



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

HF2241	3
HF2242	6
HF2243	9
HF2244	15
HF2245	28
HF2246	34
HF2247	36
HF2248	40
HF2249	48
HF2250	51
HF2251	53
HF2252	56
HF2253	60
HF2254	65
HF2255	68
HF2256	75
HF2257	80
HSB642	82
SF2178	110
SF2179	116
SF2180	119
SF2181	130
SF2182	143
SF2183	146
SF2184	148
SF2185	151
SF2186	153
SF2187	157
SF2188	160
SF2189	162
SF2190	164
SF2191	168
SF2192	172
SF2193	174
SF2194	176
SR106	182



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

SSB3175 .....	184
SSB3176 .....	190
SSB3177 .....	194
SSB3178 .....	207
SSB3179 .....	210
SSB3180 .....	217
SSB3181 .....	246
SSB3182 .....	250



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2241 - Introduced

HOUSE FILE 2241  
BY MURPHY

A BILL FOR

- 1 An Act concerning competitive bidding requirements for service
- 2 contracts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6053YH (2) 85  
ec/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2241

1     Section 1. NEW SECTION. 73A.18A **Service contracts —**  
2 **bidding requirements — security.**

3     1. For purposes of this section, “*service contract*” means  
4 a contract for services to be provided by a nongovernmental  
5 entity when the predominant factor, thrust, and purpose of  
6 the contract as reasonably stated is for the provision of  
7 services. When there is a contract for goods and services and  
8 the predominant factor, thrust, and purpose of the contract  
9 as reasonably stated is for the provision or rendering of  
10 services with goods incidentally involved, a service contract  
11 exists. “*Service contract*” also includes grants or consulting  
12 services when the predominant factor, thrust, and purpose of  
13 the contract formalizing the grant or consulting service is for  
14 the provision of services.

15     2. When the estimated total cost of a service contract  
16 exceeds one hundred thousand dollars, the applicable city or  
17 county shall advertise for bids on the proposed contract by  
18 two publications in a newspaper of general circulation in the  
19 county in which the work is to be performed or in which the  
20 service is to be provided. The first advertisement for bids  
21 shall be not less than fifteen days prior to the date set for  
22 receiving bids. The city or county shall accept the lowest  
23 responsible bidder submitting a sealed proposal. However, if  
24 in the judgment of the city or county bids received are not  
25 acceptable, all bids may be rejected and new bids requested. A  
26 bid shall be accompanied, in a separate envelope, by a deposit  
27 of money or a certified check or credit union certified share  
28 draft in an amount to be named in the advertisement for bids  
29 as security that the bidder will enter into a contract for  
30 the performance of the work or the provision of services.  
31 The city or county shall fix the bid security in an amount  
32 equal to at least five percent, but not more than ten percent,  
33 of the estimated total cost of the service contract. The  
34 checks, share drafts, or deposits of money of the unsuccessful  
35 bidders shall be returned as soon as the successful bidder is

LSB 6053YH (2) 85  
ec/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2241

1 determined, and the check, share draft, or deposit of money of  
2 the successful bidder shall be returned upon execution of the  
3 contract documents.

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 The bill requires a city or county to utilize a competitive  
8 bidding process when entering into a service contract with a  
9 nongovernmental entity in which the estimated total cost of  
10 the service contract is over \$100,000. The bill defines a  
11 service contract as a contract in which the predominant factor,  
12 thrust, and purpose of the contract as reasonably stated is for  
13 the provision of services and not goods. The bill includes  
14 grants and consulting services within the definition of service  
15 contracts.

16 If the estimated total cost of the service contract exceeds  
17 \$100,000, the bill requires the city or county to advertise for  
18 bids and establishes the manner of advertisement. The bill  
19 provides that the city or county accept the lowest responsible  
20 bidder or, if no bid is deemed acceptable, to reject all bids  
21 and submit the contract for bid again. The bill requires bid  
22 security to accompany each bid in an amount equal to at least 5  
23 percent, but not more than 10 percent, of the estimated total  
24 cost of the service contract.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2242 - Introduced

HOUSE FILE 2242  
BY ISENHART

A BILL FOR

- 1 An Act concerning competitive bidding requirements for certain
- 2 service contracts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6026YH (2) 85  
ec/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2242

1 Section 1. NEW SECTION. 73A.18A Service contracts —  
2 bidding requirements — security.

3 1. For purposes of this section, "service contract" means  
4 a contract for services when the predominant factor, thrust,  
5 and purpose of the contract as reasonably stated is for the  
6 provision of services. When there is a contract for goods and  
7 services and the predominant factor, thrust, and purpose of the  
8 contract as reasonably stated is for the provision or rendering  
9 of services with goods incidentally involved, a service  
10 contract exists. "Service contract" also includes grants or  
11 consulting services when the predominant factor, thrust, and  
12 purpose of the contract formalizing the grant or consulting  
13 service is for the provision of services.

14 2. When the estimated total cost of a service contract  
15 exceeds fifty thousand dollars, the applicable city or county  
16 shall advertise for bids on the proposed contract by two  
17 publications in a newspaper of general circulation in the  
18 county in which the work is to be performed or in which the  
19 service is to be provided. The first advertisement for bids  
20 shall be not less than fifteen days prior to the date set for  
21 receiving bids. The city or county shall accept the lowest  
22 responsible bidder submitting a sealed proposal. However, if  
23 in the judgment of the city or county bids received are not  
24 acceptable, all bids may be rejected and new bids requested. A  
25 bid shall be accompanied, in a separate envelope, by a deposit  
26 of money or a certified check or credit union certified share  
27 draft in an amount to be named in the advertisement for bids  
28 as security that the bidder will enter into a contract for  
29 the performance of the work or the provision of services.  
30 The city or county shall fix the bid security in an amount  
31 equal to at least five percent, but not more than ten percent,  
32 of the estimated total cost of the service contract. The  
33 checks, share drafts, or deposits of money of the unsuccessful  
34 bidders shall be returned as soon as the successful bidder is  
35 determined, and the check, share draft, or deposit of money of

LSB 6026YH (2) 85

-1-

ec/sc

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2242

1 the successful bidder shall be returned upon execution of the  
2 contract documents.

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 requires a city or county to utilize a competitive  
7 bidding process when entering into a service contract with  
8 an estimated total cost over \$50,000. The bill defines a  
9 service contract as a contract in which the predominant factor,  
10 thrust, and purpose of the contract as reasonably stated is for  
11 the provision of services and not goods. The bill includes  
12 grants and consulting services within the definition of service  
13 contracts.

14 If the estimated total cost of the service contract exceeds  
15 \$50,000, the bill requires the city or county to advertise for  
16 bids and establishes the manner of advertisement. The bill  
17 provides that the city or county accept the lowest responsible  
18 bidder or, if no bid is deemed acceptable, to reject all bids  
19 and submit the contract for bid again. The bill requires bid  
20 security to accompany each bid in an amount equal to at least 5  
21 percent, but not more than 10 percent, of the estimated total  
22 cost of the service contract.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**House File 2243 - Introduced**

HOUSE FILE 2243  
BY T. TAYLOR and  
WESSEL-KROESCHELL

**A BILL FOR**

- 1 An Act permitting electronic voter registration and including
- 2 penalties and effective date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5061HH (5) 85  
aw/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2243

1 Section 1. Section 39A.2, subsection 1, paragraph a,  
2 subparagraph (2), Code 2014, is amended to read as follows:  
3 (2) Falsely swears to an oath required pursuant to section  
4 48A.7A or section 48A.8A.  
5 Sec. 2. **NEW SECTION. 48A.8A Electronic registration.**  
6 1. An eligible elector may apply to register to vote by  
7 electronic means by completing and submitting an electronic  
8 voter registration form provided through the state commissioner  
9 of elections' internet site. A commissioner of registration's  
10 internet site may provide an electronic link to the electronic  
11 voter registration form provided under this subsection.  
12 2. An electronic voter registration form completed pursuant  
13 to this section shall require that a registrant:  
14 a. Provide the information as required pursuant to section  
15 48A.11.  
16 b. Have an Iowa driver's license, Iowa nonoperator's  
17 identification card, a social security number, or an  
18 identification number provided pursuant to section 48A.11,  
19 subsection 8.  
20 c. Attest to a statement that lists each eligibility  
21 requirement, that the registrant meets all of the requirements,  
22 and requires the electronic signature of the registrant,  
23 consistent with electronic signatures as defined in section  
24 554D.103.  
25 d. Sign the electronic voter registration form in a manner  
26 consistent with electronic signatures as defined in section  
27 554D.103.  
28 e. Affirmatively authorize the state commissioner of  
29 elections to use the registrant's signature obtained from  
30 the department of transportation or from a commissioner of  
31 registration for voter registration purposes.  
32 f. In order for a registrant to register under this section,  
33 the state commissioner of elections shall verify that the Iowa  
34 driver's license number, Iowa nonoperator's identification card  
35 number, last four numerals of the registrant's social security

LSB 5061HH (5) 85  
aw/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2243

1 number, or the unique identifying number, and date of birth  
2 provided by the registrant match the information contained in  
3 department of transportation records or in commissioner of  
4 registration records.

5 3. a. The department of transportation shall, upon  
6 request, provide to the state commissioner of elections a copy  
7 of the registrant's signature in electronic format, if the  
8 registrant's signature is on record with the department of  
9 transportation.

10 b. A commissioner of registration shall, upon request,  
11 provide to the state commissioner of elections a copy of  
12 the registrant's signature in electronic format, if the  
13 registrant's signature is accepted and on record with the  
14 commissioner of registration pursuant to section 48A.13.

15 4. a. The state commissioner of elections shall transmit  
16 to the appropriate commissioner of registration a registrant's  
17 completed voter registration form and electronic signature not  
18 later than five business days after the date of electronic  
19 submission of the form by the registrant.

20 b. The state commissioner of elections shall notify the  
21 registrant by mail within five business days if a copy of  
22 the registrant's signature cannot be obtained by the state  
23 commissioner of elections in electronic format pursuant to  
24 subsection 3. The state commissioner of elections shall  
25 include a voter registration form with the notice.

26 5. A voter registration form completed under this section  
27 shall be accompanied by the following statement featured  
28 prominently on the internet site in boldface capital letters:

29 WARNING: I UNDERSTAND THAT ANY FALSE STATEMENT IN THIS OATH  
30 IS A CLASS "D" FELONY PUNISHABLE BY NO MORE THAN FIVE YEARS IN  
31 CONFINEMENT AND A FINE OF AT LEAST SEVEN HUNDRED FIFTY DOLLARS  
32 BUT NOT MORE THAN SEVEN THOUSAND FIVE HUNDRED DOLLARS.

33 6. An eligible elector who registers pursuant to this  
34 section and who has not previously voted in an election for  
35 federal office in the county of registration shall be treated

LSB 5061HH (5) 85

-2-

aw/sc

2/5



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2243

1 as a registrant by mail and is subject to the provisions of  
2 section 48A.8, subsections 2 through 4.

3 Sec. 3. Section 48A.27, subsection 2, paragraph a, Code  
4 2014, is amended by adding the following new subparagraph:  
5 NEW SUBPARAGRAPH. (6) A voter registration form submitted  
6 as provided in section 48A.8A.

7 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,  
8 2015.

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 permits electronic voter registration from the  
13 state commissioner of elections' internet site.

14 The bill allows an eligible elector to apply to register  
15 to vote by electronic means by completing and submitting an  
16 electronic voter registration form provided on the internet  
17 site for the secretary of state as the state commissioner of  
18 elections.

19 The bill requires that an electronic voter registration  
20 form provide all information that is currently required on  
21 printed voter registration forms. The bill also requires that  
22 a registrant seeking to use the electronic voter registration  
23 form have an Iowa driver's license, Iowa nonoperator's  
24 identification card, a social security number, or a unique  
25 identifying number assigned to the registrant for voter  
26 registration purposes.

27 The bill requires that a registrant attest to a statement  
28 that lists each voter registration eligibility requirement,  
29 that the registrant meets all of the requirements, and requires  
30 the electronic signature of the registrant, consistent with  
31 Code section 554D.103, as part of the uniform electronic  
32 transactions Act. The bill further requires that a registrant  
33 sign the electronic voter registration form in a manner  
34 consistent with that Code section.

35 The bill requires that the registrant authorize the

LSB 5061HH (5) 85



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2243

1 state commissioner of elections to use the applicant's  
2 signature obtained from the department of transportation or a  
3 commissioner of registration for voter registration purposes.  
4 The state commissioner of elections is required to notify a  
5 registrant by mail within five business days if a copy of the  
6 registrant's signature cannot be obtained and is required to  
7 include a voter registration form with that notice.

8 The bill requires that the state commissioner of elections  
9 verify that the Iowa driver's license, Iowa nonoperator's  
10 identification card, last four numerals of the registrant's  
11 social security number, or unique identifying number, and date  
12 of birth provided by the registrant match the information  
13 contained in department of transportation records or in  
14 commissioner of registration records. The bill requires the  
15 state commissioner of elections to transmit to the appropriate  
16 commissioner of registration a registrant's completed voter  
17 registration application and electronic signature not later  
18 than five business days after the date of submission of the  
19 application and signature.

20 The bill requires that the electronic registration form be  
21 accompanied by a statement featured prominently in boldface  
22 capital letters informing the registrant of the penalty  
23 for providing false information on a voter registration  
24 application.

25 The bill also requires that an electronic voter registration  
26 registrant who has not previously voted in an election for  
27 federal office in the county of registration must follow the  
28 voting requirements of Code section 48A.8 for registrants  
29 submitting applications by mail under current law and who have  
30 not previously voted in an election for federal office in the  
31 county of registration. These provisions under current law  
32 require that a mail registrant who has not previously voted in  
33 an election for federal office in the county of registration  
34 shall be required to provide identification documents when  
35 voting for the first time in the county, unless the registrant

LSB 5061HH (5) 85  
aw/sc

-4-

4/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2243

1 provided on the registration form the registrant's Iowa  
2 driver's license number, the registrant's Iowa nonoperator's  
3 identification card number, or the last four numerals of the  
4 registrant's social security number and such information  
5 provided matches an existing state or federal identification  
6 record with the same number, name, and date of birth. Code  
7 section 48A.8 also provides that a registrant who votes in  
8 person at the polls or by absentee ballot at the commissioner's  
9 office or at a satellite voting station shall provide a form of  
10 identification specified in that Code section. Code section  
11 48A.8 also requires that if a registrant is voting for the  
12 first time following mail registration and votes an absentee  
13 ballot by mail, the registrant shall provide a photocopy of the  
14 identification document when returning the absentee ballot.  
15 Code section 48A.8 also allows a registrant voting in person  
16 for the first time following submission of a registration form  
17 by mail to vote a provisional ballot if the voter does not  
18 provide the required identification documents.

19 The bill extends the category for the crime of voter  
20 registration fraud to include fraudulent electronic  
21 registration. Registration fraud is a class "D" felony. A  
22 class "D" felony is punishable by confinement for no more than  
23 five years and a fine of at least \$750 but not more than \$7,500.

24 The bill takes effect January 1, 2015.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2244 - Introduced

HOUSE FILE 2244  
BY BERRY and MURPHY

A BILL FOR

- 1 An Act providing for the establishment of a community
- 2 practitioner preparation initiative within the department of
- 3 education.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5781HH (5) 85  
kh/nh



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

H.F. 2244

1 Section 1. NEW SECTION. 272E.1 Community practitioner  
 2 preparation initiative — purpose.

3 1. *Purpose.* The purpose of this chapter is to provide for  
 4 a community practitioner preparation initiative to recruit and  
 5 prepare persons for employment as highly skilled, committed  
 6 teachers in high-need schools or in hard-to-staff teaching  
 7 positions for substantial periods of time.

8 2. *Recruitment.* The initiative shall effectively recruit  
 9 and prepare parent and community leaders and para-educators  
 10 to become effective teachers in high-need schools or in  
 11 hard-to-staff teaching positions in schools serving a  
 12 substantial percentage of low-income students. Further, the  
 13 initiative shall increase the diversity of teachers including  
 14 but not limited to diversity based on race and ethnicity.

15 3. *Rigorous preparation.* The initiative shall ensure  
 16 educational rigor by effectively preparing candidates in  
 17 accredited bachelor's degree programs in teaching, through  
 18 which graduates shall meet the requirements to secure an Iowa  
 19 teaching license.

20 4. *Goal.* The goal of the initiative is to add one thousand  
 21 teachers to low-income, high-need schools in the state by 2020.

22 Sec. 2. NEW SECTION. 272E.2 Definitions.

23 As used in this chapter, unless the context otherwise  
 24 requires:

25 1. "*Cohort*" means a group of teacher education candidates  
 26 who are enrolled in and share experiences in the same program  
 27 and are linked by their desire to become teachers in high-need  
 28 schools or in hard-to-staff teaching positions in this state  
 29 and by their need for the services and supports offered by the  
 30 initiative.

31 2. "*Community organization*" means a nonprofit organization  
 32 that has a demonstrated capacity to train, develop, and  
 33 organize parents and community leaders into a constituency  
 34 that will hold the school and the school district accountable  
 35 for achieving high academic standards. In addition to



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1 organizations with a geographic focus, "community organization"  
2 includes general parent organizations, organizations of special  
3 education or bilingual education parents, and collective  
4 bargaining units representing licensed employees of a school  
5 district.

6 3. "*Department*" means the department of education.

7 4. "*Developmental classes*" means classes in basic skill  
8 areas, including but not limited to mathematics and language  
9 arts, that are prerequisite to, but not counted towards, degree  
10 requirements of a practitioner preparation program.

11 5. "*Director*" means the director of the department of  
12 education.

13 6. "*Eligible postsecondary institution*" means an institution  
14 of higher learning governed by the state board of regents or  
15 an accredited private institution as defined in section 261.9,  
16 with a practitioner preparation program.

17 7. "*Eligible school*" means a public elementary, middle,  
18 or secondary school in this state that serves a substantial  
19 percentage of low-income students and that is either a  
20 high-need school or has hard-to-staff teaching positions.

21 8. "*Hard-to-staff teaching position*" means employment as a  
22 teacher assigned to teach a hard-to-staff subject as identified  
23 by the department pursuant to section 261.110.

24 9. "*High-need school*" means a public school in this state  
25 that has been placed on a list of high-need schools eligible  
26 for state supplemental assistance pursuant to section 284.11,  
27 and that is a school serving a substantial percentage of  
28 low-income students.

29 10. "*Initiative*" means the community practitioner  
30 preparation initiative established pursuant to this chapter.

31 11. "*Para-educator*" means a person who is certified to  
32 assist a teacher in the performance of instructional tasks to  
33 support and assist classroom instruction and related school  
34 activities pursuant to section 272.12, but may also include  
35 but not be limited to persons with a history of demonstrated

LSB 5781HH (5) 85

-2-

kh/nh

2/12



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2244

1 accomplishments in school staff positions such as teacher  
2 assistants, school-community liaisons, school clerks, and  
3 security aides, in high-need schools.

4 12. *"Parent and community leader"* means an individual who  
5 has or had a child enrolled in a high-need school and who has  
6 a history of active involvement in the school or who has a  
7 history of working to improve schools serving a substantial  
8 percentage of low-income students, including membership in a  
9 community organization.

10 13. *"Practitioner preparation program"* means the same as  
11 defined in section 272.1, subsection 8.

12 14. *"Program"* means a community practitioner preparation  
13 program established by a consortium pursuant to this chapter.

14 15. *"School serving a substantial percentage of low-income  
15 students"* means a school that maintains any of the grades  
16 pre-kindergarten through eight, in which at least thirty-five  
17 percent of the students are eligible to receive free or  
18 reduced-price meals or a school that maintains any of the  
19 grades nine through twelve, in which at least twenty-five of  
20 the students are eligible to receive free or reduced price  
21 meals under the federal National School Lunch Act and the  
22 federal Child Nutrition Act of 1966, 42 U.S.C. §§1751-1785.

23 16. *"State board"* means the state board of education.

24 **Sec. 3. NEW SECTION. 272E.3 Initiative established —**  
25 **selection of grantees.**

26 1. *Initiative established.* The community practitioner  
27 preparation initiative is established in the department as a  
28 grant competition to fund consortia to carry out community  
29 practitioner preparation programs.

30 a. The state board shall adopt rules for the administration  
31 of this chapter.

32 b. The department shall administer the initiative in  
33 collaboration with the board of educational examiners.

34 c. The director shall develop guidelines and application  
35 procedures for the initiative.

LSB 5781HH (5) 85

-3-

kh/nh

3/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1     2. *Selection of grantees.* The director shall award grants  
2 to qualified consortia that reflect the distribution and  
3 diversity of high-need schools and hard-to-staff teaching  
4 positions throughout this state. In awarding grants, the  
5 director shall select programs that successfully address  
6 initiative criteria, that reflect a diversity of strategies in  
7 terms of serving urban areas, serving rural areas, and engaging  
8 and cooperating with eligible postsecondary institutions, and  
9 that reflect a knowledge of the high-need schools environment  
10 and the nature of hard-to-staff teaching positions on which a  
11 program is focused.

12     3. *Consortia selection requirements.* The director shall  
13 select consortia that meet all of the following requirements:

14     a. The consortium is composed of at least one eligible  
15 postsecondary institution, at least one school district  
16 or group of eligible schools, and one or more community  
17 organizations. The consortium membership may also include a  
18 community college, a collective bargaining unit representing  
19 the licensed employees of a school district, or an area  
20 education agency.

21     b. The eligible postsecondary institution participating in  
22 the consortium has demonstrated success in preparing teachers  
23 for schools serving a substantial percentage of low-income  
24 students.

25     c. The consortium is focused on a clearly defined set of  
26 eligible schools that will participate in the program. The  
27 consortium shall articulate the program's steps for preparing  
28 teachers for the consortium's participating schools and for  
29 preparing teachers for one or more hard-to-staff teaching  
30 positions in those schools.

31     d. A teacher education candidate in a program must hold a  
32 high school diploma or its equivalent, must be a parent and  
33 community leader or para-educator, must not have attended  
34 college right after high school or must have experienced an  
35 interruption in the candidate's college education, and must not

LSB 5781HH (5) 85

-4-

kh/nh

4/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1 hold a bachelor's degree.

2 e. The consortium shall employ effective procedures for  
3 teaching the skills and knowledge needed to prepare highly  
4 competent teachers. Program preparation shall include ongoing  
5 direct experience in high-need schools and evaluation of this  
6 experience.

7 f. The consortium shall offer the program to cohorts  
8 of teacher education candidates on a schedule that enables  
9 the candidates to work full time while participating in the  
10 program and allows para-educators to continue in their current  
11 positions of employment. In any fiscal year in which a  
12 consortium receives a grant, the consortium shall guarantee  
13 that support will be available to the cohort for the education  
14 of the candidates in the cohort for that fiscal year.

15 g. An eligible postsecondary institution participating  
16 in the consortium shall document and agree to expend the  
17 same amount of funds in implementing the program that the  
18 institution spends per student on similar educational programs.  
19 A grant received by the consortium shall supplement and not  
20 supplant this amount.

21 h. The director shall establish additional criteria for  
22 review of proposed programs, including but not limited to  
23 criteria that address the following issues:

24 (1) Previous experience of the eligible postsecondary  
25 institution in preparing teacher education candidates for  
26 high-need schools and hard-to-staff teaching positions and in  
27 working with students with nontraditional backgrounds.

28 (2) The quality of the implementation plan for the program,  
29 including strategies for overcoming institutional barriers to  
30 the progress of nontraditional teacher education candidates.

31 (3) If a community college is a participant in the program,  
32 the nature and extent of existing articulation agreements and  
33 guarantees between the community college and the eligible  
34 postsecondary institution.

35 (4) The number of teacher education candidates to be

LSB 5781HH (5) 85

-5-

kh/nh

5/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1 educated in the planned cohort or cohorts and the capacity of  
2 the consortium for adding cohorts in future program cycles.

3 (5) The experience of the community organization or  
4 organizations in organizing parent and community leaders to  
5 achieve school improvement and a strong relational school  
6 culture.

7 (6) The qualifications of the person or persons designated  
8 by the eligible postsecondary institution to be responsible for  
9 cohort support and the development of a shared learning and  
10 social environment among teacher education candidates.

11 (7) The consortium's plan for collective consortium  
12 decision-making involving all consortium members, including  
13 mechanisms for teacher education candidate input.

14 (8) The consortium's plan for the direct impact of the  
15 program on the quality of education in the eligible schools.

16 (9) The relevance of the curriculum to the needs of the  
17 eligible schools and hard-to-staff teaching positions, and the  
18 use in curriculum and instructional planning of principles for  
19 effective education for adults.

20 (10) The availability of classes under the program in places  
21 and times accessible to the teacher education candidates.

22 (11) Provision of a level of performance to be maintained  
23 by teacher education candidates as a condition of continuing  
24 in the program.

25 (12) The eligible postsecondary institution's plan to  
26 ensure that teacher education candidates take advantage  
27 of existing financial aid resources in order to reduce the  
28 candidates' need to utilize grant funds and the teacher  
29 shortage loan forgiveness program as provided in section  
30 272E.4.

31 (13) The employment of a cohort coordinator and the  
32 availability of supportive services, including but not limited  
33 to counseling, tutoring, transportation, technology and  
34 technology support, and child care.

35 (14) A plan for continued participation of graduates of

LSB 5781HH (5) 85

-6-

kh/nh

6/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1 the program in a program of support for at least two years,  
2 including mentoring and group meetings.

3 (15) A plan for testing and qualitative evaluation of  
4 candidates' teaching skills that ensures that graduates  
5 of the program are as prepared for teaching as other  
6 individuals completing the eligible postsecondary institution's  
7 practitioner preparation program for the license sought.

8 (16) A plan for internal evaluation that provides reports at  
9 least yearly on the progress of candidates towards graduation  
10 and the impact of the program on high-need schools and their  
11 communities.

12 (17) Contributions from schools, school districts, and  
13 other consortium members to the program, including stipends for  
14 candidates during their student teaching.

15 (18) Consortium commitment for sustaining the program  
16 over time, as evidenced by plans for reduced requirements for  
17 external funding, in subsequent program cycles.

18 (19) The inclusion in the planned program of strategies  
19 derived from community organizations that will help candidates  
20 develop tools for working with parents and other community  
21 members.

22 4. *Independent program evaluation.* Subject to an  
23 appropriation of sufficient funds by the general assembly, the  
24 department shall contract for an independent evaluation of  
25 program implementation by each of its participating consortia  
26 and of the impact of each program, including the extent of  
27 candidate persistence in program enrollment, acceptance as  
28 an education major in an eligible postsecondary institution,  
29 completion of a bachelor's degree in teaching, obtaining a  
30 teaching position in a high-need school or similar school,  
31 subsequent effectiveness as a teacher, and persistence  
32 in teaching in a high-need school or similar school. The  
33 evaluation shall assess the initiative's overall effectiveness  
34 and shall identify particular program strategies that are  
35 especially effective. The results of the initial evaluation

LSB 5781HH (5) 85

-7-

kh/nh

7/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1 shall be submitted in a report to the general assembly by  
2 January 1, 2019, with subsequent reports developed and  
3 submitted by January 1 at least every fifth year thereafter.

4 Sec. 4. NEW SECTION. **272E.4 Expenditures under the**  
5 **initiative.**

6 1. A teacher education candidate admitted to a cohort shall  
7 be eligible for grant moneys for tuition, books, and fees in  
8 excess of the candidate's grants-in-aid. A teacher education  
9 candidate who completes the program shall be eligible for loan  
10 forgiveness under section 261.112.

11 2. If funds are appropriated by the general assembly  
12 for purposes of implementing this chapter, the department  
13 shall award grants under the initiative in such a way as to  
14 provide the required support for a cohort of teacher education  
15 candidates. Program budgets must show expenditures and needed  
16 funds for the entire period that teacher education candidates  
17 are expected to be enrolled in the program.

18 3. No funds under the initiative may be used to supplant  
19 state or federal educational assistance that a teacher  
20 education candidate is qualified to receive.

21 4. If necessary, a program budget may include the costs of  
22 child care and other indirect expenses such as transportation,  
23 tutoring, technology, and technology support, necessary  
24 to permit teacher education candidates to maintain their  
25 class schedules. Grant funds may be used by any member of  
26 a consortium to offset such costs, and the services may be  
27 provided by the community organization or organizations, by any  
28 other member of the consortium, or by independent contractors.

29 5. An eligible postsecondary institution member of a  
30 consortium may expend grant funds to cover the additional costs  
31 of offering classes in community settings and for tutoring  
32 services.

33 6. A community organization member of a consortium may  
34 receive a portion of the grant money for the expenses of  
35 recruitment, community orientation, or counseling of potential

LSB 5781HH (5) 85

-8-

kh/nh

8/12



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2244

1 candidates, for providing space in the community, or for  
 2 working with school personnel to facilitate individual work  
 3 experiences and support of teacher education candidates.  
 4 7. A school district or a collective bargaining unit  
 5 representing the licensed employees of the school district  
 6 which is a member of a consortium, or both, may receive a  
 7 portion of the grant money for expenses of supporting the work  
 8 experiences of teacher education candidates and providing  
 9 mentors for graduates of the program. A school district member  
 10 of a consortium may also use grant moneys or other applicable  
 11 moneys received under chapter 257 to pay participants in  
 12 programs under the initiative for student teaching required by  
 13 a practitioner preparation program.  
 14 8. One or more members of the consortium may expend funds to  
 15 cover the salary of a site-based cohort coordinator.  
 16 9. Grant funds may also be expended to pay directly for  
 17 required developmental classes for teacher education candidates  
 18 beginning a program.

EXPLANATION

19  
 20           The inclusion of this explanation does not constitute agreement with  
 21           the explanation's substance by the members of the general assembly.  
 22       This bill provides for the establishment of a community  
 23 practitioner preparation initiative within the department  
 24 of education, which the department shall administer in  
 25 collaboration with the board of educational examiners. The  
 26 initiative is a grant competition, the purpose of which is to  
 27 fund consortia to recruit and prepare persons for employment  
 28 as highly skilled, committed teachers in high-need schools or  
 29 in hard-to-staff teaching positions for substantial periods of  
 30 time.  
 31       Persons targeted for recruitment include parent and  
 32 community leaders and para-educators, including but not limited  
 33 to persons with a history of demonstrated accomplishments in  
 34 school staff positions in high-need schools. The initiative  
 35 shall increase the diversity of teachers. The goal of the

LSB 5781HH (5) 85  
 kh/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1 initiative is to add 1,000 teachers to low-income, high-need  
2 schools in the state by 2020.

3 The bill includes a number of definitions. Under the bill,  
4 "cohort" means a group of teacher education candidates linked  
5 by their desire to become teachers in high-need schools and  
6 hard-to-staff teaching positions and by their need for the  
7 services and supports, such as developmental classes, offered  
8 by the initiative. "Community organization" means a nonprofit  
9 organization that includes general parent organizations,  
10 organizations of special education or bilingual education  
11 parents, and collective bargaining units representing licensed  
12 employees of a school district. "Eligible postsecondary  
13 institution" includes regents universities and accredited  
14 private institutions with practitioner preparation programs.

15 "Eligible school" means a public elementary, middle, or  
16 secondary school in this state that serves a substantial  
17 percentage of low-income students and that is either a  
18 high-need school or has hard-to-staff teaching positions. A  
19 "high-need school" is a public school that has been placed by  
20 the department on a list of high-need schools eligible for  
21 state supplemental assistance pursuant to Code section 284.11,  
22 and serves a substantial percentage of low-income students.  
23 The department also maintains a list of hard-to-staff subject  
24 areas pursuant to Code section 261.110.

25 The director of the department is directed to award grants to  
26 qualified consortia that reflect the distribution and diversity  
27 of high-need schools and hard-to-staff teaching positions  
28 throughout the state and to select programs that successfully  
29 address initiative criteria, that reflect a diversity of  
30 strategies in terms of serving urban areas, serving rural  
31 areas, and engaging and cooperating with eligible postsecondary  
32 institutions, and that reflect a knowledge of the high-need  
33 schools environment and the nature of hard-to-staff teaching  
34 positions on which a program is focused.

35 A consortium must be composed of at least one eligible



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1 postsecondary institution, at least one school district  
2 or group of eligible schools, and one or more community  
3 organizations. The consortium membership may also include a  
4 community college, a collective bargaining unit representing  
5 the licensed employees of a school district, or an area  
6 education agency. The eligible postsecondary institution  
7 must demonstrate success in preparing teachers for elementary  
8 or secondary schools serving a substantial percentage of  
9 low-income students.

10 A candidate recruited for the program must hold a high school  
11 diploma or its equivalent, must be a parent and community  
12 leader or para-educator, must not have attended college right  
13 after high school or must have experienced an interruption  
14 in the candidate's college education, and must not hold a  
15 bachelor's degree. The consortium shall offer the program to  
16 cohorts of candidates on a schedule that enables candidates to  
17 work full time while participating in the program and allows  
18 para-educators to continue in their current positions of  
19 employment.

20 An eligible postsecondary institution participating in the  
21 consortium shall document and agree to expend the same amount  
22 of funds in implementing the program that the institution  
23 spends per student on similar educational programs. In  
24 reviewing programs, the director must consider the eligible  
25 postsecondary institution's plan to ensure that candidates take  
26 advantage of existing financial aid resources to reduce the  
27 candidates' need to utilize the teacher shortage forgivable  
28 loan program.

29 The bill establishes a lengthy list of additional criteria  
30 for use in reviewing consortium proposals, including but  
31 not limited to the employment of a cohort coordinator and  
32 the availability of supportive services, including but not  
33 limited to counseling, tutoring, transportation, technology  
34 and technology support, and child care; contributions from  
35 schools, school districts, and other consortium members to the

LSB 5781HH (5) 85

-11-

kh/nh

11/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2244

1 program, including stipends for candidates during their student  
2 teaching; and consortium commitment for sustaining the program  
3 over time.

4 A candidate admitted to a cohort shall be eligible for  
5 grant moneys for tuition, books, and fees in excess of the  
6 candidate's grants-in-aid. A candidate who completes the  
7 program shall be eligible for loan forgiveness under Code  
8 section 261.112. If necessary, a program budget shall  
9 include the costs of child care and other indirect expenses  
10 such as transportation, tutoring, technology, and technology  
11 support, necessary to permit candidates to maintain their  
12 class schedules. Grant funds may be used by any member of  
13 a consortium to offset such costs, and the services may be  
14 provided by the community organization or organizations, by any  
15 other member of the consortium, or by independent contractors.

16 A school district or a collective bargaining unit  
17 representing the licensed employees of the school district  
18 which is a member of a consortium, or both, may receive a  
19 portion of the grant money for expenses of supporting the work  
20 experiences of candidates and providing mentors for graduates.  
21 A school district may also use these or other applicable moneys  
22 received under Code chapter 257 to pay participants for student  
23 teaching required by a practitioner preparation program.

24 Subject to an appropriation of sufficient funds by the  
25 general assembly, the bill requires the department to contract  
26 for an independent program evaluation every five years, with  
27 the results of the initial evaluation to be reported to the  
28 general assembly by January 1, 2019.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2245 - Introduced

HOUSE FILE 2245  
BY ANDERSON

A BILL FOR

1 An Act to establish an Iowa center for suicide prevention in  
2 the department of education and to require school employee  
3 training and protocols relating to suicide prevention and  
4 trauma-informed care and making an appropriation.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5634YH (3) 85  
je/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2245

1 Section 1. Section 256.7, Code 2014, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 33. By July 1, 2015, adopt rules to require  
4 school districts to provide regular, evidence-based training  
5 on suicide prevention and trauma-informed care to all school  
6 personnel who hold a license, certificate, authorization, or  
7 statement of recognition issued by the board of educational  
8 examiners and who provide a service to students as part of the  
9 general accreditation standards applicable to school districts  
10 pursuant to section 256.11. The content of the training  
11 shall be determined by the Iowa center for suicide prevention  
12 established in section 256.34.

13 NEW SUBSECTION. 34. By July 1, 2015, adopt rules to require  
14 school districts to adopt protocols for suicide prevention  
15 and postvention, as developed by the Iowa center for suicide  
16 prevention established in section 256.34.

