual other
12 than the elder or dependent adult:
13 (a) Physical injury to, or injury which is at a variance
14 with the history given of the injury, or unreasonable
15 confinement, unreasonable punishment, or assault of an elder or
16 a dependent adult.
17 (b) The commission of a sexual offense under chapter 709 or
18 section 726.2 with or against an elder or a dependent adult.
19 (c) Financial exploitation of an elder or dependent adult
20 which means the illegal, unauthorized, or improper use of an
21 elder's or dependent adult's funds, property, or assets for
22 the personal or pecuniary profit or benefit of a person other
23 than the elder or dependent adult. Financial exploitation
24 includes but is not limited to obtaining the use of an
25 elder's or dependent adult's funds, property, or other assets
26 through undue influence, harassment, duress, deception, or
27 misrepresentation for the profit or benefit of a person other
28 than the elder or dependent adult.
29 (d) The deprivation of the minimum food, shelter, clothing,
30 supervision, physical or mental health care, or other care
31 necessary to maintain an elder's or a dependent adult's life
32 or health.
33 (2) The deprivation of the minimum food, shelter, clothing,
34 supervision, physical or mental health care, and other care
35 necessary to maintain a dependent adult's life or health as a

S.F. 2145

1 result of the acts or omissions of the dependent adult.
2 (3) (a) Sexual exploitation of an elder or a dependent
3 adult by an individual other than the elder or dependent adult.
4 (b) *"Sexual exploitation of an elder"* means any
5 nonconsensual sexual conduct with an elder which includes
6 but is not limited to kissing; touching of the clothed or
7 unclothed inner thigh, breast, groin, buttock, anus, pubes,
8 or genitals; or a sex act, as defined in section 702.17.
9 *"Sexual exploitation of an elder"* includes the nonconsensual
10 transmission, display, taking of electronic images of the
11 unclothed breast, groin, buttock, anus, pubes, or genitals
12 of an elder by another person for a purpose not related to
13 treatment or diagnosis or as part of an ongoing assessment,
14 evaluation, or investigation. *"Sexual exploitation of an*
15 *elder"* does not include touching which is part of a necessary
16 examination, treatment, or care by a caretaker acting within
17 the scope of the practice or employment of the caretaker;
18 the exchange of a brief touch or hug between the elder and a
19 caretaker for the purpose of reassurance, comfort, or casual
20 friendship; or touching between spouses or domestic partners.
21 (c) *"Sexual exploitation of a dependent adult"* means any
22 consensual or nonconsensual sexual conduct with a dependent
23 adult which includes but is not limited to kissing; touching of
24 the clothed or unclothed inner thigh, breast, groin, buttock,
25 anus, pubes, or genitals; or a sex act, as defined in section
26 702.17. *"Sexual exploitation of a dependent adult"* includes
27 the transmission, display, taking of electronic images of the
28 unclothed breast, groin, buttock, anus, pubes, or genitals
29 of a dependent adult by another person for a purpose not
30 related to treatment or diagnosis or as part of an ongoing
31 assessment, evaluation, or investigation. *"Sexual exploitation*
32 *of a dependent adult"* does not include touching which is part
33 of a necessary examination, treatment, or care by a caretaker
34 acting within the scope of the practice or employment of the
35 caretaker; the exchange of a brief touch or hug between the

S.F. 2145

1 dependent adult and a caretaker for the purpose of reassurance,
2 comfort, or casual friendship; or touching between spouses or
3 domestic partners.
4 *b. "Abuse"* does not include any of the following:
5 (1) Circumstances in which an elder or a dependent adult
6 declines medical treatment if the elder or dependent adult
7 holds a belief or is an adherent of a religion whose tenets
8 and practices call for reliance on spiritual means in place of
9 reliance on medical treatment.
10 (2) Circumstances in which an elder's or a dependent
11 adult's caretaker, acting in accordance with the elder's or
12 dependent adult's stated or implied consent, declines medical
13 treatment if the elder or dependent adult holds a belief or is
14 an adherent of a religion whose tenets and practices call for
15 reliance on spiritual means in place of reliance on medical
16 treatment.
17 (3) The withholding or withdrawing of health care from an
18 elder or a dependent adult who is terminally ill in the opinion
19 of a licensed physician, when the withholding or withdrawing
20 of health care is done at the request of the elder or dependent
21 adult or at the request of the elder's or dependent adult's
22 next of kin, attorney in fact, or guardian pursuant to the
23 applicable procedures under chapter 125, 144A, 144B, 222, 229,
24 or 633.
25 (4) Good-faith assistance by a family or household member
26 or other person in managing the financial affairs of an elder
27 or dependent adult at the request of the elder or a dependent
28 adult, or a family member, guardian, or conservator of the
29 elder or dependent adult.
30 ~~1.~~ 2. *"Caretaker"* means a related or nonrelated person who
31 has the responsibility for all or a portion of the protection,
32 care, or custody of an elder or a dependent adult as a result of
33 assuming the responsibility voluntarily, by contract, through
34 employment, or by order of the court.
35 ~~2.~~ 3. *"Court"* means the district court.

S.F. 2145

1 ~~3.~~ 4. *"Department"* means the department of human services.
2 ~~4.~~ 5. *"Dependent adult"* means a person eighteen years
3 of age or older who is unable to protect the person's own
4 interests or unable to adequately perform or obtain services
5 necessary to meet essential human needs, as a result of a
6 physical or mental condition which requires assistance from
7 another, or as defined by departmental rule.
8 ~~5. a.~~ 6. *"Dependent adult abuse"* means~~:~~ abuse of a
9 dependent adult.
10 ~~(1) Any of the following as a result of the willful or~~
11 ~~negligent acts or omissions of a caretaker:~~
12 ~~(a) Physical injury to, or injury which is at a variance~~
13 ~~with the history given of the injury, or unreasonable~~
14 ~~confinement, unreasonable punishment, or assault of a dependent~~
15 ~~adult.~~
16 ~~(b) The commission of a sexual offense under chapter 709 or~~
17 ~~section 726.2 with or against a dependent adult.~~
18 ~~(c) Exploitation of a dependent adult which means the act~~
19 ~~or process of taking unfair advantage of a dependent adult~~
20 ~~or the adult's physical or financial resources for one's own~~
21 ~~personal or pecuniary profit, without the informed consent~~
22 ~~of the dependent adult, including theft, by the use of undue~~
23 ~~influence, harassment, duress, deception, false representation,~~
24 ~~or false pretenses.~~
25 ~~(d) The deprivation of the minimum food, shelter, clothing,~~
26 ~~supervision, physical or mental health care, or other care~~
27 ~~necessary to maintain a dependent adult's life or health.~~
28 ~~(2) The deprivation of the minimum food, shelter, clothing,~~
29 ~~supervision, physical or mental health care, and other care~~
30 ~~necessary to maintain a dependent adult's life or health as a~~
31 ~~result of the acts or omissions of the dependent adult.~~
32 ~~(3) (a) Sexual exploitation of a dependent adult by a~~
33 ~~caretaker.~~
34 ~~(b) *"Sexual exploitation"* means any consensual or~~
35 ~~nonconsensual sexual conduct with a dependent adult which~~

S.F. 2145

~~includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17.~~

~~*"Sexual exploitation"* includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.~~

~~*b. "Dependent adult abuse"* does not include any of the following:~~

~~(1) Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.~~

~~(2) Circumstances in which the dependent adult's caretaker, acting in accordance with the dependent adult's stated or implied consent, declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.~~

~~(3) The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.~~

7. *"Elder"* means a resident of this state who is sixty-five

S.F. 2145

1 years of age or older.
2 8. *"Elder abuse"* means abuse of an elder.
3 ~~6.~~ 9. *"Emergency shelter services"* means and includes,
4 but is not limited to, secure crisis shelters or housing for
5 victims of elder or dependent adult abuse.
6 ~~7.~~ 10. *"Family or household member"* means a spouse,
7 a person cohabiting with the elder or dependent adult, a
8 parent, or a person related to the elder or dependent adult by
9 consanguinity or affinity, but does not include children of the
10 elder or dependent adult who are less than eighteen years of
11 age.
12 ~~8.~~ 11. *"Immediate danger to health or safety"* means
13 a situation in which death or severe bodily injury could
14 reasonably be expected to occur without intervention.
15 ~~9.~~ 12. *"Individual employed as an outreach person"* means a
16 natural person who, in the course of employment, makes regular
17 contacts with elder or dependent adults regarding available
18 community resources.
19 ~~10.~~ 13. *"Legal holiday"* means a legal public holiday as
20 defined in section 1C.1.
21 ~~11.~~ 14. *"Person"* means person as defined in section 4.1.
22 ~~12.~~ 15. *"Recklessly"* means that a person acts or fails to
23 act with respect to a material element of a public offense,
24 when the person is aware of and consciously disregards a
25 substantial and unjustifiable risk that the material element
26 exists or will result from the act or omission. The risk must
27 be of such a nature and degree that disregard of the risk
28 constitutes a gross deviation from the standard conduct that a
29 reasonable person would observe in the situation.
30 ~~13.~~ 16. *"Serious injury"* means the same as defined in
31 section 702.18.
32 ~~14.~~ 17. *"Support services"* includes but is not limited
33 to community-based services including area agency on aging
34 assistance, mental health services, fiscal management, home
35 health services, housing-related services, counseling services,

S.F. 2145

1 transportation services, adult day services, respite services,
2 legal services, and advocacy services.
3 Sec. 3. Section 235B.3, Code 2014, is amended to read as
4 follows:
5 **235B.3 ~~Dependent~~ Elder and dependent adult abuse reports.**
6 1. *a.* (1) The department shall receive elder and
7 dependent adult abuse reports and shall collect, maintain, and
8 disseminate the reports by establishing a central registry for
9 elder and dependent adult abuse information. The department
10 shall evaluate the reports expeditiously.
11 (2) However, the department of inspections and appeals
12 is solely responsible for the evaluation and disposition of
13 dependent adult abuse cases within facilities and programs
14 pursuant to chapter 235E and shall inform the department of
15 human services of such evaluations and dispositions pursuant
16 to section 235E.2.
17 (3) If, in the course of an assessment or evaluation of a
18 report of elder or dependent adult abuse, the department of
19 human services or the department of inspections and appeals
20 determines the case involves wages, workplace safety, or other
21 labor and employment matters under the jurisdiction of the
22 division of labor services of the department of workforce
23 development, the relevant portions of the case shall be
24 referred to the division.
25 (4) If, in the course of an assessment or evaluation of a
26 report of elder or dependent adult abuse, the department of
27 human services or the department of inspections and appeals
28 determines that the case involves discrimination under the
29 jurisdiction of the civil rights commission, the relevant
30 portions of the case shall be referred to the commission.
31 *b.* Reports of elder or dependent adult abuse which ~~is~~ are
32 the result of the acts or omissions of the elder or dependent
33 adult shall be collected and maintained in the files of the
34 elder or dependent adult as assessments only and shall not be
35 included in the central registry.

S.F. 2145

1 *c.* A report of elder or dependent adult abuse that meets
2 the definition of ~~dependent adult~~ abuse under section 235B.2,
3 subsection ~~5~~ 1, paragraph *"a"*, subparagraph (1), subparagraph
4 division (a) or (d), which the department determines is
5 minor, isolated, and unlikely to reoccur shall be collected
6 and maintained by the department as an assessment only for
7 a five-year period and shall not be included in the central
8 registry and shall not be considered to be founded elder or
9 dependent adult abuse. However, a subsequent report of elder
10 or dependent adult abuse that meets the definition of elder
11 or dependent adult abuse under section 235B.2, subsection ~~5~~
12 1, paragraph *"a"*, subparagraph (1), subparagraph division
13 (a) or (d), that occurs within the five-year period and that
14 is committed by the ~~caretaker~~ person responsible for the act
15 or omission which was the subject of the previous report of
16 elder or dependent adult abuse which the department determined
17 was minor, isolated, and unlikely to reoccur shall not be
18 considered minor, isolated, and unlikely to reoccur.
19 2. A person who, in the course of employment, examines,
20 attends, counsels, or treats ~~a~~ an elder or dependent adult and
21 reasonably believes the elder or dependent adult has suffered
22 abuse, shall report the suspected elder or dependent adult
23 abuse to the department. If the person making the report has
24 reason to believe that immediate protection for the elder or
25 dependent adult is advisable, the person shall also make an
26 oral report to an appropriate law enforcement agency. Persons
27 required to report include all of the following:
28 *a.* A member of the staff of a community mental health
29 center.
30 *b.* A peace officer.
31 *c.* An in-home homemaker-home health aide.
32 *d.* An individual employed as an outreach person.
33 *e.* A health practitioner, as defined in section 232.68.
34 *f.* A member of the staff or an employee of a supported
35 community living service, sheltered workshop, or work activity

S.F. 2145

1 center.
2 *g.* A social worker.
3 *h.* A certified psychologist.
4 3. *a.* If a staff member or employee is required to report
5 pursuant to this section, the person shall immediately notify
6 the department and shall also immediately notify the person in
7 charge or the person's designated agent.
8 *b.* The employer or supervisor of a person who is required to
9 or may make a report pursuant to this section shall not apply a
10 policy, work rule, or other requirement that interferes with
11 the person making a report of elder or dependent adult abuse
12 or that results in the failure of another person to make the
13 report.
14 4. An employee of a financial institution may report
15 suspected financial exploitation of an elder or a dependent
16 adult to the department.
17 5. Any other person who believes that an elder or a
18 dependent adult has suffered abuse may report the suspected
19 abuse to the department of human services.
20 6. Following the reporting of suspected elder or dependent
21 adult abuse, the department of human services or an agency
22 approved by the department shall complete an assessment of
23 necessary services and shall make appropriate referrals for
24 receipt of these services. The assessment shall include
25 interviews with the elder or dependent adult, and, if
26 appropriate, with the alleged perpetrator of the elder or
27 dependent adult abuse and with any person believed to have
28 knowledge of the circumstances of the case. The department
29 may provide necessary protective services and may establish a
30 sliding fee schedule for those persons able to pay a portion of
31 the protective services.
32 7. Upon a showing of probable cause that an elder or
33 a dependent adult has been abused, a court may authorize
34 a person, also authorized by the department, to make an
35 evaluation, to enter the residence of, and to examine the

S.F. 2145

1 elder or dependent adult. Upon a showing of probable cause
2 that an elder or a dependent adult has been financially
3 exploited, a court may authorize a person, also authorized by
4 the department, to make an evaluation, and to gain access to
5 the financial records of the elder or dependent adult.
6 8. If the department determines that disclosure is
7 necessary for the protection of an elder or a dependent adult,
8 the department may disclose to a subject of an elder or a
9 dependent adult abuse report referred to in section 235B.6,
10 subsection 2, paragraph *"a"*, that an individual is listed
11 in the child or elder and dependent adult abuse registry or
12 is required to register with the sex offender registry in
13 accordance with chapter 692A.
14 9. The department shall inform the appropriate county
15 attorneys of any reports of elder or dependent adult abuse.
16 The department may request information from any person believed
17 to have knowledge of a case of elder or dependent adult abuse.
18 The person, including but not limited to a county attorney,
19 a law enforcement agency, a multidisciplinary team, a social
20 services agency in the state, or any person who is required
21 pursuant to subsection 2 to report elder or dependent adult
22 abuse, whether or not the person made the specific elder or
23 dependent adult abuse report, shall cooperate and assist in
24 the evaluation upon the request of the department. If the
25 department's assessment reveals that elder or dependent adult
26 abuse exists which might constitute a criminal offense, a
27 report shall be made to the appropriate law enforcement agency.
28 County attorneys and appropriate law enforcement agencies shall
29 also take any other lawful action necessary or advisable for
30 the protection of the elder or dependent adult.
31 *a.* If, upon completion of the evaluation or upon referral
32 from the department of inspections and appeals, the department
33 determines that the best interests of the elder or dependent
34 adult require court action, the department shall initiate
35 action for the appointment of a guardian or conservator or

S.F. 2145

1 for admission or commitment to an appropriate institution
2 or facility pursuant to the applicable procedures under
3 chapter 125, 222, 229, or 633, or shall pursue other remedies
4 provided by law. The appropriate county attorney shall assist
5 the department in the preparation of the necessary papers
6 to initiate the action and shall appear and represent the
7 department at all district court proceedings.
8 *b.* The department shall assist the court during all stages
9 of court proceedings involving a suspected case of elder or
10 dependent adult abuse.
11 *c.* In every case involving abuse which is substantiated
12 by the department and which results in a judicial proceeding
13 on behalf of the elder or dependent adult, legal counsel
14 shall be appointed by the court to represent the elder or
15 dependent adult in the proceedings. The court may also appoint
16 a guardian ad litem to represent the elder or dependent adult
17 if necessary to protect the elder's or dependent adult's best
18 interests. The same attorney may be appointed to serve both as
19 legal counsel and as guardian ad litem. Before legal counsel
20 or a guardian ad litem is appointed pursuant to this section,
21 the court shall require the elder or dependent adult and any
22 person legally responsible for the support of the elder or
23 dependent adult to complete under oath a detailed financial
24 statement. If, on the basis of that financial statement, the
25 court deems that the elder or dependent adult or the legally
26 responsible person is able to bear all or a portion of the cost
27 of the legal counsel or guardian ad litem, the court shall so
28 order. In cases where the elder or dependent adult or the
29 legally responsible person is unable to bear the cost of the
30 legal counsel or guardian ad litem, the expense shall be paid
31 by the county.
32 10. A person participating in good faith in reporting or
33 cooperating with or assisting the department in evaluating
34 a case of elder or dependent adult abuse has immunity from
35 liability, civil or criminal, which might otherwise be incurred

S.F. 2145

1 or imposed based upon the act of making the report or giving
2 the assistance. The person has the same immunity with respect
3 to participating in good faith in a judicial proceeding
4 resulting from the report or cooperation or assistance or
5 relating to the subject matter of the report, cooperation, or
6 assistance.
7 11. It shall be unlawful for any person or employer to
8 discharge, suspend, or otherwise discipline a person required
9 to report or voluntarily reporting an instance of suspected
10 elder or dependent adult abuse pursuant to subsection 2 or
11 5, or cooperating with, or assisting the department of human
12 services in evaluating a case of elder or dependent adult
13 abuse, or participating in judicial proceedings relating to the
14 reporting or cooperation or assistance based solely upon the
15 person's reporting or assistance relative to the instance of
16 elder or dependent adult abuse. A person or employer found in
17 violation of this subsection is guilty of a simple misdemeanor.
18 12. A person required by this section to report a suspected
19 case of elder or dependent adult abuse who knowingly and
20 willfully fails to do so commits a simple misdemeanor. A
21 person required by this section to report a suspected case of
22 elder or dependent adult abuse who knowingly fails to do so
23 or who knowingly, in violation of subsection 3, interferes
24 with the making of such a report or applies a requirement that
25 results in such a failure is civilly liable for the damages
26 proximately caused by the failure.
27 13. The department of inspections and appeals shall adopt
28 rules which require facilities or programs to separate an
29 alleged elder or dependent adult abuser from a victim following
30 an allegation of perpetration of abuse and prior to the
31 completion of an investigation of the allegation.
32 Sec. 4. Section 235B.3A, Code 2014, is amended to read as
33 follows:
34 **235B.3A Prevention of additional abuse — notification of**
35 **rights.**

S.F. 2145

1 If a peace officer has reason to believe that elder or
2 dependent adult abuse, which is criminal in nature, has
3 occurred, the officer shall use all reasonable means to
4 prevent further abuse, including but not limited to any of the
5 following:
6 1. If requested, remaining on the scene as long as there is
7 a danger to the elder's or dependent adult's physical safety
8 without the presence of a peace officer, including but not
9 limited to staying in the dwelling unit, or if unable to remain
10 at the scene, assisting the elder or dependent adult in leaving
11 the residence and securing support services or emergency
12 shelter services.
13 2. Assisting the elder or dependent adult in obtaining
14 medical treatment necessitated by the elder or dependent adult
15 abuse, including providing assistance to the elder or dependent
16 adult in obtaining transportation to the emergency room of the
17 nearest hospital.
18 3. Providing ~~a~~ the elder or dependent adult with immediate
19 and adequate notice of the elder's or dependent adult's rights.
20 The notice shall consist of handing the elder or dependent
21 adult a document that includes the telephone numbers of
22 shelters, support groups, and crisis lines operating in the
23 area and contains a copy of the following written statement;
24 requesting the elder or dependent adult to read the card;
25 and asking the elder or dependent adult whether the elder or
26 dependent adult understands the rights:
27 *a.* You have the right to ask the court for the following help
28 on a temporary basis:
29 (1) Keeping the alleged perpetrator away from you, your
30 home, and your place of work.
31 (2) The right to stay at your home without interference from
32 the alleged perpetrator.
33 (3) Professional counseling for you, your family, or
34 household members, and the alleged perpetrator of the elder or
35 dependent adult abuse.

S.F. 2145

1 *b.* If you are in need of medical treatment, you have the
2 right to request that the peace officer present assist you in
3 obtaining transportation to the nearest hospital or otherwise
4 assist you.
5 *c.* If you believe that police protection is needed for
6 your physical safety, you have the right to request that the
7 peace officer present remain at the scene until you and other
8 affected parties can leave or safety is otherwise ensured.
9 Sec. 5. Section 235B.4, Code 2014, is amended to read as
10 follows:
11 **235B.4 Legislative findings and purposes.**
12 1. The general assembly finds and declares that a central
13 registry is required to provide a single source for the
14 statewide collection, maintenance, and dissemination of elder
15 and dependent adult abuse information. Such a registry is
16 imperative for increased effectiveness in dealing with the
17 problem of elder and dependent adult abuse. The general
18 assembly also finds that vigorous protection of rights of
19 individual privacy is an indispensable element of a fair and
20 effective system of collecting, maintaining, and disseminating
21 elder and dependent adult abuse information.
22 2. The purposes of this section and sections 235B.5 to
23 235B.13 are to facilitate the identification of victims or
24 potential victims of elder or dependent adult abuse by making
25 available a single, statewide source of elder and dependent
26 adult abuse data; to facilitate research on elder and dependent
27 adult abuse by making available a single, statewide source of
28 elder and dependent adult abuse data; and to provide maximum
29 safeguards against the unwarranted invasions of privacy which
30 such a registry might otherwise entail.
31 Sec. 6. Section 235B.5, Code 2014, is amended to read as
32 follows:
33 **235B.5 Creation and maintenance of a central registry.**
34 1. There is created within the department a central
35 registry for elder and dependent adult abuse information. The

S.F. 2145

1 department shall organize and staff the registry and adopt
2 rules for its operation.
3 2. The registry shall collect, maintain, and disseminate
4 elder and dependent adult abuse information as provided in this
5 chapter.
6 3. The department shall maintain a toll-free telephone
7 line, which shall be available on a twenty-four-hour-a-day,
8 seven-day-a-week basis and which the department and all other
9 persons may use to report cases of suspected elder or dependent
10 adult abuse and that all persons authorized by this chapter may
11 use for obtaining elder and dependent adult abuse information.
12 4. An oral report of suspected elder or dependent adult
13 abuse initially made to the central registry shall be
14 immediately transmitted by the department to the appropriate
15 county department of human services or law enforcement agency,
16 or both.
17 5. An oral report of suspected elder or dependent adult
18 abuse initially made to the central registry regarding a
19 facility or program as defined in section 235E.1 shall be
20 transmitted by the department to the department of inspections
21 and appeals on the first working day following the submitting
22 of the report.
23 6. The registry, upon receipt of a report of suspected
24 elder or dependent adult abuse, shall search the records of
25 the registry, and if the records of the registry reveal any
26 previous report of elder or dependent adult abuse involving
27 the same elder or dependent adult or if the records reveal any
28 other pertinent information with respect to the same elder or
29 dependent adult, the appropriate office of the department of
30 human services or the appropriate law enforcement agency shall
31 be immediately notified of that fact.
32 7. The central registry shall include but not be limited to
33 report data, investigation data, and disposition data.
34 Sec. 7. Section 235B.6, Code 2014, is amended to read as
35 follows:

S.F. 2145

1 **235B.6 Authorized access.**
2 1. Notwithstanding chapter 22, the confidentiality of
3 all elder and dependent adult abuse information shall be
4 maintained, except as specifically provided by subsections 2
5 and 3.
6 2. Access to elder and dependent adult abuse information
7 other than unfounded elder or dependent adult abuse information
8 is authorized only to the following persons:
9 *a.* A subject of a report including all of the following:
10 (1) To an elder or a dependent adult named in a report as
11 a victim of abuse or to the elder's or a dependent adult's
12 attorney or guardian ad litem.
13 (2) To a guardian or legal custodian, or that person's
14 attorney, of an elder or a dependent adult named in a report as
15 a victim of abuse.
16 (3) To the person or the attorney for the person named in a
17 report as having abused an elder or a dependent adult.
18 *b.* A person involved in an investigation of elder or
19 dependent adult abuse including all of the following:
20 (1) A health practitioner or mental health professional who
21 is examining, attending, or treating an elder or a dependent
22 adult whom such practitioner or professional believes or has
23 reason to believe has been the victim of abuse or to a health
24 practitioner or mental health professional whose consultation
25 with respect to an elder or a dependent adult believed to have
26 been the victim of abuse is requested by the department.
27 (2) An employee or agent of the department responsible for
28 the investigation of an elder or a dependent adult abuse report
29 or for the purpose of performing record checks as required
30 under section 135C.33.
31 (3) A representative of the department involved in the
32 certification or accreditation of an agency or program
33 providing care or services to an elder or a dependent adult
34 believed to have been a victim of abuse.
35 (4) A law enforcement officer responsible for assisting

S.F. 2145

1 in an investigation of an elder or a dependent adult abuse
2 allegation.
3 (5) A multidisciplinary team, if the department of human
4 services approves the composition of the multidisciplinary team
5 and determines that access to the team is necessary to assist
6 the department in the investigation, diagnosis, assessment, and
7 disposition of a case of elder or dependent adult abuse.
8 (6) The mandatory reporter who reported the elder or
9 dependent adult abuse in an individual case.
10 (7) Each board specified under chapter 147 and the Iowa
11 department of public health for the purpose of licensure,
12 certification or registration, disciplinary investigation, or
13 the renewal of licensure, certification or registration, or
14 disciplinary proceedings of health care professionals.
15 *c.* A person providing care to an elder or a dependent adult
16 including all of the following:
17 (1) A licensing authority for a facility, including a
18 facility or program defined in section 235E.1, providing care
19 to an elder or a dependent adult named in a report.
20 (2) A person authorized as responsible for the care or
21 supervision of an elder or a dependent adult named in a report
22 as a victim of abuse or a person named in a report as having
23 abused an elder or a dependent adult if the court or registry
24 deems access to elder or dependent adult abuse information by
25 such person to be necessary.
26 (3) An employee or agent of the department responsible
27 for registering or licensing or approving the registration or
28 licensing of a person, or to ~~an individual~~ a person providing
29 care to an elder or a dependent adult and regulated by the
30 department.
31 (4) The legally authorized protection and advocacy agency
32 recognized pursuant to section 135C.2 if a person identified in
33 the information as a victim or a perpetrator of abuse resided
34 in or receives services from a facility, including a facility
35 or program defined in section 235E.1, or agency because the

S.F. 2145

1 person is diagnosed as having a developmental disability or a
2 mental illness.
3 (5) To an administrator of an agency certified by the
4 department of human services to provide services under a
5 medical assistance home and community-based services waiver,
6 if the information concerns a person employed by or being
7 considered by the agency for employment.
8 (6) To the administrator of an agency providing mental
9 health, intellectual disability, or developmental disability
10 services under a county management plan developed pursuant to
11 section 331.439, if the information concerns a person employed
12 by or being considered by the agency for employment.
13 (7) To an administrator of a hospital licensed under chapter
14 135B if the data concerns a person employed or being considered
15 for employment by the hospital.
16 (8) An employee of an agency requested by the department
17 to provide case management or other services to the elder or
18 dependent adult.
19 *d.* Relating to judicial and administrative proceedings,
20 persons including all of the following:
21 (1) A court upon a finding that information is necessary
22 for the resolution of an issue arising in any phase of a case
23 involving elder or dependent adult abuse.
24 (2) A court or agency hearing an appeal for correction
25 of elder or dependent adult abuse information as provided in
26 section 235B.10.
27 (3) An expert witness or a witness who testifies at any
28 stage of an appeal necessary for correction of elder or
29 dependent adult abuse information as provided in section
30 235B.10.
31 (4) A court or administrative agency making a determination
32 regarding an unemployment compensation claim pursuant to
33 section 96.6.
34 *e.* Other persons including all of the following:
35 (1) A person conducting bona fide research on elder or

S.F. 2145

1 dependent adult abuse, but without information identifying
2 individuals named in an elder or a dependent adult abuse
3 report, unless having that information open to review is
4 essential to the research or evaluation and the authorized
5 registry officials give prior written approval and the elder or
6 dependent adult, the elder's or dependent adult's guardian or
7 guardian ad litem, and the person named in a report as having
8 abused an elder or a dependent adult give permission to release
9 the information.
10 (2) Registry or department personnel when necessary to the
11 performance of their official duties or a person or agency
12 under contract with the department to carry out official duties
13 and functions of the registry.
14 (3) The department of justice for the sole purpose of the
15 filing of a claim for reparation pursuant to sections 915.21
16 and 915.84.
17 (4) A legally constituted adult protection agency of
18 another state which is investigating or treating an elder or a
19 dependent adult named in a report as having been abused.
20 (5) The attorney for the department who is responsible for
21 representing the department.
22 (6) A health care facility administrator or the
23 administrator's designee, following the appeals process, for
24 the purpose of hiring staff or continued employment of staff.
25 (7) To the administrator of an agency providing care to an
26 elder or a dependent adult in another state, for the purpose of
27 performing an employment background check.
28 (8) To the superintendent, or the superintendent's
29 designee, of a school district or to the authorities in charge
30 of an accredited nonpublic school for purposes of a volunteer
31 or employment record check.
32 (9) The department of inspections and appeals for purposes
33 of record checks of applicants for employment with the
34 department of inspections and appeals.
35 (10) The state or a local long-term care ombudsman if the

S.F. 2145

1 victim resides in or the alleged perpetrator is an employee of
2 a long-term care facility as defined in section 231.4.
3 (11) The state office or a local office of substitute
4 decision maker as defined in section 231E.3, if the information
5 relates to the provision of legal services for a client served
6 by the state or local office of substitute decision maker.
7 (12) A nursing program that is approved by the state board
8 of nursing under section 152.5, if the information relates to a
9 record check performed pursuant to section 152.5.
10 (13) To the board of educational examiners created under
11 chapter 272 for purposes of determining whether a license,
12 certificate, or authorization should be issued, denied, or
13 revoked.
14 (14) The department on aging for the purposes of conducting
15 background checks of applicants for employment with the
16 department on aging.
17 (15) To the Iowa veterans home for purposes of record checks
18 of potential volunteers and volunteers in the Iowa veterans
19 home.
20 (16) To the administrator of a certified nurse aide program,
21 if the data relates to a record check of a student of the
22 program performed pursuant to section 135C.33.
23 (17) To the administrator of a juvenile detention or shelter
24 care home, if the data relates to a record check of an existing
25 or prospective employee, resident, or volunteer for or in the
26 home.
27 (18) To the employer or prospective employer of a school bus
28 driver for purposes of an employment record check.
29 *f.* To a person who submits written authorization from
30 an individual allowing the person access to information on
31 the determination only on whether or not the individual who
32 authorized the access is named in a founded elder or dependent
33 adult abuse report as having abused an elder or a dependent
34 adult.
35 3. Access to unfounded elder or dependent adult abuse

S.F. 2145

information is authorized only to those persons identified in subsection 2, paragraph *"a"*, paragraph *"b"*, subparagraphs (2), (5), and (6), and paragraph *"e"*, subparagraphs (2) and (10).

Sec. 8. Section 235B.7, Code 2014, is amended to read as follows:

235B.7 Requests for elder or dependent adult abuse information.

1. Requests for elder or dependent adult abuse information shall be in writing on forms prescribed by the department, except as otherwise provided by subsection 2. Request forms shall require information sufficient to demonstrate authorized access.

2. Requests for elder or dependent adult abuse information may be made orally by telephone if a person making the request believes that the information is needed immediately and if information sufficient to demonstrate authorized access is provided. If a request is made orally by telephone, a written request form shall be filed within seventy-two hours of the oral request.

3. Subsections 1 and 2 do not apply to elder or dependent adult abuse information that is disseminated to an employee of the department or to the attorney representing the department as authorized by section 235B.6.

Sec. 9. Section 235B.8, Code 2014, is amended to read as follows:

235B.8 Redissemination of elder or dependent adult abuse information.

1. A recipient of elder or dependent adult abuse information authorized to receive the information shall not redisseminate the information, except that redissemination shall be permitted when all of the following conditions apply:

a. The redissemination is for official purposes in connection with prescribed duties or, in the case of a health practitioner, pursuant to professional responsibilities.

b. The person to whom such information would be

S.F. 2145

1 redisseminated would have independent access to the same
2 information under section 235B.6.
3 *c.* A written record is made of the redissemination,
4 including the name of the recipient and the date and purpose
5 of the redissemination.
6 *d.* The written record is forwarded to the registry within
7 thirty days of the redissemination.
8 2. The department may notify, orally, the mandatory
9 reporter in an individual elder or dependent adult abuse
10 case of the results of the case investigation and of the
11 confidentiality provisions of sections 235B.6 and 235B.12.
12 The department shall subsequently transmit a written notice
13 to the mandatory reporter of the results and confidentiality
14 provisions. A copy of the written notice shall be transmitted
15 to the registry and shall be maintained by the registry as
16 provided in section 235B.9.
17 Sec. 10. Section 235B.9, Code 2014, is amended to read as
18 follows:
19 **235B.9 Sealing and expungement of elder or dependent adult**
20 **abuse information.**
21 1. ~~Dependent~~ Elder and dependent adult abuse information
22 which is determined by a preponderance of the evidence to
23 be founded, shall be sealed ten years after the receipt of
24 the initial report of such abuse by the registry unless good
25 cause is shown why the information should remain open to
26 authorized access. If a subsequent report of founded elder
27 or dependent adult abuse involving the elder or dependent
28 adult named in the initial report as the victim of abuse or
29 a person named in such report as having abused an elder or a
30 dependent adult is received by the registry within the ten-year
31 period, the information shall be sealed ten years after receipt
32 of the subsequent report unless good cause is shown why the
33 information should remain open to authorized access.
34 2. *a.* ~~Dependent~~ Elder or dependent adult abuse reports
35 that are rejected for evaluation, assessment, or disposition

S.F. 2145

1 for failure to meet the definition of elder or dependent adult
2 abuse shall be expunged three years from the rejection date.
3 *b.* ~~Dependent~~ Elder or dependent adult abuse information
4 which is determined by a preponderance of the evidence to be
5 unfounded shall be expunged five years from the date it is
6 determined to be unfounded.
7 3. However, if a correction of elder or dependent adult
8 abuse information is requested under section 235B.10 and the
9 issue is not resolved at the end of one year the information
10 shall be retained until the issue is resolved and if the elder
11 or dependent adult abuse information is not determined to be
12 founded, the information shall be expunged one year from the
13 date it is determined to be unfounded.
14 4. The registry, at least annually, shall review and
15 determine the current status of elder or dependent adult abuse
16 reports which are at least one year old and in connection with
17 which no investigatory report has been filed by the department.
18 If no investigatory report has been filed, the registry shall
19 request the department to file a report. If a report is not
20 filed within ninety days subsequent to a request, the report
21 and relative information shall be sealed and remain sealed
22 unless good cause is shown why the information should remain
23 open to authorized access.
24 5. ~~Dependent~~ Elder or dependent adult abuse information
25 which is determined to be minor, isolated, and unlikely to
26 reoccur shall be expunged five years after the receipt of the
27 initial report by the department. If a subsequent report of
28 elder or dependent adult abuse committed by the ~~caretaker~~
29 person responsible for the act or omission which was the
30 subject of the previous report of elder or dependent adult
31 abuse which the department determined was minor, isolated, and
32 unlikely to reoccur is received by the department within the
33 five-year period, the information shall be sealed ten years
34 after receipt of the subsequent report unless good cause can
35 be shown why the information should remain open to authorized

S.F. 2145

1 access.
2 Sec. 11. Section 235B.10, Code 2014, is amended to read as
3 follows:
4 **235B.10 Examination, requests for correction or expungement**
5 **and appeal.**
6 1. Any person or that person's attorney shall have the
7 right to examine elder and dependent adult abuse information
8 in the registry which refers to that person. The registry may
9 prescribe reasonable hours and places of examination.
10 2. A person may file with the department within six months
11 of the date of the notice of the results of an investigation,
12 a written statement to the effect that elder or dependent
13 adult abuse information referring to the person is in whole
14 or in part erroneous, and may request a correction of that
15 information or of the findings of the investigation report.
16 The department shall provide the person with an opportunity for
17 an evidentiary hearing pursuant to chapter 17A to correct the
18 information or the findings, unless the department corrects the
19 information or findings as requested. The department shall
20 delay the expungement of information which is not determined
21 to be founded until the conclusion of a proceeding to correct
22 the information or findings. The department may defer the
23 hearing until the conclusion of a court case relating to the
24 information or findings.
25 3. The decision resulting from the hearing may be appealed
26 to the court of Polk county by the person requesting the
27 correction or to the court of the district in which the person
28 resides. Immediately upon appeal the court shall order the
29 department to file with the court a certified copy of the elder
30 or dependent adult abuse information. Appeal shall be taken
31 in accordance with chapter 17A.
32 4. Upon the request of the appellant, the record and
33 evidence in such cases shall be closed to all but the court
34 and its officers, and access to the record and evidence shall
35 be prohibited unless otherwise ordered by the court. The

S.F. 2145

clerk shall maintain a separate docket for such actions. A person other than the appellant shall not permit a copy of the testimony or pleadings or the substance of the testimony or pleadings to be made available to any person other than a party to the action or the party's attorney. Violation of the provisions of this subsection shall be a public offense punishable under section 235B.12.

5. If the registry corrects or eliminates information as requested or as ordered by the court, the registry shall advise all persons who have received the incorrect information of the fact. Upon application to the court and service of notice on the registry, ~~an individual~~ a person may request and obtain a list of all persons who have received elder or dependent adult abuse information referring to the ~~individual~~ person.

6. In the course of any proceeding provided for by this section, the identity of the person who reported the disputed information and the identity of any person who has been reported as having abused an elder or a dependent adult may be withheld upon a determination by the registry that disclosure of the person's identity would be detrimental to the person's interest.

Sec. 12. Section 235B.11, Code 2014, is amended to read as follows:

235B.11 Civil remedy.

Any aggrieved person may institute a civil action for damages under chapter 669 or 670 or to restrain the dissemination of elder or dependent adult abuse information in violation of this chapter, and any person proven to have disseminated or to have requested and received elder or dependent adult abuse information in violation of this chapter shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney's fees incurred by the party bringing the action. In no case shall the award for damages be less than five hundred dollars.

S.F. 2145

1 Sec. 13. Section 235B.12, Code 2014, is amended to read as
2 follows:
3 **235B.12 Criminal penalties.**
4 1. Any person who willfully requests, obtains, or seeks
5 to obtain elder or dependent adult abuse information under
6 false pretenses, or who willfully communicates or seeks to
7 communicate elder or dependent adult abuse information to
8 any person except in accordance with sections 235B.6 through
9 235B.8, or any person connected with any research authorized
10 pursuant to section 235B.6 who willfully falsifies elder or
11 dependent adult abuse information or any records relating to
12 the information is guilty of a serious misdemeanor. Any person
13 who knowingly, but without criminal purposes, communicates or
14 seeks to communicate elder or dependent adult abuse information
15 except in accordance with sections 235B.6 through 235B.8 is
16 guilty of a simple misdemeanor.
17 2. Any reasonable grounds for belief that a person has
18 violated any provision of this chapter is grounds for the
19 immediate withdrawal of any authorized access the person might
20 otherwise have to elder or dependent adult abuse information.
21 Sec. 14. Section 235B.13, Code 2014, is amended to read as
22 follows:
23 **235B.13 Registry reports.**
24 1. The registry may compile statistics, conduct research,
25 and issue reports on elder and dependent adult abuse, provided
26 identifying details of the subjects of elder or dependent adult
27 abuse reports are deleted from any report issued.
28 2. The registry shall issue an annual report on its
29 administrative operation, including information as to the
30 number of requests for elder or dependent adult abuse data, the
31 proportion of requests attributable to each type of authorized
32 access, the frequency and nature of irregularities, and other
33 pertinent matters.
34 Sec. 15. Section 235B.16, Code 2014, is amended to read as
35 follows:

S.F. 2145

235B.16 Information, education, and training requirements.

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

a. Informing the public regarding the laws governing elder and dependent adult abuse and the reporting requirements for dependent adult abuse.

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

c. Affecting public attitudes regarding the role of an elder or a dependent adult in society.

2. The department, in cooperation with the department on aging and the department of inspections and appeals, shall institute a program of education and training for persons, including members of provider groups and family members, who may come in contact with elder or dependent adult abuse. The program shall include but is not limited to instruction regarding recognition of elder and dependent adult abuse and the procedure for the reporting of suspected abuse.

3. The content of the continuing education required pursuant to chapter 272C for a licensed professional providing care or service to an elder or a dependent adult shall include, but is not limited to, the responsibilities, obligations, powers, and duties of a person regarding the reporting of suspected elder or dependent adult abuse, and training to aid the professional in identifying instances of elder or dependent adult abuse.

4. The department of inspections and appeals shall provide training to investigators regarding the collection and preservation of evidence in the case of suspected elder or dependent adult abuse.

5. *a.* For the purposes of this subsection, *"licensing*

S.F. 2145

1 *board"* means a board designated in section 147.13, the board of
2 educational examiners created in section 272.2, or a licensing
3 board as defined in section 272C.1.
4 *b.* A person required to report cases of elder or dependent
5 adult abuse pursuant to sections 235B.3 and 235E.2, other than
6 a physician whose professional practice does not regularly
7 involve providing primary health care to adults, shall complete
8 two hours of training relating to the identification and
9 reporting of elder or dependent adult abuse within six months
10 of initial employment or self-employment which involves the
11 examination, attending, counseling, or treatment of adults on
12 a regular basis. Within one month of initial employment or
13 self-employment, the person shall obtain a statement of the
14 elder and dependent adult abuse reporting requirements from the
15 person's employer or, if self-employed, from the department.
16 The person shall complete at least two hours of additional
17 elder and dependent adult abuse identification and reporting
18 training every five years.
19 *c.* If the person is an employee of a hospital or similar
20 public or private facility, the employer shall be responsible
21 for providing the training. To the extent that the employer
22 provides approved training on the employer's premises, the
23 hours of training completed by employees shall be included in
24 the calculation of nursing or service hours required to be
25 provided to a patient or resident per day. If the person is
26 self-employed, employed in a licensed or certified profession,
27 or employed by a facility or program that is subject to
28 licensure, regulation, or approval by a state agency, the
29 person shall obtain the training as provided in paragraph *"d"*.
30 *d.* The person may complete the initial or additional
31 training requirements as a part of any of the following that
32 are applicable to the person:
33 (1) A continuing education program required under chapter
34 272C and approved by the appropriate licensing board.
35 (2) A training program using a curriculum approved by the

S.F. 2145

1 director of public health pursuant to section 135.11.
2 (3) A training program using such an approved curriculum
3 offered by the department of human services, the department on
4 aging, the department of inspections and appeals, the Iowa law
5 enforcement academy, or a similar public agency.
6 *e.* A person required to complete both child abuse and elder
7 and dependent adult abuse mandatory reporter training may
8 complete the training through a program which combines child
9 abuse and elder and dependent adult abuse curricula and thereby
10 meet the training requirements of both this subsection and
11 section 232.69 simultaneously. A person who is a mandatory
12 reporter for both child abuse and elder and dependent adult
13 abuse may satisfy the combined training requirements of this
14 subsection and section 232.69 through completion of a two-hour
15 training program, if the training program curriculum is
16 approved by the appropriate licensing board or the director of
17 public health pursuant to section 135.11.
18 *f.* A licensing board with authority over the license of a
19 person required to report cases of elder and dependent adult
20 abuse pursuant to sections 235B.3 and 235E.2 shall require as a
21 condition of licensure that the person is in compliance with
22 the requirements for abuse training under this subsection.
23 The licensing board shall require the person upon licensure
24 renewal to accurately document for the licensing board the
25 person's completion of the training requirements. However,
26 the licensing board may adopt rules providing for waiver or
27 suspension of the compliance requirements, if the waiver or
28 suspension is in the public interest, applicable to a person
29 who is engaged in active duty in the military service of this
30 state or of the United States, to a person for whom compliance
31 with the training requirements would impose a significant
32 hardship, or to a person who is practicing a licensed
33 profession outside this state or is otherwise subject to
34 circumstances that would preclude the person from encountering
35 elder or dependent adult abuse in this state.

S.F. 2145

1 *g.* For persons required to report cases of elder and
2 dependent adult abuse pursuant to sections 235B.3 and 235E.2,
3 who are not engaged in a licensed profession that is subject
4 to the authority of a licensing board but are employed by
5 a facility or program subject to licensure, registration,
6 or approval by a state agency, the agency shall require as
7 a condition of the renewal of the facility's or program's
8 licensure, registration, or approval, that such persons
9 employed by the facility or program are in compliance with the
10 training requirements of this subsection.
11 *h.* For peace officers, the elected or appointed official
12 designated as the head of the agency employing the peace
13 officer shall ensure compliance with the training requirements
14 of this subsection.
15 *i.* For persons required to report cases of elder and
16 dependent adult abuse pursuant to sections 235B.3 and
17 235E.2 who are employees of state departments and political
18 subdivisions of the state, the department director or the chief
19 administrator of the political subdivision shall ensure the
20 persons' compliance with the training requirements of this
21 subsection.
22 6. The department shall require an educational program for
23 employees of the registry on the proper use and control of
24 elder and dependent adult abuse information.
25 Sec. 16. Section 235B.16A, subsection 1, Code 2014, is
26 amended to read as follows:
27 1. The elder and dependent adult protective advisory
28 council established pursuant to section 235B.1 shall recommend
29 a uniform assessment instrument and process for adoption and
30 use by the department of human services and other agencies
31 involved with assessing a dependent adult's degree of
32 dependency and determining whether dependent adult abuse has
33 occurred. However, this section shall not apply to dependent
34 adult abuse assessments and determinations made under chapter
35 235E.

S.F. 2145

1 Sec. 17. Section 235B.17, Code 2014, is amended to read as
2 follows:
3 **235B.17 Provision of protective services with the consent of**
4 **elder or dependent adult — caretaker refusal.**
5 1. If a caretaker of an elder or a dependent adult, who
6 consents to the receipt of protective services, refuses to
7 allow provision of the services, the department may petition
8 the court with probate jurisdiction in the county in which the
9 elder or dependent adult resides for an order enjoining the
10 caretaker from interfering with the provision of services.
11 2. The petition shall be verified and shall allege specific
12 facts sufficient to demonstrate that the elder or dependent
13 adult is in need of protective services and consents to the
14 provision of services and that the caretaker refuses to allow
15 provision of the services. The petition shall include all of
16 the following:
17 *a.* The name, date of birth, and address of the elder or
18 dependent adult alleged to be in need of protective services.
19 *b.* The protective services required.
20 *c.* The name and address of the caretaker refusing to allow
21 the provision of services.
22 3. The court shall set the case for hearing within fourteen
23 days of the filing of the petition. The elder or dependent
24 adult and the caretaker refusing to allow the provision of
25 services shall receive at least five days' notice of the
26 hearing.
27 4. If the judge finds by clear and convincing evidence that
28 the elder or dependent adult is in need of protective services
29 and consents to the services and that the caretaker refuses to
30 allow the services, the judge may issue an order enjoining the
31 caretaker from interfering with the provision of the protective
32 services.
33 Sec. 18. Section 235B.18, Code 2014, is amended to read as
34 follows:
35 **235B.18 Provision of services to elder or dependent adult who**

S.F. 2145

1 **lacks capacity to consent — hearing — findings.**
2 1. If the department reasonably determines that an elder or
3 a dependent adult is a victim of elder or dependent adult abuse
4 and lacks capacity to consent to the receipt of protective
5 services, the department may petition the district court in the
6 county in which the elder or dependent adult resides for an
7 order authorizing the provision of protective services. The
8 petition shall allege specific facts sufficient to demonstrate
9 that the elder or dependent adult is in need of protective
10 services and lacks capacity to consent to the receipt of
11 services.
12 2. The petition specified in subsection 1 shall be verified
13 and shall include all of the following:
14 *a.* The name, date of birth, and address of the elder or
15 dependent adult alleged to be in need of protective services.
16 *b.* The nature of the elder or dependent adult abuse.
17 *c.* The protective services required.
18 3. The court shall set the case for hearing within fourteen
19 days of the filing of the petition. The elder or dependent
20 adult shall receive at least five days' notice of the hearing.
21 The elder or dependent adult has the right to be present
22 and represented by counsel at the hearing. If the elder or
23 dependent adult, in the determination of the judge, lacks the
24 capacity to waive the right of counsel, the court may appoint a
25 guardian ad litem for the elder or dependent adult.
26 4. If, at the hearing, the judge finds by clear and
27 convincing evidence that the elder or dependent adult is in
28 need of protective services and lacks the capacity to consent
29 to the receipt of protective services, the judge may issue an
30 order authorizing the provision of protective services. The
31 order may include the designation of a person to be responsible
32 for performing or obtaining protective services on behalf
33 of the elder or dependent adult or otherwise consenting to
34 the receipt of protective services on behalf of the elder or
35 dependent adult. Within sixty days of the appointment of such

S.F. 2145

a person the court shall conduct a review to determine if a petition shall be initiated in accordance with section 633.552 for good cause shown. The court may extend the sixty-day period for an additional sixty days, at the end of which the court shall conduct a review to determine if a petition shall be initiated in accordance with section 633.552. ~~A~~ An elder or a dependent adult shall not be committed to a mental health facility under this section.

5. A determination by the court that an elder or a dependent adult lacks the capacity to consent to the receipt of protective services under this chapter shall not affect incompetency proceedings under sections 633.552 through 633.556 or any other proceedings, and incompetency proceedings under sections 633.552 through 633.556 shall not have a conclusive effect on the question of capacity to consent to the receipt of protective services under this chapter. A person previously adjudicated as incompetent under the relevant provisions of chapter 633 is entitled to the care, protection, and services under this chapter.

6. This section shall not be construed and is not intended as and shall not imply a grant of entitlement for services to persons who are not otherwise eligible for the services or for utilization of services which do not currently exist or are not otherwise available.

Sec. 19. Section 235B.19, Code 2014, is amended to read as follows:

235B.19 Emergency order for protective services.

1. If the department determines that an elder or a dependent adult is suffering from elder or dependent adult abuse which presents an immediate danger to the health or safety of the elder or dependent adult or which results in irreparable harm to the ~~physical or financial resources or~~ funds, property, or assets of the elder or dependent adult, and that the elder or dependent adult lacks capacity to consent to receive protective services and that no consent can be obtained, the department

S.F. 2145

1 may petition the court with probate jurisdiction in the county
2 in which the elder or dependent adult resides for an emergency
3 order authorizing protective services.
4 2. The petition shall be verified and shall include all of
5 the following:
6 *a.* The name, date of birth, and address of the elder or
7 dependent adult who needs protective services.
8 *b.* The nature of the elder or dependent adult abuse.
9 *c.* The services required.
10 3. *a.* The department shall serve a copy of the petition
11 and any order authorizing protective services, if issued, on
12 the elder or dependent adult and on persons who are competent
13 adults and reasonably ascertainable at the time the petition is
14 filed in accordance with the following priority, as applicable:
15 (1) An attorney in fact named by the elder or dependent
16 adult in a durable power of attorney for health care pursuant
17 to chapter 144B.
18 (2) The elder's or dependent adult's spouse.
19 (3) The elder's or dependent adult's children.
20 (4) The elder's or dependent adult's grandchildren.
21 (5) The elder's or dependent adult's siblings.
22 (6) The elder's or dependent adult's aunts and uncles.
23 (7) The elder's or dependent adult's nieces and nephews.
24 (8) The elder's or dependent adult's cousins.
25 *b.* When the department has served a person in one of the
26 categories specified in paragraph "*a*", the department shall not
27 be required to serve a person in any other category.
28 *c.* The department shall serve the elder's or dependent
29 adult's copy of the petition and order personally upon the
30 elder or dependent adult. Service of the petition and all
31 other orders and notices shall be in a sealed envelope with the
32 proper postage on the envelope, addressed to the person being
33 served at the person's last known post office address, and
34 deposited in a mail receptacle provided by the United States
35 postal service. The department shall serve such copies of

S.F. 2145

emergency orders authorizing protective services and notices within three days after filing the petition and receiving such orders.

d. The department and all persons served by the department with notices under this subsection shall be prohibited from all of the following without prior court approval after the department's petition has been filed:

(1) Selling, removing, or otherwise disposing of the elder's or dependent adult's personal property.

(2) Withdrawing funds from any bank, savings association, credit union, or other financial institution, or from an account containing securities in which the elder or dependent adult has an interest.

4. Upon finding that there is probable cause to believe that the elder or dependent adult abuse presents an immediate threat to the health or safety of the elder or dependent adult or which results in irreparable harm to the physical or financial resources or property of the elder or dependent adult, and that the elder or dependent adult lacks capacity to consent to the receipt of services, the court may do any of the following:

a. Order removal of the elder or dependent adult to safer surroundings.

b. Order the provision of medical services.

c. Order the provision of other available services necessary to remove conditions creating the danger to health or safety, including the services of peace officers or emergency services personnel and the suspension of the powers granted to a guardian or conservator and the subsequent appointment of a new temporary guardian or new temporary conservator pursuant to subsection 5 pending a decision by the court on whether the powers of the initial guardian or conservator should be reinstated or whether the initial guardian or conservator should be removed.

5. *a.* Notwithstanding sections 633.552 and 633.573, upon a finding that there is probable cause to believe that the

S.F. 2145

1 elder or dependent adult abuse presents an immediate danger
2 to the health or safety of the elder or dependent adult or
3 is producing irreparable harm to the physical or financial
4 resources or property of the elder or dependent adult, and that
5 the elder or dependent adult lacks capacity to consent to the
6 receipt of services, the court may order the appointment of
7 a temporary guardian or temporary conservator without notice
8 to the elder or dependent adult or the elder's or dependent
9 adult's attorney if all of the following conditions are met:
10 (1) It clearly appears from specific facts shown by
11 affidavit or by the verified petition that an elder's or a
12 dependent adult's decision-making capacity is so impaired that
13 the elder or dependent adult is unable to care for the elder's
14 or dependent adult's personal safety or to attend to or provide
15 for the elder's or dependent adult's basic necessities or that
16 immediate and irreparable injury, loss, or damage will result
17 to the physical or financial resources or property of the
18 elder or dependent adult before the elder or dependent adult
19 or the elder's or dependent adult's attorney can be heard in
20 opposition.
21 (2) The department certifies to the court in writing
22 any efforts the department has made to give the notice or
23 the reasons supporting the claim that notice should not be
24 required.
25 (3) The department files with the court a request for a
26 hearing on the petition for the appointment of a temporary
27 guardian or temporary conservator.
28 (4) The department certifies that the notice of the
29 petition, order, and all filed reports and affidavits will be
30 sent to the elder or dependent adult by personal service within
31 the time period the court directs but not more than seventy-two
32 hours after entry of the order of appointment.
33 *b.* An order of appointment of a temporary guardian or
34 temporary conservator entered by the court under paragraph *"a"*
35 shall expire as prescribed by the court but within a period of

S.F. 2145

1 not more than thirty days unless extended by the court for good
2 cause.
3 *c.* A hearing on the petition for the appointment of a
4 temporary guardian or temporary conservator shall be held
5 within the time specified in paragraph *"b"*. If the department
6 does not proceed with a hearing on the petition, the court, on
7 the motion of any party or on its own motion, may dismiss the
8 petition.
9 6. The emergency order expires at the end of seventy-two
10 hours from the time of the order unless the seventy-two-hour
11 period ends on a Saturday, Sunday, or legal holiday in which
12 event the order is automatically extended to 4:00 p.m. on the
13 first succeeding business day. An order may be renewed for
14 not more than fourteen additional days. A renewal order that
15 ends on a Saturday, Sunday, or legal holiday is automatically
16 extended to 4:00 p.m. on the first succeeding business day.
17 The court may modify or terminate the emergency order on the
18 petition of the department, the elder or dependent adult, or
19 any person interested in the elder's or dependent adult's
20 welfare.
21 7. If the department cannot obtain an emergency order
22 under this section due to inaccessibility of the court, the
23 department may contact law enforcement to remove the elder or
24 dependent adult to safer surroundings, authorize the provision
25 of medical treatment, and order the provision of or provide
26 other available services necessary to remove conditions
27 creating the immediate danger to the health or safety of the
28 elder or dependent adult or which are producing irreparable
29 harm to the physical or financial resources or property of
30 the elder or dependent adult. The department shall obtain an
31 emergency order under this section not later than four p.m.
32 on the first succeeding business day after the date on which
33 protective or other services are provided. If the department
34 does not obtain an emergency order within the prescribed
35 time period, the department shall cease providing protective

S.F. 2145

1 services and, if necessary, make arrangements for the immediate
2 return of the person to the place from which the person was
3 removed, to the person's place of residence in the state, or
4 to another suitable place. A person, agency, or institution
5 acting in good faith in removing an elder or a dependent adult
6 or in providing services under this subsection, and an employer
7 of or person under the direction of such a person, agency, or
8 institution, shall have immunity from any liability, civil or
9 criminal, that might otherwise be incurred or imposed as the
10 result of the removal or provision of services.
11 8. Upon a finding of probable cause to believe that elder
12 or dependent adult abuse has occurred and is either ongoing or
13 is likely to reoccur, the court may also enter orders as may
14 be appropriate to third persons enjoining them from specific
15 conduct. The orders may include temporary restraining orders
16 which impose criminal sanctions if violated. The court may
17 enjoin third persons from any of the following:
18 *a.* Removing the elder or dependent adult from the care or
19 custody of another.
20 *b.* Committing elder or dependent adult abuse on the elder
21 or dependent adult.
22 *c.* Living at the elder's or dependent adult's residence.
23 *d.* Contacting the elder or dependent adult in person or by
24 telephone.
25 *e.* Selling, removing, or otherwise disposing of the elder's
26 or dependent adult's personal property.
27 *f.* Withdrawing funds from any bank, savings association,
28 credit union, or other financial institution, or from a stock
29 account in which the elder or dependent adult has an interest.
30 *g.* Negotiating any instruments payable to the elder or
31 dependent adult.
32 *h.* Selling, mortgaging, or otherwise encumbering any
33 interest that the elder or dependent adult has in real
34 property.
35 *i.* Exercising any powers on behalf of the elder or

S.F. 2145

1 dependent adult through representatives of the department, any
2 court-appointed guardian or guardian ad litem, or any official
3 acting on the elder's or dependent adult's behalf.
4 *j.* Engaging in any other specified act which, based upon the
5 facts alleged, would constitute harm or a threat of imminent
6 harm to the elder or dependent adult or would cause damage to
7 or the loss of the elder's or dependent adult's property.
8 9. This section shall not be construed and is not intended
9 as and shall not imply a grant of entitlement for services to
10 persons who are not otherwise eligible for the services or for
11 utilization of services which do not currently exist or are not
12 otherwise available.
13 DIVISION II
14 CRIMES AGAINST AN OLDER INDIVIDUAL
15 Sec. 20. NEW SECTION. **714.2A Theft against an older**
16 **individual.**
17 1. If a person commits theft and the violation is committed
18 against an individual who was an older individual at the
19 time the theft was committed, notwithstanding the penalties
20 specified in section 714.2, all of the following shall apply:
21 *a.* If a person commits theft in the first degree pursuant to
22 section 714.2, subsection 1, the person is guilty of a class
23 "B" felony.
24 *b.* If a person commits theft in the second degree pursuant
25 to section 714.2, subsection 2, the person is guilty of a class
26 "C" felony.
27 *c.* If a person commits theft in the third degree pursuant to
28 section 714.2, subsection 3, the person is guilty of a class
29 "D" felony.
30 *d.* If a person commits theft in the fourth degree pursuant
31 to section 714.2, subsection 4, the person is guilty of an
32 aggravated misdemeanor.
33 *e.* If a person commits theft in the fifth degree pursuant to
34 section 714.2, subsection 5, the person is guilty of a serious
35 misdemeanor.