17 Sec. 2. NEW SECTION. **256.34 Iowa center for suicide**  
18 **prevention.**

19 1. For purposes of this section, unless the context  
20 otherwise requires:

21 a. *“Postvention”* means the provision of crisis intervention,  
22 support, and assistance for those affected by a suicide or  
23 suicide attempt to prevent further risk of suicide.

24 b. *“Trauma-informed care”* means services that are based  
25 on an understanding of the vulnerabilities and triggers of  
26 individuals who have experienced trauma, recognize the role  
27 trauma has played in the lives of those individuals, recognize  
28 the presence of trauma symptoms and their onset, are supportive  
29 of trauma recovery, and avoid further traumatization.

30 2. The Iowa center for suicide prevention is established in  
31 the department to provide, in a coordinated and comprehensive  
32 way, ongoing support to Iowa’s schools relating to suicide  
33 prevention and trauma-informed care, in the form of  
34 information, resources, and evidence-based training content.  
35 It shall be the goal of the center that every student,

LSB 5634YH (3) 85

-1-

je/sc

1/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2245

1 regardless of where they reside in the state, have access  
2 to the same high-quality suicide prevention, intervention,  
3 and support resources. The department may employ personnel  
4 necessary to carry out the duties of the center.

5 3. The center shall have the initial responsibility of  
6 supporting schools with implementation of suicide prevention  
7 programs and development of trauma-informed learning  
8 environments, including but not limited to the following:

9 a. Through collaboration with suicide prevention  
10 coordinators and initiatives across state departments, the  
11 center shall lead a public-private coalition of state and  
12 local agencies, community groups, organizations including area  
13 education agencies, and individuals with the goal of supporting  
14 statewide suicide prevention, awareness, and intervention, and  
15 providing necessary resources for such efforts.

16 b. The center shall develop evidence-based suicide  
17 prevention and trauma-informed care training for school  
18 personnel, which training accounts for best practices and  
19 up-to-date research in these fields, to be provided pursuant  
20 to section 256.7, subsection 33. The center shall provide  
21 guidance and support to schools providing such training.

22 c. The center shall develop evidence-based model protocols  
23 to assist schools in suicide prevention and postvention, to be  
24 adopted pursuant to section 256.7, subsection 34.

25 d. The center shall develop a tiered training protocol for  
26 school personnel consisting of the following three tiers:

27 (1) Universal training to be provided to all school  
28 personnel.

29 (2) Targeted training to be provided to school personnel  
30 for whom a greater degree of knowledge and skill relating to  
31 suicide prevention is appropriate, such as school nurses,  
32 counselors, and administrators.

33 (3) Intensive training to be provided to up to two personnel  
34 in each school who will guide the school's suicide prevention  
35 efforts and provide support to the rest of the school's

LSB 5634YH (3) 85

-2-

je/sc

2/5



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

H.F. 2245

1 personnel.

2 *e.* The center shall develop recommendations for  
 3 social-emotional learning programs and supports for schools.

4 *f.* The center shall encourage content developed by the  
 5 center to be included in preservice teacher training.

6 4. The long-term responsibilities of the center shall  
 7 include the following:

8 *a.* Coordinating a comprehensive community effort of suicide  
 9 prevention to identify and develop supports for students at  
 10 risk of suicide.

11 *b.* Developing, reviewing, and improving evidence-based  
 12 training on suicide prevention and trauma-informed care on an  
 13 ongoing basis.

14 *c.* Identifying unmet needs in school and community  
 15 social-emotional learning supports.

16 *d.* Supporting efforts by schools to provide suicide  
 17 prevention and trauma-informed care for students.

18 *e.* Through community involvement, identifying resources  
 19 outside of a school setting for students identified as at risk  
 20 for suicide.

21 Sec. 3. APPROPRIATION. There is appropriated from the  
 22 general fund of the state to the department of education for  
 23 the fiscal year beginning July 1, 2014, and ending June 30,  
 24 2015, the following amount, or so much thereof as is necessary,  
 25 to be used for the purposes designated:

26 For the establishment and administration of the Iowa  
 27 center for suicide prevention, including salaries, support,  
 28 maintenance, and miscellaneous purposes:  
 29 ..... \$ 500,000  
 30

EXPLANATION

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

33 This bill establishes the Iowa center for suicide prevention  
 34 in the department of education to provide, in a coordinated and  
 35 comprehensive way, ongoing support to Iowa's schools relating

LSB 5634YH (3) 85



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2245

1 to suicide prevention and trauma-informed care, in the form of  
2 information, resources, and evidence-based training content.  
3 The goal of the center is that every student, regardless  
4 of where they reside in the state, have access to the same  
5 high-quality suicide prevention, intervention, and support  
6 resources. The department may employ personnel necessary to  
7 carry out the duties of the center.

8 The bill provides that the center has the initial  
9 responsibility of supporting schools with implementation of  
10 suicide prevention programs and development of trauma-informed  
11 learning environments, including development of evidence-based  
12 suicide prevention and trauma-informed care training for school  
13 personnel and evidence-based model protocols to assist schools  
14 in suicide prevention and postvention. The bill also provides  
15 long-term responsibilities of the center, including developing,  
16 reviewing, and improving evidence-based training on suicide  
17 prevention and trauma-informed care on an ongoing basis and  
18 supporting efforts by schools to provide suicide prevention and  
19 trauma-informed care for students.

20 The bill appropriates \$500,000 from the general fund of  
21 the state to the department for fiscal year 2014-2015 for the  
22 establishment and administration of the center.

23 The bill requires the department to adopt rules by  
24 July 1, 2015, to require school districts to provide  
25 regular, evidence-based training on suicide prevention  
26 and trauma-informed care to all school personnel who hold  
27 a license, certificate, authorization, or statement of  
28 recognition issued by the board of educational examiners and  
29 who provide a service to students as part of the general  
30 accreditation standards applicable to school districts. The  
31 content of the training shall be determined by the center.

32 The bill also requires the department to adopt rules by July  
33 1, 2015, to require school districts to adopt protocols for  
34 suicide prevention and postvention as developed by the center.

35 The bill defines "trauma-informed care" as services that are

LSB 5634YH (3) 85

-4-

je/sc

4/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2245

1 based on an understanding of the vulnerabilities and triggers  
2 of individuals who have experienced trauma, recognize the role  
3 trauma has played in the lives of those individuals, recognize  
4 the presence of trauma symptoms and their onset, are supportive  
5 of trauma recovery, and avoid further traumatization. The bill  
6 defines "postvention" as the provision of crisis intervention,  
7 support, and assistance for those affected by a suicide or  
8 suicide attempt to prevent further risk of suicide.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2246 - Introduced

HOUSE FILE 2246

BY WINCKLER, LENSING,  
KAJTAZOVIC, HUNTER, THEDE,  
HANSON, OURTH, T. TAYLOR,  
STAED, ANDERSON, PRICHARD,  
GASKILL, MASCHER, M. SMITH,  
ABDUL-SAMAD, COHOON,  
STECKMAN, JACOBY, KRESSIG,  
and R. OLSON

A BILL FOR

1 An Act requiring employment background checks of community  
2 college employees who work with children.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5740YH (3) 85  
jp/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2246

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

3 NEW SUBSECTION. 24. Require prospective and current  
4 employees whose regular duties involve working with or  
5 providing instruction to students who are less than age  
6 eighteen or are age eighteen or older and enrolled in high  
7 school to be subject to employment background checks. The  
8 background checks shall be performed before the work with or  
9 provision of instruction begins. The background checks shall  
10 include but are not limited to criminal history and child and  
11 dependent abuse registry checks in this state. In addition,  
12 the prospective or current employee's fingerprints shall be  
13 provided to the department of public safety for submission  
14 through the state criminal history repository to the United  
15 States department of justice, federal bureau of investigation,  
16 for a national criminal history check.

17 EXPLANATION

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

20 This bill mandates that the board of directors of a community  
21 college require background checks of prospective and current  
22 employees whose regular duties involve working with or  
23 providing instruction to students who are less than age 18 or  
24 are age 18 or older and enrolled in high school.

25 The background checks are to be performed before the duties  
26 involving such students begin and are to include criminal  
27 history and child and dependent abuse registry checks in this  
28 state. In addition, the prospective or current employee's  
29 fingerprints are to be provided for a national criminal history  
30 check.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2247 - Introduced

HOUSE FILE 2247

BY WINCKLER, LENSING,  
KAJTAZOVIC, HUNTER, THEDE,  
HANSON, OURTH, T. TAYLOR,  
HEDDENS, STAED, ANDERSON,  
PRICHARD, GASKILL, MASCHER,  
M. SMITH, ABDUL-SAMAD,  
STECKMAN, R. OLSON, and  
H. MILLER

A BILL FOR

1 An Act relating to competency-based education and making  
2 appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5837YH (3) 85  
kh/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2247

1 Section 1. Section 256.7, subsection 26, paragraph a,  
 2 subparagraph (1), Code 2014, is amended to read as follows:  
 3 (1) The rules establishing high school graduation  
 4 requirements shall authorize a school district or accredited  
 5 nonpublic school to consider that any student, at any grade  
 6 level, who satisfactorily completes a high school-level unit  
 7 of ~~English or language arts, mathematics, science, or social~~  
 8 ~~studies~~ instruction has satisfactorily completed a unit of the  
 9 high school graduation requirements for that area ~~as specified~~  
 10 ~~in this lettered paragraph~~ of instruction, and shall authorize  
 11 the school district or accredited nonpublic school to issue  
 12 high school credit for the unit to the student.

13 Sec. 2. Section 256.24, Code 2014, is amended by striking  
 14 the section and inserting in lieu thereof the following:  
 15 **256.24 Competency-based education system — activities —**  
 16 **appropriation.**

17 1. The department shall develop, implement, and support a  
 18 statewide competency-based system.

19 2. The department shall establish an Iowa competency-based  
 20 education collaborative grant program to award grants to  
 21 not more than ten school districts annually for purposes of  
 22 developing, implementing, and evaluating competency-based  
 23 education pilot and demonstration projects. However,  
 24 the department may also award grants to cohorts of school  
 25 districts annually for purposes of collaboratively developing,  
 26 implementing, and evaluating competency-based education pilot  
 27 and demonstration projects.

28 a. The department shall develop grant application,  
 29 selection, and evaluation criteria.

30 b. Each pilot or demonstration project shall be conducted  
 31 for a minimum of one year, but may be conducted for multiple  
 32 school years as proposed by the applicant and approved by the  
 33 department.

34 c. Grant amounts shall be distributed as determined by the  
 35 department.

LSB 5837YH (3) 85  
 kh/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2247

1     3. The department shall employ at least two consultants  
2 full-time to lead the work of school districts receiving  
3 grants under this section as the districts collaboratively  
4 investigate, develop, and implement competency-based  
5 educational pathways for their students. The consultants  
6 shall also work to create a framework to guide the statewide  
7 implementation of a competency-based education system, and to  
8 assist area education agencies and other school districts in  
9 developing such competency-based education pathways.

10    4. The department shall submit progress reports analyzing  
11 the status, activities, and preliminary findings of the  
12 projects to the state board, the governor, and the general  
13 assembly by January 15 annually. The department shall  
14 summarize the projects' findings, including student achievement  
15 results, and submit the summary and any recommendations in a  
16 final report to the state board, the governor, and the general  
17 assembly by January 15, 2020.

18    5. There is appropriated from the general fund of the  
19 state to the department, for the following fiscal years, the  
20 following amounts, to be used for administering this section,  
21 providing grants in accordance with this section, and for not  
22 more than two full-time equivalent positions:

23     *a.* For the fiscal year beginning July 1, 2014, and ending  
24 June 30, 2015, the sum of one million dollars.

25     *b.* For the fiscal year beginning July 1, 2015, and ending  
26 June 30, 2016, the sum of one million dollars.

27     *c.* For the fiscal year beginning July 1, 2016, and ending  
28 June 30, 2017, the sum of one million dollars.

29     *d.* For the fiscal year beginning July 1, 2017, and ending  
30 June 30, 2018, the sum of one million dollars.

31     *e.* For the fiscal year beginning July 1, 2018, and ending  
32 June 30, 2019, the sum of one million dollars.

33    6. This section is repealed July 1, 2020.

34

EXPLANATION

35           The inclusion of this explanation does not constitute agreement with

LSB 5837YH (3) 85

kh/rj

2/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2247

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

2 This bill relates to competency-based education by  
3 authorizing school districts and accredited nonpublic  
4 schools to issue credit toward meeting high school graduation  
5 requirements to any student at any level who successfully  
6 completes a unit of high school instruction, expanding the  
7 current competency-based education grant program, and making a  
8 standing limited appropriation of \$1 million per year for the  
9 fiscal period beginning July 1, 2014, and ending June 30, 2019,  
10 to the department of education for purposes of developing,  
11 implementing, and supporting a statewide competency-based  
12 system; duties the department is directed to undertake.

13 In 2013, the department was directed under Code section  
14 256.24 to establish a competency-based education grant program  
15 to award grants to not more than 10 school districts. The  
16 bill rewrites the Code section to continue the grant program  
17 as part of the broader effort to develop a statewide system of  
18 competency-based education pathways. In addition to the 10  
19 individual school districts receiving grants, the bill allows  
20 the department to award grants to cohorts of school districts.

21 The department must also employ at least two consultants  
22 full-time to lead the work of school districts receiving  
23 grants. The consultants must also work to create a framework  
24 to guide the statewide implementation of a competency-based  
25 education system, and to assist area education agencies and  
26 other school districts developing competency-based education  
27 pathways for students.

28 The date by which the department must submit its final  
29 report summarizing the projects' findings, and providing any  
30 recommendations to the state board of education, the governor,  
31 and the general assembly, is moved back one year to January 15,  
32 2020.

33 The Code section is repealed July 1, 2020.

LSB 5837YH (3) 85

-3-

kh/rj

3/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2248 - Introduced

HOUSE FILE 2248

BY WINCKLER, LENSING, BERRY,  
KRESSIG, STUTSMAN, HUNTER,  
R. OLSON, STECKMAN,  
ABDUL-SAMAD, GAINES,  
KELLEY, MUHLBAUER, RIDING,  
DUNKEL, OLDSON, KAJTAZOVIC,  
WOOD, HANSON, OURTH,  
T. TAYLOR, STAED, ANDERSON,  
PRICHARD, MASCHER, and  
JACOBY

A BILL FOR

1 An Act relating to the concurrent enrollment program between  
2 school districts and community colleges.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5649HH (5) 85  
kh/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2248

1 Section 1. Section 257.11, subsection 3, Code 2014, is  
2 amended to read as follows:

3 3. ~~District-to-community college sharing and concurrent~~  
4 Concurrent enrollment programs program.

5 a. In order to provide additional funds for school districts  
6 which send their resident high school pupils to a ~~community~~  
7 college an eligible postsecondary institution for college-level  
8 classes, a supplementary weighting plan for determining  
9 enrollment is adopted.

10 b. If the school budget review committee certifies to the  
11 department of management that the class would not otherwise be  
12 implemented without the assignment of additional weighting,  
13 pupils attending a ~~community college offered~~ class offered  
14 by an eligible postsecondary institution or attending a  
15 class taught by a ~~community college employed~~ an instructor  
16 employed by an eligible postsecondary institution are  
17 assigned a weighting of the percentage of the pupil's school  
18 day during which the pupil attends class in ~~the community~~  
19 college an eligible postsecondary institution facility or  
20 attends a class taught by a ~~community college employed~~ an  
21 instructor employed by an eligible postsecondary institution  
22 times seventy hundredths for career and technical courses or  
23 forty-six hundredths for liberal arts and sciences courses.  
24 The following requirements shall be met for the purposes of  
25 assigning an additional weighting for classes offered through  
26 a sharing agreement between a school district and ~~community~~  
27 college an eligible postsecondary institution. The class must  
28 be:

29 (1) Supplementing, not supplanting, high school courses  
30 required to be offered pursuant to section 256.11, subsection  
31 5.

32 (2) Included in the ~~community college~~ eligible  
33 postsecondary institution's catalog or an amendment or addendum  
34 to the catalog.

35 (3) Open to all ~~registered community college~~ students

LSB 5649HH (5) 85

kh/sc

1/7



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2248

1 enrolled in the eligible postsecondary institution, not just  
2 high school students. The class may be offered in a high  
3 school attendance center.

4 (4) For college credit, and the credit must apply toward  
5 an associate of arts or associate of science degree, or  
6 toward an associate of applied arts or associate of applied  
7 science degree, or toward completion of ~~a college~~ an eligible  
8 postsecondary diploma program or certificate.

9 (5) Taught by an instructor who is employed or contracted by  
10 ~~a community college who~~ an eligible postsecondary institution  
11 and who meets the requirements of section 261E.3, subsection 2.

12 (6) Taught utilizing the ~~community college~~ eligible  
13 postsecondary institution's course syllabus.

14 (7) Taught in such a manner as to result in student work and  
15 student assessment ~~which~~ that meet college-level expectations.

16 *c.* For purposes of this subsection, "eligible postsecondary  
17 institution" means the same as defined in section 261E.2.

18 Sec. 2. Section 257.11, subsection 8, paragraph c, Code  
19 2014, is amended to read as follows:

20 *c.* A school district receiving a virtual class for a pupil  
21 from ~~a community college~~ an eligible postsecondary institution,  
22 which class meets the sharing agreement requirements in  
23 subsection 3, shall receive a supplemental funding weighting  
24 of one-twentieth of the percentage of the pupil's school day  
25 during which the pupil attends the virtual class.

26 Sec. 3. Section 261E.1, subsection 1, paragraph b, Code  
27 2014, is amended to read as follows:

28 *b.* ~~Community college~~ Postsecondary credit courses offered  
29 through ~~written~~ sharing agreements between school districts and  
30 ~~community colleges~~ eligible postsecondary institutions.

31 Sec. 4. Section 261E.2, subsection 1, Code 2014, is amended  
32 to read as follows:

33 1. "Concurrent enrollment" means any course offered to  
34 students in grades nine through twelve during the regular  
35 school year approved by the board of directors of a school



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2248

1 district through a contractual agreement between a ~~community~~  
2 ~~college~~ an eligible postsecondary institution and the  
3 school district that meets the provisions of section 257.11,  
4 subsection 3.

5 Sec. 5. Section 261E.8, Code 2014, is amended to read as  
6 follows:

7 ~~261E.8 District-to-community college sharing or concurrent~~  
8 Concurrent enrollment program.

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

25 2. Students from accredited nonpublic schools and students  
26 receiving competent private instruction or independent private  
27 instruction under chapter 299A may access the program through  
28 the school district in which the accredited nonpublic school or  
29 private institution is located.

30 3. A student may make application to a ~~community college~~  
31 an eligible postsecondary institution and the school district  
32 to allow the student to enroll for college credit in a  
33 nonsectarian course offered by the ~~community college~~ eligible  
34 postsecondary institution. A comparable course, as defined in  
35 rules adopted by the board of directors of the school district,

LSB 5649HH (5) 85

-3-

kh/sc

3/7



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2248

1 must not be offered by the school district or accredited  
 2 nonpublic school which the student attends. The school board  
 3 shall annually approve courses to be made available for high  
 4 school credit using locally developed criteria that establishes  
 5 which courses will provide the student with academic rigor  
 6 and will prepare the student adequately for transition to a  
 7 postsecondary institution. If a ~~community college~~ an eligible  
 8 postsecondary institution accepts a student for enrollment  
 9 under this section, the school district, in collaboration with  
 10 the ~~community college~~ eligible postsecondary institution, shall  
 11 send written notice to the student, the student's parent or  
 12 legal guardian in the case of a minor child, and the student's  
 13 school district. The notice shall list the course, the clock  
 14 hours the student will be attending the course, and the number  
 15 of hours of college credit that the student will receive from  
 16 the ~~community college~~ eligible postsecondary institution upon  
 17 successful completion of the course.

18 4. A school district shall grant high school credit to  
 19 a student enrolled in a course under this chapter if the  
 20 student successfully completes the course as determined by the  
 21 ~~community college~~ eligible postsecondary institution and the  
 22 course was previously approved by the school board pursuant to  
 23 subsection 3. The board of directors of the school district  
 24 shall determine the number of high school credits that shall be  
 25 granted to a student who successfully completes a course.

26 5. ~~District-to-community college sharing agreements~~  
 27 ~~or concurrent~~ Concurrent enrollment programs that meet the  
 28 requirements of section 257.11, subsection 3, are eligible for  
 29 funding under that provision.

30 6. ~~Community colleges~~ Eligible postsecondary institutions  
 31 shall comply with the data collection requirements of ~~section~~  
 32 ~~260C.14, subsection 21~~ the department in the manner and form  
 33 prescribed by the department.

34 7. A student enrolled in a career and technical course  
 35 made available pursuant to subsection 1 is exempt from the







Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2248

1 school infrastructure funding for a joint infrastructure  
2 project with a regents university. Currently, only community  
3 colleges can partner with a school district on such a project.  
4 The bill eliminates references to "district-to-community  
5 college sharing", and makes a corresponding change to a  
6 reference relating to statewide school infrastructure funding,  
7 and to a provision for supplemental funding for virtual  
8 classes that meet the requirements of the concurrent enrollment  
9 program.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2249 - Introduced

HOUSE FILE 2249

BY M. SMITH, MURPHY,  
BEARINGER, BERRY,  
ABDUL-SAMAD, COHOON,  
STECKMAN, WINCKLER,  
LENSING, H. MILLER, THEDE,  
HANSON, OURTH, T. TAYLOR,  
STAED, ANDERSON, and  
PRICHARD

A BILL FOR

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

TLSB 6078YH (4) 85  
pf/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2249

1 Section 1. 2013 Iowa Acts, chapter 138, section 12,  
2 subsection 19, paragraph a, subparagraph (6), is amended by  
3 striking the subparagraph.

4 Sec. 2. 2013 Iowa Acts, chapter 138, section 142, subsection  
5 18, paragraph a, is amended to read as follows:

6 a. The department shall continue to implement the cost  
7 containment strategies for the medical assistance program in  
8 the fiscal year beginning July 1, 2014, that were recommended  
9 by the governor for the fiscal year beginning July 1, 2013,  
10 as specified in this Act and may adopt emergency rules for  
11 such implementation. The department shall not implement the  
12 cost containment strategy that requires transition of the  
13 provision by individual providers of personal care under the  
14 consumer-directed attendant care option to agency-provided  
15 personal care services while retaining the consumer choice  
16 option for those individuals able and desiring to self-direct  
17 services.

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

20 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies  
21 retroactively to July 1, 2013.

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 relates to a cost containment strategy that  
26 would require transition under the Medicaid program of the  
27 provision by individual providers of personal care under the  
28 consumer-directed attendant care option to agency-provided  
29 personal care services while retaining the consumer choice  
30 option for those individuals able and desiring to self-direct  
31 services. Because the provision was included in the  
32 appropriation for the Medicaid program for FY 2013-2014 and  
33 continued in FY 2014-2015, the bill eliminates the initial  
34 directive for FY 2013-2014, and directs the department of human  
35 services not to implement the strategy for FY 2014-2015.

LSB 6078YH (4) 85  
pf/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2249

1 The bill takes effect upon enactment and is retroactively  
2 applicable to July 1, 2013.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2250 - Introduced

HOUSE FILE 2250  
BY DAWSON

A BILL FOR

1 An Act relating to expungement of a conviction of theft in the  
2 fifth degree.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5579YH (3) 85  
jb/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2250

1 Section 1. Section 714.2, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 6. Upon the expiration of two years  
4 following a conviction for a violation of subsection 5, a  
5 person who was under the age of twenty-one at the time of a  
6 violation may petition the court to expunge the conviction,  
7 and if the person has had no other criminal convictions, other  
8 than simple misdemeanor violations of chapter 321 during the  
9 two-year period, the conviction shall be expunged as a matter  
10 of law. The court shall enter an order that the record of the  
11 conviction be expunged by the clerk of the district court.  
12 Notwithstanding section 692.2, after receipt of notice from  
13 the clerk of the district court that a record of conviction  
14 has been expunged for a violation of subsection 5, the record  
15 of conviction shall be removed from the criminal history data  
16 files maintained by the department of public safety. An  
17 expunged conviction shall not be considered a prior offense for  
18 purposes of enhancement under applicable state law unless a new  
19 violation occurred prior to entry of the order of expungement.

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 allows a person who is under the age of 21 at  
24 the time the person commits an offense of theft in the fifth  
25 degree to have the conviction of theft in the fifth degree  
26 expunged, if the person has no other criminal convictions other  
27 than simple misdemeanor violations of Code chapter 321. The  
28 bill requires the district court to instruct the clerk of the  
29 district court to expunge the record of conviction, and the  
30 record of conviction shall be removed from the criminal history  
31 files maintained by the department of public safety.

32 The bill also provides that the expunged conviction shall  
33 not be considered a prior offense for purposes of enhancement  
34 unless a new violation occurred before the conviction is  
35 expunged.

LSB 5579YH (3) 85

-1-

jb/rj

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2251 - Introduced

HOUSE FILE 2251  
BY DAWSON

A BILL FOR

- 1 An Act establishing a family treatment court for a child
- 2 adjudicated a child in need of assistance, and including an
- 3 effective date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5924HH (3) 85  
jm/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2251

1 Section 1. NEW SECTION. 232.105 Family treatment court.

2 1. For purposes of this section, "family treatment court"  
3 means a court program that uses a community-based approach to  
4 substance abuse treatment by supporting the family of a child  
5 adjudicated a child in need of assistance in order for the  
6 family to remain in the role as the primary custodian of the  
7 child or to regain custody of the child.

8 2. a. A family treatment court is created within the  
9 juvenile court in each county in this state to offer voluntary  
10 treatment services to the parent or guardian of a child based  
11 upon a finding of either of the conditions defined under  
12 section 232.2, subsection 6, paragraph "n" or "o".

13 b. The juvenile court may offer family treatment court as  
14 an option to the parent or guardian of the child based upon a  
15 finding of any of the other conditions defined under section  
16 232.2, subsection 6.

17 3. The parent or guardian of a child shall not be required  
18 to participate in the family treatment court. However, the  
19 family treatment court may establish terms and conditions for  
20 participation of a parent or guardian.

21 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,  
22 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 establishes a family treatment court for a child  
27 adjudicated a child in need of assistance.

28 The bill defines "family treatment court" to mean a  
29 voluntary juvenile court program that uses a community-based  
30 approach to substance abuse treatment by supporting the family  
31 of a child adjudicated a child in need of assistance in order  
32 for the family to remain in the role as the primary custodian  
33 of the child or to regain custody of the child.

34 The bill provides that a family treatment court is created  
35 within the juvenile court in each county in this state to offer

LSB 5924HH (3) 85

-1-

jm/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2251

1 voluntary treatment services to the parent or guardian of a  
2 child based upon a finding of the parent's or guardian's mental  
3 capacity or condition, imprisonment, or drug or alcohol abuse  
4 that resulted in the child not receiving adequate care, or  
5 based upon the presence of an illegal drug in the child because  
6 of the acts or omissions of the child's parent or guardian.

7 The bill further specifies that the juvenile court may offer  
8 family treatment court as an option to the parent or guardian  
9 of a child adjudicated a child in need of assistance based upon  
10 a finding of any of the other conditions defined under Code  
11 section 232.2, subsection 6.

12 A parent or guardian of a child is not required to  
13 participate in the family treatment court. However, the bill  
14 specifies that the family treatment court may establish terms  
15 and conditions for participation of a parent or guardian.

16 The bill takes effect on January 1, 2015.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2252 - Introduced

HOUSE FILE 2252  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 553)

**A BILL FOR**

1 An Act relating to standards for educational and instructional  
2 models, programs, and supplementary weighting for students  
3 identified as limited English proficient.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5259HV (1) 85  
kh/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2252

1 Section 1. Section 256.7, subsection 31, Code 2014, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. c. Adopt rules, in collaboration with  
4 the Iowa reading research center established pursuant to  
5 section 256.9, subsection 53, to establish standards for  
6 the identification, selection, and use of research-based  
7 educational and instructional models for students identified as  
8 limited English proficient, and standards for the professional  
9 development of the instructional staff responsible for  
10 implementation of those models.

11 Sec. 2. Section 256.9, Code 2014, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 65. Establish, subject to an appropriation  
14 of funds by the general assembly, an English language literacy  
15 for all grant program which shall be made available to all  
16 school districts. Priority in issuing grants shall be given  
17 to school districts with the highest percentage of students  
18 identified as limited English proficient. A grant may be  
19 awarded for a period of up to three years. The department  
20 and each school district receiving a grant shall enter into  
21 a performance agreement, which shall be renewed annually,  
22 that identifies clear literacy achievement goals for limited  
23 English proficient students enrolled in the school district  
24 and includes an accountability system to measure student  
25 performance and evaluate program effectiveness to ensure that  
26 program goals are met. School districts may expend grant  
27 moneys for professional development for professional staff  
28 providing instructional services to limited English proficient  
29 students.

30 Sec. 3. Section 280.4, subsection 3, paragraph b, Code 2014,  
31 is amended to read as follows:

32 b. For students first determined to be limited English  
33 proficient for a budget year beginning on or after July 1,  
34 2010, the additional weighting provided under paragraph "a"  
35 shall be included in the weighted enrollment of the school

LSB 5259HV (1) 85

-1-

kh/rj

1/3



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2252

1 district of residence for a cumulative period of time not  
 2 exceeding five years beginning with the budget year for  
 3 which the student was first determined to be limited English  
 4 proficient. The five years of eligibility for the additional  
 5 weighting need not be consecutive and a student's eligibility  
 6 for the additional weighting is transferable to another  
 7 district of residence.

8

EXPLANATION

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

11       This bill relates to standards for educational and  
 12 instructional models, programs, and supplementary weighting for  
 13 students identified as limited English proficient.

14       The state board of education is directed to adopt rules,  
 15 in collaboration with the Iowa reading research center, to  
 16 establish standards for the identification, selection, and  
 17 use of research-based educational and instructional models  
 18 for students identified as limited English proficient, and  
 19 standards for the professional development of the instructional  
 20 staff responsible for implementation of those models.

21       The director of the department of education is directed  
 22 to establish, subject to an appropriation of funds by the  
 23 general assembly, an English language literacy for all grant  
 24 program for school districts. Priority must be given to school  
 25 districts with the highest percentage of limited English  
 26 proficient students. A grant may be awarded for up to three  
 27 years. The department and each school district receiving a  
 28 grant must enter into a performance agreement, which must be  
 29 renewed annually, that identifies clear literacy achievement  
 30 goals and includes an accountability system. School districts  
 31 may expend grant moneys for professional development for  
 32 professional staff providing instructional services to limited  
 33 English proficient students.

34       The bill permits some flexibility for the amount of time a  
 35 student may be eligible for additional weighting as a limited

LSB 5259HV (1) 85

-2-

kh/rj

2/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2252

1 English proficient student by providing that the five-year  
2 eligibility period is cumulative, and need not be consecutive,  
3 and is transferable to another district of residence.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2253 - Introduced

HOUSE FILE 2253  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 501)

A BILL FOR

1 An Act relating to commission of a criminal offense involving  
2 a victim fifteen years of age or younger, and providing  
3 penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5252HV (2) 85  
jm/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2253

1 Section 1. Section 710.3, Code 2014, is amended to read as  
2 follows:

3 **710.3 Kidnapping in the second degree.**

4 1. Kidnapping where the purpose is to hold the victim  
5 for ransom, or where the kidnapper is armed with a dangerous  
6 weapon, or where the victim is fifteen years of age or younger,  
7 is kidnapping in the second degree. Kidnapping in the second  
8 degree is a class "B" felony.

9 2. For purposes of determining whether the person should  
10 register as a sex offender pursuant to the provisions of  
11 chapter 692A, the fact finder shall make a determination as  
12 provided in section 692A.126.

13 Sec. 2. Section 903A.2, subsection 1, unnumbered paragraph  
14 1, Code 2014, is amended to read as follows:

15 Each inmate committed to the custody of the director of the  
16 department of corrections is eligible to earn a reduction of  
17 sentence in the manner provided in this section. For purposes  
18 of calculating the amount of time by which an inmate's sentence  
19 may be reduced, inmates shall be grouped into the following ~~two~~  
20 three sentencing categories:

21 Sec. 3. Section 903A.2, subsection 1, paragraph a,  
22 unnumbered paragraph 1, Code 2014, is amended to read as  
23 follows:

24 Category "A" sentences are those sentences which are not  
25 subject to a maximum accumulation of earned time of fifteen  
26 percent of the total sentence of confinement under section  
27 902.12 or category "C" sentences. To the extent provided  
28 in subsection 5, category "A" sentences also include life  
29 sentences imposed under section 902.1. An inmate of an  
30 institution under the control of the department of corrections  
31 who is serving a category "A" sentence is eligible for a  
32 reduction of sentence equal to one and two-tenths days for each  
33 day the inmate demonstrates good conduct and satisfactorily  
34 participates in any program or placement status identified by  
35 the director to earn the reduction. The programs include but

LSB 5252HV (2) 85

-1-

jm/rj

1/4



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2253

1 are not limited to the following:

2 Sec. 4. Section 903A.2, subsection 1, paragraph b, Code  
3 2014, is amended to read as follows:

4 *b.* Category "B" sentences are those sentences which are  
5 subject to a maximum accumulation of earned time of fifteen  
6 percent of the total sentence of confinement under section  
7 902.12 and are not category "C" sentences. An inmate of an  
8 institution under the control of the department of corrections  
9 who is serving a category "B" sentence is eligible for a  
10 reduction of sentence equal to fifteen eighty-fifths of a day  
11 for each day of good conduct by the inmate.

12 Sec. 5. Section 903A.2, subsection 1, Code 2014, is amended  
13 by adding the following new paragraph:

14 NEW PARAGRAPH. *c.* Notwithstanding paragraphs "a" and "b",  
15 an inmate serving a category "C" sentence is ineligible to  
16 earn any reduction of sentence under this section. Category  
17 "C" sentences are those sentences where the victim was fifteen  
18 years of age or younger at the time the offense was committed  
19 and is a violation of any of the following:

- 20 (1) Section 707.3 or 707.11.
- 21 (2) Section 709.2, 709.3, 709.4, or 709.8, section 709.11,  
22 subsection 1 or 2, section 709.15, subsection 4, paragraph "a",  
23 or section 709.15, subsection 5, paragraph "a".
- 24 (3) Section 710.3 or 710.4.
- 25 (4) Section 710A.2, subsection 2 or 4.
- 26 (5) Section 728.12, subsection 1 or 2, or section 728.12,  
27 subsection 3, if the offense is classified as a felony.

28 Sec. 6. Section 903A.7, Code 2014, is amended to read as  
29 follows:

30 **903A.7 Separate sentences.**

31 1. Consecutive multiple sentences that are within the  
32 same category under section 903A.2 shall be construed as one  
33 continuous sentence for purposes of calculating reductions of  
34 sentence for earned time.

35 2. If a person is sentenced to serve sentences of both



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2253

1 categories, category "B" sentences shall be served before  
2 category "A" sentences are served, and earned time accrued  
3 against the category "B" sentences shall not be used to reduce  
4 the category "A" sentences. If an inmate serving a category  
5 "A" sentence is sentenced to serve a category "B" sentence,  
6 the category "A" sentence shall be interrupted, and no further  
7 earned time shall accrue against that sentence until the  
8 category "B" sentence is completed.

9 3. If a person is sentenced to serve both a category "C"  
10 sentence and another category sentence, the category "C"  
11 sentence shall be served before the other category sentence  
12 is served, and no earned time shall accrue until the category  
13 "C" sentence has been served. If an inmate serving another  
14 category sentence besides a category "C" sentence is sentenced  
15 to serve a category "C" sentence, the sentence of the other  
16 category sentence shall be interrupted, and no further earned  
17 time shall accrue against that sentence until the category "C"  
18 sentence is completed.

19 EXPLANATION

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

22 This bill relates to criminal offenses involving a victim 15  
23 years of age or younger.

24 The bill changes the definition of kidnapping in the second  
25 degree to include any kidnapping where the victim is 15 years  
26 of age or younger. A person who commits kidnapping in the  
27 second degree commits a class "B" felony. A class "B" felony  
28 is punishable by confinement for no more than 25 years.  
29 Kidnapping in the second degree is also classified as a 70  
30 percent sentence under Code section 902.12.

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

LSB 5252HV (2) 85

-3-

jm/rj

3/4



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2253

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  
8 convicted of any of the following Code section felony offenses  
9 to accumulate earned time if the victim of the offense  
10 was 15 years of age or younger at the time the offense was  
11 committed: 707.3 (murder in the second degree), 707.11  
12 (attempt to commit murder), 709.2 (sexual abuse in the first  
13 degree), 709.3 (sexual abuse in the second degree), 709.4  
14 (sexual abuse in the third degree), 709.8 (lascivious acts  
15 with a child), 709.11(1) or (2) (assault with intent to  
16 commit sexual abuse), 709.15(4)(a) (sexual exploitation by a  
17 counselor, therapist, or school employee), 710.3 (kidnapping  
18 in the second degree), 710.4 (kidnapping in the third degree),  
19 710A.2(2) or (4) (human trafficking), and 728.12 (sexual  
20 exploitation of a minor).

21 Under the bill, if a person is sentenced to serve both  
22 a category "C" sentence and another category sentence, the  
23 category "C" sentence shall be served before the other category  
24 sentence is served, and no earned time shall accrue until the  
25 category "C" sentence has been served. The bill also provides  
26 that if an inmate serving another category sentence besides  
27 a category "C" sentence is sentenced to serve a category "C"  
28 sentence, the sentence of the other category sentence shall be  
29 interrupted, and no further earned time shall accrue against  
30 that sentence until the category "C" sentence is completed.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**House File 2254 - Introduced**

HOUSE FILE 2254  
BY COMMITTEE ON JUDICIARY  
  
(SUCCESSOR TO HSB 588)

**A BILL FOR**

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

TLSB 5388HV (1) 85  
rh/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2254

1 Section 1. Section 232.2, subsection 6, Code 2014, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *r.* Who is allowed, permitted, or encouraged  
4 by an adult having influence or control of the child to engage  
5 in acts prohibited pursuant to section 725.1.

6 Sec. 2. Section 725.1, Code 2014, is amended to read as  
7 follows:

8 **725.1 Prostitution.**

9 1. A Except as provided in subsection 2, a person who sells  
10 or offers for sale the person's services as a partner in a sex  
11 act, or who purchases or offers to purchase such services,  
12 commits an aggravated misdemeanor.

13 2. If the person who sells or offers for sale the person's  
14 services as a partner in a sex act is under the age of eighteen  
15 and reasonable grounds exist to believe that the influence  
16 or control of an adult contributed to the commission of the  
17 offense, the county attorney may elect, in lieu of prosecution,  
18 to refer the person to the department of human services  
19 alleging that the person is a child in need of assistance  
20 pursuant to section 232.2, subsection 6.

21 Sec. 3. Section 725.2, Code 2014, is amended to read as  
22 follows:

23 **725.2 Pimping.**

24 1. A person who solicits a patron for a prostitute, or who  
25 knowingly takes or shares in the earnings of a prostitute, or  
26 who knowingly furnishes a room or other place to be used for  
27 the purpose of prostitution, whether for compensation or not,  
28 commits a class "D" felony.

29 2. A person who solicits a patron for a prostitute who is  
30 under the age of eighteen, or who knowingly takes or shares in  
31 the earnings of a prostitute who is under the age of eighteen,  
32 or who knowingly furnishes a room or other place to be used for  
33 the purposes of prostitution of a prostitute who is under the  
34 age of eighteen, whether for compensation or not, commits a  
35 class "C" felony.

LSB 5388HV (1) 85  
rh/rj





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2255 - Introduced

HOUSE FILE 2255

BY STECKMAN, HALL, WINCKLER,  
MURPHY, PRICHARD, RUFF,  
KAJTAZOVIC, and MUHLBAUER

A BILL FOR

1 An Act relating to school district funding for at-risk pupils  
2 and dropout prevention programs and including applicability  
3 provisions.

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

TLSB 5539YH (9) 85  
md/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2255

1 Section 1. Section 257.11, subsection 4, Code 2014, is  
 2 amended to read as follows:  
 3 4. *At-risk programs and alternative schools.*  
 4 ~~a-~~ In order to provide additional funding to school  
 5 districts for programs serving at-risk pupils and alternative  
 6 school pupils in secondary schools, a supplementary weighting  
 7 plan for at-risk pupils is adopted. A supplementary weighting  
 8 of ~~forty-eight~~ six hundred forty-two ten-thousandths per pupil  
 9 shall be assigned to the percentage of pupils in a school  
 10 district enrolled in grades one through six, as reported by  
 11 the school district on the basic educational data survey for  
 12 the base year, who are eligible for free and reduced price  
 13 meals under the federal National School Lunch Act and the  
 14 federal Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785,  
 15 multiplied by the budget enrollment in the school district;  
 16 and a supplementary weighting of ~~one hundred fifty-six~~  
 17 ~~one hundred thousandths~~ two hundred four ten-thousandths  
 18 per pupil shall be assigned to pupils included in the budget  
 19 enrollment of the school district. Amounts received as  
 20 supplementary weighting for at-risk pupils shall be utilized  
 21 by a school district to develop or maintain at-risk pupils'  
 22 programs, which may include alternative school programs, and to  
 23 establish or maintain approved programs for returning dropouts  
 24 and dropout prevention under sections 257.38 through 257.41.  
 25 ~~b.~~ Notwithstanding paragraph "a", a school district which  
 26 received supplementary weighting for an alternative high school  
 27 program for the school budget year beginning July 1, 1999,  
 28 shall receive an amount of supplementary weighting for the next  
 29 three school budget years as follows:  
 30 (1) For the budget year beginning July 1, 2000, the greater  
 31 of the amount of supplementary weighting determined pursuant to  
 32 paragraph "a", or sixty-five percent of the amount received for  
 33 the budget year beginning July 1, 1999.  
 34 (2) For the budget year beginning July 1, 2001, the greater  
 35 of the amount of supplementary weighting determined pursuant to

LSB 5539YH (9) 85  
md/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2255

1 ~~paragraph "a", or forty percent of the amount received for the~~  
2 ~~budget year beginning July 1, 1999.~~

3 ~~(3) For the budget year beginning July 1, 2002, and~~  
4 ~~succeeding budget years, the amount of supplementary weighting~~  
5 ~~determined pursuant to paragraph "a".~~

6 ~~c. If a school district receives an amount pursuant to~~  
7 ~~paragraph "b" which exceeds the amount the district would~~  
8 ~~otherwise have received pursuant to paragraph "a", the~~  
9 ~~department of management shall annually determine the amount~~  
10 ~~of the excess that would have been state aid and the amount~~  
11 ~~that would have been property tax if the school district had~~  
12 ~~generated that amount pursuant to paragraph "a", and shall~~  
13 ~~include the amounts in the state aid payments and property tax~~  
14 ~~levies of school districts. The department of management shall~~  
15 ~~recalculate the supplementary weighting amount received each~~  
16 ~~year to reflect the amount of the reduction in funding from one~~  
17 ~~budget year to the next pursuant to paragraph "b", subparagraphs~~  
18 ~~(1) through (3). It is the intent of the general assembly that~~  
19 ~~when weights are recalculated under this subsection, the total~~  
20 ~~amounts generated by each weight shall be approximately equal.~~

21 Sec. 2. Section 257.38, subsection 1, unnumbered paragraph  
22 1, Code 2014, is amended to read as follows:

23 ~~Boards of school districts, individually or jointly with~~  
24 ~~boards of other school districts, requesting to use a modified~~  
25 ~~supplemental amount amounts received as supplementary weighting~~  
26 ~~for at-risk pupils under section 257.11, subsection 4, for~~  
27 ~~programs for returning dropouts and dropout prevention, shall~~  
28 ~~submit, individually or jointly with boards of other school~~  
29 ~~districts, comprehensive program plans for the programs~~  
30 ~~and budget costs, including annual requests for a modified~~  
31 ~~supplemental amount for funding the programs, to the department~~  
32 ~~of education as a component of the comprehensive school~~  
33 ~~improvement plan submitted to the department pursuant to~~  
34 ~~section 256.7, subsection 21. The program plans shall include:~~

35 Sec. 3. Section 257.40, Code 2014, is amended to read as





**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

H.F. 2255

1 257.11, subsection 4, for the budget year minus the amount  
 2 that would have been received as supplementary weighting by  
 3 the school district for the budget year under section 257.11,  
 4 subsection 4, Code 2014, is less than the modified supplemental  
 5 amount received by the school district for the budget year  
 6 beginning July 1, 2014, the department of management shall  
 7 establish a modified supplemental amount for the budget year  
 8 equal to the difference in the remainder and the modified  
 9 supplemental amount received by the school district for the  
 10 budget year beginning July 1, 2014.

11 2. Beginning January 15, ~~2007~~ 2015, the department shall  
 12 submit an annual report to the chairpersons and ranking members  
 13 of the senate and house education committees that includes the  
 14 ways school districts in the previous school year used ~~modified~~  
 15 ~~supplemental~~ amounts received as supplementary weighting for  
 16 at-risk pupils and amounts received as the result of a modified  
 17 supplemental amount approved under subsection 1; identifies,  
 18 by grade level, age, and district size, the students in  
 19 the dropout and dropout prevention programs for which the  
 20 department approves a request; describes school district  
 21 progress toward increasing student achievement and attendance  
 22 for the students in the programs; and describes how the school  
 23 districts are using the revenues from the modified supplemental  
 24 amounts and amounts received as supplementary weighting for  
 25 at-risk pupils to improve student achievement among minority  
 26 subgroups.

27 Sec. 4. Section 257.41, subsection 1, Code 2014, is amended  
 28 to read as follows:

29 1. *Budget.* The budget of an approved program for returning  
 30 dropouts and dropout prevention for a school district,  
 31 after subtracting funds received from other sources for that  
 32 purpose, shall be funded annually ~~on a basis of one-fourth~~  
 33 ~~or more from the district cost of the school district and~~  
 34 ~~up to three-fourths by an increase in supplemental state~~  
 35 ~~aid as defined in section 257.8~~ using amounts received as



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2255

1 supplementary weighting for at-risk pupils under section  
 2 257.11, subsection 4, and amounts received as modified  
 3 supplemental amounts pursuant to section 257.40. Annually,  
 4 ~~the department of management shall establish a modified~~  
 5 ~~supplemental amount for each such school district equal to the~~  
 6 ~~difference between the approved budget for the program for~~  
 7 ~~returning dropouts and dropout prevention for that district~~  
 8 ~~and the sum of the amount funded from the district cost of the~~  
 9 ~~school district plus funds received from other sources.~~

10 Sec. 5. Section 257.41, subsection 2, paragraph d, Code  
 11 2014, is amended to read as follows:

12 d. Up to five percent of the total budgeted amount  
 13 ~~received pursuant to subsection 1~~ that is amounts received  
 14 as supplementary weighting for at-risk pupils under section  
 15 257.11, subsection 4, or that is received as modified  
 16 supplemental amounts pursuant to section 257.40, may be used  
 17 for purposes of providing district-wide or building-wide  
 18 returning dropout and dropout prevention programming targeted  
 19 to students who are not deemed at risk of dropping out.

20 Sec. 6. Section 257.41, subsection 3, Code 2014, is amended  
 21 by striking the subsection.

22 Sec. 7. APPLICABILITY. This Act applies to school budget  
 23 years beginning on or after July 1, 2015.

24 EXPLANATION

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

27 Current Code section 257.11(4) provides additional funding  
 28 for school districts to develop or maintain programs for  
 29 at-risk pupils, including alternative schools, through  
 30 supplemental weighting. This bill establishes a supplementary  
 31 weighting of 0.0642 per pupil for pupils in grades one through  
 32 six who are eligible for free and reduced price meals and  
 33 establishes a supplementary weighting of 0.0204 for all  
 34 pupils in the budget enrollment of the school district. The  
 35 bill provides that amounts received as the result of the

LSB 5539YH (9) 85  
 md/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2255

1 supplementary weighting for at-risk pupils shall, in addition  
2 to developing and maintaining at-risk programs, be utilized by  
3 a school district to establish or maintain approved programs  
4 for returning dropouts and dropout prevention.

5 Under current law, dropout prevention programs may be  
6 funded, in part, using a modified supplemental amount  
7 (previously referred to as modified allowable growth). Current  
8 Code section 257.41 provides that the budget of an approved  
9 dropout prevention program, after subtracting funds received  
10 from other sources for that purpose, shall be funded annually  
11 on a basis of one-fourth or more from the district cost of  
12 the school district and up to three-fourths by an increase in  
13 supplemental state aid.

14 Except for school districts meeting specified budget  
15 criteria relating to dropout prevention programs, the bill  
16 removes modified supplemental amounts as a funding source  
17 for dropout prevention programs and makes corresponding  
18 changes to other provisions of law relating to the approval  
19 and administration of dropout prevention programs to reflect  
20 a school district's authority to use amounts received as the  
21 result of the supplementary weighting for at-risk pupils for  
22 dropout prevention programs, as established in the bill.

23 The bill provides that for budget years beginning on or  
24 after July 1, 2015, the department of education shall not  
25 approve a modified supplemental amount for a school district  
26 for programs for returning dropouts and dropout prevention  
27 unless certain conditions are met relating to a decrease in  
28 funding as compared to funding received by the school district  
29 as a modified supplemental amount for programs for returning  
30 dropouts and dropout prevention for the budget year beginning  
31 July 1, 2014.

32 The bill applies to school budget years beginning on or after  
33 July 1, 2015.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**House File 2256 - Introduced**

HOUSE FILE 2256  
BY WINDSCHITL

**A BILL FOR**

- 1 An Act providing for employment protections for employees
- 2 absent from work due to adoptions and making penalties
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5809YH (2) 85  
je/sc



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

H.F. 2256

1 Section 1. Section 216.2, Code 2014, is amended by adding  
 2 the following new subsections:

3 NEW SUBSECTION. 01. "*Absence due to an adoption*" includes  
 4 an absence in order to prepare for or participate in the  
 5 adoption of a child, or to care for a newly adopted child  
 6 within the first year of adoption.

7 NEW SUBSECTION. 001. "*Adoption*" means the process of  
 8 securing legal custody of a child.

9 NEW SUBSECTION. 0001. "*Child*" means a person under eighteen  
 10 years of age.

11 Sec. 2. Section 216.6, subsection 2, unnumbered paragraph  
 12 1, Code 2014, is amended to read as follows:

13 Employment policies relating to pregnancy, and childbirth,  
 14 and adoption shall be governed by the following:

15 Sec. 3. Section 216.6, subsection 2, paragraphs a, b, d, and  
 16 e, Code 2014, are amended to read as follows:

17 *a.* A written or unwritten employment policy or practice  
 18 which excludes from employment applicants or employees because  
 19 of the employee's pregnancy or adoption is a prima facie  
 20 violation of this chapter.

21 *b.* Disabilities caused or contributed to by the employee's  
 22 pregnancy, miscarriage, childbirth, and recovery therefrom,  
 23 or an employee's absence due to an adoption, are, for all  
 24 job-related purposes, temporary disabilities and shall be  
 25 treated as such under any health or temporary disability  
 26 insurance or sick leave plan available in connection with  
 27 employment. Written and unwritten employment policies and  
 28 practices involving matters such as the commencement and  
 29 duration of leave, the availability of extensions, the accrual  
 30 of seniority, and other benefits and privileges, reinstatement,  
 31 and payment under any health or temporary disability insurance  
 32 or sick leave plan, formal or informal, shall be applied to a  
 33 disability due to the employee's pregnancy or giving birth, or  
 34 an employee's absence due to an adoption, on the same terms and  
 35 conditions as they are applied to other temporary disabilities.

LSB 5809YH (2) 85

-1-

je/sc

1/4



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2256

1     *d.* An employer shall not terminate the employment of a  
 2 person disabled by pregnancy or absent due to an adoption  
 3 because of the employee's pregnancy or absence.  
 4     *e.* Where a leave is not available or a sufficient leave  
 5 is not available under any health or temporary disability  
 6 insurance or sick leave plan available in connection with  
 7 employment, the employer of the pregnant or adopting employee  
 8 shall not refuse to grant to the employee who is disabled by  
 9 the pregnancy, or absent due to an adoption, a leave of absence  
 10 if the leave of absence is for the period that the employee is  
 11 disabled because of the employee's pregnancy, childbirth, or  
 12 related medical conditions, or preparing for or participating  
 13 in the adoption of a child, or caring for a newly adopted  
 14 child within the first year of adoption, or for eight weeks,  
 15 whichever is less. However, the employee must provide timely  
 16 notice of the period of leave requested and the employer must  
 17 approve any change in the period requested before the change is  
 18 effective. Before granting the leave of absence, the employer  
 19 may require ~~that~~ one of the following:  
 20     (1) That the employee's disability resulting from pregnancy  
 21 be verified by medical certification stating that the employee  
 22 is not able to reasonably perform the duties of employment.  
 23     (2) That the employee's adoption be verified by  
 24 documentation of the adoption and that the employee certify in  
 25 writing that the employee will not able to reasonably perform  
 26 the duties of employment because the employee will be preparing  
 27 for or participating in the adoption of a child, or caring for  
 28 a newly adopted child within the first year of adoption.

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     Code chapter 216, the Iowa civil rights Act, provides  
 33 certain employment protections to employees relating to  
 34 pregnancy and childbirth. This bill provides that these  
 35 protections also apply to employees who are absent from work

LSB 5809YH (2) 85

-2-

je/sc

2/4



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2256

1 due to an adoption. The bill defines "adoption" as the  
2 process of securing legal custody of a child. The bill defines  
3 "absence due to an adoption" to include an absence in order  
4 to prepare for or participate in the adoption of a child, or  
5 to care for a newly adopted child within the first year of  
6 adoption.

7 The bill provides that an employment policy or practice  
8 which excludes from employment applicants or employees because  
9 of the employee's adoption is a prima facie violation of Code  
10 chapter 216.

11 The bill provides that an employee's absence due to an  
12 adoption is, for job-related purposes, a temporary disability  
13 and shall be treated as such under any health or temporary  
14 disability insurance or sick leave plan available in connection  
15 with employment. Employment policies and practices involving  
16 certain matters such as the commencement and duration of leave,  
17 the accrual of seniority, and payment under any health or  
18 temporary disability insurance or sick leave plan shall be  
19 applied to a disability due to the employee's absence due to an  
20 adoption on the same terms and conditions as they are applied  
21 to other temporary disabilities.

22 The bill prohibits an employer from terminating the  
23 employment of a person absent due to an adoption because of the  
24 employee's absence.

25 Where a leave is not available or a sufficient leave is not  
26 available under any health or temporary disability insurance  
27 or sick leave plan available in connection with employment,  
28 the bill prohibits an employer of an adopting employee from  
29 refusing to grant to the employee a leave of absence if  
30 the leave of absence is for the period that the employee is  
31 preparing for or participating in the adoption of a child,  
32 or caring for a newly adopted child within the first year of  
33 adoption, or for eight weeks, whichever is less. The employee  
34 must provide timely notice of the period of leave requested.  
35 The employer may first require that the employee's adoption be

LSB 5809YH (2) 85

-3-

je/sc

3/4



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

H.F. 2256

1 verified by documentation and that the employee certify that  
2 the employee will not able to reasonably perform the duties  
3 of employment because the employee will be preparing for or  
4 participating in the adoption of a child, or caring for a newly  
5 adopted child within the first year of adoption.  
6 Penalty provisions for discriminatory employment practices  
7 are made applicable to violations of the employment protections  
8 granted by the bill.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House File 2257 - Introduced

HOUSE FILE 2257  
BY WINDSCHITL

(COMPANION TO SF 2135 BY BEALL)

A BILL FOR

1 An Act relating to identification required for operation of a  
2 railroad train.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5713YH (4) 85  
dea/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

H.F. 2257

1 Section 1. NEW SECTION. 327F.32 Railroad employee  
2 credentials.

3 An engineer, conductor, brakeman, or any other member of the  
4 crew of a locomotive or railroad train operated upon a railroad  
5 track, including a railroad track intersecting with a street  
6 or highway at a railroad grade crossing, is not required to  
7 provide a driver's license to a law enforcement officer in  
8 connection with the operation of the locomotive or railroad  
9 train.

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 that an engineer, conductor, brakeman,  
14 or other crew member of a locomotive or railroad train is not  
15 required to provide a driver's license to a law enforcement  
16 officer in connection with the operation of the locomotive or  
17 train. The provision applies anywhere the train is operated,  
18 including at a railroad grade crossing.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

House Study Bill 642 - Introduced

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

A BILL FOR

- 1 An Act relating to mutual-to-stock insurance company
- 2 conversions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5906HC (3) 85  
rj/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1     Section 1. NEW SECTION. **512.1 Declarations and purpose.**  
2     1. It is declared that policyholders of a mutual company  
3 have contractual rights to insurance coverage and certain  
4 membership rights consisting principally of the right to  
5 elect directors of a mutual company, the right to vote on  
6 certain fundamental transactions undertaken by a mutual  
7 company, and the right to share in surplus in the event of a  
8 liquidation of a solvent mutual company. It is declared that  
9 the membership rights of policyholders in a domestic mutual  
10 company, or policyholders of a foreign mutual company who vote  
11 to redomesticate to Iowa pursuant to section 512.5, are not  
12 equivalent to an ownership interest in such mutual company.  
13 Therefore, in connection with the mutual-to-stock conversion of  
14 a mutual company, adequate compensation for the relinquishment  
15 of such membership right shall be, at each policyholder's  
16 election either of the following:  
17     a. The exercise of a first priority subscription right to  
18 purchase stock in the converting company or a holding company  
19 for such converting company.  
20     b. The right to receive cash in exchange for the redemption  
21 of such subscription right by such mutual company.  
22     2. The purpose of this chapter shall be the following:  
23     a. To provide for the mutual-to-stock conversion of a  
24 mutual company in a manner substantially consistent with the  
25 manner in which a mutual savings institution converts from a  
26 mutual-to-stock form under federal law and regulation.  
27     b. To facilitate the recapitalization of the insurance  
28 industry nationally by establishing a proven method of capital  
29 formation for companies that elect to establish a domicile in  
30 this state.  
31     Sec. 2. NEW SECTION. **512.2 Short title.**  
32     This chapter shall be known and may be cited as the "*Iowa*  
33 *Insurance Company Mutual-to-Stock Conversion Act*".  
34     Sec. 3. NEW SECTION. **512.3 Definitions.**  
35     As used in this chapter:

LSB 5906HC (3) 85  
rj/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1     1.    “*Capital stock*” means common or preferred stock or any  
2 hybrid security or other equity security issued by a converted  
3 stock company or other company or entity pursuant to the  
4 exercise of subscription rights granted pursuant to section  
5 512.6, subsection 1, paragraph “c”.

6     2.    “*Commissioner*” means the commissioner of insurance  
7 appointed pursuant to section 505.2.

8     3.    “*Converted stock company*” means a stock company that  
9 converted from a mutual company to a stock company under this  
10 chapter or any successor to the stock company.

11    4.    “*Division*” means the insurance division of the department  
12 of commerce.

13    5.    “*Domestic mutual company*” means a mutual insurance  
14 company domiciled in this state and organized under chapter 508  
15 or 515.

16    6.    “*Eligible member*” means a member of a mutual company  
17 whose policy is in force on the date the mutual company’s  
18 governing body adopts a plan of conversion or such earlier date  
19 as the mutual company may establish with the consent of the  
20 commissioner. A person insured under a group policy is not  
21 an eligible member. A person whose policy becomes effective  
22 after the governing body adopts the plan but before the plan’s  
23 effective date is not an eligible member but shall have those  
24 rights established under section 512.11.

25    7.    “*Foreign mutual company*” means a mutual insurance company  
26 domiciled in a jurisdiction other than this state and organized  
27 in a similar manner to a domestic mutual company organized  
28 under chapter 508 or 515.

29    8.    “*Mutual company*” means a mutual insurance company that  
30 is seeking to convert to a stock company under this chapter  
31 including a domestic mutual company and a foreign mutual  
32 company that has applied to redomesticate to this state with an  
33 intent to file an application to convert from a mutual company  
34 to a stock company under this chapter.

35    9.    a.    “*Mutual holding company*” means any of the following



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 whose certificate of incorporation includes the provisions set  
2 out in paragraph "b":

3 (1) A nonstock corporation resulting from a reorganization  
4 of a mutual company under this chapter.

5 (2) A nonstock corporation resulting from a reorganization  
6 of a mutual company under the laws of any other jurisdiction  
7 that subsequently redomesticates in this state.

8 (3) A nonstock corporation incorporated in this state  
9 surviving or resulting from a merger or consolidation with a  
10 nonstock corporation that resulted from a reorganization of a  
11 mutual company under the laws of any other jurisdiction.

12 b. The certificate of incorporation of a mutual holding  
13 company shall include provisions setting forth all of the  
14 following:

15 (1) That the mutual holding company is a mutual holding  
16 company as defined in this chapter.

17 (2) That the mutual holding company shall hold not less  
18 than a majority of the shares of voting stock of a converted  
19 stock company or intermediate holding company, which in turn  
20 holds, directly or indirectly, all of the voting stock of the  
21 converted stock company.

22 (3) That the mutual holding company is not authorized to  
23 issue any capital stock except pursuant to a conversion in  
24 accordance with the provisions of this chapter.

25 (4) That the mutual holding company's members shall have  
26 the rights specified in this chapter and in its certificate of  
27 incorporation and bylaws.

28 (5) That the mutual holding company's assets shall be  
29 subject to inclusion in the estate of the converted company in  
30 any rehabilitation or insolvency proceedings initiated by the  
31 commissioner.

32 10. "Participating policy" means a policy of a mutual  
33 company that grants a holder the right to receive dividends if,  
34 as, and when declared by the mutual company.

35 11. "Person" means an individual, a corporation, a limited



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 liability company, a partnership, an association, a joint stock  
2 company, a trust, an unincorporated organization, a similar  
3 entity, or a combination of the foregoing acting in concert.

4 12. *“Plan of conversion”* or *“plan”* means a plan adopted by a  
5 mutual company’s governing body to convert the mutual company  
6 into a stock company under this chapter.

7 13. *“Policy”* means an insurance policy, including an annuity  
8 contract.

9 14. *“Standby investor”* means a person that has agreed in  
10 writing to purchase all or a portion of the capital stock to be  
11 sold in a mutual-to-stock conversion that is not subscribed by  
12 eligible members.

13 15. *“Stock company”* means a stock insurance company that  
14 meets all of the current requirements for admission to do  
15 business as a domestic company in this state under chapter 508  
16 or 515.

17 16. *“Subscription right”* means the nontransferable right  
18 to purchase, for a period of not less than twenty or more than  
19 thirty-five days, the stock of the converted stock company,  
20 its proposed stock holding company, or an unaffiliated stock  
21 company, or other corporation or entity that will acquire the  
22 converted stock company through the purchase of all the stock  
23 of the converted stock company.

24 17. *“Voting member”* means a member who is an eligible member  
25 and is also a member of the mutual company as of a date not more  
26 than ninety days prior to the date of the meeting at which the  
27 plan shall be voted upon by members.

28 **Sec. 4. NEW SECTION. 512.4 Adoption of plan of conversion.**

29 1. A plan of conversion shall not become effective unless  
30 the mutual company seeking to convert to a stock company  
31 shall have adopted, by the affirmative vote of not less than  
32 two-thirds of its governing body and otherwise in accordance  
33 with law, a plan consistent with the requirements of sections  
34 512.6, 512.7, and 512.8 or of section 512.9. At any time  
35 before approval of a plan by the commissioner, the mutual



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

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

1 company, by the affirmative vote of not less than a majority of  
2 its governing body, may amend or withdraw the plan.

3 2. Before a mutual company's eligible members may vote on  
4 approval of a plan, a mutual company whose governing body has  
5 adopted a plan shall file all of the following documents with  
6 the commissioner within ninety days after adoption of the plan  
7 together with the specified application fee:

8 a. The plan, including the independent evaluation required  
9 by section 512.6, subsection 4.

10 b. The form of notice required by subsection 7.

11 c. The form of proxy to be solicited from eligible members  
12 pursuant to subsection 8.

13 d. The form of notice required by section 512.11 to persons  
14 whose policies are issued after adoption of the plan but before  
15 its effective date.

16 e. The proposed certificate of incorporation and bylaws of  
17 the converted stock company.

18 f. The acquisition of control statement.

19 g. An application fee equal to the greater of ten thousand  
20 dollars or an amount equal to one-tenth of one percent of  
21 the estimated pro forma market value of the converted stock  
22 company as determined in accordance with section 512.6,  
23 subsection 4. If such value is expressed as a range of values,  
24 the application fee shall be based upon the midpoint of the  
25 range. For good cause shown, the commissioner may waive the  
26 application fee in whole or in part, or permit a portion of  
27 the application fee to be deferred until completion of the  
28 conversion.

29 h. Such other information as the commissioner may request.

30 3. Upon filing of the foregoing documents with the  
31 commissioner, the mutual company shall send to eligible members  
32 a notice advising eligible members of the adoption and filing  
33 of the plan, their ability to provide the commissioner and the  
34 mutual company with comments on the plan within thirty days  
35 of the date of such notice, and procedures for providing such



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

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

1 comments.

2 4. The commissioner shall immediately give written notice  
3 to the mutual company of any decision and, in the event of  
4 disapproval, a statement in detail of the reasons for the  
5 decision. The commissioner shall approve the plan if the  
6 commissioner finds all of the following:

7 a. The plan complies with this chapter.

8 b. The plan will not prejudice the interests of the eligible  
9 members.

10 c. The plan's method of allocating subscription rights is  
11 fair and equitable.

12 5. The commissioner may retain, at the mutual company's  
13 expense, any qualified expert not otherwise a part of the  
14 commissioner's staff, including counsel and financial advisors,  
15 to assist in reviewing the plan and the independent evaluations  
16 required under section 512.6, subsection 4.

17 6. The commissioner may order a hearing on whether the  
18 terms of the plan comply with this chapter after giving written  
19 notice by mail or publication to the mutual company and other  
20 interested persons, all of whom have the right to appear at the  
21 hearing.

22 7. All voting members shall be sent notice of the members'  
23 meeting to vote on the plan. The notice shall briefly but  
24 fairly describe the proposed plan, shall inform the voting  
25 member of the voting member's right to vote upon the plan,  
26 and shall be sent to each voting member's last known address,  
27 as shown on the mutual company's records. If the meeting to  
28 vote upon the plan is held during the mutual company's annual  
29 meeting of policyholders, only a combined notice of the meeting  
30 is required.

31 8. The plan shall be voted upon by voting members and shall  
32 be adopted upon receiving the affirmative vote of at least  
33 two-thirds of the votes cast at the meeting. Voting members  
34 entitled to vote upon the proposed plan may vote in person or  
35 by proxy. The number of votes each voting member may cast

LSB 5906HC (3) 85

-6-

rj/rj

6/27



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 shall be determined by the mutual company's bylaws. If the  
2 bylaws are silent, each voting member may cast one vote.

3 9. The certificate of incorporation of the converted  
4 stock company shall be considered at the meeting of the  
5 voting members called for the purpose of adopting the plan and  
6 shall require for adoption the affirmative vote of at least  
7 two-thirds of the votes cast at the meeting.

8 10. Within thirty days after the voting members have  
9 approved the plan in accordance with the requirements of this  
10 section, the converted stock company shall file all of the  
11 following documents with the commissioner:

12 a. The minutes of the meeting of the voting members at which  
13 the plan was approved which shall include the record of total  
14 votes cast and votes cast in favor of the plan.

15 b. The certificate of incorporation and bylaws of the  
16 converted stock company.

17 Sec. 5. NEW SECTION. **512.5 Redomestication and conversion.**

18 1. A foreign mutual company or foreign mutual holding  
19 company that has filed an application for redomestication  
20 may file an application for conversion under this chapter  
21 promptly after completion of the redomestication or promptly  
22 after approval of the redomestication by the members of the  
23 foreign mutual company or foreign mutual holding company if  
24 such a member vote is required under the laws of the state  
25 of domicile of the foreign mutual company or foreign mutual  
26 holding company. A redomestication application shall contain  
27 such information as the commissioner may require. If the state  
28 of domicile of the foreign mutual company or foreign mutual  
29 holding company does not object to the redomestication and the  
30 members of the foreign mutual company or foreign mutual holding  
31 company, to the extent required, approve the redomestication,  
32 the redomestication application of a foreign mutual company  
33 or foreign mutual holding company shall not be denied solely  
34 because the applicant has indicated its intention to avail  
35 itself of the provisions of this chapter.

LSB 5906HC (3) 85

-7-

rj/rj

7/27



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1     2. In addition to any requirements imposed by the existing  
2 state of domicile with respect to approval of redomestication  
3 by its voting members, a foreign mutual company that files an  
4 application for redomestication under this section also shall  
5 provide to its voting members a comparison of the method of  
6 mutual-to-stock conversion in its existing state of domicile  
7 and the method of mutual-to-stock conversion established by  
8 this chapter.

9     3. Any order approving the redomestication of a foreign  
10 mutual company or foreign mutual holding company shall contain  
11 such terms and conditions as the commissioner requires.

12    4. A foreign mutual company or foreign mutual holding  
13 company that redomesticates under this section, within ten  
14 days of the date of redomestication, shall adopt resolutions  
15 ratifying any previously adopted plan of conversion and  
16 file such resolutions as an amendment to the application for  
17 conversion. The commissioner may deem any failure to file such  
18 ratifying resolutions as a withdrawal of the application for  
19 conversion.

20    5. This chapter is not intended or shall not be deemed  
21 to supersede or conflict with the requirements of the state  
22 of domicile of any foreign mutual company or foreign mutual  
23 holding company regarding approval of redomestication.

24    6. Except to the extent specifically provided by this  
25 section, a plan of conversion shall be adopted as required by  
26 section 512.4 and shall be consistent with the requirements of  
27 sections 512.6, 512.7, and 512.8 or of section 512.9.

28    Sec. 6. NEW SECTION. 512.6 **Required provisions of plan of**  
29 **conversion.**

30    1. All of the following provisions shall be included in a  
31 plan of conversion:

32    a. The reasons for the proposed conversion.

33    b. The effect of conversion on existing policies, including  
34 all of the following:

35    (1) A provision that all policies in force on the effective





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 be sold or distributed to the holders of surplus notes, if any,  
2 and capital stock purchased by the company's tax-qualified  
3 employee stock benefit plan that is in excess of the total  
4 price of the capital stock established under subsection 4, as  
5 permitted by section 512.8, subsection 3. As an alternative to  
6 subscription rights in the converted stock company, the plan  
7 may provide that each eligible member is to receive, without  
8 payment, nontransferable subscription rights to purchase a  
9 portion of the capital stock of one of the following:

10 (i) A corporation or entity organized for the purpose of  
11 purchasing and holding all the stock of the converted stock  
12 company.

13 (ii) A stock company owned by the mutual company into which  
14 the mutual company will be merged.

15 (iii) An unaffiliated stock company or other corporation or  
16 entity that will purchase all the stock of the converted stock  
17 company.

18 (b) For purposes of any plan, the following transfers of  
19 subscription rights shall not be deemed an unpermitted transfer  
20 under this chapter:

21 (i) Transfer of subscription rights from an individual to  
22 such individual and such individual's spouse or children or to  
23 a trust or other estate or wealth planning entity established  
24 for the benefit of such individual, or such individual's spouse  
25 or children.

26 (ii) Transfer of subscription rights from an individual to  
27 such individual's individual or joint individual retirement  
28 account, or other tax-qualified retirement plan.

29 (iii) Transfer of subscription rights from an entity to the  
30 shareholders, partners, or members of such entity.

31 (iv) Transfer of subscription rights from the holder of such  
32 rights to the mutual company, its proposed holding company,  
33 or an unaffiliated stock company or other corporation or  
34 entity that will purchase all the stock of the converted stock  
35 company as provided in subparagraph division (a), subparagraph



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 subdivision (iii).