S.F. 2145

2. For the purposes of this section, *"older individual"* means older individual as defined in section 231.4.

Sec. 21. Section 714.16A, Code 2014, is amended to read as follows:

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

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

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

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

a. Whether the defendant's conduct was in willful disregard of the rights of the older ~~person~~ individual.

b. Whether the defendant knew or should have known that the defendant's conduct was directed to an older ~~person~~ individual.

c. Whether the older ~~person~~ individual was substantially

S.F. 2145

1 more vulnerable to the defendant's conduct because of age, poor
2 health, infirmity, impaired understanding, restricted mobility,
3 or disability, than other persons.
4 *d.* Any other factors the court deems appropriate.
5 3. As used in this section, *"older ~~person"~~ individual"* means
6 a person who is ~~sixty-five~~ sixty years of age or older.
7 Sec. 22. NEW SECTION. **726.25 Financial exploitation of an**
8 **older individual.**
9 1. A person commits financial exploitation of an older
10 individual when the person stands in a position of trust or
11 confidence with the older individual and knowingly and by undue
12 influence, deception, coercion, fraud, breach of fiduciary
13 duty, or extortion, obtains control over or otherwise uses the
14 benefits, property, resources, belongings, or assets of the
15 older individual.
16 2. A person who commits financial exploitation of an older
17 individual is guilty of the following, as applicable:
18 *a.* A serious misdemeanor if the value of the benefits,
19 property, resources, belongings, or assets is one hundred
20 dollars or less.
21 *b.* An aggravated misdemeanor if the value of the benefits,
22 property, resources, belongings, or assets exceeds one hundred
23 dollars but does not exceed one thousand dollars.
24 *c.* A class "D" felony if the value of the benefits,
25 property, resources, belongings, or assets exceeds one thousand
26 dollars but does not exceed ten thousand dollars.
27 *d.* A class "C" felony if the value of the benefits,
28 property, resources, belongings, or assets exceeds ten thousand
29 dollars but does not exceed fifty thousand dollars.
30 *e.* A class "B" felony if the value of the benefits,
31 property, resources, belongings, or assets exceeds fifty
32 thousand dollars, or if the older individual is seventy years
33 of age to eighty years of age and the value of the benefits,
34 property, resources, belongings, or assets is fifteen thousand
35 dollars or more, or if the older individual is eighty years

S.F. 2145

1 of age or older and the value of the benefits, property,
2 resources, belongings, or assets is five thousand dollars or
3 more.
4 3. Nothing in this section shall be construed to limit other
5 remedies available to the older individual.
6 4. A person alleged to have committed a violation under
7 this section shall be charged with the respective offense
8 cited, unless a charge may be brought based upon a more serious
9 offense, in which case the charge of the more serious offense
10 shall supersede the less serious charge.
11 5. Nothing in this section shall be construed to impose
12 criminal liability on a person who has made a good-faith effort
13 to assist an older individual in the management of the older
14 individual's benefits, property, resources, belongings, or
15 assets, but through no fault of the person, the person has been
16 unable to provide such assistance.
17 6. It shall not be a defense to financial exploitation of
18 an older individual that the alleged perpetrator did not know
19 the age of the older individual or reasonably believed that the
20 alleged victim was not an older individual.
21 7. For the purposes of this section:
22 *a. "Caregiver"* means an individual who has the
23 responsibility for the care or custody of an older individual,
24 whether voluntarily, by contract, through employment, or as a
25 result of the operation of law, and includes but is not limited
26 to a family member or other individual who provides compensated
27 or uncompensated care to an older individual.
28 *b. "Coercion"* means communication or conduct which compels
29 an older individual to act or refrain from acting against the
30 older individual's will.
31 *c. "Fiduciary"* means a person or entity with the legal
32 responsibility to make decisions on behalf of and for the
33 benefit of an older individual and to act in good faith and
34 with fairness. *"Fiduciary"* includes a guardian, trustee,
35 executor, administrator, receiver, conservator, attorney

S.F. 2145

1 in fact, representative payee, or any person acting in any
2 fiduciary capacity for or on behalf of an older individual.
3 *d. "Older individual"* means the same as defined in section
4 231.4.
5 *e. "Stands in a position of trust or confidence"* means the
6 person has any of the following relationships relative to the
7 older individual:
8 (1) Is a parent, spouse, adult child, or other relative by
9 consanguinity or affinity of the older individual.
10 (2) Is a joint tenant or tenant in common with the older
11 individual.
12 (3) Has a legal or fiduciary relationship with the older
13 individual.
14 (4) Is a financial planning or investment professional
15 providing or offering to provide financial planning or
16 investment advice to the older individual.
17 (5) Is a beneficiary of the older individual in a governing
18 instrument.
19 (6) Is a caregiver for the older individual.
20 (7) Is a person who is in a confidential relationship with
21 the older individual. The determination of the existence of a
22 confidential relationship is an issue of fact to be determined
23 by the court based upon the totality of the circumstances.
24 *f. "Undue influence"* means taking advantage of a person's
25 role, relationship, or authority to improperly change or
26 obtain control over the actions or decision making of an older
27 individual.
28 DIVISION III
29 CONFORMING AMENDMENTS
30 Sec. 23. Section 35D.14A, Code 2014, is amended to read as
31 follows:
32 **35D.14A Volunteer record checks.**
33 1. Persons who are potential volunteers or volunteers in
34 the Iowa veterans home in a position having direct individual
35 contact with patients or residents of the home shall be subject

S.F. 2145

1 to criminal history and child and elder and dependent adult
2 abuse record checks in accordance with this section. The Iowa
3 veterans home shall request that the department of public
4 safety perform the criminal history check and the department
5 of human services perform child and elder and dependent adult
6 abuse record checks of the person in this state and may request
7 these checks in other states.
8 2. *a.* If it is determined that a person has been convicted
9 of a crime under a law of any state or has a record of founded
10 child, elder, or dependent adult abuse, the person shall not
11 participate as a volunteer with direct individual contact
12 with patients or residents of the Iowa veterans home unless
13 an evaluation has been performed by the department of human
14 services to determine whether the crime or founded child,
15 elder, or dependent adult abuse warrants prohibition of the
16 person's participation as a volunteer in the Iowa veterans
17 home. The department of human services shall perform such
18 evaluation upon the request of the Iowa veterans home.
19 *b.* In an evaluation, the department of human services shall
20 consider the nature and seriousness of the crime or founded
21 child, elder, or dependent adult abuse in relation to the
22 position sought or held, the time elapsed since the commission
23 of the crime or founded child, elder, or dependent adult abuse,
24 the circumstances under which the crime or founded child,
25 elder, or dependent adult abuse was committed, the degree of
26 rehabilitation, the likelihood that the person will commit the
27 crime or founded child, elder, or dependent adult abuse again,
28 and the number of crimes or founded child, elder, or dependent
29 adult abuses committed by the person involved.
30 *c.* If the department of human services performs an
31 evaluation for the purposes of this section, the department
32 of human services has final authority in determining whether
33 prohibition of the person's participation as a volunteer is
34 warranted. The department of human services may permit a
35 person who is evaluated to participate as a volunteer if the

S.F. 2145

1 person complies with the department's conditions relating to
2 participation as a volunteer which may include completion of
3 additional training.
4 Sec. 24. Section 125.14A, subsections 5 and 7, Code 2014,
5 are amended to read as follows:
6 5. In addition to the record checks required under this
7 section, the department of human services may conduct elder
8 and dependent adult abuse record checks in this state and may
9 conduct these checks in other states, on a random basis. The
10 provisions of this section, relative to an evaluation following
11 a determination that a person has been convicted of a crime
12 or has a record of founded child abuse, shall also apply to a
13 random check conducted under this subsection.
14 7. On or after July 1, 1994, a program or facility shall
15 include the following inquiry in an application for employment:
16 Do you have a record of founded child, elder, or dependent
17 adult abuse or have you ever been convicted of a crime, in this
18 state or any other state?
19 Sec. 25. Section 135.11, subsection 24, Code 2014, is
20 amended to read as follows:
21 24. Review and approve mandatory reporter training
22 curricula for those persons who work in a position
23 classification that under law makes the persons mandatory
24 reporters of child, elder, or dependent adult abuse and the
25 position classification does not have a mandatory reporter
26 training curriculum approved by a licensing or examining board.
27 Sec. 26. Section 135B.34, Code 2014, is amended to read as
28 follows:
29 **135B.34 Hospital employees — criminal history and child,**
30 **elder, and dependent adult abuse record checks — penalty.**
31 1. Prior to employment of a person in a hospital, the
32 hospital shall request that the department of public safety
33 perform a criminal history check and the department of human
34 services perform child and elder and dependent adult abuse
35 record checks of the person in this state. A hospital

S.F. 2145

1 shall inform all persons prior to employment regarding the
2 performance of the record checks and shall obtain, from
3 the persons, a signed acknowledgment of the receipt of the
4 information. A hospital shall include the following inquiry in
5 an application for employment:
6 Do you have a record of founded child, elder, or dependent
7 adult abuse or have you ever been convicted of a crime, in this
8 state or any other state?
9 2. *a.* If it is determined that a person being considered
10 for employment in a hospital has committed a crime, the
11 department of public safety shall notify the hospital that
12 upon the request of the hospital the department of human
13 services will perform an evaluation to determine whether the
14 crime warrants prohibition of the person's employment in the
15 hospital.
16 *b.* (1) If a person being considered for employment, other
17 than employment involving the operation of a motor vehicle,
18 has been convicted of a crime listed in subparagraph (2) but
19 does not have a record of founded child, elder, or dependent
20 adult abuse and the hospital has requested an evaluation in
21 accordance with paragraph "*a*" to determine whether the crime
22 warrants prohibition of the person's employment, the hospital
23 may employ the person for not more than sixty calendar days
24 pending completion of the evaluation.
25 (2) Subparagraph (1) applies to a crime that is a simple
26 misdemeanor offense under section 123.47 or chapter 321, and
27 to a crime that is a first offense of operating a motor vehicle
28 while intoxicated under section 321J.2, subsection 1.
29 *c.* If a department of human services child or elder and
30 dependent adult abuse record check shows that the person has
31 a record of founded child, elder, or dependent adult abuse,
32 the department of human services shall notify the hospital
33 that upon the request of the hospital the department of human
34 services will perform an evaluation to determine whether
35 the founded child, elder, or dependent adult abuse warrants

S.F. 2145

1 prohibition of the person's employment in the hospital.
2 *d.* An evaluation performed under this subsection shall
3 be performed in accordance with procedures adopted for this
4 purpose by the department of human services.
5 *e.* (1) If a person owns or operates more than one hospital,
6 and an employee of one of such hospitals is transferred to
7 another such hospital without a lapse in employment, the
8 hospital is not required to request additional criminal and
9 child and elder and dependent adult abuse record checks of that
10 employee.
11 (2) If the ownership of a hospital is transferred, at the
12 time of transfer the record checks required by this section
13 shall be performed for each employee for whom there is no
14 documentation that such record checks have been performed.
15 The hospital may continue to employ such employee pending the
16 performance of the record checks and any related evaluation.
17 3. In an evaluation, the department of human services shall
18 consider the nature and seriousness of the crime or founded
19 child, elder, or dependent adult abuse in relation to the
20 position sought or held, the time elapsed since the commission
21 of the crime or founded child, elder, or dependent adult abuse,
22 the circumstances under which the crime or founded child,
23 elder, or dependent adult abuse was committed, the degree of
24 rehabilitation, the likelihood that the person will commit
25 the crime or founded child, elder, or dependent adult abuse
26 again, and the number of crimes or founded child, elder, or
27 dependent adult abuses committed by the person involved. If
28 the department of human services performs an evaluation for
29 the purposes of this section, the department of human services
30 has final authority in determining whether prohibition of the
31 person's employment is warranted.
32 4. *a.* Except as provided in paragraph "*b*" and subsection 2,
33 a person who has committed a crime or has a record of founded
34 child, elder, or dependent adult abuse shall not be employed in
35 a hospital licensed under this chapter unless an evaluation has

S.F. 2145

1 been performed by the department of human services.
2 *b.* A person with a criminal or child, elder, or dependent
3 adult abuse record who is or was employed by a hospital
4 licensed under this chapter and is hired by another hospital
5 shall be subject to the criminal history and child or elder
6 and dependent adults abuse record checks required pursuant
7 to subsection 1. However, if an evaluation was previously
8 performed by the department of human services concerning the
9 person's criminal or child, elder, or dependent adult abuse
10 record and it was determined that the record did not warrant
11 prohibition of the person's employment and the latest record
12 checks do not indicate a crime was committed or founded child,
13 elder, or dependent adult abuse record was entered subsequent
14 to that evaluation, the person may commence employment with
15 the other hospital in accordance with the department of human
16 services' evaluation and an exemption from the requirements
17 in paragraph "*a*" for reevaluation of the latest record checks
18 is authorized. Otherwise, the requirements of paragraph "*a*"
19 remain applicable to the person's employment. Authorization
20 of an exemption under this paragraph "*b*" from requirements for
21 reevaluation of the latest record checks by the department of
22 human services is subject to all of the following provisions:
23 (1) The position with the subsequent employer is
24 substantially the same or has the same job responsibilities as
25 the position for which the previous evaluation was performed.
26 (2) Any restrictions placed on the person's employment in
27 the previous evaluation by the department of human services
28 shall remain applicable in the person's subsequent employment.
29 (3) The person subject to the record checks has maintained a
30 copy of the previous evaluation and provides the evaluation to
31 the subsequent employer or the previous employer provides the
32 previous evaluation from the person's personnel file pursuant
33 to the person's authorization. If a physical copy of the
34 previous evaluation is not provided to the subsequent employer,
35 the record checks shall be reevaluated.

S.F. 2145

1 (4) Although an exemption under this lettered paragraph *"b"*
2 may be authorized, the subsequent employer may instead request
3 a reevaluation of the record checks and may employ the person
4 while the reevaluation is being performed.
5 5. *a.* If a person employed by a hospital that is subject
6 to this section is convicted of a crime or has a record of
7 founded child, elder, or dependent adult abuse entered in
8 the abuse registry after the person's employment application
9 date, the person shall inform the hospital of such information
10 within forty-eight hours of the criminal conviction or entry
11 of the record of founded child, elder, or dependent adult
12 abuse. The hospital shall act to verify the information
13 within forty-eight hours of notification. If the information
14 is verified, the requirements of subsections 2, 3, and 4
15 regarding employability and evaluations shall be applied by the
16 hospital to determine whether or not the person's employment
17 is continued. The hospital may continue to employ the person
18 pending the performance of an evaluation by the department of
19 human services to determine whether prohibition of the person's
20 employment is warranted. A person who is required by this
21 subsection to inform the person's employer of a conviction or
22 entry of an abuse record and fails to do so within the required
23 period commits a serious misdemeanor.
24 *b.* If a hospital receives credible information, as
25 determined by the hospital, that a person employed by the
26 hospital has been convicted of a crime or a record of founded
27 child, elder, or dependent adult abuse has been entered in the
28 abuse registry after employment from a person other than the
29 employee and the employee has not informed the hospital of such
30 information within the period required under paragraph *"a"*, the
31 hospital shall act to verify the credible information within
32 forty-eight hours of receipt of the credible information. If
33 the information is verified, the requirements of subsections
34 2, 3, and 4 regarding employability and evaluations shall
35 be applied by the hospital to determine whether or not the

S.F. 2145

1 person's employment is continued.
2 *c.* The hospital may notify the county attorney for the
3 county where the hospital is located of any violation or
4 failure by an employee to notify the hospital of a criminal
5 conviction or entry of ~~an~~ a child, elder, or dependent adult
6 abuse record within the period required under paragraph *"a"*.
7 6. A hospital licensed in this state may access the single
8 contact repository established by the department pursuant to
9 section 135C.33 as necessary for the hospital to perform record
10 checks of persons employed or being considered for employment
11 by the hospital.
12 Sec. 27. Section 135C.33, Code 2014, is amended to read as
13 follows:
14 **135C.33 Employees and certified nurse aide trainees — child**
15 **~~or~~, elder, and dependent adult abuse information and criminal**
16 **record checks — evaluations — application to other providers**
17 **— penalty.**
18 1. *a.* For the purposes of this section, the term *"crime"*
19 does not include offenses under chapter 321 classified as a
20 simple misdemeanor or equivalent simple misdemeanor offenses
21 from another jurisdiction.
22 *b.* Prior to employment of a person in a facility, the
23 facility shall request that the department of public safety
24 perform a criminal history check and the department of human
25 services perform child and elder and dependent adult abuse
26 record checks of the person in this state. A facility
27 shall inform all persons prior to employment regarding the
28 performance of the record checks and shall obtain, from
29 the persons, a signed acknowledgment of the receipt of the
30 information. A facility shall include the following inquiry in
31 an application for employment:
32 Do you have a record of founded child, elder, or dependent
33 adult abuse or have you ever been convicted of a crime
34 other than a simple misdemeanor offense relating to motor
35 vehicles and laws of the road under chapter 321 or equivalent

S.F. 2145

1 provisions, in this state or any other state?
2 2. *a.* If it is determined that a person being considered
3 for employment in a facility has been convicted of a crime
4 under a law of any state, the department of public safety shall
5 notify the licensee that upon the request of the licensee
6 the department of human services will perform an evaluation
7 to determine whether the crime warrants prohibition of the
8 person's employment in the facility.
9 *b.* (1) If a person being considered for employment, other
10 than employment involving the operation of a motor vehicle,
11 has been convicted of a crime listed in subparagraph (2) but
12 does not have a record of founded child, elder, or dependent
13 adult abuse and the licensee has requested an evaluation in
14 accordance with paragraph "*a*" to determine whether the crime
15 warrants prohibition of the person's employment, the licensee
16 may employ the person for not more than sixty calendar days
17 pending completion of the evaluation.
18 (2) Subparagraph (1) applies to a crime that is a simple
19 misdemeanor offense under section 123.47 or chapter 321, and
20 to a crime that is a first offense of operating a motor vehicle
21 while intoxicated under section 321J.2, subsection 1.
22 *c.* If a department of human services child or elder and
23 dependent adult abuse record check shows that such person has
24 a record of founded child, elder, or dependent adult abuse,
25 the department of human services shall notify the licensee
26 that upon the request of the licensee the department of human
27 services will perform an evaluation to determine whether
28 the founded child, elder, or dependent adult abuse warrants
29 prohibition of employment in the facility.
30 *d.* An evaluation performed under this subsection shall
31 be performed in accordance with procedures adopted for this
32 purpose by the department of human services.
33 *e.* (1) If a person owns or operates more than one facility,
34 and an employee of one of such facilities is transferred to
35 another such facility without a lapse in employment, the

S.F. 2145

1 facility is not required to request additional criminal and
2 child and elder and dependent adult abuse record checks of that
3 employee.
4 (2) If the ownership of a facility is transferred, at the
5 time of transfer the record checks required by this section
6 shall be performed for each employee for whom there is no
7 documentation that such record checks have been performed.
8 The facility may continue to employ such employee pending the
9 performance of the record checks and any related evaluation.
10 3. In an evaluation, the department of human services shall
11 consider the nature and seriousness of the crime or founded
12 child, elder, or dependent adult abuse in relation to the
13 position sought or held, the time elapsed since the commission
14 of the crime or founded child, elder, or dependent adult abuse,
15 the circumstances under which the crime or founded child,
16 elder, or dependent adult abuse was committed, the degree of
17 rehabilitation, the likelihood that the person will commit
18 the crime or founded child, elder, or dependent adult abuse
19 again, and the number of crimes or founded child, elder, or
20 dependent adult abuses committed by the person involved. If
21 the department of human services performs an evaluation for
22 the purposes of this section, the department of human services
23 has final authority in determining whether prohibition of the
24 person's employment is warranted.
25 4. *a.* Except as provided in paragraph "*b*" and subsection 2,
26 a person who has committed a crime or has a record of founded
27 child, elder, or dependent adult abuse shall not be employed in
28 a facility licensed under this chapter unless an evaluation has
29 been performed by the department of human services.
30 *b.* A person with a criminal or child or elder and dependent
31 adult abuse record who is or was employed by a facility
32 licensed under this chapter and is hired by another licensee
33 shall be subject to the criminal history and child or elder
34 and dependent adult abuse record checks required pursuant
35 to subsection 1. However, if an evaluation was previously

S.F. 2145

1 performed by the department of human services concerning
2 the person's criminal or child or elder and dependent adult
3 abuse record and it was determined that the record did not
4 warrant prohibition of the person's employment and the
5 latest record checks do not indicate a crime was committed or
6 founded child or elder and dependent adult abuse record was
7 entered subsequent to that evaluation, the person may commence
8 employment with the other licensee in accordance with the
9 department of human services' evaluation and an exemption from
10 the requirements in paragraph "*a*" for reevaluation of the latest
11 record checks is authorized. Otherwise, the requirements of
12 paragraph "*a*" remain applicable to the person's employment.
13 Authorization of an exemption under this paragraph "*b*" from
14 requirements for reevaluation of the latest record checks by
15 the department of human services is subject to all of the
16 following provisions:
17 (1) The position with the subsequent employer is
18 substantially the same or has the same job responsibilities as
19 the position for which the previous evaluation was performed.
20 (2) Any restrictions placed on the person's employment in
21 the previous evaluation by the department of human services
22 shall remain applicable in the person's subsequent employment.
23 (3) The person subject to the record checks has maintained a
24 copy of the previous evaluation and provides the evaluation to
25 the subsequent employer or the previous employer provides the
26 previous evaluation from the person's personnel file pursuant
27 to the person's authorization. If a physical copy of the
28 previous evaluation is not provided to the subsequent employer,
29 the record checks shall be reevaluated.
30 (4) Although an exemption under this paragraph "*b*" may
31 be authorized, the subsequent employer may instead request a
32 reevaluation of the record checks and may employ the person
33 while the reevaluation is being performed.
34 5. *a.* This section shall also apply to prospective
35 employees of all of the following, if the provider is regulated

S.F. 2145

1 by the state or receives any state or federal funding:
2 (1) An employee of a homemaker-home health aide, home care
3 aide, adult day services, or other provider of in-home services
4 if the employee provides direct services to consumers.
5 (2) An employee of a hospice, if the employee provides
6 direct services to consumers.
7 (3) An employee who provides direct services to consumers
8 under a federal home and community-based services waiver.
9 (4) An employee of an elder group home certified under
10 chapter 231B, if the employee provides direct services to
11 consumers.
12 (5) An employee of an assisted living program certified
13 under chapter 231C, if the employee provides direct services
14 to consumers.
15 *b.* In substantial conformance with the provisions of this
16 section, prior to the employment of such an employee, the
17 provider shall request the performance of the criminal and
18 child and elder and dependent adult abuse record checks. The
19 provider shall inform the prospective employee and obtain
20 the prospective employee's signed acknowledgment. The
21 department of human services shall perform the evaluation of
22 any criminal record or founded child or elder and dependent
23 adult abuse record and shall make the determination of whether
24 a prospective employee of a provider shall not be employed by
25 the provider.
26 6. *a.* The department of inspections and appeals, in
27 conjunction with other departments and agencies of state
28 government involved with criminal history and abuse registry
29 information, shall establish a single contact repository for
30 facilities and other providers to have electronic access to
31 data to perform background checks for purposes of employment,
32 as required of the facilities and other providers under this
33 section.
34 *b.* The department may access the single contact repository
35 for any of the following purposes:

S.F. 2145

1 (1) To verify data transferred from the department's nurse
2 aide registry to the repository.
3 (2) To conduct record checks of applicants for employment
4 with the department.
5 7. *a.* If a person employed by a facility, service, or
6 program employer that is subject to this section is convicted
7 of a crime or has a record of founded child, elder, or
8 dependent adult abuse entered in the abuse registry after
9 the person's employment application date, the person shall
10 inform the employer of such information within forty-eight
11 hours of the criminal conviction or entry of the record of
12 founded child, elder, or dependent adult abuse. The employer
13 shall act to verify the information within forty-eight
14 hours of notification. If the information is verified, the
15 requirements of subsections 2, 3, and 4 regarding employability
16 and evaluations shall be applied by the employer to determine
17 whether or not the person's employment is continued. The
18 employer may continue to employ the person pending the
19 performance of an evaluation by the department of human
20 services to determine whether prohibition of the person's
21 employment is warranted. A person who is required by this
22 subsection to inform the person's employer of a conviction or
23 entry of an abuse record and fails to do so within the required
24 period commits a serious misdemeanor.
25 *b.* If a facility, service, or program employer receives
26 credible information, as determined by the employer, that a
27 person employed by the employer has been convicted of a crime
28 or a record of founded child, elder, or dependent adult abuse
29 has been entered in the abuse registry after employment from
30 a person other than the employee and the employee has not
31 informed the employer of such information within the period
32 required under paragraph "*a*", the employer shall act to verify
33 the credible information within forty-eight hours of receipt of
34 the credible information. If the information is verified, the
35 requirements of subsections 2, 3, and 4 regarding employability

S.F. 2145

1 and evaluations shall be applied to determine whether or not
2 the person's employment is continued.
3 *c.* The employer may notify the county attorney for the
4 county where the employer is located of any violation or
5 failure by an employee to notify the employer of a criminal
6 conviction or entry of an abuse record within the period
7 required under paragraph *"a"*.
8 8. *a.* For the purposes of this subsection, unless the
9 context otherwise requires:
10 (1) *"Certified nurse aide training program"* means a program
11 approved in accordance with the rules for such programs adopted
12 by the department of human services for the training of persons
13 seeking to be a certified nurse aide for employment in any of
14 the facilities or programs this section applies to or in a
15 hospital, as defined in section 135B.1.
16 (2) *"Student"* means a person applying for, enrolled in, or
17 returning to a certified nurse aide training program.
18 *b.* Prior to a student beginning or returning to a certified
19 nurse aide training program, the program shall request that the
20 department of public safety perform a criminal history check
21 and the department of human services perform child and elder
22 and dependent adult abuse record checks, in this state, of the
23 student. The program may access the single contact repository
24 established pursuant to this section as necessary for the
25 program to initiate the record checks.
26 *c.* If a student has a criminal record or a record of founded
27 child, elder, or dependent adult abuse, the student shall not
28 be involved in a clinical education component of the certified
29 nurse aide training program involving children, elders, or
30 dependent adults unless an evaluation has been performed by the
31 department of human services. Upon request of the certified
32 nurse aide training program, the department of human services
33 shall perform an evaluation to determine whether the record
34 warrants prohibition of the student's involvement in a clinical
35 education component of the certified nurse aide training

S.F. 2145

1 program involving children, elders, or dependent adults. The
2 evaluation shall be performed in accordance with the criteria
3 specified in subsection 3, and the department of human services
4 shall report the results of the evaluation to the certified
5 nurse aide training program. The department of human services
6 has final authority in determining whether prohibition of the
7 student's involvement in the clinical education component is
8 warranted.
9 *d.* (1) If a student's clinical education component of
10 the training program involves children, elders, or dependent
11 adults but does not involve operation of a motor vehicle,
12 and the student has been convicted of a crime listed in
13 subparagraph (2), but does not have a record of founded child,
14 elder, or dependent adult abuse, and the training program
15 has requested an evaluation in accordance with paragraph *"c"*
16 to determine whether the crime warrants prohibition of the
17 student's involvement in such clinical education component, the
18 training program may allow the student's participation in the
19 component for not more than sixty days pending completion of
20 the evaluation.
21 (2) Subparagraph (1) applies to a crime that is a simple
22 misdemeanor offense under section 123.47 or chapter 321, and
23 to a crime that is a first offense of operating a motor vehicle
24 while intoxicated under section 321J.2, subsection 1.
25 *e.* (1) If a student is convicted of a crime or has a
26 record of founded child, elder, or dependent adult abuse
27 entered in the abuse registry after the record checks and any
28 evaluation have been performed, the student shall inform the
29 certified nurse aide training program of such information
30 within forty-eight hours of the criminal conviction or entry
31 of the record of founded child, elder, or dependent adult
32 abuse. The program shall act to verify the information within
33 forty-eight hours of notification. If the information is
34 verified, the requirements of paragraph *"c"* shall be applied
35 by the program to determine whether or not the student's

S.F. 2145

1 involvement in a clinical education component may continue.
2 The program may allow the student involvement to continue
3 pending the performance of an evaluation by the department of
4 human services. A student who is required by this subparagraph
5 to inform the program of a conviction or entry of an abuse
6 record and fails to do so within the required period commits
7 a serious misdemeanor.
8 (2) If a program receives credible information, as
9 determined by the program, that a student has been convicted of
10 a crime or a record of founded child, elder, or dependent adult
11 abuse has been entered in the abuse registry after the record
12 checks and any evaluation have been performed, from a person
13 other than the student and the student has not informed the
14 program of such information within the period required under
15 subparagraph (1), the program shall act to verify the credible
16 information within forty-eight hours of receipt of the credible
17 information. If the information is verified, the requirements
18 of paragraph *"c"* shall be applied to determine whether or not
19 the student's involvement in a clinical education component may
20 continue.
21 (3) The program may notify the county attorney for the
22 county where the program is located of any violation or failure
23 by a student to notify the program of a criminal conviction
24 or entry of an abuse record within the period required under
25 subparagraph (1).
26 *f.* If a certified nurse aide training program is conducted
27 by a health care facility and a student of that program
28 subsequently accepts and begins employment with the facility
29 within thirty days of completing the program, the criminal
30 history and abuse registry checks of the student performed
31 pursuant to this subsection shall be deemed to fulfill the
32 requirements for such checks prior to employment pursuant to
33 subsection 1.
34 Sec. 28. Section 135H.7, subsections 4 and 6, Code 2014, are
35 amended to read as follows:

S.F. 2145

1 4. In addition to the record checks required under
2 subsection 2, the department of human services may conduct
3 elder and dependent adult abuse record checks in this state
4 and may conduct these checks in other states, on a random
5 basis. The provisions of subsections 2 and 3, relative to an
6 evaluation following a determination that a person has been
7 convicted of a crime or has a record of founded child abuse,
8 shall also apply to a random elder and dependent adult abuse
9 record check conducted under this subsection.
10 6. On or after July 1, 1994, a licensee shall include the
11 following inquiry in an application for employment:
12 Do you have a record of founded child, elder, or dependent
13 adult abuse or have you ever been convicted of a crime, in this
14 state or any other state?
15 Sec. 29. Section 135O.3, subsection 4, Code 2014, is amended
16 to read as follows:
17 4. If the department or a multidisciplinary team has
18 probable cause to believe that a boarding home is in violation
19 of this chapter or licensing or other regulatory requirements
20 of the department of human services, department of inspections
21 and appeals, or department of public health, or that elder or
22 dependent adult abuse of any individual living in a boarding
23 home has occurred, and upon producing proper identification, is
24 denied entry to the boarding home or access to any individual
25 living in the boarding home for the purpose of making an
26 inspection or conducting an investigation, the department or
27 multidisciplinary team may, with the assistance of the county
28 attorney of the county in which the boarding home is located,
29 apply to the district court for an order requiring the owner or
30 lessee to permit entry to the boarding home and access to the
31 individuals living in the boarding home.
32 Sec. 30. Section 144A.11, subsection 1, Code 2014, is
33 amended to read as follows:
34 1. Death resulting from the withholding or withdrawal
35 of life-sustaining procedures pursuant to a declaration or

S.F. 2145

1 out-of-hospital do-not-resuscitate order and in accordance with
2 this chapter does not, for any purpose, constitute a suicide,
3 homicide, or elder or dependent adult abuse.
4 Sec. 31. Section 144D.4, subsection 4, Code 2014, is amended
5 to read as follows:
6 4. Death resulting from the withholding or withdrawal of
7 life-sustaining procedures pursuant to an executed POST form
8 and in accordance with this chapter does not, for any purpose,
9 constitute a suicide, homicide, or elder or dependent adult
10 abuse.
11 Sec. 32. Section 152.5, subsection 3, paragraphs c and d,
12 Code 2014, are amended to read as follows:
13 *c.* A nursing program shall request that the department
14 of public safety perform a criminal history check and the
15 department of human services perform child and elder and
16 dependent adult abuse record checks in this state on the
17 nursing program's students.
18 *d.* If a student has a criminal record or a record of
19 founded child, elder, or dependent adult abuse, upon request
20 of the nursing program, the department of human services shall
21 perform an evaluation to determine whether the record warrants
22 prohibition of the person's involvement in a clinical education
23 component of a nursing program involving children, elders,
24 or dependent adults. The department of human services shall
25 utilize the criteria provided in section 135C.33 in performing
26 the evaluation and shall report the results of the evaluation
27 to the nursing program. The department of human services has
28 final authority in determining whether prohibition of the
29 person's involvement in a clinical education component is
30 warranted.
31 Sec. 33. Section 216A.136, subsection 3, Code 2014, is
32 amended to read as follows:
33 3. ~~Dependent~~ Elder and dependent adult abuse records
34 maintained under chapter 235B.
35 Sec. 34. Section 217.44, subsections 1, 2, and 4, Code 2014,

S.F. 2145

1 are amended to read as follows:
2 1. The department shall conduct criminal and child and
3 elder and dependent adult abuse record checks of persons who
4 are potential employees, employees, potential volunteers, and
5 volunteers in service area offices in a position having direct
6 contact with the department's clients. The record checks shall
7 be performed in this state and the department may conduct these
8 checks in other states. If the department determines that a
9 person has been convicted of a crime or has a record of founded
10 child, elder, or dependent adult abuse, the department shall
11 perform an evaluation to determine whether the crime or founded
12 abuse warrants prohibition of the person's employment or
13 participation as a volunteer. The record checks and evaluation
14 shall be performed in accordance with procedures adopted for
15 this purpose by the department.
16 2. In an evaluation, the department shall consider
17 the nature and seriousness of the crime or founded child,
18 elder, or dependent adult abuse in relation to the position
19 sought or held, the time elapsed since the commission of the
20 crime or founded child, elder, or dependent adult abuse,
21 the circumstances under which the crime or founded child,
22 elder, or dependent adult abuse was committed, the degree of
23 rehabilitation, the likelihood that the person will commit the
24 crime or founded child, elder, or dependent adult abuse again,
25 and the number of crimes or founded child, elder, or dependent
26 adult abuses committed by the person involved.
27 4. If the department determines that the person has
28 committed a crime or has a record of founded child, elder, or
29 dependent adult abuse which warrants prohibition of employment
30 or participation as a volunteer, the person shall not be
31 employed by or participate as a volunteer in a department
32 service area office in a position having direct contact with
33 the department's clients.
34 Sec. 35. Section 218.13, subsections 2, 3, 4, and 5, Code
35 2014, are amended to read as follows:

S.F. 2145

1 2. If a person is being considered for employment involving
2 direct responsibility for a resident or with access to a
3 resident when the resident is alone, or if a person will reside
4 in a facility utilized by an institution, and if the person
5 has been convicted of a crime or has a record of founded
6 child, elder, or dependent adult abuse, the department shall
7 perform an evaluation to determine whether the crime or founded
8 abuse warrants prohibition of employment or residence in the
9 facility. The department shall conduct criminal and child and
10 elder and dependent adult abuse record checks of the person in
11 this state and may conduct these checks in other states. The
12 investigation and evaluation shall be performed in accordance
13 with procedures adopted for this purpose by the department.
14 3. If the department determines that a person, who is
15 employed by an institution or resides in a facility utilized
16 by an institution, has been convicted of a crime or has a
17 record of founded child, elder, or dependent adult abuse,
18 the department shall perform an evaluation to determine
19 whether prohibition of the person's employment or residence is
20 warranted. The evaluation shall be performed in accordance
21 with procedures adopted for this purpose by the department.
22 4. In an evaluation, the department shall consider
23 the nature and seriousness of the crime or founded child,
24 elder, or dependent adult abuse in relation to the position
25 sought or held, the time elapsed since the commission of the
26 crime or founded child, elder, or dependent adult abuse,
27 the circumstances under which the crime or founded child,
28 elder, or dependent adult abuse was committed, the degree of
29 rehabilitation, the likelihood that the person will commit the
30 crime or founded child, elder, or dependent adult abuse again,
31 and the number of crimes or founded child, elder, or dependent
32 adult abuses committed by the person involved. The department
33 may permit a person who is evaluated to be employed or reside
34 or to continue employment or residence if the person complies
35 with the department's conditions relating to employment or

S.F. 2145

1 residence which may include completion of additional training.
2 5. If the department determines that the person has
3 committed a crime or has a record of founded child, elder,
4 or dependent adult abuse which warrants prohibition of
5 employment or residence, the person shall not be employed by an
6 institution or reside in a facility utilized by an institution.
7 Sec. 36. Section 231B.10, subsection 1, paragraph f, Code
8 2014, is amended to read as follows:
9 *f.* Founded elder or dependent adult abuse as defined in
10 section 235B.2.
11 Sec. 37. Section 231C.10, subsection 1, paragraph f, Code
12 2014, is amended to read as follows:
13 *f.* Failure to protect tenants from elder or dependent adult
14 abuse as defined in section ~~235E.1~~ 235B.2.
15 Sec. 38. Section 231D.5, subsection 1, paragraph g, Code
16 2014, is amended to read as follows:
17 *g.* Founded elder or dependent adult abuse as defined in
18 section 235B.2.
19 Sec. 39. Section 232.71B, subsection 9, Code 2014, is
20 amended to read as follows:
21 9. *Protective disclosure.* If the department determines
22 that disclosure is necessary for the protection of a child,
23 the department may disclose to a subject of a child abuse
24 report referred to in section 235A.15, subsection 2, paragraph
25 *"a"*, that an individual is listed in the child or elder and
26 dependent adult abuse registry or is required to register with
27 the sex offender registry in accordance with chapter 692A.
28 Sec. 40. Section 237.8, subsections 3 and 5, Code 2014, are
29 amended to read as follows:
30 3. In addition to the record checks required under
31 subsection 2, the department of human services may conduct
32 elder and dependent adult abuse record checks in this state and
33 may conduct these checks in other states, on a random basis.
34 The provisions of subsection 2, relative to an evaluation
35 following a determination that a person has been convicted of a

S.F. 2145

1 crime or has a record of founded child abuse, shall also apply
2 to a random check conducted under this subsection.
3 5. On or after July 1, 1994, a licensee shall include the
4 following inquiry in an application for employment:
5 Do you have a record of founded child, elder, or dependent
6 adult abuse or have you ever been convicted of a crime, in this
7 state or any other state?
8 Sec. 41. Section 237A.5, subsection 2, paragraph a,
9 subparagraph (3), subparagraph division (b), Code 2014, is
10 amended to read as follows:
11 (b) A record of having committed founded child, elder, or
12 dependent adult abuse.
13 Sec. 42. Section 237A.5, subsection 2, paragraph c, Code
14 2014, is amended to read as follows:
15 *c.* Unless a record check has already been conducted in
16 accordance with paragraph *"b"*, the department shall conduct
17 ~~a~~ an elder and dependent adult and criminal and child abuse
18 record check in this state for a person who is subject to a
19 record check and may conduct such a check in other states. In
20 addition, the department may conduct a dependent adult abuse,
21 sex offender registry, or other public or civil offense record
22 check in this state or in other states for a person who is
23 subject to a record check.
24 Sec. 43. Section 237A.5, subsection 2, paragraph i,
25 subparagraph (1), unnumbered paragraph 1, Code 2014, is amended
26 to read as follows:
27 A person subject to an evaluation shall be prohibited
28 from involvement with child care if the person has a record
29 of founded child, elder, or dependent adult abuse that was
30 determined to be sexual abuse, the person is listed on the
31 sex offender registry under chapter 692A, or the person has
32 committed any of the following felony-level offenses:
33 Sec. 44. Section 237A.5, subsection 4, Code 2014, is amended
34 to read as follows:
35 4. On or after July 1, 1994, a licensee or registrant shall

S.F. 2145

1 include the following inquiry in an application for employment:
2 Do you have a record of founded child, elder, or dependent
3 adult abuse or have you ever been convicted of a crime, in this
4 state or any other state?
5 Sec. 45. Section 249A.29, subsection 2, Code 2014, is
6 amended to read as follows:
7 2. If a person is being considered by a provider for
8 employment involving direct responsibility for a consumer or
9 with access to a consumer when the consumer is alone, and if
10 the person has been convicted of a crime or has a record of
11 founded child, elder, or dependent adult abuse, the department
12 shall perform an evaluation to determine whether the crime
13 or founded child, elder, or dependent adult abuse warrants
14 prohibition of employment by the provider. The department
15 shall conduct criminal and child and elder and dependent
16 adult abuse records checks of the person in this state and
17 may conduct these checks in other states. The records checks
18 and evaluations required by this section shall be performed
19 in accordance with procedures adopted for this purpose by the
20 department.
21 Sec. 46. Section 272.2, subsection 17, Code 2014, is amended
22 to read as follows:
23 17. Adopt rules to require that a background investigation
24 be conducted by the division of criminal investigation of the
25 department of public safety on all initial applicants for
26 licensure. The board shall also require all initial applicants
27 to submit a completed fingerprint packet and shall use the
28 packet to facilitate a national criminal history background
29 check. The board shall have access to, and shall review
30 the sex offender registry information under section 692A.121
31 available to the general public, the central registry for child
32 abuse information established under chapter 235A, and the elder
33 and dependent adult abuse records maintained under chapter 235B
34 for information regarding applicants for license renewal.
35 Sec. 47. Section 279.13, subsection 1, paragraph b,

S.F. 2145

1 subparagraph (1), Code 2014, is amended to read as follows:
2 (1) Prior to entering into an initial contract with a
3 teacher who holds a license other than an initial license
4 issued by the board of educational examiners under chapter 272,
5 the school district shall initiate a state criminal history
6 record check of the applicant through the division of criminal
7 investigation of the department of public safety, submit the
8 applicant's fingerprints to the division for submission to the
9 federal bureau of investigation for a national criminal history
10 record check, and review the sex offender registry information
11 under section 692A.121 available to the general public, the
12 central registry for child abuse information established
13 under section 235A.14, and the central registry for elder and
14 dependent adult abuse information established under section
15 235B.5 for information regarding the applicant for employment
16 as a teacher.
17 Sec. 48. Section 279.69, subsections 1 and 2, Code 2014, are
18 amended to read as follows:
19 1. Prior to hiring an applicant for a school employee
20 position, a school district shall have access to and shall
21 review the information in the Iowa court information system
22 available to the general public, the sex offender registry
23 information under section 692A.121 available to the general
24 public, the central registry for child abuse information
25 established under section 235A.14, and the central registry
26 for elder and dependent adult abuse information established
27 under section 235B.5 for information regarding the applicant.
28 A school district shall follow the same procedure by June 30,
29 2014, for each school employee employed by the school district
30 as of July 1, 2013. A school district shall implement a
31 consistent policy to follow the same procedure for each school
32 employee employed by the school district on or after July 1,
33 2013, at least every five years after the school employee's
34 initial date of hire. A school district shall not charge
35 an employee for the cost of the registry checks conducted

S.F. 2145

1 pursuant to this subsection. A school district shall maintain
2 documentation demonstrating compliance with this subsection.
3 2. Being listed in the sex offender registry established
4 under chapter 692A, the central registry for child abuse
5 information established under section 235A.14, or the central
6 registry for elder and dependent adult abuse information
7 established under section 235B.5 shall constitute grounds for
8 the immediate suspension from duties of a school employee,
9 pending a termination hearing by the board of directors of a
10 school district. A termination hearing conducted pursuant to
11 this subsection shall be limited to the question of whether the
12 school employee was incorrectly listed in the registry.
13 Sec. 49. Section 321.375, subsection 2, Code 2014, is
14 amended to read as follows:
15 2. Prior to hiring an applicant for a school bus driver
16 position, including a contract position, an employer shall have
17 access to and shall review the information in the Iowa court
18 information system available to the general public, the sex
19 offender registry information under section 692A.121 available
20 to the general public, the central registry for child abuse
21 information established under section 235A.14, and the central
22 registry for elder and dependent adult abuse information
23 established under section 235B.5 for information regarding the
24 applicant. An employer shall follow the same procedure upon
25 the renewal of an employee's or contract employee's school bus
26 driver's license issued by the department of transportation
27 valid for the operation of a school bus. An employer shall
28 pay for the cost of the registry checks conducted pursuant to
29 this subsection. An employer shall maintain documentation
30 demonstrating compliance with this subsection.
31 Sec. 50. Section 321.375, subsection 3, paragraph e, Code
32 2014, is amended to read as follows:
33 *e.* The school bus driver is listed in the sex offender
34 registry established under chapter 692A, the central registry
35 for child abuse information established under section 235A.14,

S.F. 2145

1 or the central registry for elder and dependent adult abuse
2 information established under section 235B.5. A termination
3 hearing conducted pursuant to this paragraph shall be
4 limited to the question of whether the school bus driver was
5 incorrectly listed in the registry.
6 Sec. 51. Section 331.909, subsection 2, Code 2014, is
7 amended to read as follows:
8 2. The activities of a multidisciplinary community services
9 team shall not duplicate the activities of a multidisciplinary
10 team for child abuse under section 235A.13, elder and dependent
11 adult abuse activities under section 235B.6, or child victim
12 services provided under section 915.35.
13 Sec. 52. Section 598.41D, subsection 4, paragraph b,
14 subparagraph (3), Code 2014, is amended to read as follows:
15 (3) That the specified family member does not have a record
16 of founded child, elder, or dependent adult abuse.
17 Sec. 53. Section 692A.102, subsection 1, paragraph b,
18 subparagraph (17), Code 2014, is amended to read as follows:
19 (17) Incest committed against an elder or a dependent adult
20 as defined in section 235B.2 in violation of section 726.2.
21 Sec. 54. Section 692A.115, Code 2014, is amended to read as
22 follows:
23 **692A.115 Employment where elders or dependent adults reside.**
24 1. Unless authorized as provided in subsection 2, a sex
25 offender shall not be an employee of a facility providing
26 services for elders or dependent adults or at events where
27 dependent adults participate in programming and shall not
28 loiter on the premises or grounds of a facility or at an event
29 providing such services or programming.
30 2. An adult sex offender who is a patient or resident
31 of a health care facility as defined in section 135C.1,
32 a participant in a medical assistance program home and
33 community-based services waiver program, or a participant in a
34 medical assistance state plan employment services as part of
35 the participant's habilitation plan shall not be considered to

S.F. 2145

be in violation of subsection 1.

Sec. 55. Section 726.8, Code 2014, is amended to read as follows:

726.8 Wanton neglect or nonsupport of an elder or a dependent adult.

1. A caretaker commits wanton neglect of an elder or a dependent adult if the caretaker knowingly acts in a manner likely to be injurious to the physical, mental, or emotional welfare of an elder or a dependent adult. Wanton neglect of an elder or a dependent adult is a serious misdemeanor.

2. A person who has legal responsibility either through contract or court order for support of an elder or a dependent adult and who fails or refuses to provide support commits nonsupport. Nonsupport is a class "D" felony.

3. A person alleged to have committed wanton neglect or nonsupport of an elder or a dependent adult shall be charged with the respective offense unless a charge may be brought based upon a more serious offense, in which case the charge of the more serious offense shall supersede the less serious charge.

4. For the purposes of this section, *"dependent adult"* ~~means a dependent adult as defined in section 235B.2, subsection 4~~, *"elder"*, and *"caretaker"* ~~means a caretaker~~ mean the same as defined in section 235B.2~~, subsection 1~~.

Sec. 56. Section 915.84, subsection 3, Code 2014, is amended to read as follows:

3. Notwithstanding subsection 2, a victim under the age of eighteen or an elder or a dependent adult as defined in section 235B.2 who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 or 726 or who has been the subject of a forcible felony is not required to report the crime to the local police department or county sheriff department to be eligible for compensation if the crime was allegedly committed upon a child by a person responsible for the care of a child, as defined in section 232.68, subsection

S.F. 2145

1 8, ~~or~~ upon an elder as defined in section 235B.2 by any person,
2 or upon a dependent adult by a caretaker as defined in section
3 235B.2, and was reported to an employee of the department of
4 human services and the employee verifies the report to the
5 department.
6 EXPLANATION
7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.
9 This bill expands provisions relating to dependent adult
10 abuse including reporting of dependent adult abuse, the
11 dependent adult abuse registry, and provision of protective
12 services to be applicable to elders and elder abuse. The bill
13 defines "elder" to be a resident of this state who is 65 years
14 of age or older.
15 The bill eliminates the restriction of the definition
16 of abuse to only perpetration of abuse by caretakers and
17 instead provides that abuse may be perpetrated by any person
18 including a caretaker. The bill defines "abuse" to include
19 financial exploitation which means the illegal, unauthorized,
20 or improper taking or use of an elder's or dependent adult's
21 funds, property, or assets for the personal or pecuniary profit
22 or benefit of a person other than the elder or dependent
23 adult. Financial exploitation includes but is not limited to
24 possessing or using an elder's or dependent adult's funds,
25 property, or other assets through undue influence, harassment,
26 duress, deception, or misrepresentation for the profit or
27 benefit of a person other than the elder or dependent adult.
28 However, the bill specifically excludes from the definition
29 of abuse, good-faith assistance in managing the financial
30 affairs of an elder or dependent adult by a family or household
31 member or other person, undertaken at the request of an elder,
32 dependent adult, or a family member, guardian or conservator
33 of an elder or dependent adult.
34 The bill adds a provision regarding the making of a report
35 of suspected elder or dependent adult abuse to provide that a

S.F. 2145

1 person making a report who reasonably believes that an elder or
2 dependent adult is in immediate danger shall also make a report
3 to the appropriate law enforcement agency.
4 The bill provides other criminal relief for older
5 individuals.
6 The bill establishes the crime of theft against an older
7 individual which enhances the penalties for the existing crime
8 of theft by one degree based upon the victim being an older
9 individual.
10 The bill amends the criminal provision providing for
11 additional civil penalties for consumer frauds against the
12 elderly to apply to the provision to consumer frauds against
13 older individuals 60 years of age or older.
14 The bill establishes the crime of financial exploitation of
15 an older individual. A person commits financial exploitation
16 of an older individual when the person stands in a position of
17 trust or confidence with the older individual and knowingly
18 and by undue influence, deception, coercion, fraud, breach of
19 fiduciary duty, or extortion, obtains control over or otherwise
20 uses the benefits, property, resources, belongings, or assets
21 of the older individual. The criminal penalties range from a
22 serious misdemeanor to a class "B" felony based on the amount
23 of benefits, property, resources, belongings, or assets of the
24 older individual involved. In addition, the application of
25 the class "B" felony is adjusted based on the increased age of
26 the older individual in addition to the value of the benefits,
27 property, resources, belongings, or assets involved.
28 The bill makes conforming changes throughout the Code to
29 provide that provisions currently applicable to dependent adult
30 abuse are also applicable to elder abuse.

Senate File 2146 - Introduced

SENATE FILE 2146
BY BOWMAN and SCHOENJAHN

A BILL FOR

1 An Act relating to the underage possession or consumption of
2 alcohol and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5618SS (1) 85
rh/nh

S.F. 2146

1 Section 1. Section 123.47, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 1A. Except for the purposes described in
4 subsection 2, a person who is the owner or lessee of, or who
5 otherwise has control over, property that is not a licensed
6 premises, shall not permit any person, knowing or having
7 reasonable cause to believe the person to be under legal age,
8 to consume or possess on such property any alcoholic liquor,
9 wine, or beer.
10 Sec. 2. Section 123.47, subsection 2, Code 2014, is amended
11 to read as follows:
12 2. A person or persons under legal age shall not purchase or
13 attempt to purchase, consume, or individually or jointly have
14 alcoholic liquor, wine, or beer in their possession or control;
15 except in the case of liquor, wine, or beer given or dispensed
16 to a person under legal age within a private home and with the
17 knowledge, presence, and consent of the parent or guardian, for
18 beverage or medicinal purposes or as administered to the person
19 by either a physician or dentist for medicinal purposes and
20 except to the extent that a person under legal age may handle
21 alcoholic beverages, wine, and beer during the regular course
22 of the person's employment by a liquor control licensee, or
23 wine or beer permittee under this chapter.
24 Sec. 3. Section 123.47, subsection 3, paragraph a,
25 unnumbered paragraph 1, Code 2014, is amended to read as
26 follows:
27 A person who is eighteen, nineteen, or twenty years of
28 age, other than a licensee or permittee, who violates this
29 section regarding the purchase of, ~~or~~ attempt to purchase, or
30 consumption of alcoholic liquor, wine, or beer, or possessing
31 or having control of alcoholic liquor, wine, or beer, or
32 permitting under legal age consumption or possession on certain
33 property commits the following:
34 Sec. 4. Section 123.47, subsection 3, paragraph a,
35 subparagraph (1), Code 2014, is amended to read as follows:

S.F. 2146

(1) A simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 7. Notwithstanding section 903.1, the court, in lieu of ordering payment of a scheduled fine, may suspend the fine and order the person who is eighteen, nineteen, or twenty years of age to receive a substance abuse evaluation by a program licensed to provide services pursuant to section 125.13.

Sec. 5. Section 123.47, subsection 4, Code 2014, is amended to read as follows:

4. Except as otherwise provided in subsections 5 and 6, a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section, or permits under legal age consumption or possession on certain property, commits a serious misdemeanor punishable by a minimum fine of five hundred dollars.

Sec. 6. Section 123.47B, Code 2014, is amended to read as follows:

123.47B Parental and school notification — persons under eighteen years of age.

1. A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered consuming or to be in possession of alcoholic liquor, wine, or beer in violation of section 123.47 and refer the person to juvenile court.

2. The juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the consumption or possession. A reasonable attempt to notify the person includes but is not

S.F. 2146

limited to a telephone call or notice by first-class mail.

Sec. 7. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (ii), Code 2014, is amended to read as follows:

(ii) Section 123.47 regarding the purchase, ~~or~~ attempt to purchase, or consumption of alcoholic beverages.

Sec. 8. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (vi), Code 2014, is amended to read as follows:

(vi) Two or more violations of section 123.47 regarding the consumption or possession of alcoholic beverages.

EXPLANATION

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

This bill relates to the underage possession or consumption of alcohol and provides penalties.

Under the bill, a person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises, shall not permit an under legal age person to consume or possess an alcoholic beverage on such property.

The bill amends Code section 123.47 to specify that a person under legal age (under 21) in Iowa is prohibited from consuming alcoholic liquor, wine, or beer, subject to certain exceptions (if consumed in a private home with the knowledge, presence, and consent of the underage person's parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes, and to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under Code chapter 123). The bill makes conforming changes.

For a first offense, a person who is 18, 19, or 20 who permits under legal age consumption or possession in violation of the bill commits a simple misdemeanor punishable as a

S.F. 2146

1 scheduled violation under Code section 805.8C, subsection 7;
2 for a second offense a person commits a simple misdemeanor
3 punishable by a fine of $500; and for a third or subsequent
4 offense the person commits a simple misdemeanor punishable by
5 a fine of $500 and suspension of the person's motor vehicle
6 operating privileges for up to one year.
7 The court, for a first offense by a person who is 18, 19,
8 or 20, may suspend the payment of a scheduled fine and order
9 the person who is 18, 19, or 20 to receive a substance abuse
10 evaluation by a program licensed to provide services pursuant
11 to Code section 125.13.
12 A person of legal age who permits under legal age consumption
13 or possession in violation of the bill commits a serious
14 misdemeanor punishable by a minimum fine of $500.

Senate File 2147 - Introduced

SENATE FILE 2147
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3010)

A BILL FOR

1 An Act providing for an executive director of the dental board.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5268SV (1) 85
ec/nh

S.F. 2147

1 Section 1. Section 153.33, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 1A. To appoint an executive director
4 who shall serve at the pleasure of the board. The executive
5 director shall be exempt from the merit system provisions of
6 chapter 8A, subchapter IV.
7 Sec. 2. Section 153.33, subsection 3, Code 2014, is amended
8 to read as follows:
9 3. ~~All~~ Except for the executive director, all employees
10 needed to administer this chapter shall be appointed pursuant
11 to the merit system.
12 Sec. 3. NEW SECTION. **153.33B Executive director — duties.**
13 1. The board shall appoint a full-time executive director.
14 The executive director shall not be a member of the board.
15 2. The duties of the executive director shall be as follows:
16 *a.* To receive all applications authorized by the board, and
17 applications to be licensed for the practice of dentistry and
18 dental hygiene, to be registered for the practice of dental
19 assisting, and to be permitted to administer sedation and
20 anesthesia.
21 *b.* To collect and receive all fees.
22 *c.* To keep a record of all board proceedings and all records
23 pertaining to licensure, registration, enforcement, and other
24 board actions.
25 *d.* To appoint assistants to the director and other persons
26 necessary to administer this chapter. Any appointments shall
27 be merit appointments made pursuant to chapter 8A, subchapter
28 IV.
29 *e.* To perform such other duties as may be prescribed by the
30 board.
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 requires the dental board to appoint a full-time
35 executive director. The bill provides that the executive

S.F. 2147

1 director shall serve at the pleasure of the board and shall not
2 be a member of the board. The bill specifies that the duties
3 of the executive director are to receive applications, collect
4 fees, keep records, appoint assistants, and to perform such
5 duties as prescribed by the dental board.

Senate File 2148 - Introduced

SENATE FILE 2148
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3108)

A BILL FOR

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

TLSB 5133SV (1) 85
ec/nh

S.F. 2148

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

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

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

S.F. 2148

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

Senate File 2149 - Introduced

SENATE FILE 2149
BY ERNST

A BILL FOR

1 An Act concerning the transfer of a portion of state sales tax
2 revenue to the road use tax fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5563XS (2) 85
dea/sc

S.F. 2149

1 Section 1. Section 312.1, subsection 1, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *0e.* (1) Revenue derived from the state
4 sales tax, to the extent provided in section 423.2, subsection
5 11, paragraph *"b"*, subparagraph (7).
6 (2) This paragraph is repealed June 30, 2034.
7 Sec. 2. Section 423.2, subsection 11, paragraph b, Code
8 2014, is amended by adding the following new subparagraph:
9 NEW SUBPARAGRAPH. (7) (a) Transfer to the road use tax
10 fund created in section 312.1 the amount derived under this
11 section from a sales tax rate of one-half of one percent.
12 (b) This subparagraph is repealed June 30, 2034.
13 EXPLANATION
14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.
16 This bill requires a portion of the revenue collected from
17 the state sales tax to be transferred to the road use tax fund
18 for 20 years, to be distributed according to the road use tax
19 fund distribution formula. The amount to be transferred is the
20 amount derived from a sales tax rate of one-half of 1 percent.
21 The requirement is repealed on June 30, 2034.

Senate File 2150 - Introduced

SENATE FILE 2150
BY SMITH and SENG

A BILL FOR

1 An Act relating to the limitations of actions in certain sexual
2 offenses, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5416XS (5) 85
jm/rj

S.F. 2150

1 Section 1. NEW SECTION. **802.2B Other sexual offenses.**
2 1. An information or indictment for the following offenses
3 committed on or with a person who is a child or is under the
4 age of eighteen years shall be found within ten years after
5 the person upon whom the offense is committed attains eighteen
6 years of age:
7 *a.* Lascivious acts with a child in violation of section
8 709.8.
9 *b.* Assault with intent to commit sexual abuse in violation
10 of section 709.11.
11 *c.* Indecent contact with a child in violation of section
12 709.12.
13 *d.* Lascivious conduct with a minor in violation of section
14 709.14.
15 *e.* Sexual misconduct with offenders and juveniles in
16 violation of section 709.16.
17 2. If the person against whom the information or indictment
18 is sought is identified through the use of a DNA profile for an
19 offense described in subsection 1, an information or indictment
20 shall be found within ten years after its commission, or within
21 three years from the date the person is identified by the
22 person's DNA profile, whichever is later.
23 Sec. 2. Section 802.3, Code 2014, is amended to read as
24 follows:
25 **802.3 Felony — aggravated or serious misdemeanor.**
26 In all cases, except those enumerated in section 802.1,
27 802.2, 802.2A, 802.2B, or 802.10, an indictment or information
28 for a felony or aggravated or serious misdemeanor shall be
29 found within three years after its commission.
30 Sec. 3. Section 802.10, subsection 3, Code 2014, is amended
31 to read as follows:
32 3. However, notwithstanding subsection 2, an indictment
33 or information shall be found against a person within three
34 years from the date the person is identified by the person's
35 DNA profile. If the action involves sexual abuse~~,~~ or another

S.F. 2150

1 sexual offense the indictment or information shall be found
2 as provided in section 802.2 or 802.2B, if the person is
3 identified by the person's DNA profile.
4 EXPLANATION

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

7 This bill relates to the limitations of criminal actions in
8 certain sexual offenses, and provides penalties.
9 Under the bill, an information or indictment for the
10 following offenses committed on or with a person who is a
11 child or is under the age of 18 years shall be found within
12 10 years after the person upon whom the offense is committed
13 attains 18 years of age: lascivious acts in violation of Code
14 section 709.8, assault with intent to commit sexual abuse in
15 violation of Code section 709.11, indecent contact with a
16 child in violation of Code section 709.12, lascivious conduct
17 with a minor in violation of Code section 709.14, and sexual
18 misconduct with offenders and juveniles in violation of Code
19 section 709.16.
20 Current law provides that an indictment or information for a
21 felony, or aggravated or serious misdemeanor, be found within
22 three years after its commission.
23 The bill also provides that if the person against whom the
24 information or indictment is sought is identified through the
25 use of a DNA profile for an offense described in the bill, an
26 information or indictment shall be found within 10 years after
27 its commission, or within three years from the date the person
28 is identified by the person's DNA profile, whichever is later.

Senate File 2151 - Introduced

SENATE FILE 2151
BY SCHOENJAHN

A BILL FOR

1 An Act relating to mental health treatment costs of certain
2 persons accused of a crime.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6071XS (2) 85
jm/rj

S.F. 2151

1 Section 1. Section 812.6, subsection 2, paragraphs a and b,
2 Code 2014, are amended to read as follows:
3 *a.* A defendant who poses a danger to the public peace or
4 safety, or who is otherwise not qualified for pretrial release,
5 shall be committed as a safekeeper to the custody of the
6 director of the department of corrections at the Iowa medical
7 and classification center, or other appropriate treatment
8 facility as designated by the director, for treatment designed
9 to restore the defendant to competency. The costs of the
10 treatment pursuant to this paragraph shall be borne by the
11 department of corrections.
12 *b.* A defendant who does not pose a danger to the public
13 peace or safety, but is otherwise being held in custody, or who
14 refuses to cooperate with treatment, shall be committed to the
15 custody of the director of human services at a department of
16 human services facility for treatment designed to restore the
17 defendant to competency. The costs of the treatment pursuant
18 to this paragraph shall be borne by the department of human
19 services.
20 EXPLANATION
21 **The inclusion of this explanation does not constitute agreement with**
22 **the explanation's substance by the members of the general assembly.**
23 This bill relates to mental health treatment costs of
24 persons accused of a crime.
25 Under current law, if the court finds that a defendant is
26 suffering from a mental disorder which prevents the defendant
27 from appreciating the charge, understanding the proceedings, or
28 assisting effectively in the defense, the court shall suspend
29 the criminal proceedings indefinitely and order the defendant
30 to be placed in a treatment program pursuant to Code section
31 812.6.
32 Current law provides that if a defendant is placed in such
33 a treatment program and the defendant poses a danger to the
34 public peace or safety, the person shall be committed to the
35 department of corrections for treatment. The bill requires the

S.F. 2151

1 department of corrections to pay the costs for treating the
2 defendant upon commitment.
3 Current law also provides that if a defendant is placed in
4 such a treatment program but does not pose a threat to the
5 public safety but refuses treatment, the defendant shall be
6 committed to the department of human services for treatment.
7 The bill requires the department of human services to pay the
8 costs for treating the defendant upon commitment.

Senate File 2152 - Introduced

SENATE FILE 2152
BY SODDERS and BOETTGER

A BILL FOR

1 An Act providing for the practice of a licensed midwife and
2 providing for a fee and a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5965SS (6) 85
jr/nh

S.F. 2152

1 Section 1. Section 147.1, subsections 3 and 6, Code 2014,
2 are amended to read as follows:
3 3. *"Licensed"* or *"certified"*, when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and family
13 therapist, mental health counselor, social worker, massage
14 therapist, midwife, athletic trainer, acupuncturist, nursing
15 home administrator, hearing aid dispenser, or sign language
16 interpreter or transliterator means a person licensed under
17 this subtitle.
18 6. *"Profession"* means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, practice as a physician
20 assistant, psychology, chiropractic, nursing, dentistry,
21 dental hygiene, dental assisting, optometry, speech pathology,
22 audiology, pharmacy, physical therapy, physical therapist
23 assisting, occupational therapy, occupational therapy
24 assisting, respiratory care, cosmetology arts and sciences,
25 barbering, mortuary science, marital and family therapy,
26 mental health counseling, social work, dietetics, massage
27 therapy, midwifery, athletic training, acupuncture, nursing
28 home administration, hearing aid dispensing, sign language
29 interpreting or transliterating, orthotics, prosthetics, or
30 pedorthics.
31 Sec. 2. Section 147.13, Code 2014, is amended by adding the
32 following new subsection:
33 NEW SUBSECTION. 25. For midwifery, the board of midwifery.
34 Sec. 3. Section 147.14, subsection 1, Code 2014, is amended
35 by adding the following new paragraph:

S.F. 2152

1 NEW PARAGRAPH. *x.* For midwifery, a total of seven members,
2 four members who are licensed midwives under chapter 148G;
3 one member who is licensed under chapter 148, is a practicing
4 family physician, and has professional experience consulting
5 for and collaborating with direct-entry midwives; and two
6 members who are not licensed midwives or licensed health care
7 providers who have received direct-entry midwifery services and
8 who shall represent the general public.
9 Sec. 4. Section 147.74, Code 2014, is amended by adding the
10 following new subsection:
11 NEW SUBSECTION. 5A. A midwife licensed under chapter 148G
12 may use the words "licensed midwife" or the initials "L.M."
13 after the person's name.
14 Sec. 5. NEW SECTION. **148G.1 Legislative intent.**
15 The general assembly recognizes the need for a person to have
16 the freedom to choose the manner, cost, and setting for giving
17 birth. The general assembly finds that access to prenatal care
18 and delivery services is limited by the inadequate number of
19 providers of such services and that the practice of midwifery
20 may help to reduce this shortage. The general assembly also
21 recognizes the need for the safe and effective delivery of
22 newborn babies and the health, safety, and welfare of their
23 mothers in the delivery process. The general assembly, in
24 the interest of public health, promotes the regulation of the
25 practice of midwifery in Iowa for the purpose of protecting the
26 health and welfare of women and infants. The general assembly
27 recognizes that midwifery is a profession in its own right and
28 that it is not the practice of medicine or nursing.
29 Sec. 6. NEW SECTION. **148G.2 Definitions.**
30 As used in this chapter, unless the context otherwise
31 requires:
32 1. *"Board"* means the board of midwifery.
33 2. *"Licensed midwife"* means a person who is licensed to
34 practice midwifery as provided in this chapter and has obtained
35 national certification from the North American registry of

S.F. 2152

1 midwives, or a successor organization.
2 3. *"Midwife"* means a person who is trained to give the
3 necessary care and advice to women during pregnancy, labor,
4 and the post-birth period, to conduct normal deliveries on
5 the midwife's own responsibility, and to care for the newly
6 born infant, and who is able to recognize the warning signs of
7 abnormal conditions requiring referral to or collaboration with
8 a physician.
9 4. *"Midwifery"* means the practice of attending women
10 experiencing low-risk pregnancies during pregnancy, labor, and
11 the post-birth period with the informed consent of the woman,
12 and the provision of comprehensive care of the pregnant woman
13 during the antepartal phase, intrapartal phase, and postpartal
14 phase, and the application of emergency care when necessary.
15 5. *"Out-of-hospital"* means any facility, institution, or
16 place which is not an ambulatory surgical center or a hospital,
17 such as a birth center as defined in section 135.61 or a
18 private home.
19 Sec. 7. NEW SECTION. **148G.3 Licensure — licensed**
20 **midwifery.**
21 1. Except as provided in section 146G.7, subsection 1,
22 beginning July 1, 2015, every person practicing as a licensed
23 midwife in this state must be licensed pursuant to this
24 chapter. The board shall adopt rules pursuant to chapters 17A,
25 147, and 272C establishing procedures for the licensing of new
26 and practicing midwives.
27 2. Prior to obtaining licensure, an applicant shall
28 successfully pass an examination prescribed and approved by
29 the board as determined in rule demonstrating competencies
30 in at least all of the following areas: risk assessment
31 and management; prenatal care; management of normal labor,
32 birth, and postpartum; newborn care up to six weeks; and adult
33 cardiopulmonary resuscitation and newborn resuscitation. A
34 person practicing as a midwife before July 1, 2015, shall be
35 issued a license without examination.

S.F. 2152

1 3. The applicant shall hold a certified professional
2 midwife credential issued by the North American registry of
3 midwives or any other nationally accredited credential as
4 specified by the board. If an applicant has been subject to
5 prior revocation of a license to practice medicine or nursing,
6 the applicant shall not be eligible for licensure under this
7 chapter, except as determined by the board.
8 4. The board may request, at the applicant's expense, that
9 the department of public safety perform a criminal history
10 check and the department of human services perform child and
11 dependent adult abuse record checks of the applicant. If an
12 applicant has a criminal record or a record of founded child or
13 dependent adult abuse, the board shall perform an evaluation to
14 determine whether the record warrants denial of licensure.
15 Sec. 8. NEW SECTION. **148G.4 Use of title — penalty.**
16 A person shall not use the title licensed midwife, describe
17 or imply that the person is a licensed midwife, or represent
18 the person as a licensed midwife unless the person is licensed
19 under this chapter or is licensed as a nurse-midwife under
20 chapter 152.
21 Sec. 9. NEW SECTION. **148G.5 Rules.**
22 1. The board shall:
23 *a.* Adopt rules relating to standards for professional
24 conduct of persons licensed under this chapter.
25 *b.* Adopt rules consistent with this chapter and with
26 chapters 147 and 272C which are necessary for the performance
27 of its duties.
28 *c.* Act on matters concerning licensure and the processes
29 of applying for, granting, suspending, imposing supervisory
30 or probationary conditions upon, reinstating, and revoking a
31 license.
32 *d.* Administer the provisions of this chapter requiring
33 documentation required to demonstrate competence as a midwife,
34 and the processing of applications for licenses and license
35 renewal.

S.F. 2152

1 *e.* Develop continuing education requirements as a condition
2 of license renewal.
3 *f.* Evaluate requirements for licensure in other states to
4 determine if reciprocity may be granted.
5 *g.* Establish and collect licensure fees as provided in
6 section 147.80 and retain fees as provided in section 147.82.
7 *h.* Establish procedures for the issuance, renewal, and
8 revocation or suspension of a license under this chapter.
9 *i.* Maintain a registry of licensed midwives and statistics
10 on the practice of midwifery utilizing vital statistics data.
11 2. In developing rules, the board may consult with
12 persons knowledgeable regarding the prenatal and postpartum
13 birth process, particularly those possessing experience with
14 out-of-hospital births, including but not limited to persons
15 licensed under chapter 148, certified professional midwives,
16 advanced registered nurse practitioners who are certified nurse
17 midwives, and women who have given birth in an out-of-hospital
18 setting. In developing rules relating to the practice of
19 midwifery, the board shall reflect the knowledge and skills
20 identified by the North American registry of midwives' current
21 job description for the profession and the standards of
22 practice of midwifery established by the national association
23 of certified professional midwives or a successor organization.
24 3. Rules relating to the practice of midwifery shall be
25 consistent with the North American registry of midwives'
26 current job description for the profession and the standards
27 of practice of midwifery established by the national
28 association of certified professional midwives or a successor
29 organization, and shall not expand the scope of practice of
30 midwifery established by the national association of certified
31 professional midwives or a successor organization.
32 4. At such time as the board determines that liability
33 insurance is available at an affordable price to certified
34 professional midwives, the board may mandate such coverage.
35 Until that time, each midwife shall comply with the disclosure

S.F. 2152

1 requirements in section 148G.6.
2 Sec. 10. NEW SECTION. **148G.6 Client disclosure.**
3 Prior to accepting a patient for midwifery care, a licensed
4 midwife shall provide information indicating all of the
5 following:
6 1. Evidence that the care provider is a licensed midwife
7 meeting the requirements of this chapter.
8 2. Whether the licensed midwife has malpractice liability
9 insurance coverage and the policy limits of such coverage.
10 3. The midwife's educational background and relevant
11 experience, including experience in various birth settings.
12 4. The nature, scope, and location of the care to be
13 given, including the possibility of and the guidelines for
14 consultation, referral, or transfer of the patient to a
15 hospital from an out-of-hospital setting.
16 Sec. 11. NEW SECTION. **148G.7 Exceptions.**
17 1. This chapter or chapter 148 or 152 does not prohibit
18 an unlicensed individual from providing services consistent
19 with the nature of the practice of midwifery to a woman who
20 has specifically requested that the individual provide the
21 services.
22 2. This chapter does not prevent qualified members of other
23 professions including but not limited to individuals licensed
24 under chapter 148 or 152 from providing services consistent
25 with the nature of the practice of midwifery.
26 3. This chapter does not prevent or prohibit a student
27 midwife from performing tasks related to the practice of
28 midwifery under the supervision of a licensed midwife, a
29 certified nurse midwife, or a licensed physician during
30 completion of the licensure process.
31 4. The practice of midwifery in this state prior to July
32 1, 2015, shall not constitute grounds for disciplinary action
33 by the board. The board may issue a license to a person who
34 has practiced midwifery in this state prior to that date upon
35 application and compliance with the provisions of this chapter

S.F. 2152

1 and the rules adopted pursuant to this chapter.
2 Sec. 12. Section 272C.1, subsection 6, Code 2014, is amended
3 by adding the following new paragraph:
4 NEW PARAGRAPH. *ag.* The board of midwifery, created pursuant
5 to chapter 147.
6 Sec. 13. Section 272C.4, subsection 6, Code 2014, is amended
7 to read as follows:
8 6. Define by rule acts or omissions that are grounds for
9 revocation or suspension of a license under section 100D.5,
10 105.22, 147.55, 148.6, 148B.7, 148G.5, 152.10, 153.34, 154A.24,
11 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
12 or 602.3203 or chapter 151 or 155, as applicable, and to define
13 by rule acts or omissions that constitute negligence, careless
14 acts, or omissions within the meaning of section 272C.3,
15 subsection 2, paragraph *"b"*, which licensees are required to
16 report to the board pursuant to section 272C.9, subsection 2.
17 Sec. 14. INITIAL APPOINTMENTS.
18 1. Notwithstanding any provision to the contrary in this
19 Act, the initial midwife appointees to the board of midwifery
20 shall fulfill the national certification requirements of the
21 North American registry of midwives.
22 2. Two of the initial midwife appointments to the board
23 shall be appointed for a one-year term, one shall be appointed
24 for a two-year term, and one shall be appointed for a
25 three-year term. The member who is licensed under chapter
26 148 shall be appointed for a two-year term, and the members
27 representing the general public shall each be appointed to a
28 three-year term.
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 creates new Code chapter 148G that provides for
33 the title practice of licensed midwives beginning July 1, 2015.
34 A midwife provides comprehensive maternity care, to low-risk
35 women, during the antepartum, intrapartum, or postpartum

S.F. 2152

period.

The bill does not prohibit unlicensed practice; an unlicensed individual may provide services consistent with the nature of the practice of midwifery to a woman who has specifically requested that the individual provide the services.

The bill provides for the establishment of a seven-member board of midwifery consisting of four members who are midwives, one physician, and two members who represent the general public. The bill provides for fees to fund the board and provides penalties for violation of the licensure requirement; those penalties are set out for all health-related boards in Code chapters 147 and 272C. Code section 147.86 provides that it is a serious misdemeanor to violate a provision of the licensing laws.

A midwife practicing prior to the effective date of this Act is not required to take the examination.

The board is similar in composition and responsibilities to other health-related licensing boards.

Senate File 2153 - Introduced

SENATE FILE 2153
BY ZAUN, JOHNSON, GUTH, BEHN, KAPUCIAN, ANDERSON, GARRETT, SEGEBART, FEENSTRA, ERNST, CHAPMAN, BOETTGER, SINCLAIR, and BERTRAND

A BILL FOR

1 An Act establishing religious conscience protections for
2 employers regarding the provision of health insurance
3 or benefit coverages that include abortion and certain
4 contraceptive services.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5923XS (3) 85
rj/rj

S.F. 2153

1 Section 1. NEW SECTION. **91F.1 Employer religious conscience**
2 **protections — certain health benefit coverages.**
3 1. As used in this chapter:
4 *a. "Employee"* means a natural person who is employed in this
5 state for wages paid on an hourly basis by an employer.
6 *b. "Employer"* means a person, as defined in chapter 4, who
7 in this state employs for wages one or more natural persons.
8 *"Employer"* includes an employer's governing authority or
9 natural persons controlling the employer's business activities.
10 *"Employer"* does not include a client, patient, customer, or
11 other person who obtains professional services from a licensed
12 person who provides the services on a fee service basis or
13 as an independent contractor, or the state, or an agency or
14 governmental subdivision of the state.
15 2. An employer shall not be required in this state under the
16 federal Patient Protection and Affordable Care Act, codified in
17 part at 42 U.S.C. §300gg-13(a)(1)-(4), to provide abortion or
18 certain contraceptive health insurance or benefit coverages for
19 employees or employees' dependents if doing so would cause the
20 employer to violate a sincerely held religious belief to which
21 the employer subscribes.
22 3. Refusal to provide the specific health insurance or
23 benefit coverages described in subsection 2 shall not result in
24 either of the following:
25 *a.* Creation of any civil claim or cause of action or any
26 criminal charge against an employer acting in accordance with
27 this section.
28 *b.* An adverse action by the state or a political
29 subdivision, under any law of the state or a political
30 subdivision, to penalize or withhold benefits from an employer
31 acting in accordance with this section including but not
32 limited to tax exemptions or deductions; or government
33 contracts, grants, agreements, loans, certifications,
34 accreditations, employment or licenses, or similar position or
35 status.

S.F. 2153

1 4. An employer may assert a violation of this section
2 as a claim or defense in a judicial proceeding and obtain
3 compensatory damages, injunctive relief, declaratory relief, or
4 any other appropriate relief, court costs, and attorney fees.
5 5. A county attorney or the attorney general may bring an
6 action for injunctive or declaratory relief to enforce this
7 section.
8 6. This section shall not be construed to deny or affect any
9 right or authority of the attorney general or of any agency,
10 agent, officer, or employee of the state to institute or
11 intervene in any proceeding relating to this section.
12 7. This section is intended to further the compelling
13 governmental interest of protecting the free exercise of
14 religion under Article I, sections 3 and 4 of the Constitution
15 of the State of Iowa, and the first amendment to the
16 Constitution of the United States, and shall be liberally
17 construed to effectuate this intent.
18 EXPLANATION
19 **The inclusion of this explanation does not constitute agreement with**
20 **the explanation's substance by the members of the general assembly.**
21 This bill provides religious conscience protections
22 for employers regarding the provision of health insurance
23 or benefit coverages that include abortion and certain
24 contraceptive services.
25 The bill provides that an employer shall not be required to
26 provide abortion or certain contraceptive health insurance or
27 benefit coverages for employees or employees' dependents if
28 doing so would cause the employer to violate a sincerely held
29 religious belief to which the employer subscribes. The bill
30 defines "employer" to include an employer's governing authority
31 or natural persons controlling the employer's business
32 activities.
33 The bill provides that refusal to provide such health
34 insurance or benefit coverages if in accordance with the bill,
35 shall not result in creation of any civil claim or cause of

S.F. 2153

1 action or any criminal charge against an employer acting in
2 accordance with the bill; or an adverse action by the state
3 or a political subdivision, under any law of the state or a
4 political subdivision, to penalize or withhold benefits from
5 an employer acting in accordance with the bill including but
6 not limited to tax exemptions or deductions; or government
7 contracts, grants, agreements, loans, certifications,
8 accreditations, employment or licenses, or similar position or
9 status.
10 An individual or entity may assert a violation of the
11 bill as a claim or defense in a judicial proceeding and
12 obtain compensatory damages, injunctive relief, declaratory
13 relief, or any other appropriate relief, court costs, and
14 attorney fees. The bill provides that a county attorney or
15 the attorney general may bring an action for injunctive or
16 declaratory relief to enforce the bill and nothing in the bill
17 is to be construed to deny or affect any right or authority
18 of the attorney general, or any agency, agent, officer,
19 or employee of the state to institute or intervene in any
20 proceeding. The bill provides that it is intended to further
21 the compelling governmental interest of protecting the free
22 exercise of religion under Article I, sections 3 and 4 of the
23 Constitution of the State of Iowa, and the first amendment to
24 the Constitution of the United States, and is to be liberally
25 construed to effectuate this intent.

Senate File 2154 - Introduced

SENATE FILE 2154
BY BEHN, JOHNSON, GUTH, SEGEBART, GARRETT, SINCLAIR, ERNST, CHAPMAN, ROZENBOOM, KAPUCIAN, CHELGREN, ZAUN, ANDERSON, BERTRAND, WHITVER, BOETTGER, FEENSTRA, ZUMBACH, BREITBACH, GREINER, SCHNEIDER, DIX, SMITH, and HOUSER

A BILL FOR

1 An Act relating to education savings grants for pupils
2 attending a nonpublic school or receiving competent private
3 instruction, establishing an education savings grant fund,
4 providing an income tax exemption, making appropriations,
5 providing penalties, and including applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5773XS (5) 85
md/sc

S.F. 2154

1 Section 1. Section 256.7, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 33. Adopt rules relating to applications
4 for an education savings grant pursuant to section 257.11B,
5 including application processing timelines and information
6 required to be submitted by a parent or guardian.
7 Sec. 2. NEW SECTION. **257.11B Education savings grant**
8 **program.**
9 1. Pupils eligible to enroll in grades kindergarten through
10 twelve and attending a nonpublic school or receiving competent
11 private instruction under chapter 299A shall be eligible to
12 receive an education savings grant in the manner provided in
13 this section for school years beginning on or after July 1,
14 2015. Education savings grants shall be made available to
15 parents and guardians in the manner authorized under subsection
16 4, paragraph *"c"*, for the payment of qualified educational
17 expenses as provided in this section.
18 2. *a.* (1) By January 31 preceding the school year for
19 which the education savings grant is requested, the parent
20 or guardian of the pupil requesting to receive an education
21 savings grant shall submit an application to the department of
22 education, on application forms developed by the department,
23 indicating that the parent or guardian intends to enroll the
24 pupil in a nonpublic school or provide competent private
25 instruction for the pupil under chapter 299A.
26 (2) In addition to such information deemed appropriate by
27 the department of education, the application shall require
28 certification from the nonpublic school of the pupil's
29 enrollment for the following school year or a statement
30 indicating the parent or guardian's intent to provide or
31 arrange for competent private instruction for the pupil for the
32 following school year.
33 *b.* By March 1 preceding the school year for which the
34 education savings grant is requested, the department of
35 education shall notify the department of management of the

S.F. 2154

1 number of pupils in each school district designated for the
2 following school year to receive an education savings grant
3 and the amount of the education savings grant for each pupil.
4 The department of education shall also notify the parent
5 or guardian of such pupils who are approved to receive an
6 education savings grant.
7 *c.* Education savings grants shall only be approved for one
8 school year and applications must be submitted under paragraph
9 *"a"* for education savings grants in subsequent school years.
10 3. *a.* The department of management shall assign each pupil
11 an education savings grant in an amount equal to the statewide
12 average state foundation aid per pupil in the same school year.
13 *b.* The department of management shall on July 1 following
14 the determination of the amount of the education savings grant
15 for each approved pupil transfer such amounts to the pupil's
16 account in the education savings grant fund established under
17 subsection 4. Such amount shall be available to the pupil's
18 parent or guardian in the manner authorized under subsection
19 4, paragraph *"c"*, for the payment of qualified educational
20 expenses incurred by such persons for the pupil during that
21 school year.
22 4. An education savings grant fund is created in the state
23 treasury under the control of the department of management
24 consisting of moneys appropriated to the department for the
25 purpose of providing education savings grants under this
26 section. For the fiscal year commencing July 1, 2015, and
27 each succeeding fiscal year, there is appropriated from the
28 general fund of the state to the department of management to be
29 credited to the fund the amount necessary to pay all education
30 savings grants approved for that fiscal year. The director of
31 the department of management has all powers necessary to carry
32 out and effectuate the purposes, objectives, and provisions of
33 this section pertaining to the fund, including the power to do
34 all of the following:
35 *a.* Make and enter into contracts necessary for the

S.F. 2154

1 administration of the fund.
2 *b.* Procure insurance against any loss in connection with the
3 assets of the fund or require a surety bond.
4 *c.* Contract with a private financial management firm to
5 manage the fund, in collaboration with the treasurer of state,
6 including providing for the disbursement of education savings
7 grants in the form of an electronic debit card or checks that
8 are payable directly from the pupil's account within the fund.
9 *d.* Conduct audits or other review necessary to properly
10 administer the program.
11 *e.* Adopt rules pursuant to chapter 17A for the
12 administration of the fund and accounts within the fund.
13 5. *a.* For each pupil approved for an education savings
14 grant, the department shall establish an account for that pupil
15 in the education savings grant fund. The amount of the pupil's
16 education savings grant determined under subsection 3 shall be
17 deposited into the pupil's account on July 1 and such amount
18 shall be immediately available for the payment of qualified
19 educational expenses incurred by the parent or guardian for
20 the pupil during that fiscal year using the payment method
21 authorized under subsection 4, paragraph *"c"*.
22 *b.* A nonpublic school or other entity that accepts payment
23 from a parent or guardian using funds from a pupil's account in
24 the education savings grant fund shall not refund, rebate, or
25 share any portion of such payment with the parent, guardian, or
26 pupil.
27 *c.* Moneys remaining in a pupil's account upon conclusion
28 of the fiscal year shall remain in the pupil's account within
29 the education savings grant fund for the payment of qualified
30 educational expenses in future fiscal years or for the payment
31 of higher education costs under subsection 8.
32 6. For purposes of this section, *"qualified educational*
33 *expenses"* includes tuition and fees at a nonpublic school,
34 textbooks, fees or payments for educational therapies including
35 tutoring or cognitive skills training, curriculum fees and

S.F. 2154

1 materials for a course of study for a specific subject matter
2 or grade level, tuition or fees for nonpublic online education
3 programs, education materials and services for pupils with
4 disabilities including the cost of paraprofessionals and
5 assistants who are trained in accordance with state law,
6 standardized test fees, fees required by the department not
7 to exceed for each grant recipient five percent of the total
8 grant amount in any fiscal year, higher education expenses, as
9 defined in section 12D.1, excluding room and board expenses,
10 and other expenses incurred by the parent or guardian that
11 are directly related to the education of the pupil at a
12 nonpublic school, including a nonpublic school accredited by an
13 independent accrediting agency approved by the department of
14 education, or directly related to providing competent private
15 instruction for the pupil under chapter 299A. The cost of one
16 computer or other portable computing device shall be allowed as
17 a qualified educational expense for a pupil if such a purchase
18 has not been made using funds from that pupil's account
19 in either of the two immediately preceding fiscal years.
20 *"Qualified educational expenses"* do not include transportation
21 costs for the pupil, the cost of food or refreshments consumed
22 by the pupil, the cost of clothing for the pupil, or the cost
23 of disposable materials, including but not limited to paper,
24 notebooks, pencils, pens, and art supplies.
25 7. A person who makes a false claim for the purpose of
26 obtaining an education savings grant provided for in this
27 section or who knowingly receives the grant or makes a payment
28 from an account within the education savings grant fund
29 without being legally entitled to it is guilty of a fraudulent
30 practice. The false claim for an education savings grant or a
31 payment from an account shall be disallowed and if amounts from
32 the grant have been disbursed from the applicable account in
33 the education savings grant fund, the department of management
34 shall initiate legal proceedings to recover such amounts. A
35 parent or guardian, or a pupil for purposes of subsection 8,

S.F. 2154

1 who violates this subsection is prohibited from participating
2 in the education savings grant program in the future.
3 8. *a.* For each pupil with a positive balance in the
4 pupil's account in the education savings grant fund upon
5 graduation from high school or completion of an equivalent
6 level of competent private instruction under chapter 299A, the
7 department of management shall maintain the account in the
8 fund until the pupil is twenty-three years of age. Following
9 graduation from high school until the pupil is twenty-three
10 years of age, moneys in the pupil's account may be used for
11 higher education costs, as defined in section 12D.1, subsection
12 2, incurred by the pupil while attending an institution of
13 higher education under the control of the state board of
14 regents, a community college located in this state, or a
15 private college or university located in this state. Payments
16 from a pupil's account for higher education costs shall be
17 made in the same manner as payments for qualified educational
18 expenses under subsection 5. Moneys in a pupil's account when
19 the pupil turns twenty-three years of age shall be transferred
20 by the department for deposit in the general fund of the state.
21 *b.* Notwithstanding the age limitation in paragraph *"a"*,
22 if the pupil with a positive balance in the pupil's account
23 within the education savings grant fund upon graduation from
24 high school or completion of an equivalent level of competent
25 private instruction under chapter 299A serves on federal active
26 duty, other than training, and is discharged under honorable
27 conditions, the limitation date otherwise applicable under
28 paragraph *"a"* shall be extended by one year for each year of
29 federal active duty service by the pupil, but not to a date
30 after the pupil's twenty-seventh birthday.
31 9. This section shall not be construed to authorize the
32 state or any political subdivision of the state to exercise
33 authority over any nonpublic school or pupil receiving
34 competent private instruction under chapter 299A or construed
35 to require a nonpublic school to modify its admissions or

S.F. 2154

1 educational program in order to receive payment from a parent
2 or guardian using funds from a pupil's account in the education
3 savings grant fund. A nonpublic school or entity providing
4 competent private instruction under chapter 299A, that accepts
5 payment from a parent or guardian using funds from a pupil's
6 account in the education savings grant fund is not an agent of
7 this state or other political subdivision of this state. Rules
8 adopted by the department to implement this section that impose
9 an undue burden on a nonpublic school or entity providing
10 competent private instruction under chapter 299A are invalid.
11 Sec. 3. Section 422.7, Code 2014, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 51. Subtract, to the extent included, the
14 amount of any education savings grant under section 257.11B
15 received during the tax year by pupils for whom the taxpayer is
16 the parent or guardian authorized to spend such grant amounts
17 for qualified educational expenses.
18 Sec. 4. APPLICABILITY. This Act applies to school budget
19 years and fiscal years beginning on or after July 1, 2015.
20 Sec. 5. APPLICABILITY. The section of this Act enacting
21 section 422.7, subsection 51, applies to tax years beginning on
22 or after January 1, 2015.
23 EXPLANATION
24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.
26 This bill provides education savings grants for pupils
27 attending a nonpublic school or receiving competent private
28 instruction and establishes an education savings grant fund.
29 Under the bill, pupils eligible to enroll in grades
30 kindergarten through 12 and attending a nonpublic school or
31 receiving competent private instruction under Code chapter
32 299A are eligible to receive an education savings grant for
33 school years beginning on or after July 1, 2015. By January 31
34 preceding the school year for which the education savings grant
35 is requested, the parent or guardian of the pupil requesting to

S.F. 2154

1 receive an education savings grant must submit an application
2 to the department of education indicating that the parent or
3 guardian intends to enroll the pupil in a nonpublic school or
4 provide competent private instruction for the pupil.
5 The bill requires that by March 1 preceding the school
6 year for which the education savings grant is requested,
7 the department of education must notify the department of
8 management of the number of pupils in each school district
9 designated for the following school year to receive an
10 education savings grant and the amount of the education savings
11 grant for each pupil. Education savings grants may only be
12 approved for one school year and applications must be submitted
13 for education savings grants in subsequent school years.
14 The amount of each education savings grant is equal to the
15 statewide average state foundation aid per pupil in the same
16 school year.
17 The bill creates an education savings grant fund in the state
18 treasury under the control of the department of management
19 consisting of moneys appropriated to the department for the
20 purpose of providing education savings grants. For the fiscal
21 year commencing July 1, 2015, and each succeeding fiscal year,
22 there is appropriated from the general fund of the state to the
23 department of management for deposit in the fund the amount
24 necessary to pay all education savings grants approved for
25 that fiscal year. For each pupil approved for an education
26 savings grant, the department of management must establish an
27 account for that pupil in the education savings grant fund.
28 The amount of the pupil's education savings grant is deposited
29 into the pupil's account on July 1 and such amount is available
30 for use by parents and guardians for the payment of qualified
31 educational expenses, as defined in the bill, incurred by the
32 parent or guardian for the pupil during that fiscal year.
33 The bill authorizes the department of education to
34 contract with a private financial management firm to manage
35 the education savings grant fund, in collaboration with the

S.F. 2154

1 treasurer of state, including providing for the disbursement
2 of education savings grants in the form of an electronic debit
3 card or checks that are payable directly from the pupil's
4 account within the fund.
5 The bill provides that moneys remaining in a pupil's account
6 upon the conclusion of the fiscal year shall remain in the
7 pupil's account within the education savings grant fund for
8 the payment of qualified educational expenses in future fiscal
9 years or for higher education costs as authorized in the bill.
10 Under the bill, for each pupil with a positive balance in
11 the pupil's account in the education savings grant fund upon
12 graduation from high school or completion of an equivalent
13 level of competent private instruction under Code chapter
14 299A, the department of management is required to maintain the
15 account in the fund until the pupil reaches an age specified in
16 the bill. Until the pupil reaches the age limitation, moneys
17 in the pupil's account may be used by the pupil for higher
18 education costs, as defined in Code section 12D.1. Moneys in a
19 pupil's account when the pupil reaches the age limitation are
20 transferred by the department of management for deposit in the
21 general fund of the state.
22 The bill provides that a person who makes a false claim for
23 the purpose of obtaining an education savings grant or who
24 knowingly receives the grant or makes a payment from an account
25 within the education savings grant fund without being legally
26 entitled to it is guilty of a fraudulent practice and is
27 subject to a criminal penalty. The bill allows the department
28 of management to initiate legal proceedings to recover grants
29 and amounts improperly awarded or paid from accounts under the
30 bill.
31 The bill provides that moneys from an education savings
32 grant under the bill are not taxable income under Code chapter
33 422. The provision of the bill enacting Code section 422.7,
34 subsection 51, applies to tax years beginning on or after
35 January 1, 2015.

S.F. 2154

1 The bill applies to school budget years and fiscal years
2 beginning on or after July 1, 2015.

Senate File 2155 - Introduced

SENATE FILE 2155
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3059)

A BILL FOR

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

TLSB 5188SV (2) 85
je/rj

S.F. 2155

1 Section 1. NEW SECTION. **573B.1 Title.**
2 This chapter shall be known as the *"Iowa Fairness in Private*
3 *Construction Contracts Act"*.
4 Sec. 2. NEW SECTION. **573B.2 Definitions.**
5 For the purposes of this chapter:
6 1. *"Construction"* means the same as defined in section
7 103A.3.
8 2. *"Contract"* means the same as defined in section 554.1201.
9 3. *"Contractor"* means a person or entity that engages in
10 the business of construction and has a contract with an owner
11 of the real property or with a trustee, agent, or spouse of an
12 owner.
13 4. *"Owner"* means the same as defined in section 103A.3.
14 5. *"Prime rate"* means the prime rate charged by banks
15 on short-term business loans, as determined by the board of
16 governors of the federal reserve system and published in the
17 federal reserve bulletin.
18 6. *"Private construction"* means construction of or on
19 private property.
20 7. *"Retainage"* means money earned by a contractor or
21 subcontractor but withheld to ensure proper performance by the
22 contractor or subcontractor.
23 8. *"Subcontractor"* means a person or entity that engages
24 in the business of construction, except a person or entity
25 entering into a contract directly with the owner of the real
26 property.
27 Sec. 3. NEW SECTION. **573B.3 Private construction contracts**
28 **— payment — provisions against public policy — failure to pay.**
29 1. A person or entity that enters into a contract for
30 private construction shall make all payments pursuant to the
31 terms of the contract and in accordance with this chapter.
32 2. A provision in a contract for private construction
33 that purports to waive, release, or extinguish the right to
34 resolve disputes through litigation in court or substantive or
35 procedural rights in connection with such litigation is void

S.F. 2155

and unenforceable as contrary to public policy.

3. A provision in a contract for private construction providing that a payment from a contractor or subcontractor to a subcontractor is contingent or conditioned upon receipt of a payment from any other private party is no defense to a claim to enforce a mechanic's lien or bond to secure payment of claims pursuant to chapter 572.

4. A contract for private construction shall provide that payment of amounts due a contractor from an owner, except retainage, shall be made within thirty days after the owner receives a timely, properly completed, undisputed request for payment. If an owner fails to pay a contractor by the date payment is due, the owner shall pay interest to the contractor beginning on the first business day after payment is due, computed at the prime rate plus one percent per year.

5. For a contract for private construction, a contractor shall pay a subcontractor any amounts due within ten business days of whichever of the following is later:

a. Receipt of payment by the contractor from the owner, including payment of retainage, if retainage is released by the owner.

b. The date payment to the subcontractor is due pursuant to the contract.

6. If a contractor fails to pay a subcontractor pursuant to subsection 5, the contractor shall pay interest to the subcontractor beginning on the first business day after payment becomes due, computed at the prime rate plus one percent per year.

7. The provisions of subsections 5 and 6 shall apply to a payment from a subcontractor to its subcontractor.

Sec. 4. NEW SECTION. **573B.4 Retainage.**

1. An owner, contractor, or subcontractor may withhold no more than five percent retainage from the amount of any undisputed payment due.

2. If an owner, contractor, or subcontractor fails to pay

S.F. 2155

1 retainage pursuant to the terms of a contract for private
2 construction or as required by this chapter, the owner,
3 contractor, or subcontractor shall pay interest to the
4 contractor or subcontractor to whom payment was due, beginning
5 on the first business day after the payment was due, at the
6 prime rate plus one percent per year.
7 Sec. 5. NEW SECTION. **573B.5 Action or arbitration to**
8 **enforce.**
9 Venue of any action to enforce the provisions of this
10 chapter, including arbitration, shall be in the county where
11 the applicable real property is located. The hearing in such
12 an arbitration shall be held in the county where the applicable
13 real property is located.
14 Sec. 6. NEW SECTION. **573B.6 Waiver or variance prohibited.**
15 The rights and duties prescribed by this chapter shall not be
16 waived or varied under the terms of a contract. The terms of a
17 contract waiving or varying the rights and duties prescribed by
18 this chapter shall be unenforceable.
19 Sec. 7. NEW SECTION. **573B.7 Applicability.**
20 The provisions of this chapter do not apply to single-family
21 residential housing and multifamily residential housing of four
22 units or less. The provisions of this chapter shall not apply
23 to public works, public utility as defined in section 476.1,
24 or public improvement projects.
25 Sec. 8. APPLICABILITY. This Act applies to construction
26 contracts entered into on or after the effective date of this
27 Act.
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 creates the "Iowa fairness in private construction
32 contracts Act". The bill requires a person or entity that
33 enters into a contract for private construction to make
34 all payments pursuant to the terms of the contract and in
35 accordance with the bill. The bill provides that a provision

S.F. 2155

1 in a private construction contract that waives, releases, or
2 extinguishes the right to resolve disputes through litigation
3 is void as contrary to public policy.
4 The bill provides that a provision in a contract for
5 private construction making a payment from a contractor or
6 subcontractor to a subcontractor contingent or conditioned upon
7 receipt of a payment from any other private party is no defense
8 to a claim to enforce a mechanic's lien or bond to secure
9 payment of claims pursuant to Code chapter 572.
10 The bill requires that a contract for private construction
11 provide that payment of amounts due a contractor from an owner,
12 except retainage, shall be made within 30 days after the owner
13 receives a timely, properly completed, undisputed request for
14 payment. The bill provides that if an owner fails to pay a
15 contractor by the date payment is due, the owner must pay
16 interest to the contractor beginning the first business day
17 after payment is due.
18 The bill provides that for a contract for private
19 construction, a contractor must pay a subcontractor any
20 amounts due within 10 business days of the later of either
21 the receipt of payment by the contractor from the owner,
22 including retainage, if released, or the date payment to the
23 subcontractor is due pursuant to the subcontract. The bill
24 provides that if a contractor fails to pay a subcontractor in
25 this way, the contractor must pay interest to the subcontractor
26 beginning the first business day after payment is due.
27 The bill provides that an owner, contractor, or
28 subcontractor may withhold no more than 5 percent retainage
29 from the amount of any undisputed payment due. The bill
30 provides that if an owner, contractor, or subcontractor fails
31 to pay retainage as required, they must pay interest beginning
32 on the first business day after the payment was due. The
33 bill defines "retainage" as money earned by a contractor or
34 subcontractor but withheld to ensure proper performance by the
35 contractor or subcontractor.

S.F. 2155

1 The bill provides that any action to enforce the provisions
2 of the bill, including arbitration, will take place in the
3 county where the applicable real property is located.
4 The bill provides that the rights and duties prescribed
5 by the bill cannot be waived or varied under the terms
6 of a contract, and a provision of a contract doing so is
7 unenforceable.
8 The bill does not apply to single-family residential housing
9 and multifamily residential housing of four units or less or
10 public works, public utility, or public improvement projects.
11 The bill applies to construction contracts entered into on
12 or after the effective date of the bill.

Senate File 2156 - Introduced

SENATE FILE 2156
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3012)

A BILL FOR

1 An Act relating to in-state special or limited-use pharmacy
2 licensure and nonresident pharmacy practices, licensure, and
3 discipline.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5260SV (2) 85
ad/nh

S.F. 2156

1 Section 1. Section 155A.13, subsections 3 and 5, Code 2014,
2 are amended to read as follows:
3 3. The board may issue a ~~special or~~ limited-use pharmacy
4 license or a telepharmacy license based upon special conditions
5 of use imposed pursuant to rules adopted by the board for cases
6 in which the board determines that certain requirements may be
7 waived.
8 5. A hospital which elects to operate a pharmacy for other
9 than its own use is subject to the requirements for a general
10 pharmacy license. If the hospital's pharmacy services for
11 other than its own use are special or limited, the board
12 may issue a ~~special or~~ limited-use pharmacy license or a
13 telepharmacy license pursuant to subsection 3.
14 Sec. 2. Section 155A.13A, subsection 2, Code 2014, is
15 amended to read as follows:
16 2. *License renewal.* A nonresident pharmacy shall renew its
17 license on or before January 1 annually. In order to renew
18 a nonresident pharmacy license, a nonresident pharmacy shall
19 submit a renewal application and fee as determined by the
20 board, and shall fulfill all of the requirements of subsection
21 1, paragraphs *"b"* through *"e"*. A nonresident pharmacy shall pay
22 an additional fee for late renewal as determined by the board.
23 Sec. 3. Section 155A.13A, Code 2014, is amended by adding
24 the following new subsections:
25 NEW SUBSECTION. 2A. *Sterile compounding practice.* A
26 nonresident pharmacy that engages in the preparation of any
27 sterile compounded product for dispensing to or for a patient
28 located in Iowa shall comply with rules relating to sterile
29 compounding practices adopted by the board. A nonresident
30 pharmacy engaging in sterile compounding shall pay an amount
31 necessary to cover the board's costs of conducting periodic
32 inspections of the pharmacy's operations. Costs recovered
33 pursuant to this subsection shall be considered repayment
34 receipts as defined in section 8.2.
35 NEW SUBSECTION. 2B. *Inspections.* The board may inspect the

S.F. 2156

premises and practices of any applicant for a new nonresident pharmacy license or for renewal of a nonresident pharmacy license.

Sec. 4. Section 155A.13A, subsection 3, Code 2014, is amended to read as follows:

3. *Discipline.* The board may deny an application for a new or renewal of a nonresident pharmacy license if an agent of the board is refused access to the pharmacy or pharmacy records for the purpose of conducting a periodic inspection or investigation. The board may deny, suspend, or revoke a nonresident pharmacy license for any violation of this section, section 155A.15, ~~subsection 2, paragraph "a", "b", "d", "e", "f", "g", "h", or "i",~~ chapter 124, 124A, 124B, 126, or 205, or a rule of the board.

Sec. 5. Section 155A.15, subsection 1, Code 2014, is amended to read as follows:

1. *a.* A pharmacy subject to section 155A.13 shall not be operated until a license or renewal certificate has been issued to the pharmacy by the board.

b. A pharmacy subject to section 155A.13A shall not offer or provide pharmaceutical services to patients located in Iowa until a license or renewal certificate has been issued to the pharmacy by the board.

EXPLANATION

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

This bill relates to in-state special or limited-use pharmacy licensure and nonresident pharmacy practices, licensure, and discipline. The bill eliminates references to special pharmacy licenses. The bill allows the board of pharmacy to issue telepharmacy licenses pursuant to the rules of the board.

The bill amends the requirements and practices for licensure of a nonresident pharmacy. A licensed nonresident pharmacy must submit an application for renewal of its license.

S.F. 2156

1 The bill prohibits a nonresident pharmacy from providing
2 pharmaceutical services to a patient in Iowa until the pharmacy
3 is licensed by the board.
4 The bill requires pharmacies to comply with the rules
5 of the board for the preparation of sterile compounding
6 products when engaging in the sterile compounding of any
7 product for dispensing to or for a patient located in Iowa and
8 also requires these pharmacies to pay the board's costs in
9 conducting inspections of the nonresident pharmacy's sterile
10 compounding operations. The bill authorizes the board to
11 inspect the premises and practices of applicants for a new
12 nonresident pharmacy license or for renewal of a nonresident
13 pharmacy license.
14 The bill states that the board may deny an application for
15 a new or renewal of a nonresident pharmacy license if the
16 pharmacy refuses the board access to the pharmacy or pharmacy
17 records.
18 The bill adds to the list of violations that could lead to a
19 denial, suspension, or revocation of a nonresident pharmacy's
20 license. These additional violations include operating a
21 nonresident pharmacy without a license and a violation by the
22 pharmacy or a pharmacist of any provision in the pharmacy
23 chapter or rule adopted pursuant to the chapter.

Senate File 2157 - Introduced

SENATE FILE 2157
BY SCHNEIDER

A BILL FOR

1 An Act regulating the use of drones and unmanned aircraft, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5715XS (3) 85
jm/rj

S.F. 2157

1 Section 1. NEW SECTION. **801C.1 Definitions.**
2 As used in this chapter unless the context otherwise
3 requires:
4 1. *"Drone"* means any powered aerial vehicle that does not
5 carry a human operator, uses aerodynamic forces to provide
6 vehicle lift, can fly autonomously or be piloted remotely,
7 can be expendable or recoverable, and can carry a lethal or
8 nonlethal payload.
9 2. *"Unmanned aircraft"* means an aircraft that is operated
10 without the possibility of direct human intervention from
11 within or on the aircraft.
12 Sec. 2. NEW SECTION. **801C.2 Restrictions on gathering**
13 **evidence.**
14 1. A person, as defined in section 4.1, shall not use a
15 drone or other unmanned aircraft to gather evidence or other
16 information pertaining to criminal conduct, or conduct in
17 violation of a statute, ordinance, regulation, or rule, except
18 to the extent authorized by a warrant.
19 2. A person, entity, or state agency shall not use a
20 drone or other unmanned aircraft to conduct surveillance of
21 any person, property owned by any other person, or a farm or
22 agricultural operation without the consent of the other person,
23 property owner, or farm or agricultural operation owner.
24 Sec. 3. NEW SECTION. **801C.3 Exigent circumstances.**
25 Notwithstanding section 801C.2, a law enforcement agency
26 may use a drone or other unmanned aircraft when exigent
27 circumstances exist. For the purposes of this section, exigent
28 circumstances exist if a law enforcement agency possesses
29 reasonable suspicion that, under particular circumstances,
30 swift action to prevent imminent danger to life is necessary.
31 Sec. 4. NEW SECTION. **801C.4 Remedies.**
32 1. In a civil action an aggrieved party may obtain all
33 appropriate relief to prevent or remedy a violation of this
34 chapter.
35 2. Any information obtained or collected in violation of

S.F. 2157

1 this chapter shall not be admissible as evidence in a criminal,
2 civil, or administrative proceeding.
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 regulates the use of drones and unmanned aircraft.
7 The bill defines "drone" to mean any powered unmanned
8 aircraft that does not carry a human operator, uses aerodynamic
9 forces to provide vehicle lift, can fly autonomously or
10 be piloted remotely, can be expendable or recoverable, and
11 can carry a lethal or nonlethal payload. The bill defines
12 "unmanned aircraft" to mean an aircraft that is operated
13 without the possibility of direct human intervention from
14 within or on the aircraft.
15 The bill specifies that a person, as defined in Code section
16 4.1, shall not use a drone or other unmanned aircraft to gather
17 evidence or other information pertaining to criminal conduct,
18 or other conduct that violates the law, except to the extent
19 authorized by a warrant.
20 The bill further specifies that a person, entity, or state
21 agency shall not use a drone or other unmanned aircraft to
22 conduct surveillance of another, property owned by another, or
23 a farm or agricultural operation without the consent of the
24 other person, property owner, or farm or agricultural operation
25 owner.
26 A law enforcement agency may use a drone or other unmanned
27 aircraft when exigent circumstances exist. Under the bill,
28 exigent circumstances exist if a law enforcement agency
29 possesses reasonable suspicion that, under particular
30 circumstances, swift action to prevent imminent danger to life
31 is necessary.
32 The bill provides that any aggrieved party may obtain all
33 appropriate relief to prevent or remedy a violation of the bill
34 through a civil action.
35 The bill also specifies that any information obtained or

S.F. 2157

1 collected in violation of the bill shall not be admissible as
2 evidence in a criminal, civil, or administrative proceeding.

Senate File 2158 - Introduced

SENATE FILE 2158
BY BOWMAN

A BILL FOR

1 An Act relating to an assault on a sports official, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5889SS (5) 85
jm/rj

S.F. 2158

Section 1. NEW SECTION. **708.2D Assault against a sports official.**

1. A person who commits an assault, as defined in section 708.1, against a sports official, within the confines or immediate area of the athletic facility or field at which an athletic contest is being or has recently been held in which the sports official took an active officiating role, is guilty of a serious misdemeanor.

2. For purposes of this section, a *"sports official"* means any person who serves as a referee, umpire, linesman, or other similar official at any athletic contest, and who is a registered member of a local, state, regional, or national organization which is engaged, in part, in providing education and training related to officiating such athletic contests.

EXPLANATION

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

This bill provides that a person who commits an assault against a person who is officiating an athletic contest or against a person who has officiated the athletic contest, where the assault occurs within the confines or immediate vicinity of the athletic facility or field where the athletic contest is being or was held, is guilty of a serious misdemeanor.

The bill defines "sports official" to mean any person who serves as a referee, umpire, linesman, or other similar official at any athletic contest, and who is a registered member of a local, state, regional, or national organization.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875.

Senate File 2159 - Introduced

SENATE FILE 2159
BY BOLKCOM

A BILL FOR

1 An Act relating to rural and urban woodlands and trees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5780XS (3) 85
tm/rj

S.F. 2159

1 Section 1. WOODLAND HEALTH ADVISORY COMMITTEE.
2 1. The department of natural resources, in cooperation
3 with the department of agriculture and land stewardship, shall
4 establish a woodland health advisory committee for the purpose
5 of developing a statewide comprehensive plan to determine how
6 to best maintain healthy, sustainable, growing, and diverse
7 rural and urban woodlands and trees in the state and how to
8 best assist rural landowners and municipalities in dealing with
9 forest and tree-related exotic invasive insects, pathogens, and
10 plants and to maintain and enhance the economic, environmental,
11 and societal benefits of woodland and tree resources for all
12 Iowans. In considering both the short-term and long-term
13 opportunities and solutions, the advisory committee shall
14 review and analyze relevant issues and make recommendations
15 regarding the state's rural and urban tree resources including
16 but not limited to all of the following:
17 a. The current status of Iowa rural and urban woodland and
18 tree resources and any management activities and programs.
19 b. The economic, environmental, and societal value of
20 Iowa's woodland and tree resources.
21 c. The cost of damage to woodlands and trees from exotic
22 invasive insects, pathogens, and plants.
23 d. The potential public safety threat posed by dead and
24 dying urban trees.
25 e. A review of the emerald ash borer invasive species
26 management challenges and emerald ash borer programs of other
27 midwestern states.
28 2. By November 14, 2014, the advisory committee shall
29 submit a final report with findings and recommendations to the
30 governor and the general assembly.
31 3. The task force shall be composed of the following
32 members:
33 a. The following members of the task force shall be
34 appointed by the governor:
35 (1) One representative of the coalition for Iowa's

S.F. 2159

1 woodlands and trees.
2 (2) One representative of the Iowa woodland owners
3 association.
4 (3) One representative of trees forever.
5 (4) One representative of the Iowa tree farm committee.
6 (5) One representative of the Iowa arborist association.
7 (6) One representative of the northeast Iowa forestry
8 advisory committee.
9 (7) One representative of the Iowa association of county
10 conservation boards.
11 (8) One representative of the Iowa farm bureau federation.
12 (9) One representative of the Iowa urban tree council.
13 (10) One representative of the Iowa conservation alliance.
14 (11) One representative of the Iowa chapter of the ruffed
15 grouse society of America.
16 (12) One representative of the Iowa nut growers
17 association.
18 (13) One representative of the Iowa chapter of the wildlife
19 society.
20 (14) One representative of the Iowa chapter of the walnut
21 council.
22 (15) One representative of the Iowa society of American
23 foresters.
24 (16) One representative of the Iowa league of cities.
25 (17) One representative of the Iowa insurance institute.
26 (18) One representative of the Iowa chapter of the sierra
27 club.
28 (19) One representative of the Iowa environmental council.
29 (20) One representative of the Iowa nursery and landscape
30 association.
31 (21) Two representatives of wood products producers in
32 Iowa.
33 (22) One representative of the forestry consulting industry
34 in Iowa.
35 (23) One representative of the Iowa parks foundation.