2 (2) A provision that the subscription rights shall be  
3 allocated in whole shares among the eligible members using a  
4 fair and equitable formula. The formula need not allocate  
5 subscription rights to eligible members on a pro rata basis  
6 based on premium payments or contributions to surplus, but  
7 may take into account how the different classes of policies  
8 of the eligible members contributed to the surplus of the  
9 mutual company or any other factors that may be fair or  
10 equitable. Allocation of subscription rights on a per capita  
11 basis shall be entitled to a presumption that such method is  
12 fair, subject to rebuttal of fairness by clear and convincing  
13 evidence. In accordance with section 512.4, subsection 5, the  
14 commissioner may retain an independent consultant to assist in  
15 the determination that the allocation of subscription rights  
16 is fair and equitable.

17 2. The plan shall provide a fair and equitable means  
18 for allocating shares of capital stock in the event of an  
19 oversubscription to shares by eligible members exercising  
20 subscription rights received under subsection 1, paragraph "c".

21 3. The plan shall provide that any shares of capital stock  
22 not subscribed to by eligible members exercising subscription  
23 rights received under subsection 1, paragraph "c", shall be  
24 sold in a public offering or to another corporation or entity  
25 that is participating in the plan, as provided in subsection  
26 1, paragraph "c", subparagraph (1). If the number of shares of  
27 capital stock not subscribed by eligible members is so small in  
28 number or other factors exist that do not warrant the time or  
29 expense of a public offering, or warrant the participation of  
30 standby investors to facilitate completion of the conversion,  
31 the plan may provide for sale of the unsubscribed shares  
32 through a private placement or other alternative method  
33 approved by the commissioner that is fair and equitable to  
34 eligible members.

35 4. The plan shall provide for the preparation of a valuation



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 by a qualified independent expert that establishes all of the  
2 following:

3     *a.* The dollar amount of the capital stock for which  
4 subscription rights must be granted pursuant to subsection 1,  
5 paragraph “c”, which shall be equal to the estimated pro forma  
6 market value of the converted stock company. The qualified  
7 independent expert may do all of the following:

8         (1) To the extent feasible, determine the pro forma market  
9 value by reference to a peer group of stock companies and the  
10 application of generally accepted valuation techniques.

11         (2) State the pro forma market value of the converted stock  
12 company as a range of value.

13         (3) Establish the value as the value that is estimated to be  
14 necessary to attract full subscription for the shares.

15     *b.* The dollar value of a subscription right based upon  
16 the application of the Black-Scholes option pricing model or  
17 another generally accepted option pricing model. In connection  
18 with the determination of stock price volatility or other  
19 valuation inputs used in option pricing models, the qualified  
20 independent expert may assume that the attributes of the  
21 converted stock company will be substantially similar to the  
22 attributes of the stock of the peer companies used to determine  
23 the estimated pro forma market value of the converted stock  
24 company. Solely for purposes of determining the value of a  
25 subscription right, the term of a subscription right shall be  
26 deemed to be a minimum of ninety days.

27     5. The plan shall provide that each eligible member  
28 shall be given the right to require the mutual company to  
29 redeem such subscription rights, in lieu of the exercise of  
30 subscription rights allocated to such eligible member, at a  
31 price equal to the number of such subscription rights allocated  
32 to such eligible member multiplied by the dollar value of a  
33 subscription right as determined by the qualified independent  
34 expert pursuant to subsection 4, paragraph “b”. The obligation  
35 of the mutual company to redeem such subscription rights shall



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 arise only upon the effective date of the plan as provided  
2 in section 512.10. The redemption price payable to each  
3 eligible member shall be paid to such eligible member within  
4 thirty days of the effective date of the plan. Alternatively,  
5 the converted stock company may, but shall not be required  
6 to, offer each eligible member the option of receiving the  
7 redemption amount in cash or having such redemption amount  
8 credited against future premium payments. An eligible member  
9 that does not exercise such eligible member's subscription  
10 rights and also fails to affirmatively request redemption  
11 of such subscription rights before the expiration of the  
12 subscription offering, nevertheless shall be deemed to have  
13 requested redemption of such eligible member's subscription  
14 rights and shall receive the redemption amount in cash in the  
15 manner otherwise provided in this subsection.

16 6. The plan shall set the purchase price per share of  
17 capital stock equal to any reasonable amount. However, the  
18 minimum subscription amount required of any eligible member  
19 cannot exceed five hundred dollars, but the plan may provide  
20 that the minimum number of shares any person may purchase  
21 pursuant to the plan is twenty-five shares. The purchase price  
22 per share at which capital stock is offered to persons who are  
23 not eligible members may be greater than but not less than the  
24 purchase price per share at which capital stock is offered to  
25 eligible members.

26 7. The plan shall provide that any person or group of  
27 persons acting in concert shall not acquire, in the public  
28 offering or pursuant to the exercise of subscription rights,  
29 more than five percent of the capital stock of the converted  
30 stock company or the stock of another corporation that is  
31 participating in the plan, as provided in subsection 1,  
32 paragraph "c", subparagraph (1), subparagraph division (a),  
33 subparagraph subdivision (iii), except with the approval of the  
34 commissioner. This limitation does not apply to any entity  
35 that is to purchase one hundred percent of the capital stock

LSB 5906HC (3) 85



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 of the converted stock company as part of the plan approved  
2 by the commissioner or to any person that acts as a standby  
3 investor of the capital stock of the converted stock company  
4 for an amount equal to ten percent or more of the capital stock  
5 of the converted stock company, provided that in each case such  
6 purchase by a standby investor of ten percent or more of the  
7 capital stock of the converted stock company is approved by the  
8 commissioner in accordance with the law of this state following  
9 the filing of an acquisition of control statement.

10 8. The plan shall provide that a director or officer or  
11 person acting in concert with a director or officer of the  
12 mutual company shall not acquire any capital stock of the  
13 converted stock company or the stock of another corporation  
14 that is participating in the conversion plan, as provided in  
15 subsection 1, paragraph "c", subparagraph (1), subparagraph  
16 division (a), subparagraph subdivision (iii), for three  
17 years after the effective date of the plan, except through a  
18 broker-dealer, without the permission of the commissioner.  
19 This provision does not prohibit the directors and officers  
20 from doing any of the following:

21 a. Making block purchases of one percent or more of the  
22 outstanding common stock other than through a broker-dealer if  
23 approved in writing by the division.

24 b. Exercising subscription rights received under the plan.

25 c. Participating in a stock benefit plan permitted by  
26 section 512.8, subsection 3, or approved by shareholders  
27 pursuant to section 512.13, subsection 2.

28 9. The plan shall provide that a director or officer shall  
29 not sell stock purchased pursuant to this section, or section  
30 512.8, subsection 1, within one year after the effective date  
31 of the conversion, except that this section shall not be deemed  
32 to restrict a transfer of stock by such director or officer if  
33 the stock is the stock of a corporation that is participating  
34 in the plan as provided in subsection 1, paragraph "c",  
35 subparagraph (1), subparagraph division (a), subparagraph



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 subdivision (iii), and has a class of stock registered under  
2 the Securities Exchange Act of 1934, as amended, 15 U.S.C. §78a  
3 et seq., or if the transfer is to the spouse or minor children  
4 of such director or officer, or to a trust or other estate or  
5 wealth planning entity established for the benefit of such  
6 director or officer, or the spouse or minor children of such  
7 director or officer.

8 10. The plan shall provide that the rights of a holder of a  
9 surplus note to participate in the conversion, if any, shall be  
10 governed by the terms of the surplus note.

11 11. The plan shall provide that, without the prior approval  
12 of the commissioner, a converted stock company, or any  
13 corporation participating in the conversion plan pursuant to  
14 subsection 1, paragraph "c", subparagraph (1), subparagraph  
15 division (a), subparagraph subdivision (i) or (ii), shall not,  
16 for a period of three years from the date of the completion of  
17 the conversion, repurchase any of its capital stock from any  
18 person, except that this restriction shall not apply to either  
19 of the following:

20 a. A repurchase on a pro rata basis pursuant to an offer  
21 made to all shareholders of the converted stock company, or any  
22 corporation participating in the conversion plan pursuant to  
23 subsection 1, paragraph "c", subparagraph (1), subparagraph  
24 division (a), subparagraph subdivision (i) or (ii).

25 b. A purchase in the open market by a tax-qualified, or  
26 nontax-qualified employee stock benefit plan in an amount  
27 reasonable and appropriate to fund the plan.

28 **Sec. 7. NEW SECTION. 512.7 Closed block of business for**  
29 **participating life policies.**

30 1. A plan that is adopted by a mutual company that is a  
31 life insurance company that issues participating life policies  
32 shall provide that participating life policies in force on  
33 the effective date of the conversion shall be operated by the  
34 converted stock company for dividend purposes as a closed block  
35 of participating business, except that any and all classes of

LSB 5906HC (3) 85

-15-

rj/rj

15/27



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 group participating policies may be excluded from the closed  
2 block.

3     2. The plan shall provide that sufficient assets of the  
4 mutual company shall be allocated for the benefit of the  
5 closed block of business so that the assets, together with the  
6 revenue from the closed block of business, are sufficient to  
7 support the closed block, including but not limited to the  
8 payment of claims, expenses, taxes, and any dividends that are  
9 provided for under the terms of the participating policies,  
10 with appropriate adjustments in the dividends for experience  
11 changes. The plan shall be accompanied by an opinion of a  
12 qualified actuary, or an appointed actuary, who meets the  
13 standards set forth in the insurance laws or regulations of  
14 this state for the submission of actuarial opinions as to the  
15 adequacy of reserves or assets. The opinion shall relate to  
16 the adequacy of the assets allocated in support of the closed  
17 block of business. The actuarial opinion shall be based on  
18 methods of analysis deemed appropriate for those purposes by  
19 the actuarial standards board.

20     3. The amount of assets allocated for the benefit of the  
21 closed block shall be based upon the mutual life insurance  
22 company's last annual statement, updated to the last day of  
23 the quarter immediately preceding the effective date of the  
24 conversion.

25     4. The converted stock company shall keep a separate  
26 accounting for the closed block and shall make and include  
27 in the annual statement to be filed with the commissioner  
28 each year a separate statement showing the gains, losses, and  
29 expenses properly attributable to the closed block.

30     5. The assets and liabilities allocated to the closed  
31 block may be periodically reviewed by the commissioner or the  
32 commissioner's designee. The converted stock company shall  
33 bear the cost of any such review. If, as a result of such  
34 review, the commissioner determines that the assets allocated  
35 to the closed block are insufficient to support the remaining



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 policies in the closed block, the commissioner may issue  
2 an order directing the converted stock company to allocate  
3 additional assets to the closed block sufficient to support the  
4 remaining policies in the closed block and the converted stock  
5 company shall comply with such order within thirty days of the  
6 date of the order. If, as a result of such review, or as a  
7 result of a review initiated by the converted stock company and  
8 accepted by the commissioner, assets allocated to the closed  
9 block are in excess of the amount necessary to support the  
10 remaining policies, upon application made to the commissioner  
11 by the converted stock company, the commissioner may issue an  
12 order permitting such excess assets in the closed block to  
13 revert to the benefit of the converted stock company.

14 6. The commissioner may waive the requirement for  
15 establishing a closed block of business if, in the  
16 commissioner's discretion, it is in the best interests of  
17 policyholders to do so. The commissioner may waive from  
18 inclusion in the closed block of participating policies those  
19 participating policies for which there is no expectation of  
20 dividends being paid if, in the commissioner's discretion, it  
21 is fair and equitable to do so.

22 Sec. 8. NEW SECTION. 512.8 Optional provisions of plan of  
23 conversion.

24 1. The plan may provide that the directors, officers,  
25 and employees of the mutual company shall receive, without  
26 payment, nontransferable subscription rights to purchase  
27 capital stock of the converted stock company or the stock of  
28 another corporation that is participating in the conversion  
29 plan, as provided in section 512.6, subsection 1, paragraph  
30 "c", subparagraph (1), subparagraph division (a), subparagraph  
31 subdivision (iii). These subscription rights shall be  
32 allocated among the directors, officers, and employees by a  
33 fair and equitable formula and shall be subordinate to the  
34 subscription rights of eligible members. This chapter shall  
35 not require the subordination of subscription rights received



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 by directors and officers in their capacity as eligible  
2 members, if any.

3     2. The aggregate total number of shares that may be  
4 purchased by directors and officers of the mutual company in  
5 their capacity under subsection 1, and in their capacity as  
6 eligible members under section 512.6, subsection 1, paragraph  
7 "c", subparagraph (1), subparagraph division (a), subparagraph  
8 subdivision (iii), shall not exceed thirty-five percent of the  
9 total number of shares to be issued for a mutual company if  
10 total assets of the mutual company are less than fifty million  
11 dollars or twenty-five percent of the total number of shares  
12 to be issued for a mutual company if total assets of the mutual  
13 company are more than five hundred million dollars. For mutual  
14 companies with total assets of or between fifty million dollars  
15 and five hundred million dollars, the percentage of the total  
16 number of shares that may be purchased shall be interpolated.

17     3. The plan may allocate to a tax-qualified employee benefit  
18 plan nontransferable subscription rights to purchase up to ten  
19 percent of the capital stock of the converted stock company or  
20 the stock of another corporation that is participating in the  
21 plan, as provided in section 512.6, subsection 1, paragraph  
22 "c", subparagraph (1), subparagraph division (a), subparagraph  
23 subdivision (iii). A tax-qualified employee benefit plan is  
24 entitled to exercise subscription rights granted under this  
25 subsection regardless of the total number of shares purchased  
26 by other persons.

27     4. The plan may provide that the other classes of  
28 subscribers approved by the commissioner shall receive, without  
29 payment, nontransferable subscription rights to purchase  
30 capital stock of the converted stock company or the stock of  
31 another corporation that is participating in the conversion  
32 plan, as provided in section 512.6, subsection 1, paragraph  
33 "c", subparagraph (1), subparagraph division (a), subparagraph  
34 subdivision (iii). Other classes of subscribers that may be  
35 approved by the commissioner include, without limitation, any





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 policyholders instead of subscription rights.

2 *d.* Provide for partial conversion of the mutual company  
3 and formation of a mutual holding company in accordance with  
4 subsection 2.

5 *e.* Set forth another plan containing any other provisions  
6 approved by the commissioner.

7 2. The commissioner may approve a partial conversion  
8 and formation of a mutual holding company provided that the  
9 mutual company is not insolvent or in hazardous financial  
10 condition according to information supplied in its most recent  
11 annual or quarterly statement filed with the commissioner or  
12 as determined by a financial examination performed by the  
13 commissioner. The commissioner may retain, at the mutual  
14 company's expense, any qualified expert, including counsel and  
15 financial advisors, not otherwise a part of the commissioner's  
16 staff, to assist in reviewing whether the plan may be approved  
17 by the commissioner.

18 3. *a.* A mutual holding company may convert to stock form  
19 under this chapter, and shall be subject to the provisions  
20 of this chapter and to any other provisions of this title  
21 applicable to insurance holding companies, except as otherwise  
22 provided in this chapter. It is the policy of this chapter to  
23 enable and facilitate such a conversion of a mutual holding  
24 company to stock form, and this chapter shall be interpreted  
25 accordingly.

26 *b.* Any mutual holding company may convert to a stock holding  
27 company only in accordance with the provisions of this chapter.  
28 Solely for purposes of establishing the process for and  
29 enabling and facilitating any conversion of a mutual holding  
30 company to a stock holding company, references in this chapter  
31 to a mutual company shall be deemed to refer to a mutual  
32 holding company and other provisions of this chapter shall be  
33 interpreted accordingly.

34 *c.* Any stock issued by a subsidiary insurance company or  
35 subsidiary holding company of a mutual holding company to



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 persons other than the parent mutual holding company shall be  
 2 exchanged for the stock issued by the parent mutual holding  
 3 company in connection with the conversion of the parent mutual  
 4 holding company to the parent stock holding company or any  
 5 corporation participating in the conversion of the mutual  
 6 holding company pursuant to section 512.6, subsection 1,  
 7 paragraph "c", subparagraph (1), subparagraph division (a).  
 8 The parent mutual holding company and the subsidiary insurance  
 9 company or subsidiary holding company must demonstrate to  
 10 the satisfaction of the commissioner that the basis for the  
 11 exchange is fair and reasonable.

12 *d.* If a subsidiary insurance company or subsidiary holding  
 13 company has issued shares to an entity other than the mutual  
 14 holding company, the conversion of the mutual holding company  
 15 to a stock holding company shall not be consummated unless a  
 16 majority of the shares issued to the entities other than the  
 17 mutual holding company vote in favor of the conversion. This  
 18 requirement applies in addition to any otherwise required  
 19 policyholder or shareholder votes.

20 **Sec. 10. NEW SECTION. 512.10 Effective date of plan of**  
 21 **conversion.**

22 A plan of conversion is effective when the commissioner has  
 23 approved the plan, the voting members have approved the plan  
 24 and adopted the certificate of incorporation of the converted  
 25 stock company, and the certificate of incorporation is filed in  
 26 the office of the secretary of state of this state.

27 **Sec. 11. NEW SECTION. 512.11 Rights of members whose**  
 28 **policies are issued after adoption of plan of conversion and**  
 29 **before effective date.**

30 1. All members whose policies are issued after the proposed  
 31 plan of conversion has been adopted by the governing body and  
 32 before the effective date of the plan shall be sent a written  
 33 notice regarding the plan upon issuance of such policy.

34 2. A member of a life or health insurance company entitled  
 35 to be sent the notice described in subsection 1 is entitled



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 to rescind the member's policy and receive a full refund  
2 of any amounts paid for the policy or contract within ten  
3 days after such member has received the notice. Except as  
4 provided in subsection 3, each member of a property or casualty  
5 insurance company entitled to receive the notice provided for  
6 in subsection 1 shall be advised of the member's right of  
7 cancellation and to a pro rata refund of unearned premiums.

8     3. A member of a life or health insurance company, or  
9 property or casualty insurance company, who has made or filed  
10 a claim under such member's insurance policy shall not be  
11 entitled to any right to receive any refund under subsection 2.  
12 A person who has exercised the rights provided by subsection  
13 2 shall not be entitled to make or file any claim under such  
14 person's insurance policy.

15     Sec. 12. NEW SECTION. **512.12 Corporate existence.**

16     1. On the effective date of the conversion, the corporate  
17 existence of the mutual company continues in the converted  
18 stock company. On the effective date of the conversion, all  
19 the assets, rights, franchises, and interests of the mutual  
20 company or the mutual holding company in and to every species  
21 of property, real, personal, and mixed, and any accompanying  
22 things in action, are vested in the converted stock company  
23 without any deed or transfer and the converted stock company  
24 assumes all the obligations and liabilities of the mutual  
25 company or the mutual holding company.

26     2. Unless otherwise specified in the plan of conversion,  
27 the persons who are directors and officers of the mutual  
28 company or the mutual holding company on the effective date of  
29 the conversion shall serve as directors and officers of the  
30 converted stock company until new directors and officers of the  
31 converted stock company are elected pursuant to the certificate  
32 of incorporation and bylaws of the converted stock company.

33     Sec. 13. NEW SECTION. **512.13 Conflict of interest.**

34     1. A director, officer, agent, or employee of the mutual  
35 company shall not receive any fee, commission, or other





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1     2. Thirty days after notice of the meeting of voting members  
2 to approve the plan of conversion is first mailed or delivered  
3 to voting members or posted on the mutual company's internet  
4 site.

5     Sec. 16. NEW SECTION. **512.16 Mutual company insolvent or in**  
6 **hazardous financial condition.**

7     1. If a mutual company seeking to convert is insolvent or  
8 is in hazardous financial condition according to information  
9 supplied in its most recent annual or quarterly statement  
10 filed with the division or as determined by a financial  
11 examination performed by the division, the requirements of  
12 this chapter, including notice to and policyholder approval of  
13 the plan of conversion, may be waived at the discretion of the  
14 commissioner, if requested by the mutual company. If a waiver  
15 under this section is ordered by the commissioner, the mutual  
16 company shall specify in its plan of conversion all of the  
17 following:

18     a. The method and basis for the issuance of the converted  
19 stock company's shares of its capital stock to an independent  
20 party in connection with an investment by the independent party  
21 in an amount sufficient to restore the converted stock company  
22 to a sound financial condition.

23     b. That the conversion shall be accomplished without  
24 granting subscription rights or other consideration to the  
25 past, present, or future policyholders.

26     2. This section shall not alter or limit the authority of  
27 the commissioner under any of the provisions of law, including  
28 but not limited to receivership and liquidation provisions  
29 applicable to insurance companies.

30     Sec. 17. NEW SECTION. **512.17 Rules.**

31     The commissioner may adopt rules to administer and enforce  
32 this chapter.

33     Sec. 18. NEW SECTION. **512.18 Laws applicable to converted**  
34 **stock company.**

35     1. A mutual company shall not be permitted to convert





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

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

1 date of the plan, a person shall not directly or indirectly  
2 offer to acquire, make any announcement to acquire or acquire  
3 in any manner, including making a filing with the division for  
4 such acquisition under a statute or rule of this state, the  
5 beneficial ownership of ten percent or more of a class of a  
6 voting security of the converted stock company or of a person  
7 which controls the voting securities of the converted stock  
8 company, unless the converted stock company or a person who  
9 controls the voting securities of the converted stock company  
10 consents to such acquisition and such acquisition is otherwise  
11 approved by the commissioner.

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 enacts new Code chapter 512 which provides an  
16 additional procedure for mutual insurance companies domiciled  
17 in this state and organized under Code chapter 508 (life  
18 insurance companies) or Code chapter 515 (insurance other  
19 than life), as well as certain foreign mutual insurance  
20 companies, to convert from a mutual company to a stock company.  
21 The procedure does not replace current Code chapter 508C  
22 (conversion from mutual company to stock company) or current  
23 Code chapter 515G (mutual insurance company conversions).

24       The bill requires the mutual company wishing to convert  
25 to a stock company to submit a plan of conversion to its  
26 governing body for adoption, to the commissioner of insurance  
27 for approval, and to the mutual company's voting members for  
28 approval. Following final approval the converted stock company  
29 must file its certificate of incorporation and bylaws with the  
30 commissioner.

31       The bill allows a foreign mutual company or foreign  
32 mutual holding company to redomesticate to Iowa and to file  
33 an application for conversion to a stock company. Such a  
34 company's plan of conversion must be adopted and approved  
35 consistent with the provisions of the new Code chapter

LSB 5906HC (3) 85



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

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

1 applicable to domestic companies.

2 The required contents of a plan of conversion are set  
3 out in the bill and include provisions relating to policy  
4 continuation, voting rights, subscription rights to purchase  
5 the capital stock of the converted stock company or of related  
6 entities, valuation of capital stock by a qualified independent  
7 expert, redemption rights, and restrictions on the purchase,  
8 sale, and repurchase of capital stock by directors, officers,  
9 and others. The bill contains specific provisions regarding a  
10 closed block of business for participating life policies.

11 The commissioner is authorized to approve alternative plans  
12 of conversion that allow for partial conversions, mutual  
13 holding companies, mergers, and variable subscription rights.

14 The bill also includes provisions relating to rights of  
15 members whose policies were issued after adoption of the plan  
16 of conversion, conflicts of interest, limitations on actions  
17 challenging a conversion, conversions involving insolvent  
18 companies, amendment of outstanding policies, and acquisitions  
19 of control following conversion.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2178 - Introduced**

SENATE FILE 2178  
BY BOLKCOM

**A BILL FOR**

1 An Act prohibiting the slaughter and use of equines as food  
2 products to be used for human consumption, providing for  
3 penalties, and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5394XS (4) 85  
da/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2178

1 Section 1. Section 189A.2, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5A. *"Equine"* means the same as defined in  
4 section 189B.1.

5 Sec. 2. Section 189A.2, subsections 14 and 16, Code 2014,  
6 are amended to read as follows:

7 14. a. *"Livestock"* means a live or dead animal which is  
8 limited to cattle, sheep, swine, goats, or farm deer, ~~or which~~  
9 ~~is classified as an equine including a horse or mule.~~

10 b. *"Livestock"* does not include an equine.

11 16. a. *"Meat food product"* means any product capable of use  
12 as human food which is made wholly or in part from any meat or  
13 other portion of the carcass of any cattle, sheep, swine, or  
14 goats, excepting products which contain meat or other portions  
15 of such carcasses only in a relatively small proportion  
16 or historically have not been considered by consumers as  
17 products of the meat food industry, and which are exempted  
18 from definition as a meat food product by the secretary under  
19 such conditions as the secretary may prescribe to assure that  
20 the meat or other portions of such carcass contained in such  
21 product are not adulterated and that such products are not  
22 represented as meat food products.

23 b. ~~This term~~ *"Meat food product"* as applied to food products  
24 of ~~equines or farm deer~~ shall have a meaning comparable to that  
25 provided in ~~this~~ paragraph "a" with respect to cattle, sheep,  
26 swine, and goats.

27 c. *"Meat food product"* does not include any part of an  
28 equine.

29 Sec. 3. Section 189A.7, subsection 6, Code 2014, is amended  
30 by striking the subsection.

31 Sec. 4. Section 189A.8, subsection 1, Code 2014, is amended  
32 by striking the subsection.

33 Sec. 5. NEW SECTION. **189B.1 Definitions.**

34 1. *"Equine"* means an animal which is a member of the  
35 taxonomic family equidae, and includes donkeys, horses, and



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2178

1 mules.

2     2.   *a.*   “*Equine food product*” means any item derived from an  
3 equine that may be used for human consumption, including but  
4 not limited to muscle tissue, fat, internal organs, entrails,  
5 blood, soft tissue, and bone marrow.

6     *b.*   “*Food product*” includes an item that is in a consumable  
7 state or that is to be made into a consumable state after being  
8 further processed.

9     3.   “*Local authority*” means the same as defined in section  
10 717B.1.

11    4.   “*Slaughter*” means to kill an equine for purposes of  
12 obtaining an equine food product.

13    Sec. 6.   NEW SECTION.   **189B.2 Application.**

14    Nothing in this chapter shall be construed to authorize a  
15 criminal prosecution or civil action to be commenced against a  
16 person who purchases an equine food product for their personal  
17 consumption.

18    Sec. 7.   NEW SECTION.   **189B.3 Local authorities.**

19    A local authority, in cooperation with the attorney general,  
20 shall administer and enforce the provisions of this chapter.

21    Sec. 8.   NEW SECTION.   **189B.4 Wrongful conversion of an  
22 equine — criminal penalty.**

23    1.   A person commits the offense of wrongful conversion of an  
24 equine by doing any of the following:

25    *a.*   Slaughtering an equine for purposes of obtaining an  
26 equine food product, if the person knows that the equine food  
27 product is to be used for human consumption.

28    *b.*   Possessing an equine for sale, offer for sale, or  
29 exhibition, if the person knows the equine will be slaughtered  
30 and that an equine food product obtained from the slaughtered  
31 equine is to be used for human consumption.

32    *c.*   Transporting, or being a party to an arrangement  
33 involving the transportation of, an equine, if the person  
34 knows that the equine is to be slaughtered for purposes of  
35 obtaining an equine food product that is to be used for human



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2178

1 consumption.

2 2. A person committing wrongful conversion of an equine is  
3 guilty of an aggravated misdemeanor.

4 Sec. 9. NEW SECTION. **189B.5 Trafficking in equine food**  
5 **products — criminal penalty.**

6 1. A person commits the offense of trafficking in equine  
7 food products by doing any of the following:

8 a. Storing or transporting a food product derived from a  
9 slaughtered equine, if the person knows that the food product  
10 is derived from a slaughtered equine and the food product is to  
11 be used for human consumption.

12 b. Being a party to an arrangement involving the storage  
13 or transportation of a food product derived from a slaughtered  
14 equine, if the person knows that the food product is derived  
15 from a slaughtered equine and the food product is to be used  
16 for human consumption.

17 2. A person committing the offense of trafficking in equine  
18 food products is guilty of an aggravated misdemeanor.

19 Sec. 10. NEW SECTION. **189B.6 Confiscation and disposition**  
20 **of equines.**

21 1. A local authority may confiscate an equine that is  
22 subject to wrongful conversion pursuant to section 189B.4.  
23 An equine so confiscated shall be considered neglected under  
24 section 717.2, may be rescued as provided in section 717.2A,  
25 and may be subject to disposition as provided in section 717.5.

26 2. An equine subject to wrongful conversion pursuant to  
27 section 189B.4 that is not confiscated under subsection 1  
28 shall be forfeited to the state and subject to disposition  
29 as ordered by the court. In addition, the court shall order  
30 the person with an ownership interest in the equine to pay an  
31 amount which shall not be more than the expenses incurred in  
32 maintaining or disposing of the equine. The court may also  
33 order that the person pay reasonable attorney fees and expenses  
34 related to the investigation of the case that shall be taxed  
35 as other court costs. If more than one person has a divisible



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2178

1 ownership interest in the equine, the amount required to be  
2 paid shall be prorated based on the percentage of interest in  
3 the equine owned by each person. The moneys shall be paid to  
4 the local authority incurring the expense. The amount shall be  
5 subtracted from proceeds which are received from any sale of  
6 the animal ordered by the court.

7 Sec. 11. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
8 of immediate importance, takes effect upon enactment.

9 EXPLANATION

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

12 GENERAL. This bill prohibits the slaughter of equines,  
13 including by amending Iowa's "Meat and Poultry Inspection Act"  
14 (Code chapter 189A) and creating a new chapter (Code chapter  
15 189B). The bill defines the term "equine" to mean a member of  
16 the taxonomic family equidae, and includes donkeys, horses, and  
17 mules.

18 EXISTING CODE CHAPTER — IOWA'S "MEAT AND POULTRY INSPECTION  
19 ACT". The bill amends the definition of livestock subject  
20 to slaughter at an establishment regulated by the department  
21 of agriculture and land stewardship, by providing that an  
22 equine is not livestock and is not part of a meat food product  
23 (Code section 189A.2). It also eliminates a provision which  
24 authorizes the transportation and sale of an equine carcass  
25 (Code section 189A.8).

26 NEW CODE CHAPTER — CRIMINAL OFFENSES. The bill provides  
27 for two related offenses: wrongful conversion of an equine  
28 and trafficking in equine food products. The first offense is  
29 committed when a person slaughters an equine, sells or exhibits  
30 an equine, or transports an equine knowing that the equine is  
31 to be slaughtered for purposes of obtaining a food product and  
32 that food product will be used for human consumption. The  
33 second offense is committed by a person storing or transporting  
34 a food product derived from a slaughtered equine, or being a  
35 party to an arrangement involving the storage or transportation

LSB 5394XS (4) 85



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2178

1 of a food product derived from a slaughtered equine. The  
2 person must know that the food product is to be used for human  
3 consumption.

4 CRIMINAL PENALTIES. A person who violates Iowa's meat and  
5 poultry inspection Act is guilty of a simple misdemeanor (Code  
6 section 189A.17). A person who commits the new offense of  
7 wrongful slaughter of an equine or trafficking in equine food  
8 products is guilty of an aggravated misdemeanor. A simple  
9 misdemeanor is punishable by confinement for not more than 30  
10 days or a fine of at least \$65 but not more than \$625 or by  
11 both. An aggravated misdemeanor is punishable by confinement  
12 for no more than two years and a fine of at least \$625 but not  
13 more than \$6,250.

14 CONFISCATION AND DISPOSITION OF EQUINES. A local authority  
15 such as a county may confiscate (rescue) an equine involved in  
16 a wrongful conversion in the same manner as neglected livestock  
17 under Code chapter 717. A court must order the disposition  
18 upon a petition filed by a local authority. The order may  
19 include provisions for the payment of expenses incurred by  
20 a person maintaining the livestock. An equine that is not  
21 confiscated and disposed of as neglected must be forfeited to  
22 the state and subject to disposition as ordered by the court.  
23 A court must order that a person who owns the equine pay for  
24 expenses incurred in maintaining or disposing of the equine.  
25 The court may also order that the person pay reasonable  
26 attorney fees and expenses related to the investigation of the  
27 case.

28 EFFECTIVE DATE. The bill takes effect upon enactment.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2179 - Introduced**

SENATE FILE 2179  
BY BOLKCOM

**A BILL FOR**

1 An Act relating to the sale or transfer of firearms, providing  
2 penalties, and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5913XS (1) 85  
rh/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2179

1 Section 1. **NEW SECTION. 724.32 Sale or transfer of firearms**  
2 **— criminal history background check.**

3 1. A person shall not sell or transfer a firearm to another  
4 person without receiving verification from a federally licensed  
5 firearms dealer that information on the prospective purchaser  
6 or transferee has been submitted to the department of public  
7 safety for a criminal history background check and that a  
8 determination has been received by the department of public  
9 safety that the prospective purchaser or transferee is not  
10 prohibited under either state or federal law from possessing a  
11 firearm. A criminal history background check conducted under  
12 this section shall include an inquiry of the national instant  
13 criminal background check system maintained by the federal  
14 bureau of investigation.

15 2. A person who sells or transfers a firearm in violation of  
16 this section is guilty of an aggravated misdemeanor.

17 3. A federally licensed firearms dealer may charge and  
18 collect fees for obtaining criminal history record information  
19 checks on behalf of sellers or transferors.

20 4. The department of public safety shall adopt rules  
21 pursuant to chapter 17A as necessary to carry out the  
22 provisions of this section.

23 Sec. 2. **APPLICABILITY.** This Act applies to the sale or  
24 transfer of firearms on or after July 1, 2014.

25 **EXPLANATION**

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

28 This bill relates to the sale or transfer of firearms,  
29 provides penalties, and includes applicability provisions.

30 The bill prohibits a person from selling or transferring a  
31 firearm to another person without receiving verification from  
32 a federally licensed firearms dealer that information on the  
33 prospective purchaser or transferee has been submitted to the  
34 department of public safety for a criminal history background  
35 check and that a determination has been received by the

LSB 5913XS (1) 85

-1-

rh/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2179

1 department of public safety that the prospective purchaser or  
2 transferee is not prohibited under either state or federal law  
3 from possessing a firearm. A criminal history background check  
4 under the bill includes an inquiry of the national instant  
5 criminal background check system maintained by the federal  
6 bureau of investigation.

7 The bill provides that a person who sells or transfers a  
8 firearm in violation of this Code section is guilty of an  
9 aggravated misdemeanor, punishable by confinement for no more  
10 than two years and a fine of at least \$625 but not more than  
11 \$6,250.

12 The bill provides that a federally licensed firearms dealer  
13 may charge and collect fees for obtaining criminal history  
14 record information checks on behalf of sellers and transferors  
15 and the department of public safety shall adopt rules pursuant  
16 to Code chapter 17A as necessary to carry out the provisions  
17 of the bill.

18 The bill applies to the sale or transfer of firearms on or  
19 after July 1, 2014.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2180 - Introduced**

SENATE FILE 2180  
BY COMMITTEE ON ECONOMIC  
GROWTH

(SUCCESSOR TO SSB 3121)

**A BILL FOR**

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

TLSB 5291SV (2) 85  
ad/sc





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2180

1 hundred fifty thousand dollars.

2 Sec. 4. Section 15E.45, subsection 3, paragraph a,  
3 subparagraph (3), Code 2014, is amended by striking the  
4 subparagraph and inserting in lieu thereof the following:

5 (3) Any other information required by the authority.

6 Sec. 5. Section 15E.45, subsection 6, Code 2014, is amended  
7 to read as follows:

8 6. In the event that a community-based seed capital  
9 fund fails to meet or maintain any requirement set forth in  
10 this section, or in the event that at least thirty-three  
11 percent of the invested capital of the community-based seed  
12 capital fund has not been invested in one or more separate  
13 qualifying businesses, measured at the end of the ~~forty-eighth~~  
14 thirty-sixth month after commencing the fund's investing  
15 activities, the authority shall rescind any tax credit  
16 certificates issued to limited partners or members and shall  
17 notify the department of revenue that it has done so, and the  
18 tax credit certificates shall be null and void. ~~However, a~~ A  
19 community-based seed capital fund may apply to the authority  
20 for a one-year waiver of the requirements of this subsection.