S.F. 2159

1 (24) One representative of the Iowa utilities board.
2 (25) One representative of municipal foresters in Iowa.
3 (26) One representative of the Iowa cooperative extension
4 service in agriculture and home economics of Iowa state
5 university of science and technology, in the field of forestry,
6 entomology, horticulture, or plant pathology.
7 (27) One representative of a bio-energy project from the
8 university of Iowa.
9 (28) One representative of the Iowa park and recreation
10 association.
11 (29) One representative of the Iowa chapter of the American
12 public works association.
13 (30) One representative of keep Iowa beautiful.
14 b. The director of the department of transportation or the
15 director's designee.
16 c. The director of the department of natural resources or
17 the director's designee.
18 d. The secretary of agriculture or the secretary's
19 designee.
20 e. Two ex officio members of each house of the general
21 assembly. One member each shall be selected by the majority
22 leader of the senate and by the minority leader of the senate,
23 and one member each shall be selected by the speaker of the
24 house of representatives and by the minority leader of the
25 house of representatives. Members of the general assembly
26 shall be entitled to receive per diem and necessary travel and
27 actual expenses pursuant to section 2.10, subsection 5, while
28 carrying out their official duties as members of the advisory
29 committee.
30 4. The director of the department of natural resources, or
31 the director's designee, and the secretary of agriculture, or
32 the secretary's designee, shall serve as co-chairpersons of the
33 advisory committee.
34 Sec. 2. EMERALD ASH BORER INTERIM STUDY COMMITTEE. The
35 legislative council is requested to establish an interim

S.F. 2159

1 study committee, composed of members of the senate and house
2 of representatives, to meet during the 2014 interim, to
3 review the report submitted by the woodland health advisory
4 committee. The study committee shall present its findings and
5 recommendations in a report to the 2015 session of the general
6 assembly.

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 rural and urban woodlands and trees.
11 The bill requires the department of natural resources,
12 in cooperation with the department of agriculture and land
13 stewardship, to establish a woodland health advisory committee
14 for the purpose of developing a statewide comprehensive plan to
15 determine how to best maintain healthy, sustainable, growing,
16 and diverse rural and urban woodlands and trees in the state
17 and how to best assist rural landowners and municipalities in
18 dealing with forest and tree-related exotic invasive insects,
19 pathogens, and plants and to maintain and enhance the economic,
20 environmental, and societal benefits of woodland and tree
21 resources for all Iowans. The membership of the advisory
22 committee is specified. The advisory committee is required to
23 submit a final report with findings and recommendations to the
24 governor and the general assembly by November 14, 2014.
25 The bill requests the legislative council to establish an
26 interim study committee, composed of members of the senate and
27 house of representatives, to meet during the 2014 interim, to
28 review the report submitted by the woodland health advisory
29 committee.

Senate Study Bill 3162 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to the rebate of sales tax imposed and
2 collected at an automobile racetrack facility and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5535XC (2) 85
mm/sc

S.F. _____

Section 1. Section 423.4, subsection 5, paragraph a, subparagraphs (2), (3), and (4), Code 2014, are amended to read as follows:

(2) *"Change of control"* means ~~any of the following:~~

~~(a) Any~~ any change in the ownership of the original or any subsequent legal entity that is the owner or operator of the automobile racetrack facility such that less than twenty-five percent of the equity interests in the legal entity is owned by individuals who are residents of Iowa, an Iowa ~~corporation~~ business, or combination of both.

~~(b) The original owners of the legal entity that is the owner or operator of the automobile racetrack facility shall collectively cease to own at least twenty-five percent of the voting equity interests of such legal entity.~~

(3) *"Iowa ~~corporation~~ business"* means a corporation or limited liability company incorporated or formed under the laws of Iowa ~~where at least twenty-five percent of the corporation's equity interests are owned by individuals who are residents of Iowa~~.

(4) *"Owner or operator"* means a for-profit legal entity where at least twenty-five percent of its equity interests are owned by individuals who are residents of Iowa, an Iowa ~~corporation~~ business, or combination of both and that is the owner or operator of an automobile racetrack facility and is primarily a promoter of motor vehicle races.

Sec. 2. Section 423.4, subsection 5, paragraph c, subparagraph (3), Code 2014, is amended to read as follows:

(3) The transactions for which sales tax was collected and the rebate is sought occurred on or after January 1, 2006, but before January 1, ~~2016~~ 2026. However, not more than twelve million five hundred thousand dollars in total rebates shall be provided pursuant to this subsection.

Sec. 3. Section 423.4, subsection 5, paragraph g, Code 2014, is amended to read as follows:

g. This subsection is repealed June 30, ~~2016~~ 2026, or thirty

S.F. _____

1 days following the date on which twelve million five hundred
2 thousand dollars in total rebates have been provided, or thirty
3 days following the date on which rebates cease as provided in
4 paragraph "c", subparagraph (4), whichever is the earliest.
5 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
6 immediate importance, takes effect upon enactment.
7 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies
8 retroactively to November 1, 2013.
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 the rebate of sales tax imposed
13 and collected at certain automobile racetrack facilities
14 (facility).
15 Under current law, the owner or operator of a facility may
16 receive a rebate of the sales tax imposed and collected by
17 retailers at the facility. The rebate is limited to sales
18 occurring before January 1, 2016, and is limited to a total of
19 $12.5 million. The rebate ceases if a "change in control", as
20 defined in statute, occurs. A change in control occurs when
21 the original owners cease to own at least 25 percent of the
22 voting equity interests in the legal entity that is the owner
23 or operator of the facility or when less than 25 percent of
24 the equity interests in the legal entity that is the owner
25 or operator of the facility are owned by individuals who are
26 residents of Iowa or an Iowa corporation or a combination
27 of both. "Iowa corporation" is defined in statute as a
28 corporation incorporated under the laws of Iowa where at least
29 25 percent of the corporation's equity interests are owned by
30 individuals who are residents of Iowa.
31 The bill extends the rebate by 10 years to sales occurring
32 before January 1, 2026, and extends the repeal date of the
33 rebate to the same date. The bill changes the definition
34 of "change in control" by removing the requirement that the
35 original owners retain at least 25 percent of the voting equity

S.F. _____

1 interests in the legal entity that is the owner or operator of
2 the facility. The bill also changes the definition of "Iowa
3 corporation" by renaming it as "Iowa business", allowing a
4 limited liability company formed under the laws of Iowa to
5 qualify, and removing the requirement that at least 25 percent
6 of the corporation's or limited liability company's equity
7 interests be owned by individuals who are residents of Iowa.
8 The bill takes effect upon enactment and applies
9 retroactively to November 1, 2013.

Senate Study Bill 3163 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA
TELECOMMUNICATIONS AND
TECHNOLOGY COMMISSION BILL)

A BILL FOR

1 An Act relating to the administration and operation of the Iowa
2 communications network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5317DP (3) 85
rn/nh

S.F. _____ H.F. _____

1 Section 1. Section 8D.4, Code 2014, is amended to read as
2 follows:
3 **8D.4 Executive director appointed.**
4 The commission, in consultation with the ~~director of~~
5 ~~the department of administrative services and the~~ chief
6 information officer, shall appoint an executive director of
7 the commission, subject to confirmation by the senate. Such
8 individual shall not serve as a member of the commission.
9 The executive director shall serve at the pleasure of the
10 commission. The executive director shall be selected primarily
11 for administrative ability and knowledge in the field, without
12 regard to political affiliation. The governor shall establish
13 the salary of the executive director within range nine as
14 established by the general assembly. The salary and support of
15 the executive director shall be paid from funds deposited in
16 the Iowa communications network fund.
17 Sec. 2. Section 8D.13, subsection 5, paragraph a, Code 2014,
18 is amended to read as follows:
19 *a.* ~~The~~ Except as provided in subsection 5A, the state
20 shall lease all fiberoptic cable facilities or facilities
21 with sufficient capacity as determined by the commission
22 for Part III connections, for the judicial branch, judicial
23 district departments of correctional services, and state
24 agency connections for which state funding is provided. In
25 determining the capacity to be provided, the commission
26 shall consult with the authorized users associated with
27 the Part III connections, the judicial branch, the judicial
28 district departments of correctional services, and state
29 agencies associated with connections for which state funding
30 is provided. Such facilities shall be leased from qualified
31 providers. The state shall not own such facilities, except for
32 those facilities owned by the state as of January 1, 1994, and
33 facilities acquired as provided in subsection 5A.
34 Sec. 3. Section 8D.13, Code 2014, is amended by adding the
35 following new subsection:

S.F. _____ H.F. _____

1 NEW SUBSECTION. 5A. Notwithstanding any other provision
2 of this chapter to the contrary, the state may acquire and own
3 fiberoptic cable facilities or other facilities associated with
4 a Part III connection following the termination of a lease
5 with the owner of the facility if the owner offers to sell
6 or transfer ownership of the facility to the state and the
7 commission determines that state ownership of the facility is
8 in the best interests of any authorized users and the network.
9 EXPLANATION

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

12 This bill modifies provisions relating to the administration
13 and operation of the Iowa communications network.
14 Currently, the executive director of the Iowa
15 telecommunications and technology commission, which supervises
16 and administers the network, is appointed by the commission,
17 in consultation with the director of the department of
18 administrative services and the chief information officer.
19 The bill deletes the requirement that the director of the
20 department of administrative services be consulted in
21 appointing the executive director of the commission.
22 Additionally, the bill modifies the current requirement
23 that the state lease, rather than own, fiberoptic cable
24 facilities or facilities with sufficient capacity for Part
25 III connections. The bill provides that notwithstanding this
26 provision or any other provision in Code chapter 8D, the state
27 may acquire and own fiberoptic cable facilities or other
28 facilities associated with a Part III connection following the
29 termination of a lease with the owner of the facility if the
30 owner offers to sell or transfer ownership of the facility to
31 the state and the commission determines that state ownership of
32 the facility is in the best interests of any authorized users
33 and the network.

Senate Study Bill 3164 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act concerning requirements for state purchasing from prison
2 industries.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5631SC (1) 85
ec/nh

S.F. _____

Section 1. Section 8A.302, subsection 1, Code 2014, is amended to read as follows:

1. Providing a system of uniform standards and specifications for purchasing. When the system is developed, all items of general use shall be purchased by state agencies through the department, except ~~items provided for under section 904.808 or~~ items used by the state board of regents and institutions under the control of the state board of regents. However, the department may authorize the department of transportation, the department for the blind, and any other agencies otherwise exempted by law from centralized purchasing, to directly purchase items used by those agencies without going through the department, if the department of administrative services determines such purchasing is in the best interests of the state. However, items of general use may be purchased through the department by any governmental entity.

Sec. 2. Section 904.807, Code 2014, is amended to read as follows:

904.807 Price lists ~~to public officials~~ — Iowa state industries.

The state director shall cause to be prepared from time to time classified and itemized price lists of the products manufactured by Iowa state industries. Such lists shall be made available to the public and furnished to all boards of supervisors, boards of directors of school corporations, city councils, and all other state, county, city and school departments and officials empowered to purchase supplies and equipment for public purposes.

Sec. 3. Section 904.808, subsection 1, Code 2014, is amended by striking the subsection.

Sec. 4. REPEAL. Section 8A.313, Code 2014, is repealed.

EXPLANATION

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

This bill concerns the purchase of products manufactured by

S.F. _____

1 Iowa state (prison) industries by state agencies.
2 Code section 8A.302, concerning state government purchasing,
3 is amended to eliminate the exception from the requirements for
4 state agency purchasing of items of general use through the
5 department of administrative services for items produced by
6 prison industries.
7 Code section 904.807, concerning the preparation of price
8 lists for items produced by prison industries, is amended to
9 provide that the price lists shall be made available to the
10 public.
11 Code section 904.808, subsection 1, establishing state
12 purchasing requirements relative to items produced by prison
13 industries, is stricken. Code section 8A.313, providing
14 an appeal process relative to disputes arising out of the
15 purchasing provisions of Code section 904.808, is also
16 repealed. Code section 904.808 provides that state agencies
17 are required to purchase items produced by prison industries
18 unless a purchase from another source is made under emergency
19 circumstances or if prison industries is unable to meet the
20 performance characteristics of the purchase request for the
21 product by the state agency.

Senate Study Bill 3165 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act providing for the revocation of certain training
2 certificates issued to fire fighters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5367XC (1) 85
ec/sc

S.F. _____

1 Section 1. Section 100B.2, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 4A. Develop and submit to the state
4 fire marshal for adoption rules establishing a procedure for
5 revoking certificates issued for fire service training for fire
6 fighters convicted of a felony.
7 Sec. 2. Section 100B.7, subsection 2, paragraph c, Code
8 2014, is amended to read as follows:
9 *c.* Advise, confer, and consult with the state fire service
10 and emergency response council in developing rules establishing
11 minimum standards for fire service training and providing for
12 the revocation of certificates issued for fire service training
13 for fire fighters convicted of a felony.
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 directs the state fire service and emergency
18 response council to develop and submit to the state fire
19 marshal for adoption rules establishing a procedure for
20 revoking certificates issued for fire service training for fire
21 fighters convicted of a felony. The bill provides that the
22 administrator of the fire service training bureau advise the
23 council in developing these rules.

Senate Study Bill 3166 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BUDGET BILL)

A BILL FOR

1 An Act relating to and making appropriations involving state
2 government entities involved with agriculture, natural
3 resources, and environmental protection and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5012XG (14) 85
da/tm

S.F. _____ H.F. _____

DIVISION I
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATION FOR FY 2014-2015

Section 1. 2013 Iowa Acts, chapter 132, section 27, is amended to read as follows:

SEC. 27. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; and for salaries, support, maintenance, and miscellaneous purposes~~; and for not more than the following full-time equivalent positions~~:

..... $ ~~8,790,664~~
17,605,492

~~..... FTEs 372.00~~

2. Of the amount appropriated in subsection 1, the following amount is transferred to Iowa state university of science and technology, to be used for the university's midwest grape and wine industry institute:

..... $ ~~119,000~~
238,000

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs.

DESIGNATED APPROPRIATIONS

S.F. _____ H.F. _____

1 MISCELLANEOUS FUNDS
2 Sec. 2. 2013 Iowa Acts, chapter 132, section 28, is amended
3 to read as follows:
4 SEC. 28. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
5 HORSE AND DOG RACING. There is appropriated from the moneys
6 available under section 99D.13 to the department of agriculture
7 and land stewardship for the fiscal year beginning July 1,
8 2014, and ending June 30, 2015, the following amount, or so
9 much thereof as is necessary, to be used for the purposes
10 designated:
11 For purposes of supporting the department's administration
12 and enforcement of horse and dog racing law pursuant to section
13 99D.22, including for salaries, support, maintenance, and
14 miscellaneous purposes:
15 ..... $ ~~152,758~~
16 305,516
17 Sec. 3. 2013 Iowa Acts, chapter 132, section 29, is amended
18 to read as follows:
19 SEC. 29. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR
20 FUEL INSPECTION. There is appropriated from the renewable
21 fuel infrastructure fund created in section 159A.16 to the
22 department of agriculture and land stewardship for the fiscal
23 year beginning July 1, 2014, and ending June 30, 2015, the
24 following amount, or so much thereof as is necessary, to be
25 used for the purposes designated:
26 For purposes of the inspection of motor fuel, including
27 salaries, support, maintenance, and miscellaneous purposes:
28 ..... $ ~~250,000~~
29 500,000
30 The department shall establish and administer programs
31 for the auditing of motor fuel including biofuel processing
32 and production plants, for screening and testing motor fuel,
33 including renewable fuel, and for the inspection of motor fuel
34 sold by dealers including retail dealers who sell and dispense
35 motor fuel from motor fuel pumps.

S.F. _____ H.F. _____

1 SPECIAL APPROPRIATIONS
2 GENERAL FUND
3 Sec. 4. 2013 Iowa Acts, chapter 132, section 30, is amended
4 to read as follows:
5 SEC. 30. DAIRY REGULATION. There is appropriated from the
6 general fund of the state to the department of agriculture
7 and land stewardship for the fiscal year beginning July 1,
8 2014, and ending June 30, 2015, the following amount, or so
9 much thereof as is necessary, to be used for the purposes
10 designated:
11 1. For purposes of performing functions pursuant to section
12 192.109, including conducting a survey of grade "A" milk and
13 certifying the results to the secretary of agriculture:
14 ..... $ ~~94,598~~
15 189,196
16 2. Notwithstanding section 8.33, moneys appropriated in
17 this section that remain unencumbered or unobligated at the
18 close of the fiscal year shall not revert but shall remain
19 available to be used for the purposes designated until the
20 close of the succeeding fiscal year.
21 Sec. 5. 2013 Iowa Acts, chapter 132, section 31, is amended
22 to read as follows:
23 SEC. 31. LOCAL FOOD AND FARM PROGRAM. There is appropriated
24 from the general fund of the state to the department of
25 agriculture and land stewardship for the fiscal year beginning
26 July 1, 2014, and ending June 30, 2015, the following amount,
27 or so much thereof as is necessary, to be used for the purposes
28 designated:
29 1. For purposes of supporting the local food and farm
30 program pursuant to chapter 267A:
31 ..... $ ~~37,500~~
32 75,000
33 2. The department shall enter into a cost-sharing agreement
34 with Iowa state university to support the local food and farm
35 program coordinator position as part of the university's

S.F. _____ H.F. _____

1 cooperative extension service in agriculture and home economics
2 pursuant to chapter 267A.
3 3. Notwithstanding section 8.33, moneys appropriated in
4 this section that remain unencumbered or unobligated at the
5 close of the fiscal year shall not revert but shall remain
6 available to be used for the purposes designated until the
7 close of the succeeding fiscal year.
8 Sec. 6. 2013 Iowa Acts, chapter 132, section 32, is amended
9 to read as follows:
10 SEC. 32. AGRICULTURAL EDUCATION. There is appropriated
11 from the general fund of the state to the department of
12 agriculture and land stewardship for the fiscal year beginning
13 July 1, 2014, and ending June 30, 2015, the following amount,
14 or so much thereof as is necessary, to be used for the purposes
15 designated:
16 1. For purposes of allocating moneys to an Iowa association
17 affiliated with a national organization which promotes
18 agricultural education providing for future farmers:
19 ..... $ ~~12,500~~
20 25,000
21 2. Notwithstanding section 8.33, moneys appropriated for
22 the fiscal year beginning July 1, 2014, in this section that
23 remain unencumbered or unobligated at the close of the fiscal
24 year shall not revert but shall remain available to be used
25 for the purposes designated until the close of the succeeding
26 fiscal year.
27 Sec. 7. 2013 Iowa Acts, chapter 132, section 33, is amended
28 to read as follows:
29 SEC. 33. FARMERS WITH DISABILITIES PROGRAM.
30 1. There is appropriated from the general fund of the state
31 to the department of agriculture and land stewardship for the
32 fiscal year beginning July 1, 2014, and ending June 30, 2015,
33 the following amount, or so much thereof as is necessary, to be
34 used for the purposes designated:
35 For purposes of supporting a program for farmers with

S.F. _____ H.F. _____

1 disabilities:
2 ..... $ ~~65,000~~
3 130,000
4 2. The moneys appropriated in subsection 1 shall be used for
5 the public purpose of providing a grant to a national nonprofit
6 organization with over 80 years of experience in assisting
7 children and adults with disabilities and special needs.
8 a. The moneys shall be used to support a nationally
9 recognized program that began in 1986 and has been replicated
10 in at least 30 other states, but which is not available through
11 any other entity in this state, and that provides assistance
12 to farmers with disabilities in all 99 counties to allow the
13 farmers to remain in their own homes and be gainfully engaged
14 in farming through provision of agricultural worksite and home
15 modification consultations, peer support services, services
16 to families, information and referral, and equipment loan
17 services.
18 b. Notwithstanding section 8.33, moneys appropriated in
19 this section that remain unencumbered or unobligated at the
20 close of the fiscal year shall not revert but shall remain
21 available for expenditure for the purposes designated until the
22 close of the succeeding fiscal year.
23 Sec. 8. 2013 Iowa Acts, chapter 132, is amended by adding
24 the following new section:
25 NEW SECTION. SEC. 33A. SILOS AND SMOKESTACKS. There
26 is appropriated from the general fund of the state to the
27 department of agriculture and land stewardship for the fiscal
28 year beginning July 1, 2014, and ending June 30, 2015, the
29 following amount, or so much thereof as is necessary, to be
30 used for the purposes designated:
31 For purposes of supporting the silos and smokestacks
32 national heritage area to support continued agricultural
33 education and preservation:
34 ..... $ 200,000
35 DIVISION II

S.F. _____ H.F. _____

GENERAL FUND
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
WATER QUALITY
APPROPRIATIONS FOR FY 2014-2015

Sec. 9. 2013 Iowa Acts, chapter 132, section 34, is amended to read as follows:

SEC. 34. WATER QUALITY INITIATIVE — GENERAL.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the water quality initiative fund created in section 466B.45, as enacted by this Act, for purposes of supporting the water quality initiative administered by the soil conservation division as provided in section 466B.42, as enacted by this Act, including salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ 4,400,000

~~..... FTEs 1.00~~

2. a. The moneys appropriated in subsection 1 shall be used to support ~~reducing nutrients~~ projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3. ~~In supporting reducing nutrients~~

b. The moneys appropriated in subsection 1 shall be used to support projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

2A. In supporting projects in subwatersheds~~, the division shall establish and administer demonstration projects as follows~~ and watersheds as provided in subsection 2, all of the

S.F. _____ H.F. _____

1 following shall apply:
2 a. The demonstration projects shall utilize water quality
3 practices as described in the latest revision of the document
4 entitled "Iowa Nutrient Reduction Strategy" initially presented
5 in November 2012 by the department of agriculture and land
6 stewardship, the department of natural resources, and Iowa
7 state university of science and technology.
8 b. The division shall implement demonstration projects as
9 provided in paragraph "a" by providing for participation by
10 persons who hold a legal interest in agricultural land used in
11 farming. To every extent practical, the division shall provide
12 for collaborative participation by such persons who hold a
13 legal interest in agricultural land located within the same
14 subwatershed.
15 c. The division shall implement a demonstration project on
16 a cost-share basis as determined by the division. However, the
17 state's share of the amount shall not exceed 50 percent of the
18 estimated cost of establishing the practice as determined by
19 the division or 50 percent of the actual cost of establishing
20 the practice, whichever is less.
21 d. The demonstration projects shall be used to educate other
22 persons about the feasibility and value of establishing similar
23 water quality practices. The division shall promote field day
24 events for purposes of allowing interested persons to establish
25 water quality practices on their agricultural land.
26 e. The division shall conduct water quality evaluations
27 within supported subwatersheds. Within a reasonable period
28 after accumulating information from such evaluations, the
29 division shall create an aggregated database of water quality
30 practices. Any information identifying a person holding a
31 legal interest in agricultural land or specific agricultural
32 land shall be a confidential record under section 22.7.
33 3. The moneys appropriated in subsection 1 shall be used
34 to support education and outreach in a manner that encourages
35 persons who hold a legal interest in agricultural land used for

S.F. _____ H.F. _____

farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

4. The moneys appropriated in subsection 1 may be used to contract with persons to coordinate the implementation of efforts provided in this section. ~~Not more than $150,000 shall be used to support the administration of this section by a full-time equivalent position.~~

5. Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in subsection 1 to carry out the provisions of this section on a cost-share basis in combination with other moneys ~~appropriated~~ available to the department from ~~the environment first fund created in section 8.57A for cost sharing to match the United States department of agriculture, natural resources conservation service, wetland reserve enhancement program~~ a state or federal source.

Sec. 10. 2013 Iowa Acts, chapter 132, section 35, is amended to read as follows:

SEC. 35. IOWA NUTRIENT RESEARCH CENTER.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting an Iowa nutrient research center as established in section 466B.47, as enacted in this Act:

..... $ ~~750,000~~
1,500,000

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

Sec. 11. 2013 Iowa Acts, chapter 132, section 36, is amended

S.F. _____ H.F. _____

to read as follows:

SEC. 36. WATER QUALITY INITIATIVE APPROPRIATIONS — FEDERAL MONEYS. The department of agriculture and land stewardship, and its soil conservation division, may use moneys appropriated in this division of this Act to support the water quality initiative, including its projects, as provided in this division of this Act, in combination with other moneys provided by the United States government.

DIVISION III

DEPARTMENT OF NATURAL RESOURCES

GENERAL APPROPRIATIONS FOR FY 2014-2015

Sec. 12. 2013 Iowa Acts, chapter 132, section 37, is amended to read as follows:

SEC. 37. GENERAL FUND — DEPARTMENT.

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

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; and for salaries, support, maintenance, and miscellaneous purposes~~; and for not more than the following full-time equivalent positions~~:

..... $ ~~6,383,350~~
12,862,307

~~..... FTEs 1,145.95~~

~~2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger positions within the department.~~

3. The department shall submit a report each quarter of the

S.F. _____ H.F. _____

1 fiscal year to the legislative services agency, the department
2 of management, the members of the joint appropriations
3 subcommittee on agriculture and natural resources, and the
4 chairpersons and ranking members of the senate and house
5 committees on appropriations. The report shall describe in
6 detail the expenditure of moneys appropriated under this
7 section to support the department's administration, regulation,
8 and programs.
9 Sec. 13. 2013 Iowa Acts, chapter 132, section 38, is amended
10 to read as follows:
11 SEC. 38. STATE FISH AND GAME PROTECTION FUND — REGULATION
12 AND ADVANCEMENT OF OUTDOOR ACTIVITIES.
13 1. There is appropriated from the state fish and game
14 protection fund to the department of natural resources for the
15 fiscal year beginning July 1, 2014, and ending June 30, 2015,
16 the following amount, or so much thereof as is necessary, to be
17 used for the purposes designated:
18 For purposes of supporting the regulation or advancement of
19 hunting, fishing, or trapping, or the protection, propagation,
20 restoration, management, or harvest of fish or wildlife,
21 including for administration, regulation, law enforcement, and
22 programs; and for salaries, support, maintenance, equipment,
23 and miscellaneous purposes:
24 ..... $ ~~20,539,117~~
25 41,223,225
26 2. Notwithstanding section 455A.10, the department may use
27 the unappropriated balance remaining in the state fish and game
28 protection fund to provide for the funding of health and life
29 insurance premium payments from unused sick leave balances of
30 conservation peace officers employed in a protection occupation
31 who retire, pursuant to section 97B.49B.
32 3. Notwithstanding section 455A.10, the department of
33 natural resources may use the unappropriated balance remaining
34 in the state fish and game protection fund for the fiscal
35 year beginning July 1, 2014, and ending June 30, 2015, as is

S.F. _____ H.F. _____

1 necessary to fund salary adjustments for departmental employees
2 which the general assembly has made an operating budget
3 appropriation for in subsection 1.
4 Sec. 14. 2013 Iowa Acts, chapter 132, section 39, is amended
5 to read as follows:
6 SEC. 39. GROUNDWATER PROTECTION FUND — WATER QUALITY.
7 There is appropriated from the groundwater protection fund
8 created in section 455E.11 to the department of natural
9 resources for the fiscal year beginning July 1, 2014,
10 and ending June 30, 2015, from those moneys which are not
11 allocated pursuant to that section, the following amount, or
12 so much thereof as is necessary, to be used for the purposes
13 designated:
14 For purposes of supporting the department's protection
15 of the state's groundwater, including for administration,
16 regulation, and programs, and for salaries, support,
17 maintenance, equipment, and miscellaneous purposes:
18 ..... $ ~~1,727,916~~
19 3,455,832
20 DESIGNATED APPROPRIATIONS
21 MISCELLANEOUS FUNDS
22 Sec. 15. 2013 Iowa Acts, chapter 132, section 40, is amended
23 to read as follows:
24 SEC. 40. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM.
25 There is appropriated from the special snowmobile fund created
26 under section 321G.7 to the department of natural resources for
27 the fiscal year beginning July 1, 2014, and ending June 30,
28 2015, the following amount, or so much thereof as is necessary,
29 to be used for the purpose designated:
30 For purposes of administering and enforcing the state
31 snowmobile programs:
32 ..... $ ~~50,000~~
33 100,000
34 Sec. 16. 2013 Iowa Acts, chapter 132, section 41, is amended
35 to read as follows:

S.F. _____ H.F. _____

1 SEC. 41. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE
2 TANK SECTION EXPENSES. There is appropriated from the
3 unassigned revenue fund administered by the Iowa comprehensive
4 underground storage tank fund board to the department of
5 natural resources for the fiscal year beginning July 1, 2014,
6 and ending June 30, 2015, the following amount, or so much
7 thereof as is necessary, to be used for the purpose designated:
8 For purposes of paying for administration expenses of the
9 department's underground storage tank section:
10 ..... $ ~~100,000~~
11 200,000
12 SPECIAL APPROPRIATIONS
13 GENERAL FUND
14 Sec. 17. 2013 Iowa Acts, chapter 132, section 42, is amended
15 to read as follows:
16 SEC. 42. FLOODPLAIN MANAGEMENT AND DAM SAFETY.
17 1. There is appropriated from the general fund of the state
18 to the department of natural resources for the fiscal year
19 beginning July 1, 2014, and ending June 30, 2015, the following
20 amount, or so much thereof as is necessary, to be used for the
21 purpose designated:
22 For purposes of supporting floodplain management and dam
23 safety:
24 ..... $ ~~1,000,000~~
25 2,000,000
26 2. Of the amount appropriated in subsection 1, up to
27 ~~$340,000~~ $400,000 may be used by the department to acquire or
28 install stream gages for purposes of tracking and predicting
29 flood events and for compiling necessary data to improve flood
30 frequency analysis.
31 3. Notwithstanding section 8.33, moneys appropriated in
32 subsection 1 that remain unencumbered or unobligated at the
33 close of the fiscal year shall not revert but shall remain
34 available for expenditure for the purposes designated until the
35 close of the succeeding fiscal year.

S.F. _____ H.F. _____

1 Sec. 18. 2013 Iowa Acts, chapter 132, section 43, is amended
2 to read as follows:
3 SEC. 43. FORESTRY HEALTH MANAGEMENT.
4 1. There is appropriated from the general fund of the state
5 to the department of natural resources for the fiscal year
6 beginning July 1, 2014, and ending June 30, 2015, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purposes designated:
9 For purposes of providing for forestry health management
10 programs:
11 ..... $ ~~100,000~~
12 200,000
13 2. Notwithstanding section 8.33, moneys appropriated in
14 this section that remain unencumbered or unobligated at the
15 close of the fiscal year shall not revert but shall remain
16 available to be used for the purposes designated until the
17 close of the succeeding fiscal year.
18 Sec. 19. 2013 Iowa Acts, chapter 132, is amended by adding
19 the following new section:
20 NEW SECTION. SEC. 43A. AIR QUALITY PROGRAM. There
21 is appropriated from the general fund of the state to the
22 department of natural resources for the fiscal year beginning
23 July 1, 2014, and ending June 30, 2015, the following amount,
24 or so much thereof as is necessary, to be used for the purposes
25 designated:
26 For purposes of supporting the air quality program,
27 including salaries, support, maintenance, and miscellaneous
28 purposes:
29 ..... $ 2,072,000
30 Sec. 20. 2013 Iowa Acts, chapter 132, section 44, is amended
31 to read as follows:
32 SEC. 44. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.
33 1. There is transferred from the general fund of the state
34 to the loess hills development and conservation fund created in
35 section 161D.2 for the fiscal year beginning July 1, 2014, and

S.F. _____ H.F. _____

1 ending June 30, 2015, the following amount, or so much thereof
2 as is necessary, to be used for the purposes designated:
3 For supporting the purposes of the fund:
4 ..... $ ~~37,500~~
5 75,000
6 2. a. Of the amount transferred in subsection 1, ~~$28,125~~
7 $56,250 shall be allocated to the fund's hungry canyons
8 account.
9 b. Not more than 10 percent of the moneys allocated to the
10 hungry canyons account as provided in paragraph "a" may be used
11 for administrative costs.
12 3. a. Of the amount transferred in subsection 1, ~~$9,375~~
13 $18,750 shall be allocated to the fund's loess hills alliance
14 account.
15 b. Not more than 10 percent of the moneys allocated to the
16 loess hills alliance account as provided in paragraph "a" may
17 be used for administrative costs.
18 4. Moneys deposited to the loess hills development and
19 conservation fund and its accounts for the fiscal year are
20 appropriated to the authority to be used as provided by law.
21 DIVISION IV
22 IOWA STATE UNIVERSITY
23 SPECIAL GENERAL FUND APPROPRIATION FOR FY 2014-2015
24 Sec. 21. 2013 Iowa Acts, chapter 132, section 45, is amended
25 to read as follows:
26 SEC. 45. VETERINARY DIAGNOSTIC LABORATORY.
27 1. There is appropriated from the general fund of the state
28 to Iowa state university of science and technology for the
29 fiscal year beginning July 1, 2014, and ending June 30, 2015,
30 the following amount, or so much thereof as is necessary, to be
31 used for the purposes designated:
32 For purposes of supporting the college of veterinary
33 medicine for the operation of the veterinary diagnostic
34 laboratory ~~and for not more than the following full-time~~
35 ~~equivalent positions~~:

S.F. _____ H.F. _____

1 ..... $ ~~1,881,318~~
2 3,762,636
3 ~~..... FTEs 50.00~~
4 2. a. Iowa state university of science and technology
5 shall not reduce the amount that it allocates to support the
6 college of veterinary medicine from any other source due to the
7 appropriation made in this section.
8 b. Paragraph "a" does not apply to a reduction made to
9 support the college of veterinary medicine, if the same
10 percentage of reduction imposed on the college of veterinary
11 medicine is also imposed on all of Iowa state university's
12 budget units.
13 3. If by June 30, 2015, Iowa state university of science and
14 technology fails to allocate the moneys appropriated in this
15 section to the college of veterinary medicine in accordance
16 with this section, the moneys appropriated in this section for
17 that fiscal year shall revert to the general fund of the state.
18 DIVISION V
19 ENVIRONMENT FIRST FUND
20 GENERAL APPROPRIATIONS FOR FY 2014-2015
21 Sec. 22. 2013 Iowa Acts, chapter 132, section 47, is amended
22 to read as follows:
23 SEC. 47. DEPARTMENT OF AGRICULTURE AND LAND
24 STEWARDSHIP. There is appropriated from the environment first
25 fund created in section 8.57A to the department of agriculture
26 and land stewardship for the fiscal year beginning July 1,
27 2014, and ending June 30, 2015, the following amounts, or so
28 much thereof as is necessary, to be used for the purposes
29 designated:
30 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)
31 a. For the conservation reserve enhancement program to
32 restore and construct wetlands for the purposes of intercepting
33 tile line runoff, reducing nutrient loss, improving water
34 quality, and enhancing agricultural production practices:
35 ..... $ ~~500,000~~

S.F. _____ H.F. _____

1,000,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Notwithstanding any other provision in law, the department may provide state resources from this appropriation, in combination with other appropriate environment first fund appropriations, for cost sharing to match United States department of agriculture, natural resources conservation service, wetlands reserve enhancement program (WREP) funding available to Iowa.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

..... $ ~~450,000~~
900,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... $ ~~312,500~~
625,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Of the amount appropriated in paragraph "a", ~~$200,000~~ $400,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this

S.F. _____ H.F. _____

1 subsection as specified in paragraph "a".
2 4. SOIL AND WATER CONSERVATION — ADMINISTRATION
3 For use by the department for costs of administration and
4 implementation of soil and water conservation practices:
5 ..... $ ~~1,275,000~~
6 2,550,000
7 5. CONSERVATION RESERVE PROGRAM (CRP)
8 a. To encourage and assist farmers in enrolling in and the
9 implementation of the federal conservation reserve program and
10 to work with them to enhance their revegetation efforts to
11 improve water quality and habitat:
12 ..... $ ~~500,000~~
13 1,000,000
14 b. Not more than 10 percent of the moneys appropriated
15 in paragraph "a" may be used for costs of administration and
16 implementation of soil and water conservation practices.
17 6. SOIL AND WATER CONSERVATION
18 a. For use by the department in providing for soil and
19 water conservation administration, the conservation of soil and
20 water resources, or the support of soil and water conservation
21 district commissioners:
22 ..... $ ~~3,325,000~~
23 6,650,000
24 b. Not more than 5 percent of the moneys appropriated in
25 paragraph "a" may be allocated for cost sharing to address
26 complaints filed under section 161A.47.
27 c. Of the moneys appropriated in paragraph "a", 5 percent
28 shall be allocated for financial incentives to establish
29 practices to protect watersheds above publicly owned lakes of
30 the state from soil erosion and sediment as provided in section
31 161A.73.
32 d. Not more than 30 percent of a soil and water conservation
33 district's allocation of moneys as financial incentives may be
34 provided for the purpose of establishing management practices
35 to control soil erosion on land that is row cropped, including

S.F. _____ H.F. _____

1 but not limited to no-till planting, ridge-till planting,
2 contouring, and contour strip-cropping as provided in section
3 161A.73.
4 e. The state soil conservation committee established by
5 section 161A.4 may allocate moneys appropriated in paragraph
6 "a" to conduct research and demonstration projects to promote
7 conservation tillage and nonpoint source pollution control
8 practices.
9 f. The allocation of moneys as financial incentives as
10 provided in section 161A.73 may be used in combination with
11 moneys allocated by the department of natural resources.
12 g. Not more than 15 percent of the moneys appropriated
13 in paragraph "a" may be used for costs of administration and
14 implementation of soil and water conservation practices.
15 h. In lieu of moneys appropriated in section 466A.5,
16 not more than ~~$25,000~~ $50,000 of the moneys appropriated in
17 paragraph "a" shall be used by the soil conservation division
18 of the department of agriculture and land stewardship to
19 provide administrative support to the watershed improvement
20 review board established in section 466A.3.
21 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND
22 a. For deposit in the loess hills development and
23 conservation fund created in section 161D.2:
24 ..... $ ~~262,500~~
25 450,000
26 b. (1) Of the amount appropriated in paragraph "a",
27 ~~$196,875~~ $337,500 shall be allocated to the fund's hungry
28 canyons account.
29 (2) Not more than 10 percent of the moneys allocated to the
30 hungry canyons account as provided in subparagraph (1) may be
31 used for administrative costs.
32 c. (1) Of the amount appropriated in paragraph "a", ~~$65,625~~
33 $112,500 shall be allocated to the fund's loess hills alliance
34 account.
35 (2) Not more than 10 percent of the moneys allocated to the

S.F. _____ H.F. _____

1 loess hills alliance account as provided in subparagraph (1)
2 may be used for administrative costs.
3 8. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND
4 For deposit in the agricultural drainage well water quality
5 assistance fund created in section 460.303 to be used for
6 purposes of supporting the agricultural drainage well water
7 quality assistance program as provided in section 460.304:
8 ..... $ 550,000
9 Sec. 23. 2013 Iowa Acts, chapter 132, section 48, is amended
10 to read as follows:
11 SEC. 48. DEPARTMENT OF NATURAL RESOURCES. There is
12 appropriated from the environment first fund created in section
13 8.57A to the department of natural resources for the fiscal
14 year beginning July 1, 2014, and ending June 30, 2015, the
15 following amounts, or so much thereof as is necessary, to be
16 used for the purposes designated:
17 1. KEEPERS OF THE LAND
18 For statewide coordination of volunteer efforts under the
19 water quality and keepers of the land programs:
20 ..... $ ~~50,000~~
21 100,000
22 2. STATE PARKS MAINTENANCE AND OPERATIONS
23 For regular maintenance of state parks and staff time
24 associated with these activities:
25 ..... $ ~~3,180,000~~
26 5,885,000
27 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
28 To provide local watershed managers with geographic
29 information system data for their use in developing,
30 monitoring, and displaying results of their watershed work:
31 ..... $ ~~97,500~~
32 195,000
33 4. WATER QUALITY MONITORING
34 For continuing the establishment and operation of water
35 quality monitoring stations:

S.F. _____ H.F. _____

1 ..... $ ~~1,477,500~~
2 2,955,000
3 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
4 For deposit in the public water supply system account of the
5 water quality protection fund created in section 455B.183A:
6 ..... $ ~~250,000~~
7 500,000
8 6. REGULATION OF ANIMAL FEEDING OPERATIONS
9 For the regulation of animal feeding operations, including
10 as provided for in chapters 459 through 459B:
11 ..... $ ~~660,000~~
12 1,320,000
13 7. AMBIENT AIR QUALITY
14 For the abatement, control, and prevention of ambient
15 air pollution in this state, including measures as necessary
16 to assure attainment and maintenance of ambient air quality
17 standards from particulate matter:
18 ..... $ ~~212,500~~
19 425,000
20 8. WATER QUANTITY REGULATION
21 For regulating water quantity from surface and subsurface
22 sources by providing for the allocation and use of water
23 resources, the protection and management of water resources,
24 and the preclusion of conflicts among users of water resources,
25 including as provided in chapter 455B, division III, part 4:
26 ..... $ ~~247,500~~
27 495,000
28 9. GEOLOGICAL AND WATER SURVEY
29 For continuing the operations of the department's geological
30 and water survey including but not limited to providing
31 analysis, data collection, investigative programs, and
32 information for water supply development and protection:
33 ..... $ ~~100,000~~
34 200,000
35 10. KEEP IOWA BEAUTIFUL INITIATIVE

S.F. _____ H.F. _____

1 For purposes of supporting a keep Iowa beautiful initiative
2 in order to assist communities in developing and implementing
3 beautification and community development plans:
4 ..... $ ~~100,000~~
5 200,000
6 Sec. 24. 2013 Iowa Acts, chapter 132, section 49, is amended
7 to read as follows:
8 SEC. 49. REVERSION. Notwithstanding section 8.33,
9 moneys appropriated for the fiscal year beginning July 1,
10 2014, in this division of this Act that remain unencumbered
11 or unobligated at the close of the fiscal year shall not
12 revert but shall remain available to be used for the purposes
13 designated until the close of the fiscal year beginning July 1,
14 2015, or until the project for which the appropriation was made
15 is completed, whichever is earlier.
16 DIVISION VI
17 ENVIRONMENT FIRST FUND
18 SPECIAL APPROPRIATION FOR FY 2014-2015
19 Sec. 25. 2013 Iowa Acts, chapter 132, is amended by adding
20 the following new section:
21 NEW SECTION. SEC. 64. REAP — IN LIEU OF GENERAL FUND
22 APPROPRIATION. Notwithstanding the amount of the standing
23 appropriation from the general fund of the state to the Iowa
24 resources enhancement and protection fund as provided in
25 section 455A.18, there is appropriated from the environment
26 first fund created in section 8.57A to the Iowa resources
27 enhancement and protection fund, in lieu of the appropriation
28 made in section 455A.18, for the fiscal year beginning July 1,
29 2014, and ending June 30, 2015, the following amount, to be
30 allocated as provided in section 455A.19:
31 ..... $ 16,000,000
32 DIVISION VII
33 RELATED STATUTORY CHANGES
34 MANURE MANAGEMENT CERTIFICATION
35 Sec. 26. 2013 Iowa Acts, chapter 132, section 17, is amended

S.F. _____ H.F. _____

1 by adding the following new subsection:
2 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
3 appropriated in subsection 1 that remain unencumbered or
4 unobligated at the close of the fiscal year beginning July
5 1, 2013, shall not revert but shall remain available for
6 expenditure for the purposes designated until the close of the
7 fiscal year beginning July 1, 2014.
8 Sec. 27. EFFECTIVE DATE. This division of this Act, being
9 deemed of immediate importance, takes effect upon enactment.
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 GENERAL. This bill relates to agriculture and natural
14 resources by making appropriations for the 2014-2015 fiscal
15 year to support related entities, including the department of
16 agriculture and land stewardship (DALS), the department of
17 natural resources (DNR), and Iowa state university (ISU).
18 DALS — GENERAL FUND APPROPRIATION. For DALS, moneys are
19 appropriated from the general fund in order to support its
20 administrative divisions. Moneys are transferred to Iowa state
21 university to support its midwest grape and wine institute.
22 DALS — MISCELLANEOUS FUNDS APPROPRIATIONS. The bill
23 appropriates moneys from a number of sources to support DALS
24 in order to support designated purposes, including moneys
25 derived from unclaimed winnings from horse and dog races,
26 for administration and enforcement of racing regulations
27 (Code section 99D.22); and moneys from the renewable fuel
28 infrastructure fund, for purposes of motor fuel inspection and
29 auditing biofuel processing and production (Code chapter 214A).
30 DALS — SPECIAL GENERAL FUND APPROPRIATIONS. The bill makes
31 special appropriations from the general fund to DALS in order
32 to support specific purposes including milk inspection (Code
33 section 192.109), the local food and farm program (Code chapter
34 267A), an agricultural education organization, and assistance
35 to farmers with disabilities. Moneys are also appropriated to

S.F. _____ H.F. _____

1 support the silos and smokestacks national heritage area.
2 FY 2014-2015. Moneys are appropriated from the general fund
3 for deposit in a water quality initiative fund for purposes of
4 supporting a water quality initiative administered by DALS'
5 soil conservation division and ISU.
6 DNR — GENERAL FUND AND OTHER MAJOR FUNDS APPROPRIATIONS.
7 The bill makes appropriations from a number of funds to DNR in
8 order to support its administrative divisions involving natural
9 resources and environmental protection from the general fund
10 of the state, the state fish and game protection fund, and the
11 groundwater protection fund.
12 DNR — DESIGNATED MISCELLANEOUS FUNDS APPROPRIATIONS. The
13 bill appropriates moneys to DNR from a number of sources to
14 support designated purposes, including moneys deposited in the
15 special snowmobile fund (Code section 321G.7) to provide for
16 administering and enforcing the state snowmobile programs; and
17 moneys deposited in the unassigned revenue fund for purposes
18 of paying for administration of the department's underground
19 storage tank section.
20 DNR — SPECIAL GENERAL FUND APPROPRIATIONS. The bill also
21 makes special appropriations from the general fund to DNR
22 in order to support specific purposes including floodplain
23 management and dam safety, and forestry health management
24 programs. Moneys are appropriated to support the air quality
25 program. Moneys are also transferred from the general fund to
26 the loess hills development and conservation fund.
27 ISU — SPECIAL GENERAL FUND APPROPRIATIONS. The bill
28 appropriates moneys from the general fund to ISU to support the
29 operation of its veterinary diagnostic laboratory.
30 DALS AND DNR — GENERAL ENVIRONMENT FIRST FUND. The bill
31 appropriates moneys from the environment first fund to DALS
32 and DNR. For DALS, moneys are appropriated to support the
33 conservation reserve enhancement program, a farm management
34 demonstration program, the conservation reserve program; soil
35 and water conservation efforts, the loess hills development and

S.F. _____ H.F. _____

1 conservation fund, and the agricultural drainage well water
2 quality assistance fund. For DNR, moneys are appropriated to
3 support keepers of the land; the maintenance of state parks;
4 geographic information systems; water quality monitoring; the
5 public water supply system account; the regulation of animal
6 feeding operations; ambient air quality regulation; water
7 quality regulation; the operation of DNR's geological and water
8 survey; and the keep Iowa beautiful initiative.
9 RESOURCE ENHANCEMENT AND PROTECTION (REAP). The amount of
10 $16 million is appropriated from the environment first fund in
11 lieu of the $20 million standing appropriation from the general
12 fund (Code section 455A.18).
13 MANURE MANAGEMENT CERTIFICATION. The bill extends for
14 another fiscal year the period when DNR may expend money
15 appropriated for FY 2013-2014 in order to implement an online
16 certification program for manure applicators. The provision is
17 effective upon enactment.

Senate Study Bill 3167 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BUDGET BILL)

A BILL FOR

1 An Act relating to the funding of, the operation of, and
2 appropriation of moneys to the college student aid
3 commission, the department for the blind, the department
4 of education, the economic development authority, the
5 department of workforce development, and the state board of
6 regents, and providing for related matters.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5014XG (19) 85
kh/tm

S.F. _____ H.F. _____

DIVISION I
FY 2014-2015 APPROPRIATIONS
DEPARTMENT FOR THE BLIND

Section 1. 2013 Iowa Acts, chapter 141, section 21, is amended to read as follows:

SEC. 21. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~1,020,908~~
2,248,358
~~..... FTEs 88.00~~

2. For costs associated with universal access to audio information for blind and print handicapped Iowans:

..... $ ~~25,000~~
50,000

Sec. 2. 2013 Iowa Acts, chapter 141, section 22, is amended to read as follows:

SEC. 22. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~116,472~~
250,109
~~..... FTEs 3.95~~

2. STUDENT AID PROGRAMS

S.F. _____ H.F. _____

1 For payments to students for the Iowa grant program
2 established in section 261.93:
3 ..... $ ~~395,588~~
4 791,177
5 3. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM
6 For the loan repayment program for health care professionals
7 established pursuant to section 261.19:
8 ..... $ ~~200,487~~
9 400,973
10 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
11 For purposes of providing national guard educational
12 assistance under the program established in section 261.86:
13 ..... $ ~~2,550,116~~
14 5,100,233
15 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
16 For the teacher shortage loan forgiveness program
17 established in section 261.112:
18 ..... $ ~~196,226~~
19 392,452
20 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
21 For purposes of the all Iowa opportunity foster care grant
22 program established pursuant to section 261.6:
23 ..... $ ~~277,029~~
24 554,057
25 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
26 a. For purposes of the all Iowa opportunity scholarship
27 program established pursuant to section 261.87:
28 ..... $ ~~1,120,427~~
29 2,240,854
30 b. If the moneys appropriated by the general assembly to the
31 college student aid commission for fiscal year 2014-2015 for
32 purposes of the all Iowa opportunity scholarship program exceed
33 ~~$250,000~~ $500,000, "eligible institution" as defined in section
34 261.87, shall, during fiscal year 2014-2015, include accredited
35 private institutions as defined in section 261.9, subsection 1.

S.F. _____ H.F. _____

8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:

..... $ ~~40,426~~
80,852

9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.18:

..... $ ~~18,469~~
36,938

9A. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholars program established pursuant to section 261.110:

..... $ 2,300,000

10. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

..... $ ~~800,000~~
1,600,000

11. RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program established pursuant to section 261.114~~, if enacted~~:

..... $ ~~200,000~~
400,000

Sec. 3. 2013 Iowa Acts, chapter 141, section 23, is amended to read as follows:

SEC. 23. IOWA TUITION AND VOCATIONAL TECHNICAL GRANT APPROPRIATIONS FOR FY 2014-2015. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the amounts appropriated from the general fund of the state to

S.F. _____ H.F. _____

the college student aid commission pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For Iowa tuition grants under section 261.25, subsection 1:

..... $ ~~23,256,724~~
47,513,448

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:

..... $ ~~1,250,000~~
2,800,000

3. For vocational-technical tuition grants under section 261.25, subsection 3:

..... $ ~~1,125,092~~
2,250,185

DEPARTMENT OF EDUCATION

Sec. 4. 2013 Iowa Acts, chapter 141, section 26, is amended to read as follows:

SEC. 26. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~3,044,406~~
6,304,047

~~..... FTEs 81.67~~

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

S.F. _____ H.F. _____

1 ..... $ ~~299,099~~
2 598,197
3 ~~..... FTEs 11.50~~
4 3. VOCATIONAL REHABILITATION SERVICES DIVISION
5 a. For salaries, support, maintenance, and miscellaneous
6 purposes~~, and for not more than the following full-time~~
7 ~~equivalent positions~~:
8 ..... $ ~~2,556,584~~
9 5,296,200
10 ~~..... FTEs 255.00~~
11 For purposes of optimizing the job placement of individuals
12 with disabilities, the division shall make its best efforts
13 to work with community rehabilitation program providers for
14 job placement and retention services for individuals with
15 significant disabilities and most significant disabilities. By
16 January 15, 2015, the division shall submit a written report to
17 the general assembly on the division's outreach efforts with
18 community rehabilitation program providers.
19 b. For matching funds for programs to enable persons
20 with severe physical or mental disabilities to function more
21 independently, including salaries and support~~, and for not more~~
22 ~~than the following full-time equivalent position~~:
23 ..... $ ~~19,564~~
24 39,128
25 ~~..... FTEs 1.00~~
26 c. For the entrepreneurs with disabilities program
27 established pursuant to section 259.4, subsection 9:
28 ..... $ ~~72,768~~
29 145,535
30 d. For costs associated with centers for independent
31 living:
32 ..... $ ~~20,147~~
33 40,294
34 4. STATE LIBRARY
35 a. For salaries, support, maintenance, and miscellaneous

S.F. _____ H.F. _____

1 purposes~~, and for not more than the following full-time~~
2 ~~equivalent positions~~:
3 ..... $ ~~1,357,532~~
4 2,715,063
5 ~~..... FTEs 29.00~~
6 b. For the enrich Iowa program established under section
7 256.57:
8 ..... $ ~~1,262,114~~
9 2,524,228
10 5. PUBLIC BROADCASTING DIVISION
11 For salaries, support, maintenance, capital expenditures,
12 and miscellaneous purposes~~, and for not more than the following~~
13 ~~full-time equivalent positions~~:
14 ..... $ ~~3,721,548~~
15 7,791,846
16 ~~..... FTEs 82.00~~
17 6. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
18 For reimbursement for vocational education expenditures made
19 by secondary schools:
20 ..... $ ~~1,315,067~~
21 2,630,134
22 Moneys appropriated in this subsection shall be used
23 to reimburse school districts for vocational education
24 expenditures made by secondary schools to meet the standards
25 set in sections 256.11, 258.4, and 260C.14.
26 7. SCHOOL FOOD SERVICE
27 For use as state matching funds for federal programs that
28 shall be disbursed according to federal regulations, including
29 salaries, support, maintenance, and miscellaneous purposes~~, and~~
30 ~~for not more than the following full-time equivalent positions~~:
31 ..... $ ~~1,088,399~~
32 2,176,797
33 ~~..... FTEs 20.58~~
34 8. EARLY CHILDHOOD IOWA FUND — GENERAL AID
35 For deposit in the school ready children grants account of

S.F. _____ H.F. _____

1 the early childhood Iowa fund created in section 256I.11:
2 ..... $ ~~2,693,056~~
3 5,386,113
4 a. From the moneys deposited in the school ready children
5 grants account for the fiscal year beginning July 1, 2014,
6 and ending June 30, 2015, not more than ~~$132,975~~ $265,950
7 is allocated for the early childhood Iowa office and other
8 technical assistance activities. The early childhood Iowa
9 state board shall direct staff to work with the early childhood
10 stakeholders alliance created in section 256I.12 to inventory
11 technical assistance needs. Moneys allocated under this
12 lettered paragraph may be used by the early childhood Iowa
13 state board for the purpose of skills development and support
14 for ongoing training of staff. However, except as otherwise
15 provided in this subsection, moneys shall not be used for
16 additional staff or for the reimbursement of staff.
17 b. As a condition of receiving moneys appropriated in
18 this subsection, each early childhood Iowa area board shall
19 report to the early childhood Iowa state board progress on
20 each of the local indicators approved by the area board. Each
21 early childhood Iowa area board must also submit an annual
22 budget for the area's comprehensive school ready children
23 grant developed for providing services for children from birth
24 through five years of age, and provide other information
25 specified by the early childhood Iowa state board, including
26 budget amendments as needed. The early childhood Iowa state
27 board shall establish a submission deadline for the annual
28 budget and any budget amendments that allow a reasonable period
29 of time for preparation by the early childhood Iowa area boards
30 and for review and approval or request for modification of
31 the materials by the early childhood Iowa state board. In
32 addition, each early childhood Iowa area board must continue to
33 comply with reporting provisions and other requirements adopted
34 by the early childhood Iowa state board in implementing section
35 256I.9.