21 Sec. 6. RETROACTIVE APPLICABILITY. This division of this  
22 Act applies retroactively to January 1, 2014, for tax years  
23 beginning and investments made on or after that date.

24 DIVISION II

25 TARGETED SMALL BUSINESS ASSISTANCE

26 Sec. 7. 2013 Iowa Acts, chapter 13, section 10, subsections  
27 1 and 2, are amended to read as follows:

28 1. Upon repeal of the targeted small business financial  
29 assistance program established in section 15.247, the authority  
30 shall transfer all unencumbered and unobligated moneys accruing  
31 to the authority pursuant to existing agreements to a fund  
32 established by the authority in the state treasury under  
33 the control of the authority pursuant to section 15.106A,  
34 subsection 1, paragraph "o", to be used for the purposes of  
35 providing assistance to targeted small businesses pursuant to

LSB 5291SV (2) 85  
ad/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2180

1 ~~subsection~~ subsections 3 and 4 of this section of this Act.

2     2. Loan payments or repayments and recaptures of principal,  
3 interest, or other moneys accruing to the authority on or after  
4 June 30, 2013, pursuant to an agreement under section 15.247,  
5 shall be transferred to a fund established by the authority in  
6 the state treasury under the control of the authority pursuant  
7 to section 15.106A, subsection 1, paragraph "o", to be used  
8 for the purposes of providing assistance to targeted small  
9 businesses pursuant to ~~subsection~~ subsections 3 and 4 of this  
10 section of this Act.

11     Sec. 8. 2013 Iowa Acts, chapter 13, section 10, subsection  
12 3, paragraph c, is amended to read as follows:

13     c. The authority shall, upon completion of the initial  
14 performance period and the other applicable terms of the  
15 agreement with the microloan service provider, submit a report  
16 to the general assembly and the governor's office describing  
17 the results achieved by the service provider and shall make  
18 recommendations as to whether the state should continue to  
19 provide funds for future fiscal years for the purpose of  
20 providing financial and technical assistance to targeted  
21 small businesses through the services of a microloan service  
22 provider. The report shall also include the results achieved  
23 by the program established to assist entities in developing a  
24 statewide initiative designed to increase the number of female  
25 entrepreneurs in the state pursuant to subsection 4.

26     Sec. 9. 2013 Iowa Acts, chapter 13, section 10, is amended  
27 by adding the following new subsection:

28     NEW SUBSECTION. 4. *a.* From the moneys transferred pursuant  
29 to subsections 1 and 2, the authority may use amounts not  
30 allocated for purposes of subsection 3 for purposes of this  
31 subsection.

32     *b.* The authority may establish a program to assist one  
33 or more private sector entities in implementing a multiyear  
34 statewide initiative designed to increase the number of female  
35 entrepreneurs in the state. Such an initiative shall target

LSB 5291SV (2) 85  
ad/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2180

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

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

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

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

DIVISION III

STRATEGIC INFRASTRUCTURE PROGRAM

24 Sec. 11. Section 15.117A, subsection 6, Code 2014, is  
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. *f.* Review and make recommendations on all  
27 applications received by the authority for financial assistance  
28 under the Iowa strategic infrastructure program pursuant to  
29 section 15.313.

30 Sec. 12. Section 15.311, Code 2014, is amended to read as  
31 follows:

32 **15.311 Title.**

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

35 Sec. 13. Section 15.313, subsection 1, Code 2014, is amended



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. 2180

1 to read as follows:

2 1. ~~a. An Iowa strategic investment fund is created~~ The  
3 authority shall establish a fund pursuant to section 15.106A,  
4 subsection 1, paragraph "o", for purposes of financing  
5 strategic infrastructure projects as described in this  
6 section. A fund established for purposes of this section may  
7 be administered as a revolving fund consisting and may consist  
8 of any money moneys appropriated by the general assembly for  
9 that purpose purposes of this section and any other moneys  
10 that are lawfully available to and obtained or accepted by  
11 the authority, from the federal government or private sources  
12 for placement in the fund including moneys transferred or  
13 deposited from other funds created pursuant to section 15.106A,  
14 subsection 1, paragraph "o".

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

20 c. Moneys in a fund established for purposes of this section  
21 may be transferred to other funds created pursuant to section  
22 15.106A, subsection 1, paragraph "o".

23 Sec. 14. Section 15.313, subsection 2, unnumbered paragraph  
24 1, Code 2014, is amended to read as follows:

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

33 Sec. 15. Section 15.313, subsection 2, paragraphs a, b, c,  
34 d, e, and f, Code 2014, are amended by striking the paragraphs.

35 Sec. 16. Section 15.313, Code 2014, is amended by adding the





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2180

1 section.

2 Sec. 19. Section 15.335B, subsection 2, paragraph a, Code  
3 2014, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (7) For deposit in a fund created for  
5 purposes of the strategic infrastructure program established  
6 pursuant to section 15.313.

7 Sec. 20. Section 384.4, subsection 1, paragraph b, Code  
8 2014, is amended by striking the paragraph.

9 Sec. 21. 2011 Iowa Acts, chapter 133, section 13A, as  
10 enacted by 2013 Iowa Acts, chapter 142, section 7, is amended  
11 to read as follows:

12 SEC. 13A. TRANSITION UPON REPEAL.

13 1. Any moneys in the economic development fund created  
14 pursuant to section 15G.111, Code Supplement 2011, that  
15 remain unobligated on July 1, 2013, shall be transferred to  
16 the rebuild Iowa infrastructure fund. The authority shall  
17 provide notification to the department of management and to the  
18 legislative services agency at the time of the transfer.

19 2. Loan payments or repayments and recaptures of principal,  
20 interest, or other moneys accruing to the authority on or after  
21 July 1, 2013, pursuant to an agreement under chapter 15G,  
22 subchapter I, shall be transferred by the authority to a fund  
23 established by the authority in the state treasury pursuant to  
24 section 15.106A, subsection 1, paragraph "o".

25 3. The authority may use any moneys accruing pursuant to  
26 subsection 2 for purposes of section 15.313.

27 Sec. 22. REPEAL. Section 15E.120, Code 2014, is repealed.

28 Sec. 23. RETROACTIVE APPLICABILITY. The section of this  
29 division of this Act amending 2011 Iowa Acts, chapter 133,  
30 section 13A, as enacted by 2013 Iowa Acts, chapter 142, section  
31 7, applies retroactively to July 1, 2013.

DIVISION IV

ENDOW IOWA PROGRAM

34 Sec. 24. Section 15E.303, subsection 4, Code 2014, is  
35 amended to read as follows:





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2180

1 was repealed in the 2013 legislative session, that are not  
2 allocated for the procurement of a microloan service provider  
3 to assist targeted small businesses to be used to establish a  
4 program to assist one or more private entities in implementing  
5 an initiative to increase the number of female entrepreneurs in  
6 the state. A program created for this purpose must complement  
7 the current microloan service provider program which provides  
8 financial and technical assistance to targeted small businesses  
9 at a discounted rate. A targeted small business that is owned,  
10 operated, and managed by a woman and that is receiving the  
11 services of a microloan service provider may also receive  
12 assistance from the statewide initiative.

13 Division II takes effect upon enactment.

14 Division III of the bill makes changes to the strategic  
15 investment fund program. The bill changes the name of the  
16 program from the Iowa strategic investment fund program to the  
17 Iowa strategic infrastructure program, and allows the authority  
18 to establish a fund under its general authority for the purpose  
19 of financing strategic infrastructure projects.

20 Under current law, a strategic investment fund is created  
21 and the fund's assets are required to be used for relocation or  
22 expansion projects for existing businesses and entrepreneurial  
23 start-up and expansion projects that meet purposes specified in  
24 statute. The bill eliminates these provisions and requires the  
25 fund created by the authority to be used to provide financial  
26 assistance for relocation or expansion projects for existing  
27 businesses as well as financial assistance for new businesses.  
28 The bill also allows the moneys in the fund to be transferred  
29 to other funds created by the authority, and allows the fund  
30 to receive transfers from other funds, generally, and from  
31 a fund created under the high quality jobs program in Code  
32 section 15.335B, specifically. The bill provides definitions  
33 for "financial assistance", "strategic infrastructure", and  
34 "vertical improvement".

35 The bill requires the Iowa innovation council to review

LSB 5291SV (2) 85  
ad/sc

9/10



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2180

1 each application for financial assistance under the strategic  
2 infrastructure program and make a recommendation to the  
3 economic development authority board on whether the application  
4 is complete, whether the board should approve an application,  
5 and the amount of the financial assistance to be awarded, if  
6 any.

7 The bill repeals a provision relating to loan repayments  
8 under the former Iowa community development loan program that  
9 included a reference to the strategic investment fund.

10 The bill requires the authority to transfer loan payments  
11 or repayments and recaptures of principal, interest, or other  
12 moneys accruing to the authority as a result of an agreement  
13 made pursuant to Code chapter 15G, subchapter I, the grow  
14 Iowa financial assistance program, to a fund created by the  
15 authority. This provision of the bill applies retroactively to  
16 July 1, 2013. The bill allows the authority to use any moneys  
17 transferred pursuant to this provision of the bill for purposes  
18 of the strategic infrastructure program.

19 Division IV of the bill makes changes to the endow Iowa  
20 program. The bill requires an endow Iowa qualified community  
21 foundation to attain national standards established by the  
22 national council on foundations rather than substantially  
23 comply with those standards.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2181 - Introduced**

SENATE FILE 2181  
BY ERNST

**A BILL FOR**

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

TLSB 6017XS (2) 85  
kh/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2181

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

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

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

LSB 6017XS (2) 85

-1-

kh/rj

1/2





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2181

1 science, and three years of social studies.

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

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

16 Sec. 5. Section 256.7, subsection 26, paragraph a, Code  
17 2014, is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (4) In developing or modifying the Iowa  
19 excellence academic standard, the state board shall seek and  
20 review and consider public comment as well as comment from  
21 school district practitioners and board members; shall review  
22 other nationally and internationally recognized academic  
23 standards; and shall consider the impact the proposed standards  
24 will have on student achievement.

25 Sec. 6. Section 256.7, subsection 26, paragraph b, Code  
26 2014, is amended by striking the paragraph.

27 Sec. 7. Section 256.7, subsection 26, paragraph c, Code  
28 2014, is amended to read as follows:

29 c. Neither the state board nor the department shall require  
30 school districts or accredited nonpublic schools to adopt a  
31 specific textbook, textbook series, or specific instructional  
32 methodology, or acquire specific textbooks, curriculum  
33 materials, or educational products from a specific vendor in  
34 order to meet the ~~core curriculum~~ Iowa excellence academic  
35 standard requirements of this subsection or the ~~core content~~



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2181

1 assessment standards adopted pursuant to subsection 28. Each  
 2 school district and accredited nonpublic school is encouraged  
 3 to develop local methods and materials to assist students in  
 4 reaching the requirements set forth under the Iowa excellence  
 5 academic standard.

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

8 28. Adopt a set of ~~core content~~ assessment standards  
 9 applicable to all students in kindergarten through grade twelve  
 10 in every school district and accredited nonpublic school. For  
 11 purposes of this subsection, "~~core content~~ assessment standards"  
 12 includes reading, mathematics, and science. The ~~core content~~  
 13 assessment standards shall be identical to the ~~core content~~  
 14 assessment standards included in Iowa's approved 2006 standards  
 15 and assessment system under Tit. I of the federal Elementary  
 16 and Secondary Education Act of 1965, 20 U.S.C. § 6301 et  
 17 seq., as amended by the federal No Child Left Behind Act of  
 18 2001, Pub. L. No. 107-110. School districts and accredited  
 19 nonpublic schools shall include, at a minimum, the ~~core content~~  
 20 assessment standards adopted pursuant to this subsection in any  
 21 set of locally developed content standards. School districts  
 22 and accredited nonpublic schools are strongly encouraged to set  
 23 higher expectations in local standards. ~~As changes in federal~~  
 24 ~~law or regulation occur, the state board is authorized to amend~~  
 25 ~~the core content standards as appropriate.~~

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

28 NEW SUBSECTION. 33. Adopt rules prohibiting the department  
 29 from entering into a contract or a memorandum of understanding  
 30 with another state or national organization for the development  
 31 or implementation of statewide content or assessment standards  
 32 unless the state board submits the contract or memorandum  
 33 of understanding to the general assembly while the general  
 34 assembly is in session or the director appears before the  
 35 standing committees of the senate and house of representatives

LSB 6017XS (2) 85

-4-

kh/rj

4/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2181

1 having jurisdiction over education to report on the proposed  
2 contract or memorandum of understanding. The rules may only  
3 allow the department to adopt and implement the Iowa excellence  
4 academic standard content and assessment standards identified  
5 or developed by Iowa educators.

6 Sec. 10. Section 256.9, subsection 53, paragraph a, Code  
7 2014, is amended to read as follows:

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

26 Sec. 11. Section 256.9, subsection 54, Code 2014, is amended  
27 to read as follows:

28 54. Submit an annual report to the general assembly by  
29 January 1 regarding activities, findings, and student progress  
30 under the ~~core curriculum~~ Iowa excellence academic standard  
31 established pursuant to section 256.7, subsection 26. The  
32 annual report shall include the state board's findings and  
33 recommendations.

34 Sec. 12. Section 256.40, subsection 2, paragraph e, Code  
35 2014, is amended to read as follows:

LSB 6017XS (2) 85

-5-

kh/rj

5/12



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2181

1 e. Integrate services provided through the program with  
2 other career exploration-related activities such as the student  
3 ~~core-curriculum~~ plan to complete the Iowa excellence academic  
4 standard and the career information and decision-making  
5 system developed and administered under section 279.61, where  
6 appropriate.

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

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

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

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

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

32 8. Establish a minimum set of competencies and ~~core~~  
33 ~~curriculum~~ standards, in accordance with section 256.7,  
34 subsection 26, for approval of a vocational program sequence  
35 that addresses the following: new and emerging technologies;

LSB 6017XS (2) 85

kh/rj

6/12



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. 2181

1 job-seeking, job-keeping, and other employment skills,  
 2 including self-employment and entrepreneurial skills, that  
 3 reflect current industry standards, leadership skills,  
 4 entrepreneurial, and labor-market needs; and the strengthening  
 5 of basic academic skills.

6 Sec. 16. Section 260C.14, subsection 22, paragraph b, Code  
 7 2014, is amended to read as follows:

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

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

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

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

34     2. *Notification.* The availability and requirements of this  
 35 program shall be included in each school district's student



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2181

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

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

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

25 Sec. 20. Section 261E.9, subsection 2, paragraph b, Code  
26 2014, is amended to read as follows:

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

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



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2181

1     4. Information regarding regional academies shall be  
2 provided to a student and the student's parent or guardian  
3 prior to the development of the student's ~~core curriculum~~ Iowa  
4 excellence academic standard plan under section 279.61.

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

7     4. Information regarding career academies shall be provided  
8 by the school district to a student and the student's parent  
9 or guardian prior to the development of the student's ~~core~~  
10 ~~curriculum~~ Iowa excellence academic standard plan under section  
11 279.61.

12     Sec. 23. Section 262.9, subsection 33, paragraph c, Code  
13 2014, is amended to read as follows:

14     c. Develop criteria to prioritize ~~core curriculum areas~~  
15 the Iowa excellence academic standard and create or review  
16 transition guides for the ~~core curriculum areas~~ Iowa excellence  
17 academic standard.

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

20     **279.61 Student plan for progress toward university admissions**  
21 **— report.**

22     1. For the school year beginning July 1, ~~2008~~ 2014, and  
23 each succeeding school year, the board of directors of each  
24 school district shall cooperate with each student enrolled  
25 in grade eight to develop for the student a ~~core curriculum~~  
26 plan to guide the student toward the goal of successfully  
27 completing, at a minimum, the ~~core curriculum developed~~ Iowa  
28 excellence academic standard and graduation requirements  
29 adopted by the state board of education pursuant to section  
30 256.7, subsection 26, by the time the student graduates from  
31 high school. The plan shall include career options and shall  
32 identify the coursework needed in grades nine through twelve  
33 to support the student's postsecondary education and career  
34 options. Additionally, the plan shall include a timeline for  
35 each student to successfully complete, prior to graduation,



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2181

1 all components of the state-designated career information  
2 and decision-making system administered by the department in  
3 accordance with section 118 of the federal Carl D. Perkins  
4 Career and Technical Education Improvement Act of 2006, Pub. L.  
5 No. 109-270. The student's parent or guardian shall sign the  
6 ~~core curriculum~~ plan developed with the student and the signed  
7 plan shall be included in the student's cumulative records.

8     2. For the school year beginning July 1, ~~2008~~ 2015, and each  
9 succeeding school year, the board of directors of each school  
10 district shall report annually to each student enrolled in  
11 grades nine through twelve in the school district, and, if the  
12 student is under the age of eighteen, to each student's parent  
13 or guardian, the student's progress toward meeting the goal of  
14 successfully completing the ~~core curriculum~~ and Iowa excellence  
15 academic standard and high school graduation requirements  
16 adopted by the state board of education pursuant to section  
17 256.7, subsection 26.

18     Sec. 25. Section 280.3, subsection 3, Code 2014, is amended  
19 by striking the subsection.

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

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 continues to direct the state board of education  
35 to adopt sets of academic and assessment standards, but amends

LSB 6017XS (2) 85

-10-

kh/rj

10/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2181

1 the terms used to describe the standards for use by school  
2 districts and accredited nonpublic schools. The bill directs  
3 the state board to adopt rules to prohibit the department from  
4 entering into a contract or memorandums of understanding with  
5 another state or national organization for the development or  
6 implementation of statewide content or assessment standards  
7 unless the contract or memorandum is presented before the  
8 general assembly. The bill provides that the rules may only  
9 allow the department to adopt and implement the Iowa excellence  
10 academic standard and assessment standards identified or  
11 developed by Iowa educators.

12 Each school district and accredited nonpublic school is  
13 encouraged to develop local methods and materials to assist  
14 students in reaching the standards set forth under the Iowa  
15 excellence academic standard.

16 The bill replaces the terms "core curriculum", "Iowa  
17 core curriculum", and "Iowa common core", which were used to  
18 describe the academic standards adopted by the state board,  
19 with the term "Iowa excellence academic standard". Also,  
20 provisions directing school districts to cooperate with each  
21 eighth grade student on a core curriculum plan to meet core  
22 curriculum requirements are amended to replace "core curriculum  
23 plan" with "Iowa excellence academic standard plan" and "core  
24 curriculum requirements" with "the Iowa excellence academic  
25 standard". The term "core content standards", which was used  
26 to describe the assessment standards adopted by the state  
27 board, is replaced with the term "assessment standards". The  
28 assessment standards will remain applicable to all students  
29 in kindergarten through grade 12 in every school district and  
30 accredited nonpublic school. Corresponding changes are made  
31 throughout the Code, and obsolete language is eliminated.

32 The bill may include a state mandate as defined in Code  
33 section 25B.3. The bill requires that the state cost of  
34 any state mandate included in the bill be paid by a school  
35 district from state school foundation aid received by the



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2181

1 school district under Code section 257.16. The specification  
2 is deemed to constitute state compliance with any state mandate  
3 funding-related requirements of Code section 25B.2. The  
4 inclusion of this specification is intended to reinstate the  
5 requirement of political subdivisions to comply with any state  
6 mandates included in the bill.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2182 - Introduced**

SENATE FILE 2182  
BY BREITBACH

**A BILL FOR**

1 An Act relating to the performance of background checks for  
2 certified nurse aide training program students.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5131SS (4) 85  
jp/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2182

1 Section 1. Section 135C.33, subsection 8, paragraph b, Code  
2 2014, is amended to read as follows:

3 b. Prior to a student beginning or returning to a certified  
4 nurse aide training program, the program shall request that  
5 the department of public safety perform a criminal history  
6 check and the department of human services perform child and  
7 dependent adult abuse record checks, in this state, of the  
8 student. In lieu of requesting the criminal history check in  
9 this state, the program may conduct a comprehensive national  
10 criminal history check that incorporates criminal history  
11 records in this state. The program may contract with a  
12 third party to initiate and receive the record checks on the  
13 program's behalf. The program or the program's contractor  
14 may access the single contact repository established pursuant  
15 to this section as necessary ~~for the program~~ to initiate the  
16 record checks.

17 EXPLANATION

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

20 This bill relates to the performance of background checks  
21 for certified nurse aide training program students. These  
22 programs are approved in accordance with rules adopted by the  
23 department of human services (DHS) to train persons seeking to  
24 be a certified nurse aide.

25 Current law requires the training programs to request that  
26 the department of public safety perform a criminal history  
27 check and DHS perform child and dependent adult abuse record  
28 checks, in this state, before a student begins or returns to  
29 a program. Under the bill, in lieu of requesting a criminal  
30 history check in this state by the department, the program  
31 may instead conduct a comprehensive national criminal history  
32 check that incorporates criminal history records in this state.  
33 The bill authorizes a training program to contract with a  
34 third party to initiate and receive the record checks on the  
35 program's behalf, including accessing the single contact

LSB 5131SS (4) 85

-1-

jp/nh

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2182

1 repository. The repository is a means of providing electronic  
2 access to data for the purpose of background checks.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2183 - Introduced**

SENATE FILE 2183  
BY HATCH and McCOY

**A BILL FOR**

1 An Act relating to the excess reserves of certain companies or  
2 corporations issuing individual and group health insurance  
3 policies or medical service contracts in this state.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5458XS (2) 85  
rj/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2183

1 Section 1. **NEW SECTION. 505.20 Excess reserves.**

2 1. The commissioner shall identify any insurance company  
3 or nonprofit health service corporation doing business in this  
4 state that issues more than eighty percent of all individual  
5 health insurance policies or hospital or medical service  
6 contracts issued in this state and that issues more than  
7 sixty percent of all small group health insurance policies or  
8 hospital or medical service contracts issued in this state.

9 2. For such an insurance company or nonprofit health service  
10 corporation so identified, the commissioner shall make a  
11 determination of financial reserves necessary for the company  
12 or corporation to meet its obligations under its policies or  
13 contracts issued in this state.

14 3. If the commissioner determines that such a company or  
15 corporation has reserves in excess of those necessary to meet  
16 its policy or contractual obligations, the commissioner may  
17 order the company or corporation to distribute the excess to  
18 its policyholders or contract subscribers.

19 EXPLANATION

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

22 This bill requires the commissioner of insurance to  
23 identify any insurance company or nonprofit health service  
24 corporation in this state that issues more than 80 percent  
25 of all individual health insurance policies or hospital or  
26 medical service contracts in this state and that issues more  
27 than 60 percent of all small group health insurance policies  
28 or hospital or medical service contracts in this state. For  
29 such a company or corporation, the commissioner is required  
30 to make a determination of financial reserves necessary for  
31 the company or corporation to meet its obligations under  
32 its policies or contracts issued in this state. The bill  
33 authorizes the commissioner to order the company or corporation  
34 to distribute any excess reserves to its policyholders or  
35 contract subscribers.

LSB 5458XS (2) 85

-1-

rj/rj

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2184 - Introduced**

SENATE FILE 2184  
BY COMMITTEE ON LABOR AND  
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3005)

(COMPANION TO HF 2172)

**A BILL FOR**

- 1 An Act providing for the use of an electronic filing and notice
- 2 system by the public employment relations board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5178SV (1) 85  
je/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2184

1 Section 1. Section 20.24, Code 2014, is amended to read as  
2 follows:

3 **20.24 Notice and service — electronic filing system.**  
4 ~~Any~~ The board shall by rule establish an electronic filing  
5 system for the filing or service of any notice or other  
6 document required under the provisions of this chapter shall  
7 be in writing, but service thereof shall be sufficient if  
8 mailed by restricted certified mail, return receipt requested,  
9 addressed to the last known address of the intended recipient,  
10 unless or permitted by law to be filed with or served on or  
11 filed or served by the board. Unless otherwise provided in  
12 this chapter by law, the board may by rule require the filing  
13 or service of such notice or other document through the system,  
14 notwithstanding the provisions of chapter 17A concerning  
15 service or filing by mail. Refusal of restricted certified  
16 mail by any party shall be considered service. Any notice  
17 or other document not required by rule to be filed or served  
18 through the system shall be filed or served in accordance with  
19 chapter 17A. Unless otherwise provided in this chapter by law,  
20 prescribed time periods shall commence from the date of the  
21 receipt of the notice filing or service through the system.  
22 ~~Any party may at any time execute and deliver an acceptance of~~  
23 ~~service in lieu of mailed notice.~~

24 EXPLANATION

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

27 This bill requires the public employment relations board to  
28 establish by rule an electronic filing system for the filing or  
29 service of any notice or other document required or permitted  
30 by law to be filed with or served on or filed or served by  
31 the board. The bill permits the board to require by rule,  
32 unless otherwise provided by law, the filing or service of such  
33 notice or other document through the system, notwithstanding  
34 the provisions of the Iowa administrative procedure Act, Code  
35 chapter 17A, concerning service or filing by mail. The bill

LSB 5178SV (1) 85

-1-

je/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2184

1 specifies that any notice or other document not required by  
2 rule to be filed or served through the system shall be filed or  
3 served in accordance with Code chapter 17A. The bill provides  
4 that prescribed time periods commence from the date of the  
5 filing or service through the system, unless otherwise provided  
6 by law. The bill strikes language in Code chapter 20, the  
7 public employment relations Act, establishing service of notice  
8 by mail as sufficient service of notice.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2185 - Introduced**

SENATE FILE 2185  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3151)

**A BILL FOR**

1 An Act concerning the determination of native horses for  
2 purposes of pari-mutuel wagering.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6090SV (1) 85  
ec/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2185

1 Section 1. Section 99D.22, subsection 2, paragraph c, Code  
2 2014, is amended to read as follows:

3 c. To be eligible for registration as an Iowa thoroughbred,  
4 quarter horse, or standardbred stallion, ~~the following~~  
5 ~~requirements shall be met:~~

6 ~~(1) Stallion~~ stallion residency from January 1 through  
7 July 31 for the year of registration shall be met. However,  
8 horses going to stud for the first year shall be eligible upon  
9 registration with residency to continue through July 31.

10 ~~(2) At least fifty-one percent of an Iowa registered~~  
11 ~~stallion shall be owned by bona fide Iowa residents.~~

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 Code section 99D.22, concerning native horses or dogs, is  
16 amended to eliminate the requirement that at least 51 percent  
17 of an Iowa registered stallion be owned by Iowa residents for  
18 purposes of determining eligibility for registration as an Iowa  
19 thoroughbred, quarter horse, or standardbred stallion. Current  
20 requirements relative to stallion residency for the year of  
21 registration are not changed by the bill.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2186 - Introduced**

SENATE FILE 2186  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2015)

**A BILL FOR**

1 An Act relating to privileged communications between certain  
2 peer support group counselors and officers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5418SV (2) 85  
rh/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2186

1 Section 1. NEW SECTION. **80.7A Peer support group counselor.**

2 1. The commissioner, a local law enforcement agency, or any  
3 other local agency may designate a peer support group counselor  
4 as provided in section 622.10, subsection 9.

5 2. The designation shall occur prior to an incident in which  
6 a peace officer was involved. A person designated as a peer  
7 support group counselor shall not serve in that capacity if the  
8 person was involved in the incident.

9 Sec. 2. Section 622.10, Code 2014, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 9. *a.* A peer support group counselor  
12 who obtains information from an officer by reason of the  
13 counselor's capacity as a peer support group counselor  
14 shall not be allowed, in giving testimony, to disclose any  
15 confidential communication properly entrusted to the counselor  
16 by the officer while receiving counseling.

17 *b.* The prohibition in this subsection does not apply where  
18 the officer has consented to the disclosure of the information  
19 specified in paragraph "a".

20 *c.* For purposes of this subsection:

21 (1) "Officer" means a peace officer, certified law  
22 enforcement officer, fire fighter, emergency medical  
23 technician, emergency manager, corrections officer, detention  
24 officer, jailer, probation or parole officer, communications  
25 officer, or any other law enforcement officer certified by the  
26 Iowa law enforcement academy and employed by a municipality,  
27 county, or state agency.

28 (2) "Peer support group counselor" means either of the  
29 following:

30 (a) A law enforcement officer, fire fighter, emergency  
31 manager, civilian employee of a law enforcement agency, or  
32 civilian employee of a fire department, who has received  
33 training to provide emotional and moral support and counseling  
34 to an officer who needs those services as a result of an  
35 incident in which the officer was involved while acting in the

LSB 5418SV (2) 85

-1-

rh/nh

1/3



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2186

1 officer's official capacity.

2 (b) A nonemployee counselor who has been designated by the  
3 commissioner of public safety, a local law enforcement agency,  
4 or any other local agency to provide emotional and moral  
5 support and counseling to an officer who is a peace officer as  
6 defined in section 80.7A who needs those services as a result  
7 of an incident in which the officer was involved while acting  
8 in the officer's official capacity.

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 certain public safety peer support  
13 group counselors and privileged communications between such  
14 counselors and officers.

15 The bill provides that a peer support group counselor  
16 who obtains information from an officer by reason of the  
17 counselor's capacity as a peer support group counselor  
18 shall not be allowed, in giving testimony, to disclose any  
19 confidential communications properly entrusted to the counselor  
20 by the officer while receiving counseling. The bill creates an  
21 exception in cases where the officer has given the officer's  
22 consent to the disclosure of such information.

23 The bill defines "officer" to mean a peace officer,  
24 certified law enforcement officer, fire fighter, emergency  
25 medical technician, emergency manager, corrections officer,  
26 detention officer, jailer, probation or parole officer,  
27 communications officer, or any other law enforcement officer  
28 certified by the Iowa law enforcement academy and employed by a  
29 municipality, county, or state agency.

30 The bill defines a "peer support group counselor" as a law  
31 enforcement officer, fire fighter, emergency manager, civilian  
32 employee of a law enforcement agency, or civilian employee  
33 of a fire department, who has received training to provide  
34 emotional and moral support and counseling to an officer who  
35 needs those services as a result of an incident in which the

LSB 5418SV (2) 85

-2-

rh/nh

2/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2186

1 officer was involved while acting in the officer's official  
2 capacity or a nonemployee counselor who has been designated by  
3 the commissioner of public safety to provide such support and  
4 counseling to a peace officer under the same circumstances.  
5 The bill gives the commissioner, a local law enforcement  
6 agency, or any other local agency the authority to designate  
7 a peer support group counselor. The designation shall occur  
8 prior to an incident and a person designated as a peer support  
9 group counselor shall not serve in that capacity if the person  
10 was involved in the incident.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2187 - Introduced**

SENATE FILE 2187  
BY COMMITTEE ON JUDICIARY  
  
(SUCCESSOR TO SSB 3077)

**A BILL FOR**

1 An Act requiring the Iowa law enforcement academy to develop  
2 training standards for the use of electronic weapons,  
3 including stun guns and tasers, by law enforcement agencies  
4 throughout the state.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5601SV (2) 85  
jm/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2187

1 Section 1. NEW SECTION. 80B.19 Electronic weapons —  
2 training course.

3 1. The academy shall develop training standards for the use  
4 of electronic weapons, including stun guns and tasers, by law  
5 enforcement agencies throughout the state.

6 2. The training standards shall include the completion  
7 of an electronic weapons safety course by peace officers and  
8 jailers prior to the use of electronic weapons. The electronic  
9 weapons safety course shall include but is not limited to the  
10 following:

11 a. Developing a basic knowledge and understanding of  
12 electronic weapons that encompasses their use, storage, and  
13 maintenance.

14 b. Diagnosing malfunctions.

15 c. Identifying conditions and circumstances where the use of  
16 electronic weapons is appropriate or inappropriate.

17 d. Identifying persons whose health may be severely impacted  
18 by the use of electronic weapons.

19 3. The training standards shall also require law  
20 enforcement agencies to do the following:

21 a. Conduct an annual review relating to the use of  
22 electronic weapons within the agency.

23 b. Retrain peace officers and jailers as new electronic  
24 weapons are purchased or as new techniques are developed.

25 c. Develop and adopt agency policies relating to the use of  
26 electronic weapons.

27 4. The academy shall adopt rules to administer this section.

28 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
29 3, shall not apply to this Act.

30 EXPLANATION

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

33 This bill requires the Iowa law enforcement academy to  
34 develop training standards for the use of electronic weapons,  
35 including stun guns and tasers, by law enforcement agencies

LSB 5601SV (2) 85

-1-

jm/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2187

1 throughout the state.

2 Under the bill, the training standards shall include  
3 the completion of an electronics weapons safety course by  
4 peace officers and jailers prior to the use of such weapons.  
5 The electronic weapons safety course shall include the  
6 following: developing a basic knowledge and understanding  
7 of the weapons that encompasses their use, storage, and  
8 maintenance; diagnosing malfunctions; identifying conditions  
9 and circumstances where the use of the weapons is appropriate  
10 or inappropriate; and identifying persons whose health may be  
11 severely impacted by the use of the weapons.

12 The training standards under the bill shall also require law  
13 enforcement agencies to do the following: conduct an annual  
14 review relating to the use of electronic weapons within the  
15 agency, retrain peace officers and jailers as new electronic  
16 weapons are purchased or as new techniques are developed,  
17 and adopt agency policies relating to the use of electronic  
18 weapons.

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



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2188 - Introduced**

SENATE FILE 2188  
BY COMMITTEE ON JUDICIARY  
  
(SUCCESSOR TO SSB 3075)

**A BILL FOR**

1 An Act relating to serving a subpoena on a peace officer or  
2 correctional officer.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5093SV (3) 85  
jm/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2188

1 Section 1. NEW SECTION. **622.78A Serving a subpoena on a**  
2 **peace officer or correctional officer.**

3 A subpoena may be served at the principal place of employment  
4 of a correctional officer or peace officer, as defined in  
5 section 801.4, if the subpoena is related to the performance  
6 of any act which is within the scope of the lawful duty or  
7 authority of the officer. A court shall not hold a peace  
8 officer or correctional officer in contempt for failure to  
9 obey the subpoena if the officer did not actually receive the  
10 subpoena or have actual knowledge of the subpoena, but may  
11 order other proper punishment as the court determines to be  
12 just under the circumstances.

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 serving a subpoena on a peace officer  
17 or correctional officer.

18 The bill provides that a subpoena may be served at  
19 the principal place of employment of a peace officer or  
20 correctional officer if the subpoena is related to the  
21 performance of any act which is within the scope of the  
22 employment of that officer.

23 The bill specifies that the court shall not hold a peace  
24 officer or correctional officer in contempt for failure to  
25 obey the subpoena if the officer did not actually receive  
26 the subpoena or have actual knowledge of the subpoena, but  
27 does permit the court to order other punishment as the court  
28 determines to be just under the circumstances.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2189 - Introduced**

SENATE FILE 2189  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2041)

**A BILL FOR**

1 An Act requiring the department of transportation to display,  
2 under certain circumstances, the descriptive information of  
3 a cognitively impaired missing person on the dynamic message  
4 signs of the department.

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

TLSB 5654SV (2) 85  
jm/nh





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2190 - Introduced**

SENATE FILE 2190  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2019)

**A BILL FOR**

1 An Act requiring rulemaking for the use of restraints against  
2 a pregnant inmate or detainee, and including effective date  
3 provisions.

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

TLSB 5391SV (4) 85  
jm/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2190

1 Section 1. LEGISLATIVE FINDINGS. The general assembly  
 2 finds all of the following:  
 3 1. There are serious known medical risks associated with  
 4 the use of restraints on pregnant women, and such use is not an  
 5 accepted practice on a nationwide basis.  
 6 2. The vast majority of female inmates or detainees in this  
 7 state are nonviolent offenders.  
 8 3. Restraining pregnant prison inmates increases the  
 9 potential for physical harm from an accidental trip or fall.  
 10 4. Freedom from physical restraints is especially critical  
 11 during labor, delivery, and postpartum recovery after delivery,  
 12 because a woman often needs to move around during labor and  
 13 recovery.  
 14 5. Restraints on a pregnant woman can interfere with the  
 15 ability of medical staff to appropriately assist in childbirth  
 16 or to conduct sudden emergency procedures.  
 17 Sec. 2. NEW SECTION. **904.1001 Report of use of restraints**  
 18 **— pregnant inmates and detainees.**  
 19 The department of corrections, in conjunction with the  
 20 other entities supervising inmates and detainees in the state,  
 21 shall file a report with the general assembly by August 1 of  
 22 each fiscal year, detailing every instance in which restraints  
 23 were used on a pregnant inmate or detainee pursuant to this  
 24 division. The report shall not contain personal identifying  
 25 information of any inmate or detainee.  
 26 Sec. 3. NEW SECTION. **904.1002 Pregnant inmates and**  
 27 **detainees — rulemaking regarding use of restraints.**  
 28 1. The department of corrections, in conjunction with other  
 29 entities supervising inmates and detainees in the state, and  
 30 after reviewing the most current accepted medical practices  
 31 and standards relating to pregnant women, shall commence  
 32 rulemaking for the implementation and administration of the use  
 33 of restraints on pregnant inmates and detainees within sixty  
 34 days of the effective date of this Act. The department shall  
 35 not adopt emergency rules under section 17A.4, subsection 3,

LSB 5391SV (4) 85  
 jm/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2190

1 or section 17A.5, subsection 2, paragraph "b", to implement the  
2 provisions of this section.

3 2. The rules relating to the use of restraints on pregnant  
4 inmates and detainees shall apply to correctional facilities,  
5 county jails, and municipal holding facilities. The rules  
6 shall require that restraints shall be used in the least  
7 restrictive manner. The rules shall specify when restraints  
8 are permissible to be used and provide guidance for allowing a  
9 support person in the birthing room with the inmate or detainee  
10 during labor and childbirth. The rules shall further require  
11 that the circumstances surrounding the use of restraints be  
12 identified with each use and that the use of restraints on an  
13 inmate or detainee who is pregnant, including during labor, and  
14 childbirth and postpartum, shall be limited to the following  
15 circumstances:

16 a. Pursuant to an individualized determination that the  
17 inmate or detainee poses a serious threat to oneself, staff, or  
18 others at the time the restraints are used.

19 b. The inmate or detainee poses an immediate and credible  
20 risk of escape that is not able to be contained through the use  
21 of other methods.

22 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

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

27 This bill relates to requiring rulemaking for the use of  
28 restraints against a pregnant inmate or detainee.

29 The bill requires that the department of corrections,  
30 in conjunction with other entities supervising inmates or  
31 detainees, file a report with the general assembly by August  
32 1 of each fiscal year, detailing every instance in which  
33 restraints were used on a pregnant inmate or detainee.

34 The bill further requires the department of corrections,  
35 in conjunction with other entities supervising inmates or



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2190

1 detainees, to commence rulemaking for the implementation and  
2 administration of the use of restraints on pregnant inmates or  
3 detainees. The bill prohibits the department of corrections  
4 from adopting emergency rules.

5 The bill specifies that the rules shall apply to pregnant  
6 inmates or detainees at correctional facilities, county jails,  
7 and municipal holding facilities. The rules must provide that  
8 restraints be used in the least restrictive manner.

9 The rules under the bill require that the circumstances  
10 surrounding the use of the restraints are to be identified with  
11 each use and that the use of restraints on a pregnant inmate  
12 or detainee during labor, childbirth, and postpartum, shall be  
13 limited to: when an individualized determination has been made  
14 that an inmate or detainee poses a serious threat to oneself,  
15 staff, or others at the time restraints are used, or when the  
16 inmate or detainee poses an immediate and credible risk of  
17 escape.

18 The bill takes effect upon enactment.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2191 - Introduced**

SENATE FILE 2191  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 2055)

**A BILL FOR**

1 An Act relating to financing work within drainage or levee  
2 districts.

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

TLSB 5421SV (1) 85  
da/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2191

1 Section 1. Section 468.100, Code 2014, is amended to read  
2 as follows:

3 **468.100 Monthly estimate — payment.**

4 1. The supervising engineer shall, on or before the tenth  
5 day of each calendar month, furnish the contractor and file  
6 with the auditor estimates for work done during the preceding  
7 calendar month under the contract on each section, and the  
8 auditor shall at once draw warrants in favor of such contractor  
9 on the drainage funds of the district or give the contractor  
10 an order directing the county treasurer to deliver to the  
11 contractor or contractors improvement certificates, or drainage  
12 bonds as the case may be, for ninety percent of the estimate  
13 on work done. Such monthly estimates shall remain on file in  
14 the office of the auditor as a part of the permanent records of  
15 the district to which they relate. Drainage warrants, bonds,  
16 or improvement certificates when so issued shall be in such  
17 amounts as the auditor determines, not however, in amounts in  
18 excess of ~~one~~ five thousand dollars.

19 2. All of the provisions of this section shall, when  
20 applicable, apply to repair work and improvement work in the  
21 same force and effect as to original construction.

22 Sec. 2. Section 468.291, Code 2014, is amended to read as  
23 follows:

24 **468.291 Monthly estimate — payment.**

25 The engineer in charge of the work shall furnish the  
26 contractor a monthly statement estimating the amount of work  
27 done on each section and in each county. A duplicate copy of  
28 the statement shall be filed with the auditor of each county  
29 where the work is done. When the auditor files the statement,  
30 the auditor shall draw a warrant for the contractor or give the  
31 contractor an order directing the treasurer to deliver to the  
32 contractor improvement certificates or drainage bonds, as the  
33 case may be, in favor of the contractor for ninety percent of  
34 the amount due from the auditor's county. Drainage warrants,  
35 bonds, or improvement certificates when so issued shall be in

LSB 5421SV (1) 85  
da/sc



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. 2191

1 such amounts as the auditor determines, but shall not be in  
 2 amounts in excess of ~~one~~ five thousand dollars.

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 BILL'S PROVISIONS — INCREASE IN CEILING AMOUNT FOR PAYMENT  
 7 OF CONSTRUCTION WORK. This bill increases the ceiling amount  
 8 for drainage warrants, bonds, or improvement certificates  
 9 issued for purposes of paying contractors for work performed  
 10 within a drainage or levee district (district), as approved by  
 11 a supervising engineer appointed by the district's governing  
 12 board. The amount of the ceiling is increased from \$1,000 to  
 13 \$5,000.

14 BACKGROUND — GOVERNANCE. Under Code chapter 468, drainage  
 15 or levee districts are established and managed by different  
 16 forms of governing boards. An intracounty district is  
 17 established and managed by a county board of supervisors in  
 18 the county where the district is located (Subchapter I, Part  
 19 1 — Code sections 468.1 through 468.200). An intercounty  
 20 district may be established in two or more counties and managed  
 21 by a joint board of supervisors (Subchapter II, Part 1 — Code  
 22 sections 468.270 through 468.304), and two or more intracounty  
 23 districts located in more than one county may be converted into  
 24 an intercounty district and again managed by a joint board of  
 25 supervisors (Subchapter II, Part 2 — Code sections 468.305  
 26 through 468.314). A drainage district may also be placed under  
 27 the management of a board of trustees (Subchapter III, Parts 1  
 28 through 3 — Code sections 468.500 through 468.539).

29 BACKGROUND — CONTRACTING FOR WORK. The governing board  
 30 is required to appoint an engineer to supervise work projects  
 31 in the district, sometimes referred to as a "supervising  
 32 engineer" (Code sections 468.33 and 468.287). When a district  
 33 is established the governing board must award a contract or  
 34 contracts to contractors bidding on the project according to  
 35 specific procedures (Code section 468.35). After the district

LSB 5421SV (1) 85  
 da/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2191

1 is established, the governing board may order repairs to the  
2 district or order an improvement to be made to the district  
3 in a manner that expands, enlarges or otherwise increases its  
4 capacity (Code section 468.126). The governing board must  
5 award a contract or contracts to contractors bidding on the  
6 project according to specific procedures (Code section 468.35).

7 BACKGROUND — PAYMENT. A district contracting for  
8 construction work may pay a contractor for construction costs  
9 by drawing a warrant or issuing a bond or drainage certificate  
10 (Code sections 468.74, 468.145, and 468.285). The warrants may  
11 be, and the bonds or certificates are, payable at a future date  
12 with accrued interest. During construction the supervising  
13 engineer must provide the county auditor with a monthly  
14 estimate of work completed and payments due to the contractor.  
15 The supervising engineer's estimate is used as the basis for  
16 interim payments to the contractor for up to 90 percent of the  
17 work completed. Upon the work's completion, the supervising  
18 engineer files a report with the governing board which holds a  
19 public hearing of affected landowners to determine if there are  
20 objections prior to final settlement of amounts due under the  
21 construction contract (Code sections 468.101 through 468.103,  
22 and 468.292).



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2192 - Introduced**

SENATE FILE 2192  
BY COMMITTEE ON TRANSPORTATION  
  
(SUCCESSOR TO SF 2059)

**A BILL FOR**

1 An Act relating to the definition of motorized bicycle.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5543SV (1) 85  
dea/nh



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. 2192

1 Section 1. Section 321.1, subsection 40, paragraph b, Code  
 2 2014, is amended to read as follows:  
 3 *b. "Motorized bicycle" means a motor vehicle having a saddle*  
 4 *or a seat for the use of a rider, designed to travel on not more*  
 5 *than three wheels in contact with the ground, and not capable*  
 6 *of operating at a speed in excess of ~~thirty~~ thirty-nine miles*  
 7 *per hour on level ground unassisted by human power.*

8 EXPLANATION

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

11 Currently, "motorized bicycle", commonly referred to as  
 12 a moped, is defined as a motor vehicle having a saddle or  
 13 seat for the rider, designed to travel on not more than three  
 14 wheels, and not capable of operating at a speed in excess of 30  
 15 miles per hour on level ground unassisted by human power. This  
 16 bill revises the definition by increasing the maximum speed  
 17 capability to 39 miles per hour.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2193 - Introduced**

SENATE FILE 2193  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3055)

**A BILL FOR**

1 An Act relating to the admission or retention of participants  
2 in an adult day services program.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5334SV (1) 85  
ad/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2193

1 Section 1. NEW SECTION. 231D.19 Admission and retention of  
2 participants.

3 An adult day services program shall not knowingly admit or  
4 retain a participant who meets any of the following criteria:

- 5 1. Is under the age of eighteen.
- 6 2. Requires routine three-person assistance with standing,  
7 transfer, or evacuation.
- 8 3. Poses a danger to the participant, other participants,  
9 or the adult day services program staff. "*Pose a danger*" may  
10 include but is not limited to the following situations:
- 11 a. The participant chronically elopes despite intervention.
- 12 b. The participant is sexually or physically aggressive or  
13 abusive.
- 14 c. The participant's verbal abuse is unmanageable by staff.
- 15 d. The participant is in the acute stage of alcoholism, drug  
16 addiction, or mental illness.

17 EXPLANATION

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

20 This bill establishes criteria that would prohibit the  
21 admission or retention of a participant in an adult day  
22 services program. The program may not knowingly admit or  
23 retain a participant who is under 18 years of age, requires  
24 three-person assistance, poses a danger to the participant, to  
25 other participants, or to the staff of the adult day services  
26 program. The department of inspections and appeals may deny,  
27 suspend, or revoke certification of the adult day services  
28 program for failure to comply with this requirement.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate File 2194 - Introduced**

SENATE FILE 2194  
BY JOCHUM

**A BILL FOR**

1 An Act creating an Iowa woman-owned business tax credit  
2 available against the individual and corporate income tax,  
3 providing for penalties, and including effective date and  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5400XS (4) 85  
mm/sc



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. 2194

1 Section 1. FINDINGS. The general assembly finds that  
2 business ownership by women is essential to the economic  
3 growth and vitality of Iowa, but that women in Iowa continue  
4 to experience barriers to entry into business ownership.  
5 The general assembly recognizes that the existence of these  
6 barriers has resulted in a very low rate, in number and growth,  
7 of women-owned businesses in Iowa compared to the rest of the  
8 nation. Therefore, it is the intent and goal of the general  
9 assembly to encourage and increase business ownership by  
10 women in Iowa and to reduce the gender disparity in business  
11 ownership in Iowa and, to that end, the general assembly  
12 finds that lowering financial barriers by creating the Iowa  
13 woman-owned business tax credit is an appropriate means to  
14 accomplish this goal.

15 Sec. 2. NEW SECTION. 422.10A Iowa woman-owned business tax  
16 credit.

17 1. As used in this section:

18 a. "*Commercial domicile*" means the same as defined in  
19 section 422.32.

20 b. "*Eligible person*" means a woman who is a resident of  
21 this state. For purposes of determining whether a woman is an  
22 eligible person, an equity interest that is sold to or owned  
23 by a corporation, limited liability company, joint venture,  
24 association, or partnership whose commercial domicile is in  
25 this state or an estate or trust with a situs in this state  
26 shall be considered as proportionately sold to or owned by the  
27 entity's owners or beneficiaries, as applicable.

28 c. "*Iowa business*" means a business that has been in  
29 existence and actively doing business in this state for at  
30 least three years and whose commercial domicile is in this  
31 state. "*Iowa business*" includes a sole proprietorship, joint  
32 venture, partnership, limited liability company, corporation,  
33 association, or any other business entity operated for profit.

34 d. "*Purchase price*" means the total amount of consideration  
35 received as cash, credit, property, or other thing of value for



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2194

1 which an equity interest is sold, valued in money.

2 2. The taxes imposed under this division, less the credits  
3 allowed under section 422.12, shall be reduced by an Iowa  
4 woman-owned business tax credit to a taxpayer who sells an  
5 equity interest in an Iowa business to an eligible person. The  
6 amount of the credit shall be equal to fifty percent of the  
7 purchase price of the equity interest. In order for a taxpayer  
8 to qualify for the credit, all of the following requirements  
9 must be satisfied:

10 a. The sale of the equity interest must occur on or after  
11 January 1, 2015, but before January 1, 2020.

12 b. Upon completion of the sale, eligible persons must own  
13 at least fifty-one percent of the equity interests in the Iowa  
14 business.

15 c. The eligible person who purchases the equity interest  
16 must retain ownership of the equity interest for at least  
17 twelve consecutive months following the date of the sale and  
18 must provide a written statement to the department and the  
19 taxpayer, in the manner and form prescribed by the department,  
20 certifying that the requirement in this paragraph is satisfied.  
21 An eligible person who willfully makes a false statement under  
22 this paragraph is guilty of a simple misdemeanor.

23 3. A taxpayer shall not claim a tax credit until a tax year  
24 following the tax year in which the sale of the equity interest  
25 occurs. Any tax credit in excess of the taxpayer's liability  
26 for the tax year may be credited to the tax liability for the  
27 following seven years or until depleted, whichever is earlier.

28 4. a. If any amount of the equity interest sold by the  
29 taxpayer is later reacquired by the taxpayer, the department  
30 shall seek repayment of the value of any such tax credit  
31 already claimed to the extent it was calculated using the  
32 reacquired equity interest.

33 b. If any amount of the purchase price used to calculate  
34 the tax credit is in the form of a promissory note, loan,  
35 or other similar form of indebtedness owed to the taxpayer,

LSB 5400XS (4) 85

-2-

mm/sc

2/5





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2194

1 credit is available to a taxpayer who sells an equity interest  
2 in an Iowa business to an eligible person. The credit is equal  
3 to 50 percent of the purchase price.

4 "Eligible person" is defined as a woman who is a resident  
5 of this state. However, for purposes of determining whether  
6 a woman is an eligible person, equity interests sold to or  
7 owned by a corporation, limited liability company (LLC), joint  
8 venture, association, or partnership with a commercial domicile  
9 in this state, or an estate or trust with a situs in this state,  
10 shall be considered as being sold to or owned by the entity's  
11 owners or beneficiaries, as applicable.

12 "Iowa business" is defined as a business that has been in  
13 existence and actively doing business in this state for at  
14 least three years and whose commercial domicile is in this  
15 state, and includes any business entity operated for profit.

16 Several requirements must be satisfied before a taxpayer  
17 is eligible for the credit. First, the sale must occur on or  
18 after January 1, 2015, but before January 1, 2020. Second,  
19 upon completion of the sale, eligible persons must own at  
20 least 51 percent of the equity interests in the Iowa business.  
21 Third, the eligible person who purchases the equity interest  
22 must retain ownership of the equity interest for at least 12  
23 consecutive months following the date of the sale and must  
24 provide a written statement to the department of revenue and  
25 the taxpayer certifying that the ownership requirement was  
26 met. An eligible person who willfully makes a false statement  
27 is guilty of a simple misdemeanor. A simple misdemeanor is  
28 punishable by confinement for no more than 30 days or a fine of  
29 at least \$65 but not more than \$625 or by both.

30 A taxpayer shall not claim the credit until the tax year  
31 following the completion of the sale. Any credit in excess of  
32 the taxpayer's tax liability may be carried forward for seven  
33 years or until depleted, whichever occurs earlier.

34 A woman-owned business tax credit must be repaid by a  
35 taxpayer under two circumstances. First, any amount of credit

LSB 5400XS (4) 85  
mm/sc

-4-

4/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. 2194

1 that was calculated using an equity interest that is later  
2 reacquired by the taxpayer must be repaid to the extent the  
3 credit was calculated using that reacquired equity interest.  
4 Second, if any amount of credit was calculated using an amount  
5 of the purchase price that is represented by a promissory note,  
6 loan, or other form of indebtedness owed to the taxpayer, and  
7 the taxpayer later discharges or forgives all or a portion  
8 of that indebtedness, the credit shall be repaid unless the  
9 discharge of indebtedness was excludable from gross income  
10 under section 108 of the Internal Revenue Code, which, for  
11 purposes of this credit, generally covers situations where  
12 the debtor is in bankruptcy or is otherwise insolvent. The  
13 department of revenue is permitted to treat the failure to make  
14 a repayment of a credit in the same manner as a failure to pay a  
15 tax due on a return or deposit form.

16 An individual may claim the tax credit allowed a  
17 partnership, LLC, S corporation, estate, or trust electing  
18 to have the income taxed directly to the individual, based  
19 upon the pro rata share of the individual's earnings of the  
20 applicable entity.

21 The bill takes effect January 1, 2015, and applies to tax  
22 years beginning on or after that date, and to sales of equity  
23 interests in Iowa businesses occurring on or after that date.



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

**Senate Resolution 106 - Introduced**

SENATE RESOLUTION NO. 106

BY BEALL, BOLKCOM, ANDERSON, DVORSKY, DOTZLER, BOWMAN,  
PETERSEN, TAYLOR, COURTNEY, GRONSTAL, BERTRAND,  
BEHN, BREITBACH, SINCLAIR, JOHNSON, SCHNEIDER,  
SEGBART, GREINER, FEENSTRA, ROZENBOOM, GARRETT,  
HOUSER, ZUMBACH, WHITVER, SMITH, ZAUN, MATHIS,  
SCHOENJAHN, RAGAN, and BRASE

1 A Resolution recognizing February 28, 2014, as Rare  
2 Disease Day in Iowa.

3 WHEREAS, there are nearly 7,000 diseases and  
4 conditions that are considered rare in the United  
5 States; and

6 WHEREAS, each of these diseases and conditions  
7 affect fewer than 200,000 Americans; and

8 WHEREAS, while each of these diseases may affect  
9 relatively limited numbers of people, rare diseases as  
10 a group affect almost 30 million Americans; and

11 WHEREAS, many rare diseases are serious and  
12 debilitating conditions that have a significant impact  
13 on the lives of those affected; and

14 WHEREAS, while approximately 340 orphan drugs and  
15 biologics have been approved for the treatment of  
16 rare diseases affecting between 11 and 14 million  
17 people according to the United States Food and Drug  
18 Administration, that leaves more than 15 million  
19 Americans with rare diseases who have no treatment  
20 specific to their disease; and

21 WHEREAS, individuals and families affected by rare  
22 diseases often experience problems such as a sense  
23 of isolation, difficulty in obtaining an accurate



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.R. 106

24 and timely diagnosis, few treatment options, and  
25 problems related to accessing or being reimbursed for  
26 treatment; and

27 WHEREAS, even though some rare diseases, such as  
28 Lou Gehrig's disease and Huntington's disease, are  
1 relatively well known, many others are not known at all  
2 by the public so that patients and their families must  
3 bear a large share of the burden for activities such as  
4 raising funds for research; and

5 WHEREAS, thousands of residents of Iowa are among  
6 those affected by rare diseases since nearly 1 in 10  
7 Americans have rare diseases; and

8 WHEREAS, the National Organization for Rare  
9 Disorders, an organization established in 1983,  
10 organizes a nationwide observance of Rare Disease  
11 Day on the last day in the month of February each  
12 year, on which patients, medical professionals,  
13 researchers, government officials, and companies  
14 developing treatments for rare diseases join together  
15 to focus attention on rare diseases as a public health  
16 issue; and

17 WHEREAS, Rare Disease Day is anticipated to be  
18 observed globally for years to come, providing hope  
19 and information for rare disease patients around the  
20 world; NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, That the Senate  
22 recognizes February 28, 2014, as Rare Disease Day in  
23 Iowa.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate Study Bill 3175 - Introduced**

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

**A BILL FOR**

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

TLSB 5476SC (3) 85  
da/sc





**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. \_\_\_\_\_

1 within that twenty-one year period.

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

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

14         (2) Twenty-one years after the date of filing the last  
 15 verified claim.

16         (3) December 31 of the year after the year the interest in  
 17 minerals is no longer listed and assessed as a separate tax  
 18 parcel.

19     3. The claimant may be any person claiming an interest in  
 20 minerals, regardless of whether that interest in minerals is a  
 21 present interest or an interest that would come into existence  
 22 if the happening or contingency provided in the instrument  
 23 creating the interest in minerals were to happen at once. A  
 24 claimant also may be any member of a class of persons entitled  
 25 to claim such interest.

26     4. A verified claim must comply with all of the following:

27         *a.* Be filed by the claimant personally or by the claimant’s  
 28 attorney or agent. However, if the claimant is a minor or  
 29 under legal disability, the verified claim may be filed by the  
 30 claimant’s guardian, custodian, parent, or next friend.

31         *b.* Identify the name and address of the person claiming  
 32 the interest in minerals, the nature of the interest, the  
 33 instrument creating the interest, together with dates of  
 34 execution and recording of the instrument, the instrument  
 35 number provided in the records of the recorder as provided in



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 section 331.606B, and the legal description of the real estate  
2 subject to the interest in minerals.

3     *c.* Certify that the verified claim was delivered by  
4 certified mail or personal delivery to the record owner of the  
5 real estate where the minerals are located. If the verified  
6 claim is sent by certified mail it will be sufficient if it is  
7 mailed to the address of the record owner of the real estate  
8 where the minerals are located that is shown in the records of  
9 the assessor who assesses such real estate for taxation.

10     5. This section shall not be construed to do any of the  
11 following:

12     *a.* Revive or extinguish an interest in coal, including  
13 but not limited to a mineral interest in coal as provided in  
14 chapter 557C.

15     *b.* Impair the validity of an environmental covenant  
16 established pursuant to chapter 455I.

17     *c.* Revive an interest in minerals that has expired or been  
18 terminated under the terms of the instrument creating such  
19 interest in minerals.

20     *d.* Bar or extinguish any right to remove gravel, limestone,  
21 or sand of such right.

DIVISION II

CONFORMING AMENDMENTS

24     Sec. 2. Section 614.25, Code 2014, is amended to read as  
25 follows:

26     **614.25 Effect of filing claim.**

27     The filing of ~~such~~ a claim under section 614.24 or 614.24A  
28 shall extend for a further period of twenty-one years the  
29 time within which ~~such~~ an action may be brought by any person  
30 entitled ~~thereto~~ to bring such action, and successive claims  
31 for further like extensions may be filed.

32     Sec. 3. Section 614.26, Code 2014, is amended to read as  
33 follows:

34     **614.26 Indexing.**

35     The provisions of section 614.18 are made applicable to the



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 provisions of sections 614.24 ~~to~~ through 614.28.

2 Sec. 4. Section 614.27, Code 2014, is amended to read as  
3 follows:

4 **614.27 Persons under disability.**

5 The provisions of section 614.8 as to the rights of minors  
6 and persons with mental illness shall not be applicable against  
7 the provisions of sections 614.24 ~~to~~ through 614.28.

8 Sec. 5. Section 614.28, Code 2014, is amended to read as  
9 follows:

10 **614.28 Barred claims.**

11 The provisions of sections 614.24 ~~to~~ through 614.27,  
12 ~~inclusive~~, or the filing of a claim ~~or claims, hereunder under~~  
13 those sections, shall not revive or permit an action to be  
14 brought or maintained upon any claim or cause of action ~~which~~  
15 that is barred by any other statute. ~~Provided further, that~~  
16 ~~nothing contained in these sections shall affect litigation~~  
17 ~~pending on July 4, 1965.~~

18 EXPLANATION

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

21 GENERAL. This bill provides for the reservation of a right  
22 to bring a claim in district court involving an interest in  
23 one or more minerals underlying the surface of real estate to  
24 which another person holds record title. The bill does not  
25 revive or extinguish an interest in coal (Code chapter 557C),  
26 impair the validity of an environmental covenant (Code chapter  
27 455I), revive an interest in minerals that has expired or been  
28 terminated, or bar a right to remove gravel, limestone, or sand  
29 in some circumstances.

30 RIGHTS BASED ON WHEN INTEREST WAS CREATED. The bill provides  
31 for two different circumstances: (1) an interest in minerals  
32 created prior to July 1, 1994, or (2) an interest in minerals  
33 created on or after that date. In the first circumstance,  
34 the person must file a verified claim with the appropriate  
35 county recorder by June 30, 2015. In the second circumstance,

LSB 5476SC (3) 85  
da/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 the person must file a verified claim with the appropriate  
2 county recorder within 21 years from the recording of the  
3 instrument creating the interest in minerals or within 21 years  
4 after filing the last verified claim. However, one exception  
5 applies in both circumstances: when an interest in minerals  
6 is separately listed and assessed by an assessor for property  
7 taxation purposes. A verified claim is not required to be  
8 filed until the assessor ceases to separately list and assess  
9 the interest in minerals. In that case, the person must file  
10 the verified claim by the later of 21 years after the date of  
11 recording of the instrument, 21 years after the date of filing  
12 the last verified claim, or December 31 of the year after the  
13 year the interest in minerals is no longer listed and assessed  
14 as a separate tax parcel.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate Study Bill 3176 - Introduced**

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

**A BILL FOR**

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

TLSB 5635SC (1) 85  
ad/nh





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 "d", if the court appointed a guardian for a minor child for  
2 whom the court's jurisdiction over the child's guardianship  
3 was established pursuant to transfer of the child's case in  
4 accordance with section 232.101A or 232.104, the court shall  
5 not enter an order terminating the guardianship before the  
6 child becomes age eighteen unless the court finds by clear  
7 and convincing evidence that the best interests of the child  
8 warrant a return of custody to the child's parent.

9 Sec. 3. Section 633.679, subsection 2, Code 2014, is amended  
10 to read as follows:

11 2. Unless the child or guardian dies or other exceptional  
12 circumstances arise, if the court has appointed a guardian  
13 for a minor child for whom the court's jurisdiction over the  
14 child's guardianship was established pursuant to transfer  
15 of the child's case in accordance with section 232.101A  
16 or 232.104, a petition shall not be filed asking that the  
17 guardianship be terminated or modified until at least six  
18 months has elapsed from the date the order was entered  
19 appointing the guardian.

20 **EXPLANATION**

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

23 This bill relates to transfer of guardianship in child in  
24 need of assistance proceedings. Currently, a court must enter  
25 the least restrictive disposition that is appropriate following  
26 a hearing on the child in need of assistance petition. These  
27 dispositions include a suspended judgment, the retention of  
28 custody by a parent, and the transfer of legal custody of the  
29 child. The bill adds another disposition: the transfer of  
30 guardianship of the child. The bill allows the transfer of  
31 guardianship of a child to a custodian after the dispositional  
32 hearing if the person receiving guardianship meets the  
33 statutory definition of a custodian, the person receiving  
34 guardianship has assumed responsibility for the child for six  
35 consecutive months prior to the filing of the child in need

LSB 5635SC (1) 85  
ad/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

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

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

14 The bill makes conforming changes.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate Study Bill 3177 - Introduced**

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

**A BILL FOR**

1 An Act relating to the testing of a person's blood, breath, or  
2 urine in an operating-while-intoxicated case.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5120SC (3) 85  
rh/nh





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 of a controlled substance in a prescribed drug, except the  
 2 testimony of the person, without leave of the court for good  
 3 cause shown.

4 d. A person asserting an affirmative defense directly  
 5 relating to the person's prescription or prescriptions waives  
 6 all of the following:

7 (1) The confidentiality privilege pursuant to section  
 8 622.10.

9 (2) Any privilege or nondisclosure requirement under state  
 10 or federal privacy laws.

11 Sec. 2. Section 321J.8, subsection 1, paragraph a, Code  
 12 2014, is amended to read as follows:

13 a. If the person refuses to submit to the test and the  
 14 person has had no previous conviction or revocation under this  
 15 chapter and has not been involved in an accident resulting  
 16 in personal injury or property damage, the person's driver's  
 17 license or nonresident operating privilege will be revoked by  
 18 the department as required by and for the applicable period  
 19 specified under section 321J.9.

20 Sec. 3. Section 321J.8, subsection 1, Code 2014, is amended  
 21 by adding the following new paragraphs:

22 NEW PARAGRAPH. 0b. If the person refuses to submit to  
 23 the test and the person has had a previous conviction or  
 24 revocation under this chapter, the person's driver's license  
 25 or nonresident operating privilege will be revoked by the  
 26 department as required by and for the applicable period  
 27 specified under section 321J.9. The person shall also be  
 28 advised that notwithstanding the person's refusal, the peace  
 29 officer may apply to a magistrate to secure a search warrant to  
 30 compel withdrawal of a specimen of the person's blood or urine  
 31 or both.

32 NEW PARAGRAPH. 00b. If the person refuses to submit to the  
 33 test, the person shall be prohibited from presenting medical  
 34 or pharmaceutical evidence that the violation of section  
 35 321J.2 was caused by a prescription or a controlled substance





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1     Sec. 6. Section 321J.9, subsection 2, paragraph a, Code  
2 2014, is amended to read as follows:

3     a. A person whose driver's license or nonresident operating  
4 privileges are revoked under subsection 1 shall not be eligible  
5 for a temporary restricted license for at least ninety days  
6 after the effective date of the revocation. A temporary  
7 restricted license issued to a person whose driver's license or  
8 nonresident driving privilege has been revoked under subsection  
9 ~~1, paragraph "b"~~ 1A, shall be issued in accordance with section  
10 321J.20, subsection 2.

11    Sec. 7. Section 321J.10, subsections 1, 4, 7, and 9, Code  
12 2014, are amended to read as follows:

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

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

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

25    4. a. Search warrants issued under this section shall  
26 authorize and direct peace officers to secure the withdrawal  
27 of blood or urine specimens by medical personnel under section  
28 321J.11. Reasonable care shall be exercised to ensure the  
29 health and safety of the persons from whom specimens are  
30 withdrawn in execution of the warrants.

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

34    ~~(1) If~~ but the person is capable of giving a specimen of  
35 breath, and a direct breath testing instrument is readily





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 ~~to have been the proximate cause of the accident~~ and from  
2 whom a specimen is to be withdrawn and the location where the  
3 withdrawal of the specimen or specimens is to take place.

4 Sec. 9. Section 321J.10, Code 2014, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 10. A constitutionally valid search  
7 warrant issued under subsection 3 or chapter 808 shall not  
8 be held invalid solely because of an error of fact made in  
9 good faith as to whether the grounds specified in subsection 1  
10 exist.

11 Sec. 10. Section 321J.10A, Code 2014, is amended to read as  
12 follows:

13 **321J.10A Blood, breath, or urine specimen withdrawal without**  
14 **a warrant.**

15 1. Notwithstanding section 321J.10, if a person is under  
16 arrest for an offense arising out of acts alleged to have  
17 been committed while the person was operating a motor vehicle  
18 in violation of section 321J.2 or 321J.2A, and that arrest  
19 results from an accident that causes a death or personal injury  
20 reasonably likely to cause death, a chemical test of blood or  
21 urine may be administered without the consent of the person  
22 arrested to determine the amount of alcohol or a controlled  
23 substance in that person's blood or urine if all of the  
24 following circumstances exist:

25 *a.* The peace officer reasonably believes the blood ~~drawn~~ or  
26 urine sample will produce evidence of intoxication.

27 *b.* The method used to take the blood or urine sample is  
28 reasonable and performed in a reasonable manner by medical  
29 personnel under section 321J.11.

30 *c.* The peace officer reasonably believes the officer is  
31 confronted with an emergency situation in which the delay  
32 necessary to obtain a warrant under section 321J.10 threatens  
33 the destruction of the evidence.

34 2. If the person from whom a specimen ~~of blood~~ is to be  
35 withdrawn objects to the withdrawal, a breath ~~or urine~~ sample



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 may be taken ~~under the following circumstances:~~

2 ~~a. If the person is capable of giving a specimen of breath,~~  
 3 ~~and a direct breath testing instrument is readily available,~~  
 4 ~~the withdrawal of a specimen of the person's breath may be~~  
 5 ~~taken for chemical testing, unless the peace officer has~~  
 6 ~~reasonable grounds to believe that the person was under the~~  
 7 ~~influence of a controlled substance, a drug other than alcohol,~~  
 8 ~~or a combination of alcohol and another drug if the peace~~  
 9 ~~officer has reasonable grounds to believe that the person's~~  
 10 ~~intoxication or impairment is due to alcohol only, the person~~  
 11 ~~is capable of giving a breath specimen, and an evidential~~  
 12 ~~breath testing device is readily available.~~

13 ~~b. 3.~~ If the peace officer has reasonable grounds to  
 14 believe that the person was under the influence of a controlled  
 15 substance, a drug other than alcohol, or a combination of  
 16 alcohol and another drug, and the person from whom the specimen  
 17 of urine is to be collected objects to the withdrawal of a  
 18 urine sample shall be collected in lieu of a blood sample, a  
 19 sample may be taken if the person is capable of giving a urine  
 20 sample and the sample can be collected without the need to  
 21 physically compel withdrawal of the sample.

22 Sec. 11. Section 321J.11, unnumbered paragraph 1, Code  
 23 2014, is amended to read as follows:

24 Only a licensed physician, licensed physician assistant as  
 25 defined in section 148C.1, phlebotomist, medical technologist,  
 26 or registered nurse, acting at the request of a peace officer,  
 27 may withdraw a specimen of blood or urine for the purpose  
 28 of determining the alcohol concentration or the presence of  
 29 a controlled substance or other drugs. However, any peace  
 30 officer, using devices and methods approved by the commissioner  
 31 of public safety, may take a specimen of a person's breath  
 32 or collect a specimen of a person's urine for the purpose of  
 33 determining the alcohol concentration, or may ~~take~~ collect a  
 34 specimen of a person's urine for the purpose of determining the  
 35 presence of a controlled substance or other drugs. Only new



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 equipment kept under strictly sanitary and sterile conditions  
 2 shall be used for drawing blood or for withdrawing urine. If  
 3 the officer determines that urine should be collected from a  
 4 person receiving medical attention and the urine is collected  
 5 through the use of a catheter, a peace officer may collect a  
 6 sample of the person's urine from the catheter bag and the  
 7 test results from such a sample are admissible notwithstanding  
 8 any claim of privilege under section 622.10, any privilege  
 9 under federal privacy laws, or any nondisclosure requirements  
 10 asserted by the person or on the person's behalf.

11 Sec. 12. Section 321J.16, Code 2014, is amended to read as  
 12 follows:

13 **321J.16 Proof of refusal admissible.**

14 If a person refuses to submit to a chemical test, proof  
 15 of refusal is admissible in any civil or criminal action or  
 16 proceeding arising out of acts alleged to have been committed  
 17 while the person was operating a motor vehicle in violation  
 18 of section 321J.2 or 321J.2A. If, following a refusal, a  
 19 specimen is collected for testing pursuant to section 321J.10  
 20 or 321J.10A or chapter 808, the results of the testing are also  
 21 admissible.