S.F. _____ H.F. _____

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, ~~$1,159,009~~ $2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed ~~$44,325~~ $88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, ~~$412,515~~ $825,030 shall be used for support of professional development and training activities for persons working in early care, health, and education by the early childhood Iowa state board in collaboration with the professional development component group of the early childhood Iowa stakeholders alliance maintained pursuant to section 256I.12, subsection 7, paragraph "b", and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

9. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:
..... $ ~~2,714,438~~
5,428,877

b. The amount appropriated in this subsection shall be

S.F. _____ H.F. _____

1 used for early care, health, and education programs to assist
2 low-income parents with tuition for preschool and other
3 supportive services for children ages three, four, and five
4 who are not attending kindergarten in order to increase the
5 basic family income eligibility requirement to not more than
6 200 percent of the federal poverty level. In addition, if
7 sufficient funding is available after addressing the needs of
8 those who meet the basic income eligibility requirement, an
9 early childhood Iowa area board may provide for eligibility
10 for those with a family income in excess of the basic income
11 eligibility requirement through use of a sliding scale or other
12 copayment provisions.
13 10. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT
14 EDUCATION
15 a. For deposit in the school ready children grants account
16 of the early childhood Iowa fund created in section 256I.11:
17 ..... $ ~~6,182,217~~
18 12,364,434
19 b. The amount appropriated in this subsection shall be
20 used for family support services and parent education programs
21 targeted to families expecting a child or with newborn and
22 infant children through age five and shall be distributed using
23 the distribution formula approved by the early childhood Iowa
24 state board and shall be used by an early childhood Iowa area
25 board only for family support services and parent education
26 programs targeted to families expecting a child or with newborn
27 and infant children through age five.
28 11. BIRTH TO AGE THREE SERVICES
29 For expansion of the federal Individuals with Disabilities
30 Education Improvement Act of 2004, Pub. L. No. 108-446, as
31 amended to January 1, 2013, birth through age three services
32 due to increased numbers of children qualifying for those
33 services:
34 ..... $ ~~860,700~~
35 1,721,400

S.F. _____ H.F. _____

1 From the moneys appropriated in this subsection, ~~$191,885~~
2 $383,769 shall be allocated to the child health specialty
3 clinic at the state university of Iowa to provide additional
4 support for infants and toddlers who are born prematurely,
5 drug-exposed, or medically fragile.
6 12. EARLY HEAD START PROJECTS
7 For early head start projects:
8 ..... $ ~~200,000~~
9 400,000
10 The moneys appropriated in this subsection shall be used for
11 implementation and expansion of early head start pilot projects
12 addressing the comprehensive cognitive, social, emotional,
13 and developmental needs of children from birth to age three,
14 including prenatal support for qualified families. The
15 projects shall promote healthy prenatal outcomes and healthy
16 family functioning, and strengthen the development of infants
17 and toddlers in low-income families. Priority shall be given
18 to those organizations that have previously qualified for
19 and received state funding to administer an early head start
20 project.
21 13. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
22 To provide moneys for costs of providing textbooks to each
23 resident pupil who attends a nonpublic school as authorized by
24 section 301.1:
25 ..... $ ~~300,107~~
26 600,214
27 Funding under this subsection is limited to $20 per pupil and
28 shall not exceed the comparable services offered to resident
29 public school pupils.
30 14. CORE CURRICULUM AND CAREER INFORMATION AND
31 DECISION-MAKING SYSTEM
32 For purposes of implementing the statewide core curriculum
33 for school districts and accredited nonpublic schools and a
34 state-designated career information and decision-making system:
35 ..... $ ~~500,000~~

S.F. _____ H.F. _____

1,000,000

15. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~3,153,675~~
6,307,351

~~..... FTEs 2.00~~

16. JOBS FOR AMERICA´S GRADUATES

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America´s graduates specialist:

..... $ ~~335,000~~
670,000

17. EDUCATION REFORM

For implementation of the education reform provisions pursuant to 2013 Iowa Acts, House File 215~~, if enacted~~:

..... $ ~~3,420,000~~
57,100,000

From the moneys appropriated to the department of education in this subsection, the following amounts, or so much thereof as is deemed necessary, shall be used by the department as follows for the purposes designated:

a. To develop and implement a coaching and support system for administrators pursuant to section 256.9, subsection 63, paragraph "b":

..... $ 2,000,000

b. To support the Iowa online state job posting system pursuant to section 256.27:

..... $ 250,000

c. For purposes relating to the attendance center performance rankings developed pursuant to 2013 Iowa Acts, chapter 121, section 73:

..... $ 1,000,000

S.F. _____ H.F. _____

1 d. To support implementation of the proposed model for an
2 extended learning time pilot project developed and submitted in
3 a report to the general assembly by the department of education
4 pursuant to 2013 Iowa Acts, chapter 121, section 109:
5 ..... $ 500,000
6 e. For an English language literacy for all grant pilot
7 program in accordance with the grant program established
8 pursuant to 2014 Iowa Acts, Senate Study Bill 224 or House
9 Study Bill 553, if enacted:
10 ..... $ 500,000
11 f. For the costs of providing department of education
12 support to education task forces, commissions, and councils,
13 including but not limited to the assessment task force, the
14 commission on educator leadership and compensation, and the
15 council on educator development established pursuant to 2013
16 Iowa Acts, chapter 121:
17 ..... $ 50,000
18 18. SUCCESSFUL PROGRESSION FOR EARLY READERS
19 For school districts to provide intensive instructional
20 services, curricula, initiatives, programs, and supports in
21 accordance with section 279.68, subsection 2:
22 ..... $ ~~4,000,000~~
23 8,000,000
24 19. IOWA READING RESEARCH CENTER
25 For the Iowa reading research center established pursuant to
26 section 256.9, subsection 53, paragraph "c":
27 ..... $ ~~665,500~~
28 3,931,000
29 20. COMPETENCY-BASED EDUCATION
30 For implementation of certain recommendations of the
31 competency-based education task force established pursuant to
32 2012 Iowa Acts, chapter 1119, section 2:
33 ..... $ ~~212,500~~
34 425,000
35 a. From the moneys appropriated in this subsection, not less

S.F. _____ H.F. _____

1 than ~~$50,000~~ $100,000 shall be used to provide grants under
2 a competency-based education grant program. Notwithstanding
3 section 8.33, moneys received by the department pursuant to
4 this lettered paragraph that remain unencumbered or unobligated
5 at the close of the fiscal year shall not revert but shall
6 remain available for expenditure for the purposes specified in
7 this lettered paragraph for the following fiscal year.
8 b. From the moneys appropriated in this subsection, not
9 less than ~~$50,000~~ $100,000 shall be used for writing model
10 competencies, not less than ~~$12,500~~ $25,000 shall be used for
11 plans and templates, not less than ~~$50,000~~ $100,000 shall be
12 used to develop the assessment validation rubric and model
13 assessments, and not less than ~~$50,000~~ $100,000 shall be used
14 to design professional development in accordance with the
15 recommendations of the competency-based education task force.
16 20A. BULLYING PREVENTION TRAINING MATERIALS
17 To produce bullying prevention training materials for use by
18 school districts and schools for purposes in accordance with
19 section 280.28:
20 ..... $ 25,000
21 20B. REGIONAL TELECOMMUNICATIONS COUNCILS
22 For state aid for regional telecommunications councils
23 established pursuant to section 8D.5, subsection 2:
24 ..... $ 992,913
25 The regional telecommunications councils established
26 pursuant to section 8D.5 shall use the moneys appropriated in
27 this subsection to provide coordination of technical assistance
28 for network classrooms, planning and troubleshooting for local
29 area networks, scheduling of video sites, and other related
30 support activities.
31 Moneys appropriated in this subsection shall be distributed
32 by the department to the regional telecommunications councils
33 based upon usage by region. The regional telecommunications
34 councils shall report to the department by January 31, 2015,
35 for the immediately preceding six-month period beginning on

S.F. _____ H.F. _____

1 July 1, 2014, and ending December 31, 2014, and by July 31,
2 2015, for the immediately preceding six-month period beginning
3 on January 1, 2015, and ending on June 30, 2015. The report
4 shall include information requested by the department related
5 to the activities supported through this appropriation.
6 21. MIDWESTERN HIGHER EDUCATION COMPACT
7 For distribution to the midwestern higher education compact
8 to pay Iowa's member state annual obligation:
9 ..... $ ~~50,000~~
10 100,000
11 Notwithstanding section 8.33, moneys appropriated for
12 distribution to the midwestern higher education compact
13 pursuant to this subsection that remain unencumbered or
14 unobligated at the close of the fiscal year shall not revert
15 but shall remain available for expenditure for the purpose
16 designated until the close of the succeeding fiscal year.
17 22. COMMUNITY COLLEGES
18 a. For general state financial aid to merged areas as
19 defined in section 260C.2 in accordance with chapters 258 and
20 260C:
21 ..... $ ~~96,637,323~~
22 193,274,647
23 The funds appropriated in this subsection shall be allocated
24 pursuant to the formula established in section 260C.18C.
25 b. For distribution to community colleges to supplement
26 faculty salaries:
27 ..... $ ~~250,000~~
28 500,000
29 Sec. 5. 2013 Iowa Acts, chapter 141, is amended by adding
30 the following new section:
31 NEW SECTION. SEC. 26A. LIMITATIONS OF STANDING
32 APPROPRIATION — FY 2014-2015 — NONPUBLIC SCHOOL
33 TRANSPORTATION. Notwithstanding the standing appropriation in
34 section 285.2, subsection 2, for the fiscal year beginning July
35 1, 2014, and ending June 30, 2015, the amount appropriated from

S.F. _____ H.F. _____

the general fund of the state to the department of education for payment of nonpublic school transportation under section 285.2 shall not exceed $8,560,931.

STATE BOARD OF REGENTS

Sec. 6. 2013 Iowa Acts, chapter 141, section 27, is amended to read as follows:

SEC. 27. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~532,502~~
1,094,714

~~..... FTEs 15.00~~

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency. The report submitted in December 2014 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated to the southwest Iowa regents resource center in Council Bluffs:

..... $ ~~91,367~~
182,734

c. For moneys to be allocated to the northwest Iowa regents resource center in Sioux City under section 262.9, subsection 22:

..... $ ~~33,301~~
66,601

d. For moneys to be allocated to the quad-cities graduate studies center:

..... $ ~~17,257~~

S.F. _____ H.F. _____

1 34,513
2 The board may transfer moneys appropriated under paragraph
3 "b", "c", or "d", of this subsection to any of the other
4 centers specified in paragraph "b", "c", or "d", if the board
5 notifies, in writing, the general assembly, the department of
6 management, and the legislative services agency of the amount,
7 the date, and the purpose of the transfer.
8 e. For moneys to be distributed to Iowa public radio for
9 public radio operations:
10 ..... $ ~~195,784~~
11 391,568
12 2. STATE UNIVERSITY OF IOWA
13 a. General university, including lakeside laboratory
14 For salaries, support, maintenance, equipment, financial
15 aid, and miscellaneous purposes~~, and for not more than the~~
16 ~~following full-time equivalent positions~~:
17 ..... $~~111,020,675~~
18 230,923,005
19 ~~..... FTEs 5,058.55~~
20 b. Oakdale campus
21 For salaries, support, maintenance, and miscellaneous
22 purposes~~, and for not more than the following full-time~~
23 ~~equivalent positions~~:
24 ..... $ ~~1,093,279~~
25 2,186,558
26 ~~..... FTEs 38.25~~
27 c. State hygienic laboratory
28 For salaries, support, maintenance, and miscellaneous
29 purposes, ~~and for not more than the following full-time~~
30 ~~equivalent positions~~:
31 ..... $ ~~2,201,307~~
32 4,402,615
33 ~~..... FTEs 102.50~~
34 d. Family practice program
35 For allocation by the dean of the college of medicine, with

S.F. _____ H.F. _____

1 approval of the advisory board, to qualified participants
2 to carry out the provisions of chapter 148D for the family
3 practice program, including salaries and support~~, and for not~~
4 ~~more than the following full-time equivalent positions~~:
5 ..... $ ~~894,132~~
6 1,788,265
7 ~~..... FTEs 190.40~~
8 e. Child health care services
9 For specialized child health care services, including
10 childhood cancer diagnostic and treatment network programs,
11 rural comprehensive care for hemophilia patients, and the
12 Iowa high-risk infant follow-up program, including salaries
13 and support~~, and for not more than the following full-time~~
14 ~~equivalent positions~~:
15 ..... $ ~~329,728~~
16 659,456
17 ~~..... FTEs 57.97~~
18 f. Statewide cancer registry
19 For the statewide cancer registry~~, and for not more than the~~
20 ~~following full-time equivalent positions~~:
21 ..... $ ~~74,526~~
22 149,051
23 ~~..... FTEs 2.10~~
24 g. Substance abuse consortium
25 For moneys to be allocated to the Iowa consortium for
26 substance abuse research and evaluation~~, and for not more than~~
27 ~~the following full-time equivalent position~~:
28 ..... $ ~~27,765~~
29 55,529
30 ~~..... FTEs 1.00~~
31 h. Center for biocatalysis
32 For the center for biocatalysis~~, and for not more than the~~
33 ~~following full-time equivalent positions~~:
34 ..... $ ~~361,863~~
35 723,727

S.F. _____ H.F. _____

1 ~~..... FTEs 6.28~~
2 i. Primary health care initiative
3 For the primary health care initiative in the college
4 of medicine~~, and for not more than the following full-time~~
5 ~~equivalent positions~~:
6 ..... $ ~~324,465~~
7 648,930
8 ~~..... FTEs 5.89~~
9 From the moneys appropriated in this lettered paragraph,
10 ~~$127,445~~ $254,889 shall be allocated to the department of
11 family practice at the state university of Iowa college of
12 medicine for family practice faculty and support staff.
13 j. Birth defects registry
14 For the birth defects registry~~, and for not more than the~~
15 ~~following full-time equivalent position~~:
16 ..... $ ~~19,144~~
17 38,288
18 ~~..... FTEs 1.00~~
19 k. Larned A. Waterman Iowa nonprofit resource center
20 For the Larned A. Waterman Iowa nonprofit resource center~~,~~
21 ~~and for not more than the following full-time equivalent~~
22 ~~positions~~:
23 ..... $ ~~81,270~~
24 162,539
25 ~~..... FTEs 2.75~~
26 l. Iowa online advanced placement academy science,
27 technology, engineering, and mathematics initiative
28 For the establishment of the Iowa online advanced placement
29 academy science, technology, engineering, and mathematics
30 initiative:
31 ..... $ ~~240,924~~
32 481,849
33 m. For the Iowa flood center for use by the university's
34 college of engineering pursuant to section 466C.1:
35 ..... $ ~~750,000~~

S.F. _____ H.F. _____

1,500,000

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~86,993,176~~
180,945,807

~~..... FTEs 3,647.42~~

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~14,055,938~~
30,611,877

~~..... FTEs 546.98~~

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~9,133,361~~
18,266,722

~~..... FTEs 383.34~~

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~198,709~~
397,417

~~..... FTEs 11.25~~

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

S.F. _____ H.F. _____

..... $ ~~86,422~~
172,844

4. UNIVERSITY OF NORTHERN IOWA

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~41,611,409~~
90,951,732

~~..... FTEs 1,447.50~~

b. Recycling and reuse center

For purposes of the recycling and reuse center~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~87,628~~
175,256

~~..... FTEs 3.00~~

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of the science, technology, engineering, and mathematics (STEM) collaborative initiative established pursuant to section 268.7~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~2,600,000~~
5,200,000

~~..... FTEs 6.20~~

(1) Except as otherwise provided in this lettered paragraph, the moneys appropriated in this lettered paragraph shall be expended for salaries, staffing, institutional support, activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers, and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum

S.F. _____ H.F. _____

development.

(3) From the moneys appropriated in this lettered paragraph, not less than ~~$250,000~~ $500,000 nor more than ~~$500,000~~ $1,000,000 shall be used to provide technology education opportunities to high school, career academy, and community college students through a public-private partnership, as well as opportunities for students and faculties at these institutions to secure broad-based information technology certification. The Iowa governor's STEM advisory council shall utilize a request for proposals process for contracts to make available, through the regional STEM network hubs, at high schools, career academies, and community colleges, instruction on skills and competencies that are essential for the workplace and which are requested by Iowa's employers. Such a contract shall include the following components:

(a) A research-based curriculum.

(b) Online access to the curriculum.

(c) Instructional software for classroom and student use.

(d) Certification of skills and competencies in a broad base of information technology-related skill areas.

(e) Professional development for teachers.

(f) Deployment and program support, including but not limited to integration with current curriculum standards.

d. Real estate education program

For purposes of the real estate education program~~, and for not more than the following full-time equivalent position~~:

..... $ ~~62,651~~
125,302

~~..... FTEs 1.00~~

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~4,515,317~~

S.F. _____ H.F. _____

1 9,030,634
2 ~~..... FTEs 126.60~~
3 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
4 For salaries, support, maintenance, and miscellaneous
5 purposes~~, and for not more than the following full-time~~
6 ~~equivalent positions~~:
7 ..... $ ~~1,882,568~~
8 3,765,136
9 ~~..... FTEs 62.87~~
10 7. TUITION AND TRANSPORTATION COSTS
11 For payment to local school boards for the tuition and
12 transportation costs of students residing in the Iowa braille
13 and sight saving school and the state school for the deaf
14 pursuant to section 262.43 and for payment of certain clothing,
15 prescription, and transportation costs for students at these
16 schools pursuant to section 270.5:
17 ..... $ ~~5,882~~
18 11,763
19 8. LICENSED CLASSROOM TEACHERS
20 For distribution at the Iowa braille and sight saving school
21 and the Iowa school for the deaf based upon the average yearly
22 enrollment at each school as determined by the state board of
23 regents:
24 ..... $ ~~41,025~~
25 82,049
26 Sec. 7. Section 257.35, Code 2014, is amended by adding the
27 following new subsection:
28 NEW SUBSECTION. 8A. Notwithstanding subsection 1, and in
29 addition to the reduction applicable pursuant to subsection
30 2, the state aid for area education agencies and the portion
31 of the combined district cost calculated for these agencies
32 for the fiscal year beginning July 1, 2014, and ending June
33 30, 2015, shall be reduced by the department of management by
34 fifteen million dollars. The reduction for each area education
35 agency shall be prorated based on the reduction that the agency

S.F. _____ H.F. _____

received in the fiscal year beginning July 1, 2003.

Sec. 8. Section 284.13, subsection 1, paragraph e, subparagraph (1), subparagraph division (a), Code 2014, is amended to read as follows:

(a) For the fiscal year beginning July 1, 2014, and ending June 30, 2015, fifty one million three hundred thousand dollars.

Sec. 9. Section 284.13, subsection 1, paragraph e, subparagraph (3), Code 2014, is amended to read as follows:

(3) Of the moneys allocated to the department for the purposes of this paragraph *"e"*, for the fiscal year beginning July 1, 2014, not more than two million dollars, and for each subsequent fiscal year included in subparagraph (1), not more than seven hundred thousand dollars, shall be used by the department for the development of a delivery system to assist in implementing the career paths and leadership roles considered pursuant to sections 284.15, 284.16, and 284.17, including but not limited to planning grants to school districts and area education agencies, technical assistance for the department, technical assistance for districts and area education agencies, training and staff development, and the contracting of external expertise and services. In using moneys allocated for purposes of this subparagraph (3), the department shall give priority to school districts with certified enrollments of fewer than six hundred students. A portion of the moneys allocated annually to the department for purposes of this subparagraph (3) may be used by the department for administrative purposes and for not more than five full-time equivalent positions.

Sec. 10. Section 284.13, subsection 1, paragraph f, Code 2014, is amended to read as follows:

f. For the fiscal year beginning July 1, ~~2014~~ 2015, and for each subsequent fiscal year, to the department of education, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions

S.F. _____ H.F. _____

of section 284.11. Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

DIVISION II

WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2014-2015

Sec. 11. 2013 Iowa Acts, chapter 141, section 54, is amended to read as follows:

SEC. 54. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF EDUCATION

a. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

..... $ ~~7,650,000~~
15,100,000

From the moneys appropriated in this paragraph, not more than ~~$50,000~~ $100,000 shall be used by the department for administration of the workforce training and economic development funds created pursuant to section 260C.18A.

b. For distribution to community colleges for the purposes of implementing adult education and literacy programs pursuant to section 260C.50:

..... $ ~~2,750,000~~
5,500,000

(1) From the moneys appropriated in this paragraph, ~~$1,941,500~~ $3,883,000 shall be allocated pursuant to the formula established in section 260C.18C.

(2) From the moneys appropriated in this paragraph, not more than ~~$75,000~~ $150,000 shall be used by the department for implementation of adult education and literacy programs

S.F. _____ H.F. _____

pursuant to section 260C.50.

(3) From the moneys appropriated in this paragraph, not more than ~~$733,500~~ $1,467,000 shall be distributed as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language. The department shall establish an application process and criteria to award grants pursuant to this subparagraph to community colleges. The criteria shall be based on need for instruction in English as a second language in the region served by each community college as determined by factors including data from the latest federal decennial census and outreach efforts to determine regional needs.

(4) From the moneys appropriated in this paragraph, ~~$105,000~~ $210,000 shall be transferred to the department of human services for purposes of administering a pilot project to provide access to international resources to Iowans and new Iowans to provide economic and leadership development resulting in Iowa being a more inclusive and welcoming place to live, work, and raise a family. The pilot project shall provide supplemental support services for international refugees to improve learning, literacy, cultural competencies, and assimilation in 10 locations within a county with a population over 350,000 as determined by the 2010 federal decennial census. The department of human services shall utilize a request for proposals process to identify the entity best qualified to implement the pilot project.

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term "vertical infrastructure" in section 8.57, subsection 5, paragraph "c":
..... $ ~~3,000,000~~
6,000,000

As a condition of receiving moneys appropriated under this paragraph, an entity shall testify upon the request of the joint appropriations subcommittee on economic development

S.F. _____ H.F. _____

1 regarding the expenditure of such moneys.
2 d. For deposit in the pathways for academic career and
3 employment fund established pursuant to section 260H.2,
4 subsection 2:
5 ..... $ ~~2,500,000~~
6 5,000,000
7 e. For deposit in the gap tuition assistance fund
8 established pursuant to section 260I.2, subsection 2:
9 ..... $ ~~1,000,000~~
10 2,000,000
11 f. For deposit in the statewide work-based learning
12 intermediary network fund created pursuant to section 256.40,
13 subsection 1:
14 ..... $ ~~750,000~~
15 1,500,000
16 From the moneys appropriated in this paragraph, not more
17 than ~~$25,000~~ $50,000 shall be used by the department for
18 expenses associated with the activities of the secondary career
19 and technical programming task force convened pursuant to this
20 Act.
21 *g.* For support costs associated with administering a
22 workforce preparation outcome reporting system for the purpose
23 of collecting and reporting data relating to the educational
24 and employment outcomes of workforce preparation programs
25 receiving moneys pursuant to this subsection:
26 ..... $ 200,000
27 2. ECONOMIC DEVELOPMENT AUTHORITY
28 For the purposes of providing assistance under the high
29 quality jobs program as described in section 15.335B:
30 ..... $ ~~8,450,000~~
31 ..... $ 16,900,000
32 As a condition of receiving moneys appropriated in this
33 subsection, an entity shall testify upon the request of the
34 joint appropriations subcommittee on economic development
35 regarding the expenditure of such moneys.

S.F. _____ H.F. _____

1 3. REGENTS INSTITUTIONS
2 a. To the state board of regents for capacity
3 building infrastructure in areas related to technology
4 commercialization, marketing and business development
5 efforts in areas related to technology commercialization,
6 entrepreneurship, and business growth, and infrastructure
7 projects and programs needed to assist in implementation of
8 activities under chapter 262B:
9 ..... $ ~~1,500,000~~
10 3,000,000
11 Of the moneys appropriated pursuant to this paragraph,
12 35 percent shall be allocated for Iowa state university, 35
13 percent shall be allocated for the university of Iowa, and 30
14 percent shall be allocated for the university of northern Iowa.
15 (1) The institutions shall provide a one-to-one match
16 of additional moneys for the activities funded with moneys
17 appropriated under this paragraph.
18 (2) The state board of regents shall annually submit a
19 report by January 15 of each year to the governor, the general
20 assembly, and the legislative services agency regarding
21 the activities, projects, and programs funded with moneys
22 allocated under this paragraph. The report shall be provided
23 in an electronic format and shall include a list of metrics
24 and criteria mutually agreed to in advance by the board of
25 regents and the economic development authority. The metrics
26 and criteria shall allow the governor's office and the general
27 assembly to quantify and evaluate the progress of the board of
28 regents institutions with regard to their activities, projects,
29 and programs in the areas of technology commercialization,
30 entrepreneurship, regional development, and market research.
31 b. To Iowa state university of science and technology for
32 small business development centers, the science and technology
33 research park, and the institute for physical research and
34 technology~~, and for not more than the following full-time~~
35 ~~equivalent positions~~:

S.F. _____ H.F. _____

1 ..... $ ~~1,212,151~~
2 2,424,302
3 ~~..... FTEs 56.63~~
4 (1) Of the moneys appropriated in this paragraph, Iowa
5 state university of science and technology shall allocate at
6 least ~~$367,864~~ $735,728 for purposes of funding small business
7 development centers. Iowa state university of science and
8 technology may allocate moneys appropriated in this paragraph
9 to the various small business development centers in any manner
10 necessary to achieve the purposes of this paragraph.
11 (2) Iowa state university of science and technology shall
12 do all of the following:
13 (a) Direct expenditures for research toward projects that
14 will provide economic stimulus for Iowa.
15 (b) Provide emphasis to providing services to Iowa-based
16 companies.
17 (3) It is the intent of the general assembly that the
18 industrial incentive program focus on Iowa industrial
19 sectors and seek contributions and in-kind donations from
20 businesses, industrial foundations, and trade associations,
21 and that moneys for the institute for physical research and
22 technology industrial incentive program shall be allocated
23 only for projects which are matched by private sector moneys
24 for directed contract research or for nondirected research.
25 The match required of small businesses as defined in section
26 15.102, subsection 10, for directed contract research or for
27 nondirected research shall be $1 for each $3 of state funds.
28 The match required for other businesses for directed contract
29 research or for nondirected research shall be $1 for each $1 of
30 state funds. The match required of industrial foundations or
31 trade associations shall be $1 for each $1 of state funds.
32 Iowa state university of science and technology shall
33 report annually to the joint appropriations subcommittee on
34 economic development and the legislative services agency the
35 total amount of private contributions, the proportion of

S.F. _____ H.F. _____

contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

c. To the state university of Iowa for the state university of Iowa research park and for the advanced drug development program at the Oakdale research park, including salaries, support, maintenance, equipment, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~104,640~~
209,279

~~..... FTEs 6.00~~

The state university of Iowa shall do all of the following:

(1) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(2) Provide emphasis to providing services to Iowa-based companies.

d. To the state university of Iowa for the purpose of implementing the entrepreneurship and economic growth initiative~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~1,000,000~~
2,000,000

~~..... FTEs 8.00~~

e. To the university of northern Iowa for the metal casting institute, the MyEntreNet internet application, and the institute of decision making, including salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~533,209~~
1,066,419

~~..... FTEs 9.75~~

(1) Of the moneys appropriated pursuant to this paragraph, the university of northern Iowa shall allocate at least ~~$308,819~~ $617,639 for purposes of support of entrepreneurs

S.F. _____ H.F. _____

1 through the university's regional business center and economic
2 gardening program.
3 (2) The university of northern Iowa shall do all of the
4 following:
5 (a) Direct expenditures for research toward projects that
6 will provide economic stimulus for Iowa.
7 (b) Provide emphasis to providing services to Iowa-based
8 companies.
9 f. As a condition of receiving moneys appropriated in
10 this subsection, an entity shall testify upon the request of
11 the joint appropriations subcommittee on economic development
12 regarding the expenditure of such moneys.
13 4. COLLEGE STUDENT AID COMMISSION
14 For purposes of providing skilled workforce shortage tuition
15 grants in accordance with section 261.130:
16 ..... $ ~~2,500,000~~
17 5,000,000
18 5. DEPARTMENT OF WORKFORCE DEVELOPMENT
19 To develop a long-term sustained program to train unemployed
20 and underemployed central Iowans with skills necessary to
21 advance to higher-paying jobs with full benefits:
22 ..... $ ~~50,000~~
23 100,000
24 As a condition of receiving moneys appropriated under this
25 subsection, an entity shall testify upon the request of the
26 joint appropriations subcommittee on economic development
27 regarding the expenditure of such moneys.
28 6. Notwithstanding section 8.33, moneys appropriated
29 in this section of this Act that remain unencumbered or
30 unobligated at the close of the fiscal year shall not revert
31 but shall remain available for expenditure for the purposes
32 designated until the close of the succeeding fiscal year.
33 EXPLANATION
34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

S.F. _____ H.F. _____

1 This bill appropriates moneys for fiscal year 2014-2015
2 from the general fund of the state to the college student aid
3 commission, the department for the blind, the department of
4 education, the economic development authority, the department
5 of workforce development, and the state board of regents and
6 its institutions.
7 FY 2014-2015 — GENERAL APPROPRIATION. The bill
8 appropriates to the department for the blind for its
9 administration.
10 The bill includes appropriations to the college student
11 aid commission for general administrative purposes, student
12 aid programs, the loan repayment program for health care
13 professionals, the national guard educational assistance
14 program, the teacher shortage loan forgiveness program, the all
15 Iowa opportunity foster care grant and scholarship programs,
16 the registered nurse and nurse educator loan forgiveness
17 program, the barber and cosmetology arts and sciences tuition
18 grant program, the teach Iowa scholar program, and for the
19 rural Iowa primary care and rural Iowa advanced registered
20 nurse practitioner and physician assistant loan repayment
21 programs.
22 The bill modifies the standing appropriations for
23 Iowa tuition grants for students attending nonprofit and
24 for-profit institutions and for Iowa tuition grants for
25 vocational-technical tuition grants.
26 The bill appropriates moneys to the department of education
27 for purposes of the department's general administration,
28 vocational education administration, division of vocational
29 rehabilitation services including independent living and the
30 entrepreneurs with disabilities program and independent living
31 centers, state library for general administration and the
32 enrich Iowa program, public broadcasting division, vocational
33 education to secondary schools, school food service, early
34 childhood Iowa fund, expansion of the federal Individuals
35 with Disabilities Education Improvement Act birth through

S.F. _____ H.F. _____

1 age three services, early head start projects, textbooks
2 for nonpublic school pupils, the core curriculum and career
3 information and decision-making system, the student achievement
4 and teacher quality program, jobs for America's graduates
5 specialists, education reform, successful progression for early
6 readers, the Iowa reading research center, competency-based
7 education, bullying prevention training materials, regional
8 telecommunications councils, distribution to the midwestern
9 higher education compact to pay Iowa's member state annual
10 obligation, and community colleges.
11 From the moneys appropriated for education reform, the
12 bill allocates moneys to develop and implement a coaching and
13 support system for administrators, to support the Iowa online
14 state job posting system initiative, for purposes relating
15 to the attendance center performance rankings developed by
16 the department, to support implementation of the proposed
17 model for an extended learning time pilot project developed
18 by the department, for an English language literacy for all
19 grant pilot program, and for the costs of providing department
20 support to education task forces, commissions, and councils
21 established in 2013 legislation.
22 The bill also limits the standing unlimited appropriation
23 established in Code section 285.2 for purposes of paying
24 nonpublic school transportation claims to not more than
25 $8,560,931.
26 The bill reduces state aid for area education agencies
27 for the 2014-2015 fiscal year by $15 million; reduces from
28 $50 million to $1.3 million for the 2014-2015 fiscal year
29 the moneys allocated for purposes of teacher leadership
30 supplemental aid payments to school districts for implementing
31 the career paths, leadership roles, and compensation framework
32 or comparable system; increases from $700,000 to $2 million
33 for fiscal year 2014-2015 the moneys allocated to the
34 department for the development of a delivery system to assist
35 in implementing the career paths and leadership roles; and

S.F. _____ H.F. _____

1 eliminates an allocation of $10 million for the 2014-2015
2 fiscal year to be used for purposes of implementing the
3 supplemental assistance for high-need schools.
4 The bill appropriates moneys to the state board of regents
5 for the board office, universities' general operating budgets;
6 the southwest Iowa regents resource center; the northwest Iowa
7 regents resource center; the quad-cities graduate studies
8 center; Iowa public radio; the state university of Iowa; Iowa
9 state university of science and technology; the university of
10 northern Iowa; and for the Iowa school for the deaf and the
11 Iowa braille and sight saving school, including tuition and
12 transportation costs for students residing in the schools and
13 licensed classroom teachers.
14 FY 2014-2015 —— WORKFORCE TRAINING PROGRAMS. The bill
15 appropriates moneys from the Iowa skilled worker and job
16 creation fund to the department of education, the economic
17 development authority, regents institutions, the college
18 student aid commission, and the department of workforce
19 development for workforce training purposes.
20 The bill appropriates moneys from the Iowa skilled worker
21 and job creation fund to the department of education for
22 deposit in the workforce training and economic development
23 funds; for distribution to community colleges for the purposes
24 of implementing adult education and literacy programs as
25 provided for by the bill; for certain accelerated career
26 education program capital projects at community colleges; for
27 deposit in the pathways for academic career and employment
28 fund; for deposit in the gap tuition assistance fund; for
29 deposit in the statewide work-based learning intermediary
30 network fund; and for support costs associated with
31 administering a workforce preparation outcome reporting system.
32 The bill appropriates moneys from the Iowa skilled worker
33 and job creation fund to the economic development authority for
34 the purposes of providing assistance under the high quality
35 jobs program.

S.F. _____ H.F. _____

1 The bill appropriates moneys from the Iowa skilled worker
2 and job creation fund to the state board of regents for
3 capacity building infrastructure in areas related to technology
4 commercialization, marketing and business development
5 efforts in areas related to technology commercialization,
6 entrepreneurship, and business growth, and infrastructure
7 projects and programs needed to assist in implementation of
8 activities relating to commercialization of research.
9 The bill appropriates moneys from the Iowa skilled worker
10 and job creation fund to the college student aid commission
11 for purposes of providing skilled workforce shortage tuition
12 grants.
13 The bill appropriates moneys from the Iowa skilled
14 worker and job creation fund to the department of workforce
15 development to develop a long-term sustained program to
16 train unemployed and underemployed central Iowans with skills
17 necessary to advance to higher-paying jobs with full benefits.

Senate Study Bill 3168 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BUDGET BILL)

A BILL FOR

1 An Act relating to appropriations to the judicial branch.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5017XG (5) 85
jm/tm

S.F. _____ H.F. _____

1 Section 1. 2013 Iowa Acts, chapter 133, section 7, is
2 amended to read as follows:
3 SEC. 7. JUDICIAL BRANCH.
4 1. There is appropriated from the general fund of the state
5 to the judicial branch for the fiscal year beginning July 1,
6 2014, and ending June 30, 2015, the following amount, or so
7 much thereof as is necessary, to be used for the purposes
8 designated:
9 a. For salaries of supreme court justices, appellate court
10 judges, district court judges, district associate judges,
11 associate juvenile judges, associate probate judges, judicial
12 magistrates and staff, state court administrator, clerk of the
13 supreme court, district court administrators, clerks of the
14 district court, juvenile court officers, board of law examiners
15 and board of examiners of shorthand reporters and judicial
16 qualifications commission; receipt and disbursement of child
17 support payments; reimbursement of the auditor of state for
18 expenses incurred in completing audits of the offices of the
19 clerks of the district court during the fiscal year beginning
20 July 1, 2014; and maintenance, equipment, and miscellaneous
21 purposes:
22 ..... $ ~~82,299,684~~
23 176,288,424
24 b. For deposit in the revolving fund created pursuant
25 to section 602.1302, subsection 3, for jury and witness
26 fees, mileage, costs related to summoning jurors, fees for
27 interpreters, and reimbursement of attorney fees paid by the
28 state public defender:
29 ..... $ ~~1,550,000~~
30 3,100,000
31 2. The judicial branch, except for purposes of internal
32 processing, shall use the current state budget system, the
33 state payroll system, and the Iowa finance and accounting
34 system in administration of programs and payments for services,
35 and shall not duplicate the state payroll, accounting, and

S.F. _____ H.F. _____

1 budgeting systems.
2 3. The judicial branch shall submit monthly financial
3 statements to the legislative services agency and the
4 department of management containing all appropriated accounts
5 in the same manner as provided in the monthly financial status
6 reports and personal services usage reports of the department
7 of administrative services. The monthly financial statements
8 shall include a comparison of the dollars and percentage
9 spent of budgeted versus actual revenues and expenditures on
10 a cumulative basis for full-time equivalent positions and
11 dollars.
12 4. The judicial branch shall focus efforts upon the
13 collection of delinquent fines, penalties, court costs, fees,
14 surcharges, or similar amounts.
15 5. It is the intent of the general assembly that the offices
16 of the clerks of the district court operate in all 99 counties
17 and be accessible to the public as much as is reasonably
18 possible in order to address the relative needs of the citizens
19 of each county.
20 6. In addition to the requirements for transfers under
21 section 8.39, the judicial branch shall not change the
22 appropriations from the amounts appropriated to the judicial
23 branch in this division of this Act, unless notice of the
24 revisions is given prior to their effective date to the
25 legislative services agency. The notice shall include
26 information on the branch's rationale for making the changes
27 and details concerning the workload and performance measures
28 upon which the changes are based.
29 7. The judicial branch shall submit a semiannual update
30 to the legislative services agency specifying the amounts of
31 fines, surcharges, and court costs collected using the Iowa
32 court information system since the last report. The judicial
33 branch shall continue to facilitate the sharing of vital
34 sentencing and other information with other state departments
35 and governmental agencies involved in the criminal justice

S.F. _____ H.F. _____

1 system through the Iowa court information system.
2 8. The judicial branch shall provide a report to the general
3 assembly by January 1, 2015, concerning the amounts received
4 and expended from the enhanced court collections fund created
5 in section 602.1304 and the court technology and modernization
6 fund created in section 602.8108, subsection 7, during the
7 fiscal year beginning July 1, 2013, and ending June 30, 2014,
8 and the plans for expenditures from each fund during the fiscal
9 year beginning July 1, 2014, and ending June 30, 2015. A copy
10 of the report shall be provided to the legislative services
11 agency.
12 EXPLANATION
13 **The inclusion of this explanation does not constitute agreement with**
14 **the explanation's substance by the members of the general assembly.**
15 This bill relates to appropriations made to the judicial
16 branch in 2013 Iowa Acts, chapter 133 (SF 422).
17 The bill increases the appropriation from the general fund
18 of the state for FY 2014-2015 to the judicial branch for
19 salaries, maintenance, equipment, and miscellaneous purposes.
20 The bill increases the appropriations from the general fund
21 of the state for deposit in the revolving fund created in Code
22 section 602.1302 for jury and witness fees, mileage, costs
23 related to summoning jurors, fees for interpreters, and certain
24 attorney fee reimbursements.

Senate Study Bill 3169 - Introduced

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

A BILL FOR

1 An Act relating to the criminal offenses of enticing a minor,
2 prostitution, sexual exploitation of a minor, and human
3 trafficking, and providing for a fee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6105SC (3) 85
rh/rj

S.F. _____

1 Section 1. Section 602.8102, subsection 135A, Code 2014, is
2 amended to read as follows:
3 135A. Assess the surcharges provided by sections 911.1,
4 911.2, 911.2A, 911.3, and 911.4.
5 Sec. 2. Section 602.8108, subsection 2, Code 2014, is
6 amended to read as follows:
7 2. Except as otherwise provided, the clerk of the district
8 court shall report and submit to the state court administrator,
9 not later than the fifteenth day of each month, the fines and
10 fees received during the preceding calendar month. Except
11 as provided in subsections 3, 4, 5, 5A, 7, 8, 9, and 10, the
12 state court administrator shall deposit the amounts received
13 with the treasurer of state for deposit in the general fund of
14 the state. The state court administrator shall report to the
15 legislative services agency within thirty days of the beginning
16 of each fiscal quarter the amount received during the previous
17 quarter in the account established under this section.
18 Sec. 3. Section 602.8108, Code 2014, is amended by adding
19 the following new subsection:
20 NEW SUBSECTION. 5A. The clerk of the district court shall
21 remit all moneys collected from the assessment of the human
22 trafficking victim surcharge provided in section 911.2A to the
23 state court administrator no later than the fifteenth day of
24 each month for deposit in the human trafficking victim fund
25 created in section 915.95.
26 Sec. 4. Section 710.10, Code 2014, is amended by adding the
27 following new subsection:
28 NEW SUBSECTION. 7. For purposes of this section, methods
29 of enticement include but are not limited to personal contact
30 and communication by any means including through the mail,
31 telephone, internet, or any social media, and include text
32 messages, instant messages, and electronic mail.
33 Sec. 5. NEW SECTION. **710A.6 Past sexual behavior of victim.**
34 Evidence of a specific instance of a victim's past sexual
35 behavior, or reputation or opinion evidence of past sexual

S.F. _____

1 behavior of a victim, is not admissible unless the evidence is
2 admitted in accordance with rule of evidence 5.412.
3 Sec. 6. Section 725.1, Code 2014, is amended to read as
4 follows:
5 **725.1 Prostitution.**
6 1. ~~A~~ Except as provided in subsection 3, a person who sells
7 or offers for sale the person's services as a partner in a sex
8 act commits an aggravated misdemeanor. ~~, or~~
9 2. A person who purchases or offers to purchase ~~such~~
10 a person's services~~,~~ as a partner in a sex act commits an
11 aggravated misdemeanor.
12 3. If the person who sells or offers for sale the person's
13 services as a partner in a sex act pursuant to subsection 1
14 is under the age of eighteen and reasonable grounds exist to
15 believe that the influence or control of an adult contributed
16 to the commission of the offense, the county attorney may
17 elect, in lieu of filing a petition alleging that the person
18 has committed a delinquent act, to refer the person to the
19 department of human services for the possible filing of
20 a petition alleging that the person is a child in need of
21 assistance.
22 Sec. 7. NEW SECTION. **802.2B Sexual exploitation of a minor.**
23 An information or indictment for sexual exploitation of
24 a minor under section 728.12 committed on or with a person
25 who is under the age of eighteen years shall be found within
26 ten years after the person upon whom the offense is committed
27 attains eighteen years of age, or if the person against whom
28 the information or indictment is sought is identified through
29 the use of a DNA profile, an information or indictment shall be
30 found within three years from the date the person is identified
31 by the person's DNA profile, whichever is later.
32 Sec. 8. Section 802.3, Code 2014, is amended to read as
33 follows:
34 **802.3 Felony — aggravated or serious misdemeanor.**
35 In all cases, except those enumerated in section 802.1,

S.F. _____

1 802.2, 802.2A, 802.2B, or 802.10, an indictment or information
2 for a felony or aggravated or serious misdemeanor shall be
3 found within three years after its commission.
4 Sec. 9. Section 902.9, subsection 2, Code 2014, is amended
5 to read as follows:
6 2. The surcharges required by sections 911.1, 911.2,
7 911.2A, and 911.3 shall be added to a fine imposed on a class
8 "C" or class "D" felon, as provided by those sections, and are
9 not a part of or subject to the maximums set in this section.
10 Sec. 10. Section 903.1, subsection 4, Code 2014, is amended
11 to read as follows:
12 4. The surcharges required by sections 911.1, 911.2,
13 911.2A, 911.3, and 911.4 shall be added to a fine imposed on a
14 misdemeanant as provided in those sections, and are not a part
15 of or subject to the maximums set in this section.
16 Sec. 11. NEW SECTION. **911.2A Human trafficking victim**
17 **surcharge.**
18 1. In addition to any other surcharge, the court or clerk
19 of the district court shall assess a human trafficking victim
20 surcharge of two hundred fifty dollars if an adjudication of
21 guilt or a deferred judgment has been entered for a criminal
22 violation of section 725.1, subsection 2, or section 710A.2,
23 725.2, or 725.3.
24 2. In the event of multiple offenses, the surcharge shall be
25 imposed for each applicable offense.
26 3. The surcharge shall be remitted by the clerk of court as
27 provided in section 602.8108, subsection 5A.
28 Sec. 12. NEW SECTION. **915.95 Human trafficking victim fund.**
29 A fund is created as a separate fund in the state treasury.
30 Moneys deposited in the fund shall be administered by the
31 department and dedicated to and used for awarding moneys to
32 programs that provide services and support to victims of human
33 trafficking under section 710A.2, including public outreach
34 and awareness programs and service provider training programs.
35 Notwithstanding section 8.33, any balance in the fund on June

S.F. _____

1 30 of any fiscal year shall not revert to the general fund of
2 the state.
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 The bill relates to the criminal offenses of enticing a
7 minor, prostitution, sexual exploitation of a minor, and human
8 trafficking, and provides for a fee.
9 ENTICING A MINOR. The bill provides that for the criminal
10 offense of enticing a minor, methods of enticement include but
11 are not limited to personal contact and communication by any
12 means including through the mail, telephone, internet, or any
13 social media, and include text messages, instant messages, and
14 electronic mail.
15 HUMAN TRAFFICKING VICTIM — PAST SEXUAL BEHAVIOR. The
16 bill provides that evidence of a specific instance of a human
17 trafficking victim's past sexual behavior, or reputation or
18 opinion evidence of past sexual behavior of a human trafficking
19 victim, is not admissible unless the evidence is admitted in
20 accordance with rule of evidence 5.412 (Iowa's rape shield
21 evidence law).
22 PROSTITUTION — MINOR. The bill provides that if a person
23 who sells or offers for sale the person's services as a
24 partner in a sex act (prostitution) is under the age of 18
25 and reasonable grounds exist to believe that the influence
26 or control of an adult contributed to the commission of the
27 offense the county attorney may elect, in lieu of filing a
28 delinquency petition in juvenile court, to refer the person
29 to the department of human services for the possible filing
30 of a petition alleging that the person is a child in need of
31 assistance.
32 SEXUAL EXPLOITATION OF A MINOR — STATUTE OF LIMITATION. The
33 bill increases the statute of limitation period for the filing
34 of an information or indictment for the criminal offense of
35 sexual exploitation of a minor from three years to 10 years

S.F. _____

1 after the person upon whom the offense is committed attains 18
2 years of age, or if the person against whom the information or
3 indictment is sought is identified through the use of a DNA
4 profile, an information or indictment shall be filed within
5 three years from the date the person is identified by the
6 person's DNA profile, whichever is later.
7 HUMAN TRAFFICKING SURCHARGE. The bill provides for the
8 assessment of a $250 human trafficking victim surcharge if an
9 adjudication of guilt or a deferred judgment has been entered
10 for a criminal violation of Code sections 725.1, subsection
11 2 (prostitution by a purchaser of sexual services) or 710A.2
12 (human trafficking), 725.2 (pimping), and 725.3 (pandering).
13 The surcharge shall be deposited into the human trafficking
14 victim fund created in the bill.
15 HUMAN TRAFFICKING VICTIM FUND. The bill creates a human
16 trafficking victim fund to be administered by the department of
17 justice to be used for awarding moneys to programs that provide
18 services and support to human trafficking victims, including
19 public outreach and awareness programs and service provider
20 training programs. Notwithstanding Code section 8.33, any
21 balance in the fund on June 30 of any fiscal year shall not
22 revert to the general fund of the state.

Senate Study Bill 3170 - Introduced

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

A BILL FOR

1 An Act relating to nonsubstantive code corrections.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5492SC (9) 85
lh/rj

S.F. _____

1 DIVISION I
2 MISCELLANEOUS CHANGES
3 Section 1. Section 2.10, subsection 5, Code 2014, is amended
4 to read as follows:
5 5. *a.* In addition to the salaries and expenses authorized
6 by this section, a member of the general assembly shall be paid
7 a per diem, and necessary travel and actual expenses incurred
8 in attending meetings for which per diem or expenses are
9 authorized by law for members of the general assembly who serve
10 on statutory boards, commissions, or councils, and for standing
11 or interim committee or subcommittee meetings subject to the
12 provisions of section 2.14, or when on authorized legislative
13 business when the general assembly is not in session. However,
14 if a member of the general assembly is engaged in authorized
15 legislative business at a location other than at the seat
16 of government during the time the general assembly is in
17 session, payment may be made for the actual transportation and
18 lodging costs incurred because of the business. Such per diem
19 or expenses shall be paid promptly from funds appropriated
20 pursuant to section 2.12.
21 *b.* For purposes of this section, *"per diem"* means the
22 maximum amount generally allowable to employees of the
23 executive branch of the federal government for per diem while
24 away from home at the seat of government.
25 Sec. 2. Section 2.48, subsection 4, Code 2014, is amended
26 to read as follows:
27 4. *Subsequent additional review.* A tax expenditure or
28 incentive reviewed pursuant to subsection 3 shall be reviewed
29 again not more than five years after the tax expenditure or
30 incentive was most recently reviewed.
31 Sec. 3. Section 8.6, subsection 17, paragraphs c and d, Code
32 2014, are amended to read as follows:
33 *c.* (1) To establish, by rule, a customer council
34 responsible for overseeing the services provided solely by the
35 department of administrative services. The rules adopted shall

S.F. _____

1 provide for all of the following:
2 ~~(1)~~ (a) The method of appointment of members to the council
3 by the governmental entities required to receive the services.
4 ~~(2)~~ (b) The duties of the customer council which shall be
5 as follows:
6 ~~(a)~~ (i) Annual review and approval of the department of
7 administrative services' business plan regarding services
8 provided solely by the department of administrative services.
9 ~~(b)~~ (ii) Annual review and approval of the procedure
10 for resolving complaints concerning services provided by the
11 department of administrative services.
12 ~~(c)~~ (iii) Annual review and approval of the procedure
13 for setting rates for the services provided solely by the
14 department of administrative services.
15 ~~(3)~~ (c) A process for receiving input from affected
16 governmental entities as well as for a biennial review by the
17 customer council of the determinations made by the department
18 of which services are funded by an appropriation to the
19 department of administrative services and which services are
20 funded by the governmental entities receiving the service,
21 including any recommendations as to whether the department
22 of administrative services shall be the sole provider of a
23 service funded by the governmental entities receiving the
24 service. The department, in consultation with the department
25 of administrative services, may change the determination of
26 a service if it is determined that the change is in the best
27 interests of those governmental entities receiving the service.
28 ~~d.~~ (2) If a service to be provided may also be provided
29 to the judicial branch and legislative branch, then the rules
30 shall provide that the chief justice of the supreme court may
31 appoint a member to the customer council, and the legislative
32 council may appoint a member from the senate and a member from
33 the house of representatives to the customer council, in their
34 discretion.
35 Sec. 4. Section 10A.104, subsection 10, Code 2014, is

S.F. _____

amended to read as follows:

10. Enter into and implement agreements or compacts between the state of Iowa and Indian tribes located in the state which are entered into under the authority of the Indian Gaming Regulatory Act ~~(25~~, 25 U.S.C. § 2701 et ~~seq.).~~ seq. The agreements or compacts shall contain provisions intended to implement the policies and objectives of the Indian Gaming Regulatory Act.

Sec. 5. Section 10A.105, subsection 3, Code 2014, is amended to read as follows:

3. The state shall maintain records and materials related to an agreement or compact entered into pursuant to the Indian Gaming Regulatory Act ~~(25~~, 25 U.S.C. § 2701 et ~~seq.)~~ seq., as confidential records if confidentiality is required by the terms of the agreement or compact.

Sec. 6. Section 13B.4B, subsection 2, paragraph b, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Summary claims data may be released if the data ~~contains no~~ does not contain information that is required to be kept confidential pursuant to an attorney's obligations under the Iowa rules of professional conduct. Such summary data may include:

Sec. 7. Section 15J.2, subsection 13, Code 2014, is amended to read as follows:

13. *"Substantially improved"* means that the cost of the improvements ~~are~~ is equal to or ~~exceed~~ exceeds fifty percent of the assessed value of the property, excluding the land, prior to such improvements.

Sec. 8. Section 16.1, subsection 1, paragraph x, Code 2014, is amended to read as follows:

x. "Low or moderate income families" means families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use, and also includes, but is not

S.F. _____

1 limited to~~, (1) elderly~~ the following:
2 (1) Elderly families, families in which one or more persons
3 are persons with disabilities, lower income families and very
4 low income families~~, and (2) families~~.
5 (2) Families purchasing or renting qualified residential
6 housing.
7 Sec. 9. Section 16.2A, subsection 1, Code 2014, is amended
8 to read as follows:
9 1. A title guaranty division is created within the
10 authority. The powers of the division relating to the issuance
11 of title guaranties are vested in and shall be exercised by
12 a division board of five members appointed by the governor
13 subject to confirmation by the senate. The membership of
14 the division board shall include an attorney, an abstractor,
15 a real estate broker, a representative of a mortgage lender,
16 and a representative of the housing development industry. The
17 executive director of the authority shall appoint an attorney
18 as director of the title guaranty division, who shall serve as
19 an ex officio member of the division board. The appointment of
20 and compensation for the division director are exempt from the
21 merit system provisions of chapter 8A, subchapter IV.
22 Sec. 10. Section 24.9, Code 2014, is amended to read as
23 follows:
24 **24.9 Filing estimates — notice of hearing — amendments.**
25 1. *a.* Each municipality shall file with the secretary or
26 clerk thereof the estimates required to be made in sections
27 24.3 to 24.8, at least twenty days before the date fixed by
28 law for certifying the same to the levying board and shall
29 forthwith fix a date for a hearing thereon, and shall publish
30 such estimates and any annual levies previously authorized
31 as provided in section 76.2, with a notice of the time when
32 and the place where such hearing shall be held not less than
33 ten nor more than twenty days before the hearing. Provided
34 that in municipalities of less than two hundred population
35 such estimates and the notice of hearing thereon shall be

S.F. _____

1 posted in three public places in the district in lieu of
2 publication. For any other municipality such publication shall
3 be in a newspaper published therein, if any, if not, then in a
4 newspaper of general circulation therein.
5 ~~For any other municipality such publication shall be in~~
6 ~~a newspaper published therein, if any, if not, then in a~~
7 ~~newspaper of general circulation therein.~~
8 *b.* The department of management shall prescribe the form for
9 public hearing notices for use by municipalities.
10 2. Budget estimates adopted and certified in accordance
11 with this chapter may be amended and increased as the need
12 arises to permit appropriation and expenditure during the
13 fiscal year covered by the budget of unexpended cash balances
14 on hand at the close of the preceding fiscal year and which
15 cash balances had not been estimated and appropriated for
16 expenditure during the fiscal year of the budget sought to
17 be amended, and also to permit appropriation and expenditure
18 during the fiscal year covered by the budget of amounts of cash
19 anticipated to be available during the year from sources other
20 than taxation and which had not been estimated and appropriated
21 for expenditure during the fiscal year of the budget sought
22 to be amended. Such amendments to budget estimates may be
23 considered and adopted at any time during the fiscal year
24 covered by the budget sought to be amended, by filing the
25 amendments and upon publishing them and giving notice of the
26 public hearing in the manner required in this section. Within
27 ten days of the decision or order of the certifying or levying
28 board, the proposed amendment of the budget is subject to
29 protest, hearing on the protest, appeal to the state appeal
30 board and review by that body, all in accordance with sections
31 24.27 to 24.32, so far as applicable. A local budget shall be
32 amended by May 31 of the current fiscal year to allow time for a
33 protest hearing to be held and a decision rendered before June
34 30. An amendment of a budget after May 31 which is properly
35 appealed but without adequate time for hearing and decision

S.F. _____

1 before June 30 is void. Amendments to budget estimates
2 accepted or issued under this section are not within section
3 24.14.
4 Sec. 11. Section 28E.24, Code 2014, is amended to read as
5 follows:
6 **28E.24 Revenue and tax levies.**
7 1. *a.* The county board of supervisors shall certify to
8 the public safety commission the amount of revenue from the
9 county general fund credited to the unincorporated area in
10 the district based upon an average of revenues raised for law
11 enforcement purposes in the unincorporated area for the three
12 previous years. The public safety commission shall subtract
13 this amount from the amount of revenue to be contributed by
14 the unincorporated area. The difference is the amount of
15 additional revenue needed for unified law enforcement purposes.
16 *b.* In addition, the county board of supervisors and the
17 city council of each city in the district shall certify to
18 the public safety commission the amounts of revenue from the
19 county and from the city general fund credited to each city
20 in the district based upon an average of revenues raised for
21 law enforcement purposes in each city for the three previous
22 years. The public safety commission shall subtract the total
23 of these amounts from the amount of revenue to be contributed
24 by each city respectively. The difference for each city is the
25 amount of additional revenue needed for unified law enforcement
26 purposes.
27 2. The county board of supervisors and the council of each
28 city located within the district shall review the proposed
29 budget and upon the approval of the budget by the board
30 of supervisors and all city councils in the district, each
31 governing body shall determine the source of the additional
32 revenue needed for unified law enforcement purposes. If the
33 tax levy is approved as the source of revenue, the governing
34 body shall certify to the county auditor the amount of revenue
35 to be raised from the tax levy in either the unincorporated

S.F. _____

1 area of the district or a city in the district.
2 3. If the tax rate in any of the cities or the
3 unincorporated area exceeds the limitations prescribed in
4 section 28E.22, the public safety commission shall revise the
5 budget to conform with the tax limitations.
6 4. The county board of supervisors and the city council of
7 each city in the district shall deposit in the public safety
8 fund the amounts of revenue certified to the public safety
9 commission in this section based upon an average of revenues
10 raised for law enforcement purposes for the three previous
11 years.
12 5. If the average of revenues raised for law enforcement
13 purposes in the unincorporated area or a city for the previous
14 three years exceeds the amount of revenue needed for unified
15 law enforcement purposes, the unincorporated area or city is
16 only required to contribute the amount of revenue needed.
17 6. Taxes collected pursuant to the tax levies and other
18 moneys received from the county and cities in the district
19 shall be placed in a public safety fund and used only for the
20 operation of the district. Any unencumbered funds remaining
21 in the fund at the end of a fiscal year shall carry over to
22 the next fiscal year and may be used for the operation of the
23 district.
24 Sec. 12. Section 49.7, Code 2014, is amended to read as
25 follows:
26 **49.7 Reprecincting schedule and filing requirements.**
27 1. Where reprecincting is necessary, city councils
28 and county boards of supervisors or the temporary county
29 redistricting commission shall make any necessary changes
30 in precincts as soon as possible after the redistricting of
31 congressional and legislative districts becomes law.
32 2. *a.* City councils shall complete any changes in precinct
33 and ward boundaries necessary to comply with sections 49.3
34 and 49.5 not later than sixty days after the redistricting
35 of congressional and legislative districts becomes law, or

S.F. _____

1 September 1 of the year immediately following each year in
2 which the federal decennial census is taken, whichever is
3 later. Different compliance dates may be set by the general
4 assembly by joint resolution.
5 *b.* County boards of supervisors or the temporary county
6 redistricting commission shall complete any changes in precinct
7 and supervisor district boundaries necessary to comply with
8 sections 49.3, 49.4, and 331.209 not later than ninety days
9 after the redistricting of congressional and legislative
10 districts becomes law, or October 15 of the year immediately
11 following each year in which the federal decennial census is
12 taken, whichever is later. Different compliance dates may be
13 set by the general assembly by joint resolution.
14 3. Each county board of supervisors or the temporary county
15 redistricting commission and city council shall immediately
16 notify the state commissioner and the commissioner when the
17 boundaries of election precincts are changed, and shall provide
18 a map showing the new boundary lines. Each county board or
19 the temporary county redistricting commission and city council
20 shall certify to the state commissioner the populations of
21 the new election precincts or retained election precincts as
22 determined by the latest federal decennial census. Materials
23 filed with the state commissioner shall be postmarked no later
24 than the deadline specified in this section.
25 4. If the state commissioner determines that a county
26 board or the temporary county redistricting commission or city
27 council has failed to make the required changes by the dates
28 specified by this section, the state commissioner shall make
29 or cause to be made the necessary changes as soon as possible.
30 The state commissioner shall assess to the county or city, as
31 the case may be, the expenses incurred in making the necessary
32 changes. The state commissioner may request the services
33 of personnel and materials available to the legislative
34 services agency to assist the state commissioner in making
35 required changes in election precincts which become the state

S.F. _____

1 commissioner's responsibility.
2 5. Precinct boundaries shall become effective on January
3 15 of the second year following the year in which the census
4 was taken and shall be used for all subsequent elections.
5 Precinct boundaries drawn by the state commissioner shall be
6 incorporated into the ordinances of the city or county.
7 6. Changes made to precincts in years other than the year
8 following the year in which the federal decennial census is
9 taken shall be filed with the state commissioner as soon as
10 possible.
11 Sec. 13. Section 49.64, Code 2014, is amended to read as
12 follows:
13 **49.64 Number of ballots delivered.**
14 The commissioner shall cause ballots of the kind to be voted
15 in each precinct to be delivered to the precinct election
16 officials as follows: ~~in~~
17 1. In general elections which are presidential elections at
18 least fifty-five ballots for every fifty votes, or fraction of
19 fifty votes, cast in the precinct at the last preceding general
20 election which was also a presidential election~~; and in~~.
21 2. In general elections which are not presidential
22 elections, at least fifty-five ballots for every fifty votes,
23 or fraction of fifty votes, cast at the last preceding general
24 election which was not a presidential election.
25 Sec. 14. Section 53.37, subsections 1, 2, and 4, Code 2014,
26 are amended to read as follows:
27 1. This ~~division~~ subchapter is intended to implement the
28 federal ~~Uniform~~ Uniformed and Overseas Citizens Absentee Voting
29 Act, 42 U.S.C. § 1973ff et seq.
30 2. The term *"armed forces of the United States"*, as used in
31 this ~~division~~ subchapter, shall mean the army, navy, marine
32 corps, coast guard, and air force of the United States.
33 4. For the purposes of this ~~division~~ subchapter, *"qualified*
34 *voter"* means a person who is included within the term *"armed*
35 *forces of the United States"* as described in this section, who

S.F. _____

1 would be qualified to register to vote under section 48A.5,
2 subsection 2, except for residency, and who is not disqualified
3 from registering to vote and voting under section 48A.6.
4 Sec. 15. Section 70A.26, Code 2014, is amended to read as
5 follows:
6 **70A.26 Disaster service volunteer leave.**
7 An employee of an appointing authority who is a certified
8 disaster service volunteer of the American red cross may be
9 granted leave with pay from work for not more than fifteen
10 working days in any twelve-month period to participate in
11 disaster relief services for the American red cross at the
12 request of the American red cross for the services of that
13 employee and upon the approval of the employee's appointing
14 authority without loss of seniority, pay, vacation time,
15 personal days, sick leave, insurance and health coverage
16 benefits, or earned overtime accumulation. The appointing
17 authority shall compensate an employee granted leave under this
18 section at the employee's regular rate of pay for those regular
19 work hours during which the employee is absent from work. An
20 employee deemed to be on leave under this section shall not be
21 deemed to be an employee of the state for purposes of workers'
22 compensation. An employee deemed to be on leave under this
23 section shall not be deemed to be an employee of the state for
24 purposes of the Iowa tort claims Act, chapter 669. Leave under
25 this section shall be granted only for services relating to a
26 disaster in the state of Iowa.
27 Sec. 16. Section 70A.39, subsection 4, Code 2014, is amended
28 to read as follows:
29 4. An employee deemed to be on leave under this section
30 shall not be deemed to be an employee of the state for purposes
31 of workers' compensation or for purposes of the Iowa tort
32 claims Act, chapter 669.
33 Sec. 17. Section 73A.21, subsection 6, paragraph h, Code
34 2014, is amended to read as follows:
35 *h.* The commissioner shall require a contractor or

S.F. _____

1 subcontractor to file, within ten days of receipt of a request,
2 any records enumerated in subsection 7. If the contractor or
3 subcontractor fails to provide the requested records within ten
4 days, the commissioner may direct, within fifteen days after
5 the end of the ten-day period, ~~that~~ the fiscal or financial
6 office charged with the custody and disbursement of funds of
7 the public body that contracted for construction of the public
8 improvement or undertook the public improvement, to immediately
9 withhold from payment to the contractor or subcontractor
10 up to twenty-five percent of the amount to be paid to the
11 contractor or subcontractor under the terms of the contract
12 or written instrument under which the public improvement is
13 being performed. The amount withheld shall be immediately
14 released upon receipt by the public body of a notice from
15 the commissioner indicating that the request for records as
16 required by this section has been satisfied.
17 Sec. 18. Section 85.64, Code 2014, is amended to read as
18 follows:
19 **85.64 Limitation of benefits.**
20 1. If an employee who has previously lost, or lost the
21 use of, one hand, one arm, one foot, one leg, or one eye,
22 becomes permanently disabled by a compensable injury which has
23 resulted in the loss of or loss of use of another such member
24 or organ, the employer shall be liable only for the degree of
25 disability which would have resulted from the latter injury
26 if there had been no preexisting disability. In addition to
27 such compensation, and after the expiration of the full period
28 provided by law for the payments thereof by the employer,
29 the employee shall be paid out of the "Second Injury Fund"
30 created by this ~~division~~ subchapter the remainder of such
31 compensation as would be payable for the degree of permanent
32 disability involved after first deducting from such remainder
33 the compensable value of the previously lost member or organ.
34 2. Any benefits received by any such employee, or to which
35 the employee may be entitled, by reason of such increased

S.F. _____

1 disability from any state or federal fund or agency, to which
2 said employee has not directly contributed, shall be regarded
3 as a credit to any award made against said second injury fund
4 as aforesaid.
5 Sec. 19. Section 88.5, subsection 3, paragraph b,
6 subparagraphs (3) and (4), Code 2014, are amended to read as
7 follows:
8 (3) A statement of the steps the employer has taken and will
9 take ~~(with~~, with specific ~~dates)~~ dates, to protect employees
10 against the hazard covered by the standard.
11 (4) A statement of when the employer expects to be able
12 to comply with the standard and what steps the employer
13 has taken and what steps the employer will take ~~(with~~, with
14 dates ~~specified)~~ specified, to come into compliance with the
15 standard.
16 Sec. 20. Section 89.4, subsection 1, paragraph k,
17 subparagraph (3), Code 2014, is amended to read as follows:
18 (3) Water temperature in the boiler does not exceed ~~three~~
19 ~~hundred fifty~~ 350 degrees Fahrenheit.
20 Sec. 21. Section 96.3, subsection 5, paragraph a, Code 2014,
21 is amended to read as follows:
22 *a. Duration of benefits.* The maximum total amount of
23 benefits payable to an eligible individual during a benefit
24 year shall not exceed the total of the wage credits accrued
25 to the individual's account during the individual's base
26 period, or twenty-six times the individual's weekly benefit
27 amount, whichever is the lesser. The director shall maintain
28 a separate account for each individual who earns wages in
29 insured work. The director shall compute wage credits for each
30 individual by crediting the individual's account with one-third
31 of the wages for insured work paid to the individual during
32 the individual's base period. However, the director shall
33 recompute wage credits for an individual who is laid off due to
34 the individual's employer going out of business at the factory,
35 establishment, or other premises at which the individual was

S.F. _____

1 last employed, by crediting the individual's account with
2 one-half, instead of one-third, of the wages for insured work
3 paid to the individual during the individual's base period.
4 Benefits paid to an eligible individual shall be charged
5 against the base period wage credits in the individual's
6 account which have not been previously charged, in the inverse
7 chronological order as the wages on which the wage credits are
8 based were paid. However if the state ~~"off indicator"~~ "off"
9 indicator is in effect and if the individual is laid off due to
10 the individual's employer going out of business at the factory,
11 establishment, or other premises at which the individual was
12 last employed, the maximum benefits payable shall be extended
13 to thirty-nine times the individual's weekly benefit amount,
14 but not to exceed the total of the wage credits accrued to the
15 individual's account.
16 Sec. 22. Section 96.11, subsection 10, paragraph b, Code
17 2014, is amended to read as follows:
18 *b.* In the administration of the provisions of section
19 96.29 which are enacted to conform with the requirements of
20 the Federal-State Extended Unemployment Compensation Act of
21 1970, the department shall take such action as may be necessary
22 to ~~insure~~ ensure that the provisions are so interpreted and
23 applied as to meet the requirements of such federal Act as
24 interpreted by the United States department of labor, and to
25 secure to this state the full reimbursement of the federal
26 share of extended benefits paid under this chapter that are
27 reimbursable under the federal Act.
28 Sec. 23. Section 99F.9, Code 2014, is amended to read as
29 follows:
30 **99F.9 Wagering — age restrictions.**
31 1. Except as permitted in this section, the licensee shall
32 permit no form of wagering on gambling games.
33 ~~2. Reserved.~~
34 ~~3.~~ 2. The licensee may receive wagers only from a person
35 present on a licensed excursion gambling boat, licensed

S.F. _____

gambling structure, or in a licensed racetrack enclosure.