22 Sec. 13. Section 321J.20, subsection 1, paragraph b, Code  
 23 2014, is amended to read as follows:

24 *b.* A temporary restricted license may be issued under this  
 25 subsection if the person's noncommercial driver's license is  
 26 revoked for two years under section 321J.4, subsection 2, or  
 27 section 321J.9, subsection 1, ~~paragraph "b"~~ 1A, and the first  
 28 three hundred sixty-five days of the revocation have expired.

29 **EXPLANATION**

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

32 This bill relates to operating-while-intoxicated cases.  
 33 Under current law, a person's use of a valid drug  
 34 prescription taken in accordance with the directions of  
 35 a medical practitioner or pharmacist is a defense to an



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 operating-while-intoxicated (OWI) charge under Code section  
2 321J.2 if there is no evidence of alcohol consumption and the  
3 medical practitioner or pharmacist did not direct the person  
4 to refrain from operating a motor vehicle. The bill amends  
5 this law to provide that a person who is charged with an OWI  
6 violation while under the influence of an alcoholic beverage  
7 or other drug or a combination of both who has consented  
8 to testing in accordance with Code section 321J.6 (implied  
9 consent) may assert, as an affirmative defense, that the drug  
10 that caused the intoxication was prescribed or dispensed for  
11 the person and was taken in accordance with the directions of  
12 a practitioner or that the drug was dispensed by a pharmacist  
13 without a prescription, if there is no evidence of alcohol  
14 consumption and the pharmacy information fails to caution the  
15 person about the adverse effects of the drug on driving.

16 Current law also provides that a person charged with an  
17 OWI offense based upon the presence of a controlled substance  
18 in the person's blood or urine may assert, as an affirmative  
19 defense, that the controlled substance was prescribed or  
20 dispensed for the person and was taken in accordance with the  
21 directions of a practitioner and the labeling directions of the  
22 pharmacy.

23 The bill provides that a person asserting an affirmative  
24 prescription drug defense is required to provide notice to  
25 the state not later than 40 days after arraignment. At the  
26 time notice is provided, the person is required to provide a  
27 list of witnesses and shall allow the state to inspect and  
28 copy any records or statements upon which the witnesses will  
29 rely in testifying. Failure to comply with these requirements  
30 bars introduction of any evidence of impairment caused by  
31 a prescription drug or any evidence of the presence of a  
32 controlled substance in a prescribed drug, except the testimony  
33 of the person, without leave of the court for good cause shown.

34 The bill provides that a person asserting an affirmative  
35 defense directly relating to the person's prescription or







Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 controlled substance or other drugs. In addition, if the  
2 peace officer determines that urine should be collected from a  
3 person receiving medical attention and the urine is collected  
4 through the use of a catheter, a peace officer may collect a  
5 sample of the person's urine from the catheter bag, and the  
6 test results from such a sample are admissible notwithstanding  
7 any claim of privilege under Code section 622.10, any privilege  
8 under federal privacy laws, or any nondisclosure requirements  
9 asserted by the person or on the person's behalf.

10 CODE SECTION 321J.16 (ADMISSIBILITY OF PROOF OF REFUSAL).

11 Current law provides that if a person refuses to submit  
12 to a chemical test, proof of that refusal is admissible in  
13 any operating-while-intoxicated civil or criminal action or  
14 proceeding. The bill provides that if, following a refusal,  
15 a specimen is collected for testing, regardless of whether  
16 a warrant was issued, the results of the testing are also  
17 admissible.

18 CONFORMING CODE CHANGES. The bill makes conforming Code  
19 changes to Code section 321J.8 (peace officer implied consent  
20 advisory given to a person who has refused to submit to a  
21 chemical test), Code section 321J.9 (license revocations due  
22 to refusal to submit to testing), and Code section 321J.20  
23 (temporary restricted licenses and ignition interlock devices).



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate Study Bill 3178 - Introduced**

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

**A BILL FOR**

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

TLSB 6151XC (1) 85  
aw/sc





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 would be economically feasible and financially advantageous for  
2 the eligible person.

3 EXPLANATION

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

6 This bill relates to the home ownership assistance program  
7 for military members.

8 Current law limits eligibility to persons who are or  
9 were members of the national guard, or a reserve or regular  
10 component of the armed forces of the United States, who have  
11 served at least 90 days of active duty service beginning on  
12 or after September 11, 2001, and to certain members who were  
13 precluded from completing the minimum aggregate of 90 days  
14 of active duty service due to injury. The bill modifies the  
15 military service criteria to include members of the national  
16 guard, or a reserve or regular component of the armed forces of  
17 the United States, who served during the period of the Persian  
18 Gulf Conflict, beginning August 2, 1990, and ending April 6,  
19 1991.

20 The bill also allows an eligible person to utilize  
21 financing other than that available under the IFA's current  
22 homebuyer programs if the offered financing is by a lender  
23 who participates in IFA's homebuyer programs or is a lender  
24 approved by IFA, and if the authority determines that  
25 the offered financing would be economically feasible and  
26 financially advantageous for the eligible person. This  
27 provision applies to financed home purchases that close on or  
28 after July 1, 2014.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate Study Bill 3179 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON DEARDEN)

**A BILL FOR**

1 An Act relating to the regulation of snowmobiles, and making  
2 penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6088SC (6) 85  
dea/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 Section 1. Section 321G.3, Code 2014, is amended to read as  
2 follows:

3 **321G.3 ~~Registration~~ Resident registration and user permit**  
4 **required — farm exemption — penalties.**

5 1. Each snowmobile used by a resident on public land,  
6 public ice, or a designated snowmobile trail of this state  
7 shall be currently registered in this state pursuant to section  
8 321G.4. A ~~person~~ resident shall not operate, maintain, or give  
9 permission for the operation or maintenance of a snowmobile  
10 on public land, public ice, or a designated snowmobile trail  
11 unless the snowmobile is registered in accordance with this  
12 chapter ~~or applicable federal laws or in accordance with an~~  
13 ~~approved numbering system of another state and the evidence~~  
14 ~~of registration is in full force and effect.~~ A The owner  
15 of a snowmobile must also be issued obtain a user permit in  
16 accordance with ~~this chapter~~ section 321G.4A.

17 2. The owner of a snowmobile that is exempt from regular  
18 registration under section 321G.8, subsection 2, for which a  
19 certificate of title has been issued, shall apply for a special  
20 farm registration certificate which shall be issued without  
21 payment of a registration fee, upon payment of a writing fee  
22 as provided in section 321G.27 and an administrative fee  
23 established by the commission. A registration decal shall not  
24 be issued for the snowmobile and the special farm registration  
25 shall not expire so long as the snowmobile remains exempt from  
26 regular registration.

27 ~~2-~~ 3. A violation of subsection 1 is punishable as a  
28 scheduled violation under section 805.8B, subsection 2,  
29 paragraph "a". When the scheduled fine is paid, the violator  
30 shall submit proof to the department that a valid registration  
31 and user permit have been obtained by providing a copy of the  
32 registration and user permit to the department within thirty  
33 days of the date the fine is paid. A person who violates this  
34 subsection is guilty of a simple misdemeanor.

35 Sec. 2. Section 321G.4, subsections 2 and 4, Code 2014, are



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 amended to read as follows:

2 2. The owner of the snowmobile shall file an application for  
3 registration with the department through the county recorder of  
4 the county of residence, or in the case of a nonresident owner  
5 wishing to register a snowmobile in this state, in the county  
6 of primary use, in the manner established by the commission.  
7 The application shall be completed by the owner and shall be  
8 accompanied by a fee of fifteen dollars and a writing fee  
9 as provided in section 321G.27. A snowmobile shall not be  
10 registered by the county recorder until the county recorder is  
11 presented with receipts, bills of sale, or other satisfactory  
12 evidence that the sales or use tax has been paid for the  
13 purchase of the snowmobile or that the owner is exempt from  
14 paying the tax. A snowmobile that has an expired registration  
15 certificate from another state may be registered in this state  
16 upon proper application, payment of all applicable registration  
17 and writing fees, and payment of a penalty of five dollars.

18 4. Notwithstanding subsections 1 and 2, a snowmobile ~~that~~  
19 ~~is more than thirty years old~~ manufactured prior to 1984 may  
20 be registered as an antique snowmobile for a one-time fee  
21 of twenty-five dollars, which shall exempt the owner from  
22 annual registration and fee requirements for that snowmobile.  
23 However, if ownership of ~~such a~~ an antique snowmobile is  
24 transferred, the new owner shall register the snowmobile and  
25 pay the one-time fee as required under this subsection. A  
26 snowmobile may be registered under this section with only a  
27 signed bill of sale as evidence of ownership.

28 **Sec. 3. NEW SECTION. 321G.4B Nonresident requirements —**  
29 **penalties.**

30 1. A nonresident wishing to operate a snowmobile on public  
31 land, public ice, or a designated snowmobile trail of this  
32 state shall obtain a user permit in accordance with section  
33 321G.4A. In addition to obtaining a user permit, a nonresident  
34 shall register the snowmobile pursuant to section 321G.4 or  
35 display a current registration decal or other evidence of



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. \_\_\_\_\_

1 registration or numbering required by the owner's state of  
 2 residence unless the owner resides in a state that does not  
 3 register or number snowmobiles.

4     2. A violation of subsection 1 is punishable as a scheduled  
 5 violation under section 805.8B, subsection 2, paragraph  
 6 "a". When the scheduled fine is paid, the violator shall  
 7 submit proof to the department that a user permit has been  
 8 obtained and provide evidence of registration in this state  
 9 or registration or numbering as required by the owner's state  
 10 of residence, if applicable, to the department within thirty  
 11 days of the date the fine is paid. A person who violates this  
 12 section is guilty of a simple misdemeanor.

13     Sec. 4. Section 321G.8, subsection 2, Code 2014, is amended  
 14 to read as follows:

15     2. Snowmobiles used exclusively as farm implements, except  
 16 as provided in section 321G.3, subsection 2.

17     Sec. 5. Section 321G.20, Code 2014, is amended to read as  
 18 follows:

19     **321G.20    Operation by minors.**

20     1. An owner or operator of a snowmobile shall not permit a  
 21 person under twelve years of age to operate and a person less  
 22 than twelve years of age shall not operate a snowmobile on a  
 23 designated snowmobile trail, public land, or public ice ~~except~~  
 24 when unless the person is accompanied on the same snowmobile by  
 25 a responsible person of at least eighteen years of age who is  
 26 experienced in snowmobile operation and who possesses a valid  
 27 driver's license, as defined in section 321.1, or an education  
 28 certificate issued under this chapter or the person is  
 29 operating a snowmobile approved for operation by a person under  
 30 12 years of age pursuant to rules adopted by the department and  
 31 is accompanied as provided in subsection 2.

32     2. ~~While operating a snowmobile on a designated~~ A person  
 33 under sixteen years of age shall not operate a snowmobile on  
 34 a designated snowmobile trail, public land, or public ice, ~~a~~  
 35 ~~person twelve through fifteen years of age shall possess a~~



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. \_\_\_\_\_

1 ~~valid education certificate issued under this chapter and must~~  
 2 be unless the operation is under the direct supervision of a  
 3 parent, guardian, or another adult authorized by the parent  
 4 or guardian, who is experienced in snowmobile operation and  
 5 possesses a valid driver's license, as defined in section  
 6 321.1, or an education certificate issued under this chapter.

7 3. A person ~~under eighteen~~ twelve through seventeen years of  
 8 age ~~but over the age of fifteen~~ shall not operate a snowmobile  
 9 ~~on or across a public highway~~ a designated snowmobile trail,  
 10 public land, or public ice unless the person has in the  
 11 person's possession an education certificate issued to the  
 12 person pursuant to this chapter.

13 Sec. 6. Section 321G.24, subsection 1, Code 2014, is amended  
 14 to read as follows:

15 1. A person ~~under eighteen~~ twelve through seventeen years  
 16 of age shall not operate a snowmobile on public land, public  
 17 ice, a designated snowmobile trail, or land purchased with  
 18 snowmobile registration funds in this state without obtaining a  
 19 ~~valid~~ an education certificate approved by the department and  
 20 having the certificate in the person's possession, unless the  
 21 person is accompanied on the same snowmobile by a responsible  
 22 person of at least eighteen years of age who is experienced in  
 23 snowmobile operation and possesses a valid driver's license, as  
 24 defined in section 321.1, or an education certificate issued  
 25 under this chapter.

26 Sec. 7. Section 805.8B, subsection 2, paragraph a, Code  
 27 2014, is amended to read as follows:

28 a. For registration or user permit violations under section  
 29 321G.3, subsection 1, or section 321G.4B, the scheduled fine  
 30 is fifty dollars.

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 contains provisions relating to the registration  
 35 and operation of snowmobiles.



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 The bill separates requirements for residents from  
2 requirements for nonresidents. Pursuant to current law, the  
3 owner of a snowmobile who is a resident of this state is  
4 required to register the snowmobile and obtain a user permit.  
5 That requirement is retained in Code section 321G.3. In  
6 addition, that Code section is amended to provide for the  
7 issuance of a special farm registration certificate for a  
8 snowmobile that is exempt from registration but is titled.  
9 The applicant for the special farm registration certificate  
10 is required to pay a writing fee and an administrative fee,  
11 but not a registration fee. The special farm registration is  
12 nonexpiring, so long as the snowmobile retains the exemption  
13 from regular registration.

14 The bill moves current requirements and penalty provisions  
15 for nonresidents into new Code section 321G.4B. Current  
16 requirements do not change: A nonresident who operates  
17 a snowmobile on public land, public ice, or a designated  
18 snowmobile trail in this state must obtain a user permit in  
19 this state. In addition, a nonresident must either register  
20 the snowmobile in this state or display a current registration  
21 decal or other evidence of registration or numbering required  
22 by the owner's state of residence, if required by that state.

23 Pursuant to current law, the penalty for a violation of  
24 registration or user permit requirements by a resident or a  
25 nonresident is punishable by a scheduled fine of \$50. Within  
26 30 days after payment of the fine, a resident or nonresident  
27 must submit proof that a user permit and registration,  
28 if applicable, have been obtained. A violation of that  
29 requirement is a simple misdemeanor.

30 The bill provides that a snowmobile manufactured prior  
31 to 1984 may be registered as an antique snowmobile for a  
32 one-time fee of \$25, which provides an exemption from annual  
33 registration and fee requirements for that snowmobile. Current  
34 law allows the one-time fee registration for snowmobiles that  
35 are more than 30 years old. If ownership of the snowmobile is



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 transferred, the new owner must register the snowmobile and pay  
2 the one-time fee as required under this subsection. The bill  
3 also provides that an antique snowmobile may be registered with  
4 only a signed bill of sale as evidence of ownership.

5 Currently, a person under 12 years of age is not permitted  
6 to operate a snowmobile on a designated snowmobile trail,  
7 public land, or public ice unless accompanied on the same  
8 snowmobile by a responsible person who is at least 18 years of  
9 age, is experienced in snowmobile operation, and possesses a  
10 valid driver's license or a snowmobile education certificate.  
11 A person age 12 through 15 must have a snowmobile education  
12 certificate and be under the direct supervision of a parent,  
13 guardian, or another adult authorized by the parent or guardian  
14 who is experienced in snowmobile operation and possesses a  
15 valid driver's license or a snowmobile education certificate.  
16 The bill eliminates the requirement that the person under 12  
17 years of age be accompanied on the same snowmobile, provided  
18 the snowmobile is approved for operation by a person under  
19 12 years of age pursuant to rules adopted by the department  
20 of natural resources. The direct supervision requirement is  
21 amended to apply to any person under 16 years of age.

22 Current law prohibits a person under 18 years of age but  
23 over the age of 15 from operating a snowmobile on or across  
24 a public highway without a snowmobile education certificate  
25 in the person's possession. That provision is stricken, and  
26 the bill instead requires that any person age 12 through  
27 17 have an education certificate in order to operate a  
28 snowmobile on a designated trail, public land, or public ice  
29 unless the person is accompanied on the same snowmobile by a  
30 responsible person at least 18 years of age who is experienced  
31 in snowmobile operation and possesses a valid driver's license  
32 or a snowmobile education certificate.

33 The bill makes a conforming amendment to Code section 805.8B  
34 to reflect the new location of the penalty provision for  
35 nonresidents.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

Senate Study Bill 3180 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SENG)

A BILL FOR

1 An Act relating to the disposal of companion animal remains,  
2 including by providing for the licensure of persons owning  
3 or operating companion animal cemeteries and crematoriums,  
4 establishing standards and fees, making an appropriation,  
5 and providing criminal penalties.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6134XC (5) 85  
da/rj





**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. \_\_\_\_\_

1 any part thereof, slaughtered for human food.  
2     2. The disposal of the remains of companion animals pursuant  
3 to chapter 523J.  
4     Sec. 3. Section 455B.304, Code 2014, is amended by adding  
5 the following new subsection:  
6     NEW SUBSECTION. 20. The commission shall adopt rules for  
7 the disposal of companion animals buried pursuant to chapter  
8 523J in consultation with the commissioner of insurance.  
9     Sec. 4. NEW SECTION. 523J.1 Definitions.  
10 As used in this chapter, unless the context requires  
11 otherwise:  
12     1. *"Commissioner"* means the commissioner of insurance or the  
13 commissioner's designee.  
14     2. *"Companion animal"* means any domestic animal that has  
15 been adapted or tamed to live under the immediate and permanent  
16 care of humans, including but not limited to dogs, cats,  
17 horses, rodents, fish, birds, snakes, turtles, lizards, frogs,  
18 and rabbits.  
19     3. a. *"Companion animal cemetery"* means any land, place,  
20 structure, facility, or building provided by any person for a  
21 fee, whether or not for profit, to veterinarians or members  
22 of the general public for use, or reservation for use, for  
23 the permanent interment or inurnment above or below ground of  
24 companion animal remains.  
25     b. *"Companion animal cemetery"* does not include any of the  
26 following:  
27         (1) Rendering plants regulated pursuant to chapter 189A.  
28         (2) A landfill or other disposal facility at which solid  
29 waste, or its residue after treatment, is intentionally placed  
30 and at which solid waste is required to remain indefinitely,  
31 pursuant to chapter 455B.  
32     4. *"Companion animal cemetery operation and maintenance"*  
33 means all costs incurred to operate and maintain a companion  
34 animal cemetery, including salaries and bonuses for employees,  
35 officers, and directors, but shall not include any fines or



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 penalties imposed on the companion animal cemetery or its  
2 employees, officers, or directors by the commissioner or other  
3 agency or court.

4 5. a. *"Companion animal crematorium"* means any land, place,  
5 structure, facility, or building provided by any person for a  
6 fee, whether or not for profit, to veterinarians or members  
7 of the general public for the cremation of companion animals.  
8 However, a companion animal crematorium shall not provide for  
9 permanent interment or inurnment of companion animal remains.

10 b. *"Companion animal crematorium"* does not include a  
11 facility designed for resource recovery or infectious medical  
12 waste incinerators, both as regulated by chapter 455B.

13 6. a. *"Companion animal owner"* means the person who is  
14 listed as the owner of the companion animal in veterinary  
15 records or companion animal cemetery or crematorium records or  
16 the person's agent or employee.

17 b. If a companion animal owner is a minor, a parent or legal  
18 guardian of the minor or the parent's or legal guardian's agent  
19 or employee shall be deemed the companion animal owner for  
20 the purposes of the companion animal disposal disclosure form  
21 required in section 523J.15.

22 7. *"Entombment"* means the placement of a companion animal  
23 in a grave or tomb.

24 8. *"Individual burial"* means any of the following:

25 a. The interment of a single companion animal's remains in  
26 a separate grave.

27 b. The interment of more than one companion animal in a  
28 grave with the written consent of the companion animal owner.

29 9. *"Individual cremation"* means the cremation of a single  
30 companion animal's remains in a separate receptacle that allows  
31 the companion animal's cremains to remain separate from the  
32 cremains of other companion animals.

33 10. *"Inurnment"* means the placement of companion animal  
34 cremains in a grave, urn, or tomb.

35 11. *"Licensee"* means a person licensed to engage in the

LSB 6134XC (5) 85  
da/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 business of operating a companion animal cemetery or companion  
2 animal crematorium under this chapter.

3 12. *“License fee and renewal fee”* means the fees required to  
4 accompany an application for issuance of any license, including  
5 any temporary, apprentice, or renewal license, pursuant to this  
6 chapter.

7 13. *“Mass burial”* means the interment of companion animal  
8 remains communally in a grave containing more than one  
9 companion animal.

10 14. *“Mass cremation”* means the cremation of companion  
11 animals communally in a receptacle containing more than one  
12 companion animal.

13 15. *“Veterinarian”* means a person licensed to practice the  
14 profession of veterinary medicine pursuant to chapter 169.

15 **Sec. 5. NEW SECTION. 523J.2 License required.**

16 On and after December 1, 2014, a person shall not engage for  
17 a fee in the business of operating a companion animal cemetery  
18 or companion animal crematorium or represent the person as  
19 being able to do so unless the person is licensed pursuant  
20 to this chapter. A person licensed in accordance with this  
21 chapter may employ individuals to assist in the operation of a  
22 companion animal cemetery or companion animal crematorium.

23 **Sec. 6. NEW SECTION. 523J.3 Authority to adopt rules —**  
24 **powers.**

25 In addition to specific authority granted elsewhere in  
26 this chapter, the commissioner shall adopt administrative  
27 rules pursuant to chapter 17A as necessary to administer this  
28 chapter, and issue orders as necessary to administer this  
29 chapter. The rules shall include but are not limited to doing  
30 all of the following:

31 1. Appointing an adequate number of assistants, inspectors,  
32 and other employees as may be necessary to administer this  
33 chapter, to prescribe duties, and to fix compensation.

34 2. Establishing the form and content of applications  
35 for licenses, the procedure for the application process, the



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 standards for licensure, and the disciplinary process and  
2 penalties for violations of the standards of licensure.

3 3. Investigating applicants and determining their  
4 eligibility for licenses under this chapter.

5 4. Keeping records of all licenses issued, suspended, or  
6 revoked.

7 5. Providing standards and an enforcement process for  
8 operation of a facility for companion animal disposal for a  
9 fee, whether by earth burial, entombment, inurnment, cremation,  
10 or otherwise, the form and content of companion animal disposal  
11 disclosure forms, and registration of disposals by companion  
12 animal cemeteries or companion animal crematoriums.

13 6. Entering the office, grounds, and buildings of any  
14 companion animal cemetery or companion animal crematorium  
15 periodically or upon receiving a complaint to determine  
16 compliance with this chapter. Local boards of health shall  
17 cooperate, upon the request of the commissioner, by conducting  
18 the periodic inspections as well as inspections pursuant to  
19 complaints to facilitate the enforcement of this chapter,  
20 and the commissioner may delegate authority to a local board  
21 to enforce rules and sanctions adopted and imposed by the  
22 commissioner. A local board of health shall be compensated for  
23 services under this provision at a rate established by rule.  
24 The costs of periodic inspections shall not be charged to a  
25 licensee. However, the costs of investigations of complaints  
26 may be charged to a licensee.

27 7. Conduct a financial audit of all business records,  
28 trust fund records, and companion animal disposal disclosure  
29 forms for any companion animal cemetery or companion animal  
30 crematorium.

31 8. Issue a subpoena for persons or records deemed  
32 appropriate to an investigation or any other action taken  
33 pursuant to this chapter.

34 9. Providing procedures to regulate, for the protection of  
35 consumers, the operation of companion animal cemeteries and

LSB 6134XC (5) 85  
da/rj





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1     *b.* The person as been convicted within the last five years  
2 of a felony under the laws of this state involving fraud,  
3 bribery, perjury, or theft, or has been convicted under the  
4 laws of any other state or of the United States of a criminal  
5 offense which, if committed and prosecuted in this state, would  
6 constitute a similar felony under such laws of this state.

7     3. Any person who has had an application for a license  
8 rejected by the commissioner may appeal pursuant to section  
9 523J.8.

10    Sec. 8. NEW SECTION. 523J.5 Licenses — display — renewal  
11 — duplicates.

12    1. A license issued pursuant to this chapter shall be for  
13 a period of two years.

14    2. A license shall not be assignable or transferable except  
15 as follows:

16    *a.* A license to conduct the business of operating a  
17 companion animal cemetery or companion animal crematorium  
18 issued to an individual may be assigned or transferred for the  
19 remainder of the license period to a partnership or corporation  
20 if the individual is a member of the partnership or an officer  
21 of the corporation at the time of the assignment or transfer.

22    *b.* A license issued to a partnership may be assigned or  
23 transferred for the remainder of the license period to any one  
24 member of the partnership, provided the consent of all of the  
25 other members of the partnership is obtained.

26    *c.* A license issued to a corporation may be assigned or  
27 transferred for the remainder of the license period to any  
28 officer of the corporation, provided the consent of all of the  
29 other officers of the corporation is obtained.

30    3. Any application for assignment or transfer of a license  
31 must be submitted to the commissioner, accompanied by the  
32 documents demonstrating compliance with the requirements  
33 of subsection 2. An assignment or transfer shall not be  
34 effective until the license has been returned to the assignee  
35 or transferee with the commissioner's approval. Fees are not

LSB 6134XC (5) 85  
da/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 applicable to assignments or transfers of licenses.

2 4. A bona fide purchaser of a business licensed under  
3 this chapter may continue to use the license of the seller on  
4 a temporary basis from the date of the sale for conducting  
5 business as follows:

6 a. The signatures of both the seller and the purchaser and  
7 the date of sale are shown on the face of the license.

8 b. Within five days from the date of the sale, the purchaser  
9 shall submit an application for a license to conduct the  
10 business of operating a companion animal cemetery or companion  
11 animal crematorium.

12 c. The seller's license shall be valid until the purchaser's  
13 license application is either granted or denied by the  
14 commissioner.

15 5. A license to conduct the business of operating a  
16 companion animal cemetery or companion animal crematorium  
17 issued to an individual or to a partnership may be used, on a  
18 temporary basis, after the death of the licensed individual or  
19 copartner by the next of kin or duly appointed administrator or  
20 executor in the name of the estate from the date of death of the  
21 licensed individual or copartner as follows:

22 a. The face of the license displays, after the name of the  
23 decedent, the word "deceased", the date of death, and the name  
24 of the next of kin, administrator, or executor under whose  
25 authority the license is being used.

26 b. Within thirty days of the date of death of the licensee,  
27 the next of kin, administrator, or executor shall submit an  
28 application for a license to conduct the business of operating  
29 a companion animal cemetery or companion animal crematorium.

30 c. Such license shall be valid until the license application  
31 of the next of kin, administrator, or executor is either  
32 granted or denied by the commissioner.

33 6. A license to conduct the business of operating a  
34 companion animal cemetery or companion animal crematorium shall  
35 be conspicuously posted upon the premises where the licensee





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 renewal thereof, the fee shall be one hundred fifty dollars.

2 2. The fee for issuing a duplicate license shall be  
3 twenty-five dollars.

4 3. The fee for changing a name or address shall be ten  
5 dollars.

6 4. The fees set forth in this section shall be for licenses  
7 issued for the license period of two years. A reduction or  
8 refund in fees shall not be provided for late renewals or  
9 surrender or revocation or suspension of a license.

10 5. A city or county seeking a license to operate a companion  
11 animal cemetery or companion animal crematorium shall not be  
12 charged any fees.

13 6. Notwithstanding section 8.33, moneys derived from the  
14 administration of this chapter shall not revert to the general  
15 fund of the state, and are appropriated to the commissioner for  
16 administration, licensing, and inspections conducted pursuant  
17 to this chapter.

18 **Sec. 10. NEW SECTION. 523J.7 Denial of license application**  
19 **— suspension and revocation of licenses.**

20 1. An application for a license under this chapter may be  
21 denied or a license to engage in the business of operating a  
22 companion animal cemetery or companion animal crematorium may  
23 be suspended or revoked by the commissioner for any of the  
24 following:

25 *a.* Fraud or bribery in securing a license.

26 *b.* The making of any false statement as to a material matter  
27 in any application or other statement or certificate required  
28 by or pursuant to this chapter.

29 *c.* Incompetence in the operation of a companion animal  
30 cemetery or companion animal crematorium.

31 *d.* Failure to display a license as provided in this chapter.

32 *e.* Violation of any provision of this chapter, or of any  
33 rule adopted pursuant to this chapter.

34 *f.* Conviction of a crime involving fraud, theft, perjury,  
35 or bribery, or other cause which would permit disqualification



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 upon an original application.

2 *g.* Failure to retain all companion animal disposal  
3 disclosure forms for a period of two years following receipt.

4 *h.* Failure to comply with the duties of an owner or operator  
5 of a companion animal crematorium as set out in this chapter.

6 *i.* Conviction of a violation of chapter 717 or 717B.

7 2. If a license to engage in the business of operating a  
8 companion animal cemetery or companion animal crematorium is  
9 revoked, the license shall not be reinstated or reissued until  
10 after the expiration of a period of five years from the date of  
11 the revocation, and only upon approval of the commissioner of a  
12 license application pursuant to section 523J.4.

13 Sec. 11. NEW SECTION. **523J.8 Administrative actions.**

14 A license suspension or revocation, or the imposition of a  
15 penalty or reprimand, shall not be imposed until after final  
16 agency action and judicial review pursuant to chapter 17A.

17 Sec. 12. NEW SECTION. **523J.9 Violations — penalties.**

18 1. If an audit or investigation provides reasonable  
19 evidence that a person has violated this chapter, or any rule  
20 adopted pursuant to this chapter, the commissioner may issue an  
21 order directed at the person to cease and desist from engaging  
22 in such act or practice. In addition to any other penalty,  
23 the commissioner may direct a licensee to pay the reasonable  
24 costs of investigation of any complaint filed pursuant to this  
25 chapter, unless the commissioner determines the complaint to be  
26 totally without merit.

27 2. *a.* The commissioner shall notify the attorney general  
28 if the commissioner finds that a business operated subject  
29 to regulation under this chapter meets any grounds for the  
30 establishment of a receivership which includes any of the  
31 following:

32 (1) Insolvency.

33 (2) The use of trust funds for personal or business purposes  
34 in a manner inconsistent with the requirements of this chapter,  
35 if the amount of funds currently held in the trust is less than



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 the amount required by this chapter.  
 2     *b.* The commissioner or the attorney general may apply to the  
 3 district court in any county of the state for a receivership.  
 4 Upon proof of any of the grounds for a receivership described  
 5 in this section, the court may grant a receivership.  
 6     3. The commissioner or the attorney general may apply to  
 7 the district court for an injunction to restrain any licensee  
 8 subject to this chapter and any agents, employees, trustees,  
 9 or associates of the licensee from engaging in conduct or  
 10 practices deemed a violation of this chapter or rules adopted  
 11 pursuant to this chapter. Upon proof of a violation of this  
 12 chapter described in the petition for injunction, the court may  
 13 grant the injunction. The commissioner or the attorney general  
 14 shall not be required to post a bond. Failure to obey a court  
 15 order under this subsection constitutes contempt of court.  
 16     4. A licensee who violates a provision of this chapter after  
 17 notice to cease and desist, or who continues to engage in the  
 18 business of operating a companion animal cemetery or companion  
 19 animal crematorium after having had the person's license  
 20 suspended or revoked, or who, without a license to engage  
 21 in the business of operating a companion animal cemetery or  
 22 companion animal crematorium, directly or indirectly employs,  
 23 permits, or authorizes an unlicensed person to engage in the  
 24 business of operating a companion animal cemetery or companion  
 25 animal crematorium, shall upon conviction for the first offense  
 26 be guilty of a serious misdemeanor. If the conviction is for a  
 27 subsequent offense committed after the first conviction under  
 28 this chapter, such person shall be guilty of an aggravated  
 29 misdemeanor. Each violation of this chapter shall be deemed a  
 30 separate offense.  
 31     5. The commissioner or the attorney general may include the  
 32 costs of investigation in any request for restitution made to a  
 33 court hearing a criminal action brought pursuant to a violation  
 34 of this chapter.

35     Sec. 13. NEW SECTION.   **523J.10 Dedication of real property**

LSB 6134XC (5) 85  
da/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 **for companion animal cemetery purposes.**

2 1. The owner of any real property used or to be used for  
3 a companion animal cemetery shall file, or cause to be filed,  
4 in the office of the county recorder of the county in which  
5 the real property is located, a dedication restricting the  
6 real property to be used only for purposes as are usual and  
7 customary for the operation of a companion animal cemetery.  
8 The owner of the real property shall additionally file a  
9 certified copy of the dedication, together with notation of the  
10 date, time, book, and page of filing by the county recorder  
11 with the commissioner. The filing with the commissioner shall  
12 additionally include a copy of a survey map and appropriate  
13 zoning approvals as may be reasonably required by the  
14 commissioner.

15 2. The owner or operator of each companion animal cemetery  
16 shall keep adequate records of all purchasers of space for  
17 companion animal remains within the grounds of such companion  
18 animal cemetery.

19 **Sec. 14. NEW SECTION. 523J.11 Removal of dedication of real**  
20 **property.**

21 1. A dedication restricting real property for the operation  
22 of a companion animal cemetery may only be amended or removed  
23 by order of the district court of the county where the  
24 companion animal cemetery is located. A petition for amendment  
25 or removal of dedication shall include written consent by all  
26 persons who purchased or otherwise are entitled to rights of  
27 disposal or rights to continuing care of a companion animal  
28 grave in that portion of the companion animal cemetery for  
29 which the dedication is sought to be amended or removed.  
30 If the portion of the companion animal cemetery for which  
31 the dedication is sought to be amended or removed includes  
32 companion animal remains, the companion animal remains must be  
33 removed, upon the written consent of all persons who purchased  
34 or are otherwise entitled to rights of disposal or rights  
35 to continuing care of a companion animal grave, their heirs



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 or assigns, with the removal to be entirely at the cost of  
 2 the owner of the companion animal cemetery. The court, upon  
 3 proof of diligent efforts and as determined by the court,  
 4 may dispense with the written consent of any person who  
 5 purchased or is otherwise entitled to rights of disposal whose  
 6 whereabouts, identity, or heirs or assigns are unknown. If the  
 7 court has dispensed with any person's written consent under  
 8 this section, the court may make a determination as to the  
 9 consideration appropriate for such consent and order that the  
 10 consideration be deposited with the court. The consideration  
 11 shall be paid to such person upon appropriate proof of claim.  
 12 The court shall proceed according to the provisions of chapter  
 13 556 in regard to unclaimed consideration.

14 2. The petition for amendment or removal of dedication  
 15 may additionally include an environmental audit if required  
 16 by the court, which shall identify any environmental problems  
 17 caused by the companion animal cemetery activity, including  
 18 an identification of companion animal disposal sites. If the  
 19 environmental audit identifies any environmental problem, a  
 20 plan for the correction or remediation of such problems shall  
 21 be included, including financial, human, and other resource  
 22 estimates, and projected time schedules for the completion of  
 23 the corrective and remedial actions, with the court to make any  
 24 order on the petition conditional upon the completion of any  
 25 corrective and remedial action or upon the deposit with the  
 26 court of an amount of money determined necessary to complete  
 27 the remediation or correction.

28 **Sec. 15. NEW SECTION. 523J.12 Area requirements.**

29 A companion animal cemetery that commences operations on or  
 30 after the effective date of this Act and that provides for the  
 31 permanent interment of companion animals shall consist of not  
 32 less than five contiguous acres of real property in total area,  
 33 inclusive of any structures, facilities, or buildings situated  
 34 on the real property and used for the business purposes of the  
 35 companion animal cemetery. The commissioner may grant a waiver



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 of the minimum size limit based on factors including the number  
2 of aboveground entombments, the number of remains buried, and  
3 the nature of the surrounding community. A city or county may  
4 adopt a local ordinance that provides for an area requirement  
5 greater than five contiguous acres of real property.

6     Sec. 16. NEW SECTION.   **523J.13 Maintenance fees.**

7     1. A companion animal cemetery owner may charge a companion  
8 animal owner a permanent maintenance endowment fee for the care  
9 of the companion animal cemetery. Any permanent maintenance  
10 endowment fee paid shall be placed by the companion animal  
11 cemetery owner into a permanent maintenance endowment care or  
12 similar trust fund.