~~4.~~ 3. The licensee shall exchange the money of each wagerer for tokens, chips, or other forms of credit to be wagered on the gambling games. However, nickels and quarters of legal tender may be used for wagering in lieu of tokens or other forms of credit. The licensee shall exchange the gambling tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

~~5.~~ 4. A person under the age of twenty-one years shall not make or attempt to make a wager on an excursion gambling boat, gambling structure, or in a racetrack enclosure and shall not be allowed on the gaming floor of an excursion gambling boat or gambling structure or in the wagering area, as defined in section 99D.2, or on the gaming floor of a racetrack enclosure. However, a person eighteen years of age or older may be employed to work on the gaming floor of an excursion gambling boat or gambling structure or in the wagering area or on the gaming floor of a racetrack enclosure. A person who violates this subsection with respect to making or attempting to make a wager commits a scheduled violation under section 805.8C, subsection 5, paragraph *"a"*.

~~6.~~ 5. *a.* A person under the age of twenty-one years shall not enter or attempt to enter the gaming floor or wagering area, as defined in section 99D.2, of a facility licensed under this chapter to operate gambling games.

b. A person under the age of twenty-one years does not violate this subsection if any of the following circumstances apply:

(1) The person is employed to work at the facility.

(2) The person is an employee or agent of the commission, the division, a distributor, or a manufacturer, and acting within the scope of the person's employment.

(3) The person is present in a racetrack enclosure and does not enter or attempt to enter the gaming floor or wagering area of the facility.

S.F. _____

1 *c.* A person who violates this subsection commits a simple
2 misdemeanor punishable as a scheduled violation under section
3 805.8C, subsection 5, paragraph *"b"*.
4 ~~7.~~ 6. A licensee shall not accept a credit card as defined
5 in section 537.1301, subsection 17, to purchase coins, tokens,
6 or other forms of credit to be wagered on gambling games.
7 Sec. 24. Section 99F.11, subsection 3, paragraph d,
8 subparagraph (3), Code 2014, is amended to read as follows:
9 (3) One-half of the moneys remaining after the
10 appropriation in subparagraph (1) shall be credited, on a
11 quarterly basis, to the rebuild Iowa infrastructure fund
12 created in section 8.57.
13 Sec. 25. Section 101A.7, Code 2014, is amended to read as
14 follows:
15 **101A.7 Inspection of storage facility.**
16 1. The licensee's or permittee's explosive storage facility
17 shall be inspected at least once a year by a representative of
18 the state fire marshal's office, except that the state fire
19 marshal may, at those mining operations licensed and regulated
20 by the United States department of labor, accept an approved
21 inspection report issued by the United States department
22 of labor, mine safety and health administration, for the
23 twelve-month period following the issuance of the report. The
24 state fire marshal shall notify the appropriate city or county
25 governing board of licenses to be issued in their respective
26 jurisdictions pursuant to this chapter. The notification shall
27 contain the name of the applicant to be licensed, the location
28 of the facilities to be used in storing explosives, the types
29 and quantities of explosive materials to be stored, and other
30 information deemed necessary by either the governing boards
31 or the state fire marshal. The facility may be examined at
32 other times by the sheriff of the county where the facility is
33 located or by the local police authority if the facility is
34 located within a city of over ten thousand population and if
35 the sheriff or city council considers it necessary.

S.F. _____

1 2. If the state fire marshal finds the facility to be
2 improperly secured, the licensee or permittee shall immediately
3 correct the improper security and, if not so corrected, the
4 state fire marshal shall immediately confiscate the stored
5 explosives. Explosives may be confiscated by the county
6 sheriff or local police authority only if a situation that
7 is discovered during an examination by those authorities is
8 deemed to present an immediate danger. If the explosives are
9 confiscated by the county sheriff or local police authority,
10 they shall be delivered to the state fire marshal. The state
11 fire marshal shall hold confiscated explosives for a period of
12 thirty days under proper security unless the period of holding
13 is shortened pursuant to this section.
14 3. If the licensee or permittee corrects the improper
15 security within the thirty-day period, the explosives shall
16 be returned to the licensee or permittee after correction and
17 after the licensee or permittee has paid to the state an amount
18 equal to the expense incurred by the state in storing the
19 explosives during the period of confiscation. The amount of
20 expense shall be determined by the state fire marshal.
21 4. If the improper security is not corrected during the
22 thirty-day period, the state fire marshal shall dispose of the
23 explosives and the license or permit shall be canceled. A
24 canceled license or permit shall not be reissued for a period
25 of two years from the date of cancellation.
26 Sec. 26. Section 123.41, subsection 1, Code 2014, is amended
27 to read as follows:
28 1. Each application to obtain or renew a manufacturer's
29 license shall be submitted to the division electronically,
30 or in a manner prescribed by the administrator, and shall be
31 accompanied by a fee of three hundred fifty dollars payable to
32 the division. The administrator may in accordance with this
33 chapter grant and issue to a manufacturer a manufacturer's
34 license, valid for a one-year period after date of issuance,
35 ~~to a manufacturer~~ which shall allow the manufacture, storage,

S.F. _____

1 and wholesale disposition and sale of alcoholic liquors to the
2 division and to customers outside of the state.
3 Sec. 27. Section 123.50, subsection 2, Code 2014, is amended
4 to read as follows:
5 2. The conviction of any liquor control licensee, wine
6 permittee, or beer permittee for a violation of any of the
7 provisions of section 123.49, subject to subsection 3 of this
8 section, is grounds for the suspension or revocation of the
9 license or permit by the division or the local authority.
10 However, if any liquor control licensee is convicted of any
11 violation of section 123.49, subsection 2, paragraph *"a"*,
12 *"d"*, or *"e"*, ~~of that section,~~ or any wine or beer permittee
13 is convicted of a violation of section 123.49, subsection
14 2, paragraph *"a"* or *"e"* ~~of that section~~, the liquor control
15 license, wine permit, or beer permit shall be revoked and shall
16 immediately be surrendered by the holder, and the bond, if
17 any, of the license or permit holder shall be forfeited to the
18 division.
19 Sec. 28. Section 124.201, subsection 4, Code 2014, is
20 amended to read as follows:
21 4. If any new substance is designated as a controlled
22 substance under federal law and notice of the designation is
23 given to the board, the board shall similarly designate as
24 controlled the new substance under this chapter after the
25 expiration of thirty days from publication in the ~~Federal~~
26 ~~Register~~ federal register of a final order designating a
27 new substance as a controlled substance, unless within that
28 thirty-day period the board objects to the new designation. In
29 that case the board shall publish the reasons for objection
30 and afford all interested parties an opportunity to be heard.
31 At the conclusion of the hearing the board shall announce its
32 decision. Upon publication of objection to a new substance
33 being designated as a controlled substance under this chapter
34 by the board, control under this chapter is stayed until the
35 board publishes its decision. If a substance is designated as

S.F. _____

1 controlled by the board under this subsection the control shall
2 be temporary and if, within sixty days after the next regular
3 session of the general assembly convenes, the general assembly
4 has not made the corresponding changes in this chapter, the
5 temporary designation of control of the substance by the board
6 shall be nullified.
7 Sec. 29. Section 135.64, subsection 3, Code 2014, is amended
8 to read as follows:
9 3. In the evaluation of applications for certificates
10 of need submitted by the university ~~hospital at~~ of Iowa
11 ~~City~~ hospitals and clinics, the unique features of that
12 institution relating to statewide tertiary health care, health
13 science education, and clinical research shall be given due
14 consideration. Further, in administering this division, the
15 unique capacity of university hospitals for the evaluation
16 of technologically innovative equipment and other new health
17 services shall be utilized.
18 Sec. 30. Section 135.152, subsection 5, paragraph c, Code
19 2014, is amended to read as follows:
20 *c.* The department, in cooperation with the department of
21 human services, shall develop a standardized application form
22 for the program and shall coordinate the determination of
23 eligibility for the medical assistance and medically needy
24 programs under chapter 249A, and for the obstetrical and
25 newborn indigent patient care program.
26 Sec. 31. Section 135B.34, subsection 2, paragraph b,
27 subparagraph (1), Code 2014, is amended to read as follows:
28 (1) If a person being considered for employment, other than
29 employment involving the operation of a motor vehicle, has
30 been convicted of a crime listed in subparagraph (2) but does
31 not have a record of founded child or dependent adult abuse
32 and the hospital has requested an evaluation in accordance
33 with paragraph *"a"* to determine whether the crime warrants
34 prohibition of the person's employment, the hospital may employ
35 the person for not more than sixty calendar days pending

S.F. _____

1 completion of the evaluation.
2 Sec. 32. Section 137F.1, subsection 12, paragraph c, Code
3 2014, is amended to read as follows:
4 *c.* A food with a hydrogen ion concentration (pH) level of
5 4.6 or below when measured at ~~twenty-four~~ 24 degrees Centigrade
6 or ~~seventy-five~~ 75 degrees Fahrenheit.
7 Sec. 33. Section 163.4, Code 2014, is amended to read as
8 follows:
9 **163.4 Powers of assistants.**
10 ~~Such assistant~~ Assistant veterinarians shall have power,
11 under the direction of the department, to perform all acts
12 necessary to carry out the provisions of law relating to
13 infectious and contagious diseases among animals, and shall be
14 furnished by the department with the necessary supplies and
15 materials which shall be paid for out of the appropriation for
16 the eradication of infectious and contagious diseases among
17 animals.
18 Sec. 34. Section 163.5, Code 2014, is amended to read as
19 follows:
20 **163.5 Oaths.**
21 ~~Such assistant~~ Assistant veterinarians shall have power to
22 administer oaths and affirmations to appraisers acting under
23 this and the following chapters of this subtitle.
24 Sec. 35. Section 163.27, subsection 1, Code 2014, is amended
25 to read as follows:
26 1. Garbage shall not be fed to an animal unless such garbage
27 has been heated to a temperature of ~~two hundred twelve~~ 212
28 degrees Fahrenheit for thirty minutes, or other acceptable
29 method, as provided by rules adopted by the department.
30 However, this requirement shall not apply to an individual who
31 feeds to the individual's own animals only the garbage obtained
32 from the individual's own household.
33 Sec. 36. Section 175.5, unnumbered paragraph 1, Code 2014,
34 is amended to read as follows:
35 In the performance of its duties, implementation of its

S.F. _____

1 powers, and the selection of specific programs and projects to
2 receive its assistance under this chapter, the authority shall
3 be guided by the following principles:
4 Sec. 37. Section 176A.10, subsection 2, Code 2014, is
5 amended to read as follows:
6 2. An extension council of an extension district may choose
7 to be subject to the levy and revenue limits specified in
8 ~~subparagraphs (2) of~~ subsection 1, ~~paragraphs~~ paragraph *"a"*
9 ~~through~~, subparagraph (2), paragraph *"b"*, subparagraph (2),
10 paragraph *"c"*, subparagraph (2), and paragraph *"d"*, subparagraph
11 (2) and subsection 1, paragraph *"e"*, for the purpose of the
12 annual levy for the fiscal year commencing July 1, 1991, which
13 levy is payable in the fiscal year beginning July 1, 1992.
14 Before an extension district may be subject to the levy and
15 revenue limits specified in ~~subparagraphs (2) of~~ subsection 1,
16 ~~paragraphs~~ paragraph *"a"* ~~through~~, subparagraph (2), paragraph
17 *"b"*, subparagraph (2), paragraph *"c"*, subparagraph (2), and
18 paragraph *"d"*, subparagraph (2) and subsection 1, paragraph
19 *"e"*, for fiscal years beginning on or after July 1, 1992, which
20 levy is payable in fiscal years beginning on or after July 1,
21 1993, the question of whether the district shall be subject to
22 the levy and revenue limits as specified in such paragraphs
23 must be submitted to the registered voters of the district.
24 The question shall be submitted at the time of a general
25 election. If the question is approved by a majority of those
26 voting on the question the levy and revenue limits specified
27 in ~~subparagraphs (2) of~~ subsection 1, ~~paragraphs~~ paragraph *"a"*
28 ~~through~~, subparagraph (2), paragraph *"b"*, subparagraph (2),
29 paragraph *"c"*, subparagraph (2), and paragraph *"d"*, subparagraph
30 (2) and subsection 1, paragraph *"e"*, shall thereafter apply to
31 the extension district. The question need only be approved at
32 one general election. If a majority of those voting on the
33 question vote against the question, the district may continue
34 to submit the question at subsequent general elections until
35 approved.

S.F. _____

1 Sec. 38. Section 185C.6, subsection 2, Code 2014, is amended
2 to read as follows:
3 2. Three board elected directors. Each such director shall
4 be elected by the board. The candidate receiving the highest
5 number of votes by the board shall be elected to represent the
6 state on an at-large basis.
7 Sec. 39. Section 189A.2, subsections 7 and 8, Code 2014, are
8 amended to read as follows:
9 7. *"Federal Food, Drug, and Cosmetic Act"* means the Act so
10 entitled, approved June 25, 1938 ~~(52~~, 52 Stat. ~~1040)~~ 1040, and
11 Acts amendatory thereof or supplementary thereto.
12 8. *"Federal Meat Inspection Act"* means the Act so entitled
13 approved March 4, 1907 ~~(34~~, 34 Stat. ~~1260)~~ 1260, as amended by
14 the Wholesome Meat Act ~~(81~~, 81 Stat. ~~584)~~ 584; *"Federal Poultry*
15 *Products Inspection Act"* means the Act so entitled approved
16 August 28, 1957 ~~(71~~, 71 Stat. ~~441)~~ 441, as amended by the
17 Wholesome Poultry Products Act ~~(82~~, 82 Stat. ~~791)~~ 791; and
18 *"federal Acts"* means these two federal laws.
19 Sec. 40. Section 196.8, subsection 1, Code 2014, is amended
20 to read as follows:
21 1. All eggs offered for sale to an establishment must be
22 no lower than United States department of agriculture consumer
23 grade "B". From the time of candling and grading until they
24 reach the consumer, all eggs designated for human consumption
25 shall be held at a temperature not to exceed ~~forty-five~~
26 45 degrees Fahrenheit or ~~seven~~ 7 degrees Celsius ambient
27 temperature. The ~~forty-five~~ 45 degrees Fahrenheit or ~~seven~~ 7
28 degrees Celsius ambient temperature requirement applies to any
29 place or room in which eggs are stored, except inside a vehicle
30 during transportation where the ambient temperature may exceed
31 ~~forty-five~~ 45 degrees Fahrenheit or ~~seven~~ 7 degrees Celsius,
32 provided the transport vehicle is equipped with refrigeration
33 units capable of delivering air at a temperature not greater
34 than ~~forty-five~~ 45 degrees Fahrenheit or ~~seven~~ 7 degrees
35 Celsius and capable of cooling the vehicle to a temperature

S.F. _____

1 not greater than ~~forty-five~~ 45 degrees Fahrenheit or ~~seven~~ 7
2 degrees Celsius. All shell eggs shall be kept from freezing.
3 Sec. 41. Section 203C.3, subsection 7, Code 2014, is amended
4 to read as follows:
5 7. The actions of the department in connection with
6 petitioning for appointment as a receiver, and all actions
7 pursuant to such appointment shall not be subject to the
8 provisions of the administrative procedure Act, chapter 17A.
9 Sec. 42. Section 203C.28, Code 2014, is amended to read as
10 follows:
11 **203C.28 Tariff rates.**
12 1. A warehouse operator shall, at the time of application
13 for a license, file a tariff with the department which shall
14 contain rates to be charged for receiving, storage, and
15 load-out of grain. The tariff shall be posted in a conspicuous
16 place at the place of business of the licensee in a form
17 prescribed by the department and shall become effective at the
18 time the license becomes effective.
19 2. Storage charges shall commence on the date of delivery to
20 the warehouse. Storage, receiving, or load-out charges other
21 than those specified in the tariff may be made if the charge
22 is required by the terms of a written contract with the United
23 States government or any of its subdivisions or agencies.
24 3. Grain deposited with the warehouse for the sole purpose
25 of processing and redelivery to the depositor is subject only
26 to the charges listed under the grain bank section of the
27 tariff. Drying and cleaning of grain shall not be construed
28 as processing.
29 4. A tariff may be amended at any time and is effective
30 immediately, except that grain in store on the effective date
31 of a storage charge increase does not assume the increased rate
32 until the subsequent anniversary date of deposit. Any decrease
33 in storage rates shall be effective immediately and shall be
34 applicable to all grain in store on the effective date of the
35 decrease.

S.F. _____

1 5. A warehouse operator may file with the department and
2 publish the supplemental tariff applicable only to grain
3 meeting special descriptive standards or characteristics as
4 set forth in the supplemental tariff. A supplemental tariff
5 shall be in a form prescribed by the department and be posted
6 adjacent to the warehouse tariff.
7 6. All tariff charges shall be nondiscriminatory within
8 classes.
9 Sec. 43. Section 207.4, subsections 1 and 5, Code 2014, are
10 amended to read as follows:
11 1. *a.* Prior to beginning mining or removal of overburden
12 at mining site, an operator shall obtain a permit from the
13 division for the site. Application for a permit shall be made
14 upon a form provided by the division. The permit fee shall be
15 established by the division in an amount not to exceed the cost
16 of administering the permit provisions of this chapter.
17 *b.* The application shall include~~,~~ but not be limited to:
18 ~~*a.*~~ (1) A legal description of the land where the site is
19 located and the estimated number of acres affected.
20 ~~*b.*~~ (2) A statement explaining the authority of the
21 applicant's legal right to operate a mine on the land.
22 ~~*c.*~~ (3) A reclamation plan meeting the requirements of this
23 chapter.
24 ~~*d.*~~ (4) A determination by an appropriate state or federal
25 agency of the probable hydrologic consequences of the mining
26 and reclamation operations, both on and off the mine site,
27 with respect to the hydrologic regime, quantity, and quality
28 of water in surface and groundwater systems including the
29 dissolved and suspended solids under seasonal flow conditions
30 and the collection of sufficient data for the mine site and
31 surrounding areas so that an assessment can be made by the
32 division of the probable cumulative impacts of all anticipated
33 mining in the area upon the hydrology of the area and
34 particularly upon water availability. If the division finds
35 that the probable total annual production at all locations of

S.F. _____

1 a coal mining operator will not exceed one hundred thousand
2 tons, the determination of probable hydrologic consequences and
3 a statement of the result of test borings on core samplings
4 which the division may require shall upon the written request
5 of the operator be performed by a qualified public or private
6 laboratory designated by the division and the cost of the
7 preparation of the determination and statement shall be assumed
8 by the division.
9 5. *a.* A permit renewal shall be for a term not to exceed
10 the period of the original permit.
11 *b.* Application for renewal shall be made at least one
12 hundred twenty days prior to the expiration of the permit.
13 Prior to the approval of a renewal of permit the division shall
14 provide notice to the appropriate public authorities.
15 Sec. 44. Section 215.20, subsections 1 and 2, Code 2014, are
16 amended to read as follows:
17 1. All liquefied petroleum gas, including but not limited
18 to propane, butane, and mixtures of them, shall be kept,
19 offered, exposed for sale, or sold by the pound, metered cubic
20 foot of vapor, defined as one cubic foot at ~~sixty~~ 60 degrees
21 Fahrenheit, or by the gallon, defined as two hundred thirty-one
22 cubic inches at ~~sixty~~ 60 degrees Fahrenheit.
23 2. All metered sales exceeding one hundred gallons
24 shall be corrected to a temperature of ~~sixty~~ 60 degrees
25 Fahrenheit through use of an approved meter with a sealed
26 automatic compensation mechanism. All sale tickets for sales
27 exceeding one hundred gallons shall show the stamped delivered
28 gallons and shall state that the temperature correction was
29 automatically made.
30 Sec. 45. Section 225C.12, subsection 2, Code 2014, is
31 amended to read as follows:
32 2. A county may claim reimbursement by filing with the
33 administrator a claim in a form prescribed by the administrator
34 by rule. Claims may be filed on a quarterly basis, and when
35 received shall be verified as soon as reasonably possible by

S.F. _____

1 the administrator. The administrator shall certify to the
2 director of the department of administrative services the
3 amount to which each county claiming reimbursement is entitled,
4 and the director of the department of administrative services
5 shall issue warrants to the respective counties drawn upon
6 funds appropriated by the general assembly for the purpose of
7 this section. A county shall place funds received under this
8 section in the county mental health~~, intellectual disability,~~
9 and ~~developmental~~ disabilities services fund created under
10 section 331.424A. If the appropriation for a fiscal year is
11 insufficient to pay all claims arising under this section, the
12 director of the department of administrative services shall
13 prorate the funds appropriated for that year among the claimant
14 counties so that an equal proportion of each county's claim is
15 paid in each quarter for which proration is necessary.
16 Sec. 46. Section 225C.32, Code 2014, is amended to read as
17 follows:
18 **225C.32 Plan appeals process.**
19 The department shall establish an appeals process by which
20 a mental health~~, intellectual disability,~~ and ~~developmental~~
21 disabilities services coordinating board or an affected party
22 may appeal a decision of the department or of the coordinating
23 board.
24 Sec. 47. Section 226.9C, subsection 2, paragraph a, Code
25 2014, is amended to read as follows:
26 *a.* A county may split the charges between the county's
27 mental health~~, intellectual disability,~~ and ~~developmental~~
28 disabilities services fund created pursuant to section 331.424A
29 and the county's budget for substance abuse expenditures.
30 Sec. 48. Section 227.2, subsection 2, Code 2014, is amended
31 to read as follows:
32 2. A copy of the written report prescribed by subsection 1
33 shall be furnished to the county board of supervisors, to the
34 county mental health and ~~intellectual disability~~ disabilities
35 services coordinating board or to its advisory board if

S.F. _____

1 the county board of supervisors constitutes ex officio the
2 coordinating board, to the administrator of the county care
3 facility inspected and to its certified volunteer long-term
4 care ombudsman, and to the department on aging.
5 Sec. 49. Section 229.21, subsection 2, Code 2014, is amended
6 to read as follows:
7 2. When an application for involuntary hospitalization
8 under section 229.6 or for involuntary commitment or treatment
9 of persons with substance-related disorders under section ~~229.6~~
10 ~~or~~ 125.75 is filed with the clerk of the district court in any
11 county for which a judicial hospitalization referee has been
12 appointed, and no district judge, district associate judge, or
13 magistrate who is admitted to the practice of law in this state
14 is accessible, the clerk shall immediately notify the referee
15 in the manner required by section 229.7 or section 125.77. The
16 referee shall discharge all of the duties imposed upon the
17 court by sections 229.7 to 229.22 or sections 125.75 to 125.94
18 in the proceeding so initiated. Subject to the provisions
19 of subsection 4, orders issued by a referee, in discharge of
20 duties imposed under this section, shall have the same force
21 and effect as if ordered by a district judge. However, any
22 commitment to a facility regulated and operated under chapter
23 135C shall be in accordance with section 135C.23.
24 Sec. 50. Section 231.23A, subsection 4, Code 2014, is
25 amended to read as follows:
26 4. The aging and disability resource center ~~program~~.
27 Sec. 51. Section 232.7, subsection 2, Code 2014, is amended
28 to read as follows:
29 2. In any proceeding held or action taken under this chapter
30 involving an Indian child, the applicable requirements of the
31 federal Adoption and Safe Families Act of ~~1999~~ 1997, Pub. L.
32 No. 105-89, shall be applied to the proceeding or action in a
33 manner that complies with chapter 232B and the federal Indian
34 Child Welfare Act, Pub. L. No. 95-608.
35 Sec. 52. Section 232.175, Code 2014, is amended to read as

S.F. _____

1 follows:
2 **232.175 Placement oversight.**
3 Placement oversight shall be provided pursuant to this
4 division when the parent, guardian, or custodian of a child
5 with an intellectual disability or other developmental
6 disability requests placement of the child in foster family
7 care for a period of more than thirty days. The oversight
8 shall be provided through review of the placement every six
9 months by the department's foster care review committees or
10 by a local citizen foster care review board. Court oversight
11 shall be provided prior to the initial placement and at
12 periodic intervals which shall not exceed twelve months. It
13 is the purpose and policy of this division to ensure the
14 existence of oversight safeguards as required by the federal
15 Adoption Assistance and Child Welfare Act of 1980, Pub. L. No.
16 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B),
17 and 675(1),(5), while maintaining parental decision-making
18 authority.
19 Sec. 53. Section 232.178, subsection 1, Code 2014, is
20 amended to read as follows:
21 1. For a placement initiated on or after July 1, 1992,
22 the department shall file a petition to initiate a voluntary
23 placement proceeding prior to the child's placement in
24 accordance with criteria established pursuant to the federal
25 Adoption Assistance and Child Welfare Act of 1980, Pub. L. No.
26 96-272, as codified in 42 U.S.C. § 627(a). For a placement
27 initiated before July 1, 1992, the department shall file a
28 petition to approve placement on or before September 1, 1992.
29 Sec. 54. Section 235A.18, subsection 1, paragraph a,
30 subparagraph (3), subparagraph division (b), Code 2014, is
31 amended to read as follows:
32 (b) Subparagraph division (a) shall not apply, and the
33 name of a person named in the initial data as having abused a
34 child shall remain in the registry as described in subparagraph
35 (1), if the department determined in the initial report

S.F. _____

1 and disposition data that the person committed child abuse
2 as defined in section 232.68, subsection 2, paragraph *"a"*,
3 subparagraph (1), (4), or (6), and the child abuse resulted in
4 the child's death or a serious injury.
5 Sec. 55. Section 249A.26, subsection 8, Code 2014, is
6 amended to read as follows:
7 8. Notwithstanding section 8.39, the department may
8 transfer funds appropriated for the medical assistance program
9 to a separate account established in the department's case
10 management unit in an amount necessary to pay for expenditures
11 required to provide case management for mental health~~,~~
12 ~~intellectual disability,~~ and ~~developmental~~ disabilities
13 services under the medical assistance program which are jointly
14 funded by the state and county, pending final settlement of the
15 expenditures. Funds received by the case management unit in
16 settlement of the expenditures shall be used to replace the
17 transferred funds and are available for the purposes for which
18 the funds were originally appropriated.
19 Sec. 56. Section 252.13, Code 2014, is amended to read as
20 follows:
21 **252.13 Recovery by county.**
22 1. Any county having expended money for the assistance or
23 support of a poor person under this chapter, may recover the
24 money from any of the following: ~~from~~
25 *a.* From the poor person if the person becomes able, or from
26 the person's estate~~; from~~.
27 *b.* From relatives by action brought within two years from
28 the payment of the assistance or support~~, from~~.
29 *c.* From the poor person by action brought within two years
30 after the person becomes able~~, and from~~.
31 *d.* From the person's estate by filing the claim as provided
32 by law.
33 2. There shall be allowed against the person's estate a
34 claim of the sixth class for that portion of the liability to
35 the county which exceeds the total amount of all claims of

S.F. _____

1 the first through the fifth classes, inclusive, as defined in
2 section 633.425, which are allowed against that estate.
3 Sec. 57. Section 252B.4, subsection 5, paragraph b, Code
4 2014, is amended to read as follows:
5 *b.* A foreign reciprocating country or foreign country with
6 which the state has an arrangement as provided in 42 U.S.C.
7 ~~§ 659A~~ §659a.
8 Sec. 58. Section 252B.13A, subsection 2, paragraph a, Code
9 2014, is amended to read as follows:
10 *a.* The collection services center shall meet the
11 requirements for a state disbursement unit pursuant to 42
12 U.S.C. ~~§ 654B~~ §654b, section 252B.14, and this section by
13 October 1, 1999.
14 Sec. 59. Section 252B.13A, subsection 2, paragraph b,
15 subparagraph (4), Code 2014, is amended to read as follows:
16 (4) Furnishing, upon request, timely information on the
17 current status of support payments as provided in 42 U.S.C.
18 ~~§ 654B(b)(4)~~ §654b(b)(4), in a manner consistent with state
19 law.
20 Sec. 60. Section 252B.24, subsection 1, unnumbered
21 paragraph 1, Code 2014, is amended to read as follows:
22 Beginning October 1, 1998, the unit shall operate a state
23 case registry to the extent determined by applicable time
24 frames and other provisions of 42 U.S.C. ~~§ 654A(e)~~ §654a(e)
25 and this section. The unit and the judicial branch shall
26 enter into a cooperative agreement for the establishment and
27 operation of the registry by the unit. The state case registry
28 shall include records with respect to all of the following:
29 Sec. 61. Section 252B.24, subsection 2, paragraphs a and c,
30 Code 2014, are amended to read as follows:
31 *a.* Provision to the unit of information, orders, and
32 documents necessary for the unit to meet requirements described
33 in 42 U.S.C. ~~§ 654A(e)~~ §654a(e) and this section.
34 *c.* Use of automation, as appropriate, to meet the
35 requirements described in 42 U.S.C. ~~§ 654A(e)~~ §654a(e) and this

S.F. _____

1 section.
2 Sec. 62. Section 256.35, Code 2014, is amended to read as
3 follows:
4 **256.35 Regional autism assistance program.**
5 The department shall establish a regional autism assistance
6 program, to be administered by the child health specialty
7 ~~clinic~~ clinics of the university of Iowa hospitals and clinics.
8 The program shall be designed to coordinate educational,
9 medical, and other human services for persons with autism,
10 their parents, and providers of services to persons with
11 autism. The function of the program shall include, but is
12 not limited to, the coordination of diagnostic and assessment
13 services, the maintaining of a research base, coordination
14 of in-service training, providing technical assistance, and
15 providing consultation.
16 Sec. 63. Section 256.39, subsection 2, paragraph a, Code
17 2014, is amended to read as follows:
18 *a.* ~~Measure~~ Measurement of the employability skills of
19 students. Employability skills shall include, but are not
20 limited to, reading for information, applied mathematics,
21 listening, and writing.
22 Sec. 64. Section 256F.2, subsection 6, Code 2014, is amended
23 to read as follows:
24 6. *"Innovation zone consortium"* means a consortium of two or
25 more school districts and an area education agency in which one
26 or more of the school districts ~~is~~ are located, that receives
27 approval to establish an innovation zone school pursuant to
28 this chapter. In addition, the innovation zone consortium
29 may receive technical assistance from an accredited higher
30 education institution.
31 Sec. 65. Section 257.31, subsection 14, paragraph b,
32 subparagraph (2), Code 2014, is amended to read as follows:
33 (2) There is appropriated from the general fund of the
34 state to the school budget review committee for each fiscal
35 year an amount equal to the state aid portion of five percent

S.F. _____

of the receipts for special education instruction programs in all districts that ~~has~~ have a positive balance determined under paragraph *"a"* for the base year, or the state aid portion of all of the positive balances determined under paragraph *"a"* for the base year, whichever is less, to be used for supplemental aid payments to school districts. Except as otherwise provided in this ~~lettered~~ paragraph *"b"*, supplemental aid paid to a district is equal to the state aid portion of the district's negative balance. The school budget review committee shall direct the director of the department of management to make the payments to school districts under this ~~lettered~~ paragraph *"b"*.

Sec. 66. Section 258.16, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. Provide for development of a five-year plan addressing the delivery of quality vocational education instructional programs pursuant to section 256.11, subsection 4, ~~and~~ section 256.11, subsection 5, paragraph *"h"*, and section 260C.14, subsection 1. The plan shall be updated annually.

Sec. 67. Section 260C.18A, subsection 2, paragraph c, Code 2014, is amended to read as follows:

c. For the development and implementation of career academies designed to provide new career preparation opportunities for high school students that are formally linked with postsecondary career and technical education programs. For purposes of this section, *"career academy"* means a program of study that combines a minimum of two years of secondary education with an associate degree, or the equivalent, career preparatory program in a nonduplicative, sequential course of study that is standards based, integrates academic and technical instruction, utilizes work-based and worksite learning where appropriate and available, utilizes an individual career planning process with parent involvement, and leads to an associate degree or postsecondary diploma or certificate in a career field that prepares an individual for entry and advancement in a high-skill and reward career field

S.F. _____

1 and further education. The state board, in conjunction with
2 the division of community colleges and workforce preparation
3 of the department ~~of education~~, shall adopt administrative
4 rules for the development and implementation of such career
5 academies pursuant to section 256.11, subsection 5, paragraph
6 *"h"*, section 260C.1, and Tit. II of Pub. L. No. 105-332, Carl D.
7 Perkins Vocational and Technical Education Act of 1998.
8 Sec. 68. Section 260C.58, Code 2014, is amended to read as
9 follows:
10 **260C.58 Bonds or notes.**
11 1. To pay all or any part of the cost of carrying out any
12 project at any institution the board is authorized to borrow
13 money and to issue and sell negotiable bonds or notes and to
14 refund and refinance bonds or notes issued for any project or
15 for refunding purposes at a lower rate, the same rate, or a
16 higher rate or rates of interest and from time to time as often
17 as the board shall find it to be advisable and necessary so
18 to do. Bonds or notes issued by the board for residence hall
19 or dormitory purposes at any institution, including dining
20 or other facilities and additions, or issued for refunding
21 purposes, may either be sold in the manner specified for the
22 selling of certificates under section 260E.6 and the proceeds
23 applied to the payment of the obligations being refunded,
24 or the refunding bonds or notes may be exchanged for and in
25 payment and discharge of the obligations being refunded. A
26 finding by the board in the resolution authorizing the issuance
27 of the refunding bonds or notes, that the bonds or notes being
28 refunded were issued for a purpose specified in this ~~division~~
29 subchapter and constitute binding obligations of the board,
30 shall be conclusive and may be relied upon by any holder of
31 any refunding bond or note issued under the provisions of this
32 ~~division~~ subchapter. The refunding bonds or notes may be sold
33 or exchanged in installments at different times or an entire
34 issue or series may be sold or exchanged at one time. Any issue
35 or series of refunding bonds or notes may be exchanged in part

S.F. _____

1 or sold in parts in installments at different times or at one
2 time. The refunding bonds or notes may be sold or exchanged
3 at any time on, before, or after the maturity of any of the
4 outstanding notes, bonds or other obligations to be refinanced
5 thereby and may be issued for the purpose of refunding a like
6 or greater principal amount of bonds or notes, except that the
7 principal amount of the refunding bonds or notes may exceed
8 the principal amount of the bonds or notes to be refunded to
9 the extent necessary to pay any premium due on the call of the
10 bonds or notes to be refunded, to fund interest in arrears or
11 about to become due, or to allow for sufficient funding of the
12 escrow account on the bonds to be refunded.
13 2. All bonds or notes issued under the provisions of this
14 ~~division~~ subchapter shall be payable from and shall be secured
15 by an irrevocable first lien pledge of a sufficient portion
16 of the following: the net rents, profits and income derived
17 from the operation of residence halls, dormitories, dining or
18 other incidental facilities and additions, including necessary
19 real and personal property, acquired or improved in whole or
20 in part with the proceeds of such bonds or notes, regardless
21 of the manner of such acquisition or improvement; and the
22 net rents, profits and income not pledged for other purposes
23 derived from the operation of any other residence halls or
24 dormitories, including dining or other incidental facilities
25 and additions, at the particular institution. In addition, the
26 board may secure any bonds or notes issued by borrowing money,
27 by mortgaging any real estate or improvements erected on real
28 estate, or by pledging rents, profits, and income received from
29 property for the discharge of mortgages. All bonds or notes
30 issued under the provisions of this ~~division~~ subchapter shall
31 have all the qualities of negotiable instruments under the laws
32 of this state.
33 Sec. 69. Section 260C.62, Code 2014, is amended to read as
34 follows:
35 **260C.62 Accounts.**

S.F. _____

1 1. A certified copy of each resolution providing for the
2 issuance of bonds or notes under this ~~division~~ subchapter shall
3 be filed with the treasurer of the institution on behalf of
4 which the bonds or notes are issued and the treasurer shall
5 keep and maintain separate accounts for each issue of bonds
6 or notes in accordance with the covenants and directions
7 set out in the resolution providing for the issuance of the
8 bonds or notes. All rates, fees, or rentals collected for
9 the use of and services provided by the residence halls and
10 dormitories, including dining and other incidental facilities,
11 at each institution shall be held in trust by the treasurer,
12 separate and apart from all other funds, to be used only for
13 the purposes specified in this ~~division~~ subchapter and as may
14 be required and provided for by the proceedings of the board
15 authorizing the issuance of bonds or notes. The treasurer of
16 each institution shall disburse funds from the proper account
17 for the payment of the principal of and interest on the bonds
18 or notes in accordance with the directions and covenants of the
19 resolution authorizing the issuance of the bonds or notes.
20 2. If the amount of bonds or notes issued under this chapter
21 exceeds the actual costs of the projects for which the bonds or
22 notes were issued, the amount of the difference shall be used
23 to pay the principal and interest due on bonds or notes issued
24 under this chapter.
25 Sec. 70. Section 260F.6, subsection 2, Code 2014, is amended
26 to read as follows:
27 2. To provide funds for the present payment of the costs
28 of a training program by the business, the community college
29 may provide to the business an advance of the moneys to be used
30 to pay for the program costs as provided in the agreement. To
31 receive the funds for this advance from the job training fund
32 established in subsection 1, the community college shall submit
33 an application to the ~~economic development~~ authority. The
34 amount of the advance shall not exceed fifty thousand dollars
35 for any business site, or one hundred thousand dollars within

S.F. _____

1 a three-fiscal-year period for any business site. If the
2 project involves a consortium of businesses, the maximum award
3 per project shall not exceed one hundred thousand dollars.
4 Participation in a consortium does not affect a business
5 site's eligibility for individual project assistance. Prior
6 to approval a business shall agree to match program amounts in
7 accordance with criteria established by the authority.
8 Sec. 71. Section 260F.6B, Code 2014, is amended to read as
9 follows:
10 **260F.6B High technology apprenticeship program.**
11 The community colleges and the ~~economic development~~
12 authority are authorized to fund high technology apprenticeship
13 programs which comply with the requirements specified in
14 section 260C.44 and which may include both new and statewide
15 apprenticeship programs. Notwithstanding the provisions
16 of section 260F.6, subsection 2, relating to maximum award
17 amounts, moneys allocated to the community colleges with high
18 technology apprenticeship programs shall be distributed to the
19 community colleges based upon contact hours under the programs
20 administered during the prior fiscal year as determined by the
21 department of education. The ~~economic development~~ authority
22 shall adopt rules governing this section's operation and
23 participant eligibility.
24 Sec. 72. Section 260F.7, Code 2014, is amended to read as
25 follows:
26 **260F.7 ~~Economic development authority~~ Authority to**
27 **coordinate.**
28 The ~~economic development~~ authority, in consultation with
29 the department of education and the department of workforce
30 development, shall coordinate the jobs training program. A
31 project shall not be funded under this chapter unless the
32 ~~economic development~~ authority approves the project. The
33 authority shall adopt rules pursuant to chapter 17A governing
34 the program's operation and eligibility for participation in
35 the program. The authority shall establish by rule criteria

S.F. _____

1 for determining what constitutes an eligible business.
2 Sec. 73. Section 261.19, subsections 1 and 2, Code 2014, are
3 amended to read as follows:
4 1. A health care professional recruitment program is
5 established to be administered by the college student aid
6 commission for Des Moines university — osteopathic medical
7 center. The program shall consist of a loan repayment program
8 for health care professionals. The commission shall regularly
9 adjust the service requirement under each aspect of the program
10 to provide, to the extent possible, an equal financial benefit
11 for each period of service required.
12 2. A health care professional shall be eligible for the
13 loan repayment program if the health care professional agrees
14 to practice in an eligible rural community in this state. Des
15 Moines university — osteopathic medical center shall recruit
16 and place health care professionals in rural communities which
17 have agreed to provide additional funds for the recipient's
18 loan repayment. The contract for the loan repayment shall
19 stipulate the time period the recipient shall practice in an
20 eligible rural community in this state. In addition, the
21 contract shall stipulate that the recipient repay any funds
22 paid on the recipient's loan by the commission if the recipient
23 fails to practice in an eligible rural community in this state
24 for the required period of time.
25 Sec. 74. Section 262.57, Code 2014, is amended to read as
26 follows:
27 **262.57 Bonds or notes.**
28 1. To pay all or any part of the cost of carrying out any
29 project at any institution the board is authorized to borrow
30 money and to issue and sell negotiable bonds or notes and
31 to refund and refinance bonds or notes heretofore issued or
32 as may be hereafter issued for any project or for refunding
33 purposes at a lower rate, the same rate, or a higher rate or
34 rates of interest and from time to time as often as the board
35 shall find it to be advisable and necessary so to do. Such

S.F. _____

1 bonds or notes may be sold by said board at public sale in
2 the manner prescribed by chapter 75, but if the board shall
3 find it to be advantageous and in the public interest to do
4 so, such bonds or notes may be sold by the board at private
5 sale without published notice of any kind and without regard
6 to the requirements of chapter 75 in such manner and upon such
7 terms as may be prescribed by the resolution authorizing the
8 same. Bonds or notes issued to refund other bonds or notes
9 heretofore or hereafter issued by the board for residence hall
10 or dormitory purposes at any institution, including dining or
11 other facilities and additions, or heretofore or hereafter
12 issued for refunding purposes, may either be sold in the
13 manner hereinbefore specified and the proceeds thereof applied
14 to the payment of the obligations being refunded, or the
15 refunding bonds or notes may be exchanged for and in payment
16 and discharge of the obligations being refunded, and a finding
17 by the board in the resolution authorizing the issuance of
18 such refunding bonds or notes that the bonds or notes being
19 refunded were issued for a purpose specified in this ~~division~~
20 subchapter and constitute binding obligations of the board
21 shall be conclusive and may be relied upon by any holder of
22 any refunding bond or note issued under the provisions of this
23 ~~division~~ subchapter. The refunding bonds or notes may be sold
24 or exchanged in installments at different times or an entire
25 issue or series may be sold or exchanged at one time. Any issue
26 or series of refunding bonds or notes may be exchanged in part
27 or sold in parts in installments at different times or at one
28 time. The refunding bonds or notes may be sold or exchanged
29 at any time on, before, or after the maturity of any of the
30 outstanding notes, bonds, or other obligations to be refinanced
31 thereby and may be issued for the purpose of refunding a like
32 or greater principal amount of bonds or notes, except that the
33 principal amount of the refunding bonds or notes may exceed
34 the principal amount of the bonds or notes to be refunded to
35 the extent necessary to pay any premium due on the call of the

S.F. _____

1 bonds or notes to be refunded or to fund interest in arrears or
2 about to become due.
3 2. All bonds or notes issued under the provision of this
4 ~~division~~ subchapter shall be payable solely and only from and
5 shall be secured by an irrevocable pledge of a sufficient
6 portion of the net rents, profits and income derived from the
7 operation of residence halls, dormitories, dining or other
8 incidental facilities and additions, including necessary real
9 and personal property, acquired or improved in whole or in part
10 with the proceeds of such bonds or notes, regardless of the
11 manner of such acquisition or improvement, and the net rents,
12 profits and income not pledged for other purposes derived from
13 the operation of any other residence halls or dormitories,
14 including dining or other incidental facilities and additions,
15 at the particular institution. All bonds or notes issued under
16 the provisions of this ~~division~~ subchapter shall have all the
17 qualities of negotiable instruments under the laws of this
18 state.
19 Sec. 75. Section 262.61, Code 2014, is amended to read as
20 follows:
21 **262.61 Accounts.**
22 1. A certified copy of each resolution providing for the
23 issuance of bonds or notes under this ~~division~~ subchapter shall
24 be filed with the treasurer of the institution on behalf of
25 which the bonds or notes are issued and it shall be the duty
26 of said treasurer to keep and maintain separate accounts for
27 each issue of bonds or notes in accordance with the covenants
28 and directions set out in the resolution providing for the
29 issuance thereof. All rates, fees or rentals collected for
30 the use of and services provided by the residence halls and
31 dormitories, including dining and other incidental facilities
32 therefor, at each institution shall be held in trust by the
33 treasurer thereof, separate and apart from all other funds,
34 to be used solely and only for the purposes specified in this
35 ~~division~~ subchapter and as may be required and provided for

S.F. _____

1 by the proceedings of the board authorizing the issuance of
2 bonds or notes. It shall be the duty of the treasurer of each
3 institution to disburse funds from the proper account for
4 the payment of the principal of and interest on the bonds or
5 notes in accordance with the directions and covenants of the
6 resolution authorizing the issuance thereof.
7 2. If the amount of bonds or notes issued under this chapter
8 exceeds the actual costs of the projects for which the bonds or
9 notes were issued, the amount of the difference shall be used
10 to pay the principal and interest due on bonds or notes issued
11 under this chapter.
12 Sec. 76. Section 275.23A, subsection 2, Code 2014, is
13 amended to read as follows:
14 2. Following each federal decennial census the school
15 board shall determine whether the existing director district
16 boundaries meet the standards in subsection 1 according to
17 the most recent federal decennial census. In addition to the
18 authority granted to voters to change the number of directors
19 or method of election as provided in sections 275.35, 275.36,
20 and 278.1, the board of directors of a school district may,
21 following a federal decennial census, by resolution and in
22 accordance with this section, authorize a change in the method
23 of election as set forth in section 275.12, subsection 2, or
24 a change to either five or seven directors after the board
25 conducts a hearing on the resolution. If the board proposes to
26 change the number of directors from seven to five directors,
27 the resolution shall include a plan for reducing the number
28 of directors. If the board proposes to increase the number
29 of directors to seven directors, two directors shall be
30 added according to the procedure described in section 277.23,
31 subsection 2. If necessary, the board of directors shall
32 redraw the director district boundaries. The director district
33 boundaries shall be described in the resolution adopted by
34 the school board. The resolution shall be adopted no earlier
35 than November 15 of the second year immediately following the

S.F. _____

1 year in which the federal decennial census is taken ~~nor~~ and
2 no later than May 15 of the third year immediately following
3 the year in which the federal decennial census is taken.
4 A copy of the plan shall be filed with the area education
5 agency administrator of the area education agency in which the
6 school's electors reside. If the board does not provide for
7 an election as provided in sections 275.35, 275.36, and 278.1
8 and adopts a resolution to change the number of directors or
9 method of election in accordance with this subsection, the
10 district shall change the number of directors or method of
11 election as provided unless, within twenty-eight days following
12 the action of the board, the secretary of the board receives a
13 petition containing the required number of signatures, asking
14 that an election be called to approve or disapprove the action
15 of the board in adopting the resolution. The petition must be
16 signed by eligible electors equal in number to not less than
17 one hundred or thirty percent of the number of voters at the
18 last preceding regular school election, whichever is greater.
19 The board shall either rescind its action or direct the
20 county commissioner of elections to submit the question to the
21 registered voters of the school district at an election held
22 on a date specified in section 39.2, subsection 4, paragraph
23 "c". If a majority of those voting on the question at the
24 election favors disapproval of the action of the board, the
25 district shall not change the number of directors or method of
26 election. If a majority of those voting on the question does
27 not favor disapproval of the action, the board shall certify
28 the results of the election to the department of management and
29 the district shall change the number of directors or method of
30 election as provided in this subsection. At the expiration of
31 the twenty-eight-day period, if no petition is filed, the board
32 shall certify its action to the department of management and
33 the district shall change the number of directors or method of
34 election as provided in this subsection.
35 Sec. 77. Section 297.36, Code 2014, is amended to read as

S.F. _____

1 follows:
2 **297.36 Loan agreements.**
3 1. *a.* In order to make immediately available proceeds of
4 the voter-approved physical plant and equipment levy which
5 has been approved by the voters as provided in section 298.2,
6 the board of directors may, with or without notice, borrow
7 money and enter into loan agreements in anticipation of the
8 collection of the tax with a bank, investment banker, trust
9 company, insurance company, or insurance group.
10 *b.* By resolution, the board shall provide for an annual levy
11 which is within the limits of the voter-approved physical plant
12 and equipment levy to pay for the amount of the principal and
13 interest due each year until maturity. The board shall file
14 a certified copy of the resolution with the auditor of each
15 county in which the district is located. The filing of the
16 resolution with the auditor makes it the duty of the auditor
17 to annually levy the amount certified for collection until
18 funds are realized to repay the loan and interest on the loan
19 in full.
20 *c.* The loan must mature within the period of time authorized
21 by the voters and shall bear interest at a rate which does not
22 exceed the limits under chapter 74A. A loan agreement entered
23 into pursuant to this section shall be in a form as the board
24 of directors shall by resolution provide and the loan shall be
25 payable as to both principal and interest from the proceeds
26 of the annual levy of the voter-approved physical plant and
27 equipment levy, or so much thereof as will be sufficient to pay
28 the loan and interest on the loan.
29 *d.* The proceeds of a loan must be deposited in the physical
30 plant and equipment levy fund. Warrants paid from this fund
31 must be for purposes authorized for the voter-approved physical
32 plant and equipment levy.
33 2. This section does not limit the authority of the board
34 of directors to levy the full amount of the voter-approved
35 physical plant and equipment levy, but if and to whatever

S.F. _____

1 extent the tax is levied in any year in excess of the amount
2 of principal and interest falling due in that year under a
3 loan agreement, the first available proceeds, to an amount
4 sufficient to meet maturing installments of principal and
5 interest under the loan agreement, shall be paid into the
6 debt service fund for the loan before the taxes are otherwise
7 made available to the school corporation for other school
8 purposes, and the amount required to be annually set aside to
9 pay principal of and interest on the money borrowed under the
10 loan agreement constitutes a first charge upon the proceeds of
11 the voter-approved physical plant and equipment levy, which tax
12 shall be pledged to pay the loan and the interest on the loan.
13 3. This section is supplemental and in addition to existing
14 statutory authority to finance the purposes specified in
15 section 298.2 for the physical plant and equipment levy, and
16 for the borrowing of money and execution of loan agreements in
17 connection with that section, and is not subject to any other
18 law. The fact that a school corporation may have previously
19 borrowed money and entered into loan agreements under authority
20 of this section does not prevent the school corporation from
21 borrowing additional money and entering into further loan
22 agreements if the aggregate of the amount payable under all
23 of the loan agreements does not exceed the proceeds of the
24 voter-approved physical plant and equipment levy.
25 Sec. 78. Section 312.2, subsection 2, unnumbered paragraph
26 1, Code 2014, is amended to read as follows:
27 The treasurer of state shall before making the allotments
28 in subsection 1 credit annually to the highway grade crossing
29 safety fund the sum of seven hundred thousand dollars, credit
30 annually from the road use tax fund the sum of nine hundred
31 thousand dollars to the highway railroad grade crossing surface
32 repair fund, credit monthly to the primary road fund the
33 dollars yielded from an allotment of sixty-five hundredths of
34 one percent of all road use tax funds for the express purpose
35 of carrying out ~~subsection 11 of~~ section 307A.2, subsection 11,

S.F. _____

1 section 313.4, subsection 2, and section 307.45, and credit
2 annually to the primary road fund the sum of five hundred
3 thousand dollars to be used for paying expenses incurred by the
4 state department of transportation other than expenses incurred
5 for extensions of primary roads in cities. All unobligated
6 funds provided by this subsection, except those funds credited
7 to the highway grade crossing safety fund, shall at the end of
8 each year revert to the road use tax fund. Funds in the highway
9 grade crossing safety fund shall not revert to the road use tax
10 fund except to the extent they exceed five hundred thousand
11 dollars at the end of any biennium. The cost of each highway
12 railroad grade crossing repair project shall be allocated in
13 the following manner:
14 Sec. 79. Section 321.258, Code 2014, is amended to read as
15 follows:
16 **321.258 Arrangement of lights on official traffic-control**
17 **signals.**
18 1. Colored lights placed on a vertical official
19 traffic-control signal face shall be arranged from the top to
20 the bottom in the following order when used:
21 *a.* Circular red~~, circular~~.
22 *b.* Circular yellow~~, circular~~.
23 *c.* Circular green~~, straight~~.
24 *d.* Straight through yellow arrow~~, straight~~.
25 *e.* Straight through green arrow~~, left~~.
26 *f.* Left turn yellow arrow~~, left~~.
27 *g.* Left turn green arrow~~, right~~.
28 *h.* Right turn yellow arrow~~, and right~~.
29 *i.* Right turn green arrow.
30 2. Colored lights placed on a horizontal official
31 traffic-control signal face shall be arranged from the left to
32 the right in the following order when used:
33 *a.* Circular red~~, circular~~.
34 *b.* Circular yellow~~, left~~.
35 *c.* Left turn yellow arrow~~, left~~.