13    2. In lieu of a permanent maintenance endowment fee, the  
14 companion animal cemetery owner and a companion animal owner  
15 may enter into a contract for care of the companion animal  
16 cemetery on an annual basis. The companion animal owner shall  
17 then be charged an annual maintenance fee. Only one contract  
18 for annual maintenance shall be entered into per gravesite.  
19 The contract shall state specifically the amount of the annual  
20 maintenance fee. The contract shall also state that failure  
21 to pay the annual fee can result in the disinterment of the  
22 companion animal.

23    *a.* The annual maintenance fee, billed each calendar year,  
24 shall be deposited by the companion animal cemetery owner in  
25 the general account of the companion animal cemetery to be used  
26 for companion animal cemetery operation and maintenance during  
27 the succeeding years.

28    *b.* If the annual maintenance fee is not paid within ninety  
29 days of the date due, the companion animal cemetery owner shall  
30 notify the companion animal owner in writing that such fee is  
31 due and payable. If such annual maintenance fee is not paid  
32 within ninety days of the notice, the disposal rights or rights  
33 to continuing care of a companion animal grave of the companion  
34 animal owner shall terminate.

35    *c.* If the annual maintenance fee is not paid within one



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 hundred eighty days of the date it is due, the disposal rights  
2 of a companion animal owner shall terminate and the companion  
3 animal cemetery owner may at any time thereafter remove the  
4 companion animal remains and if removed dispose of remains by  
5 mass cremation or mass burial.

6 *d.* A companion animal owner may prepay annual maintenance  
7 fees for any number of years in advance. Prepaid annual  
8 maintenance fees shall be deposited in the manner of permanent  
9 maintenance endowment fees, and an annual statement shall be  
10 sent to the companion animal owner reflecting the withdrawal of  
11 the annual maintenance fee and the balance of prepaid annual  
12 maintenance fees remaining.

13 *e.* The companion animal cemetery owner shall maintain  
14 individual records of account for each permanent maintenance  
15 endowment fee and each annual maintenance fee contract pursuant  
16 to section 523J.13, and shall make the records accessible to  
17 the commissioner pursuant to section 523J.3.

18 **Sec. 17. NEW SECTION. 523J.14 Endowment care — trust**  
19 **funds.**

20 1. A companion animal cemetery that commenced operations  
21 prior to the effective date of this Act shall establish an  
22 endowment care or similar trust fund, the balance of which  
23 shall not be less than twelve thousand dollars, by January 1,  
24 2015. The commissioner may grant a waiver to this requirement  
25 if an endowment care or similar trust fund is established  
26 and twelve thousand dollars is placed in such fund within  
27 a reasonable amount of time not to exceed ten years from  
28 the effective date of this Act, and if the provisions of  
29 this section would otherwise present a significant financial  
30 hardship to the owner or operator.

31 2. A companion animal cemetery that commences operations  
32 on or after the effective date of this Act shall, prior to the  
33 acceptance of any moneys as permanent maintenance endowment  
34 fees or annual maintenance fees, establish an endowment care or  
35 similar trust fund for the permanent operation and maintenance



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 of the companion animal cemetery, in an amount of not less than  
2 twelve thousand dollars.

3 3. The fiduciary holding such endowment care or similar  
4 trust fund shall have such power to invest the moneys in the  
5 fund as set forth in chapter 633. The interest earnings of  
6 such an endowment care fund shall be used for the maintenance  
7 of both occupied and unoccupied lots or spaces. Any remaining  
8 interest may be used for costs of access roads and paths,  
9 fencing, and general maintenance of the companion animal  
10 cemetery.

11 4. Any distribution of the original twelve thousand dollar  
12 principal of such an endowment care or similar trust fund shall  
13 only be upon order of the district court of the county where  
14 the companion animal cemetery is located, for good cause, and  
15 exclusively for the operation and benefit of such companion  
16 animal cemetery. Unless such distribution of principal shall  
17 be as part of a removal of dedication for the companion animal  
18 cemetery, the court order shall additionally make adequate  
19 provision for the permanent maintenance of the companion animal  
20 cemetery.

21 5. A companion animal cemetery owned and operated by a  
22 not-for-profit corporation that has in excess of one million  
23 dollars in its endowment care or similar trust fund may use any  
24 surplus income in the trust fund above and beyond its costs  
25 for companion animal cemetery operation and maintenance in any  
26 manner allowed by the not-for-profit corporation's articles or  
27 bylaws, provided that the use of such surplus does not endanger  
28 the integrity of the trust fund.

29 6. A companion animal cemetery owned and operated by a  
30 not-for-profit corporation that is a humane society may be  
31 granted a waiver of the provisions of this section by the  
32 commissioner if the commissioner determines that the interests  
33 of the companion animal owners will be adequately protected and  
34 the provisions of this section present a significant financial  
35 hardship to the humane society.



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1     7. A trust fund is not invalid by reason of any  
2 indefiniteness or uncertainty of the persons designated as  
3 beneficiaries, and such trust funds shall not be invalid as  
4 violating any existing rule against perpetuities.

5     Sec. 18. NEW SECTION. 523J.15 Companion animal disposal  
6 disclosure forms.

7     1. A person who gives a veterinarian, a companion animal  
8 cemetery owner, or companion animal crematorium owner a  
9 companion animal for disposal shall be provided by the  
10 veterinarian, companion animal cemetery owner, or companion  
11 animal crematorium owner with a companion animal disposal  
12 disclosure form, as approved by the commissioner, which shall  
13 set forth the alternative methods of companion animal disposal,  
14 the cost of each method of companion animal disposal, if  
15 available, and the nature of or place in which each method of  
16 disposal will be carried out. The veterinarian, companion  
17 animal cemetery owner, or companion animal crematorium owner,  
18 as the case may be, shall give to the person who completes the  
19 form a copy of the form and retain a copy of the completed  
20 form. If the person completing the form chooses to have the  
21 companion animal disposed of by a companion animal cemetery  
22 or companion animal crematorium and makes the arrangements  
23 for disposal through a veterinarian, the veterinarian shall  
24 provide the person with the name, location, and telephone  
25 number of the companion animal cemetery or companion animal  
26 crematorium so that the person may obtain information about  
27 the companion animal cemetery or companion animal crematorium.  
28 The veterinarian shall also ensure that a copy of the form  
29 accompanies the deceased companion animal when the deceased  
30 companion animal is removed from the veterinarian's office.

31     2. A veterinarian or companion animal cemetery operator  
32 may complete a companion animal disposal disclosure form with  
33 the oral consent of the companion animal owner. Such oral  
34 consent shall be witnessed and a record of such consent and  
35 the completed form shall be retained in the veterinarian's or

LSB 6134XC (5) 85  
da/rj





**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1     3. Copies of all forms shall be retained by the companion  
2 animal cemetery owner or companion animal crematorium owner and  
3 by the veterinarian for a period of two years after disposal.

4     4. *a.* The companion animal remains shall be buried at least  
5 one foot below the surface of the ground.

6     *b.* Notwithstanding paragraph “*a*”, a companion animal  
7 weighing more than eighty pounds but less than two hundred  
8 pounds shall be buried at least four feet below the surface of  
9 the ground and a companion animal weighing two hundred pounds  
10 or more shall be buried at least six feet below the surface of  
11 the ground.

12     Sec. 20. NEW SECTION. **523J.17 Exclusions.**

13     A companion animal cemetery shall be exempt from the trust  
14 fund provisions of section 523J.14, the dedication provisions  
15 of sections 523J.10 and 523J.11, and the area requirement of  
16 section 523J.12, if any of the following applies:

- 17     1. It is owned by a licensed veterinarian.
- 18     2. It is located on land used in agricultural production.
- 19     3. It does not allow individual burials.
- 20     4. It does not allow individual grave markers.
- 21     5. It does not charge a maintenance fee for the care of  
22 companion animal graves.
- 23     6. It does not make a representation that companion animal  
24 graves will be cared for or that the land is dedicated.
- 25     7. It buries less than five companion animals a year, makes  
26 no representation that the companion animal graves will be  
27 cared for or that the land is dedicated, and does not charge a  
28 maintenance fee for the care of the companion animal graves.

29     Sec. 21. NEW SECTION. **523J.18 Duties.**

30     1. An owner or operator of a companion animal cemetery shall  
31 do all of the following:

- 32     *a.* Keep permanently maps and records containing the specific  
33 site of each companion animal grave, the grave owner’s last  
34 known address, the date of burial, the size of such grave, the  
35 contract for sale of such grave, and companion animal disposal



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 disclosure forms.

2 *b.* Keep complete records of the names of trustees of any  
3 trust accounts and complete records of all trust fund moneys.

4 *c.* Clearly inform customers of the option of paying  
5 maintenance fees for care of companion animal graves, including  
6 costs and benefits for permanent care for companion animal  
7 graves and annual care for companion animal graves.

8 *d.* Cooperate with all reasonable requests of inspectors  
9 appointed by the commissioner to inspect companion animal  
10 cemeteries and companion animal crematoriums.

11 *e.* Provide notice to customers about hours that the  
12 companion animal cemetery will be open to visitors to view  
13 companion animal graves.

14 2. The provisions of subsection 1 shall apply only to  
15 individual burials.

16 **EXPLANATION**

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

19 **GENERAL.** This bill provides for the disposal of the remains  
20 of companion animals by burial or cremation and regulates  
21 persons engaged in the business of operating cemeteries  
22 or crematoriums which perform these services. The bill's  
23 provisions are administered by the commissioner of insurance  
24 (commissioner).

25 **LEGISLATIVE FINDINGS.** The bill makes legislative findings  
26 regarding the importance of the relationship of companion  
27 animals to humans, and the need for protection of companion  
28 animals from unconscionable acts on the part of persons in  
29 the business of providing for the disposal of the remains of  
30 deceased companion animals. The bill creates new Code chapter  
31 523J.

32 **DEFINITIONS.** The bill provides definitions to be used in the  
33 new Code chapter. It defines terms related to the business  
34 of disposal of companion animal remains, such as "entombment",  
35 which means the placement of a companion animal in a grave or

LSB 6134XC (5) 85

-21-

da/rj

21/28



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 tomb; "inurnment", meaning the placement of companion animal  
2 cremains in a grave, urn, or tomb; and general terms, such as  
3 "companion animal", meaning any domestic animal that had been  
4 adapted or tamed to live under the immediate and permanent  
5 care of humans, including but not limited to dogs, cats,  
6 horses, rodents, fish, birds, snakes, turtles, lizards, frogs,  
7 and rabbits; and "companion animal cemetery", meaning any  
8 land, place, structure, facility, or building provided by any  
9 person for a fee, whether or not for profit, to veterinarians  
10 or members of the general public for use for the permanent  
11 interment or inurnment of companion animal remains (new Code  
12 section 523J.1).

13 LICENSE. The bill provides that a license is required for  
14 a person to engage for a fee in the business of operating a  
15 companion animal cemetery or companion animal crematorium (new  
16 Code section 523J.2).

17 COMMISSIONER'S AUTHORITY. The bill grants to the  
18 commissioner authority to adopt rules, create forms,  
19 investigate applicants for licensure, keep records of licenses  
20 issued, suspended, or revoked, provide standards and an  
21 enforcement process for operation of a facility, conduct  
22 inspections of premises and financial audits of companion  
23 animal cemeteries and companion animal crematoriums, subpoena  
24 records, provide procedures to protect consumers when a license  
25 to operate a facility is suspended, revoked, or not renewed,  
26 and establish standards for burial and cremation in cooperation  
27 with the department of natural resources (new Code section  
28 523J.3).

29 OPERATION BY LICENSEES. The bill provides requirements  
30 for application for licensure to conduct the business of  
31 operating a companion animal cemetery or companion animal  
32 crematorium (new Code section 523J.4). It provides for the  
33 term, the transferability, and the renewal of licenses, and for  
34 a duplicate license in case of loss or destruction. A licensee  
35 is also required to notify the commissioner within 30 days of

LSB 6134XC (5) 85

-22-

da/rj

22/28



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 any change in address of the place of business or the residence  
2 of a licensee (new Code section 523J.5).

3 LICENSE FEE. The bill requires a fee of \$150 for a new  
4 license or the renewal of a license, and provides for a fee  
5 of \$25 for a duplicate license, and \$10 for change of name  
6 or address. A city or county seeking a license to operate  
7 a companion animal cemetery or companion animal crematorium  
8 cannot be charged a fee. The moneys collected from the fees  
9 are appropriated to the commissioner to pay for expenses of  
10 administration, licensing, and inspections (new Code section  
11 523J.6).

12 ADMINISTRATIVE ACTIONS. The bill provides circumstances  
13 that allow the commissioner to deny a license application,  
14 and circumstances under which a license can be suspended  
15 or revoked. The prohibited circumstances include fraud or  
16 bribery in securing a license, making any false statement of  
17 material fact in the application or any certificate required  
18 by the chapter, incompetence, failure to display the license,  
19 violation of the provisions of the chapter, conviction of a  
20 crime involving fraud, theft, perjury, or bribery, failure to  
21 retain companion animal disposal disclosure forms, failure to  
22 comply with the duties of an owner or operator of a companion  
23 animal cemetery or companion animal crematorium, or conviction  
24 of a violation of Code chapter 717 or Code chapter 717B  
25 regarding an injury to animals. A licensee whose license has  
26 been revoked may not be reinstated for five years from the date  
27 of revocation, and must reapply for a license (new Code section  
28 523J.7).

29 ADMINISTRATIVE ACTION — PENALTIES. The bill requires that  
30 a license suspension or revocation, or the imposition of a  
31 penalty or reprimand, cannot be imposed until after a contested  
32 case proceeding and judicial review pursuant to Code chapter  
33 17A (new Code section 523J.8).

34 The bill provides penalties for violations by a licensee,  
35 including an order to cease and desist. The commissioner must

LSB 6134XC (5) 85  
da/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 notify the attorney general if a receivership is required  
2 because a licensee is insolvent or has utilized trust funds  
3 for personal or business purposes inconsistent with the  
4 requirements of the bill. The commissioner or the attorney  
5 general may seek an injunction to restrain a licensee from  
6 engaging in conduct or practices deemed a violation of the  
7 bill. A licensee who persists in the violation after notice to  
8 cease and desist, or after a license is suspended or revoked,  
9 is upon conviction for a first offense guilty of a serious  
10 misdemeanor. If the conviction is for a subsequent offense,  
11 the person is guilty of an aggravated misdemeanor (new Code  
12 section 523J.9). A serious misdemeanor is punishable by  
13 confinement for no more than one year and a fine of at least  
14 \$250 but not more than \$1,500. An aggravated misdemeanor is  
15 punishable by confinement for no more than two years and a fine  
16 of at least \$500 but not more than \$5,000.

17 DEDICATION. The bill provides for the dedication of real  
18 property for a companion animal cemetery, by the filing by  
19 the owner of any real property of a document restricting the  
20 real property to use only as a companion animal cemetery. The  
21 owner of any such companion animal cemetery is required to keep  
22 adequate records of purchasers of space for companion animal  
23 remains within the companion animal cemetery (new Code section  
24 523J.10).

25 REMOVAL OF DEDICATION. The bill provides for the removal of  
26 the dedication of real property as a companion animal cemetery  
27 by order of the district court. The petition for a removal  
28 of dedication must contain written consent of all persons who  
29 purchased or are otherwise entitled to rights of disposal or  
30 rights of continuing care of a companion animal grave. If  
31 consent cannot be obtained, upon proof of diligent effort, the  
32 court may dispense with the consent and require appropriate  
33 consideration be deposited with the court, to be paid to the  
34 person whose consent was dispensed with, the personal heirs,  
35 or assigns, upon the appropriate proof of claim. The petition

LSB 6134XC (5) 85

-24-

da/rj

24/28



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 may also require an environmental audit, if required by the  
2 court, including a plan for the correction or remediation of  
3 any environmental problem found, financial, human, and other  
4 resource estimates, and projected time schedules for completion  
5 of the corrective and remedial actions. The court must make  
6 any order on the petition conditional upon the completion of  
7 any corrective and remedial action or upon the deposit with the  
8 court of an amount of money determined necessary for completion  
9 (new Code section 523J.11).

10       MINIMUM ACRES FOR COMPANION ANIMAL CEMETERY. The bill  
11 requires at least five contiguous acres of real property,  
12 inclusive of structures, for a companion animal cemetery,  
13 and provides that the commissioner may grant a waiver of the  
14 minimum size limit. A city or county may adopt an ordinance  
15 requiring more than five acres of contiguous real property for  
16 the operation of a companion animal cemetery (new Code Section  
17 523J.12).

18       MAINTENANCE. The bill provides that maintenance fees for  
19 the companion animal cemetery may be charged as permanent  
20 maintenance endowment fees or as annual maintenance fees. A  
21 companion animal cemetery owner must establish a trust account  
22 for the permanent maintenance endowment fees. The annual fees  
23 must be billed each calendar year, and upon receipt may be  
24 placed in the general account of the business and used for  
25 operation and maintenance costs, including salaries. If annual  
26 maintenance fees are not paid within 180 days, the disposal  
27 rights of a companion animal owner terminate, and the companion  
28 animal cemetery owner may remove and dispose of the remains by  
29 mass cremation or mass burial. A companion animal owner may  
30 prepay annual maintenance fees, and the prepaid fees are to  
31 be deposited in the trust fund and withdrawn upon an annual  
32 basis, and a statement sent to the companion animal owner  
33 reflecting the withdrawal of the annual amount and the balance  
34 of prepaid annual maintenance fees remaining. The companion  
35 animal owner must maintain individual records of account for



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 each maintenance fee contract (new Code section 523J.13).  
 2 ENDOWMENT FUND. The bill provides requirements for an  
 3 endowment fund for each companion animal cemetery, in the  
 4 amount of \$12,000. A companion animal cemetery currently in  
 5 existence must establish trust accounts by January 1, 2015,  
 6 or be granted a waiver by the commissioner, which may extend  
 7 up to 10 years from the effective date of this bill. New  
 8 licensees must establish the trust fund prior to accepting any  
 9 permanent maintenance endowment fees or annual maintenance  
 10 fees. The trust fund moneys may be invested as set forth in  
 11 Code chapter 633, with the interest earnings to be used for the  
 12 maintenance of both occupied and unoccupied lots or spaces, and  
 13 any remaining interest to be used for costs of access roads,  
 14 paths, fencing, and general maintenance. Any distribution  
 15 of the original \$12,000 principal must only occur by order  
 16 of district court, for good cause, and exclusively for the  
 17 operation and benefit of the companion animal cemetery. A  
 18 companion animal cemetery owned by a not-for-profit corporation  
 19 may distribute surplus funds over \$1 million in any manner  
 20 allowed in the not-for-profit corporation's articles or bylaws,  
 21 if the use of the surplus does not endanger the integrity of  
 22 the trust fund. The commissioner may waive these provisions  
 23 for a not-for-profit corporation that is a humane society if  
 24 the commissioner determines that the interests of the companion  
 25 animal owners will be adequately protected and the requirements  
 26 would present a significant hardship to the not-for-profit  
 27 corporation (new Code section 523J.14).  
 28 COMPANION ANIMAL DISPOSAL DISCLOSURE FORM. The bill  
 29 requires that a companion animal disposal disclosure form be  
 30 completed for every deceased companion animal, which sets out  
 31 the alternative methods of companion animal disposal, the costs  
 32 of each, and the nature of or place each method will be carried  
 33 out. The form may be completed by a veterinarian or the owner  
 34 of the deceased companion animal. Provisions are made by which  
 35 a veterinarian may complete a form if a companion animal's

LSB 6134XC (5) 85  
da/rj



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 owner is unknown, or if the companion animal owner refuses to  
2 complete a form (new Code section 523J.15).

3 CONFIRMATION. The bill provides that disposal of a  
4 companion animal must be in compliance with the companion  
5 animal disposal disclosure form, and that, within 10 days  
6 of disposal, a licensee must give written confirmation of  
7 the disposal to the companion animal owner or veterinarian,  
8 attesting to the method, date, and place of disposal.  
9 Copies of the form must be retained by the licensee and the  
10 veterinarian for two years after the disposal. Companion  
11 animal remains must be buried at least 12 inches below the  
12 surface of the ground. However, special requirements apply to  
13 large companion animals.

14 EXCLUSIONS. The bill provides exclusions from the trust  
15 fund requirements for companion animal cemeteries that are  
16 owned by a licensed veterinarian, located on ground used in  
17 agricultural production, do not allow individual burials, do  
18 not allow individual grave markers, do not charge a maintenance  
19 fee for the care of companion animal graves, do not make any  
20 representations that companion animal graves will be cared  
21 for or that the land is dedicated, and bury less than five  
22 companion animals a year and make no representations that  
23 companion animal graves will be cared for or that the land  
24 is dedicated, and do not charge a maintenance fee (new Code  
25 section 523J.17).

26 RECORDS. The bill provides that owners and operators of  
27 companion animal cemeteries must keep maps and records of  
28 specific sites of each companion animal grave, the grave  
29 owner's last known address, the date of the burial, the size of  
30 the grave, the contract for sale of the grave and the companion  
31 animal disposal disclosure forms, and complete records of  
32 trust accounts. A companion animal cemetery owner must also  
33 clearly inform customers of the option of paying maintenance  
34 fees for care of companion animal graves, including costs and  
35 benefits for permanent endowment and annual care maintenance,

LSB 6134XC (5) 85  
da/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 and provide customers with the hours of business the cemetery  
2 will be open to visitors to view companion animal graves. The  
3 bill also requires cooperation by the companion animal cemetery  
4 or companion animal crematorium owners with all reasonable  
5 requests of inspectors (new Code section 523J.18).



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate Study Bill 3181 - Introduced**

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

**A BILL FOR**

- 1 An Act relating to the child and dependent care credit
- 2 available against the individual income tax, and including
- 3 retroactive applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5581XC (2) 85  
mm/sc





**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 13, 2014**

S.F. \_\_\_\_\_

1     b. For the tax year beginning in the 2014 calendar year  
2     and for each subsequent tax year, the director shall multiply  
3     the dollar amounts set forth in paragraph "a" by the latest  
4     cumulative inflation factor, shall round off the resulting  
5     product to the nearest one dollar, and shall incorporate the  
6     result into the income tax forms and instructions for each tax  
7     year. For purposes of this paragraph, "cumulative inflation  
8     factor" means the product of the annual inflation factor for  
9     the 2014 calendar year and all annual inflation factors for  
10    subsequent calendar years as determined by section 422.4,  
11    subsection 1, paragraph "a". The cumulative inflation factor  
12    applies to all tax years beginning on or after January 1 of the  
13    calendar year for which the latest annual inflation factor has  
14    been determined. Notwithstanding any other provision to the  
15    contrary, the annual inflation factor for the 2014 calendar  
16    year is one hundred percent.

17     Sec. 2. RETROACTIVE APPLICABILITY. This Act applies  
18 retroactively to January 1, 2014, for tax years beginning on  
19 or after that date.

EXPLANATION

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

23     This bill relates to the Iowa child and dependent care tax  
24 credit available against the individual income tax. The Iowa  
25 child and dependent care tax credit is a refundable credit  
26 calculated as a percentage of the nonrefundable federal child  
27 and dependent care tax credit, depending on the Iowa net income  
28 of the taxpayer.

29     Iowa Admin. Code 701-42.15(1), which governs the computation  
30 of the Iowa credit, specifies that for taxpayers whose federal  
31 credit is limited to their federal tax liability, the Iowa  
32 credit shall be computed based on the lesser amount. In other  
33 words, the amount of the Iowa credit is limited to a percentage  
34 of the federal credit actually claimed against federal tax  
35 liability, not a percentage of the total federal credit the

LSB 5581XC (2) 85



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 taxpayer was eligible to claim against federal tax liability.

2 The bill amends Code section 422.12C to provide that the  
3 Iowa credit will be calculated as a percentage of the federal  
4 credit, whether or not the federal credit was limited by the  
5 taxpayer's federal tax liability.

6 The bill also increases the net income amounts and credit  
7 percentages in each of the seven graduated brackets used to  
8 calculate the credit. The credit percentages in these seven  
9 brackets currently range from a high of 75 percent of the  
10 federal credit for taxpayers with net income of less than  
11 \$10,000, to a low of 30 percent of the federal credit for  
12 taxpayers with net income of \$40,000 or more but less than  
13 \$45,000. The credit is currently unavailable to taxpayers  
14 whose net income is \$45,000 or more. The bill increases these  
15 to a high of 93.75 percent of the federal credit for taxpayers  
16 with net income of less than \$14,980, and to a low of 37.50  
17 percent of the federal credit for taxpayers with net income  
18 of \$59,920 or more but less than \$67,410. The credit will be  
19 unavailable to taxpayers whose net income is \$67,410 or more.

20 The bill also adjusts the future amount of each of the  
21 net income amounts in the seven graduated credit brackets by  
22 indexing the dollar amounts to inflation.

23 The bill applies retroactively to January 1, 2014, for tax  
24 years beginning on or after that date.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

**Senate Study Bill 3182 - Introduced**

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

**A BILL FOR**

1 An Act relating to the possession, sale, transfer, purchase,  
2 and use of fireworks and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5491XC (1) 85  
aw/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 Section 1. Section 100.1, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 8. To order the suspension of the use  
4 of consumer fireworks, display fireworks, or novelties, as  
5 described in section 727.2, if the fire marshal determines that  
6 the use of such devices would constitute a threat to public  
7 safety.

8 Sec. 2. Section 101A.1, subsection 3, Code 2014, is amended  
9 to read as follows:

10 3. *“Explosive”* means any chemical compound, mixture  
11 or device, the primary or common purpose of which is to  
12 function by explosion with substantially instantaneous  
13 release of gas and heat, unless such compound, mixture, or  
14 device is otherwise specifically classified by the United  
15 States department of transportation. The term *“explosive”*  
16 includes all materials which are classified as a class 1,  
17 division 1.1, 1.2, 1.3, or 1.4 explosive by the United States  
18 department of transportation, under 49 C.F.R. § 173.50, and  
19 all materials classified as explosive materials under 18  
20 U.S.C. § 841, and includes, but is not limited to, dynamite,  
21 black powder, pellet powders, initiating explosives, blasting  
22 caps, electric blasting caps, safety fuse, fuse lighters, fuse  
23 igniters, squibs, cordeau detonative fuse, instantaneous fuse,  
24 igniter cord, igniters, smokeless propellant, cartridges for  
25 propellant-actuated power devices, cartridges for industrial  
26 guns, and overpressure devices, but does not include ~~*“fireworks”*~~  
27 as *“consumer fireworks”*, *“display fireworks”*, or *“novelties”* as  
28 those terms are defined in section 727.2 or ammunition or small  
29 arms primers manufactured for use in shotguns, rifles, and  
30 pistols. Commercial explosives are those explosives which are  
31 intended to be used in commercial or industrial operations.

32 Sec. 3. Section 331.301, Code 2014, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 17. The board of supervisors may by  
35 resolution suspend the use of consumer fireworks, display



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 fireworks, or novelties, as described in section 727.2, if the  
2 board determines that the use of such devices would constitute  
3 a threat to public safety.

4 Sec. 4. Section 331.304, subsection 9, Code 2014, is amended  
5 to read as follows:

6 9. The board, upon application, may grant permits for the  
7 ~~display~~ use of ~~display~~ fireworks as provided in section 727.2.

8 Sec. 5. Section 364.2, Code 2014, is amended by adding the  
9 following new subsection:

10 **NEW SUBSECTION. 6.** A city council may by resolution suspend  
11 the use of consumer fireworks, display fireworks, or novelties,  
12 as described in section 727.2, if the city council determines  
13 that the use of such devices would constitute a threat to  
14 public safety.

15 Sec. 6. Section 461A.42, subsection 2, Code 2014, is amended  
16 to read as follows:

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

25 Sec. 7. Section 727.2, Code 2014, is amended to read as  
26 follows:

27 **727.2 Fireworks.**

28 1. For purposes of this section:

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

34 b. The term "fireworks" "Display fireworks" includes any  
35 explosive composition, or combination of explosive substances,



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 or article prepared for the purpose of producing a visible  
2 or audible effect by combustion, explosion, deflagration,  
3 or detonation, and includes ~~blank cartridges, firecrackers,~~  
4 ~~torpedoes, skyrockets, roman candles, or other fireworks of~~  
5 ~~like construction and fireworks containing any explosive or~~  
6 ~~flammable compound, or other device containing any explosive~~  
7 ~~substance. The term "fireworks" "Display fireworks" does not~~  
8 ~~include goldstar-producing sparklers on wires which contain~~  
9 ~~no magnesium or chlorate or perchlorate, flitter sparklers~~  
10 ~~in paper tubes that do not exceed one-eighth of an inch in~~  
11 ~~diameter, toy snakes which contain no mercury, or caps used~~  
12 ~~in cap pistols novelties or consumer fireworks enumerated in~~  
13 chapter 3 of the American pyrotechnics association's standard  
14 87-1.

15 c. "Novelties" includes all novelties enumerated in chapter  
16 3 of the American pyrotechnics association's standard 87-1, and  
17 that comply with the labeling regulations promulgated by the  
18 United States consumer product safety commission.

19 2. A person, firm, partnership, or corporation who offers  
20 for sale, exposes for sale, sells at retail, or uses or  
21 explodes any display fireworks, commits a simple misdemeanor-  
22 ~~In addition to any other penalties, the punishment imposed~~  
23 ~~for a violation of this section shall include assessment~~  
24 ~~of, punishable by~~ a fine of not less than two hundred fifty  
25 dollars. However, the a city council of a city or a county  
26 board of supervisors may, upon application in writing, grant a  
27 permit for the display of display fireworks by municipalities,  
28 fair associations, amusement parks, and other organizations  
29 or groups of individuals approved by the city or the county  
30 board of supervisors when the display fireworks ~~display~~ will  
31 be handled by a competent operator, but no such permit shall  
32 be required for the display of display fireworks at the Iowa  
33 state fairgrounds by the Iowa state fair board, at incorporated  
34 county fairs, or at district fairs receiving state aid. Sales  
35 of display fireworks for such display may be made for that

LSB 5491XC (1) 85  
aw/nh



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 purpose only.

2 3. a. A person who uses or explodes display fireworks while  
3 the use of such devices is suspended by a resolution adopted  
4 by the county or city in which the firework is used commits a  
5 simple misdemeanor, punishable by a fine of not less than two  
6 hundred fifty dollars.

7 b. A person who uses or explodes display fireworks while the  
8 use of such devices is suspended by an order of the state fire  
9 marshal commits a simple misdemeanor, punishable by a fine of  
10 not less than two hundred fifty dollars.

11 4. a. A person who is at least eighteen years of age or  
12 a firm, partnership, or corporation may possess or transfer,  
13 offer for sale, expose for sale, or sell at retail to a person  
14 who is eighteen years of age or older novelties or consumer  
15 fireworks. A person who is eighteen years of age or older may  
16 use or explode novelties or consumer fireworks.

17 b. A person, firm, partnership, or corporation who transfers  
18 or sells novelties or consumer fireworks to a person who is  
19 less than eighteen years of age commits a simple misdemeanor,  
20 punishable by a fine of not less than two hundred fifty  
21 dollars. A person who is less than eighteen years of age who  
22 purchases, possesses, uses, or explodes novelties or consumer  
23 fireworks commits a simple misdemeanor, punishable by a fine of  
24 not less than two hundred fifty dollars.

25 c. (1) A person who uses or explodes novelties or consumer  
26 fireworks while the use of such devices is suspended by a  
27 resolution adopted by the county or city in which the firework  
28 is used commits a simple misdemeanor, punishable by a fine of  
29 not less than two hundred fifty dollars.

30 (2) A person who uses or explodes novelties or consumer  
31 fireworks while the use of such devices is suspended by an  
32 order of the state fire marshal commits a simple misdemeanor,  
33 punishable by a fine of not less than two hundred fifty  
34 dollars.

35 ~~3-~~ 5. a. This section does not prohibit the sale by a



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 resident, dealer, manufacturer, or jobber of such fireworks as  
2 are not prohibited by this section, or the sale of any kind  
3 of fireworks if they are to be shipped out of the state, or  
4 the sale or use of blank cartridges for a show or the theater,  
5 or for signal purposes in athletic sports or by railroads  
6 or trucks, for signal purposes, or by a recognized military  
7 organization.

8 *b.* This section does not apply to any substance or  
9 composition prepared and sold for medicinal or fumigation  
10 purposes.

11 *c.* This section does not apply to goldstar-producing  
12 sparklers on wires which contain no magnesium or chlorate or  
13 perchlorate, flitter sparklers in paper tubes that do not  
14 exceed one-eighth of an inch in diameter, toy snakes which  
15 contain no mercury, or caps used in cap pistols.

16 EXPLANATION

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

19 This bill provides for the legal sale and use of novelties  
20 and consumer fireworks within the state.

21 Current law provides that a person, firm, partnership, or  
22 corporation who offers for sale, exposes for sale, sells at  
23 retail, or uses or explodes any fireworks, commits a simple  
24 misdemeanor. Current law, however, also provides that a county  
25 board of supervisors or the department of natural resources may  
26 grant a permit for the display of fireworks if the fireworks  
27 display will be handled by a competent operator. Current  
28 law further provides that the term "fireworks" includes any  
29 explosive composition, or combination of explosive substances,  
30 or article prepared for the purpose of producing a visible  
31 or audible effect by combustion, explosion, deflagration,  
32 or detonation, including blank cartridges, firecrackers,  
33 torpedoes, skyrockets, roman candles, or other fireworks of  
34 like construction and fireworks containing any explosive or  
35 flammable compound, or other device containing any explosive

LSB 5491XC (1) 85



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014**

S.F. \_\_\_\_\_

1 substance with limited exceptions.

2 The bill maintains these restrictions for display fireworks  
3 and provides that the term "display fireworks" shall not  
4 include novelties or consumer fireworks. The bill provides  
5 that the terms "novelties" and "consumer fireworks" each  
6 respectively include all novelties or consumer fireworks  
7 enumerated in chapter 3 of the American pyrotechnics  
8 association's standard 87-1, which comply with the labeling  
9 regulations promulgated by the United States consumer product  
10 safety commission.

11 The bill provides that a person who is at least 18 years  
12 of age or a firm, partnership, or corporation may possess, or  
13 transfer, offer for sale, expose for sale, or sell at retail  
14 any novelties or consumer fireworks to any person who is at  
15 least 18 years of age. The bill provides that any person who  
16 is at least 18 years of age may use or explode novelties or  
17 consumer fireworks.

18 The bill provides that a person, firm, partnership, or  
19 corporation who transfers or sells novelties or any consumer  
20 firework to a person who is less than 18 years of age commits  
21 a simple misdemeanor. A person who is less than 18 years of  
22 age who purchases, possesses, uses, or explodes novelties or  
23 any consumer fireworks commits a simple misdemeanor. A simple  
24 misdemeanor is generally punishable by confinement for no more  
25 than 30 days or a fine of at least \$65 but not more than \$625 or  
26 by both, but the bill provides for a fine of a least \$250.

27 The bill provides that the state fire marshal may order  
28 the suspension of the use of consumer fireworks, display  
29 fireworks, or novelties if the fire marshal determines that  
30 the use of such devices would constitute a threat to public  
31 safety. The bill further provides that a county board of  
32 supervisors or city council may by ordinance suspend the use  
33 of consumer fireworks, display fireworks, or novelties if the  
34 board or council determines that the use of such devices would  
35 constitute a threat to public safety. The bill provides that a

LSB 5491XC (1) 85  
aw/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 13, 2014

S.F. \_\_\_\_\_

1 person who violates such an order or ordinance commits a simple  
2 misdemeanor, punishable by a fine of at least \$250.

3 The bill maintains current exemptions for goldstar-producing  
4 sparklers on wires which contain no magnesium or chlorate or  
5 perchlorate, flitter sparklers in paper tubes that do not  
6 exceed one-eighth of an inch in diameter, toy snakes which  
7 contain no mercury, and caps used in cap pistols.