S.F. _____

1 *d.* Left turn green arrow~~, circular~~.
2 *e.* Circular green~~, straight~~.
3 *f.* Straight through yellow arrow~~, straight~~.
4 *g.* Straight through green arrow~~, right~~.
5 *h.* Right turn yellow arrow~~, and right~~.
6 *i.* Right turn green arrow.
7 Sec. 80. Section 321.440, subsection 1, Code 2014, is
8 amended to read as follows:
9 1. Every solid rubber tire on a vehicle shall have rubber on
10 its entire traction surface at least one inch thick above the
11 edge of the flange of the entire periphery. Any pneumatic tire
12 on a vehicle shall be considered unsafe if it has:
13 *a.* Any part of the ply or cord exposed~~;~~.
14 *b.* Any bump, bulge or separation~~;~~.
15 *c.* A tread design depth of less than one-sixteenth of
16 an inch measured in any two or more adjacent tread grooves,
17 exclusive of tie bars or, for those tires with tread wear
18 indicators, worn to the level of the tread wear indicators in
19 any two tread grooves~~;~~.
20 *d.* A marking "not for highway use", "for racing purposes
21 only", "unsafe for highway use"~~;~~.
22 *e.* Tread or sidewall cracks, cuts or snags deep enough to
23 expose the body cord~~;~~.
24 *f.* Such other conditions as may be reasonably demonstrated
25 to render it unsafe~~;~~.
26 *g.* Been regrooved or recut below the original tread design
27 depth, excepting special tires which have extra under tread
28 rubber and are identified as such, or if a pneumatic tire was
29 originally designed without grooves or tread.
30 Sec. 81. Section 331.382, subsection 8, paragraph a, Code
31 2014, is amended to read as follows:
32 *a.* The board is subject to chapter 161F, chapters 357
33 through 358, ~~or~~ chapter 468, subchapters I through III, chapter
34 468, subchapter IV, parts 1 and 2, or chapter 468, subchapter
35 V, as applicable, in acting relative to a special district

S.F. _____

1 authorized under any of those chapters.
2 Sec. 82. Section 341A.18, Code 2014, is amended to read as
3 follows:
4 **341A.18 Civil rights respected.**
5 1. A person shall not be appointed or promoted to, or
6 demoted or discharged from, any position subject to civil
7 service, or in any way favored or discriminated against with
8 respect to employment in the sheriff's office because of the
9 person's political or religious opinions or affiliations or
10 race or national origin or sex, or age.
11 2. *a.* A person holding a position subject to civil service
12 shall not, during the person's scheduled working hours or when
13 performing duties or when using county equipment or at any
14 time on county property, take part in any way in soliciting
15 any contribution for any political party or any person seeking
16 political office, nor shall such employee engage in any
17 political activity that will impair the employee's efficiency
18 during working hours or cause the employee to be tardy or
19 absent from work. The provisions of this section do not
20 preclude any employee from holding any office for which no pay
21 is received or any office for which only token pay is received.
22 *b.* A person shall not seek or attempt to use any political
23 endorsement in connection with any appointment to a position
24 subject to civil service.
25 *c.* A person shall not use or promise to use, directly
26 or indirectly, any official authority or influence, whether
27 possessed or anticipated, to secure or attempt to secure for
28 any person an appointment or advantage in the appointment to
29 a position subject to civil service, or an increase in pay or
30 other advantage in employment in any such position, for the
31 purpose of influencing the vote or political action of any
32 person or for any consideration.
33 *d.* An employee shall not use the employee's official
34 authority or influence for the purpose of interfering with an
35 election or affecting the results thereof.

S.F. _____

1 3. Any officer or employee subject to civil service who
2 violates any of the provisions of this section shall be subject
3 to suspension, dismissal, or demotion subject to the right of
4 appeal herein.
5 4. All employees shall retain the right to vote as they
6 please and to express their opinions on all subjects.
7 5. An officer or employee subject to civil service and
8 a chief deputy sheriff or second deputy sheriff, who becomes
9 a candidate for a partisan elective office for remuneration,
10 upon request, shall automatically be given a leave of absence
11 without pay, commencing thirty days before the date of the
12 primary election and continuing until the person is eliminated
13 as a candidate or wins the primary, and commencing thirty days
14 before the date of the general election and continuing until
15 the person is eliminated as a candidate or wins the general
16 election, and during the leave period shall not perform any
17 duties connected with the office or position so held. The
18 officer or employee subject to civil service, or chief deputy
19 sheriff or second deputy sheriff, may, however, use accumulated
20 paid vacation time for part or all of any leave of absence
21 under this section. The county shall continue to provide
22 health benefit coverages, and may continue to provide other
23 fringe benefits, to any officer or employee subject to civil
24 service, or to any chief deputy sheriff or second deputy
25 sheriff during any leave of absence under this section.
26 Sec. 83. Section 392.5, Code 2014, is amended to read as
27 follows:
28 **392.5 Library board.**
29 1. *a.* A city library board of trustees functioning on the
30 effective date of the city code shall continue to function in
31 the same manner until altered or discontinued as provided in
32 this section.
33 *b.* In order for the board to function in the same manner,
34 the council shall retain all applicable ordinances, and shall
35 adopt as ordinances all applicable state statutes repealed by

S.F. _____

1 1972 Iowa Acts, ~~chapter~~ ch. 1088.
2 2. A library board may accept and control the expenditure of
3 all gifts, devises, and bequests to the library.
4 3. *a.* A proposal to alter the composition, manner of
5 selection, or charge of a library board, or to replace it with
6 an alternate form of administrative agency, is subject to the
7 approval of the voters of the city.
8 *b.* The proposal may be submitted to the voters at any city
9 election by the council on its own motion. Upon receipt of a
10 valid petition as defined in section 362.4, requesting that a
11 proposal be submitted to the voters, the council shall submit
12 the proposal at the next regular city election. A proposal
13 submitted to the voters must describe with reasonable detail
14 the action proposed.
15 *c.* If a majority of those voting approves the proposal, the
16 city may proceed as proposed.
17 *d.* If a majority of those voting does not approve the
18 proposal, the same or a similar proposal may not be submitted
19 to the voters of the city for at least four years from the date
20 of the election at which the proposal was defeated.
21 Sec. 84. Section 403.8, subsection 3, Code 2014, is amended
22 to read as follows:
23 3. The requirement that real property or an interest in
24 real property transferred or retained for the purpose of
25 a development or redevelopment be sold, leased, otherwise
26 transferred, or retained at not less than its fair market
27 value does not apply if the developer enters into a written
28 assessment agreement with the municipality pursuant to section
29 403.6, subsections 18 and 19 and the minimum actual value
30 contained in the assessment agreement would indicate that there
31 will be sufficient taxable valuations to permit the collection
32 of incremental taxes as provided in ~~subsection 2 of~~ section
33 403.19, subsection 2, to cause the indebtedness and other costs
34 incurred by the municipality with respect to the property
35 or interest transferred or retained to be repayable as to

S.F. _____

1 principal within four tax years following the commencement of
2 full operation of the development.
3 Sec. 85. Section 403.9, subsection 1, Code 2014, is amended
4 to read as follows:
5 1. A municipality shall have power to periodically issue
6 bonds in its discretion to pay the costs of carrying out the
7 purposes and provisions of this chapter, including, but not
8 limited to, the payment of principal and interest upon any
9 advances for surveys and planning, and the payment of interest
10 on bonds, herein authorized, not to exceed three years from
11 the date the bonds are issued. The municipality shall have
12 power to issue refunding bonds for the payment or retirement
13 of such bonds previously issued by it. Said bonds shall be
14 payable solely from the income and proceeds of the fund and
15 portion of taxes referred to in ~~subsection 2 of~~ section 403.19,
16 subsection 2, and revenues and other funds of the municipality
17 derived from or held in connection with the undertaking and
18 carrying out of urban renewal projects under this chapter. The
19 municipality may pledge to the payment of the bonds the fund
20 and portion of taxes referred to in ~~subsection 2 of~~ section
21 403.19, subsection 2, and may further secure the bonds by a
22 pledge of any loan, grant or contribution from the federal
23 government or other source in aid of any urban renewal projects
24 of the municipality under this chapter, or by a mortgage of any
25 such urban renewal projects, or any part thereof, title which
26 is vested in the municipality.
27 Sec. 86. Section 419.4, subsection 2, paragraph b,
28 subparagraph (2), Code 2014, is amended to read as follows:
29 (2) A municipality shall also have the power to provide
30 that the project and improvements shall be constructed by
31 the municipality, the lessee, the lessee's designee, the
32 contracting party, or the contracting party's designee, or any
33 one or more of them on real estate owned by the municipality,
34 the lessee, the lessee's designee, the contracting party, or
35 the contracting party's designee, as the case may be, and that

S.F. _____

1 the bond proceeds shall be disbursed by the trustee bank or
2 banks, trust company or trust companies, during construction
3 upon the estimate, order or certificate of the lessee, the
4 lessee's designee, the contracting party, or the contracting
5 party's designee.
6 Sec. 87. Section 422.11S, subsection 8, paragraph a,
7 subparagraph (2), Code 2014, is amended to read as follows:
8 (2) *"Total approved tax credits"* means for the tax year
9 beginning in the 2006 calendar year, two million five hundred
10 thousand dollars, for the tax year beginning in the 2007
11 calendar year, five million dollars, ~~and~~ for tax years
12 beginning on or after January 1, 2008, but before January 1,
13 2012, seven million five hundred thousand dollars, for tax
14 years beginning on or after January 1, 2012, but before January
15 1, 2014, eight million seven hundred fifty thousand dollars,
16 and for tax years beginning on or after January 1, 2014, twelve
17 million dollars.
18 Sec. 88. Section 422.12C, subsection 2, Code 2014, is
19 amended to read as follows:
20 2. *a.* The taxes imposed under this division, less the
21 amounts of nonrefundable credits allowed under this division,
22 may be reduced by an early childhood development tax credit
23 equal to twenty-five percent of the first one thousand dollars
24 which the taxpayer has paid to others for each dependent, as
25 defined in the Internal Revenue Code, ages three through five
26 for early childhood development expenses. In determining the
27 amount of early childhood development expenses for the tax year
28 beginning in the 2006 calendar year only, such expenses paid
29 during November and December of the previous tax year shall
30 be considered paid in the tax year for which the tax credit
31 is claimed. This credit is available to a taxpayer whose net
32 income is less than forty-five thousand dollars. If the early
33 childhood development tax credit is claimed for a tax year, the
34 taxpayer and the taxpayer's spouse shall not claim the child
35 and dependent care credit under subsection 1.

S.F. _____

1 *b.* As used in this subsection~~, "*early*~~:
2 (1) "*Early childhood development expenses*" means services
3 provided to the dependent by a preschool, as defined in section
4 237A.1, materials, and other activities as follows:
5 ~~*a.*~~ (a) Books that improve child development, including
6 textbooks, music books, art books, teacher's editions, and
7 reading books.
8 ~~*b.*~~ (b) Instructional materials required to be used in a
9 child development or educational lesson activity, including but
10 not limited to paper, notebooks, pencils, and art supplies.
11 ~~*c.*~~ (c) Lesson plans and curricula.
12 ~~*d.*~~ (d) Child development and educational activities outside
13 the home, including drama, art, music, and museum activities,
14 and the entrance fees for such activities, but not including
15 food or lodging, membership fees, or other nonacademic
16 expenses.
17 (2) "*Early childhood development expenses*" does not include
18 services, materials, or activities for the teaching of
19 religious tenets, doctrines, or worship, the purpose of which
20 is to inculcate those tenets, doctrines, or worship.
21 Sec. 89. Section 422.33, subsections 2, 4, and 7, Code 2014,
22 are amended to read as follows:
23 2. *a.* If the trade or business of the corporation is
24 carried on entirely within the state, the tax shall be imposed
25 on the entire net income, but if the trade or business is
26 carried on partly within and partly without the state or if
27 income is derived from sources partly within and partly without
28 the state, or if income is derived from trade or business
29 and sources, all of which are not entirely in the state, the
30 tax shall be imposed only on the portion of the net income
31 reasonably attributable to the trade or business or sources
32 within the state, with the net income attributable to the state
33 to be determined as follows:
34 ~~*a.*~~ (1) Nonbusiness interest, dividends, rents and
35 royalties, less related expenses, shall be allocated within and

S.F. _____

1 without the state in the following manner:
2 ~~(1)~~ (a) Nonbusiness interest, dividends, and royalties
3 from patents and copyrights shall be allocable to this state if
4 the taxpayer's commercial domicile is in this state.
5 ~~(2)~~ (b) Nonbusiness rents and royalties received from real
6 property located in this state are allocable to this state.
7 ~~(3)~~ (c) Nonbusiness rents and royalties received from
8 tangible personal property are allocable to this state to the
9 extent that the property is utilized in this state; or in their
10 entirety if the taxpayer's commercial domicile is in this state
11 and the taxpayer is not taxable in the state in which the
12 property is utilized. The extent of utilization of tangible
13 personal property in a state is determined by multiplying the
14 rents and royalties by a fraction, the numerator of which is
15 the number of days of physical location of the property in the
16 state during the rental or royalty period in the taxable year
17 and the denominator of which is the number of days of physical
18 location of the property everywhere during all rental or
19 royalty periods in the taxable year. If the physical location
20 of the property during the rental or royalty period is unknown,
21 or unascertainable by the taxpayer tangible personal property
22 is utilized in the state in which the property was located at
23 the time the rental or royalty payor obtained possession.
24 ~~(4)~~ (d) Nonbusiness capital gains and losses from the sale
25 or other disposition of assets shall be allocated as follows:
26 (i) Gains and losses from the sale or other disposition
27 of real property located in this state are allocable to this
28 state.
29 (ii) Gains and losses from the sale or other disposition of
30 tangible personal property are allocable to this state if the
31 property had a situs in this state at the time of the sale or
32 disposition or if the taxpayer's commercial domicile is in this
33 state and the taxpayer is not taxable in the state in which the
34 property had a situs.
35 (iii) Gains and losses from the sale or disposition of

S.F. _____

1 intangible personal property are allocable to this state if the
2 taxpayer's commercial domicile is in this state.
3 ~~*b.*~~ (2) Net nonbusiness income of the above class having
4 been separately allocated and deducted as above provided,
5 the remaining net business income of the taxpayer shall be
6 allocated and apportioned as follows:
7 ~~(1)~~ (a) Business interest, dividends, rents, and royalties
8 shall be reasonably apportioned within and without the state
9 under rules adopted by the director.
10 ~~(2)~~ (b) Capital gains and losses from the sale or other
11 disposition of assets shall be apportioned to the state based
12 upon the business activity ratio applicable to the year the
13 gain or loss is determined if the corporation determines Iowa
14 taxable income by a sales, gross receipts or other business
15 activity ratio. If the corporation has only allocable income,
16 capital gains and losses from the sale or other disposition of
17 assets shall be allocated in accordance with ~~paragraph *"a"*,~~
18 subparagraph ~~(4)~~ (1), subparagraph division (d).
19 ~~(3)~~ (c) Where income is derived from business other than
20 the manufacture or sale of tangible personal property, the
21 income shall be specifically allocated or equitably apportioned
22 within and without the state under rules of the director.
23 ~~(4)~~ (d) Where income is derived from the manufacture or
24 sale of tangible personal property, the part attributable to
25 business within the state shall be in that proportion which
26 the gross sales made within the state bear to the total gross
27 sales.
28 ~~(5)~~ (e) Where income consists of more than one class of
29 income as provided in ~~subparagraphs (1) to (4)~~ subparagraph
30 divisions (a) through (d) of this ~~paragraph~~ subparagraph, it
31 shall be reasonably apportioned by the business activity ratio
32 provided in rules adopted by the director.
33 ~~(6)~~ (f) The gross sales of the corporation within the
34 state shall be taken to be the gross sales from goods delivered
35 or shipped to a purchaser within the state regardless of

S.F. _____

1 the F.O.B. point or other conditions of the sale, excluding
2 deliveries for transportation out of the state.
3 *b.* For the purpose of this ~~section, the word *"sale"*~~
4 subsection:
5 (1) *"Sale"* shall include exchange~~, and the word~~
6 ~~*"manufacture"*~~.
7 (2) *"Manufacture"* shall include the extraction and recovery
8 of natural resources and all processes of fabricating and
9 curing. ~~The words *"tangible*~~
10 (3) *"Tangible personal property"* shall be taken to mean
11 corporeal personal property, such as machinery, tools,
12 implements, goods, wares, and merchandise, and shall not be
13 taken to mean money deposits in banks, shares of stock, bonds,
14 notes, credits, or evidence of an interest in property and
15 evidences of debt.
16 4. *a.* In addition to all taxes imposed under this division,
17 there is imposed upon each corporation doing business within
18 the state the greater of the tax determined in subsection 1,
19 paragraphs *"a"* through *"d"* or the state alternative minimum tax
20 equal to sixty percent of the maximum state corporate income
21 tax rate, rounded to the nearest one-tenth of one percent, of
22 the state alternative minimum taxable income of the taxpayer
23 computed under this subsection.
24 *b.* The state alternative minimum taxable income of a
25 taxpayer is equal to the taxpayer's state taxable income as
26 computed with the adjustments in section 422.35 and with the
27 following adjustments:
28 ~~*a.*~~ (1) Add items of tax preference included in federal
29 alternative minimum taxable income under section 57, except
30 subsections (a)(1) and (a)(5), of the Internal Revenue Code,
31 make the adjustments included in federal alternative minimum
32 taxable income under section 56, except subsections (a)(4) and
33 (d), of the Internal Revenue Code, and add losses as required
34 by section 58 of the Internal Revenue Code. In making the
35 adjustment under section 56(c)(1) of the Internal Revenue Code,

S.F. _____

1 interest and dividends from federal securities and interest and
2 dividends from state and other political subdivisions and from
3 regulated investment companies exempt from federal income tax
4 under the Internal Revenue Code, net of amortization of any
5 discount or premium, shall be subtracted.
6 ~~*b.*~~ (2) Apply the allocation and apportionment provisions of
7 subsection 2.
8 ~~*c.*~~ (3) Subtract an exemption amount of forty thousand
9 dollars. This exemption amount shall be reduced, but not
10 below zero, by an amount equal to twenty-five percent of the
11 amount by which the alternative minimum taxable income of the
12 taxpayer, computed without regard to the exemption amount in
13 this paragraph, exceeds one hundred fifty thousand dollars.
14 ~~*d.*~~ (4) In the case of a net operating loss computed for a
15 tax year beginning after December 31, 1986, which is carried
16 back or carried forward to the current taxable year, the net
17 operating loss shall be reduced by the amount of items of
18 tax preference and adjustments arising in the tax year which
19 is taken into account in computing the net operating loss
20 in section 422.35, subsection 11. The deduction for a net
21 operating loss for a tax year beginning after December 31,
22 1986, which is carried back or carried forward to the current
23 taxable year shall not exceed ninety percent of the alternative
24 minimum taxable income determined without regard for the net
25 operating loss deduction.
26 7. *a.* (1) There is allowed as a credit against the tax
27 determined in subsection 1 for a tax year an amount equal to
28 the minimum tax credit for that tax year.
29 (2) The minimum tax credit for a tax year is the excess,
30 if any, of the net minimum tax imposed for all prior tax
31 years beginning on or after January 1, 1987, over the amount
32 allowable as a credit under this subsection for those prior tax
33 years.
34 *b.* (1) The allowable credit under paragraph "*a*" for a tax
35 year shall not exceed the excess, if any, of the tax determined

S.F. _____

in subsection 1 over the state alternative minimum tax as determined in subsection 4.

(2) The net minimum tax for a tax year is the excess, if any, of the tax determined in subsection 4 for the tax year over the tax determined in subsection 1 for the tax year.

Sec. 90. Section 422.70, subsection 1, paragraphs b, c, and d, Code 2014, are amended to read as follows:

b. To require by subpoena the attendance and testimony of witnesses~~; to~~.

c. To issue and sign subpoenas.

~~*c.*~~ *d.* To administer oaths, to examine witnesses and receive evidence.

~~*d.*~~ *e.* To compel witnesses to produce for examination books, papers, records, and documents relating to any matter which the director has the authority to investigate or determine.

Sec. 91. Section 423.3, subsection 60, paragraph h, Code 2014, is amended to read as follows:

h. (1) *"Prosthetic device"* means a replacement, corrective, or supportive device including repair and replacement parts for the same worn on or in the body to do any of the following:

~~(1)~~ (a) Artificially replace a missing portion of the body.

~~(2)~~ (b) Prevent or correct physical deformity or malfunction.

~~(3)~~ (c) Support a weak or deformed portion of the body.

(2) *"Prosthetic device"* includes but is not limited to orthopedic or orthotic devices, ostomy equipment, urological equipment, tracheostomy equipment, and intraocular lenses.

Sec. 92. Section 426A.8, Code 2014, is amended to read as follows:

426A.8 Excess remitted — appeals.

1. If the amount of credit apportioned to any property eligible for military service tax exemption under this chapter in any year shall exceed the total tax, exclusive of any special assessments levied against such property eligible for military service tax exemption, then the excess shall

S.F. _____

be remitted by the county treasurer to the department of revenue to be redeposited in the general fund of the state and reallocated the following year by the department.

2. *a.* If any claim for exemption made has been denied by the board of supervisors, and the action is subsequently reversed on appeal, the same credit shall be allowed on the assessed valuation, not to exceed the amount of the military service tax exemption involved in the appeal, as was allowed on other military service tax exemption valuations for the year or years in question, and the director of revenue, the county auditor, and the county treasurer shall credit and change their books and records accordingly.

b. If the appealing taxpayer has paid one or both of the installments of the tax payable in the year or years in question on such military service tax exemption valuation, remittance shall be made to the county treasurer in the amount of such credit.

c. The amount of the credit shall be allocated and paid from the surplus redeposited in the general fund of the state provided for in ~~the first paragraph of this section~~ subsection 1.

Sec. 93. Section 426A.11, subsections 1 and 2, Code 2014, are amended to read as follows:

1. The property, not to exceed two thousand seven hundred seventy-eight dollars in taxable value, of any veteran, as defined in section 35.1, of World War I.

2. The property, not to exceed one thousand eight hundred fifty-two dollars in taxable value, of an honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged veteran, as defined in section 35.1, subsection 2, paragraph *"a"* or *"b"*.

Sec. 94. Section 426B.5, subsection 1, paragraph d, subparagraph (1), subparagraph divisions (a) and (b), Code 2014, are amended to read as follows:

(a) The county is levying the maximum amount allowed for

S.F. _____

1 the county's mental health~~, intellectual disability,~~ and
2 ~~developmental~~ disabilities services fund under section 331.424A
3 for the fiscal year in which the funding is distributed.
4 (b) In the latest fiscal year reported in accordance with
5 section 331.403, the county's mental health~~, intellectual~~
6 ~~disability,~~ and ~~developmental~~ disabilities services fund ending
7 balance under generally accepted accounting principles was
8 equal to or less than twenty-five percent of the county's
9 actual gross expenditures for that fiscal year.
10 Sec. 95. Section 426B.5, subsection 2, paragraph a, Code
11 2014, is amended to read as follows:
12 *a.* For the purposes of this subsection, unless the context
13 otherwise requires, *"services fund"* means a county's mental
14 health~~, intellectual disability,~~ and ~~developmental~~ disabilities
15 services fund created in section 331.424A.
16 Sec. 96. Section 445.37, Code 2014, is amended to read as
17 follows:
18 **445.37 When delinquent.**
19 1. *a.* If the semiannual installment of any tax has not
20 been paid before October 1 succeeding the levy, that amount
21 becomes delinquent from October 1 after due. However, in those
22 instances when the last day of September is a Saturday or
23 Sunday, that amount becomes delinquent on the second business
24 day of October. If the second installment is not paid before
25 April 1 succeeding its maturity, it becomes delinquent from
26 April 1 after due. However, in those instances when the last
27 day of March is a Saturday or Sunday, that amount becomes
28 delinquent on the second business day of April. This paragraph
29 applies to all taxes as defined in section 445.1, subsection 6.
30 *b.* However, if there is a delay in the delivery of the tax
31 list referred to in chapter 443 to the county treasurer, the
32 amount of ad valorem taxes and manufactured or mobile home
33 taxes due shall become delinquent thirty days after the date of
34 delivery or on the delinquent date of the first installment,
35 whichever date occurs later. The delay shall not affect the

S.F. _____

1 due dates for special assessments and rates or charges. The
2 delinquent date for special assessments and rates or charges
3 is the same as the first installment delinquent date for ad
4 valorem taxes, including any extension, in absence of a statute
5 to the contrary.
6 2. *a.* To avoid interest on delinquent taxes, a payment must
7 be received by the treasurer on or before the last business
8 day of the month preceding the delinquent date, or mailed with
9 appropriate postage and applicable fees paid, and a United
10 States postal service postmark affixed to the payment envelope,
11 with the postmark bearing a date preceding the delinquent
12 date. Items returned to the sender by the United States postal
13 service for insufficient postage or applicable fees shall be
14 assessed interest, unless the appropriate postage and fees are
15 paid and the items are postmarked again before the delinquent
16 date. However, if the last calendar day of a month falls on a
17 Saturday, Sunday, or a holiday, that amount becomes delinquent
18 on the second business day of the following month.
19 *b.* To avoid interest on current or delinquent taxes, for
20 payments made through a county treasurer's authorized internet
21 site only, if the last day of the month falls on a Saturday,
22 Sunday, or a holiday, the electronic payment must be initiated
23 by midnight on the first business day of the next month. All
24 other electronic payments must be initiated by midnight on the
25 last day of the month preceding the delinquent date.
26 Sec. 97. Section 452A.2, subsection 27, paragraph a,
27 subparagraph (2), Code 2014, is amended to read as follows:
28 (2) Any liquid advertised, offered for sale, sold
29 for use as, or commonly or commercially used as a fuel
30 for propelling motor vehicles which, when subjected to
31 distillation of gasoline, naphtha, kerosene and similar
32 petroleum products [ASTM (American society for testing and
33 materials) international designation D-86], shows not less
34 than ten percent distilled (recovered) below ~~three hundred~~
35 ~~forty-seven~~ 347 degrees Fahrenheit ~~(one hundred seventy-five~~

S.F. _____

1 (175 degrees Centigrade) and not less than ninety-five percent
2 distilled (recovered) below ~~four hundred sixty-four~~ 464 degrees
3 Fahrenheit ~~(two hundred forty~~ (240 degrees Centigrade).
4 Sec. 98. Section 452A.2, subsection 27, paragraph b, Code
5 2014, is amended to read as follows:
6 *b. "Motor fuel"* does not include special fuel, and does not
7 include liquefied gases which would not exist as liquids at a
8 temperature of ~~sixty~~ 60 degrees Fahrenheit and a pressure of
9 fourteen and seven-tenths pounds per square inch absolute, or
10 naphthas and solvents unless the liquefied gases or naphthas
11 and solvents are used as a component in the manufacture,
12 compounding, or blending of a liquid within paragraph *"a"*,
13 subparagraph (2), in which event the resulting product shall be
14 deemed to be motor fuel. *"Motor fuel"* does not include methanol
15 unless blended with other motor fuels for use in an aircraft or
16 for propelling motor vehicles.
17 Sec. 99. Section 452A.3, subsection 4, Code 2014, is amended
18 to read as follows:
19 4. For compressed natural gas used as a special fuel, the
20 rate of tax that is equivalent to the motor fuel tax shall
21 be sixteen cents per hundred cubic feet adjusted to a base
22 temperature of ~~sixty~~ 60 degrees Fahrenheit and a pressure of
23 fourteen and seventy-three hundredths pounds per square inch
24 absolute.
25 Sec. 100. Section 452A.86, Code 2014, is amended to read as
26 follows:
27 **452A.86 Method of determining gallonage.**
28 The exclusive method of determining gallonage of any
29 purchases or sales of motor fuel, undyed special fuel,
30 compressed natural gas, or liquefied petroleum gas as defined
31 in this chapter and distillate fuels shall be on a gross volume
32 basis. A temperature-adjusted or other method shall not be
33 used, except as it applies to liquefied petroleum gas and
34 the sale or exchange of petroleum products between petroleum
35 refiners. All invoices, bills of lading, or other records of

S.F. _____

sale or purchase and all returns or records required to be made, kept, and maintained by a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas or liquefied petroleum gas dealer or user shall be made, kept, and maintained on the gross volume basis. For purposes of this section, *"distillate fuels"* means any fuel oil, gas oil, topped crude oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils which have a boiling range at atmospheric pressure which falls completely or in part between ~~five hundred fifty~~ 550 and ~~twelve hundred~~ 1,200 degrees Fahrenheit.

Sec. 101. Section 455B.471, subsections 7 and 8, Code 2014, are amended to read as follows:

7. *"Petroleum"* means petroleum, including crude oil or any fraction of crude oil which is liquid at standard conditions of temperature and pressure ~~(sixty~~ (60 degrees Fahrenheit and fourteen and seven-tenths pounds per square inch absolute).

8. *"Regulated substance"* means an element, compound, mixture, solution or substance which, when released into the environment, may present substantial danger to the public health or welfare or the environment. Regulated substance includes substances designated in 40 C.F.R., pts. 61 and 116, and 40 C.F.R. § 401.15, and petroleum including crude oil or any fraction of crude oil which is liquid at standard conditions of temperature and pressure ~~(sixty~~ (60 degrees Fahrenheit and fourteen and seven-tenths pounds per square inch absolute). However, regulated substance does not include a substance regulated as a hazardous waste under the Resource Conservation and Recovery Act of 1976. Substances may be added or deleted as regulated substances by rule of the commission pursuant to section 455B.474.

Sec. 102. Section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph division (b), subparagraph subdivision (ii), Code 2014, is amended to read as follows:

(ii) Not more than six percent of the moneys is appropriated

S.F. _____

1 annually to the state hygienic laboratory to assist in well
2 testing.
3 (iii) For purposes of this subparagraph division, *"cistern"*
4 means an artificial reservoir constructed underground for the
5 purpose of storing rainwater.
6 Sec. 103. Section 455G.2, subsection 13, Code 2014, is
7 amended to read as follows:
8 13. *"Petroleum"* means petroleum, including crude oil or any
9 fraction of crude oil which is liquid at standard conditions
10 of temperature and pressure ~~(sixty~~ (60 degrees Fahrenheit and
11 fourteen and seven-tenths pounds per square inch absolute).
12 Sec. 104. Section 455G.13, subsection 2, paragraph b, Code
13 2014, is amended to read as follows:
14 *b.* An ~~owner~~ owner's or operator's liability for a release
15 for which coverage is admitted under the underground storage
16 tank insurance fund established in section 455G.11, Code 2003,
17 shall not exceed the amount of the deductible.
18 Sec. 105. Section 455G.13, subsection 10, paragraph a, Code
19 2014, is amended to read as follows:
20 *a.* Upon payment by the fund for corrective action or
21 third-party liability pursuant to this subchapter, the rights
22 of the claimant to recover payment from any potentially
23 responsible party~~,~~ are assumed by the board to the extent paid
24 by the fund. A claimant is precluded from receiving double
25 compensation for the same injury.
26 Sec. 106. Section 456A.37, subsection 1, paragraph a, Code
27 2014, is amended to read as follows:
28 *a.* *"Aquatic invasive species"* means a nonnative wildlife or
29 plant species that ~~have~~ has been determined by the department
30 to pose a significant threat to the aquatic resources or water
31 infrastructure of the state.
32 Sec. 107. Section 462A.2, subsection 32, Code 2014, is
33 amended to read as follows:
34 32. *"Proceeds"* includes whatever is received when collateral
35 or proceeds are sold, exchanged, collected, or otherwise

S.F. _____

1 disposed of. The term also includes the account arising when
2 the right to payment is earned under a contract right. Money,
3 checks, and the like are ~~*cash "proceeds"*~~ *"cash proceeds"*. All
4 other proceeds are *"noncash proceeds"*.
5 Sec. 108. Section 468.188, Code 2014, is amended to read as
6 follows:
7 **468.188 Public improvements which divide a district —**
8 **procedure.**
9 1. If it should develop that any type of public improvement,
10 other than the forces of nature, has caused such a change in
11 the district as to effectively sever and cut off some of the
12 land in the district from other lands in the district and from
13 the improvements in the district in such a way as to deprive
14 the land of any further benefits from the improvement, or in
15 some manner to divide the benefits that may be derived from
16 two separated portions of the improvement, then the board
17 of supervisors or the board of trustees in charge may upon
18 notice to interested parties and hearing as provided by this
19 subchapter, parts 1 through 5, for the original establishment
20 of a district make an order to remove lands so deprived of
21 benefits from the district without any reclassification, or
22 may subdivide the district into two separate entities if the
23 public improvement splits the district into two separate units,
24 each of which may still derive some separate benefits from the
25 separated portions of the district.
26 2. If the public improvement is such as to leave two
27 separate portions of the improvement that are still operable
28 and of benefit to the land on each side of the division made by
29 the public improvement, then the board may divide the district
30 into two separate units so that each may perform further work
31 on the improvements in their respective parts, but neither
32 shall be charged for work completed on the opposite side of
33 the new improvement that divides them and may only be charged
34 for the work done in that portion of the district remaining on
35 their side of the division.

S.F. _____

1 3. The same authority provided in this section shall vest in
2 the board of supervisors or the board of trustees in the event
3 a drainage district in any manner relinquishes its control over
4 any portion of its improvements or its obligation to maintain
5 same to another district and lands may be removed from the
6 district or the district may be divided as provided in this
7 section.
8 4. The board may further in dividing the district award to
9 each of the separated portions of the district the improvement
10 remaining in each portion, determine the value of the
11 improvement so remaining on each side and secondly determine
12 the contributions of the lands in the separated portions to the
13 improvements and the upkeep of the earlier district, and if
14 the contribution is proportionate neither side shall owe the
15 other portion of the district any money, but if contribution
16 is disproportionate, the board shall determine an equitable
17 adjustment and the amount of payment required for one portion
18 to pay to the other to buy the existing improvement.
19 5. If land is eliminated from any further benefits, there
20 need not be any reclassification and the board may remove the
21 same from the district in the same manner as if the land has
22 been destroyed in whole by the erosion of a river and spread
23 any deficiency in assessment among the remaining lands as
24 provided by section 468.49.
25 6. *"Type of public improvement"* for the purpose of this
26 section includes drainage or levee improvements or new
27 highways.
28 Sec. 109. Section 468.500, subsection 1, paragraph b, Code
29 2014, is amended to read as follows:
30 *b.* A drainage or levee district under the control of a city
31 council as provided in subchapter II, part 3, may be placed
32 under the control and management of a board of trustees by the
33 city council following the procedures provided in subchapter
34 II, part 2, for the county board of supervisors.
35 Sec. 110. Section 468.500, subsection 2, Code 2014, is

S.F. _____

1 amended to read as follows:
2 2. An overlying drainage or levee district that controls and
3 manages improvements and rights-of-way surrendered by a board
4 of supervisors or board of trustees of a contained district,
5 in accordance with sections 468.256 through 468.259, shall
6 continue to be controlled and managed by a board of trustees as
7 provided in subchapter II, part 3.
8 Sec. 111. Section 479.5, Code 2014, is amended to read as
9 follows:
10 **479.5 Application for permit.**
11 1. A pipeline company doing business in this state shall
12 file with the board its verified petition asking for a permit
13 to construct, maintain and operate its pipeline or lines along,
14 over or across the public or private highways, grounds, waters
15 and streams of any kind of this state. Any pipeline company
16 now owning or operating a pipeline in this state shall be
17 issued a permit by the board upon supplying the information as
18 provided for in section 479.6.
19 2. A pipeline company doing business in this state and
20 proposing to engage in underground storage of gas within this
21 state shall file with the board its verified petition asking
22 for a permit to construct, maintain and operate facilities for
23 the underground storage of gas to include the construction,
24 placement, maintenance and operation of machinery, appliances,
25 fixtures, wells, pipelines, and stations necessary for the
26 construction, maintenance and operation of the gas underground
27 storage facilities.
28 3. *a.* A pipeline company shall hold informational meetings
29 in each county in which real property or property rights
30 will be affected at least thirty days prior to filing the
31 petition for a new pipeline. A member of the board or a person
32 designated by the board shall serve as the presiding officer
33 at each meeting, shall present an agenda for the meeting which
34 shall include a summary of the legal rights of the affected
35 landowners, and shall distribute and review the statement of

S.F. _____

1 individual rights required under section 6B.2A. A formal record
2 of the meeting shall not be required.
3 *b.* The meeting shall be held at a location reasonably
4 accessible to all persons, companies, or corporations which may
5 be affected by the granting of the permit.
6 4. *a.* The pipeline company seeking the permit for a new
7 pipeline shall give notice of the informational meeting to each
8 person determined to be a landowner affected by the proposed
9 project and each person in possession of or residing on the
10 property. For the purposes of the informational meeting,
11 *"landowner"* means a person listed on the tax assessment rolls
12 as responsible for the payment of real estate taxes imposed on
13 the property and *"pipeline"* means a line transporting a solid,
14 liquid, or gaseous substance, except water, under pressure
15 in excess of one hundred fifty pounds per square inch and
16 extending a distance of not less than five miles or having a
17 future anticipated extension of an overall distance of five
18 miles.
19 *b.* The notice shall set forth the name of the applicant;
20 the applicant's principal place of business; the general
21 description and purpose of the proposed project; the general
22 nature of the right-of-way desired; the possibility that the
23 right-of-way may be acquired by condemnation if approved by
24 the utilities board; a map showing the route of the proposed
25 project; a description of the process used by the utilities
26 board in making a decision on whether to approve a permit
27 including the right to take property by eminent domain; that
28 the landowner has a right to be present at such meeting and
29 to file objections with the board; and a designation of the
30 time and place of the meeting. The notice shall be served by
31 certified mail with return receipt requested not less than
32 thirty days previous to the time set for the meeting, and shall
33 be published once in a newspaper of general circulation in
34 the county. The publication shall be considered notice to
35 landowners whose residence is not known and to each person in

S.F. _____

possession of or residing on the property provided a good faith effort to notify can be demonstrated by the pipeline company.

5. A pipeline company seeking rights under this chapter shall not negotiate or purchase any easements or other interests in land in any county known to be affected by the proposed project prior to the informational meeting.

Sec. 112. Section 481A.1, subsection 35, Code 2014, is amended to read as follows:

35. *"Whitetail"* means an animal belonging to the ~~cervidae~~ Cervidae family and classified as part of the ~~virginianus~~ Virginianus species of the ~~odocoileus~~ Odocoileus genus, commonly referred to as whitetail.

Sec. 113. Section 481A.10A, Code 2014, is amended to read as follows:

481A.10A Farmer advisory committee.

1. The director shall establish a farmer advisory committee for the purpose of providing information to the department regarding crop and tree damage caused by deer, wild turkey, and other predators.

2. Members of the committee shall include a representative designated by each of the following organizations: ~~the~~

a. The Iowa corn growers association~~, the~~.

b. The Iowa farm bureau federation~~, the~~.

c. The Iowa farmers union~~, the~~.

d. The Iowa state horticulture society~~, the~~.

e. The Iowa Christmas tree growers association~~, the~~.

f. The Iowa nursery and landscape association~~, the~~.

g. The department of agriculture and land stewardship~~, and the~~.

h. The Iowa state university agricultural extension service.

3. The committee shall meet with a representative of the department of natural resources on a semiannual basis. The committee shall serve without compensation or reimbursement for expenses.

Sec. 114. Section 483A.54, Code 2014, is amended to read as

S.F. _____

1 follows:
2 **483A.54 Nonliability of the state and its officials.**
3 1. Bonds issued are special limited obligations of the
4 commission and are not a debt or liability of the state or
5 any other political subdivision within the meaning of any
6 constitutional or statutory debt limitation and are not a
7 pledge of the state's credit or taxing power within the meaning
8 of any constitutional or statutory limitation or provision
9 and, except as provided in this ~~division~~ subchapter, an
10 appropriation shall not be made, directly or indirectly, by the
11 state or any political subdivision of the state for the payment
12 of bonds. The bonds are special obligations of the commission
13 payable solely from the wildlife habitat bond fund. Funds from
14 the general fund of the state shall not be used to pay interest
15 or principal on the bonds if revenues deposited in the wildlife
16 habitat bond fund are insufficient.
17 2. The members of the commission or other person executing
18 the bonds is not personally liable for the payment of the
19 bonds. The bonds are valid and binding obligations of the
20 commission notwithstanding the fact that before the delivery of
21 the bonds any of the officers whose signatures appear on the
22 bonds cease to be officers of the state. From and after the
23 sale and delivery of the bonds, they shall be incontestable by
24 the commission.
25 Sec. 115. Section 493.9, Code 2014, is amended to read as
26 follows:
27 **493.9 Change in stock.**
28 Any such corporation may, by appropriate amendments to its
29 articles of incorporation, adopted by a ~~two-third~~ two-thirds
30 affirmative vote of each class of stock then issued and
31 outstanding and affected by such amendment, change its common
32 or preferred stock having a par value to an equal, greater or
33 less number of shares of stock having no par value, and, in
34 connection therewith, may fix the amount of capital represented
35 by such shares of stock without par value.

S.F. _____

Sec. 116. Section 508.36, subsection 5, paragraph c, Code 2014, is amended to read as follows:

c. Weighting factors.

~~(1)~~ The weighting factors referred to in paragraph *"b"* are given in the following tables:

~~(a) (i)~~ (1) (a) Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

~~(ii)~~ (b) For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy.

~~(b)~~ (2) The weighting factors for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options is .80.

~~(c)~~ (3) Weighting factors for other annuities and for guaranteed interest contracts, except as stated in subparagraph ~~division (b)~~ (2), shall be as specified in subparagraph ~~subdivisions (i), (ii), and (iii)~~ divisions (a), (b), and (c) of this subparagraph ~~division~~, according to the rules and definitions in subparagraph ~~subdivisions (iv), (v), and (vi)~~ divisions (d), (e), and (f) of this subparagraph ~~division~~:

~~(i)~~ (a) For annuities and guaranteed interest contracts valued on an issue-year basis:

	Weighting Factor for Plan Type		
Guarantee Duration (Years)	A	B	C
5 or less	.80	.60	.50
More than 5,			

S.F. _____

but not more than 10	.75	.60	.50
More than 10,			
but not more than 20	.65	.50	.45
More than 20	.45	.35	.35

~~(ii)~~ (b) For annuities and guaranteed interest contracts valued on a change-in-fund basis, the factors shown in subparagraph ~~subdivision (i)~~ division (a) of this subparagraph ~~division~~ increased by:

Plan Type		
A	B	C
.15	.25	.05

~~(iii)~~ (c) For annuities and guaranteed interest contracts valued on an issue-year basis, other than those with no cash settlement options, which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change-in-fund basis which do not guarantee interest rates on considerations received more than twelve months beyond the valuation date, the factors shown in subparagraph ~~subdivision (i)~~ division (a) of this subparagraph ~~division~~ or derived in subparagraph ~~subdivision (ii)~~ division (b) of this subparagraph ~~division~~ increased by:

Plan Type		
A	B	C
.05	.05	.05

~~(iv)~~ (d) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee durations in excess of twenty years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are

S.F. _____

1 scheduled to commence.
2 ~~(v)~~ (e) *"Plan type"*, as used in subparagraph ~~subdivisions~~
3 ~~(i), (ii), and (iii)~~ divisions (a), (b), and (c) of this
4 subparagraph ~~division~~, is defined as follows:
5 ~~(A)~~ (i) *"Plan Type A"*: At any time, the policyholder
6 may withdraw funds only with an adjustment to reflect changes
7 in interest rates or asset values since receipt of the funds
8 by the insurance company, or may withdraw funds without that
9 adjustment but in installments over five years or more, or may
10 withdraw funds as in immediate life annuity; or no withdrawal
11 is permitted.
12 ~~(B)~~ (ii) *"Plan Type B"*: Before expiration of the interest
13 rate guarantee, the policyholder may withdraw funds only with
14 an adjustment to reflect changes in interest rates or asset
15 values since receipt of the funds by the insurance company, or
16 may withdraw funds without that adjustment but in installments
17 over five years or more; or no withdrawal is permitted. At the
18 end of interest rate guarantee, funds may be withdrawn without
19 adjustment in a single sum or installments over less than five
20 years.
21 ~~(C)~~ (iii) *"Plan Type C"*: The policyholder may withdraw
22 funds before expiration of interest rate guarantee in a single
23 sum or installments over less than five years either without
24 adjustment to reflect changes in interest rates or asset values
25 since receipt of the funds by the insurance company, or subject
26 only to a fixed surrender charge stipulated in the contract as
27 a percentage of the fund.
28 ~~(vi)~~ (f) A company may elect to value guaranteed interest
29 contracts with cash settlement options and annuities with
30 cash settlement options on either an issue-year basis or on
31 a change-in-fund basis. Guaranteed interest contracts with
32 no cash settlement options and other annuities with no cash
33 settlement options must be valued on an issue-year basis.
34 As used in this section, an issue-year basis of valuation
35 refers to a valuation basis under which the interest rate used

S.F. _____

1 to determine the minimum valuation standard for the entire
2 duration of the annuity or guaranteed interest contract is the
3 calendar year valuation interest rate for the year of issue
4 or year of purchase of the annuity or guaranteed interest
5 contract, and the change-in-fund basis of valuation refers to a
6 valuation basis under which the interest rate used to determine
7 the minimum valuation standard applicable to each change in the
8 fund held under the annuity or guaranteed interest contract is
9 the calendar year valuation interest rate for the year of the
10 change in the fund.
11 Sec. 117. Section 514.1, subsection 2, Code 2014, is amended
12 to read as follows:
13 2. For the purposes of this chapter~~, *"subscriber"*~~:
14 *a. "Health care"* means that care necessary for the purpose
15 of preventing, alleviating, curing, or healing human physical
16 or mental illness, injury, or disability.
17 *b. "Provider"* means a person as defined in section 4.1,
18 subsection 20, which is licensed or authorized in this state to
19 furnish health care services.
20 *c. "Subscriber"* means an individual who enters into a
21 contract for health care services with a corporation subject
22 to this chapter and includes a person eligible for mandatory
23 medical assistance or optional medical assistance as defined
24 under chapter 249A, with respect to whom the department
25 of human services has entered into a contract with a firm
26 operating under this chapter. ~~For purposes of this chapter,~~
27 ~~*"provider"* means a person as defined in section 4.1, subsection~~
28 ~~20, which is licensed or authorized in this state to furnish~~
29 ~~health care services. *"Health care"* means that care necessary~~
30 ~~for the purpose of preventing, alleviating, curing, or healing~~
31 ~~human physical or mental illness, injury, or disability.~~
32 Sec. 118. Section 514I.10, subsection 1, Code 2014, is
33 amended to read as follows:
34 1. Cost sharing for eligible children whose family income
35 is below one hundred fifty percent of the federal poverty

S.F. _____

level shall not exceed the standards permitted under 42 U.S.C. ~~§ 1396(o)(a)(3)~~ §1396o(a)(3) or ~~§ 1396(o)(b)(1)~~ §1396o(b)(1).

Sec. 119. Section 521B.102, subsection 5, paragraph b, subparagraph (1), Code 2014, is amended to read as follows:

(1) The association shall satisfy the association's minimum capital and surplus requirements through the capital and surplus equivalents ~~(net~~, net of ~~liabilities)~~ liabilities, of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection.

Sec. 120. Section 554.1110, Code 2014, is amended to read as follows:

554.1110 ~~Rules for filing and indexing~~ Rules for filing and indexing.

The secretary of state shall make and promulgate rules for all filing and indexing pursuant to this chapter and chapter 554B including but not limited to rules on whether statements and documents shall be indexed in real estate records.

Sec. 121. Section 554.1201, subsection 2, paragraph p, Code 2014, is amended to read as follows:

p. "Document of title" means a record that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An *~~electronic~~ "electronic document of ~~title~~ title"* means a document of title evidenced by a record consisting of information stored in an electronic medium. A *~~tangible~~ "tangible document of ~~title~~ title"* means a document of title evidenced by a record

S.F. _____

1 consisting of information that is inscribed on a tangible
2 medium.
3 Sec. 122. Section 554.2311, subsection 2, Code 2014, is
4 amended to read as follows:
5 2. Unless otherwise agreed specifications relating to
6 assortment of the goods are at the buyer's option and except as
7 otherwise provided in section 554.2319, subsection 1, paragraph
8 *"c"*, and section 554.2319, subsection 3, specifications or
9 arrangements relating to shipment are at the seller's option.
10 Sec. 123. Section 556.1, subsection 12, Code 2014, is
11 amended to read as follows:
12 12. *a.* *"Property"* means a fixed and certain interest
13 in or right in an intangible that is held, issued, or owed
14 in the course of a holder's business, or by a government or
15 governmental entity, and all income or increment therefrom,
16 including that which is referred to as or evidenced by any of
17 the following:
18 ~~*a.*~~ (1) Money, check, draft, deposit, interest, dividend,
19 and income.
20 ~~*b.*~~ (2) Credit balance, customer overpayment, gift
21 certificate, security deposit, refund, credit memorandum,
22 unpaid wage, unused airline ticket, unused ticket, mineral
23 proceeds, and unidentified remittance and electronic fund
24 transfer.
25 ~~*c.*~~ (3) Stock or other evidence of ownership interests in
26 a business association.
27 ~~*d.*~~ (4) Bond, debenture, note, or other evidence of
28 indebtedness.
29 ~~*e.*~~ (5) Money deposited to redeem stocks, bonds, coupons,
30 and other securities, or to make distributions.
31 ~~*f.*~~ (6) An amount due and payable under the terms of an
32 insurance policy, including policies providing life insurance,
33 property and casualty insurance, workers' compensation
34 insurance, or health and disability benefits insurance.
35 ~~*g.*~~ (7) An amount distributable from a trust or custodian

S.F. _____

1 fund established under a plan to provide health, welfare,
2 pension, vacation, severance, retirement, death, stock
3 purchase, profit sharing, employee savings, supplemental
4 unemployment insurance, or similar benefits.
5 ~~*h.*~~ (8) Amounts distributable from a mineral interest in
6 land.
7 ~~*i.*~~ (9) Any other fixed and certain interest or right in an
8 intangible that is held, issued, or owing in the course of a
9 holder's business, or by a government or governmental entity.
10 *b.* *"Property"* does not include credits, advance payments,
11 overpayments, refunds, or credit memoranda shown on the books
12 and records of a business association with respect to another
13 business association unless the balance is property described
14 in section 556.2 held by a banking organization or financial
15 organization.
16 Sec. 124. Section 559.2, subsections 1 and 2, Code 2014, are
17 amended to read as follows:
18 1. General, special, or otherwise.
19 2. Vested, contingent, or conditional.
20 Sec. 125. Section 562A.2, subsection 2, paragraph c, Code
21 2014, is amended to read as follows:
22 *c.* To ~~insure~~ ensure that the right to the receipt of rent is
23 inseparable from the duty to maintain the premises.
24 Sec. 126. Section 562A.12, subsection 7, Code 2014, is
25 amended to read as follows:
26 7. The ~~bad faith~~ bad-faith retention of a deposit by a
27 landlord, or any portion of the rental deposit, in violation
28 of this section shall subject the landlord to punitive damages
29 not to exceed twice the monthly rental payment in addition to
30 actual damages.
31 Sec. 127. Section 589.16, Code 2014, is amended to read as
32 follows:
33 **589.16 Tax sales legalized.**
34 In all instances where a county treasurer heretofore
35 conducted a tax sale at the time provided in section 7259,

S.F. _____

1 Code 1935, or section 7262, ~~both of the~~ Code~~,~~ 1935, sales made
2 at such tax sale or any adjournment thereof shall not be held
3 invalid by reason of the failure of the county treasurer to
4 have brought forward the delinquent tax of prior years upon the
5 current tax lists in use by the said county treasurer at the
6 time of conducting the sale, or by reason of the failure of the
7 county treasurer to have offered all the property unsold before
8 each adjournment of said sale and said tax sales are hereby
9 legalized and declared valid notwithstanding the provisions of
10 section 7193, Code 1935, and section 7259, ~~both of the~~ Code~~,~~
11 1935, provided the delinquent taxes for which the said real
12 estate was sold had been brought forward upon the current tax
13 list of the year preceding the year in which the said tax
14 sale was conducted. Provided, however, that no tax sale so
15 legalized and validated shall affect a special assessment if
16 the same continues to remain a lien notwithstanding a tax deed
17 now or hereafter issued pursuant to such tax sale.
18 Sec. 128. Section 600.1, unnumbered paragraph 2, Code 2014,
19 is amended to read as follows:
20 If a proceeding held under this chapter involves an Indian
21 child as defined in section 232B.3 and the proceeding is
22 subject to the Iowa Indian child welfare Act under chapter
23 232B, the proceeding and other actions taken in connection
24 with the proceeding or this chapter shall comply with chapter
25 232B. In any proceeding held or action taken under this chapter
26 involving an Indian child, the applicable requirements of the
27 federal Adoption and Safe Families Act of ~~1999~~ 1997, Pub. L.
28 No. 105-89, shall be applied to the proceeding or action in a
29 manner that complies with chapter 232B and the federal Indian
30 Child Welfare Act, Pub. L. No. 95-608.
31 Sec. 129. Section 600A.3, unnumbered paragraph 2, Code
32 2014, is amended to read as follows:
33 If a proceeding held under this chapter involves an Indian
34 child as defined in section 232B.3 and the proceeding is
35 subject to the Iowa Indian child welfare Act under chapter

S.F. _____

232B, the proceeding and other actions taken in connection with the proceeding or this chapter shall comply with chapter 232B. In any proceeding held or action taken under this chapter involving an Indian child, the applicable requirements of the federal Adoption and Safe Families Act of ~~1999~~ 1997, Pub. L. No. 105-89, shall be applied to the proceeding or action in a manner that complies with chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608.

Sec. 130. Section 602.11101, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. For the period beginning July 1, 1983, and ending June 30, 1987, the provisions of division I ~~(articles~~ of 1983 Iowa Acts, ch. 186, articles 1 through ~~10)~~ 10 of this chapter, take effect only to the extent that the provisions do not conflict with the scheduled state assumption of responsibility for the components of the court system, and the amendments and repeals of divisions II and III of 1983 Iowa Acts, ch. 186, take effect only to the extent necessary to implement that scheduled state assumption of responsibility. If an amendment or repeal to a Code section in division II or III of 1983 Iowa Acts, ch. 186, is not effective during the period beginning July 1, 1983, and ending June 30, 1987, the Code section remains in effect for that period. On July 1, 1987, 1983 Iowa Acts, ~~chapter~~ ch. 186, takes effect in its entirety.

Sec. 131. Section 633.356, subsection 3, paragraph a, subparagraph (6), Code 2014, is amended to read as follows:

(6) If applicable, that the attached copy of the decedent's will is the last will of the decedent and has been admitted to probate or otherwise filed in the office of a clerk of the district court.

Sec. 132. Section 633.361, subsection 6, Code 2014, is amended to read as follows:

6. Name, relationship and post office address of each beneficiary under the will ~~(if~~ if the decedent died ~~testate)~~ testate or of each heir ~~(if~~ if the decedent died ~~intestate)~~

S.F. _____

1 intestate. If any persons take by representation, the personal
2 representative shall list the deceased person through whom
3 those persons take and shall also list the persons taking under
4 that deceased person.
5 Sec. 133. Section 633.510, subsection 2, Code 2014, is
6 amended to read as follows:
7 2. That the said absentee has property in this state
8 ~~(describing~~, describing it with reasonable ~~certainty)~~
9 certainty, all or part of which is situated in the county in
10 which the petition is filed.
11 Sec. 134. Section 633.647, subsection 3, Code 2014, is
12 amended to read as follows:
13 3. To make payments to, or for the benefit of, the ward in
14 any of the following ways:
15 *a.* Directly to the ward~~;~~.
16 *b.* Directly for the maintenance, welfare, and education of
17 the ward~~;~~.
18 *c.* To the legal guardian of the person of the ward~~; or~~.
19 *d.* To anyone who at the time shall have the custody and care
20 of the person of the ward.
21 Sec. 135. Section 657.11, subsection 3, Code 2014, is
22 amended to read as follows:
23 3. *a.* This section does not apply to a person during any
24 period that the person is classified as a chronic violator
25 under this subsection as to any confinement feeding operation
26 in which the person holds a controlling interest, as defined
27 by rules adopted by the department of natural resources. This
28 section shall apply to the person on and after the date that
29 the person is removed from the classification of chronic
30 violator. For purposes of this subsection, *"confinement feeding*
31 *operation"* means an animal feeding operation in which animals
32 are confined to areas which are totally roofed, and which
33 are regulated by the department of natural resources or the
34 environmental protection commission.
35 ~~*a.*~~ *b.* (1) A person shall be classified as a chronic

S.F. _____

1 violator if the person has committed three or more violations
2 as described in this subsection prior to, on, or after July 1,
3 1996. In addition, in relation to each violation, the person
4 must have been subject to either of the following:
5 (a) The assessment of a civil penalty by the department or
6 the commission in an amount equal to three thousand dollars or
7 more.
8 (b) A court order or judgment for a legal action brought
9 by the attorney general after referral by the department or
10 commission.
11 (2) Each violation must have occurred within five years
12 prior to the date of the latest violation, counting any
13 violation committed by a confinement feeding operation in which
14 the person holds a controlling interest. A violation occurs
15 on the date the department issues an administrative order to
16 the person assessing a civil penalty of three thousand dollars
17 or more, or on the date the department notifies a person in
18 writing that the department will recommend that the commission
19 refer, or the commission refers the case to the attorney
20 general for legal action, or the date of entry of the court
21 order or judgment, whichever occurs first. A violation under
22 this subsection shall not be counted if the civil penalty
23 ultimately imposed is less than three thousand dollars, the
24 department or commission does not refer the action to the
25 attorney general, the attorney general does not take legal
26 action, or a court order or judgment is not entered against
27 the person. A person shall be removed from the classification
28 of chronic violator on the date on which the person and all
29 confinement feeding operations in which the person holds a
30 controlling interest have committed less than three violations
31 described in this subsection for the prior five years.
32 ~~b.~~ *c.* For purposes of counting violations, a continuing and
33 uninterrupted violation shall be considered as one violation.
34 Different types of violations shall be counted as separate
35 violations regardless of whether the violations were committed

S.F. _____

1 during the same period. The violation must be a violation of
2 a state statute, or a rule adopted by the department, which
3 applies to a confinement feeding operation and any related
4 animal feeding operation structure, including an anaerobic
5 lagoon, earthen manure storage basin, formed manure storage
6 structure, or egg washwater storage structure; or any related
7 pollution control device or practice. The structure, device,
8 or practice must be part of the confinement feeding operation.
9 The violation must be one of the following:
10 (1) Constructing or operating a related animal feeding
11 operation structure or installing or using a related pollution
12 control device or practice, for which the person must obtain
13 a permit, in violation of statute or rules adopted by the
14 department, including the terms or conditions of the permit.
15 (2) Intentionally making a false statement or
16 misrepresenting information to the department as part of an
17 application for a construction permit for the related animal
18 feeding operation structure, or the installation of the related
19 pollution control device or practice, for which the person must
20 obtain a construction permit from the department.
21 (3) Failing to obtain a permit or approval by the department
22 for a permit to construct or operate a confinement feeding
23 operation or use a related animal feeding operation structure
24 or pollution control device or practice, for which the person
25 must obtain a permit from the department.
26 (4) Operating a confinement feeding operation, including a
27 related animal feeding operation structure or pollution control
28 device or practice, which causes pollution to the waters of the
29 state, if the pollution was caused intentionally, or caused
30 by a failure to take measures required to abate the pollution
31 which resulted from an act of God.
32 (5) Failing to submit a manure management plan as required,
33 or operating a confinement feeding operation required to have
34 a manure management plan without having submitted the manure
35 management plan.

S.F. _____

1 Sec. 136. Section 692.5, Code 2014, is amended to read as
2 follows:
3 **692.5 Right of notice, access and challenge.**
4 1. Any person or the person's attorney shall have the
5 right to examine and obtain a copy of criminal history data
6 filed with the department that refers to the person. The
7 person or person's attorney shall present or mail to the
8 department written authorization and the person's fingerprint
9 identification. The department shall not copy the fingerprint
10 identification and shall return or destroy the identification
11 after the copy of the criminal history data is made. The
12 department may prescribe reasonable hours and places of
13 examination.
14 2. Any person who files with the division a written
15 statement to the effect that a statement contained in the
16 criminal history data that refers to the person is nonfactual,
17 or information not authorized by law to be kept, and requests
18 a correction or elimination of that information that refers
19 to that person shall be notified within twenty days by the
20 division, in writing, of the division's decision or order
21 regarding the correction or elimination. Judicial review of
22 the actions of the division may be sought in accordance with
23 the terms of the Iowa administrative procedure Act, chapter
24 17A. Immediately upon the filing of the petition for judicial
25 review the court shall order the division to file with the
26 court a certified copy of the criminal history data and in no
27 other situation shall the division furnish an individual or the
28 individual's attorney with a certified copy, except as provided
29 by this chapter.
30 3. Upon the request of the petitioner, the record and
31 evidence in a judicial review proceeding shall be closed to
32 all but the court and its officers, and access thereto shall
33 be refused unless otherwise ordered by the court. The clerk
34 shall maintain a separate docket for such actions. A person,
35 other than the petitioner, shall not permit a copy of any of

S.F. _____

1 the testimony or pleadings or the substance thereof to be made
2 available to any person other than a party to the action or
3 the party's attorney. Violation of this section shall be a
4 public offense, punishable under section 692.7. The provisions
5 of this section shall be the sole right of action against the
6 department, its subdivisions, or employees regarding improper
7 storage or release of criminal history data.
8 4. Whenever the division corrects or eliminates data as
9 requested or as ordered by the court, the division shall advise
10 all agencies or individuals who have received the incorrect
11 information to correct their files. Upon application to the
12 district court and service of notice on the commissioner of
13 public safety, any individual may request and obtain a list of
14 all persons and agencies who received criminal history data
15 referring to the individual, unless good cause be shown why the
16 individual should not receive ~~said~~ the list.
17 Sec. 137. Section 707.11, subsection 1, Code 2014, is
18 amended to read as follows:
19 1. A person commits the offense of attempt to commit murder
20 when, with the intent to cause the death of another person
21 and not under circumstances which would justify the person's
22 actions, the person does any act by which the person expects
23 to set in motion a force or chain of events which will cause or
24 result in the death of the other person.
25 Sec. 138. Section 715C.1, subsection 11, Code 2014, is
26 amended to read as follows:
27 11. *a.* *"Personal information"* means an individual's first
28 name or first initial and last name in combination with any
29 one or more of the following data elements that relate to the
30 individual if any of the data elements are not encrypted,
31 redacted, or otherwise altered by any method or technology in
32 such a manner that the name or data elements are unreadable:
33 ~~*a.*~~ (1) Social security number.
34 ~~*b.*~~ (2) Driver's license number or other unique
35 identification number created or collected by a government

S.F. _____

1 body.
2 ~~c.~~ (3) Financial account number, credit card number, or
3 debit card number in combination with any required security
4 code, access code, or password that would permit access to an
5 individual's financial account.
6 ~~d.~~ (4) Unique electronic identifier or routing code, in
7 combination with any required security code, access code, or
8 password that would permit access to an individual's financial
9 account.
10 ~~e.~~ (5) Unique biometric data, such as a fingerprint, retina
11 or iris image, or other unique physical representation or
12 digital representation of biometric data.
13 *b.* *"Personal information"* does not include information
14 that is lawfully obtained from publicly available sources, or
15 from federal, state, or local government records lawfully made
16 available to the general public.
17 Sec. 139. Section 719.1, subsections 1 and 2, Code 2014, are
18 amended to read as follows:
19 1. *a.* A person commits interference with official acts when
20 the person knowingly resists or obstructs anyone known by the
21 person to be a peace officer, emergency medical care provider
22 under chapter 147A, or fire fighter, whether paid or volunteer,
23 in the performance of any act which is within the scope of the
24 lawful duty or authority of that officer, emergency medical
25 care provider under chapter 147A, or fire fighter, whether paid
26 or volunteer, or who knowingly resists or obstructs the service
27 or execution by any authorized person of any civil or criminal
28 process or order of any court.
29 ~~a.~~ *b.* Interference with official acts is a simple
30 misdemeanor. In addition to any other penalties, the
31 punishment imposed under this paragraph shall include
32 assessment of a fine of not less than two hundred fifty
33 dollars.
34 ~~b.~~ *c.* If a person commits interference with official acts,
35 as defined in this subsection, which results in bodily injury,

S.F. _____

1 the person commits a serious misdemeanor.
2 ~~c.~~ *d.* If a person commits interference with official acts,
3 as defined in this subsection, which results in serious injury,
4 the person commits an aggravated misdemeanor.
5 ~~d.~~ *e.* If a person commits ~~an~~ interference with official
6 acts, as defined in this subsection, and in so doing inflicts
7 bodily injury other than serious injury, that person commits an
8 aggravated misdemeanor.
9 ~~e.~~ *f.* If a person commits ~~an~~ interference with official
10 acts, as defined in this subsection, and in so doing inflicts
11 or attempts to inflict serious injury, or displays a dangerous
12 weapon, as defined in section 702.7, or is armed with a
13 firearm, that person commits a class "D" felony.
14 2. *a.* A person under the custody, control, or supervision
15 of the department of corrections commits interference with
16 official acts when the person knowingly resists, obstructs, or
17 interferes with a correctional officer, agent, employee, or
18 contractor, whether paid or volunteer, in the performance of
19 the person's official duties.
20 ~~a.~~ *b.* Interference with official acts in violation of this
21 subsection is a serious misdemeanor.
22 ~~b.~~ *c.* If a person violates this subsection and in so doing
23 commits an assault, as defined in section 708.1, the person
24 commits an aggravated misdemeanor.
25 ~~c.~~ *d.* If a person violates this subsection and the
26 violation results in bodily injury to another, the person
27 commits an aggravated misdemeanor.
28 ~~d.~~ *e.* If a person violates this subsection and the
29 violation results in serious injury to another, the person
30 commits a class "D" felony.
31 ~~e.~~ *f.* If a person violates this subsection and in so
32 doing inflicts or attempts to inflict bodily injury other
33 than serious injury to another, displays a dangerous weapon,
34 as defined in section 702.7, or is armed with a firearm, the
35 person commits a class "D" felony.

S.F. _____

1 ~~f.~~ g. If a person violates this subsection and uses or
2 attempts to use a dangerous weapon, as defined in section
3 702.7, or inflicts serious injury to another, the person
4 commits a class "C" felony.
5 Sec. 140. Section 904.602, subsection 10, Code 2014, is
6 amended to read as follows:
7 10. Regulations, procedures, and policies that govern the
8 internal administration of the department and the judicial
9 district departments of correctional services under chapter
10 905, which if released may jeopardize the secure operation of a
11 correctional institution operation or program are confidential
12 unless otherwise ordered by a court. These records include
13 procedures on inmate movement and control, staffing patterns
14 and regulations, emergency plans, internal investigations,
15 equipment use and security, building plans, operation,
16 and security, security procedures for inmate, staff, and
17 visits, daily operation records, and contraband and medicine
18 control. These records are exempt from the public inspection
19 requirements in section 17A.3 and section 22.2.
20 ~~These records are exempt from the public inspection~~
21 ~~requirements in section 17A.3 and section 22.2.~~
22 DIVISION II
23 CORRESPONDING CHANGES
24 Sec. 141. Section 99F.15, subsection 6, Code 2014, is
25 amended to read as follows:
26 6. Except for wagers on gambling games or exchanges for
27 money as provided in section 99F.9, subsection ~~4~~ 3, a licensee
28 who exchanges tokens, chips, or other forms of credit to be
29 used on gambling games for anything of value commits a simple
30 misdemeanor.
31 Sec. 142. Section 99F.16, subsection 2, Code 2014, is
32 amended to read as follows:
33 2. Except for coins authorized in section 99F.9, subsection
34 ~~4~~ 3, all moneys, coin, and currency found in close proximity of
35 wagers, or of records of wagers are presumed forfeited. The

S.F. _____

1 burden of proof is upon the claimant of the property to rebut
2 this presumption.
3 Sec. 143. Section 422.34A, subsection 8, Code 2014, is
4 amended to read as follows:
5 8. Utilizing a distribution facility within this state,
6 owning or leasing property at a distribution facility within
7 this state that is used at or distributed from the distribution
8 facility, or selling property shipped or distributed from
9 a distribution facility. For purposes of this subsection,
10 *"distribution facility"* means an establishment where shipments
11 of tangible personal property are processed for delivery
12 to customers. *"Distribution facility"* does not include an
13 establishment where retail sales of tangible personal property
14 or returns of such property are undertaken with respect to
15 retail customers on more than twelve days a year except for a
16 distribution facility which processes customer sales orders
17 by mail, telephone, or electronic means, if the distribution
18 facility also processes shipments of tangible personal property
19 to customers provided that not more than ten percent of the
20 dollar amount of goods are delivered and shipped so as to be
21 included in the gross sales of the corporation within this
22 state as provided in section 422.33, subsection 2, paragraph ~~*"b"*~~
23 *"a"*, subparagraph ~~(6)~~ (2), subparagraph division (f).
24 Sec. 144. Section 422.36, subsection 6, Code 2014, is
25 amended to read as follows:
26 6. A foreign corporation is not required to file a return
27 if its only activities in Iowa are the storage of goods for a
28 period of sixty consecutive days or less in a warehouse for
29 hire located in this state whereby the foreign corporation
30 transports or causes a carrier to transport such goods
31 to that warehouse and provided that none of the goods are
32 delivered or shipped so as to be included in the gross sales
33 of the corporation within this state as provided in section
34 422.33, subsection 2, paragraph ~~*"b"*~~ *"a"*, subparagraph ~~(6)~~ (2),
35 subparagraph division (f).

S.F. _____

1 Sec. 145. Section 805.8C, subsection 5, paragraphs a and b,
2 Code 2014, are amended to read as follows:
3 *a.* For violations of legal age for gambling wagering under
4 section 99D.11, subsection 7, section 99F.9, subsection ~~5~~ 4,
5 and section 725.19, subsection 1, the scheduled fine is five
6 hundred dollars. Failure to pay the fine by a person under the
7 age of eighteen shall not result in the person being detained
8 in a secure facility.
9 *b.* For legal age violations for entering or attempting
10 to enter a facility under section 99F.9, subsection ~~6~~ 5, the
11 scheduled fine is five hundred dollars. Failure to pay the
12 fine by a person under the age of eighteen shall not result in
13 the person being detained in a secure facility.
14 DIVISION III
15 DIRECTIVES
16 Sec. 146. CODE EDITOR DIRECTIVES.
17 1. Sections 53.38, 53.39, 53.41, 53.44, 53.48, 53.49,
18 53.50, 53.51, 53.52, 73.15, 73.21, 85.63, 85.67, 85.68,
19 234.24, 234.26, 234.27, 234.28, 260C.56, 260C.57, 260C.61,
20 260C.63, 260C.64, 260C.65, 260C.67, 262.53, 262.56, 262.59,
21 262.60, 262.62, 262.63, 262.64, 262.65, 263.13, 358.36, 358.37,
22 461A.75, 461A.76, 461A.78, 462A.85, 476.26, 476.82, 483A.56,
23 and 499.71, are amended by striking the word "division" and
24 inserting in lieu thereof the word "subchapter".
25 2. Sections 53.46, subsections 1, 3, 5, 6, and 7; 53.53,
26 subsections 1 and 3; 73.16, subsection 2, paragraph "c";
27 85.65A, subsection 3, paragraph "e"; 85.66, subsection 1;
28 262.55, unnumbered paragraph 1; 263.11, unnumbered paragraph
29 1; 462A.77, subsection 9; 462A.83, unnumbered paragraph 1;
30 476.23, subsections 2 and 4; 476.25, subsection 1; 476.42,
31 unnumbered paragraph 1; 476.42, subsection 1, paragraph
32 "b"; 476.42, subsection 4, paragraph "b"; 476.44, subsection
33 2, paragraph "a"; 476.72, unnumbered paragraph 1; 476.76,
34 unnumbered paragraph 1; 483A.50, unnumbered paragraph 1;
35 483A.50, subsection 1; 483A.51, subsections 2, 5, and 6;

S.F. _____

1 499.61, unnumbered paragraph 1; 499.69, subsection 1, paragraph
2 "a"; and 499.69, subsection 1, paragraph "b", subparagraph (3),
3 are amended by striking the word "division" and inserting in
4 lieu thereof the word "subchapter".
5 3. Sections 144A.12, 331.449, 331.470, 554.9801, 554.9802,
6 554.9803, 554.9805, and 554.9809 are amended by striking,
7 within the Iowa Acts citation, the word "chapter" and inserting
8 in lieu thereof the abbreviation "ch.".
9 4. Sections 202B.202, subsections 2 and 3; 490.1703,
10 subsection 1, unnumbered paragraph 1; 490.1703, subsection
11 2; 514C.27, subsection 1, unnumbered paragraph 1; 516B.2,
12 unnumbered paragraph 1; 535.2, subsection 6, paragraph "a";
13 554.9804, subsection 1; 554.9806, subsection 1, paragraph "a";
14 554.9806, subsection 2, paragraph "b"; 554.9806, subsection
15 3, paragraph "a"; 554.9807, subsections 2 and 5; 602.11101,
16 subsection 2, paragraph "b"; and 602.11101, subsection 3, are
17 amended by striking, within the Iowa Acts citation, the word
18 "chapter" and inserting in lieu thereof the abbreviation "ch.".
19 5. Section 589.22 is amended by striking, within the Iowa
20 Acts citation, the letters "ch" and inserting in lieu thereof
21 the abbreviation "ch.".
22 6. Sections 202B.202, subsection 1; 426C.4, subsection
23 1, paragraph "b", subparagraph (2); 504.1703, subsection 1,
24 unnumbered paragraph 1; 504.1703, subsection 2; and 508.38,
25 subsection 11, are amended by striking, within the Iowa Acts
26 citation, the letters "ch" and inserting in lieu thereof the
27 abbreviation "ch.".
28 7. Section 155A.43 is amended by striking, within the Iowa
29 Acts citation, the words "chapter" and "section" and inserting
30 in lieu thereof the abbreviation "ch." and the symbol "§".
31 8. Sections 8.57, subsection 2; 135C.2, subsection 5;
32 144D.4, subsection 10; 233A.1, subsection 3; 233B.1, subsection
33 3; and 411.30, subsection 1, paragraph "c", are amended by
34 striking, within the Iowa Acts citation, the words "chapter"
35 and "section" and inserting in lieu thereof the abbreviation

S.F. _____

1 "ch." and the symbol "§".
2 9. Section 554.1110l is amended by striking, within the Iowa
3 Acts citation, the words "chapter" and "sections" and inserting
4 in lieu thereof the abbreviation "ch." and the symbol "§".
5 10. Sections 12E.3A, subsection 1; 16.54, subsection
6 2; 135.153, subsection 1; 135.166, subsection 1; 249L.4,
7 subsection 5, paragraph "a"; 312A.3, subsection 1, paragraph
8 "a"; 315.4, subsection 1, paragraph "a", subparagraph (2);
9 455E.11, subsection 2, paragraph "a", subparagraph (2),
10 subparagraph division (f); and 505.32, subsection 2, paragraph
11 "g", are amended by striking, within the Iowa Acts citation,
12 the word "section" and inserting in lieu thereof the symbol
13 "§".
14 11. Section 446.45 is amended by striking, within the
15 Iowa Acts citation, the word "sections" and inserting in lieu
16 thereof the symbol "§".
17 12. Section 229.39, subsection 3, paragraph "a", is amended
18 by striking, within the Iowa Acts citation, the word "sections"
19 and inserting in lieu thereof the symbol "§".
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 makes Code changes and corrections that are
24 considered to be nonsubstantive and noncontroversial, in
25 addition to style changes. Changes made include updating
26 or correcting names of and references to public and private
27 entities and funds, corrections to references to federal
28 Acts, changes to format, correcting internal Code and Iowa
29 Acts references and terminology, making various corrections
30 to spelling and grammar, punctuation changes, and numbering,
31 renumbering, and reorganizing various provisions to eliminate
32 unnumbered paragraphs and to facilitate citation. The Code
33 sections in which the technical, grammatical, and other
34 nonsubstantive changes are made include the following:
35 DIVISION I.

S.F. _____

1 Code section 2.10: Numbers unnumbered paragraphs to
2 eliminate the unanchored unnumbered paragraph within this
3 provision relating to payment of per diem to members of the
4 general assembly.
5 Code section 2.48: Adds a subsection headnote to a
6 provision relating to subsequent reviews of tax expenditures or
7 incentives by the legislative oversight committee. All other
8 subsections in the Code section have subsection headnotes.
9 Code section 8.6: Combines a paragraph relating to rules
10 pertaining to customer councils with another paragraph that
11 also relates to those rules, and renumbers the resulting
12 paragraph.
13 Code sections 10A.104 and 10A.105: Updates punctuation
14 by replacing parentheses with commas around citations to the
15 federal Indian Gaming Regulatory Act, in provisions regarding
16 agreements or compacts between the state of Iowa and Indian
17 tribes to implement the federal Act and the confidentiality of
18 related records and materials.
19 Code section 13B.4B: Updates the style of language relating
20 to when summary claims data, which has been submitted to
21 the state public defender and pertains to an attorney's
22 representation of an indigent client, may be released.
23 Code section 15J.2: Corrects the subject-verb agreement in
24 language defining what constitutes a substantial improvement
25 to property.
26 Code section 16.1: Reformats and adds the words "the
27 following" to eliminate a nonconforming Code numbering scheme
28 in language defining the term "low or moderate income families"
29 for purposes of provisions under the jurisdiction of the Iowa
30 finance authority.
31 Code section 16.2A: Adds the word "division" before the
32 word "board" in two places in language relating to the board
33 of the title guaranty division of the Iowa finance authority.
34 The term "board" is defined in Code chapter 16 to mean the Iowa
35 finance authority board of directors.

S.F. _____

1 Code section 24.9: Numbers unnumbered paragraphs to
2 facilitate citation to this provision pertaining to the process
3 for adoption and certification of municipal budget estimates.
4 Code section 28E.24: Numbers unnumbered paragraphs to
5 facilitate citation to this provision pertaining to the
6 determination of the amount and sources of revenue for a
7 unified law enforcement district created by a Code chapter 28E
8 agreement.
9 Code section 49.7: Numbers unnumbered paragraphs to
10 facilitate citation to this provision pertaining to the
11 schedule and filing requirement for changes to election
12 precinct boundary lines after the redistricting if
13 congressional and legislative districts becomes law.
14 Code section 49.64: Numbers items in a series that appears
15 after a colon and which describes the number of ballots that
16 are to be delivered to an election precinct by the commissioner
17 of elections in presidential and nonpresidential elections.
18 Code section 53.37: Replaces chapter subunit references
19 to "division" with chapter subunit references to "subchapter"
20 and corrects the name of a federal Act pertaining to absentee
21 voting by members of the armed forces and oversees citizens,
22 in this provision regarding absentee voting by members of the
23 armed forces.
24 Code sections 70A.26 and 70A.39: Adds, to facilitate
25 hypertext linkage, a numeric citation to the Code chapter which
26 contains Iowa tort claims Act after a reference to that Act by
27 name in provisions relating to disaster service volunteer leave
28 by public employees and the bone marrow and organ donation
29 incentive program.
30 Code section 73A.21: Strikes an extraneous "that" in
31 language relating to the remedies for the failure of a
32 contractor or subcontractor of a public improvement to file
33 records after receiving a request for records from the labor
34 commissioner.
35 Code section 85.64: Replaces a chapter subunit reference to

S.F. _____

1 "division" with a chapter subunit reference to "subchapter" and
2 numbers unnumbered paragraphs to facilitate citation to this
3 provision regarding limitations of benefits for an employee who
4 becomes permanently disabled due to a compensable injury to or
5 loss of a member or organ if the employee has previously lost
6 or lost use of a different member or organ.
7 Code section 88.5: Updates punctuation by replacing a set of
8 parentheses with commas in language relating to the contents of
9 an application for an order for a temporary variance from an
10 occupational safety or health standard.
11 Code section 89.4: Changes the language of an exception from
12 boiler regulations, for continuous coil-type boilers that are
13 used only for steam vapor, that describes the water temperature
14 that the water inside the boiler cannot exceed, so that the
15 expression of temperature is in numerals, not in words.
16 Code section 96.3: Moves a quotation mark to correct a
17 reference to the term "off" indicator to conform to other
18 instances of that same term in other provisions of Code chapter
19 96, which pertains to unemployment compensation. The term
20 appears correctly in Code section 96.19, subsections 21, 29,
21 and 30, and Code section 96.29, subsection 5.
22 Code section 96.11: Changes the word "insure" to "ensure" in
23 language relating to the taking of actions by the department
24 to make certain that the Iowa extended unemployment insurance
25 benefit language is interpreted and applied in a manner which
26 meets federal requirements.
27 Code section 99F.9: Renumbers to eliminate a reserved
28 subsection within this provision regulating wagering on
29 gambling games. Internal references to this provision are
30 corrected in Division II of this bill.
31 Code section 99F.11: Adds a numeric citation after a
32 reference to the rebuild Iowa infrastructure fund by name to
33 facilitate hypertext linkage to the statute in which the fund
34 is created in language relating to distribution of tax revenues
35 from gambling games.

S.F. _____

1 Code section 101A.7: Numbers unnumbered paragraphs to
2 facilitate citation to this provision relating to inspection
3 by the state fire marshal's office of storage facilities for
4 explosives.
5 Code section 123.41: Moves the words "to a manufacturer" to
6 improve the readability of language relating to application,
7 granting, and renewal of licenses to allow the manufacture,
8 storage, and wholesale disposition and sale of alcoholic
9 liquors.
10 Code section 123.50: Corrects the form of two citations to
11 Code section 123.49 to facilitate hypertext linkage to that
12 Code section in language stating that if a liquor control
13 licensee or wine or beer permittee is convicted of certain
14 offenses, the conviction constitutes grounds for revocation or
15 suspension of the person's license or permit.
16 Code section 124.401: Changes the capitalization of a
17 reference to the term "federal register" in language regarding
18 the designation of controlled substances to conform the
19 capitalization of the term to other instances of the term
20 elsewhere in the Code.
21 Code section 135.64: Corrects a reference to the university
22 of Iowa hospitals and clinics by name in language relating to
23 applications for certificates of need that are submitted by
24 that institution.
25 Code section 135.152: Adds the word "for" to improve
26 the readability of language relating to determinations of
27 eligibility for assistance under the medical assistance and
28 medically needy programs and the obstetrical and newborn
29 indigent patient care program.
30 Code section 135B.34: Adds the word "adult" to correct
31 a reference to dependent adult abuse in language relating
32 to employment screening for persons being considered for
33 employment in hospitals.
34 Code section 137F.1: Changes an exception to the definition
35 of potentially hazardous food that describes the hydrogen

S.F. _____

1 ion concentration of certain food when measured at certain
2 temperatures by changing the description of temperature levels
3 from words to numbers.
4 Code sections 163.4 and 163.5: Strikes the extraneous
5 word "such" in language describing the powers of assistant
6 veterinarians.
7 Code section 163.27: Changes language describing the
8 boiling requirements for garbage that is to be fed to animals
9 by changing the description of temperature levels from words
10 to numbers.
11 Code section 175.5: Adds the word "and" before the last
12 item in a series to correct the grammar of language describing
13 the duties and powers of the Iowa finance authority under the
14 chapter relating to agricultural development.
15 Code section 176A.10: Corrects internal references to
16 subparagraphs to allow for hypertext linkage in this provision
17 relating to taxation for county agricultural extension
18 education.
19 Code section 185C.6: Adds the word "an" before the words
20 "at-large" in language describing the election of directors
21 to the Iowa corn promotion board to conform the language to
22 similar language elsewhere in the Code describing at-large
23 representation by elected officials.
24 Code section 189A.2: Updates punctuation by replacing
25 parentheses with commas in citations to various federal Acts
26 within definitions referring to those Acts in the Code chapter
27 relating to meat and poultry inspection.
28 Code section 196.8: Changes language describing the
29 temperature limit for storage of eggs intended for human
30 consumption by changing the description of temperature levels
31 from words to numbers.
32 Code section 203C.3: Adds, to facilitate hypertext
33 linkage, a numeric reference to the Code chapter containing
34 the administrative procedure Act, after a reference to that
35 Act by name, in language relating to the appointment of the

S.F. _____

1 department of agriculture and land stewardship as the receiver
2 for agricultural commodities stored in the warehouse of a
3 licensee whose license has been suspended.
4 Code section 203C.28: Numbers unnumbered paragraphs to
5 facilitate citation to a provision relating to tariff rates on
6 the receiving, storage, and load-out of grain by warehouses for
7 agricultural products.
8 Code section 207.4: Numbers and renumbers to eliminate
9 unanchored unnumbered paragraphs in language relating to coal
10 mine site permits.
11 Code section 215.20: Changes language describing the
12 temperature at which liquefied petroleum gas shall be kept,
13 offered, exposed for sale, or sold by the pound or metered
14 cubic foot of vapor by changing the description of the
15 temperature level from words to numbers.
16 Code section 225C.12: Corrects the name of the mental
17 health and disabilities fund in language relating to local
18 deposit and use of state funds appropriated for mental health
19 and disability services to conform to the changes made by 2012
20 Acts, chapter 1120, to the name of the county fund contained in
21 Code section 331.424A.
22 Code sections 225C.32 and 227.2: Updates the name of the
23 local board that coordinates mental health and disability
24 services to conform the name to the changes made to the names
25 of entities, funds, and services for persons with mental health
26 and other disabilities by 2012 Acts, chapter 1120.
27 Code section 226.9C: Corrects the name of the mental health
28 and disabilities fund in language relating to the splitting
29 of charges for services between the fund established in Code
30 section 331.424A and the county's budget for substance abuse
31 expenditures to conform to the change made to the name of that
32 fund by 2012 Acts, chapter 1120.
33 Code section 229.21: Moves a reference to Code section
34 229.6 to place the reference both in Code order and with the
35 language relating to involuntary hospitalization that the

S.F. _____

1 reference modifies in this provision relating to the filing of
2 applications for involuntary hospitalization of persons with
3 mental health or substance-related disorders.
4 Code section 231.23A: Strikes the word "program" from
5 language listing the aging and disability resource center as
6 an entity that is administered by the department on aging to
7 conform to changes made to the enabling statute for the center,
8 Code section 231.64, by 2013 Acts, chapter 29, §29.
9 Code section 232.7: Corrects the year of enactment in a
10 citation to the federal Adoption and Safe Families Act in this
11 provision relating to juvenile court proceedings involving an
12 Indian child. Public law number 105-89 was signed on November
13 19, 1997, by President Bill Clinton.
14 Code sections 232.175 and 232.178: Corrects the name of the
15 federal Adoption Assistance and Child Welfare Act in language
16 relating to foster care placement of children in conformance
17 with that Act.
18 Code section 235A.18: Adds the word "that" to improve the
19 readability of language regarding the retention of a person's
20 name on the child abuse registry.
21 Code section 249A.26: Changes language relating to case
22 management for mental health and disabilities services
23 to conform to the changes made by 2012 Acts, chapter
24 1120, to names of the entities, funds, and services that
25 provide assistance to persons with mental health and other
26 disabilities.
27 Code section 252.13: Numbers unnumbered paragraphs and
28 creates a lettered list in language describing the recovery of
29 expenditures made by counties for the assistance or support of
30 the poor from various persons and entities.
31 Code sections 252B.4, 252B.13A, and 252.24: Corrects
32 multiple federal United States Code section citations by
33 lower-casing the lettered portion of the alphanumeric section
34 cited in provisions governing the collection of child support.
35 Code section 256.35: Corrects a reference in this provision

S.F. _____

1 establishing the regional autism assistance program to the
2 child health specialty clinics of the university of Iowa
3 hospitals and clinics by name to conform the reference to other
4 references to the clinics elsewhere in the Code.
5 Code section 256.39: Changes a verb to a noun to conform
6 the usage in this paragraph describing an element that must be
7 included in a career pathways program to the language contained
8 in the prefatory clause and to the usage in the remaining
9 paragraphs of the subsection.
10 Code section 256F.2: Corrects the subject-verb agreement in
11 this definition of an "innovation zone consortium".
12 Code section 257.31: Corrects the subject-verb agreement
13 and replaces generic paragraph references with specific
14 letter references in language relating to the appropriation of
15 supplemental aid to certain school districts.
16 Code section 258.16: Corrects an internal reference to
17 facilitate hypertext linkage in language relating to planning
18 for vocational education instructional programs.
19 Code section 260C.18A: Strikes the words "of education"
20 after a reference to the department of education in language
21 relating to the development of career academies. The term
22 "department" is defined in Code chapter 260C as meaning the
23 department of education.
24 Code sections 260C.58 and 260C.62: Numbers unnumbered
25 paragraphs to facilitate citation and replaces chapter subunit
26 references to "division" with chapter subunit references
27 to "subchapter" in two provisions relating to bonding for
28 community college facilities.
29 Code sections 260F.6, 260F.6B, and 260F.7: Strikes the
30 words "economic development" that appear before the word
31 "authority" in two Iowa jobs training program provisions. The
32 term "authority" is defined in Code chapter 260F as meaning the
33 economic development authority.
34 Code section 261.19: Corrects a reference by name to the Des
35 Moines university — osteopathic medical center within language

S.F. _____

1 establishing the health care professional recruitment program
2 to conform the reference to other references to that medical
3 center elsewhere in the Code.
4 Code sections 262.57 and 262.61: Numbers unnumbered
5 paragraphs to facilitate citation and replaces chapter subunit
6 references to "division" with chapter subunit references
7 to "subchapter" in two provisions relating to bonding for
8 facilities at board of regents institutions.
9 Code section 275.23A: Changes the word "nor" to "and not" to
10 correct the grammar of a sentence that established the timing
11 for adoption of a resolution by a school board to authorize
12 a change in the boundaries, the number of directors, or the
13 method of election of directors of an existing school district
14 director district.
15 Code section 297.36: Numbers unnumbered paragraphs to
16 facilitate citation to this provision regarding loan agreements
17 that are entered into by school boards in anticipation of
18 collection of a voter-approved tax levy to fund physical plant
19 and equipment improvements.
20 Code section 312.2: Reformats an internal reference to
21 facilitate hypertext linkage in language relating to allotments
22 from the road use tax fund.
23 Code section 321.258: Reformats an extended series into
24 a lettered list to improve the readability of this provision
25 regarding arrangement of lights on official traffic-control
26 signals.
27 Code section 321.440: Updates the punctuation in a lettered
28 list to conform to current Code style in a provision that
29 enumerates the defects that will cause a pneumatic tire to be
30 deemed unsafe.
31 Code section 331.382: Strikes an extraneous "or" in a series
32 of citations to Code chapters and portions of Code chapters,
33 which a county board must follow when taking action regarding
34 the special districts that are authorized under those Code
35 chapters.

S.F. _____

1 Code section 341A.18: Numbers unnumbered paragraphs to
2 facilitate citation to this provision enumerating the civil
3 rights and responsibilities of persons who seek or obtain civil
4 service employment.
5 Code section 392.5: Numbers unnumbered paragraphs and
6 modifies the format of an existing Iowa Acts reference in
7 this provision relating to local library boards to facilitate
8 citation and to conform to the Iowa Acts reference to
9 references which are modified elsewhere in this bill.
10 Code sections 403.8 and 403.9: Reformats internal
11 references to facilitate hypertext linkage in these two
12 provisions in the urban renewal chapter.
13 Code section 419.4: Adds the word "the" before the word
14 "lessee" to improve the readability of a series and conform the
15 series to other language within the same subparagraph in this
16 provision relating to bond revenues for municipal projects.
17 Code section 422.11S: Strikes an extraneous "and" in a
18 series that describes the years and amounts which constitute
19 "total approved tax credits" in the enumerated tax years.
20 Code section 422.12C: Renumbers to eliminate unanchored
21 unnumbered paragraphs within this provision governing early
22 childhood development tax credits and expenses.
23 Code section 422.33: Renumbers to eliminate unanchored
24 unnumbered paragraphs and corrects internal references within
25 this provision relating to business tax on corporations.
26 Internal references to this Code section are corrected in
27 division II of this bill.
28 Code section 422.70: Splits a paragraph into two and then
29 redesignates the new and the remaining, succeeding paragraphs
30 to perfect the listing of the powers of the director of revenue
31 with respect to determinations of taxpayer tax liability.
32 Code section 423.3: Renumbers to eliminate unanchored
33 unnumbered paragraphs within this provision defining the term
34 "prosthetic device" for purposes of a sales tax exemption for
35 certain drugs, devices, and equipment.

S.F. _____

1 Code section 426A.8: Numbers unnumbered paragraphs to
2 facilitate citation and corrects an internal reference in this
3 provision governing military service tax exemptions.
4 Code section 426A.11: Adds commas in two places to complete
5 the set-off of descriptive clauses in language describing the
6 amount of the value of a veteran's property that is allowed for
7 purposes of the military service tax exemption.
8 Code section 426B.5: Corrects, in two places, references
9 by name to the mental health and disabilities fund which is
10 established in Code section 331.424A to conform to the changes
11 made to the name of that fund by 2012 Acts, chapter 1120.
12 Code section 445.37: Numbers unnumbered paragraphs to
13 facilitate citation to this provision describing when taxes are
14 considered delinquent.
15 Code sections 452A.2, 452A.3, and 452A.86: Changes language
16 describing the temperature at which various motor fuels
17 are kept when offered for sale, exposed for sale, or sold,
18 for purposes of excise taxes on that fuel, by changing the
19 description of the temperature level from words to numbers.
20 Code section 455B.171: Changes language in two definitions
21 describing petroleum and other regulated substances, for
22 purposes of federal and state environmental protection
23 regulation, by changing the description of temperature levels
24 from words to numbers.
25 Code section 455E.11: Splits a subparagraph subdivision and
26 numbers the resulting new subparagraph subdivision, to place
27 a definition that, by its own terms, applies to the entire
28 subparagraph division.
29 Code section 455G.2: Changes language in the definition of
30 petroleum-leaking underground petroleum storage tank chapter,
31 by changing the description of temperature levels from words
32 to numbers.
33 Code section 455G.13: Changes "owner" to "owner's" and
34 strikes a comma to correct the grammar and punctuation in this
35 provision relating to rights and liabilities of persons for

S.F. _____

1 release of petroleum from an underground storage tank.
2 Code section 456A.37: Changes a reference to wildlife
3 or plant species, within this provision relating to invasive
4 species, from plural to singular, to make references to those
5 species consistent throughout this Code section.
6 Code section 462A.2: Moves a quotation mark that relates to
7 a subdefinition within the definition of the term "proceeds" to
8 be consistent with the quotation marks used to describe another
9 related subdefinition within this definitions provision for the
10 Code chapter regulating water navigation.
11 Code section 468.188: Numbers unnumbered paragraphs to
12 facilitate citation to this provision relating to public
13 improvements which divide a levee and drainage district.
14 Code section 468.500: Adds the words "subchapter II" to
15 two internal references to facilitate hypertext linkage to
16 those references in a provision relating to the placement of
17 the management of a drainage or levee district under a board
18 of trustees.
19 Code section 479.5: Numbers and letters unnumbered
20 paragraphs to facilitate citation to this provision relating to
21 applications for permits to construct, maintain, and operate a
22 pipeline in this state.
23 Code section 481A.1: Capitalizes the scientific names used
24 in this definition of whitetail deer to be consistent with the
25 capitalization of the other scientific names used in this Code
26 section.
27 Code section 481A.10A: Reformats this provision relating
28 to the farmer advisory committee to create subsections and to
29 put the elements of an extended series into a lettered list to
30 improve the readability of the provision.
31 Code section 483A.54: Numbers unnumbered paragraphs to
32 facilitate citation and replaces chapter subunit references to
33 "division" with chapter subunit references to "subchapter" in
34 this provision that exempts the state and state officials from
35 liability for the payment of bonds that are payable from the

S.F. _____

1 wildlife habitat bond fund.
2 Code section 493.9: Changes the word "two-third" to
3 "two-thirds" to correctly describe the proportion of the
4 vote of each class of stock that is needed for a business or
5 professional corporation to make changes to the corporation's
6 stock.
7 Code section 508.36: Redesignates this provision describing
8 the weighting factors used in computation of the minimum
9 standard for the valuation of life insurance policies,
10 annuities, and pure endowment contracts to eliminate one
11 level of numbering, and corrects related internal references,
12 because the current scheme has a subparagraph (1), but has no
13 subparagraph (2).
14 Code section 514.1: Alphabetizes definitions within
15 the definitions provision for the Code chapter relating to
16 nonprofit health service corporations.
17 Code section 514I.10: Strikes parentheses within a United
18 State Code reference to correct the alphanumeric section
19 reference in language describing the federal cost sharing
20 standards used in the hawk-i program.
21 Code section 521B.102: Replaces parentheses with commas to
22 improve the punctuation within this provision governing when
23 credit for reinsurance is allowed to a domestic ceding insurer.
24 Code section 554.1110: Enacts a Code section headnote
25 for a section of the uniform commercial code, pertaining to
26 the adoption of rules for filing and indexing. The headnote
27 for the Code section was supplied by the Code editor at the
28 time the section was codified, because the headnote was not
29 present in 1967 Iowa Acts, chapter 390, §6, when the enabling
30 legislation was enacted. Code section 3.3 provides that
31 headnotes in Code chapter 554 are to be considered part of the
32 law as enacted.
33 Code section 554.1201: Places quotes around defined terms
34 that are within the definition of the term "document of title"
35 in the general definitions section for the uniform commercial

S.F. _____

1 code.
2 Code section 554.2311: Supplies two missing commas after
3 internal references that appear in this provision regarding
4 options relating to assortment of the goods under a contract
5 for sale.
6 Code section 556.1: Redesignates paragraphs to eliminate
7 unanchored unnumbered paragraphs in this definition of property
8 that is contained within the general definitions section of the
9 Code chapter governing disposition of unclaimed property.
10 Code section 559.2: Supplies missing commas in two
11 provisions that each contain a series describing the nature of
12 a power to appoint that is conveyed in a written instrument and
13 that affects real property.
14 Code section 562A.2: Changes the word "insure" to "ensure"
15 in language describing the purposes of the Code chapter
16 governing the rental of property and obligations of landlords
17 and tenants.
18 Code section 562A.12: Hyphenates to correct the usage of
19 the term "bad-faith" in this provision describing when the
20 retention of a deposit by a landlord will subject the landlord
21 to punitive damages.
22 Code section 589.16: Standardizes the citation form of
23 two citations to the Code of 1935 to permit future hypertext
24 linkage to those prior Codes within this legalizing Act that
25 validates certain tax sales.
26 Code sections 600.1 and 600A.3: Corrects the year of
27 enactment within two citations to the federal Adoption and
28 Safe Families Act, Pub. L. No. 105-89, in provisions relating
29 to adoption of an Indian child and termination of the child's
30 parents' parental rights. The public law was signed on
31 November 19, 1997, by President Bill Clinton.
32 Code section 602.11101: Updates the form of citations to
33 1983 Iowa Acts, chapter 186 to facilitate future hypertext
34 linkage to that 1983 Iowa Act and to distinguish references
35 to portions of that Act from references to portions of Code

S.F. _____

1 chapter 602 in this provision describing the transitional
2 implementation of those 1983 changes to this Code chapter
3 relating to the operation of the Iowa judicial system.
4 Code section 633.356: Adds the word "the" to enhance the
5 readability of language describing the circumstances under
6 which a decedent's personal property may be distributed by
7 affidavit.
8 Code section 633.361: Strikes parentheses to improve the
9 readability of this provision describing the probate report and
10 inventory by the personal representative of an estate.
11 Code section 633.510: Strikes parentheses to improve
12 the punctuation of this provision describing one of the
13 circumstances that must be alleged in order that administration
14 may be had upon the estate of a person who is an absentee.
15 Code section 633.647: Updates the punctuation and deletes
16 the extraneous word "or" within a list describing the way that
17 payments may be made by a conservator to a ward, to conform the
18 provision to current style.
19 Code section 657.11: Redesignates, to eliminate an initial
20 unanchored unnumbered paragraph and to conform to current Code
21 drafting style, in this provision describing when an animal
22 feeding operation is or is not considered to be a chronic
23 violator for purposes of defending against a nuisance suit
24 against the operation.
25 Code section 692.5: Numbers unnumbered paragraphs to
26 facilitate citation to this provision regarding a person's
27 rights with respect to criminal history data that is filed with
28 the department of public safety.
29 Code section 707.11: Adds the words "the offense of"
30 before language naming the offense and then describing the
31 elements of the crime of attempt to commit murder to improve
32 the readability of the language.
33 Code section 715C.1: Redesignates to eliminate unanchored
34 unnumbered paragraphs in the definition of "personal
35 information" in the general definitions provision of the

S.F. _____

1 chapter regarding personal information security breach
2 protection.
3 Code section 719.1: Redesignates, to eliminate an initial
4 unanchored unnumbered paragraph and to conform to current Code
5 drafting style, within this provision regarding the commission
6 of the crime of interference with official acts.
7 Code section 904.602: Combines two paragraphs to eliminate
8 an unanchored unnumbered paragraph in language describing one
9 of the types of records of the department of corrections that
10 are confidential, unless otherwise ordered by a court.
11 DIVISION II. This division contains corrections to internal
12 references to Code sections 99F.9 and 422.33 that are numbered,
13 renumbered, designated, or redesignated in division I of this
14 bill.
15 DIVISION III. This division contains a series of 12 Code
16 editor directives that make internal references within the
17 Code more consistent. The first two directives amend various
18 provisions within the Code to replace references to divisions
19 with references to subchapters in chapters in which the
20 chapter subunits are not currently assigned a chapter subunit
21 designation or numbered, but which have a chapter subunit
22 title. The third through twelfth directives modify the format
23 of existing Iowa Acts references throughout the Code to make
24 the citations consistent.

Senate Study Bill 3171 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act relating to the vehicle registration duties of county
2 treasurers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5749SC (3) 85
aw/sc

S.F. _____

1 Section 1. Section 321.40, subsection 7, Code 2014, is
2 amended to read as follows:
3 7. *a.* The county treasurer shall refuse to renew the
4 registration of a vehicle registered to an applicant if the
5 county treasurer knows that the applicant has one or more
6 uncontested, delinquent parking fines for tickets issued
7 pursuant to section 321.236, subsection 1, paragraph *"b"*, owing
8 to the county, or owing to a city with which the county has
9 an agreement authorized under section 331.553. However, a
10 county treasurer may renew the registration if the treasurer
11 determines that an error was made by the county or city in
12 identifying the vehicle involved in the parking violation or
13 if the citation has been dismissed as against the owner of the
14 vehicle pursuant to section 321.484. This subsection does not
15 apply to the transfer of a registration or the issuance of a
16 new registration. Notwithstanding section 28E.10, a county
17 treasurer may utilize the department's ~~vehicle registration and~~
18 ~~titling system~~ distributed teleprocessing network to facilitate
19 the purposes of this subsection.
20 *b.* The county treasurer of the county in which a person's
21 vehicle is registered may collect from an applicant delinquent
22 parking fines owed to a city with which the county has an
23 agreement authorized under section 331.553 or owed to the
24 county. The applicant may remit full payment for such
25 delinquent parking fines, along with a processing fee of five
26 dollars, to the county treasurer at the time of registration
27 renewal. Upon full payment of the required delinquent parking
28 fines, processing fee, and vehicle registration fee, the county
29 treasurer shall issue registration to the applicant. A county
30 treasurer collecting on behalf of the county or a city shall
31 update the vehicle registration records through the distributed
32 teleprocessing network on a daily basis for all persons who
33 have paid delinquent parking fines pursuant to this paragraph.
34 A county treasurer shall forward all funds collected for the
35 city to the city and all funds collected for the county to the

S.F. _____

1 county.
2 Sec. 2. Section 321.40, subsection 9, Code 2014, is amended
3 by adding the following new paragraph:
4 NEW PARAGRAPH. *c.* The county treasurer of the county
5 in which the person's vehicle is registered, in cooperation
6 with the clerk of the district court, may collect delinquent
7 court debt owed to the clerk of the district court from a
8 person applying for renewal of a vehicle registration. The
9 applicant may remit full payment of the delinquent court debt,
10 along with a processing fee of five dollars, to the county
11 treasurer at the time of registration renewal. Upon full
12 payment of the required delinquent court debt, processing
13 fee, and vehicle registration fee, the county treasurer shall
14 issue the registration to the person. A county treasurer
15 collecting on behalf of the clerk of the district court shall
16 update the vehicle registration records through the distributed
17 teleprocessing network on a daily basis for all persons who
18 have paid delinquent court debt pursuant to this paragraph.
19 A county treasurer shall forward all funds collected for the
20 clerk of the district court to the clerk of the district court.
21 Sec. 3. Section 321.46, subsection 5, Code 2014, is amended
22 to read as follows:
23 5. The seller or transferor may file an affidavit on
24 forms prescribed and provided by the department with the
25 county treasurer of the county where the vehicle is registered
26 certifying the sale or transfer of ownership of the vehicle and
27 the assignment and delivery of the certificate of title for the
28 vehicle. Upon receipt of the affidavit, the county treasurer
29 shall file the affidavit with the copy of the registration
30 receipt for the vehicle on file in the treasurer's office and
31 on that day the treasurer shall note receipt of the affidavit
32 in the ~~vehicle registration and titling system~~ distributed
33 teleprocessing network. Upon filing the affidavit, it shall
34 be presumed that the seller or transferor has assigned and
35 delivered the certificate of title for the vehicle. For a

S.F. _____

leased vehicle, the lessor licensed pursuant to chapter 321F or the lessee may file an affidavit as provided in this subsection certifying that the lease has expired or been terminated and the date that the leased vehicle was surrendered to the lessor.

Sec. 4. Section 321.152, subsection 3, Code 2014, is amended to read as follows:

3. The five dollar processing fee charged by a county treasurer for collection of tax debt owed to the department of revenue pursuant to section 321.40, subsection 6, for collection of delinquent parking fines owed to a city or the county pursuant to section 321.40, subsection 7, and for collection of delinquent court debt pursuant to section 321.40, subsection 9, shall be retained for deposit in the county general fund.

Sec. 5. Section 321.236, subsection 1, paragraph e, Code 2014, is amended by striking the paragraph.

Sec. 6. Section 331.553, subsection 8, Code 2014, is amended to read as follows:

8. *a.* Pursuant to an agreement under chapter 28E, collect delinquent parking fines on behalf of a city in conjunction with renewal of motor vehicle registrations pursuant to section 321.40. If the agreement provides for a fee to be paid to or retained by the county treasurer from the collection of parking fines, such fees shall be credited to the county general fund. Fines collected pursuant to this subsection shall be remitted ~~biannually~~ to the city.

b. Pursuant to a resolution adopted by the board of supervisors for that county, collect delinquent parking fines on behalf of the county in conjunction with renewal of motor vehicle registrations pursuant to section 321.40.

c. Notwithstanding section 28E.10, a county treasurer may utilize the state department of transportation's ~~vehicle registration and titling system~~ distributed teleprocessing network to facilitate the purposes of this subsection.

Sec. 7. Section 364.2, subsection 5, Code 2014, is amended

S.F. _____

to read as follows:

5. If provided by ordinance, a city may enter into a chapter 28E agreement for the collection of delinquent parking fines by a county treasurer pursuant to section 321.40 at the time a person applies for renewal of a motor vehicle registration, for violations that have not been appealed or for which appeal has been denied. The ~~city may pay the~~ county treasurer may collect and retain a ~~reasonable~~ five dollar processing fee for deposit into the county general fund for the collection of such fines~~, or may allow the county treasurer to retain a portion of the fines collected, as provided in the agreement~~.

EXPLANATION

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

This bill is related to the vehicle registration duties of county treasurers.

The bill provides that a county treasurer may collect delinquent parking fines from a vehicle registration applicant on behalf of the county or certain cities. The bill requires the applicant to remit full payment for the delinquent parking fines, along with a $5 processing fee and the renewal fee, to the county treasurer at the time of registration renewal. A county treasurer collecting on behalf of the county or a city is required to update the vehicle registration records through the state department of transportation's distributed teleprocessing network, on a daily basis, for all persons who have paid delinquent parking fines in this manner. The bill also makes corresponding changes.

The bill strikes language related to payment of computer programming costs incurred by the department of transportation to accommodate the collection of delinquent parking fines on behalf of cities through Code chapter 28E agreements between counties and cities and replaces that payment with a $5 fee that the county treasurer may collect for the collection of such fines.

S.F. _____

1 The bill further provides that a county treasurer may
2 cooperate with the clerk of the district court to collect
3 delinquent court debt owed to the clerk. The bill provides
4 that a county treasurer may lift a hold on vehicle registration
5 if an applicant remits full payment for the applicant's
6 delinquent court debt. The county treasurer may also collect a
7 $5 fee for the collection of such court debt for deposit into
8 the county general fund.

Senate Study Bill 3172 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act allowing the holders of interests in certain entities
2 eligible to hold agricultural land to be elected as trustees
3 of drainage or levee districts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5782XC (5) 85
da/sc

S.F. _____

Section 1. Section 468.506, subsection 3, Code 2014, is amended by striking the subsection and inserting in lieu thereof the following:

3. An individual who has a legal or equitable interest in an entity that holds an interest in agricultural land located in the election district for which the trustee is elected, including as a bona fide owner. In addition, all of the following must apply:

a. The entity must be a general partnership formed under section 486A.202 or a person who holds the agricultural land under chapter 9H as a family farm corporation, authorized corporation, family farm limited liability company, authorized limited liability company, family farm limited partnership, limited partnership, family farm unincorporated nonprofit association, authorized unincorporated nonprofit association, family trust, or authorized trust.

b. The individual must hold the legal or equitable interest in the entity described in paragraph *"a"* as a partner in the general partnership, shareholder in the corporation, member in the limited liability company, general or limited partner in the limited partnership, member in the unincorporated nonprofit association, or beneficiary in the trust.

c. The individual must be a resident of the county in which the election district is located or of a county that is contiguous to or corners on that county.

Sec. 2. Section 468.506, subsection 4, Code 2014, is amended to read as follows:

4. *a.* ~~In a~~ A bona fide owner of benefited land in a drainage or levee district in which ~~is a levee and drainage district which has~~ eighty-five percent of its acreage is situated within the corporate limits of a city and has been under the control of a city under subchapter II, part 3~~, a bona fide owner of benefited land in the district~~.

b. (1) ~~If~~ For nonagricultural land, if the bona fide owner is a ~~family farm corporation as defined by section 9H.1,~~

S.F. _____

1 ~~subsection 9, a~~ business corporation organized and existing
2 under chapter 490 or 491, or a partnership, a stockholder or
3 officer authorized by the corporation or a general partner may
4 be elected as a trustee of the district.
5 (2) For agricultural land, if the bona fide owner is an
6 entity described in subsection 3, paragraph *"a"*, an individual
7 holding a legal or equitable interest in that entity may be
8 elected as trustee.
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 BILL'S PROVISIONS. This bill relates to the election of
13 an individual as a trustee to a board managing a drainage or
14 levee district (district) (Code section 468.506). It provides
15 for the election of an individual who has a legal or equitable
16 interest in an entity allowed to hold agricultural land in
17 this state, including under Iowa's corporate farming law
18 (Code chapter 9H). The bill requires that the individual be a
19 resident of a county where the election district is located or
20 a bordering county, unless the agricultural land is located in
21 a district in which 85 percent of its territory is situated
22 within the corporate limits of a city and the city also manages
23 the district.
24 CURRENT LAW —— GOVERNANCE. A district is established and
25 managed by a county's board of supervisors, or joint board of
26 supervisors if the district crosses county borders. The board
27 may transfer jurisdiction to manage the district to another
28 governing body, including a city (Code chapter 468, subchapter
29 II, part 3), or a board of elected trustees (Code chapter 468,
30 subchapter III).
31 CURRENT LAW —— ELIGIBILITY OF TRUSTEES. In order to hold
32 office as a trustee, an individual must be 18 years of age and a
33 United States citizen (Code section 468.506). If the district
34 includes agricultural land, the individual must satisfy two
35 additional conditions: (1) be an owner of such land and

S.F. _____

1 (2) reside in the county in which the election district is
2 located or a bordering county. Two exceptions apply which
3 allow an individual to be elected as a trustee even though the
4 individual is not the owner of the agricultural land. The
5 first exception applies to a shareholder of a family farm
6 corporation who must still reside in the county where the
7 election district is situated or a bordering county. The
8 second exception applies when 85 percent of the district's
9 territory is situated within the corporate limits of a city
10 that also manages the district. In that case, the individual
11 may be a shareholder of a family farm corporation or a partner
12 in a general partnership. In this case, there is no residency
13 requirement.
14 CURRENT LAW —— PERSONS ELIGIBLE TO HOLD AGRICULTURAL LAND.
15 Code chapter 9H does not restrict a general partnership from
16 holding any number of acres of agricultural land. The Code
17 chapter does restrict a number of other entities from holding
18 such land, including corporations, limited liability companies,
19 trusts, and nonprofit associations (Code sections 9H.1 and
20 9H.4), and limited partnerships, including limited liability
21 limited partnerships (Code sections 9H.1 and 9H.5). A family
22 farm entity (family farm corporation, family farm limited
23 liability company, family farm trust, or family farm nonprofit
24 association) must be founded for farming, its interest holders
25 must be natural persons or fiduciaries, a majority of its
26 interest holders must be related to each other as family
27 members, and 60 percent of its gross revenue must come from
28 farming (Code section 9H.1). A family farm entity may own any
29 number of acres of agricultural land. An authorized entity
30 (authorized farm corporation, authorized farm limited liability
31 company, authorized farm trust, or authorized farm nonprofit
32 association) cannot include more than 25 interest holders who
33 are individuals, fiduciaries, or nonprofit corporations (Code
34 section 9H.1). An interest holder in an authorized entity
35 or limited partnership cannot belong to multiple authorized

S.F. _____

1 entities or limited partnerships or hold more than 1,500 acres
2 of agricultural land.